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Sri Lanka

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I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended that Sri Lanka ratify and implement the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.²

3. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, recommended that Sri Lanka ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.³

4. The Committee on the Rights of the Child recommended that Sri Lanka consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.⁴

5. The United Nations High Commissioner for Human Rights recommended that Sri Lanka accede to the additional protocols to the Geneva Conventions and to the Rome Statute of the International Criminal Court.⁵

6. The United Nations country team expressed concern that Sri Lanka had not ratified the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183) and the 1951 Convention relating to the Status of Refugees.⁶ The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, recommended that Sri Lanka ratify the remaining ILO conventions, including the Migration for Employment Convention (Revised), 1949 (No. 97), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).⁷



7. Sri Lanka contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2017, 2019 and 2020.⁸

III. National human rights framework

1. Constitutional and legislative framework

8. Some special procedure mandate holders expressed their concern regarding the twentieth amendment to the Constitution of Sri Lanka approved in 2019, which removed important institutional checks and balances and threatened the integrity of the State's institutions and the judiciary, eroding safeguards that are essential for democracy and the rule of law.⁹

9. The High Commissioner for Human Rights stressed that the process now under way to draft a new constitution would be of fundamental importance for the protection of human rights in Sri Lanka, the independence of key institutions and the devolution of political authority. She urged the Government to take into account the observations and recommendations made over the years by various United Nations human rights mechanisms with respect to human rights in the constitution, and to make the draft available for public consultation and debate before being presented to the parliament.¹⁰

10. Some special procedure mandate holders expressed concern that following months of mass protests, a state of emergency was declared on 17 July 2022. The parliament ratified an ordinance on 27 July 2022 imposing a curfew and granting broad and discretionary powers to security forces and the military, allowing them to detain protesters and search private properties without judicial supervision.¹¹

2. Institutional infrastructure and policy measures

11. The High Commissioner for Human Rights expressed concern about the lack of a transparent and independent appointment process; lack of plurality; and the failure to exercise its human rights mandate of the Human Rights Commission of Sri Lanka. She also expressed concern that the independence of the Right to Information Commission could be undermined.¹²

12. The United Nations country team noted that the Human Rights Commission of Sri Lanka had been identified as the national prevention mechanism for the purposes of the Optional Protocol to the Convention against Torture. Following this, in 2022, the National Child Protection Authority established a committee to revitalize an initiative to develop a cabinet paper on the issue of torture.¹³

13. The High Commissioner for Human Rights expressed concern about militarization, while noting that the role of the military in law enforcement, governance and development had been even more prominent in the north and east of Sri Lanka. Although the war had ended in 2009, military presence continued to be significant, in terms of personnel, checkpoints, and the involvement of military in drug law enforcement, agriculture and development activities.¹⁴ In this regard, OHCHR recommended that Sri Lanka take steps to end the influence of the military on civilian spheres and reduce the military presence in the Northern and Eastern provinces; and return all private land held by the military and impartially adjudicate land disputes, including through interfaith dialogue about the erection of religious sites.¹⁵

14. The United Nations country team noted that a national human rights action plan for the period 2017–2021 was adopted in 2017. While the process for drafting the new action plan was in its inception, many objectives in the action plan for 2017–2021 had not been met.¹⁶ The country team also noted that Sri Lanka had developed a national action plan on women, peace and security and that a national policy on gender equality was in development.¹⁷

15. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that the Office of Missing Persons and the Office for Reparations were established in 2018 and 2019, respectively.¹⁸ He also noted that in 2021, a new

commission of inquiry into human rights violations was appointed to assess the work of preceding ones,¹⁹ although he acknowledged that the previous commissions had suffered from weak mandates, problematic membership, lack of resources, procedural opacity, poor collaboration from the Government and lack of publicity of their reports.²⁰

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

16. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, expressed concern about the links between labour exploitation and discrimination based on gender, age, ethnicity, caste, class and other grounds in Sri Lanka, emphasizing the need for more inclusivity in all sectors of society to overcome major issues such as caste-based discrimination.²¹

2. Right to life, liberty and security of person, and freedom from torture

17. The United Nations country team noted that in 2021, the Criminal Procedure Code was amended to require magistrates to visit police stations at least once a month to personally see suspects in police custody in order to check on whether they had been subjected to torture or ill-treatment during and after arrest.²²

18. The Working Group on Arbitrary Detention noted that numerous alarmed allegations had been received concerning the use of torture and other cruel, inhuman or degrading treatment by the police, including the Criminal Investigation Department and the Terrorist Investigation Division, in order to obtain confessions from detainees, either to facilitate the investigation or, in certain instances, to be used as evidence in court.²³

19. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also expressed concern about the routine and systemic use of torture and ill-treatment and the conditions of detention, in particular the inhumane conditions in the high-security wing of the prison in Anuradhapura.²⁴

20. The High Commissioner for Human Rights expressed concern regarding cases of abduction, unlawful detention, torture and sexual violence by Sri Lanka security forces and the repeated incidents of deaths in custody.²⁵

21. The United Nations country team expressed concern that arbitrary detention was aggravated by the use of problematic emergency legislation through which deprivation of liberty became the automatic response to a wide variety of situations. It added that the bail regime was inconsistent and that pretrial detention was lengthy, at up to 10 years. It also noted that pretrial detention was broadly administered, the result being that over half of the Sri Lankan prison population was awaiting trial.²⁶ The Working Group on Arbitrary Detention also expressed deep concern about pretrial detention conditions.²⁷

22. The Working Group on Arbitrary Detention expressed serious concern that current powers to deprive individuals of their liberty extended across a wide range of facilities, including police stations, prisons, open work camps, centres for juveniles and older persons, mental health institutions and rehabilitation camps for former combatants, as well as those for drug addicts and people in vulnerable situations.²⁸

23. The Working Group on Enforced or Involuntary Disappearances expressed concern about allegations of new cases of enforced disappearance of short duration in order to extract bribes.²⁹ It regretted that a comprehensive policy on the search for all those who disappeared had yet to be adopted, and encouraged the development of an amendment to the Enforced Disappearances Act, to include provisions on the protection of relatives and witnesses; a general right to compensation; and a prohibition on applying amnesties, immunities to enforced disappearance.³⁰

3. International humanitarian law

24. The High Commissioner for Human Rights noted that successive Governments had long failed to ensure accountability for gross human rights violations and abuses and serious violations of international humanitarian law in Sri Lanka, especially where alleged perpetrators were State agents.³¹ In this regard, she recommended that Sri Lanka cooperate in investigating and prosecuting perpetrators of international crimes committed by all parties in Sri Lanka through judicial proceedings in national jurisdictions, including under accepted principles of extraterritorial or universal jurisdiction, through relevant international networks and in cooperation with victims and their representatives; and explore further targeted sanctions such as asset freezes and travel bans against those credibly alleged to have perpetrated gross international human rights violations or serious humanitarian law violations.³²

4. Human rights and counter-terrorism

25. Some special procedure mandate holders reiterated their concerns about the grave risk posed by the Prevention of Terrorism Act, which for over 40 years had been used to enable prolonged arbitrary detention, extract false confessions through torture, and target minority communities and political dissidents in Sri Lanka. They called for an immediate moratorium on the use of the Act until the necessary amendments could be made. They also urged Sri Lanka to adopt counter-terrorism legislation that was fully compliant with international human rights standards.³³

26. The High Commissioner for Human Rights noted that in a long-awaited legal reform, the parliament passed the Prevention of Terrorism Act Amendment Bill on 22 March 2022. While the amendments improved some safeguards, they left intact some of the most problematic provisions of the Act. The Government informed OHCHR that it planned to table a new counter-terrorism act to replace the Prevention of Terrorism Act.³⁴ In June 2022, the Government announced that it had been applying a de facto moratorium on the use of the Act since March; however, in an alarming development, three student leaders were detained under the Act on 18 August 2022.³⁵

5. Administration of justice, including impunity, and the rule of law

27. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence expressed concern that the ability of the judiciary to function with independence and integrity remained weak and compromised owing to political interference.³⁶ In this regard, he strongly encouraged the Government to consider restructuring the Office of the Attorney General, which acted both as public prosecutor and as attorney for the State.³⁷

28. The Working Group on Arbitrary Detention expressed great concern about the excessive length of trials in Sri Lanka, which sometimes lasted for years or even decades, due to factors including the lack of investigative capacity of the police; insufficient resources in the Office of the Attorney General and the courts, both in infrastructure and personnel; poor case management policies that did not prioritize consecutive court hearings; and legal practices allowing for repeated postponement of hearings.³⁸

29. The High Commissioner for Human Rights expressed grave concern about the continuing precarious situation of the families of the disappeared, whose rights to truth, justice, reparation and guarantees of non-recurrence were hampered, as they continued to struggle with the desperate economic and social consequences this had had on their lives.³⁹

30. The High Commissioner for Human Rights noted that impunity remained a central obstacle to the rule of law, reconciliation and sustainable peace and development in Sri Lanka, and that it remained the core risk factor for recurrence of further violations. She noted that 13 years since the end of the war, victims of past human rights violations continued to await truth and justice. She also noted that successive Governments of Sri Lanka had consistently failed to pursue an effective transitional justice process to hold perpetrators of gross human rights violations and abuses accountable and to uphold victims' rights to truth, justice and reparations.⁴⁰

31. The Working Group on Enforced or Involuntary Disappearances regretted that neither a judicial accountability mechanism nor a truth-seeking mechanism had been created. In particular, it noted that the armed forces continued to interfere in the justice system and that individuals suspected of having been involved in the commission of enforced disappearances and related offences were being permitted to remain in positions of power, including within the armed forces and the police.⁴¹

32. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence deeply regretted the insufficient implementation of the previous recommendations, which led to the failure of the State to implement a transitional justice policy and to regression in the areas of accountability, memorialization and guarantees of non-recurrence and truth-seeking.⁴² He also noted a serious lack of reparations and rehabilitation measures, as it remained unclear whether the Office on Missing Persons' protection strategy and dedicated unit for victim and witness protection had become operational or not,⁴³ and as the current available mechanisms had proven to be sources of retraumatization and denial.⁴⁴ He further expressed concern that the harassment, threats, surveillance and obstruction of activities of victims and their families, as well as reprisals against judiciary members, had reportedly increased both in frequency and intensity in 2020.⁴⁵

6. Fundamental freedoms and the right to participate in public and political life

33. The Special Rapporteur on freedom of religion or belief noted the establishment of the Select Committee of Parliament on 4 September 2018 to study and report on "communal and religious harmony" in Sri Lanka. He also noted that in 2017, the Office for National Unity and Reconciliation published the Cabinet-approved National Policy on Reconciliation and Coexistence in Sri Lanka, which provided stakeholders working on reconciliation and coexistence with a guiding framework to achieve coherence in peace and national unity initiatives.⁴⁶

34. The Special Rapporteur on freedom of religion or belief expressed concern that the ethnic conflict remained apparent in the political, social and economic life of the country and had an impact on the enjoyment of human rights, including the right to freedom of religion or belief, a situation that was further exacerbated with the terrorist attacks that targeted several churches and public places on Easter Sunday in 2019 (known as the "Easter bombings").⁴⁷ Moreover, he stressed that there was a general perception by the victims that perpetrators of hate speech were free to continue their campaigns and cause harm without any legal repercussions.⁴⁸

35. The United Nations Educational, Scientific and Cultural Organization was alarmed by the reporting of several incidents of threats, intimidation, or physical assault of journalists and activists, some of which had left the country as a result. It also regretted that the Government had not responded to its requests concerning nine cases involving the killing of journalists recorded between 2006 and 2021 that remained judicially unresolved.⁴⁹

36. The Special Rapporteur on freedom of peaceful assembly and of association expressed concern about reports of protests that had been met with disproportionate responses involving baton charges, water cannons and tear gas, reports of physical or verbal violence at the hands of individuals without intervention by authorities and cases of intimidation and killings of protesters by army or police forces.⁵⁰

37. Some special procedure mandate holders condemned the extensive, prolonged and repeated use of state of emergency measures since 2 April 2022 by Sri Lankan authorities to crackdown on peaceful protesters and prevent them from voicing their grievances amidst an economic collapse in the country. They raised their concerns with the Government on the use of extensive powers by security forces, who violently repressed the protest movement, including through the use of live ammunition, tear gas and water cannons.⁵¹ OHCHR recommended that Sri Lanka review the necessity and proportionality of emergency regulations and ensure that the proposed regulation of social media protects freedom of peaceful assembly, association and expression.⁵²

38. The High Commissioner for Human Rights also expressed concern about the continuous pattern of surveillance and harassment of civil society organizations, human

rights defenders and victims, particularly for those in the country's north and east. As a range of restrictions had affected their operating space, civil society organizations and activists were regularly visited in their offices or homes or called by the police for "inquiries" and questioned about the bank details of staff and donors, their foreign contacts and travel history, or the passwords of their social media accounts.⁵³ She added that while new regulations on civil society organizations were being drafted, it was widely feared that restrictions on fundamental freedoms would be tightened further.⁵⁴ The Special Rapporteur on freedom of peaceful assembly and of association expressed similar concerns.⁵⁵

39. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted with concern the deepening and accelerating militarization of civilian government functions. He noted that, on 29 December 2019, the Government had brought 31 public entities under the oversight of the Ministry of Defence, including the police, the Secretariat for Non-Governmental Organizations, the National Media Centre and the Telecommunications Regulatory Commission. It had also appointed 25 senior army officers as chief coordinating officers for maintaining coronavirus disease (COVID-19) protocols in all districts.⁵⁶

7. Prohibition of all forms of slavery, including trafficking in persons

40. The Special Rapporteur on slavery noted the decision taken by the Sri Lanka Police in 2021 to establish a dedicated Human Trafficking, Smuggling Investigation and Maritime Crime Investigation Division, under the Criminal Investigation Department.⁵⁷

41. Although the Special Rapporteur on slavery acknowledged various steps that Sri Lanka had taken to prevent and address contemporary forms of slavery, he expressed concern that those practices persisted in the country, in particular affecting those in vulnerable situations, including children; women; ethnic, linguistic and religious minorities; and older persons.⁵⁸ He also noted that labour inspections were ineffective and infrequent in practice, leaving many workers vulnerable to exploitation and abuse.⁵⁹

8. Right to work and to just and favourable conditions of work

42. In 2021, the World Bank reported that in Sri Lanka, over 500,000 people were expected to have fallen below the poverty line since the beginning of the COVID-19 pandemic, with widespread loss of jobs and work hours mainly affecting informal sector workers and micro-, small and medium-sized enterprises.⁶⁰

43. The United Nations country team expressed concern about the absence of protection against discrimination at the workplace, compounded with a lack of social security, minimum wage stipulations, regulation of working hours and conditions of work for domestic workers, among other informal workers.⁶¹

44. The Special Rapporteur on freedom of peaceful assembly and of association expressed concern that although trade unions were allowed, union busting, reprisals for union membership, intimidation, substandard working conditions and sexual harassment were still allegedly commonplace.⁶² The United Nations country team also reported allegations made by trade unions indicating that the Department of Labour had not been diligent in labour inspections carried out in export processing zones, where less than 5 per cent of workers were unionized.⁶³

45. The Special Rapporteur on slavery expressed serious concern about the imposition of military-type control or discipline in a private workplace. He also noted instances of intimidation and harassment, including of a sexual nature, by some military officers towards workers.⁶⁴ He expressed further concern that sex workers faced an increased risk of exploitation and abuse, in addition to working long or irregular hours, without access to economic and social support from the Government, as sex work was illegal in the country.⁶⁵

9. Right to social security

46. The United Nations country team expressed concern about the lack of social security schemes for the large informal sector, as well as the absence of an unemployment protection scheme in the country.⁶⁶

10. Right to an adequate standard of living

47. The United Nations country team noted that in 2022, Sri Lanka was suffering the effects of its worst economic crisis since its independence. Hyperinflation, power cuts, fuel and gas shortages, and a break down in supplies of medicines and food had had a serious impact on many sectors, including education, essential services, travel and industry.⁶⁷ The High Commissioner for Human Rights expressed concern that the severe economic crisis had made daily life a struggle for most Sri Lankans. She urged the Government to engage in meaningful dialogue with all parts of society to address the socioeconomic challenges people, especially vulnerable and marginalized groups, were facing, which undermined human rights.⁶⁸

48. While acknowledging the significant amount of land occupied by the military that has been returned to the population to date, the High Commissioner for Human Rights expressed concern that some restitutions had been only partial, allowing for access to dwellings but not to livelihood resources or vice versa. She was also concerned about new land grabs and other contentious land issues.⁶⁹

49. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that the Government had not implemented the recommendation to develop a mapping and release strategy for occupied land, nor had it documented the land occupied by the army or established a land commission.⁷⁰

50. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, expressed concern about government measures to restructure enterprises operating in electricity, fuel and water, which might have an impact on the realization of the social, economic and cultural rights of rights holders, such as through the introduction of a petroleum and electricity formula.⁷¹

11. Right to health

51. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, expressed concern that some setbacks were registered in the 2017 budget in the health sector.⁷²

52. The High Commissioner for Human Rights stressed that Sri Lanka had faced several waves of the COVID-19 pandemic, which had had an impact on public health.⁷³ The United Nations country team also underlined the need to strengthen public health programmes, which had been compromised during the pandemic, in order to revamp previous targeted preventative interventions to reach the most vulnerable, including persons with disabilities, persons living with HIV and older persons. It also stressed the need to strengthen psychosocial services to antenatal and postnatal women, young persons and survivors of gender-based violence. It further noted that many sexual and reproductive health services had been disrupted during the pandemic and the economic crisis.⁷⁴

53. The Committee on the Rights of the Child underlined the need to address the regional disparities in terms of health care; increase the number of health personnel, particularly in rural and remote areas; and educate specialists in fields where capacity was currently lacking, especially in mental, sexual and reproductive health services.⁷⁵

12. Right to education

54. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, expressed concern that some setbacks were registered in the 2017 budget in the education sector.⁷⁶

55. The Committee on the Rights of the Child noted regional disparities in school infrastructure and quality teaching, while highlighting the need to address the significant school dropout rate in rural areas and ensure the availability of qualified school personnel to provide quality education in all languages.⁷⁷

56. The United Nations country team expressed concern about the prolonged school closures in 2020 and 2021, which had worsened a pre-existing learning crisis and had widened learning disparities across socioeconomic classes and between girls and boys.⁷⁸

13. Cultural rights

57. The High Commissioner expressed concern about the trend of land disputes related to Buddhist heritage conservation or forestry protection, which had created new tensions with minority communities in the Eastern Province. In particular, the Government's restrictions on land use in these areas had led minority communities to fear a change of the demographic landscape of the region.⁷⁹

14. Development, the environment, and business and human rights

58. Some independent experts expressed alarm about the economic collapse in Sri Lanka, with record high inflation, rising commodity prices and a crippling fuel crisis. They observed that the snowballing economic and debt crisis had been flagged in 2019, when it was found that debt repayments were the country's largest expenditure, following a series of ill-conceived economic reforms like tax cuts and servicing debt payments. They urged that a global response to the collapse was needed, not just from humanitarian agencies, but also from international financial institutions, private lenders and other countries.⁸⁰

59. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, noted that human rights must be at the centre of measures by Sri Lanka to promote economic growth that would include everyone, while regretting that Sri Lanka had not conducted a human rights impact assessment of the economic reforms aimed at reducing the fiscal deficit, which notably led to the significant rise in the value-added tax rate, affecting the livelihoods of women.⁸¹ He also urged the Government to close the legal gap on tax evasion and money-laundering.⁸²

60. The Committee on the Rights of the Child expressed concern about the continuing negative impact of private domestic and foreign business and industries on children, including on tea plantations and in the construction, textiles and tourism industries. It recommended that Sri Lanka establish a clear regulatory framework for domestic and foreign businesses, ensuring that their activities did not negatively affect human rights; and undertake awareness-raising campaigns, targeting the tourism industry and the general public, on the prevention of child sexual exploitation in travel and tourism.⁸³

B. Rights of specific persons or groups

1. Women

61. The United Nations country team regretted the slow progress in protecting the rights of women, largely underpinned by social norms on gender; the low representation of women in formal leadership to drive transformation, with women making up less than 6 per cent of the parliament; and the lack of investment in gender equality and women's empowerment.⁸⁴

62. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, was alarmed that the microfinance system put pressure on borrowers, women in particular, who are sometimes exposed to psychological and physical violence and pressured to exchange "sexual favours" by collectors. Some women borrowers even offered to sell their kidneys to repay loans.⁸⁵

63. The Working Group on Arbitrary Detention expressed concern about the inadequacy of the structure of the Methsevana State House of Detention in Gangodawila, particularly as 90 per cent of the women detained there had a psychosocial disability and the facility was unable to provide the support they required. In addition, as they were not permitted to leave, the facility was more like a prison than a suitable environment for vocational training.⁸⁶

64. The United Nations country team regretted that women's political representation continued to be very low at national and provincial levels, with women's representation in parliament dropping to 5.3 per cent in 2020, and it noted that this was due to patriarchal political systems and persisting discriminatory social norms.⁸⁷

65. The United Nations country team expressed concern about the absence of legislation prescribing equal pay for work of equal value and of legal prohibition of discrimination in

hiring, while the gender pay gap between men and women was reported to be 24 per cent as of 2020.⁸⁸

66. The Special Rapporteur on freedom of religion or belief stressed that women in Sri Lanka were experiencing ethno-religious hostilities, risking double victimization at community and personal levels due to the patriarchal structure of the society and in policies. In particular, he noted that many Muslim women had been harassed on the street and refused service at government agencies and private businesses when wearing a headscarf, even with their faces visible.⁸⁹

2. Children

67. The Committee on the Rights of the Child remained gravely concerned about the sexual exploitation and abuse of children, pointing out in particular child pornography, child marriage, boys' sexual exploitation in the context of tourism, and gender-based violence against girls. It noted a high number of cases of such violations with regard to which impunity and lengthy prosecutions leading to revictimization frequently prevailed.⁹⁰ It also expressed concern about the confusion of such offences with trafficking and about the remaining gap in criminalizing all the offences.⁹¹

68. The Committee on the Rights of the Child expressed deep concern that a considerable number of children were economically active, including as street vendors and in domestic service, agriculture, mining, construction, manufacturing, transport and fishing, and that children were reportedly trafficked for the purposes of forced domestic work.⁹²

69. The Committee on the Rights of the Child also expressed concern that many persons who had recruited and used children during the armed conflict continued to enjoy impunity, especially paramilitary leaders, and that the number of missing children or persons who had been children during the conflict remained high.⁹³

70. The Committee on the Rights of the Child further expressed concern about juvenile justice conditions, notably about the extremely low age of criminal responsibility, which was 8 years; the particularly low number of juvenile courts and lack of child-friendly approaches; and the absence of legislation guaranteeing children the right to legal representation.⁹⁴

71. The Working Group on Arbitrary Detention expressed concern about the use of institutions that substitute for imprisonment as the primary option for children rather than the last resort. It noted that over 14,000 girls and boys under the age of 18 were deprived of their liberty in 371 childcare institutions across Sri Lanka.⁹⁵

72. The Working Group on Arbitrary Detention also expressed serious concern about allegations that children detained in care homes had been beaten and sexually abused, particularly in understaffed and underresourced centres, where staff had not received appropriate training or clear guidelines on appropriate disciplinary methods for children under their care.⁹⁶

3. Older persons

73. The Special Rapporteur on slavery observed that older workers faced employment-related concerns amounting to forced labour, in particular in the plantation sector, where the majority of the workforce was over the age of 50. He noted that despite their age, these workers performed physically challenging jobs on a day-to-day basis without sufficient access to health care and social protection, or to sick leave or paid leave.⁹⁷

4. Persons with disabilities

74. The United Nations country team expressed concern that persons with disabilities, in the absence of policies and practices promoting and protecting their right to be included in the community, faced significant challenges to studying in the mainstream education system and to receiving timely and quality health and social care services. It also noted that the State did not have a system for the early identification of disabilities and for early interventions.⁹⁸

75. The Working Group on Arbitrary Detention raised concerns about the increasing placement of individuals in hospitals and treatment facilities on the basis of a psychosocial

disability or mental health condition, which posed serious risks for persons with psychosocial disabilities of being deprived of their liberty for long periods without the ability to seek a review of the reasonableness, proportionality and necessity of the detention.⁹⁹

5. Minorities

76. The Special Rapporteur on freedom of peaceful assembly and of association expressed serious concern about the systematic discrimination faced by ethnic and religious minorities, which came in many forms, including the use of vilifying language by high-level officials; the lack of parity regarding the application of laws; police inaction; smear campaigns through the media; and hate speech, both online and offline.¹⁰⁰

77. The former Special Rapporteur on freedom of religion or belief stressed that the simmering ethno-religious tensions in Sri Lanka required urgent action by the authorities, following the deadly Easter Sunday bomb blasts, which created a deficit of trust among ethno-religious communities and subsequent mob violence in 2019.¹⁰¹ The United Nations country team expressed similar concerns.¹⁰² The High Commissioner was also deeply concerned about the aggravation of intercommunal tensions, in particular about several attacks conducted by militant Buddhist groups targeting cultural, sexual or religious minorities, including the Muslim community and evangelical Christians.¹⁰³

6. Lesbian, gay, bisexual, transgender and intersex persons

78. The Committee on the Elimination of Discrimination against Women expressed concern about the criminalization of same-sex sexual activity in the Penal Code of Sri Lanka, finding that the country had violated the rights of Rosanna Flamer-Caldera, a lesbian and leading activist for the rights of lesbian, gay, bisexual, transgender and intersex persons who was subjected to discrimination, threats and abuses.¹⁰⁴

79. The Special Rapporteur on slavery noted that among sex workers of all gender identities and sexual orientations, transgender persons were particularly subjected to discrimination and stigma.¹⁰⁵

7. Migrants, refugees and asylum-seekers

80. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families considered that Sri Lanka had not implemented the Committee's recommendation to take all necessary measures, including legislative amendments, to guarantee all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to join trade unions freely.¹⁰⁶

81. The Working Group on Arbitrary Detention observed the dire conditions in the Mirihana immigration detention facility, which was entirely inappropriate for holding people for prolonged periods and was overcrowded.¹⁰⁷

82. The United Nations country team expressed concern that the protection environment for asylum-seekers and refugees in Sri Lanka was weak as it had no basis in national legislation. As a result, it noted that migrants and refugees were facing a lack of access to land, housing, livelihoods, water and sanitation. In some instances, they also lacked access to personal or civil documentation and reinstatement of their nationality status, which hampered repatriation and reintegration efforts.¹⁰⁸

8. Internally displaced persons

83. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence remained concerned that the occupation of land by the military continued to have a significant impact on the thousands of persons who had been internally displaced, many of them multiple times. He noted that the occupation was preventing their return; compromising their access to education, employment, sanitation, livelihoods and voting rights; and exposing them to harassment by host communities.¹⁰⁹

Notes

- ¹ See [A/HRC/37/17](#) and [A/HRC/37/2](#).
- ² [A/HRC/44/50/Add.1](#), para. 94 (a).
- ³ [A/HRC/40/57/Add.2](#), para. 97 (q).
- ⁴ [CRC/C/LKA/CO/5-6](#), para. 51.
- ⁵ [A/HRC/40/23](#), para. 68 (a).
- ⁶ United Nations country team submission for the universal periodic review of Sri Lanka, pp. 9 and 12.
- ⁷ [A/HRC/51/26/Add.1](#), para. 86.
- ⁸ OHCHR, United Nations Human Rights Report 2017, p. 79; OHCHR, United Nations Human Rights Report 2019, p. 91; OHCHR, United Nations Human Rights Report 2020, p. 109.
- ⁹ OHCHR, “Sri Lanka: experts dismayed by regressive steps, call for renewed UN scrutiny and efforts to ensure accountability”, 5 February 2021.
- ¹⁰ [A/HRC/49/9](#), para. 13. See also [A/HRC/51/5](#), para. 16.
- ¹¹ OHCHR, “Sri Lanka: UN human rights experts condemn repeated use of emergency measures to crackdown on protests”, 8 August 2022.
- ¹² [A/HRC/49/9](#), para. 10–12.
- ¹³ United Nations country team submission, pp. 2 and 5.
- ¹⁴ [A/HRC/51/5](#), para. 25.
- ¹⁵ *Ibid.*, para. 71 (f)–(g).
- ¹⁶ United Nations country team submission, p. 2.
- ¹⁷ *Ibid.*, p. 13.
- ¹⁸ [A/HRC/45/45/Add.1](#), paras. 23–24.
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