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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Section IX: Human Rights in Countries of Concern - Sri Lanka

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The human rights situation in Sri Lanka in 2012 remained of serious concern, with a number of negative developments, including with regard to freedom of expression and media and judicial independence. Further progress was made on reintegration of ex-combatants and resettlement of internally displaced persons (IDPs). There continued to be reports of further abductions and disappearances, although the number reduced from spring 2012 onwards compared to 2011 levels. There were a number of reported instances of intimidation of human rights defenders, including those attending the March Human Rights Council (HRC), members of the legal profession and the media.

The UK focused on helping Sri Lanka to address human rights challenges, including those resulting from the 30-year conflict. In January, Minister Alistair Burt issued a written ministerial statement on the 2011 Lessons Learnt and Reconciliation Commission (LLRC) report, urging implementation of the recommendations and calling for a credible, independent investigation into alleged violations of international humanitarian law. In March, the UK co-sponsored an HRC resolution calling for implementation of LLRC recommendations and further action on reconciliation and alleged violations of international law. The Prime Minister reiterated the importance of accountability and reconciliation in a meeting with the Sri Lankan President in May. The UK also participated in Sri Lanka's Universal Periodic Review in November. During 2012, British High Commission staff visited all nine Sri Lankan provinces to ensure an understanding of the situation on the ground across the country. The UK also funded several projects addressing issues such as language rights, women's rights and police reform.

A key focus in 2013 will be follow-up to the 2012 HRC Resolution on Sri Lanka, including implementation of the LLRC recommendations. Universal Periodic Review follow-up will also be important. We will do all we can to encourage Sri Lanka to demonstrate adherence to Commonwealth values of human rights, democracy and the rule of law, particularly ahead of Sri Lanka's hosting of the Commonwealth Heads of Government Meeting in November.

Access to justice and the rule of law

Rule of law issues in Sri Lanka came under the spotlight in 2012. Challenges included political interference in law enforcement, intimidation of legal professionals and access to justice. Long-term detention without charge persists under the Prevention of Terrorism Act (PTA). Justice can be slow, with cases taking months or even years to come to trial. Of particular concern is the case of British citizen Khuram Shaikh, who was murdered on 25 December 2011. The suspects in this case were not brought to trial in 2012, despite early arrests and clear evidence.

In October, the Secretary of the Judicial Service Commission was hospitalised following an attack by unidentified armed men in broad daylight in outer Colombo. He had previously been criticised in the state-owned media for, among other things, issuing a statement alleging attempts to interfere with the independence of the judiciary. Together with EU partners, our High Commission in Colombo raised serious concerns with the Sri Lankan authorities and pressed for an investigation into the incident.

A riot at Colombo's Welikada Prison on 9 November resulted in the death of 27 inmates. Some media and opposition members alleged that 11 of the dead inmates were individually executed several hours after the situation had been brought under control. Domestic investigations are under way.

The government also announced moves to impeach the Chief Justice, accusing her of corruption and other misdeeds. The impeachment process followed a number of Supreme Court rulings against the government.

On 15 November, the UN Special Rapporteur on Independence of Judges and Lawyers released a statement criticising the impeachment, stating that "The misuse of disciplinary proceedings as a reprisals mechanism against independent judges is unacceptable." The Commonwealth Secretary-General also expressed concern at the impeachment process.

Death penalty

Sri Lanka has maintained a *de facto* moratorium on the death penalty since 1976, but on 18 December abstained in a UN General Assembly vote calling for its abolition, having previously voted in favour. The UK and EU expressed concern to the Sri Lankan Ministry of External Affairs.

Minority rights

The Sri Lankan government and Tamil National Alliance (TNA) failed to reach consensus on addressing key Tamil minority concerns. The Sri Lankan government reported that recruitment of Tamil-speaking police increased by 427 to 1,216 in 2012. In November, a dedicated hotline was established for complaints on language rights violations. The UK funded Tamil language training for police, and a project supporting implementation of Sri Lanka's tri-lingualism policy.

Lesbian, gay, bisexual and transgender rights

Homosexuality remains illegal under Sri Lankan law. The British High Commission supported lesbian, gay, bisexual and transgender rights activists in raising concerns over harassment.

Elections

Elections for three of Sri Lanka's nine provinces were held on 9 September. The governing United Peoples' Freedom Alliance was elected as the largest party in all three provinces. The UK helped to fund election monitoring, and encouraged all sides to ensure free, fair and peaceful elections. Local observers People's Action for Free and Fair Elections (PAFFREL) said that despite some improvements, elections did not meet criteria for a free and fair poll. Irregularities cited by PAFFREL included "the manner in which the government authorities acted in the pre-election period ... There was large-scale abuse of government vehicles and state property for election campaigning purposes and public announcements of new recruitments to the public service in the provinces in which the elections were taking place."

The Sri Lankan President announced that long-postponed elections for the predominantly Tamil Northern Province would be held in September 2013.

Conflict and protection of civilians

Most of the 12,000 ex-combatants detained in 2009 have now been released. In 2011–12 the UK contributed £650,000 to support their reintegration into society. At the end of 2012, 775 ex-combatants remained in custody in "rehabilitation centres" and several hundred more were in prison awaiting prosecution.

Despite some improvements, the situation in the north remained problematic. Although reduced since 2009, the military presence in the Vanni region in particular remained heavy. The military continued to be involved in numerous civil functions despite the establishment and functioning of civilian authorities. There were reports throughout the year of harassment of released ex-combatants. In September, Sri Lanka closed down its largest camp for Internally Displaced Persons (IDPs), Menik Farm. The UN and international donors welcomed the closure, but raised public concerns over inadequate provision for 110 relocated families. The process for

receiving compensation for military-occupied land remained unclear. It is estimated that 115,000 IDPs remained at the end of 2012 – many residing with host families and in protracted displacement. Aid agencies acknowledged Sri Lanka's progress in de-mining former conflict areas, enabling large numbers of IDPs to return to their lands. The Department for International Development (DFID) continued its £3 million de-mining support.

The UK's Channel 4 aired a further documentary entitled "Sri Lanka's Killing Fields: War Crimes Unpunished" highlighting four cases which it alleged constituted evidence of war crimes. Following this, Parliamentary Under-Secretary of State Alistair Burt called for Sri Lanka to undertake an independent, credible and thorough investigation into alleged war crimes. In July, Sri Lanka published an Action Plan for implementation of the LLRC recommendations, covering half of the original recommendations, with deadlines for implementation from early 2013. During a Westminster Hall Debate earlier in 2012, Mr Burt said that implementation of the LLRC recommendations would be the real test of Sri Lanka's progress since the end of the war. The UK encouraged the Sri Lankan government to implement the Action Plan and to take the additional steps called for in the March 2012 HRC Resolution.

Women's rights

In 2012, Sri Lanka slipped down to 39 in the World Economic Forum Global Gender Gap Index, from its 2011 ranking of 31. This marks a steady decline over the past five years, from being placed 12 in 2008.

Female participation in government remained low, with only 13 female parliamentarians out of 225.

Women's rights in the north and the east of the country remained a concern. Activists focused on issues concerning over 90,000 war widows' rights and economic empowerment. As part of our ongoing dialogue with the Sri Lankan government on human rights, we raised concerns about specific reports of sexual violence.

In November, our High Commission in Colombo marked the International Day for the Elimination of Violence against Women, 16 Days of Activism, and Human Rights Day with public statements, newspaper articles by activists, and a workshop for staff. The UK also funded two local partners working to tackle rape, domestic violence and forced marriage.

Children's rights

In December, the United Nations Security Council Working Group on Children and Armed Conflict removed Sri Lanka from its agenda. The decision came following significant progress in rehabilitation and reintegration of former child combatants. Work remains to be done with children affected by conflict, including reuniting displaced children with their families.

Despite efforts to implement the UN Convention on the Rights of the Child, activists claimed that child abuse and child labour continued. The past year has seen a spate of high-profile child abuse incidents. The Sri Lankan Human Rights Commission said that 2,500 child abuse cases were reported between 1 January 2010 and 1 July 2012.

Human rights defenders

Serious human rights violations including intimidation of human rights defenders continued in 2012. Those with dissenting views and working with international mechanisms were often portrayed as "traitors", including through poster campaigns and in state-owned media. Some human rights defenders also received death threats. During the March Human Rights Council session in Geneva, there were serious and credible accusations that the Sri Lankan delegation had been harassing and intimidating human rights defenders, and a government minister threatened to "break the limbs" of those who betrayed the country. The Office of the UN High Commissioner for Human Rights warned that there should be no reprisals against human rights defenders.

Reports of enforced disappearances continued in 2012. Victims came from a range of ethnic groups and included human rights workers as well as businessmen and alleged criminals. Campaigners blamed pro-government groups and security forces. Leaders of the new Frontline Socialist Party were abducted by an unidentified group on 7 April and subsequently released. They alleged government responsibility. In August, there was an attempt to abduct a journalist in Colombo. Local civil society and family members of those disappeared between the 1980s and 2009 from across the country held an event to commemorate the International Day against Disappearances on 30 August.

No conclusive investigations into past incidents took place. There was no progress in the investigation into the 2011 disappearance of campaigners Lalith Kumar Weeraraj and Kugan Murugan in Jaffna.

Freedom of expression and assembly

There were no reported killings of journalists in 2012, in contrast to previous years. There was one attempted abduction and a number of other attacks. Sri Lanka ranked 162 of 179 countries in the Reporters Without

Borders Press Freedom Index for 2012. There were no conclusive investigations into past incidents, including the 2009 murder of *Sunday Leader* Editor Lasantha Wickremetunga and the 2010 disappearance of cartoonist Prageeth Ekenligoda. British High Commission staff attended a court hearing in the Ekenligoda case at which former Attorney General Mohan Peiris gave evidence.

In July, police closed the offices of two pro-opposition websites, confiscated computers and documents and arrested nine workers who were subsequently released. In July, the government also announced the imposition of a registration fee for all newscasting websites. Two newspaper reporters from the north said they had received death threats for their reporting of a controversial protest. Media alleged that the Sri Lankan Defence Secretary threatened the editor of a Sunday newspaper during a telephone interview. In December, a pro-opposition journalist was allegedly detained for 13 hours without a stated reason or access to a lawyer.

Restrictions on free assembly continued through 2012. In Colombo, police used tear gas and water cannon to break up February protests over fuel price increases, and in Chilaw police killed a protester by shooting him in the head. On 15 June, 10 men armed with machine guns attacked an opposition JVP (People's Liberation Front) party rally in Hambantota, killing two people. The organisers blamed pro-government elements. On a number of occasions police sought court orders to prevent demonstrations. In December, a number of young people, including Jaffna University students, were detained under the PTA following clashes related to student remembrance events coinciding with LTTE (Tamil Tiger) Martyrs' day and the Hindu festival of Karthikai Vilakkeedu. European Union Heads of Mission in Colombo publicly raised concerns in a statement on 5 December. They called on authorities to ensure that all citizens were able to exercise their fundamental rights without impediment. At Sri Lanka's Universal Periodic Review, the UK called on Sri Lanka to ensure a climate in which all citizens were able freely to express their opinions and beliefs, without fear of reprisal or retribution, and recommended that the government extend an invitation to the Special Rapporteur on Freedom of Opinion and Expression. Sri Lanka did not accept this recommendation.

Freedom of religion or belief

Commentators observed an increase in religiously motivated violence in 2012. During the year, 52 incidents of violence and intimidation against Protestant Christian churches were documented. Violence against Muslim places of worship also increased. A mob led by Buddhist monks attacked a mosque in the city of Dambulla, which they claimed (along with a Hindu shrine) was built on sacred Buddhist ground and needed to be relocated. No arrests were made and tensions between religious communities continued. A nationalist group called the Bodu Bala Sena (Buddhist army) increased campaigns against religious minorities.

Torture

Despite the prioritisation of torture prevention in the 2011 National Human Rights Action Plan, there was no change in laws in 2012 to give effect to recommendations, and reports of torture continued.

On 15 April, a key witness in a fundamental rights case that had been filed against a police officer died in custody following his arrest. According to the Asian Human Rights Commission (AHRC), the man was illegally arrested and later extrajudicially killed by police officers. Several officers from the station were transferred, but the case remained open.

The AHRC reported seven incidents of torture between July and September, including one death. A joint military and police operation to rescue three prison officials taken hostage by protesting prisoners in June resulted in serious injuries to three prisoners, two of whom subsequently died. Civil society and Tamil political parties alleged excessive use of force.

Sri Lanka's Universal Periodic Review, and working with the UN

Sri Lanka's Universal Periodic Review was held on 1 November. A record 98 countries spoke in the debate. Key issues raised related to protection of human rights defenders, freedom of expression, disappearances, women's rights, accountability for violations in the conflict, and independence of the judiciary.

The UK welcomed the end of war and terrorism, but expressed concern about attacks on and intimidation of journalists, human rights defenders and legal professionals; we also urged the government to combat impunity and to implement the LLRC recommendations. UK recommendations included calls for full and transparent investigations into alleged grave breaches of international law during the war; a climate in which all citizens could express their opinions without fear; and the issuing of an invitation to the UN Special Rapporteur on Freedom of Opinion and Expression.

Sri Lanka received a total of 210 recommendations during the Universal Periodic Review. Of these, 110 recommendations, including the UK's first recommendation on investigating alleged violations of international law, were accepted. The second recommendation by the UK, to invite the Special Rapporteur on Freedom of Opinion and Expression and ensure a climate in which all citizens can freely express their opinions and beliefs without fear of reprisal and retribution, was rejected. There are six outstanding requests from UN Special Rapporteurs to visit Sri Lanka.

