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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Sri Lanka

The human rights situation in Sri Lanka was of serious concern in 2013. Although progress continued on post-conflict issues, such as re-building of infrastructure, and elections took place for the first time in the north of the country, the overall trend was negative in many respects. Attacks against journalists continued, and Sri Lanka fell in independent indices on press freedom and women's rights. The impeachment of the Chief Justice exacerbated concerns about a culture of impunity, and the extent to which the independence of some institutions had been eroded. The UN High Commissioner for Human Rights, Navi Pillay, visited Sri Lanka in August and, while recognizing much progress, noted continued human rights violations and signs that the government was heading in an "increasingly authoritarian direction".

In November 2013, Sri Lanka hosted the Commonwealth Heads of Government Meeting (CHOGM), which was attended by the Prime Minister, the Foreign Secretary, and Minister for Sri Lanka, Hugo Swire. During his visit, the Prime Minister said that the UK would use its position in the UN Human Rights Council (UNHRC) to support the call by Navi Pillay to establish an independent international investigation into allegations of violations and abuses of international humanitarian and human rights law during the military conflict, if Sri Lanka failed to set up a credible, transparent and independent domestic process by March 2014. The Prime Minister became the first foreign head of government to visit the Northern Province since Sri Lanka's independence in 1948. He was accompanied to Jaffna by media organisations such as BBC, ITV, Sky and Channel 4, which contributed to increased scrutiny during CHOGM on human rights and the lack of progress made on accountability in Sri Lanka. The Foreign Secretary and Mr Swire met a wide range of Sri Lankan civil society actors and human rights defenders (HRDs).

The UK sees accountability for alleged war crimes, respect for human rights, and a political settlement as essential elements of post-conflict reconciliation. Sri Lanka will be considered by the UNHRC in March 2014, where we will urge council members to support our call for an international investigation, if Sri Lanka does not establish a credible domestic process. The UK will continue to urge the government of Sri Lanka to address serious human rights issues, and work with government and civil society to improve freedom of expression, women's rights, electoral processes, and the rule of law. We have emphasised to the Sri Lankan government that the HRDs, journalists and members of the public, whom ministers met during CHOGM, should not face any reprisals, and will continue to monitor this situation closely.

Elections

Elections were held on 21 September to elect 148 members to three of the nine Provincial Councils. This was the first Provincial Council election held in the north since the 1987 establishment of Provincial Councils. Opposition Tamil National Alliance (TNA) won over 80% of the vote in the north, while the ruling United People's Freedom Alliance retained control of the Central and NorthWestern Provincial Councils.

Although there were incidents of violence and violations of electoral law in the run-up to the election, including intimidation, harassment, and abuse of state resources, polling day itself was generally peaceful. Local election observers noted that elections were "relatively free from violence, though not from intimidation". Commonwealth Election Observers expressed concern over reports of military involvement in the intimidation of the electorate in the north. The UK welcomed the holding of elections and helped to fund election monitoring.

The Prime Minister met the northern Chief Minister in Jaffna during his CHOGM visit. He welcomed the Sri Lankan government's decision to hold elections in the north and urged the government to agree to a meaningful political settlement with minority Tamils.

Freedom of expression and assembly

Freedom of expression and assembly continue to be restricted, and self-censorship is common. There were a number of incidents of concern. A senior Colombo-based journalist left the country in September following death threats and an attack on her home. In February, a BBC crew reporting on a Buddhist extremist rally was threatened by a mob. On 26 March, the BBC World Service suspended retransmission of its Tamil language broadcasts by the Sri Lankan Broadcasting Corporation, citing "targeted interference" in Tamil programming. The service has not since resumed.

The situation for media in the north remained difficult, as the Prime Minister saw when he visited the Jaffna-based Uthayan newspaper. A journalist from the Uthayan was assaulted by an unidentified group on 10 July, while Tamil newspaper delivery staff were attacked on three separate occasions in early 2013. Uthayan suffered an arson attack on the eve of the Sinhala and Tamil New Year. Many northern journalists reported harassment. The Sri Lankan authorities have so far failed to prosecute successfully those responsible for the attacks.

There was a failed attempt to abduct the editor of an anti-government newspaper on 30 May, and an anti-government Muslim politician was detained for a short period over press comments he made in India.

Activists, including the Committee to Protect Journalists and Human Rights Watch, raised concerns over plans to introduce a code of media ethics, which would have restricted freedom to report, including on issues affecting the "reputation" of Sri Lanka. The Media Minister said that the code – which has not been formally introduced – would not become law, but ramifications of non-compliance remained unclear. The UK raised concerns over attacks on media institutions and threats to freedom of expression with Sri Lankan authorities, as well as during the adoption of Sri Lanka's Universal Periodic Review (UPR).

There were also a number of incidents on freedom of assembly. On 5 March, police prevented hundreds of family members of disappeared persons from travelling to Colombo to hand over a petition to the UN. In April, a peaceful vigil against religiously-motivated hate campaigns was dispersed by the police, and several activists were temporarily detained. In August, three civilians were killed as a result of military crackdown on a protest in a suburb. The UK raised serious concern at these killings, and called for an investigation. On 13 November, family members of the disappeared were again prevented by security forces from travelling to Colombo to attend a human rights festival. The festival was attacked on 14 November, allegedly by pro-government protestors. The police obtained a court order preventing protests and processions in Colombo on 15 and 16 November, resulting in the cancellation of a candlelight vigil by HRDs. Part of the British Channel 4 team in Sri Lanka during CHOGM decided to cut short their visit, citing extensive intimidation and surveillance.

On 10 December, a Human Rights Day demonstration by families of the disappeared in the eastern town of Trincomalee was attacked by unidentified masked men.

Human rights defenders

The operating environment for HRDs in Sri Lanka remained difficult. Prominent HRDs continued to face public criticism from members of the government and to be portrayed as "traitors", by state-run media. Activists were intimidated including receiving death threats when carrying out their work. Two civil society actors were harassed for their work around CHOGM and during Navi Pillay's visit. One remains in hiding after receiving death threats.

The Foreign Secretary and Mr Swire met a wide range of Sri Lankan civil society actors and HRDs, including media activists, families of the disappeared, those working on torture prevention, and women's rights activists.

There was no progress in investigations into past incidents which include: the 2008 grenade attack on the residence of the former Executive Director of Transparency International; the 2009 killing of journalist Lasantha Wickrematunga; the disappearance of HRDs Shantha Kumar and Stephen Sunthararaj; the 2010 disappearance of cartoonist Prageeth Ekenelgoda; and the 2011 disappearance of campaigners Lalith Kumar Weeraraj and Kugan Murugan in Jaffna.

NGOs expressed concern about increasing restrictions on their operations in the country. Amnesty International accused Sri Lanka of intensifying its crackdown on dissent. In September, Navi Pillay noted that she had “heard complaints about the continuing high levels of harassment and intimidation metered out to HRDs, lawyers and journalists” in Sri Lanka.

Access to justice and the rule of law

In January, the Sri Lankan President agreed the dismissal of Chief Justice Shirani Bandaranayake. The Sri Lankan Supreme Court ruled that the impeachment was unconstitutional, and international actors including the International Commission of Jurists, the UN, and the International Bar Association raised concerns about the process. In February, the International Crisis Group expressed concerns that the attacks on the judiciary and political dissent had “accelerated Sri Lanka’s authoritarian turn”. Navi Pillay echoed concerns that Sri Lanka was becoming “increasingly authoritarian”, and noting “disquiet ...about the degree to which the rule of law and democratic institutions was being undermined and eroded”. The International Bar Association’s Human Rights Institute planned to visit Sri Lanka to investigate the impeachment, but was denied visas. The Minister for Sri Lanka at that time, Alistair Burt, said that “such actions do not inspire confidence in the claims that the process would stand up to further scrutiny”.

The Sri Lankan Permanent Representative told the UNHRC in May that a centralised, comprehensive database of detainees had been established by the Terrorism Investigation Division, and that investigations on 1,628 cases were completed. Families of detainees maintained that the database was not freely accessible.

In August, the Sri Lankan government announced the transfer of police oversight from the Ministry of Defence to a new Ministry of Law and Order - a step which had been recommended by the Lessons Learnt and Reconciliation Commission (LLRC) report. Both ministries fall under the jurisdiction of the President.

In August, the Sri Lankan government also appointed a Commission of Inquiry on Disappearances, to investigate disappearances in the north and east from 1990-2009. Navi Pillay noted that “any new effort to resolve these cases is welcome, but unfortunately...the many ‘white van’ disappearances reported...in other areas will not fall within its scope”. During CHOGM, Mr Swire met with some families of the disappeared to hear their concerns. EU Heads of Missions in Colombo encouraged the government to extend further invitations to facilitate outstanding visit requests by other UN special mandate holders, including the Working Group on Enforced or Involuntary Disappearances.

Some progress was made with investigations into the 2006 murder of five students in Trincomalee when the case was re-opened, and twelve police Special Task Force personnel arrested. However, all twelve personnel were released on bail in October. The case of murdered British citizen Khuram Shaikh was raised by the Prime Minister during his visit, but did not come to trial in the year.

Death penalty

Sri Lanka has maintained a de facto moratorium on the death penalty since 1976. The Sri Lankan government appointed a committee to look into the possibility of commuting to life sentences the death sentences of 424 inmates.

Torture

Allegations of torture in police custody persist and, despite inclusion in the 2011 National Action Plan, no legislation has been introduced to address this.

During 2013, civil society expressed concern about deaths which occurred in police custody. Civil society organisation, The Friday Forum, noted that there had been no disciplinary actions initiated against police officers in cases where suspects – particularly in the cases where police had been murdered - had died under mysterious circumstances.

In December, the National Human Rights Commission announced that it was postponing the planned inquiry into torture that was to be set up with assistance from the Commonwealth Secretariat.

Conflict and protection of civilians

The Sri Lankan government continued to work on post-conflict reconstruction, returns of internally displaced persons (IDPs) and de-mining, but significant challenges remained. There was continued international focus on accountability for war crimes alleged to have been committed by both the Sri Lankan government and the Tamil Tigers. The Prime Minister said that the UK would use its position in the UNHRC to support the call by Navi Pillay to establish an independent international investigation, if Sri Lanka failed to begin properly a credible, transparent and independent domestic process by March 2014.

Navi Pillay acknowledged progress on resettlement of IDPs and physical reconstruction, and she noted that physical reconstruction alone would not bring reconciliation, dignity or lasting peace. She expressed concern about a number of areas, including accountability, militarisation and women's security.

The UN Special Rapporteur on Human Rights of IDPs visited Sri Lanka in October. He noted the country's "impressive strides in rebuilding infrastructure". He also noted the importance of creating an environment to allow resettled and remaining IDPs to exercise property rights, to receive information on missing family members and access legal services. A military court of inquiry appointed to investigate allegations against the military over their conduct during the war reported in January. The summary said that the army took every precaution to avoid civilian casualties, but recommended that military operations be re-evaluated to minimise or eliminate collateral damage in future. The final report was not made public. Sri Lanka assured the EU Parliament in May that it was investigating the substance of Channel 4 video footage alleging war crimes, despite having reservations about authenticity. There has, however, been no substantial investigation.

In addition to the government appointment of a Commission of Inquiry on Disappearances, the government also undertook a census to "estimate casualty figures and damage to property".

Land remained a controversial issue in the former conflict zone. The government said that large areas of land held by the security forces were removed from high security zones and returned to civilian activity. The opposition TNA, however, alleged that there were also "clandestine, arbitrary" take-overs of land, purportedly for development activities by the military.

Freedom of religion or belief

Attacks against Muslims and Christians continued. From January to July, a local NGO documented 227 incidents against Muslims and 60 against Christians. Attacks included reports of violence, vandalism, harassment, hate speech, and seizure of property. Statements by nationalist Buddhist groups fuelled concern, with the Bodu Bala Sena, for example, saying in February that the Sri Lankan government "must remain Sinhala Buddhist. This is a Sinhala country, Sinhala government. Democratic and pluralistic values are killing the Sinhala race". An attack on Colombo's Grandpass mosque on 11 August resulted in a two-night police curfew. The UK urged the Sri Lankan government to take action to promote the peaceful co-existence of religions, and to investigate attacks and prosecute those responsible. The EU heads of mission in Colombo released a statement expressing their concern at the attack, and urging the authorities to prosecute those responsible. Concerns persist about lack of investigation into attacks.

In her September update to the UNHRC, Navi Pillay noted regret that Sri Lankan "government interlocutors downplayed this issue or even put the blame on minority communities themselves", and noted reports of "state patronage or protection given to extremist groups".

Women's rights

In 2013, Sri Lanka fell to 55 in the World Economic Forum Global Gender Gap Index, from its 2012 ranking of 39. Female participation in government remained low, with only 13 female parliamentarians (5% of the total). Reports of gender-based violence, including rape, continued to be of serious concern. A police perception survey suggested the general public is increasingly concerned about this issue.

Women's rights in the north and east of the country also remained a concern. Issues facing the over 89,000 war widows remain, including reports of sexual violence and rape by military forces based around those areas. In conversations with the Sri Lankan government we raised concerns about these reports.

Our High Commission in Colombo issued statements on International Women's Day and the International Day for the Elimination of Violence against Women. The UK funded a local organisation working with victims of domestic violence and raising awareness in the public and government.

During his visit for CHOGM, the Foreign Secretary delivered a speech on his Preventing Sexual Violence Initiative. He called on the government of Sri Lanka to carry out credible and independent investigations into allegations of sexual violence, provide greater support to victims, and pass strong witness protection legislation.

He also noted that the UK would like to see Sri Lanka join the international campaign to end sexual violence globally.

Minority rights

The government has not made proposals for a political settlement with the minority Tamil community, despite LLRC recommendations to this effect. Discussions between the TNA and Sri Lankan government on minority concerns remained stalled. A Parliamentary Select Committee formed to suggest possible changes to the 13th Amendment that created provincial councils has no opposition representation. The UK urged the government to work with the TNA to maintain good-faith negotiations that would enable a meaningful political solution to minorities.

The TNA and civil society have expressed concerns about "Sinhala colonisation," of predominantly Tamil and Muslim areas in the north and east. Allegations include the change of place names from Tamil to Sinhala, construction of Buddhist Temples, and discrimination in favour of southern constructors, contractors and businesses.

The Sri Lankan police announced that they hoped to have Sinhala and Tamil language-speaking officers in police stations around the country within five years. The UK supported a project to promote community policing and provide Tamil language training for the Sri Lankan police.

Children's rights

Sri Lanka is a party to the Convention on the Rights of the Child, and has made significant progress towards achieving Millennium Development Goals related to child mortality, maternal health and HIV/AIDS.

Sexual abuse including incest and exploitation remained a problem. NGOs observed an increase in child sexual abuse during 2013, and underage marriage continued in some communities. There were regular reports of sexual abuse against children by teachers, principals, and religious teachers, as well as a growing number of child rape cases involving politicians. The UN Children's Fund (UNICEF) said that mechanisms to ensure justice for children, and prevention of sexual abuse and violence against children needed to be strengthened.

LGBT rights

Homosexuality remains illegal under the Sri Lankan law. The British High Commission in Colombo marked International Day Against Homophobia in May with a presentation of a cheque to Equal Ground, a non-profit organisation seeking rights for the LGBT community. The High Commission also supported LGBT rights activities by raising concerns over harassment.

This publication is part of the [2013 Human Rights and Democracy Report](#).