

SRI LANKA (47)

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Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. President Chandrika Kumaratunga leads the governing People's Alliance (PA), a coalition of parties. Both the Parliament and the President were elected in free and fair elections in 1994. The Government respects constitutional provisions for an independent judiciary.

For the past 14 years the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organization fighting for a separate state for the country's Tamil minority. During the year, the fighting intensified. In May the Government launched a major offensive aimed at opening a land route to the Jaffna Peninsula through LTTE-controlled territory in the north. The offensive resulted in hundreds killed on both sides and created tens of thousands of newly displaced persons.

The Government controls all security forces. The 50,000-member police force is responsible for internal security in most areas of the country and has also been used in military operations against the LTTE. The 118,000 member army (which includes the Army Volunteer Force), and the 12,500-member navy and 10,000-member air force, bear principal responsibility for conducting the war against the LTTE insurgents. The police paramilitary Special Task Force (STF) also battles the LTTE. The 5,000 strong home guards, an armed force drawn from local communities, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and directs various Tamil militias opposed to the LTTE, though at times these groups act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy that is based on the export of textiles, garments, tea, rubber, coconuts, and gems, and on earnings from tourism and repatriated earnings of citizens employed abroad. The gross domestic product per capita is about \$780. The economy grew in excess of 5 percent per year during 1990-1995 but growth slowed to 3.8 percent in 1996 due to the ongoing war and a severe drought. Renewed investor confidence, an upswing in tourism, and easier credit helped the economy rebound to a growth rate of almost 6 percent in 1997. During the year, the Government made significant steps toward economic reform, including trimming subsidies, privatizing government enterprises, and promoting foreign investment and trade.

The Government generally respected the human rights of its citizens in areas not affected by the conflict. However, the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by the security forces. Security forces committed as many as 100 extrajudicial killings. In addition, at least 100 individuals disappeared from security force custody on and near the Jaffna Peninsula in the north during the course of the year and 25 such disappearances occurred in the eastern part of the island. Torture remai-

ned a serious problem, and prison conditions remained poor. Arbitrary arrests—including short-term mass arrests and detentions—continued, often accompanied by failure of the security forces to comply with some of the protective provisions of the Emergency Regulations (ER). Impunity for those responsible for human rights abuses remained a serious problem. No arrests were made in connection with the disappearance and presumed killing of at least 300 LTTE suspects in Jaffna in 1996. Progress was made in a few longstanding, high-profile cases of extrajudicial killing and disappearance. In most cases, however, no progress was made, or there was no investigation or prosecution at all, giving the appearance of impunity for those responsible for human rights violations. Both the Government and the LTTE apparently killed prisoners taken on the battlefield. The Government infringed on citizens' privacy rights and engaged in direct censorship of domestic newspaper reporting and foreign television broadcasts from January to May. Discrimination and violence against women, child prostitution, and child labor continued to be problems.

In positive developments, the Government took steps to control the abuses. A permanent Human Rights Commission was constituted and began operations. A human rights office opened officially on January 8, 1998 in Jaffna. Prosecutions of security force personnel alleged to have engaged in human rights abuse continued in a few cases. In the Krishanthi Kumaraswamy murder and rape case in which a young woman and three other individuals were killed in September 1996 in Jaffna, the Government ordered an expedited trial for the nine accused. The case came to trial in September and was ongoing at year's end. There was no attempt, as in the past, to use the ER to cover up security force misdeeds. Through its rulings, the judiciary continued to exhibit its independence and uphold individual civil rights. Government security forces continued to take effective measures to limit civilian casualties during military operations. The Government also continued to provide relief to those displaced by the conflict even though many were still under the control of the LTTE. However, government restriction on medical supplies contributed to poor health conditions for civilians in the Vanni. Three regional commissions established to investigate disappearances completed their investigations although the results of these investigations were not made public.

Progovernment Tamil militants committed extrajudicial killings and were responsible for disappearances, torture, detentions, and forced conscription.

The LTTE attacked civilians during the course of the year. The LTTE regularly committed extrajudicial killings, and was also responsible for disappearances, torture arbitrary arrests, and detentions. The LTTE killed two parliamentarians and nine other civilians in two separate incidents in Trincomalee in July. LTTE attacks on international shipping resulted in the death of several crewmen and considerable damage to property. The LTTE continued to take civilians hostage and, in July, abducted 32 Muslim villagers, demanding the release of 5 LTTE prisoners held by the security forces. All of these hostages had been released by November. The LTTE attacked a number of economic targets, including the October bombing of the World Trade Center and nearby hotels and the July attack on a Panamanian-flag merchant vessel. The LTTE continued to control large sections of the north and east of the country through authoritarian military rule, denying the people under its authority the right to change their government, infringing on their privacy rights, routinely violating their civil liberties, operating an unfair court system, and severely discriminating against ethnic and religious minorities.

RESPECT FOR HUMAN RIGHTS

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

a.

Political and Other Extrajudicial Killing

Police (mostly STF officers) and army and navy personnel committed extrajudicial killings in both Jaffna and the Eastern Province. Most of these were associated with operations against the LTTE insurgents or

interrogation of suspected terrorists. Up to 100 individuals were killed, although the exact number was impossible to ascertain due to censorship of news relating to military or police operations, and lack of regular access to the north and east where the war was being waged.

In some cases these extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces were killed or injured. In many cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. The perpetrators of these killings had not been arrested by the Government at year's end.

Impunity remains a serious problem. Since April 1995 at least 700 persons have been extrajudicially killed by the security forces or disappeared after being taken into security forces custody and are presumed dead. As of year's end, no member of the security forces had been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. The military leadership has failed also in this regard. Almost all senior military officers now serving were mid-level officers during the Janatha Vimukthi Peramuna (JVP) uprising, when security forces were given great leeway in dealing with that threat to the nation's security. Attitudes and practices have been slow to change.

Security force personnel were probably responsible for the death of Reverend Innasi Arulpalan, a priest from the Jaffna Diocese of the Church of South India. The University Teachers for Human Rights-Jaffna (UTHR-J) reported that witnesses saw Rev. Arulpalan and two other individuals being taken away by the army on August 25. Their three mutilated bodies were found on September 9. The military formally denied responsibility for the incident and placed the blame on the LTTE.

In November 1996, 16 police and army personnel were arrested for the rape and murder of Krishanthi Kumaraswamy, the murder of 2 of her family members, and the rape and murder of another individual. Although 11 of the security personnel were originally accused in the case, charges against 2 have reportedly been dropped in return for their cooperation in the investigation. The Government in February ordered a trial at bar against the 9 accused in an effort to expedite the case. A trial at bar means that the case is to be heard by a panel of judges, dispensing with a lengthier trial by jury. This is only the fourth time since independence that the Government has taken the step of ordering a trial at bar. The case came to trial in September and was ongoing at year's end.

The case against the eight soldiers and one reserve police constable arrested in February 1996 in the Kumpuram massacre of 24 Tamil villagers came to trial in September and was ongoing at year's end.

In July 1996, the charred body of a Tamil textile merchant who had been detained under the ER was found at Giribawa in North Central Province. Six police officers, including the officer in charge of the police counter-subversive unit in Vavuniya, were arrested and detained under the ER. The officers in the Giribawa case were released on bail. The officer in charge was released at the end of December 1996; the other officers were released in January. The Attorney General had not made a recommendation to the High Court at year's end.

In October 1995, 22 members of the STF were arrested and detained under the ER on suspicion of murdering 23 Tamil youths whose bodies were found floating in Bolgoda Lake and other bodies of water near Colombo. The suspects were released on bail and resumed their police functions in February 1996. At year's end the case had not come to trial. It was delayed on several occasions by the prosecution's failure to be present during court proceedings.

A presidential commission was established to investigate alleged torture and murder in the late 1980's at a government-run detention center at Batalanda Housing Estate near Colombo. In August 1996 five police officers were arrested for alleged complicity in the center's abuses. The investigation was continuing at year's end.

The People's Alliance (PA) Government came to power in 1994 promising to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions of suspects in several extrajudicial murders allegedly perpetrated by members of the security forces. The trial of 21 soldiers, accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district, was transferred to the Colombo High Court in 1996. The trial was continuing at year's end. In April the 4 police officers indicted in 1994 for the 1990 murders of 12 civilians in Wavulkelle were acquitted for lack of evidence.

There were no developments in the Government investigations into the mass graves at Sooriyakanda, which contain an estimated 300 bodies, or the grave at Ankumbura, which is thought to contain the bodies of 36 people killed by the police in 1989. There were also no developments in the Nikaweratiya army camp incident in which 20 youths were allegedly killed by soldiers in 1989 during the period of the JVP uprising.

On July 10, the ER, which had been in force throughout the country intermittently since 1983, was lifted in most areas outside of the north and east and the capital of Colombo. There was no evidence that the Government was using the regulations, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the new Human Rights Commission (HRC)--which replaced the Human Rights Task Force (HRTF)-- were being routinely ignored by the security forces-- especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC (previously the HRTF) of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished during the year.

In the east and in Vavuniya in the north, the military wing of the People's Liberation Organization of Tamil Eelam (PLOTE), the Mohan group and the Rasheek group--pro-government Tamil militant organizations-- were responsible for killing a number of people. The security forces arm and use these militias to provide information, help identify LTTE insurgents and, in some cases, fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain but they probably total less than 2,000 persons. Military oversight of these groups is inadequate. These groups frequently operated beyond government control. The militias gain access to internally displaced persons (IDP's) transit camps through a variety of means, including bribery and threats. Complaints about their activities continued as the number of IDP's interacting with them increased, especially in the IDP transit camps in Vavuniya. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Those killed by these militants included both LTTE operatives and civilians who failed to comply with extortion demands.

Violence between supporters of the major political parties worsened during the year, and six people, including a member of Parliament, were killed in violence related to local government elections held in March.

The LTTE continued to commit extrajudicial killings. In July it killed two members of Parliament (M.P.'s) in separate attacks that also claimed the lives of nine other individuals, including a small child. Killings of political opponents in the east continued, some perpetrated by "pistol gangs" which successfully carried out their attacks using motorcycles and revolvers. The LTTE continued to execute suspected government informants. In the past, the LTTE has killed university professors, members of nonviolent Tamil opposition parties, and human rights monitors.

In July the LTTE hijacked an empty Indonesian-flag passenger ferry and subsequently burned it after releasing the crew. Later that month the LTTE hijacked a North-Korean flag cargo vessel, killing a member of the crew. In September the LTTE attacked and badly damaged a Panamanian-flag merchant vessel. Up to 15 civilians were killed in the attack, including Chinese crewmen.

The LTTE also attacked government installations. For example, in October there were several attacks on police stations and military bases in the north and east. Scores of people on both sides were killed in these actions.

There were no developments in the October 1994 suicide bombing that killed the United National Party's presidential candidate, Gamini Dissanayake, and 58 other people, although the LTTE is generally believed to be responsible.

b. Disappearance

Disappearances at the hands of the security forces continued, especially in the east and north. There were no reports of disappearances in Colombo in 1997. Most of the disappearances were associated with the arrest of suspected LTTE insurgents. At least 125 individuals disappeared, although, as with extrajudicial killings, the exact number was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east.

There were approximately 350 confirmed cases of disappearance in 1996, 34 in 1995, and 10 in 1994. The large number of disappearances in 1996 corresponded to an intensification of the conflict with the LTTE, including the Government's capture of the Jaffna Peninsula and several acts of terror by the LTTE, including a suicide bombing in Jaffna in July 1996. Those who disappeared in 1997 and in previous years are presumed dead. The disappearances involved persons last known to be in police or army custody. The Commander of the Army and the Inspector General of Police have both issued directives condemning disappearances and stating that perpetrators would be called to account. No security force personnel have been prosecuted to date.

In November 1996, the Ministry of Defense established a Board of Investigation to look into disappearances in the north and east and review security forces procedures. According to press reports, the Board received more than 2,500 complaints of disappearances. After eliminating duplicated names, the Board found that 730 persons were alleged to have disappeared. It was able to trace 182, who were located at home or in custody. The balance of 548 cases was unresolved. The Board completed its activities and disbanded by year's end, and its findings were not made public. At year's end, the Government had not publicly identified or charged those responsible for disappearances during the year, although government officials have indicated that those responsible would be held accountable.

The mandates of the three regional commissions set up in November 1994 to inquire into disappearances occurring after January 1, 1988 expired, and the commissions submitted their final reports to President Kumaratunga in September. The commissions investigated 19,079 cases of disappearance, most of which occurred during the 1988-89 period of the JVP uprising. The commissions are reported to have found evidence that 16,742 persons disappeared after having been involuntarily removed. The commissions were believed to have accumulated sufficient information to prosecute a large number of government officials and security forces personnel for human rights violations. Their final reports had not been made public by year's end, nor had the Government taken steps to prosecute those responsible for the disappearances, although the Justice Minister promised that the Government would do so.

The trial of 11 suspects, including an army brigadier general, in the disappearance of 32 youths from the southern town of Embilipitiya in 1989 and 1990 continued at year's end. These were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in Batticaloa district in 1990. Observers maintain there is credible evidence identifying the alleged perpetrators. There was also no progress in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989.

The Government continued to give the International Committee of the Red Cross (ICRC) unhindered access to approximately 250 detention centers, police stations, and army camps officially recognized as places of detention. This played an important role in enabling the ICRC to monitor the human rights practices of the security forces, as did the work of the HRC, which replaced the HRTF in mid-year. However, the HRC

opened an office in Jaffna on January 8, 1998. Progovernment Tamil militias detain people at various locations that serve, in effect, as undeclared detention centers.

Progovernment Tamil militants in the east and north, acting independently of government authority, were also responsible for disappearances. As in the case of extrajudicial killings, it was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear public steps to condemn the militants' actions or to stop them.

The LTTE was responsible for an undetermined number of civilian disappearances in the northeastern part of the island. Most of the 400 to 600 police officers captured by the LTTE in 1990 are believed to be dead, as are over 200 security force personnel captured at a battle in Pooneryn in 1993. Although the LTTE denies taking any prisoners following the Mullaittivu battle in July 1996, it is currently suspected of holding some. The LTTE has not notified the ICRC of any new security forces prisoners since 1994.

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

Punishment

In 1994 the Government acceded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Parliament also enacted legislation to implement the torture convention by making torture a punishable offense. The Government, however, has not yet developed effective regulations under the new legislation to prosecute and punish military and police personnel responsible for torture, though it has ceased paying fines incurred by security force personnel guilty of the offense. Security forces personnel have been fined under civil law for engaging in torture, but not prosecuted under criminal law (see Section 1.c.).

Members of the security forces continued to torture and mistreat detainees and other prisoners, both male and female, particularly during interrogation. Progovernment Tamil militants in the east and north, directly responsible to the security forces, also engaged in torture. Most torture victims were Tamils suspected of being LTTE insurgents or collaborators.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burnings, and near drownings. In other cases, victims are forced to remain in unnatural positions for extended periods, or bags laced with insecticide, chili powder, or gasoline are placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no reports of rape in detention.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the Supreme Court. The Court granted awards ranging from \$200 to \$2,500. Most cases, however, take 2 years or more to move through the courts. Moreover, because the 1994 Anti-torture Law imposes a heavy minimum punishment of 7 years' imprisonment, the Court is scrutinizing fundamental rights cases more carefully than in the past, since findings would weigh heavily in criminal prosecutions of torturers. During the year, there were no cases brought before the courts under the Anti-torture Law.

The LTTE reportedly used torture on a routine basis. Because of the secretive nature of the LTTE, however, no first-hand information has been available.

Prison conditions are generally poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in the number of detentions associated with the war with the LTTE caused a significant deterioration in already poor standards in short-term detention centers.

The Government permitted representatives from the ICRC to visit approximately 250 places of detention. The HRC also visited prisons on an ad hoc basis and other places of detention regularly. Usually those in

prison already have been convicted and questions related to the proper use of the ER and PTA for arrest are no longer relevant.

Conditions are also believed to be poor in detention facilities operated by the LTTE.

d. *Arbitrary Arrest, Detention, or Exile*

Under ordinary law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained under ordinary law generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. Under the ER and the Prevention of Terrorism Act (PTA), security forces may detain suspects for extended period of time without court approval. The ER, still in force in many areas in the nation, allow pretrial detention for a maximum of four consecutive 3-month periods. A magistrate must order further detention. Detainees may challenge their detention and sue the Government for violating their civil rights in the supreme court.

In June the Government used the ER to arrest Sirisena Cooray, former housing minister under the UNP Government, who had formerly been a prominent figure in the opposition party. In August the Supreme Court ruled the fundamental rights of Cooray had been violated and ordered the Government to release him from custody and pay \$3,600 in compensation.

In spite of government announcements that it would close all secret detention centers, there were continued reports that the security forces held people in such a manner, especially on the Jaffna Peninsula. Tamil militant groups, ostensibly under the direct control of the security forces, were known to be operating illegal—and unmonitored—detention centers in the east and in Vavuniya.

Detention of Tamils continued as a result of the continuing hostilities with the LTTE. At year's end, the Government held more than 1,500 detainees under the ER, compared with 1,500 at the end of 1996, 940 at the end of 1995, and 380 at the end of 1994. Many of these detainees were arrested during operations against the LTTE. Between January and July, 300 suspected members of the LTTE were detained on the Jaffna Peninsula. The Government continued to detain up to 300 individuals under the PTA, which permits detention without charge for up to 18 months. In some cases, Tamils have been detained without charge under the PTA for up to 4 years.

Arrests and detentions by the police took place in violation of the legal safeguards built into the ER and other legislation, particularly regarding requirements that receipts be issued and that the HRC (previously the HRTF) be notified of any arrest within 48 hours. Those arrested by the army were generally turned over to the police within 24 hours as required under the ER. The HRC has a legal mandate to visit those arrested and this mandate was generally respected by police officials. Due to censorship and infrequent access to the area, it was unclear what was happening to detainees on the Jaffna Peninsula. The ICRC visits declared detention centers, but there are undeclared detention centers in the north that are not visited on a regular basis but are visited as needed when information received indicates that persons are being held there. Reportedly there are not a large number of individuals that are held in undeclared detention camps, probably fewer than 100. More than 95 percent of the detainees are held in the main detention center, where conditions reportedly are quite good. On the other hand, conditions in the undeclared centers range from adequate to extremely poor.

Security forces continued to conduct mass arrests of young Tamils, both male and female. Major sweeps and arrests occurred in Colombo, the east, and on the Jaffna Peninsula. Although exact numbers of arrests were impossible to determine, they reached into the thousands. Hundreds of Tamils at a time were picked up during police actions. Most were released after identity checks lasting several hours to several days. The Government justified the arrests on security grounds, but many Tamils claimed that the arrests were a form of harassment. In addition, those arrested, most of whom were innocent of any wrongdoing, were detained in prisons together with hardened criminals.

After a LTTE truck bomb exploded in Colombo in October (see Section 1.g.), the police and the military detained hundreds of Tamils in a broad sweep through the city. All but 50 persons were quickly released.

The HRTF and later the HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC is legally constituted to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes breached the regulations and failed to cooperate with the HRC.

There were unconfirmed reports during the summer that the LTTE was holding in custody more than 2,000 civilians in the northern part of the island, including 7 crew members of the Indonesian-flagged passenger ferry hijacked and burned that same month. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees aside from the 22 security force personnel and 5 crew members of another civilian ferry hijacked in 1995. Three other crew members of the latter ferry and 17 Sinhalese fishermen previously held by the LTTE were released.

The Government does not practice exile. There are no legal provisions allowing or prohibiting its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, comprised of the Chief Justice and two Supreme Court judges appoints, transfers and dismisses lower court judges. Judges serve until mandatory retirement age, which is 65 for the Supreme Court and 62 for judges on other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament.

In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the Court of Appeal but not in other cases; private legal aid organizations assist some defendants. There are no jury trials in cases brought under the PTA. Confessions, which are inadmissible in criminal proceedings, are allowed in PTA cases. Most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. There are approximately 1,100 people now remanded under the PTA. Through October, there were 844 cases filed under the PTA and ER this year. In 332 of these cases, indictments have been filed, but no cases came to trial during the year.

The LTTE has its own court system, composed of young judges with little or no legal training. The courts reportedly impose severe punishments. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. There is insufficient information to determine whether these detainees or members of the now legal Sinhalese JVP similarly detained in past years, were political prisoners.

Between 200 and 300 of those previously detained—mostly JVP members—have been convicted under criminal law and remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these people.

The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or

Correspondence

The Government generally respects the constitutional protections of individual privacy and the sanctity of the family and home. The police obtain proper warrants for arrests and searches conducted under ordinary law. The security forces, however, are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of Defense is responsible for providing oversight for such searches. In at least one case, observers believe that the search of a prominent opposition politician's residence under the ER was in part politically motivated. There is no judicial review or other means of redress for alleged illegal searches under the ER.

The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband.

Progovernment Tamil militant groups, nominally operating under government control, use forced conscription. There are credible reports that Tamil youth in the east in particular have been forced to join these groups under threats to themselves and their families.

The LTTE routinely invades the privacy of citizens. It maintains an effective network of informants. In 1990 the LTTE evicted thousands of Muslim residents from their homes in the north. These Muslims currently live in refugee camps, although a few have begun returning to their homes in Jaffna. There are credible reports the LTTE has warned Muslims displaced from the Mannar area (approximately 50,000 persons) not to return to their homes until the war is over.

g. Use of Excessive Force and Violations of Humanitarian Law In

Internal Conflicts

Hostilities between the Government and the LTTE continued throughout the year. The security forces generally exercised greater restraint in the use of excessive force than they had previously. From October 1995 through April 1996, the Government conducted coordinated military attacks on LTTE-held territory in the Jaffna Peninsula, resulting in the capture of Jaffna City in December 1995 and the remainder of the peninsula by April 1996. In May government forces launched a major offensive north of Vavuniya in the Vanni region aimed at opening a land supply route to the Jaffna Peninsula. Casualties in the offensive have been heavy. Over 400,000 people remain displaced by the past 2 years of fighting.

The fact that the Government was planning an offensive to open a land route to Jaffna was widely publicized well before it began, allowing civilians time to vacate the probable area of military operations. Civilian casualties were also reduced due to the relatively slow and methodical manner in which government security forces pushed forward, enabling the relatively few civilians remaining in the area to flee well in advance of troop movements. Civilians living or moving near the military's established forward defense lines, however, have been killed by security forces. According to credible reports, such killings have been a particular problem near Kilinochchi in the north.

The Government organized convoys of food to the roughly 500,000 civilians living in LTTE-controlled areas in the Vanni. During the year, it shipped 33,340 metric tons of food, and furnished an additional 17,997 metric tons through Multi-Purpose Cooperative Societies. These supplies, supplemented by locally produced food, were adequate to satisfy the short-term minimum food needs of most civilians. Nevertheless, the

food situation in the Vanni was serious. Experts noticed an increase in anemia and a lower birth rate, both indications of lower levels of nutrition. Nutrition levels were below the national average, and there were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and war-related dislocations. In addition, the LTTE appropriated government-supplied food for use by non-civilians. In September, using estimates that 400,000 people in the Vanni were in need of food assistance, the Government agreed with NGO's and international organizations that monthly deliveries of 6,000 metric tons were needed to provide a nutritional minimum of 15 kilos per person. However, subsequent monthly shipments averaged only 3,400 metric tons.

The Government maintained a long-list of prohibited "war-related" medical items, such as sutures, Plaster of Paris, IV's, bandages, and some drugs. NGO's and other groups desiring to take these items to LTTE-controlled areas in the Vanni needed permission from local officials as well as the Ministry of Defense. Delays were common and approval was sometimes denied, lest supplies fall into the hands of the LTTE. As a result, many medical items in the Vanni were in short supply. This shortfall contributed to an already-serious deterioration in the quality and quantity of medical care furnished to the civilian population.

The security forces also continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). Civilian casualties in the north and east battle zone have been relatively low, but rose through the year. The armed forces operate under written rules of engagement which severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages. Although incidents occurred where the rules seemingly were breached or waived, these were isolated cases. Poor targeting by the armed forces resulted in civilian casualties from artillery fire and bombs. For example, in August, a bomb from a government attack aircraft missed its intended target (an LTTE camp) by approximately a kilometer and struck a church, killing eight civilians and wounding 14 others. In a separate incident, an attempt to bomb LTTE cadre near Pooneryn resulted in several civilian deaths. The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding. Government mortar and artillery fire is, however, very inaccurate and has killed civilians.

The Government reported capturing seven LTTE cadre prisoner on the battlefield during the year. In addition, the Ministry of Defense reported that in 1997 more than 50 LTTE insurgents turned themselves in and in excess of 80 insurgents were apprehended by security forces. Given the scale of hostilities and the large number of LTTE casualties, observers found the number of prisoners taken under battlefield conditions to be extremely low; many LTTE fighters were apparently killed rather than taken prisoner. Observers believe that a "take-no-prisoners" policy was in effect, but that it was impossible to estimate the number of killings. Various circumstances may have worked to limit the number of LTTE fighters who were taken prisoner, including LTTE guerrilla tactics, its efforts to remove wounded fighters from the battlefield, and the proclivity of fighters to choose suicide over capture. No army or other security forces personnel were prosecuted or disciplined for executing prisoners.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to government care.

The LTTE admits that it kills security force personnel rather than take them prisoner. It admits to holding only 22 security force prisoners, all of whom were captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel that it has captured in recent years.

The navy sank or badly damaged seven LTTE boats and killed scores of rebels in a 5-hour sea battle in October; at least 2 naval personnel were killed.

The LTTE uses excessive force in the war. During the course of the year, the LTTE engaged in the killing of noncombatants, hostage-taking, hijackings, torture, and bombing of civilian targets. On March 22, a bomb thrown at a crowd of PA supporters in the north wounded 10 persons. On October 15, LTTE guerrillas set off a powerful truck bomb in Colombo, killing 18 people and wounding more than 110 others. One

of the LTTE terrorists fleeing the scene of the October 15 bombing observed a group of devotees praying at a Buddhist temple. The terrorist threw a grenade into the temple compound, killing a Buddhist monk.

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions. In the July 1996 attack on the army base at Mullaitivu, the LTTE killed upwards of 1,500 government troops, reportedly killing even those troops who attempted to surrender. During the Government offensive on the Jaffna Peninsula in 1995-96, LTTE fighters forced some civilians to abandon their homes and retreat with them, allegedly as human shields, in the face of advancing government troops. Reports that the LTTE were using children on the battlefield were unverified.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and expression, restrictions are permitted on national security grounds. During the year, the Government strictly limited the access of domestic and foreign media to information and censored news relating to military and police matters. There was direct censorship of newspaper reports relating to ongoing military operations from January until the end of May, with censors deleting specifics regarding these operations. International television broadcasts received in the country were also censored during the same period, with references to Sri Lanka filtered out of the broadcasts. The new Media Minister indicated in June that all censorship would cease. During the year, the Government also limited access of journalist to areas of conflict and in at least one case is believed to have harassed a journalist who regularly reported on defense matters.

The Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation. There are, however, a variety of independent newspapers, journals, and radio and television stations.

A number of government actions during the year were of concern to the media. The Government has still failed to reform the Press Law and privatize government-owned media as promised during the 1994 election campaign. The Government presented a draft Broadcasting Reform bill in Parliament in April, but opposition from members of the media was considerable, and in May the Supreme Court ruled that the bill was inconsistent with the Constitution. In one of two defamation of character suits filed by President Kumaratunga in 1995 against leading editors, one editor was found guilty, fined \$180, and sentenced to 18 months in prison. The sentence was suspended, and the editor is appealing the verdict. The second defamation case and three new ones— all against editors of major pro-opposition newspapers—were pending at year's end. These cases were viewed by journalists as frivolous, intended only to harass and intimidate the media. Journalists were also concerned about continuing political attacks on the local press by leading politicians. Both foreign and national journalists are allowed to go to Jaffna, but they must first receive permission from the Foreign Ministry and the Ministry of Defense. There are often bureaucratic delays in processing requests and some journalists complain that they are individually prevented from going north. According to the Government, the delays are a result of the limited number of seats on military aircraft flying journalists to Jaffna. The Government occasionally organizes groups of journalists to visit Jaffna and the front lines. There was also a local newspaper that published in Jaffna.

Ishini Perera, news director of an independent television and radio company, had been charged under the PTA for broadcasting news that could have incited intercommunal violence. The charges were dismissed by court order in June. The court stated that the case against Perera had been filed with vengeful motives and

was also critical of how the police handled the affair. In August there was evidence of close government monitoring of a journalist who reported on defense matters, although the Government denied the accusation.

In a positive development, the Government in September rescinded the Parliamentary Powers and Privileges Act. This law stipulated an unlimited fine or up to 2 years' imprisonment for anyone who criticized a Member of Parliament. Although the Government had not invoked the law since 1992, journalists and civil libertarians complained that it was an unjustified infringement on freedom of the press.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. In the past, the LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom. During the year, the ER were not used, as they had been in the past, to control students.

The LTTE also does not respect academic freedom and has repressed and killed intellectuals who criticize it, such as a university vice-chancellor who was kidnaped in November 1995 and released in January 1996. It has severely repressed members of a human rights organization, the University Teachers for Human Rights, which was formerly based on the Jaffna Peninsula; most former members of this group have been killed.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose in 1997. The Government generally granted permits for demonstrations.

The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that purpose in 1997.

c. Freedom of Religion

The Constitution establishes Buddhism as the official national religion, but it also provides for the right of members of other faiths to practice their religions freely. The Government respects this right in practice. Foreign clergy may work in Sri Lanka, but for more than 30 years the Government has prohibited the entry of new foreign Jesuit clergy. Thirty years ago, the Government reached an agreement with the Catholic Church that new foreign clergy would not be permitted to enter the country on a permanent basis. As foreign clergy retired, they would be replaced by Sri Lankans. It permitted those already in the country to remain. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute and is not lobbying the Government to change the agreement.

Evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytization are often met with hostility and harassment by the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment. However, there is no evidence to support this. The Assemblies of God filed a fundamental rights case with the Supreme Court, after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism. The Supreme Court ruled that the construction of the church could proceed.

d. Freedom of Movement Within the Country, Foreign Travel,

Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka." The Government generally respects the right to domestic and foreign travel. Nonetheless, 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. These security measures had the effect of restricting the movement of Tamils, especially young males.

Prior to the Government military offensive on the Jaffna Peninsula in 1995 and 1996, an estimated 600,000 citizens had been displaced by the insurgency. Most lived in camps financed by the Government and non-governmental organizations (NGO's). The Jaffna offensive, in addition to the military advance on Kilinochchi in the Vanni region in July 1996, resulted in the displacement of 480,000 people in LTTE-controlled areas of the Vanni; some of these people were being displaced for a second or third time. Some of the displaced lived with friends or relatives, or in "welfare centers" in schools, religious institutions, and other public buildings. Many others lived in makeshift shelters or camped out under trees. The Government continued to supply them with food, medicine, and other essential supplies. A military offensive in the Vanni that began in May created over 70,000 newly displaced people. The return of tens of thousands of displaced persons to their homes on the Jaffna Peninsula has helped to relieve the situation.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons wishing to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition, it would usually grant permission to only one family member to travel at a time. Following the Government capture of Jaffna, however, the LTTE began to allow people to move more freely into government-controlled areas, although it did disrupt the movement of IDP's from Trincomalee and Mannar to Jaffna by hijacking or attacking civilian shipping in the north.

From October 1996 until the end of 1997, over 90,000 people are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points. Of these, over 60,000 persons were repatriated to Jaffna and other Tamil-majority areas. Many had left the Vanni with the intention of proceeding south; they opted for other destinations only after learning they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance was often a lengthy process and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and very young. While the Government had a legitimate interest in identifying LTTE infiltrators, it also seemed reluctant to allow displaced Tamils to travel to Colombo where they would contribute to unemployment and other social problems. About 9,000 of these displaced people continue to live in substandard conditions in camps in Vavuniya. Many of these people hope to return to their homes in the areas of conflict once the fighting stops.

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1997. An estimated 64,000 Tamil refugees were already estimated to live in camps there. Another 100,000 refugees are believed to have been integrated into Tamil society in southern India. On February 20, a boat carrying ethnic Tamils fleeing the fighting reportedly overturned. Authorities believe that approximately 165 persons were killed.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise in 1997. The Government does not permit the entry of refugees into the country, nor does it aid those who manage to enter to seek permanent residence elsewhere. There were, however, no instances of forcible repatriation.

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

Change Their Government

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. This right was exercised during parliamentary elections in August 1994, when the People's Alliance Party (PA) ended the 17-year rule of the United National Party, and during the Presidential election in November 1994, when PA presidential candidate Chandrika Kumaratunga won 62 percent of the vote. In March local elections for municipal, urban, and village councils were held in those areas of the country under government control. The local elections were marked by significant violence and some charges of electoral fraud. Most of the violence was simple hooliganism and thuggery. There was a considerable number of beatings and threats, as well as acts of thievery, arson, and vandalism. The violence did not seem to be organized, except at the very local level by some groups of party activists. Neither political party took action to discipline party activists who engaged in violence. Nevertheless, election monitors ge-

nerally believed that the outcome of the election—in which the PA won most council seats—was not affected.

Although the Government planned to hold elections for local government bodies on the Jaffna Peninsula during the year, the elections were postponed until January 1998 because of the prevailing security situation.

The Commissioner of Elections recognizes 34 parties; 9 hold seats in the 225-member Parliament. The two most influential parties, the PA and the UNP, generally draw their support from the majority Sinhalese community. Historically, these two parties have alternated in power. There are 27 Tamil and 20 Muslim M.P.'s.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home. Nonetheless, in August 1994, voters elected a parliament that chose a female Prime Minister for the third time in Sri Lanka's history. In November 1994, a woman was elected President for the first time. Eleven women hold seats in the Parliament. In addition to the Prime Minister and the Minister for Women's Affairs, four deputy ministers are women.

The LTTE refuses to allow elections in areas under its control.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

In July 1996, Parliament passed the Human Rights Commission Act which created a permanent human rights commission, the HRC. The five-member body is empowered to monitor government human rights practices, to ensure compliance with constitutional fundamental rights provisions, and to investigate complaints of human rights abuse. The HRC has assumed the Human Rights Task Force's (HRTF) responsibility for investigating human rights complaints. Between June 2 and the end of November, the HRC had received 1,235 complaints, averaging more than 200 complaints a month. It had also conducted more than 600 visits to police stations and 120 visits to detention camps. In addition, when the Sri Lanka Foundation's Center for Elimination of Discrimination (CED) ceased operation in the summer, the HRC accepted 1,900 cases previously on the CED's books for investigation. Some of these cases were duplicates of the 1,235 received directly by the HRC, but it is estimated the HRC now has well over 2,000 cases pending. Recently, as provided by law, the Supreme Court has started referring cases involving the violation of fundamental rights to the HRC for review. Thus far, the HRC has finished preliminary investigative work on 50 to 75 cases. The slow progress is attributable to the demands placed on the HRC in setting itself up, continuing the HRTF work in visiting prisons and detention centers, and opening an office in Jaffna on January 8, 1998.

The legislation also provides safeguards for people detained under the PTA and ER and gives the HRC the power to monitor the welfare of detainees. The Human Rights Commission was constituted in March and began operations in mid-year.

The Cabinet ratified the optional protocol to the International Covenant on Civil and Political Rights in September 1996. Administrative machinery to implement government compliance with the protocol had not been established by year's end.

There are several local human rights groups, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse government regulations governing the activities of local and foreign NGO's.

The Government continued to allow the ICRC unrestricted access to detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. The UNHCR, ICRC, and a variety of international NGO's assisted in the delivery of food, medical and other essential supplies to the northern war zone. Following the capture of the Jaffna Peninsula in April 1996, the army seriously restricted the movement of supplies by international organizations and NGO's to LTTE-controlled

areas. Most of these restrictions were lifted by 1997, although the Government periodically limited the delivery of supplies around the time of military operations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights under the law for all citizens and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The new Human Rights Commission is another mechanism the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts.

Women

Sexual assault, rape, and spousal abuse (often associated with alcohol) represent serious and pervasive forms of societal violence against women. New amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation. Rape laws were modified to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual harassment in the workplace and sexual molestation. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is also required.

Laws against procuring and trafficking were strengthened in 1995, facilitating the prosecution of brothel owners. Police statistics indicated that there were 26,862 crimes against women during the period from January to June, compared with 31,241 crimes during the same period in 1996.

The Constitution provides for equal employment opportunities in the public sector, but women have no legal protection against discrimination in the private sector, where they are sometimes paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national civil and criminal law. However, issues related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. In 1995 the Government raised the minimum age of marriage for women from 12 to 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

During massacres of civilians in the east in October 1995, the LTTE raped a number of the victims. This marked the first time in the ethnic conflict that the LTTE deliberately used rape as a weapon of terror. Such abuses were not reported in 1996 or 1997.

Children

The Government is committed to protecting the welfare and rights of children but is constrained by a lack of resources.

The Government demonstrates a strong commitment to children's rights and welfare through its widespread systems of public education and medical care. Education is compulsory to the age of 12 and free through university. Health care, including immunization programs, is also free.

There is a significant problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups that claim the number is much higher. Many of these prostitutes are boys who sell themselves to foreign tourists, and the Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice.

The Penal Code was amended to strengthen punishments for trafficking of persons. In 1995 the Ministry of Media, Tourism and Aviation created a task force specifically to study the problem of sex tourism and related offenses, but no new legislation has resulted.

In the first half of 1997, the police recorded 1,633 cases of crimes against children, a decrease from 3,687 crimes in the first half of 1996. NGO's attribute the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources are diverted to the war with the LTTE.

Close to 26,000 children are known to be fully employed, compared with approximately 20,600 in 1996. Additional thousands of children are believed to be working in domestic service. There have been reports of rural children working as domestic servants in urban households—often given into service by poverty stricken parents—and being abused by their employers. Some of these children have reportedly been starved, beaten, sexually abused, and forced into prostitution (see Section 6.c.). The Government states that it does not have sufficient resources to protect these children from such exploitation (see Section 6.d.).

People With Disabilities

The law does not mandate accessibility to buildings or government services for people with disabilities. The World Health Organization estimates that 7 percent of the population is disabled. Most disabled people who are unable to work are cared for by their families. The Department of Social Services runs 8 vocational training schools for the physically and mentally disabled and sponsors a program of job training and job placement for graduates. Some private companies, at the urging of the Government, have provided training and jobs to disabled veterans. The Government also provides some financial support to NGO's assisting the disabled, subsidizes prosthetic devices and other medical aids for the disabled, makes some purchases from disabled suppliers and has registered 74 schools and training institutions for the disabled run by NGO's. In December 1996, Parliament passed legislation forbidding discrimination against any person on the grounds of disability.

Indigenous People

The indigenous people of Sri Lanka, known as Veddas, number less than a thousand. They prefer to maintain their isolated traditional way of life and are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. However, some Veddas complain that they are being forced off their traditional land and not allowed to live according to their own culture and traditions. For the first time in 1996, the Government allowed Veddas to participate in the U.N. Working Group on Indigenous People in Geneva, where they were able to state their grievances.

Religious Minorities

Discrimination based on religious differences is much less common than discrimination based on ethnic group or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. However, evangelical Christians have, on occasion, been harassed by Buddhist monks for their attempts to convert Buddhists to Christianity (see Section 2.c).

In the northern part of the island, LTTE insurgents expelled some 46,000 Muslim inhabitants from their homes in 1990--virtually the entire Muslim population. In the past the LTTE has expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempt to return.

National/Racial/Ethnic Minorities

There are approximately 1 million Tamils of comparatively recent Indian origin living in Sri Lanka. About 85,000 of these people do not qualify for either Indian or Sri Lankan citizenship and face discrimination,

especially in the allocation of government funds for education. Without national identity cards, they are very vulnerable to arrest by the security forces. However, the Government has stated that none of these people will be forced to depart the country.

Tamils maintain that they have long been the victims of systematic discrimination in university education, government employment, and in other matters controlled by the Government. However, in recent years, there has been little clear evidence of overt discrimination in university enrollment or government employment, although some groups continue to assert that it exists. In January 1996, the Government established a parliamentary select committee to consider a "devolution" package designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. The devolution proposals were placed before Parliament in September and were still being debated at year's end.

Section 6 Worker Rights

a. The Right of Association

The Government respects the constitutional right of workers to establish labor unions. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views. About 75 percent of the plantation work force which is overwhelmingly Tamil is unionized. Approximately 34 to 40 percent of the nonagricultural work force in the private sector is also unionized. Most workers in large private firms are represented by unions, but those in small-scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates.

Most large unions are affiliated with political parties and play a prominent role in the political process. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 1996, the most recent year for which data are available, the Department of Labor registered 101 new unions and canceled the registration of 34 others, bringing the total number of functioning trade unions to 1,512. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law, workers may also lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. Before September 1994, the Government controlled strikes by declaring some industries to be essential under the ER. Subsequently, this practice largely ceased. However, the President retains the power to designate any industry as an essential service. The International Labor Organization (ILO) has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants may collectively submit labor grievances to the Public Service Commission but have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in recent years. There were 82 strikes from January to June.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for insubordination. Incompetence or low productivity are not grounds for dismissal.

Unions are free to affiliate with international bodies and many of them have done so.

b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining, and it is widely practiced. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the Export Processing Zones (EPZ's), work councils—composed of employees, employers, and often a public sector representative—are generally the forums for labor/management negotiation. The councils, however, are not mandatory outside the EPZ's and do not have the power to negotiate binding contracts.

The law currently does not require management to recognize or bargain with unions, and, in some cases, employers have declined to recognize the unions in their factories. However, the law prohibits antiunion discrimination. Employers found guilty of such discrimination are required to reinstate workers fired for union activities but have the right to transfer them to different locations.

There are 96,400 workers employed in the EPZ's. Under the law, workers in the EPZ's have the same rights to join unions as other workers. However, no unions have been formed, largely because of severe restrictions on access by union organizers to the zones. Some labor representatives allege that the Government's Board of Investment (BOI), which manages the EPZ's, has discouraged union activity. Work councils in the EPZ's are chaired by the BOI and consist of equal delegations from labor and management, but councils only have the power to make recommendations. While employers in the EPZ's offer higher wages and better working conditions generally than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment.

In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ's, where wages and work conditions are set by the BOI.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by provisions of the Abolition of Slavery Act of 1844. The act does not specifically prohibit forced or bonded labor by children, but government officials interpret it as applying to persons of all ages. Forced or bonded labor by children is almost nonexistent. However, according to some reports, a few rural children are employed in debt bondage as domestic servants in urban households (see Section 5). There are credible reports that some members of the police Special Task Force (STF) operating in the Batticaloa area force local villagers to work without compensation in clearing jungle and in other manual labor in and near STF camps. In some cases, the villagers are directly or indirectly threatened with physical abuse if they do not perform the work.

The LTTE continues to conscript high-school age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. Children as young as 10 are said to be recruited and placed for 2 to 4 years in special schools that provide them with a mixture of LTTE ideology and formal education.

d. Status of Child Labor Practices and Minimum Age for

Employment

The minimum age for employment is 15. The law also permits the employment of younger children by their parents or guardians in limited agricultural work. In addition it permits employment in any school or institution for training purposes. Gaps in existing legislation regarding child labor make it difficult to establish with certainty what types of employment are restricted for children, which age groups are affected and what the minimum age for child labor is for particular jobs. The law does not specifically prohibit forced or bonded labor by children; a few rural children reportedly serve in debt bondage (see Section 6.c.).

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. Children are not employed in the EPZ's, the plantations, the garment industry, or any other export industry. About 85 percent of children below the age of 16 attend school. The law permits the employment of such persons for not more than 1 hour on any day before school. A 1995 labor survey of the plantations, howe-

ver, indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Despite legislation some child labor still exists. A 1996 Census and Statistics Department survey found 19,123 children between the ages of 10 and 14 were fully employed. This included 15,495 males and 3,628 females. Additional thousands of children (estimates range from 50,000 to 100,000) are believed to be employed in domestic service, although this situation is not regulated or documented. A significant portion of employed children work outside their families. In addition to domestic service, regular employment of children occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children are also involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5). There are an estimated 250 to 300 prosecutions each year in cases related to the employment of minors. Under legislation dating from 1956, the maximum penalty for employing minors is about \$18, with a maximum jail term of 6 months.

e. Acceptable Conditions of Work

The Department of Labor effectively enforces the minimum wage law. While there is no universal national minimum wage, about 40 wage boards set minimum wages and working conditions by sector and industry. According to the Statistics Department of the Labor Ministry, current minimum wage rates average \$34 (2,000 rupees) per month in industry, commerce, and the service sector; and \$1.27 (75 rupees) per day in agriculture. The minimum wage in the garment industry is \$34 (2,000 rupees) per month. These minimum wages are insufficient to support a worker and the standard family of five, but the vast majority of families have more than one breadwinner.

Most permanent full-time workers are covered by laws that prohibit them from working regularly more than 45 hours per week (a 5 ½ day workweek). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and some 20 local holidays each year. Maternity leave is available for permanent and casual female workers. Employers must contribute 12 percent of a worker's wage to an employee's provident fund and 3 percent to an employee's trust fund. Employers who fail to comply may be fined, although the effectiveness of government enforcement of this provision is unknown.

Several laws protect the safety and health of industrial workers. The Department of Labor's small staff of inspectors, however, is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they will lose their jobs if they remove themselves.

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