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Sri Lanka

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Sri Lanka is a constitutional, multiparty republic with a population of approximately 20 million. President Mahinda Rajapaksa, elected on November 17, 2005, and the 225 member parliament, elected in April 2004, both for six year terms, share constitutional power. According to the European Union Election Observation Mission (EUEOM), the 2005 presidential election was generally conducted in a free and fair manner, except for the boycott enforced by the Liberation Tigers of Tamil Eelam (LTTE) in the north and east, which intimidated most Tamil civilians from voting. In 2002 the government and the LTTE signed a formal Cease-Fire Accord (CFA) to end a 17-year armed conflict. During the year violations of the CFA increased in frequency and seriousness, leading to a de facto breakdown of the agreement, which technically remained in force. Military confrontations occurred in several areas of the east and the northern Jaffna peninsula.

The government's respect for the human rights of its citizens declined due in part to the breakdown of the CFA. Credible sources reported human rights problems, including unlawful killings by government agents, high profile killings by unknown perpetrators, politically motivated killings by paramilitary forces associated with the government and the LTTE, and disappearances. Human rights monitors also reported arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. There were numerous reports that armed paramilitary groups linked to government security forces participated in armed attacks, some against civilians. Following the December 1 LTTE attempt to assassinate Defense Secretary Gothabaya Rajapaka, the government strengthened emergency regulations that broadened security forces' powers in the arrest without warrant and non-accountable detention of civilians for up to 12 months.

The LTTE continued to control large sections of the north and east and engaged in politically motivated killings; suicide attacks; disappearances; torture; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy; denial of freedom of speech, press, and of assembly and association; and the recruitment of child soldiers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings by the government; human rights organizations and other credible sources reported an increase in encounter killings by police. Sources further alleged that paramilitary groups, sometimes with the aid of government security forces, engaged in targeted killings of political opponents and civilians. The government and the army denied the allegations.

In January five Tamil youths were shot execution-style in a coastal High security zone in Trincomalee heavily controlled by the police Special Task Force (STF) and the Sri Lanka Navy (SLN). Although civil groups and members of the government widely suspected police STF involvement in the incident, a ballistic report indicated that standard-issue STF guns had not killed the individuals, and the case was dropped. Some credible observers believe the STF committed the killings using non-standard issue weapons.

On May 2, paramilitary cadres entered the offices of the Tamil-language newspaper Uthayan in Jaffna (Northern Province) and killed Marketing and Circulation Manager, B. G. Saeadas, and the night supervisor, R. Ranjith. On October 30, unknown gunmen killed Tamil National Alliance local government member for Serunuwara, Trincomalee district-Eastern Province, Gopala Krishnan Padmanathan. On November 10, assailants linked to a paramilitary organization shot dead moderate Tamil National Alliance Member of Parliament, Nadaraja Raviraj, on a main road in Colombo. (The Tamil National Alliance supports the political goals of the LTTE.)

In May there were a number of civilian killings in Kayts Island, allegedly by the SLN. For example, unidentified gunmen

entered the house of Sellathurai Amalathas and killed eight people. Another individual died later in the hospital. Other killings included that of an elderly man and two members of his family, and a tea shop owner. According to Human Rights Watch (HRW), the government called for a police investigation of the incidents. The government appointed a Criminal Investigation Department (CID) team, headed by Senior Superintendent of Police Maresh Perera, to look into the civilian deaths. The team went to Jaffna and recorded the statements of the survivors. One survivor, the only eye-witness, made a statement to the Magistrate that navy personnel shot her husband and brother, and that she could identify these sailors. Although Jaffna Magistrate Trotsky ordered an identification line-up, the police CID team took no action. At year's end, the case was still pending.

On June 17, uniformed men fired into a church in Pesalai, Mannar, in which several hundred Tamil civilians had taken refuge, killing one and injuring at least five others. Authorities published no progress in these investigations by year's end.

On August 10, military aerial bombardment on LTTE-controlled Trincomalee left 50 civilians dead and 200 wounded. On August 14, the army dropped 12 to 16 bombs on a compound in Mullaitivu, killing 51 teenage girls, and injuring more than 100. No investigations have been conducted.

On August 17, 17 local employees-16 Tamil and one Muslim-of the French Nongovernmental Organization (NGO) Action Contre La Faim (ACF) were shot execution-style on their compound in Muttur. The Sri Lanka Monitoring Mission (SLMM) asserted that security forces had been responsible for the murders, a charge which the government denied. The government called upon Australian investigators to assist with the case, agreeing on terms of reference in September. At year's end, police had made no arrests.

There were several reports of high profile killings by unknown actors during the year. For example, on April 7, unknown gunmen killed Tamil National Alliance parliamentary nominee V. Vigneswaran within sight of a navy checkpoint. Police had made no arrests at year's end.

On April 26, civilians discovered five Tamil farmers beheaded near Batticaloa. On May 13, on navy-controlled Kayts Island off the Jaffna Peninsula, unknown assailants killed a family of 13 Tamils in their home.

On February 5, police arrested Polwatta Ratubaduge Ajiith Wishantha for his role in the November 2004 shooting death of Gerard Perera. Authorities had tortured Perera while he was in custody in 2002 and killed him in November 2004 after he had complained to police and human rights monitors about his treatment at the hands of the police. Three of the seven police officers accused of torturing Perera in 2002 admitted that they had Perera killed because they feared his testimony would lead to their imprisonment. At year's end six officers implicated in the conspiracy remained in custody. There were two cases before the Negombo High Court for the original torture of Perera in 2002 and his 2004 death. The trial was ongoing at year's end, after the Chief Justice ordered that the trial judge hearing the case be removed.

On March 25, in Kalutara District, two police officers from the Panadura police station beat Nallawarige Sandasiril Fernando unconscious while trying to arrest his brother. On March 28, Fernando died in a local hospital. Authorities indicted two police officers, but at year's end the officers remained on duty. No one has been arrested or prosecuted regarding this matter at year's end.

On April 10, in Colombo District, Maharagama police allegedly pulled Don Wijerathna Munasinghe from his three-wheel taxi for failing to stop. The officers beat him in front of his wife and son, and then beat him again while he was in custody. On April 11, Munasinghe was released, but he subsequently died on April 16 from injuries sustained during the police beating. At year's end the case was referred to the attorney general's department for further action, and the three police constables accused of the beating remained on duty. Police have made no arrests in the case.

During the year the LTTE was implicated in attacks on high-profile political opponents and civilians. An April 17 suicide attack at Army Headquarters severely wounded Army Commander General Sarath Fonseka and killed eight others (see section 1.g.). In June a LTTE suicide bomber killed Army Third-in-Command General Kulatunga in a Colombo suburb (see section 1.g.).

On August 13, presumed-LTTE gunmen killed Ketheshwaran Loganathan, Deputy Secretary of the Secretariat for Coordination of the Peace Process (SCOPP). A former member of the Eelam People's Republican Liberation Front (EPRLF), Loganathan had served as Conflict Analysis Director for the Colombo-based think tank, the Centre for Policy Alternatives.

On August 14, Pakistan's High Commissioner escaped when a bomb hit his convoy; according to HRW at least seven people died in the incident.

On September 17, authorities discovered the mutilated bodies of 10 Muslim construction workers in Pottuvil, near Arugam Bay. A survivor implicated the LTTE in the killings. A Presidential Commission of Inquiry to investigate serious violations of human rights, appointed in December, has a mandate to investigate this and a number of other cases.

On November 24, two brothers wanted by the police surrendered to the Galle Magistrate's Court. They were taken into custody by the Special Investigating Unit of Galle from the court premises and were killed while in the custody of the Ambalangoda Police two days later. The police officers on site claimed they killed the men in self-defense. At year's end, no inquiry into the killings had been conducted.

There were no developments in the 2004 shooting death of Bellanavithanage Sanath Yasaratne, the 2004 custodial killing of Muthuthanthrige Chamal Ranjith Cooray, or the October 2004 killing, allegedly by police, of Herman Quintus Perera.

A trial remains pending and no compensation has been paid to Perera's family.

There were no developments in the 2005 killing of E. Kausalyan, political head of the Batticaloa-Ampara division of the LTTE, and former Tamil National Alliance (TNA) parliamentarian A.C. Nehru. The LTTE blamed military intelligence for colluding with the breakaway Karuna faction and other paramilitaries in the killing.

At year's end former People's Liberation Organization of Tamil Eelam (PLOTE) Arumugam Sriskandarajah, alias Peter, arrested for the April 2005 murder of Tamil journalist Sivaram Dharmaratnam, awaited trial. The court released Sriskandarajah on bail.

In December 2005 unidentified gunmen shot and killed TNA parliamentarian Joseph Pararajasingham while he was attending midnight mass within a high security zone in Batticaloa. The LTTE accused government security forces of conspiring with paramilitaries in the killing. On April 24, the government constituted a Presidential Commission of Inquiry. In July police arrested two suspects in the killing, but no indictments had been made at year's end.

Land mines continued to be the cause of death and injury for civilians (see section 1.g.).

b. Disappearance

The Sri Lanka Human Rights Commission (SLHRC) reported 345 instances countrywide of politically motivated disappearances at the hands of the security forces or by paramilitary forces allegedly tied to the government, or the LTTE (See section 1.a.).

The SLHRC reported 33 known abductions in the Colombo district with ransom paid ranging from \$23,251 (rupees 2,526,221) to \$558,035 (rupees 60,630,502). Of those abducted, 12 have not been released although ransom was paid. President Rajapaksa appointed former High Court Judge Mahanama Tilakaratna to inquire into incidents of abductions, but at year's end no report had been issued.

On May 6, according to Amnesty International (AI), eight Tamil men decorating a Hindu Temple in Manthuvil East, northeast of Chavakachcheri town in Jaffna District, disappeared around the time that security personnel were seen at the temple. The whereabouts of the eight remained unknown at year's end.

On August 20, two unidentified men abducted Reverend Thiruchchelvan Nihal Jim Brown and Wenceslaus Vines Vimalathas of St. Mary's Church at Allapidy on Kayts Island. Because Allapidy was controlled by the SLN, involvement by SLN personnel was suspected, according to AI.

On September 29, two unidentified men abducted Balasingham Sugumar, Dean of the Faculty of Arts and Culture, in Batticaloa town, Batticaloa District. The abductors reportedly threatened Sugumar's family not to inform anyone of their earlier visit to Sugumar. According to AI, because the abduction occurred in a government-controlled area, observers suspected security force involvement. The abductors demanded the resignation of Eastern University Vice-Chancellor Professor Raveendranath in return for the release of Dean Sugumar. Professor Raveendranath submitted his resignation on October 3, and Dean Sugumar was released subsequently. After submitting his resignation, Professor Raveendranath moved to Colombo. On December 15, he disappeared while attending a conference in a High security zone of Colombo. At year's end he had not been released.

There were no developments in any of the unclassified disappearance cases cited by the 2000 UN Working Group on Enforced or Involuntary Disappearances; neither was there any apparent effort put forth by the government to gather information on these cases. Since 2000, 12 disappearances from previous years were reported by the UN Working Group, seven of which were still pending.

In 2004 a government commission investigating disappearances that occurred in Jaffna from 1996 to 1997 issued letters to next of kin confirming that after being arrested by security forces, the victims disappeared. Next of kin have used these letters to support habeas corpus cases, and at year's end there was one case pending.

At year's end the HRC continued to investigate 16,305 past cases of disappearance by security forces, some of which had been pending for over a decade. There were no indictments, investigations, or prosecutions of security force personnel for past disappearances.

During the year the LTTE continued to detain civilians, often holding them for ransom (see section 1.g.). The SLMM reported that LTTE and Karuna Faction abductions increased significantly during the year.

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

The law makes torture a punishable offense but does not implement several provisions of the UN Convention Against Torture. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to the HRC and other credible sources, the use of police torture to extract admissions and confessions was endemic and conducted with impunity. In addition, the Emergency regulations make confessions obtained under any circumstance, including by torture, sufficient to hold a person until the individual is brought to court; 528 arrests were made under the Emergency regulations during the year, although 288 of those arrested were released within 12 hours. The majority of those arrested were Tamil, although detainees included Sinhalese and Muslims as well. In addition to suspicion of terrorism, people were detained for lack of identification, narcotics, and outstanding warrants (see section 1.d.). Observers estimate that 200 persons remained in custody under detention orders at year's end. The SLHRC reported that 433 individuals were tortured in police custody during the year (see section 1.c.).

Methods of torture included beatings-often with sticks, iron bars or hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning; genital abuse; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

The trial that began in October 2005 of three police officers indicted by the Kurunegala High Court for the 2002 alleged torture and sexual abuse of Nandini Herat continued at year's end.

The majority of the 44 allegations of police torture came from police stations outside the north and east. The government continued to investigate most cases of torture, according to the SLHRC, with 14 torture cases pending in courts at year's end, with no convictions.

The Asian Human Rights Commission (AHRC) reported that on August 24, police arrested and tortured farmer Suddage Sirisena at the Kekirawa Police Station, where he allegedly sustained bodily injuries, including a fractured nose and the loss of five front teeth. He was later hospitalized for several days. At year's end, no disciplinary action had been taken against the police officers implicated in Sirisena's case.

Separate 2005 police torture cases involving Hevana Hennadige Priyadarshana Fernando and Jayasekara Vithanage Saman Priyankara were still pending at year's end. In the 2005 torture case of Palitha Tissa Kumara, the Supreme Court held that the police subinspector had violated article 11 (torture) of the constitution by severely torturing the victim. The amount ordered as compensation was \$250 (rupees 25,000). The High Court judge concluded that the police subinspector had caused the physical injuries mentioned in the medical report, that his actions amounted to the use of unnecessary force but that the treatment of Kumara did not amount to torture.

Special sections of the attorney general's office and the criminal investigation unit focused on torture complaints. During the year the units forwarded 218 cases for indictments against 139 police and security personnel, in which 65 resulted in an indictment, with 30 cases still pending. The interparliamentary permanent standing committee and its interministerial working group on human rights issues also continued to track criminal investigations of torture. In October the Appeals Court ruled that the Inspector General of Police (IGP) must invalidate promotions offered to officers accused of human rights violations.

In 2004 the HRC established a torture prevention monitoring unit to implement its "zero tolerance" torture policy (see section 4). The HRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. The HRC also assigned special teams to investigate deaths in police custody. By year's end the HRC had opened cases on 433 torture complaints.

Prison and Detention Center Conditions

Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted.

The government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC), which reported unrestricted access during its 15 visits to government and LTTE-controlled prison facilities and detention centers. Credible observers reported that conditions in prisons were on par with local standards.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, such incidents occurred. There were 528 arrests while the

emergency regulations were active. The government stated that most of those arrested were released within a few days.

In December in a reaction to the December 1 LTTE attempt to assassinate the defense secretary, the government reinstated certain provisions of the pre-CFA Prevention of Terrorism Act (PTA) as an additional emergency regulation. This gives security forces broader arrest and detention prerogatives than previously allowed.

Role of the Police and Security Apparatus

Following the November 2005 presidential election, the government eliminated the Ministry of Internal Security and placed control of the 66,000-member police force, which included the 6,000-strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police, as did the civilian-staffed National Police Commission (NPC). Few police officers serving in Tamil majority areas were Tamil and generally did not speak Tamil or English. Impunity, particularly for cases of police torture and disappearances of civilians within high security zones, was a severe problem. Several NGOs claimed that corruption was also a problem in the police force.

The NPC, composed entirely of civilians, was authorized to appoint, promote, transfer, discipline, and dismiss all police officers, except for the inspector general of police. The NPC also has the power to establish procedures to investigate public complaints against the police. In practice, however, the NPC devolved responsibility for discipline of less senior police officers to the inspector. In November 2005 the three-year term of the NPC lapsed, and by year's end, the government had not appointed new commissioners to the NPC.

Arrest and Detention

Under the law authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice, detained persons generally appeared within a few days before a magistrate. A magistrate may authorize bail for bailable and many non-bailable offences or may order continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the high court may grant bail. In all cases, suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the high court and the courts of appeal, but not in other cases.

In August 2005 following the assassination of the foreign minister, parliament approved emergency regulations, giving power of arrest to members of the armed forces, who were required to turn suspects over to the police within 24 hours. Individuals arrested under the emergency regulations may be detained for up to a year without trial.

In the majority of cases in which security force personnel may have committed human rights abuses, the government had not identified those responsible or brought them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven-year mandatory sentence for committing torture. There was no witness protection program. According to human rights organizations, obtaining medical evidence was difficult, as there were only 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases doctors were intimidated by police, making accurate medical reporting on torture victims difficult.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. The president appoints judges to the Supreme Court, the high court, and the courts of appeal. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.

Trial Procedures

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The government provides counsel for indigent persons tried on criminal charges in the high court and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. The legal aid commission offered legal aid to assist those who could not afford representation; however, some sources reported that its representatives extorted money from beneficiaries. There are no jury trials in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in all criminal proceedings except PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend

up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.

Despite the law calling for court proceedings and other legislation to be available in English, Sinhala, and Tamil, most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges existed at the magistrate level, only four high court judges, one appeals court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the government had not complied with legislation requiring that all laws be published in English, Sinhala, and Tamil.

In August 2004 the Office of the UN Human Rights Commission (UNHRC) found that Nallaratnam Singarasa's right to a fair trial had been violated when in 1993 he was tortured and forced to put his thumb print on a confession that he could not read. The UNHRC called for his release or retrial and gave the government 90 days to respond. In February 2005 the government replied that the law does not provide for release or retrial after the conviction is affirmed by the high court. At year's end Singarasa remained in prison, and his legal team was preparing a fundamental rights case for the Supreme Court. At year's end the government had taken no action in the 2003 Tony Fernando case. The UNHRC found in March 2005 that the government should enact legislative changes and pay Fernando compensation.

The government permits the continued existence of certain aspects of personal laws discriminating against women in regard to age of marriage, divorce, and devolution of property (see section 5).

During the year the LTTE continued to operate its own court system. The LTTE demanded that all Tamil civilians stop using the government's judicial system and rely only on the LTTE's alternative legal system. Credible reports indicated that the LTTE used the threat of force to back its demands.

The LTTE's legal system is composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary. On August 26, the LTTE released the last of three police officers from the National Child Protection Agency (NCPA) arrested in September 2005 when they entered LTTE-controlled territory while pursuing a suspect. The first policeman was released on January 26 and the second policeman was released on February 18 in exchange for four LTTE navy cadres.

Political Prisoners and Detainees

There were no reports of government-held political prisoners. The LTTE reportedly held a number of political prisoners; however, the number was impossible to determine because of the secretive nature of the organization, and the LTTE refused to allow the ICRC access to these prisoners (see section 1.c.).

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

The law provides for the right to privacy, and the government generally respected this provision in practice; however, it infringed on citizens' privacy rights in some areas. Police generally obtained proper warrants for arrests and searches conducted under ordinary law. In response to frequent claymore bomb attacks on security forces in the north and east during the year, and the discovery of several claymore bombs in Colombo, cordon and search operations were conducted regularly on nearby houses.

The LTTE routinely interfered with the privacy of citizens by maintaining an effective network of informants.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The LTTE routinely used excessive force in the war, including attacks targeting civilians. Since the peace process began in 2001, the LTTE has engaged in targeted killings, kidnapping, hijackings of truck shipments, and forcible recruitment, including of children.

There were regular reports that the LTTE expropriated food, fuel, and other items meant for internally displaced persons (IDPs) from both the conflict with the government and the 2004 tsunami.

During the year there were credible reports that the LTTE killed 531 members of the police and military, more than 34 members of anti-LTTE Tamil paramilitary groups such as the Eelam People's Democratic Party (EPDP), LTTE cadres loyal to the Karuna faction, alleged Tamil informants for the security forces, and civilians. The LTTE targeted both current and former members of anti-LTTE Tamil political parties. During the year 59 current and past anti-LTTE EPDP members were killed. Credible sources indicated that the LTTE killed 30 members of the breakaway military leader Karuna's group. There was also credible evidence that the LTTE killed 10 members of the military intelligence apparatus in a targeted campaign.

In April and June separate suicide attacks severely wounded army commander General Sarath Fonseka and killed the third ranking officer in the army, General Kulatunga (see section 1.a).

On April 22, six Sinhalese farmers in Kalyanapura were killed, allegedly by the LTTE. On May 27, three LTTE pressure mines killed seven local tourists, including novelist Nihal de Silva, in the Wilpattu National Park. On May 29, the LTTE allegedly killed 12 Sinhalese civilians in Ominiyamandu, Valachchennai.

On June 15, LTTE terrorists at Kongollawa, Anuradhapura district, carried out a claymore bomb attack in a bus carrying at least 150 civilians, killing 64 and injuring over 86.

At year's end, no arrests had been made in the alleged LTTE killings in May 2005 of Major Nizam Muthalif, commanding officer of the First Intelligence Battalion, or the August 2005 assassination of Foreign Minister Lakshman Kadirgamar.

The LTTE used claymore bombs against police and military targets throughout the year, killing an average of five soldiers per week, according to military sources. In June suspected LTTE cadres detonated a claymore bomb against a civilian bus near Anuradhapura, killing 69 civilians, one Home Guard soldier, and two security force personnel. No arrests were made in any of these attacks.

Gunmen from Karuna's paramilitary group allegedly killed 16 LTTE cadres, including (alias) Ramanan (Deputy Military Commander for Batticaloa) and Akbar (Artillery Division Director). Karuna's group was believed also to have killed several hundred civilians, including the 10 killings in conjunction with abductions (see section 2.a.). There were reports that the government provided protection and military aid to Karuna and his cadres to assist them in their fight against LTTE cadre. The government denied any connection to Karuna and his cadres.

According to the CFA, the LTTE have no authority to use international waters. The LTTE says the waters off Mullaitivu, Northern Province, are in its territory; in the CFA, the territorial waters are not assigned to the LTTE. On December 23, LTTE cadres boarded and seized a Jordanian merchant vessel. The captain of the ship stated the LTTE held his crew by force until their release a few days later. At year's end, the ship was still aground on a sand bar outside Mullaitivu.

Landmines were a serious problem in Jaffna and the Vanni region in the northern part of the country and, to some extent, in the east (see section 5). Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of IDPs and rebuilding. The United Nations Development Program (UNDP) reported 16 mine-related deaths and nine mine-related injuries. Humanitarian demining operations in the north and east were suspended periodically due to increasing violence, although NGO and army demining resumed by the end of the year.

The LTTE forcibly recruited 451 children during the year (see section 6.d.). However, the LTTE also released 80 children, at least 52 of whom were again recruited. There were intermittent reports of children as young as eight years escaping from LTTE camps.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals could criticize the government generally without fear of reprisal. The August 2005 Emergency regulations allow the government to stop the publication, distribution, showing, performance or broadcast of any book, magazine, newspaper, poster, movie, play, song, radio or television program that it finds likely to cause public disorder; however, it did not enact any of these provisions during the year.

According to the Committee to Protect Journalists (CPJ), on December 6, the government enacted the Prevention and Prohibition of Terrorism and Specified Terrorist Activities Regulations. The regulations attempt to define terrorism and allow the government to take any necessary actions to imprison suspected terrorists. As reported by CPJ, one journalist was detained under these provisions.

Although the government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. Most independent media houses freely criticized the government and its policies. The government imposed no political restrictions on the establishment of new media enterprises.

There were reports that journalists, especially those in the eastern part of the country, practiced self-censorship due to pressure from both the security forces and the LTTE. In September the Ministry of Defense announced it must clear all defense-related stories in the interest of national security.

In Jaffna the security forces commander reportedly asked the staff of the Tamil newspaper group Uthayan Publications not to report on military operations on any basis other than information provided to them by the government.

On January 24, soon after he reported on the January 2 killing of five Tamil students in Trincomalee, unidentified gunmen killed Tamil journalist Subramaniam Sugitharajah. He was a reporter for Tamil Language daily Sudar Oli (also under Uthayan Publications) and had published photographs of the head wounds of the dead students.

On May 2, gunmen entered the offices of Uthayan newspaper, and opened fire on equipment and personnel. Two employees, Suresh Kumar and Ranjith Kumar, died in the shooting, and four employees sustained injuries.

On May 31, an unknown assailant killed Aiyathurai Nadesan, an independent Tamil correspondent in Batticaloa. Independent Tamil and English media personnel reported incidences of intimidation by unknown actors.

On July 1, unknown gunmen killed journalist Sampath Lakmal, the defense correspondent of the independent Sinhala newspaper Sathdina. He reported on crime and the conflict between the government and the LTTE rebel group.

On August 15, Sathasivam Baskaran, a driver attached to Uthayan, was shot and killed at the wheel of his delivery truck. On August 23, suspected government security forces set fire to the Uthayan office in Jaffna.

On October 16, air force planes destroyed the broadcasting towers of the Voice of Tigers radio station in Killinochchi, injuring two workers in the attack.

On October 23, suspected members of the Karuna group burned 10,000 copies of the Tamil daily newspaper Virakesari.

On November 24, police arrested Parameswaree Maunasami, a writer for the weekly newspaper Maybina. Colleagues believed she may have been arrested for her work covering the fighting between the military and the LTTE. She was reportedly held under anti- terrorism legislation that allowed for prolonged detention without charge.

There were no developments on separate 2005 attacks on a TELO-operated television retransmission station in Vavuniya district and the Colombo printing and advertising offices of the pro-LTTE newspaper Sudar Oli. There were also no developments in the June and September 2005 killings of two news agents distributing the pro-LTTE newspaper Eelanatham in Batticaloa, allegedly by the Karuna Faction of the LTTE, or in the December 2004 attacks on the Tamil daily Thinakkural or the MTV/MBC transmitter.

The LTTE tightly restricted the print and broadcast media in areas under its control. There were reports of LTTE intimidation of Colombo-based Tamil journalists, and self-censorship was common for journalists covering LTTE-controlled areas.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. For example, Tamilnet, an LTTE Web site, is accessible throughout the country. There are also hate Web sites that call for the killing of "traitors to the Sinhala nation."

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the August 2005 Emergency regulations give the president the power to restrict meetings, assemblies and processions.

The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled; however, the government generally granted permits for demonstrations, including those by opposition parties and minority groups.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the Emergency regulations.

The LTTE did not allow freedom of association in the areas it controlled and reportedly used coercion to make persons attend its rallies.

c. Freedom of Religion

The law accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the government generally respected this right in practice. There is no state religion; however, the majority of citizens were followers of Buddhism, and this at times adversely affected the religious freedom of others.

Foreign clergy may work in the country, but the government sought to limit the number of foreign religious workers that were given temporary work permits. Permission usually was restricted to denominations registered with the government.

While the courts generally upheld the right of Christian groups to worship and to construct facilities to house their congregations, a Supreme Court decision promulgated in 2003 ruled against recognizing a Roman Catholic group and determined that its medical services constituted "allurement." At the same time, the Supreme Court ruled that although the constitution supports the right of individuals to practice any religion, it does not support the right to proselytize. Since late 2003, there have been approximately 250 attacks by unknown assailants on Christian churches and occasionally pastors and congregants. During the year there were sporadic attacks on Christian churches by Buddhist extremists and limited societal tension due to ongoing allegations of forced conversions and debate on anti-conversion legislation.

In June rebels opened fire on Somawathi Shrine, located northeast of Colombo. The military accused the LTTE of shooting at the ancient Buddhist shrine to stir conflict between Tamils and Hindus, according to Worldwide Religious News.

In June a Catholic Church in Mannar was attacked by navy grenades, killing five persons and injuring dozens. In a letter to the Vatican, the bishop subsequently stated that 200 Tamils had taken shelter in the church before the grenade explosion.

In June 2005 villagers attacked an Assembly of God pastor in Ambalangoda in Galle District, his brother, and an associate pastor, all of whom required hospitalization. While police arrested six of the attackers, all were free on bail at year's end awaiting trial. The case remained pending at year's end.

Most Muslims expelled by the LTTE since 1990 remained displaced. During the year the LTTE continued its intimidation and extortion of Muslims in the east.

It appeared that attacks by the LTTE against Muslims were not religiously motivated but were instead part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. The LTTE made some conciliatory statements to the Muslim community, but most Muslims viewed the statements with skepticism.

Societal Abuse and Discrimination

There were instances of societal violence and harassment against members of the Christian community. There were no reported cases of anti-Semitism against the Jewish community, which numbered less than 100.

For a more detailed discussion, see the [2006 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2006/78875.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country," and the government generally respected these rights in practice; however, during the year it restricted the movement of Tamils. The war with the LTTE prompted the government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils were required to present special passes for fishing and transiting through high security zones in the north and the east. While Tamils were no longer required to obtain police passes to move around the country, they were frequently harassed at checkpoints.

On August 11, the government closed entry points to the A-9 Kandy to Jaffna highway following the start of military engagement between government forces and the LTTE on the Jaffna peninsula. The road closure restricted the movement of passengers and supplies through the LTTE-controlled Vanni region," including LTTE headquarters in Killinochchi. Commercial flights were also suspended in August, and the LTTE refused to guarantee the safety of civilian flights or passenger and supply chains by sea operated by the ICRC or the government.

Limited access continued to certain areas near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Beginning in June the SLMM reported that monitors were restricted from accessing sites of reported CFA violations. High security zones extended up to a four-kilometer radius from the fences of most military camps. Some observers claimed the high security zones were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. According to government officials, the zones displaced 109,815 persons, with an additional 46,716 displaced since fighting broke out in August and occupied over 60 square kilometers. In 2004 the government lessened restrictions at one site in Chavakachcheri and allowed farmers and their families to return to their land; nevertheless, the general public was still denied access to this area and all other high security zone areas. In addition, citizens of Jaffna are required to obtain permission from the army's Civil Affairs unit in order to leave Jaffna. According to several sources, this waiting list was over five months long. Curfews imposed by the army from 8 p.m. to 8 a.m. also restrict the movement of Jaffna's citizens.

Internally Displaced Persons

According to the UNHCR, as of May, approximately 418,000 conflict IDPs had returned to their places of origin, leaving approximately 312,000 IDPs displaced by the conflict. There were 268 camps for those displaced by ethnic conflict, and during the year approximately 67,000 persons were in welfare centers, with approximately 246,000 staying with host families or relatives. According to various sources, approximately 50,000 IDPs, primarily Tamils, were unable to relocate as a result of the high security zones. The UNHCR found sexual abuse to be endemic in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. According to the UNHCR, approximately 16,000 Tamils fled to India during the year. The government continued a program to relocate more than 200 landless IDP families to state lands in Vavuniya and Kilinochchi districts in the north. Most of the 46,000 Muslims expelled in 1990 by the LTTE remained displaced and lived in or near welfare centers. Although some Muslim IDP families returned home, the majority did not move and awaited a guarantee from the government for their safety in LTTE-controlled areas.

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. The LTTE regularly taxed civilians traveling through areas it controlled.

Fighting between the LTTE and government forces continued to threaten the safety of IDPs. In early September the government closed down IDP camps, and turned off water supplies, forcibly returning IDPs from Kantale to Muttur. On November 8, artillery from the army hit an IDP camp in Kathiraweli in the Batticaloa district, killing 47 and injuring 136 persons.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The government has not established a system for providing protection to refugees; however, the government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. The government assisted in returning to their homes approximately 40,000 civilians displaced in July and August by military engagement in Muttur. There were no reports of refoulement, the forced return of persons to a country where they feared persecution. According to UNHCR, over 16,000 citizens fled to India during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, multiparty, free, and fair elections held on the basis of universal suffrage. However, recent elections were marred by violence and some irregularities.

Elections and Political Participation

The president, elected in November 2005 for a six-year term, holds executive power, while the 225-member parliament, elected in April 2004, exercises legislative power.

The EUEOM described the November 2005 presidential election as generally satisfactory. The LTTE-enforced boycott of the polls and seven grenade attacks in the north and east marred the election, however, and allowed less than 1 percent of voters in the north to exercise their right to vote. Unlike previous years, there were no deaths or serious injuries on election day, although the inspector general of police refused to release any data on election violence. The EUEOM cited the occurrence of state media bias and misuse of public resources for campaigning.

The EUEOM described the 2004 general election as having been conducted in a democratic matter, with the exception of irregularities in the north and east, where widespread voter impersonation and multiple voting occurred. Several sources cited the LTTE as responsible for the irregularities. The EUEOM reported that more than 2,000 incidents of election violence, resulting in the deaths of five persons and the serious injuring of another 15. Voter turnout was 75 percent. Unlike in previous elections, the government allowed persons living in LTTE-controlled areas to vote in cluster polling booths in government-controlled areas.

There were 11 women in the 225-member parliament, three women in the cabinet, and two women on the Supreme Court. There were 34 Tamils and 24 Muslims in the 225-member parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.

Government Corruption and Transparency

There was corruption in the executive and legislative branches. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions. The tendering and procurement process for government contracts was not transparent, leading to frequent allegations of corruption by the losing bidders. TI also noted that corruption was a problem in high value tender processes, including the establishment of business operations.

The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) received 3,212 complaints, of which 943 were under investigation at year's end. According to the Deputy Director General of the CIABOC, the trial was still in progress at year's end. The focus of the prosecution was the questionable acquisition of assets by former Deputy Defense Minister Ratwatte.

There was no law providing for public access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 were cooperative and responsive to their views. Many domestic human rights NGOs, including the Consortium of Humanitarian Agencies; Home for Human Rights; the University Teachers for Human Rights, Jaffna; the Civil Rights Movement; and the Law and Society Trust monitored civil and political liberties. The government officially required NGOs to include action plans and detailed descriptions of funding sources as part of the initial registration process, and every five years thereafter. In August the government required that NGOs working in the north and east register with the Ministry of Defense but did not enforce this requirement with all agencies. NGO workers viewed the renewal requirement as an attempt by the government to exert greater control over the NGO sector after previous human rights groups' criticisms. Most NGOs complied with these reporting requirements. After August the government did not renew work permits for international NGO staff working in LTTE-controlled areas.

The government continued to allow the ICRC unrestricted access to detention facilities (see sections 1.c. and 1.d.). The ICRC provided international humanitarian law training materials and training to the security forces. During the year the ICRC also delivered health education programs in LTTE-controlled areas in the north and east (see section 1.g.).

By statute the SLHRC 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. However, according to many human rights organizations, the SLHRC often was not as effective as it should have been. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator.

In June 2004 the SLHRC established a torture prevention monitoring unit to implement its zero-tolerance torture policy. HRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. To ensure its sustainability, HRC urged the treasury to cover costs of the monitoring unit. Like in previous years, HRC was not able to function without interruptions.

In August Sweden, Finland, and Denmark announced their withdrawal from the SLMM in response to LTTE demands that European Union (EU) countries withdraw following the EU's designation of the LTTE as a terrorist organization. Subsequently, 37 monitors departed, leaving about 30 civilian monitors in the country.

In July 2004 the LTTE set up the Northeast Secretariat of Human Rights (NESOHR). Since its inception, NESOHR received hundreds of complaints ranging from land disputes to child recruitment complaints. Some groups questioned NESOHR's credibility because of its close ties to the LTTE.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights for all citizens, and the government generally respected these rights in practice; however, there were instances where gender and ethnic based discrimination occurred.

Women

The law prohibits domestic violence, but it was not strictly enforced. Sexual assault, rape, and spousal abuse continued to be serious and pervasive problems. The law specifically addresses sexual abuse and exploitation and contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Bureau for the Protection of Children and Women received 876 complaints of violent crimes against women in the first half of the year.

At year's end a case continued against two policemen who in 2003 attempted to rape Mrs. Selvarajan in Uyilankulam in Mannar district. The AG has not yet filed a charge sheet against the two, and as of year's end they were on active duty.

According to the Bureau for the Protection of Children and Women, there were 481 reported incidents of rape. The bureau indicated that 11 of the victims were below the age of 18. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited.

Prostitution was illegal but occurred during the year. Some members of the police and security forces reportedly participated in or condoned prostitution. Trafficking in women for the purpose of forced labor occurred (see section 5, Trafficking).

Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison; however, these laws were not enforced.

The law provides for equal employment opportunities in the public sector; however, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work. They often experienced difficulty in rising to supervisory positions, and faced sexual harassment. Even though women constituted approximately half of the formal workforce, according to the Asian Development Bank (ADB), the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low-paid, low-skill jobs in the formal and informal sectors.

Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, and there was no provision for marriage at an earlier age with parental consent except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government-assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.

Children

The law requires children between the ages of five and 14 to attend school, and the government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free.

Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women.

Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The NCPA included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the Bureau for the Protection of Children and Women received 1,278 complaints of violent crimes against children.

The government pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalties for pedophilia range from five to 20 years' imprisonment and an unspecified fine. During the year the government opened 1,692 files; of which 700 indictments were served for pedophilia, including statutory rape; 134 were discharged; and 992 concluded; 158 files were under further investigation and the remainder was pending at the end of the year.

Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles.

Child prostitution was a problem in coastal resort areas. The government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was as high as 6,000. Citizens committed much of the child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution (see section 5, Trafficking). The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

The LTTE used child soldiers and recruited children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as eight years of age, escaped LTTE camps and surrendered to the military or the SLMM. Credible reports indicated that in February the LTTE and Karuna faction increased recruiting efforts, particularly in the east (see section 1.g.). Credible sources reported that there were more than 450 cases of forcible child recruitment by the LTTE. The Karuna faction of the LTTE forcibly recruited an estimated 200 children. These sources also reported that more than 1,000 children remained in LTTE custody at year's end. Several sources reported that the LTTE continued to obstruct the 2003 action plan between UNICEF and the LTTE on the demobilization and rehabilitation of child soldiers. Several sources reported that the LTTE used intimidation or bribes to facilitate recruitment. Some senior LTTE officials claimed that all child soldiers were volunteers.

Trafficking in Persons

The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for two to 20 years and a fine. For trafficking in children, the law allows imprisonment of five to 20 years and a fine. However, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. Some women were trafficked under the guise of legitimate employment to Lebanon, Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, and Qatar for the purpose of involuntary servitude and commercial sexual exploitation. A smaller number of Thai, Chinese, and Ethiopian women were trafficked to the country for commercial sexual exploitation. Women and children were trafficked internally for domestic and sexual servitude. Boys and girls were victims of commercial sexual exploitation by pedophiles in the sex tourism industry. Children were also trafficked as child soldiers in areas controlled by the LTTE.

Internal trafficking in male children was also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere, a domestic NGO, estimated that 6,000 male children between the ages of eight and 15 years were sexually exploited at beach and mountain resorts. Some of these children were forced into commercial sexual prostitution by their parents or by organized crime.

The NCPA has adopted, with International Labor Organization (ILO) assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work on children's issues, including trafficking in children.

The government established rehabilitation camps for trafficking victims and initiated awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs.

Government programs to monitor immigration with computer programs designed to identify suspected traffickers or sex tourists continued, as did a cyber-watch project to monitor suspicious Internet chat rooms.

Persons with Disabilities

The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and provision of state services. The law does not mandate access to buildings for persons with disabilities, and such facilities were rare. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The government also provided financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties because of negative attitudes and societal discrimination.

National/Racial/Ethnic Minorities

There were approximately one million Tamils of Indian origin, the so-called Hill, Tea Estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past approximately

300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In 2003 parliament passed a bill granting full citizenship to more than 460,000 tea estate Tamils. In August 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation and by the end of 2005 had registered approximately 276,000 persons. UNHCR confirmed registration for an additional 75,000 persons during the year. At year's end 117,000 registrations remained unconfirmed.

Both local and Hill Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing.

Indigenous People

The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are protected by the law. There are no legal restrictions on their participation in the political or economic life of the nation. Some Veddas complained that they were being pushed off their land in protected forest areas.

Other Societal Abuses and Discrimination

The law criminalizes homosexual activity between men and between women, but the law was not enforced. NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. As in recent years human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas.

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

Section 6 Worker Rights

a. The Right of Association

The government respected the legal right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but in practice such rights were subject to administrative delays. Nonetheless, approximately 20 percent of the seven-million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. The Ministry of Employment and Labor is authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration.

Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti-union discrimination is a punishable offense liable for a fine of \$166 (20,000 SLR).

b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining; however, very few companies practiced it. Approximately 50 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements. All collective agreements must be registered at the Department of Labor. Data on the number of registered collective agreements were not available. More than half of EFC's 435-strong membership was unionized.

All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. The president retains the power to designate any industry as an essential service.

The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking.

Under the law, workers in the Export Processing Zones (EPZs) have the same rights to join unions as other workers. While the unionization rate in the rest of the country was approximately 20 percent, the rate within the EPZs was under

10 percent. Fewer than 10 unions were active in EPZs, partially because of severe restrictions on access by union organizers to the zones. Trade unions were formally recognized in eight out of approximately 200 factories in the EPZs. In a few other factories, management had begun discussions with the unions. There was only one operating collective agreement in the EPZs during the year. Labor representatives alleged that the government's Board of Investment (BOI), which managed the EPZs, including setting wages and working conditions in the EPZs, discouraged union activity. The short-term nature of employment and the relatively young workforce in the EPZs made it difficult to organize.

Labor representatives alleged that the labor commissioner, under BOI pressure, failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions.

According to the International Confederation of Free Trade Unions, as in recent years, there were some violations of trade union rights in the EPZs. The non-recognition of trade unions became a contentious issue, in part because of obligations under various multilateral and bilateral trade agreements.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor; however, there were reports that such practices occurred. The law does not prohibit forced or compulsory labor by children specifically, but government officials interpreted it as applying to persons of all ages (see section 6.d.). There were credible reports that some rural children were employed in debt bondage as domestic servants in urban households, and there were numerous reports that some of these children had been abused.

d. 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 agriculture work or to engage in technical training. An amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14. A child activity survey, carried out in 1998 and 1999 by the Department of Census and Statistics, found almost 11,000 children between the ages of five and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work throughout the country.

Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in non-plantation agriculture. Sources indicated many thousands of children were employed in domestic service, although this situation was not regulated or documented. Many child domestics reportedly were subjected to physical, sexual, and emotional abuse. Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. In 2003 a rapid assessment survey sponsored by the International Labor Organization/International Program for Elimination of Child Labor on domestic child labor in five districts found child domestic workers (under 18 years) in roughly 2 percent of households, but the prevalence of child domestics was much larger.

The NCPA is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police are responsible for the enforcement of child labor laws. The Bureau of Child Protection reported 18 complaints of child employment during the year, out of which litigation charges were filed for one case. Penalties for employing minors were increased from approximately \$9 (rupees 1,000) and/or 6 months' imprisonment to \$93 (rupees 10,000) and/or 12 months' imprisonment.

Although the law prohibits forced or compulsory labor by persons of any age, some rural children reportedly served in debt bondage (see sections 5 and 6.c.).

The LTTE used children as young as age 13 years in battle, and children as young as eight often were recruited forcibly (see section 5).

A UNICEF-supported action plan sought to restore normalcy to former LTTE child soldiers through release and reintegration. Under this program UNICEF supported the establishment of a transit center in Kilinochchi for child recruits released by the LTTE.

As required by ILO Convention 182, the government identified a list of 50 occupations considered to be the worst forms of child labor (for children under 18 years). Laws proscribing these worst forms of child labor have not been formulated.

e. Acceptable Conditions of Work

While there is no national minimum wage, 38 wage boards established by the Ministry of Labor set minimum wages and working conditions by sector and industry. These minimum wages did not provide a decent standard of living for a worker and family.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5½-day workweek). Regulations limited the maximum overtime hours to 15 per week. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared that they would lose their jobs if they removed themselves from the work situation.