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Sri Lanka continued to pursue its 2015 commitments to deliver justice, truth, reparation and guarantees of non-recurrence for alleged crimes under international law, but progress slowed and there was evidence of backsliding. Parliament passed an amended Office on Missing Persons Act, intended to assist families of the disappeared seeking missing relatives. The Prevention of Terrorism Act (PTA) was not repealed; it was still used to arrest and detain suspects. Torture and other ill-treatment in police custody continued. Threats against religious and ethnic minorities and human rights defenders were reported.

Background

Enforced disappearances, extrajudicial executions, torture and other serious human rights violations and abuses were committed with impunity before, during and in the aftermath of the armed conflict between government forces and the Liberation Tigers of Tamil Eelam (LTTE) that ended in 2009. Commitments made by Sri Lanka in 2015 – through its co-sponsorship of UN Human Rights Council resolution 30/1 – to establish truth, justice and reparation mechanisms and reforms aimed at non-recurrence of these crimes, had not been implemented by the end of the year. Sri Lanka's constitutional reform process, initiated in 2016, also faltered as lawmakers differed over issues such as the fate of the executive presidency, the place of Buddhism in the

new Constitution, and whether economic, social and cultural rights would be included in the Bill of Rights.

Arbitrary arrests and detentions

The authorities continued to detain Tamils suspected of links to the LTTE under the PTA, which permitted extended administrative detention and shifted the burden of proof to a detainee alleging torture or other ill-treatment. During his visit to Sri Lanka in July, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stated that over 100 unconvicted prisoners (pre- and post-indictment) remained in detention under the PTA, some of whom had been held for over a decade. Sri Lanka failed to follow through on its 2015 commitment to repeal the PTA and replace it with legislation that complied with international standards.

Torture and other ill-treatment

Reports of torture and other ill-treatment in detention continued. In March, Sri Lanka's human rights record was examined under the UPR process; the Human Rights Commission of Sri Lanka said that it had continued to document widespread incidents of violence against detainees, including torture and other ill-treatment, which it described as "routine" and practised throughout the country, mainly by police. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism found that 80% of those arrested under the PTA in late 2016 had complained of torture and other ill-treatment.

Excessive use of force

Impunity persisted for excessive use of force against protesters. Killings by the army of unarmed demonstrators demanding clean water in August 2013 had yet to be prosecuted. In August, a Criminal Investigation Department investigator told the Gampaha Chief Magistrate that all evidence related to the shootings had been "destroyed" by previous investigators.

Enforced disappearances

By the end of the year Sri Lanka had not passed legislation criminalizing enforced disappearance in domestic law, despite ratifying the International Convention against Enforced Disappearance in 2016. A parliamentary debate on a bill criminalizing enforced disappearance scheduled for July was postponed without explanation.

The amended Office on Missing Persons Act was passed by Parliament in June; the amendments limited the Office's power to seek outside assistance. It was signed by the President

on 20 July but had not come into operation by the end of the year. The Office was proposed to help many thousands of families of the disappeared trace missing relatives.

In June, President Sirisena promised families of the disappeared that he would order the release of lists of those who surrendered to, or were detained by, the armed forces during and after the armed conflict that ended in 2009. The lists were not made public by the end of the year.

Impunity

Impunity persisted for alleged crimes under international law committed during the armed conflict. Impunity also remained for many other human rights violations. These included the January 2006 extrajudicial executions of five students in Trincomalee by security personnel and the killing of 17 aid workers with NGO Action Against Hunger in Muttur in August 2006; the December 2011 disappearances of political activists Lalith Weeraraj and Kugan Muruganandan; the 2010 disappearance of dissident cartoonist Prageeth Eknaligoda; and the 2009 killing of newspaper editor Lasantha Wickrematunge.

Human rights defenders

In June, the then Minister of Justice threatened to have human rights lawyer Lakshan Dias disbarred if he did not apologize for speaking publicly about reported attacks against Christians.

Tamil human rights defenders and activist community members, including relatives of the disappeared, continued to report surveillance and harassment by law enforcement officials. Women human rights defenders in the north and east reported that interactions with police were often degrading and sexualized.

Freedoms of expression, assembly and association

Attempts by families to arrange stones as memorials for lost relatives were stopped by security forces. Catholic priest Eliil Rajendram was detained and other residents of Mullaitivu were subjected to police harassment following their efforts to hold memorials for family members who died during the armed conflict.

Legal, constitutional or institutional developments

An expected parliamentary debate on the proposed draft Constitution aimed at ensuring checks on executive power and more equitable ethnic power sharing had not taken place by the end of the year.

Despite repeated promises, Sri Lanka failed to repeal the PTA and to pass legislation criminalizing enforced disappearances.

In December, Sri Lanka ratified the Optional Protocol to the Convention Against Torture (OPCAT).

Discrimination

Law enforcement officials continued to subject members of the Tamil minority, particularly former members of the LTTE, to ethnic profiling, surveillance and harassment.

Police failed to take action in response to continued threats and physical violence against Christians and Muslims by members of the public and supporters of a hardline Sinhala Buddhist political group.

In March, the UN CEDAW Committee asked Sri Lanka to amend all personal laws to remove discriminatory provisions. The Committee expressed particular concern about the Muslim Marriage and Divorce Act of 1951, which failed to specify a minimum age for marriages and permitted girls aged under 12 to marry with the permission of a religious adjudicator (Qazi). The Act also restricted women from serving on Qazi Boards, and did not recognize marital rape unless the couple was legally separated; this included statutory rape of a girl under 16 by an adult spouse.

Violence against women and girls

Impunity persisted for various forms of violence against women and girls, including child marriage, domestic violence, human trafficking, rapes by military or law enforcement officers or assaults by private actors. In a rare exception, the trial began on 28 June in Jaffna's High Court of nine men accused of involvement in the May 2015 gang rape and murder of Sivaloganathan Vidya, an 18-year-old school student, in Punkuduthivu. The trial was still ongoing at the end of the year. The nature of the crime and police mishandling of the case sparked widespread protests in 2015. In July 2017 a serving Senior Deputy Inspector General of Police was arrested for allegedly assisting one of the suspects to evade arrest.

Death penalty

Death sentences were imposed for murder, rape and drug trafficking. No executions have been carried out since 1976. On 4 February, Sri Lankan Independence Day, President Sirisena commuted the sentences of 60 death row prisoners to life imprisonment.

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