

UNIVERSAL PERIODIC REVIEW
SRI LANKA

JOINT STAKEHOLDER SUBMISSION TO THE UNITED NATIONS UNIVERSAL
PERIODIC REVIEW OF SRI LANKA

14 July 2022

SRI LANKAN CIVIL SOCIETY COLLECTIVE¹
(50 organizations and networks)

A. ACCESS TO HEALTH

2. Essential medicines are in short supply including cancer treatment.ⁱⁱ Medicines like anti-rabies serum, anesthetic drugs, therapeutic drugs, antibiotics are in short supply with hospitals pleading for direct assistance from the public and overseas donors.ⁱⁱⁱ Medical equipment are also in short supply.^{iv}
3. Access to health is severely threatened by the fuel crisis. Due to the shortage of fuel, healthcare workers, especially midwives and PHIs find it difficult to report to work. Travel to health care facilities remain challenging, impacting accessing services. The fuel shortage has exacerbated the already existing transportation issues in accessing such treatment. In May 2022, a two-day old baby died as a result of her parents not having access to petrol to take her to the hospital.^v
4. The fuel crisis and frequent power cuts have hindered children's access to healthcare and education. Access to safe water for drinking and domestic use is declining, posing an increased risk of water-borne diseases.^{vi}

B. RIGHT TO FOOD

5. Due to the economic crisis, severe food shortages and continuous increases in food prices are forecasted in the months ahead. The food crisis has led to a nutritional crisis with families increasingly falling under the poverty line and not being able to afford food that provide the required nutritional intake. As a result of food shortage^{vii} and the exorbitant prices of available goods, there has been an increase in households that borrowed money,^{viii} withdrawal from savings, pawning and selling belongings.^{ix} Estate communities, for instance, rely on credit to obtain food and essential items.^x
6. As per recent statistics released by the World Food Program in June 2022,
 1. Three out of ten households (approximately 6.26 million citizens) are food insecure.
 2. 65,600 are categorized as severely food insecure
 3. As of June 2022, food inflation reached a staggering 57.4% restricting access to adequate and nutritious food.
 4. The status of food security in Sri Lanka is worst in the estate sector where over 50% of households are assessed as food insecure.
7. Food production was hit badly by haphazard policy decisions made by the government in the agriculture.^{xi}
8. Even before the current crisis, Sri Lanka had the second highest child malnutrition rate in South Asia, and 2 in 5 infants were not fed the minimum acceptable diet. With soaring food prices, 70% of households are now reporting reduced food consumption.

C. SOCIAL SECURITY

9. Inflation rates continue to rise sharply, with headline inflation recording 54.6% on a year-on-year basis in June 2022,^{xii} while the unemployment rate was above 5% in both 2020 and 2021.^{xiii}

10. The existing social security protection programs in Sri Lanka are inadequate to address the many dimensions of poverty and vulnerability which will worsen in the coming months and years as the economic crisis intensifies. The amounts transferred under them are not founded on any discernible rational basis and no needs assessments of the relevant population groups are publicly available.^{xiv} The system of determining eligibility is opaque, discretionary, and susceptible to abuse—allowing local authorities wide latitude in including preferred beneficiaries and excluding others. During the Covid-19 related distributions of transfers, political interference in the process was widely reported.^{xv}
11. Discrimination of marginalized groups particularly impacted by poverty, such as transgender groups and estate sector populations, has also been noted.^{xvi}

D. WOMEN'S RIGHTS

12. The state has not taken action to amend or repeal discriminatory laws that violate the rights of women, girls and LGBT persons.^{xvii} Despite the existence of a women's rights charter, there is no express Women's Rights Act as yet.^{xviii}
13. In 2017 the Local Authorities Act was amended introducing a 25% quota for females. As a result, female participation at the Local Authority level increased from 2% to 25%.

Violence against Women (VAW)

14. Although domestic and international law criminalises gender-based violence, violence against women is considered endemic in the country.^{xix} Anecdotal evidence suggests that incidents of violence against women increased during the Covid 19 pandemic induced lockdowns across the country.^{xx} The lack of safety and effective access to justice for survivors and victim's families due to a number of issues forms formidable barriers for women to access justice for VAW.^{xxi}

Decriminalizing the Abortion law

15. Since the last UPR report there has been no progress made by the Sri Lanka Government on decriminalizing abortion related to termination of pregnancies in cases of rape, incest and severe foetal impairment. Criminal sanctions placed on women who seek abortions continue to deter them from accessing hospital care following a dangerous procedure.

E. FREEDOM OF EXPRESSION

16. There were several instances where the GoSL imposed restrictions on access to social media on the grounds of preventing further violence and spreading false information.^{xxii} The government also expressed plans to regulate social media.^{xxiii} Some of those who commented on social media against the government's handling of the Covid 19 pandemic were arrested or subjected to police investigations for spreading "false news".^{xxiv} Ramzy Razeek was arrested for publishing a social media post criticizing racism against Muslims by asserting the need of "an ideological jihad using pen and keyboard."^{xxv} In 2019, the president attempted to take control of the Sri Lanka Rupavahini Corporation by gazetting it under the Ministry of Defense.^{xxvi}
17. Authors such as Ahnaf Jazeem,^{xxvii} K.K.Shreenath and Shakthika Sathkumara^{xxviii} were targeted for their writing which was considered to be against Buddhism.^{xxix}
18. Journalists such as Dharisha Bastians was harassed for her reporting with attacks on social media labelling her a traitor and a criminal and was forced to leave the country due to threats.^{xxx} The CID attempted to link her to a criminal investigation and as a result she was forced to flee the country.^{xxxi} Journalists in the North and East continued to be under surveillance, death threats, attacks and being summoned by the police.^{xxxii}
19. Media's access to information was censored in several ways. In September 2020, proceedings of the Committee on Public Enterprises (COPE) were prohibited to the media. A journalist was forcibly removed from a Pradeshiya Sabha meeting.^{xxxiii} A foreign journalist was denied access to Iranaitheevu island in Jaffna despite having a valid journalist visa and the required media accreditation card.^{xxxiv}

F. PEACEFUL ASSEMBLY

20. While peaceful protests erupted across the country in the context of the economic crisis in 2022 and mothers of the disappeared have protested for over 1900 days, there have been violent crackdowns on protests from time to time. Violent crackdowns saw the indiscriminate use of tear gas and water cannon, use of live ammunition, assault and detention of protestors and journalists resulting in deaths and injuries.

G. RIGHT TO INFORMATION

21. Journalists have complained of unreasonable rejections and delays in providing information within the parameters of the law. The 20th Amendment to the Constitution introduces a partisan mechanism for the appointment and removal of Right to Information Commissioners jeopardizing their independent status.^{xxxv}

H. FREEDOM OF ASSOCIATION

22. In 2018, there was an attempt made to amend the Voluntary Social Service Organisations (Registration and Supervision) Act, No. 31 of 1980 to include overbroad and discriminatory provisions such as to "regulate, supervise & inspect" NGOs through a legalised "National Secretariat for NGOs" with extraordinary and excessive powers in the

context of reporting and approvals. The proposals were later withdrawn.^{xxxvi}

I. RELIGIOUS FREEDOM

23. On 21st April 2019, a hitherto little known group with alleged links to ISIS, known as the National Towheeth Jamath, orchestrated a series of coordinated suicide bomb attacks targeting three churches in Kochchikade, Katuwapitiya and Batticaloa, and three luxury hotels in Colombo.^{xxxvii} Hundreds of Christian devotees were killed and hundreds more injured as they celebrated Easter Sunday, and are one of the most gruesome attacks against a religious group in post-independence Sri Lanka.^{xxxviii}
24. The Muslim community were victims of (a) organized mob violence in Ampara and Digana in 2018^{xxxix} and in the North-Western Province in 2019;^{xl} (b) discriminatory government decisions, including the banning of face-coverings in the aftermath of the Easter Sunday Attacks^{xli} and the mandatory cremation of all Covid-19 victims;^{xlii} and (c) virulent hate speech campaigns accusing them of “sterilizing” non-Muslims^{xliii} and spreading the Covid-19 virus.^{xliv}
25. Acts of discrimination, threats and intimidation, and violence targeting the Christian community was a common pattern across the island. State officials, including the Police, were often complicit in such incidents and rarely intervened towards ensuring the Freedom of Religion or Belief to Christian minorities.^{xlv}
26. Efforts at converting historic lands, monuments and places of worship into Buddhist temples and Buddhist culture were witnessed in several locations across the Northern Province, with the active involvement of State institutions such as the Department of Archaeology, Sri Lanka Police and the military.^{xlvi}
27. In December 2018 several Buddhist statues in Mawanella were vandalized. Those suspected to be involved in the acts of vandalism, and the Attorney-General’s Department served indictments on the accused in October 2021.^{xlvii}

J. TRANSITIONAL JUSTICE

Accountability for War Crimes

28. Following the change in government in November 2019, the Sri Lankan Foreign Minister announced the government’s intention to withdraw support for UNHRC resolution 30/1.
29. An accountability process and truth-seeking process has not commenced in Sri Lanka despite international commitments made in UNHRC Resolution 30/1. The Office of Missing Persons and an Office of Reparations were established in 2018.^{xlviii} Although Resolution 46 adopted by the UNHRC in 2021, repeal of the Prevention of Terrorism Act (PTA) has still not taken place, and other accountability mechanisms evade

operationalization.

Enforced Disappearances and Reparations

30. Families of the disappeared marked five years of continuous protest in February 2022, demanding truth and justice.^{xlix}
31. An OMP was established in 2016.^l The independence of membership of the OMP is questionable with Chairperson Upali Abeyratne having headed the previous Presidential Commission on Political Victimization, and H. Jayantha Shantha Kumara Wickremarathne – (former IGP) accused of hiding evidence in Lasantha Wickramatunge’s murder.
32. Other concerns are as follows:-
 - i. The list of numbers of disappeared by each district was taken down off the website of the OMP. Victim families have reported their lack of trust in the OMP.
 - ii. The interim relief of Rs. 6,000.00, which was anyway provided to a limited number of people, is allegedly not being given any more.
 - iii. The government has also halted the issuing of Certificates of ‘Absence’, which sought to provide a legal status to those who have disappeared, until such time when conclusive evidence of the fate of the individual is ascertained. Previously in 2020, the GoSL had proposed death certificates to be issued to families without investigations but was later clarified to be “upon the conclusion of investigations”.^{li}
 - iv. On 26th November 2020, the OMP released a list of “missing persons” to its offices. In March 2022, in the context of UNHRC sessions taking place in Geneva, a proposal was approved by cabinet to issue death certificates to families and pay a one-time allowance of Rs. 100,000 without sufficient consultation with families.^{lii}
33. These acknowledgements fall far short of the demands of the loved ones who want to know precisely what happened to their loved ones, and justice duly served. Death certificates fall far short of answering these questions and meeting these demands.

K. CUSTODIAL DEATHS AND EXTRA JUDICIAL KILLINGS

34. In the period under review custodial deaths and extra judicial killings were reported from several parts of the country suggesting that it remains an endemic human rights concern in the country.
35. At least seven custodial deaths were recorded between 2019 and 2022 due to suspected torture. These included Manjula Asela Kumar and Rasin Chinthaka in 2019^{liii}, Gayan Pushpakumara in 2020^{liv}, Sunil Indrajith,^{lv} Chandran Vithushan,^{lvi} Ali Khan^{lvii} and another unidentified person^{lviii} in 2021.
36. A number of extra judicial executions were also recorded during the period under review including Chamara Indrajith^{lix} in 2018, Makandura Madush^{lx} Kosgoda Tharaka and Melan Mabula^{lxi}- even when representations had been made to enhance their protection in custody.

37. Protestors were shot at and Chaminda Lakshan was killed in the context of the economic crisis in Sri Lanka in Rambukkana, Kegalle. 24 persons were injured including children. Police officers who ordered the use of live ammunition against protestors was subsequently arrested in April 2022.^{lxii}
38. Extra judicial killings and custodial deaths are marked by Police accusing the victim of criminal activities or trying to escape police custody.

L. MASS GRAVES

39. In March 2018, a mass grave was discovered in Mannar.^{lxiii} As excavations continued 283 skeletal remains (as at December 2018) were found. The skeletal remains were handed over to the custody of the courts. The Vavuniya High Court (HC) on 22 February 2022^{lxiv} held that the families of the disappeared are entitled to participate in the exhumation proceedings that are being held at the Mannar Magistrate's Court (MC).

M. TORTURE

40. The torture and extra judicial killings of various forms are quite widespread, and a routine part of the way policing institution of Sri Lanka works. This fact has been reported on for a long time both by local human rights organizations as well as international organizations including UN human rights agencies. However, there is no likelihood of any improvement.
41. The reason for the government's failure to honor the international obligations as well as the Sri Lankan law on these matters is based on structural reasons with the existing constitutional framework such as immunity for the head of state and lack of use of domestic laws like the Convention Against Torture Act, resulting on impunity and a lack of accountability. Existing safeguards such as disciplinary inquiries against individual officers are no longer implemented as previously.
42. The long years of breakdown of discipline is also associated with the political interference into the law enforcement functions implying a serious breakdown within policing systems itself.^{lxv} Legal reforms in domestic law are necessary to undo the structural obstacles for the implementation of rule of law. Improvement of the practice of rule of law and the elimination of torture and other human rights abuses are inseparably intertwined.
43. Prevention of Terrorism Act (PTA) detainees are particularly at risk of torture. In 2020, the Human Rights Commission of Sri Lanka (HRCSL) reported that 84% of PTA detainees reported that they had been subjected to torture.^{lxvi} The frequency of such reports betrays the systemic nature of torture in Sri Lanka. This is further evidenced in the HRCSL report which notes that violence is used as a tool in maintaining discipline within prisons.

N. PREVENTION OF TERRORISM ACT[PTA]

44. The PTA continues to be used as a weapon against ethnic and religious minorities, and political dissidents.^{lxvii} 29 PTA detainees who had spent 5-10 years on remand (pre-trial), and 11 who had spent 11-15 years in remand.^{lxviii} The longest period was 16 years of detention.^{lxix} 84% of PTA detainees claimed that they had been tortured, and more than 90% reported that they were compelled to sign a document which was in a language they did not understand.^{lxx}
45. Contacting family continues to be difficult, as many of the detainees are kept in the South, whereas they themselves are from the North and the East. With the present economic crisis and the sky rocketing costs of fuel and public transport, it is even more difficult for relatives to visit detainees.

PTA arrests in the aftermath of the Easter Sunday Attacks

46. In the aftermath of the Easter Sunday attacks, hundreds of Muslims suspected of being involved in the attacks were arrested under the PTA.^{lxxi} According to police spokesperson Ruwan Gunasekara as many as 2,289 people – including 1,820 Muslims –were arrested “in connection to the Easter bombings or related incidents.” Many of them were arrested under the PTA.

Repealing the PTA

47. Amidst growing calls for the abolition of the PTA, the government gazetted amendments to the PTA on 27th January 2022.^{lxxii} The constitutionality of the proposed amendment was challenged by 6 Petitioners before the Supreme Court. The amendment was passed in parliament on 23rd March 2022, with a majority of 51 votes.^{lxxiii}
48. Commentators have observed that the amendments failed to meet international law standards, and that some of the most critical gaps in the existing legislation remained unchanged.
1. The amendment failed to define “terrorism”, and merely lists a series of offences including committing mischief to the property of the government. Therefore, the amended Act still leaves room for continued abuse of power.
 2. The amendment did not provide for a detainee to be produced before a Magistrate expeditiously, and s/he can still be kept for up to 72 hours before being produced before a Magistrate.
 3. It reduced the period of detention from 18 months to 12 months, which still does not meet international best practices, and leaves room for abuse and torture.
 4. The amendment required that a copy of the detention order be presented to the HRCSL and the Magistrate within 48 hours.

De-Radicalization Regulations

49. On March 9, 2021, President Rajapaksa introduced “Deradicalization” regulations.^{lxxiv} Instead of being tried, the suspect faces detention in a “reintegration center” for up to one year, on the recommendation of the attorney general. The defense

minister is empowered to extend the detention for a second year. At the time of writing the implementation of the order is suspended while the Supreme Court considers fundamental rights petitions against it.

O. PRISON CONDITIONS

50. In the context of Covid 19 related lockdowns and the conditions in prisons which fail to meet the minimum basic standards under the Mandela Rules, several prison riots led to deaths of prisoners in the period under review.^{lxxv}
- i. **Anuradhapura prison deaths:** 2 incarcerated persons were killed and 6 injured at the Anuradhapura prison after a riot broke out on the premises on 21st March 2020. According to reports, prisoners had begun protesting as restrictions on visitors and the bringing of food were imposed with the spread of the Covid-19 virus.
 - ii. **Death in Bogambara prison:** On 18 November, a prisoner was shot dead while trying to escape from Bogambara Prison in Central Province, where more than 100 inmates had tested positive for COVID-19.
 - iii. **Mahara prison riots:** Even as Covid-19 cases were rapidly increasing across the country and within the prisons system as well, a riot erupted in the Mahara prison, between inmates and the prison officials between 29th November 2020 – 30th November 2020. The violence was in response to the growing number of Covid-19 infections within an already over-crowded prison and the inadequate measures in place to safeguard the inmates. In the violence that ensued 8 inmates were killed and over a 100 were seriously injured.
 - iv. **Kandakadu rehabilitation centre:** One of the inmates was found dead on 28th June 2022 after he had been questioned by officers for being in possession of tobacco.^{lxxvi} Following his death, the inmates had started rioting protesting his death and caused damage to buildings. While more than 600 inmates had escaped the centre on 29th June 2022, more than 500 of them had surrendered to the centre in the following days.
51. In 2020 the HRCSL noted that the GoSL has failed to meet international standards in prison conditions and treatment of incarcerated persons.^{lxxvii} Outdated and at times demeaning entrance and exit procedures, inadequate, unhygienic accommodation, poor quality food and wastage of the same, lack of water and access to medical supplies, and the systematic use of violence to maintain discipline within the prisons.

P. LGBT PERSONS' RIGHTS

52. The LGBTIQ community within the country continues to be harassed, demoralized and widely silenced. Forced into marriages, forcibly put through harmful 'conversion' therapies, harassed by government officials (especially by Rural Administration Officers, police officers, and hospital and clinic staff in HIV and STI clinics), subjected to humiliating discriminatory physical examinations by authorities,^{lxxviii} at risk of cyberbullying and cybercrimes, and facing the brunt of religious fundamentalist ideologies that condemn same-sex relationships, LGBTIQ individuals face innumerable human rights violations through institutional and social/community-based platforms.

53. Sections 365 and 365(A) of the Penal Code are weaponized to criminalize members of the LGBTIQ community and section 399 is widely used to harass transgender persons in Sri Lanka.
54. The then Minister of Justice announced that he instructed the relevant authorities to stop harmful physical examination practises by authorities.^{lxxxix}
55. The absence of a regulated national drug policy has raised issues to receive recommended drugs for hormonal treatments for the transgender community of Sri Lanka. The Trans Protection Bill which was drafted by the National Transgender network together with several other organizations is on hold owing to the political developments in the country.

Q. INDIGENOUS ADIVASI COMMUNITY

56. The Adivasi Community, who are dispersed across the Eastern, Uva, North Central and Sabaragamuwa Provinces have still not been accurately enumerated.
The community have been denied the opportunity engage in their traditional occupations of hunting, collecting honey, collecting medicinal herbs and traditional chena cultivation, by laws, conditions placed by authorities and deforestation. Their language is not included in the national education syllabus despite requests since 2005. Access to health care is a challenge due to lack of personnel in local hospitals in areas populated by the Adivasi community.
57. Around 30% of the community have been granted half an acre of high land (□□□□ □□□□) and 1 hectare of low land (□□ □□□□), belonging to the Mahaweli Authority through permits to engage in cultivation. Others engage in chena cultivation, both of which have been severely undermined by the on-going food crisis and fertilizer shortage.

R. HARASSMENT AND ATTACKS ON HRDS AND NGOS

58. In the last 4 years, harassment and attacks on HRDs have been reported from across the country. NGOs and HRDs have reported visits from state intelligence services, the terrorism investigation division (TID) and the criminal investigation division (CID). These reports are higher in the North, Eastern and Western provinces and NGOs were asked to reveal sources of funding, details of projects, staff details and other information.^{lxxx} Civic space in Sri Lanka was rated as obstructed in 2021.^{lxxxii}
59. Lawyer and human rights defender Senaka Perera was subject to intimidation by the HRCSL in June 2022 for a statement he made calling for the protection of prisoners.^{lxxxiii} He was also summoned by the CID in reprisals for his activism.^{lxxxiii} Social media activist Shehan Malaka was arrested in March 2022 after demanding truth and justice for the Easter Sunday attacks but was later granted bail.^{lxxxiv} Former commissioner of the Human Rights Commission of Sri Lanka, Ambika Satkunathan was subject to intimidation by the

Sri Lanka Foreign Ministry in February 2022 after giving evidence at the European Parliament on the human rights situation in the country.^{lxxxv} The Ministry issued a statement attempting to delegitimize Satkunanathan.^{lxxxvi}

60. On 17 February, a white-van style abduction was foiled in Kalmunai, in the Eastern province when a group tried to abduct Tamil activist Nithanshan.^{lxxxvii} In addition, poet Ahnaf Jazeem and lawyer Hejaaz Hizbulla were both arrested in 2020 on false charges under the draconian PTA.^{lxxxviii} Meanwhile Shani Abeysekera, a former director of the CID,^{lxxxix} was arrested in July 2020 under charges of having provided false evidence in a murder case and was granted bail in June 2021.^{xc} These incidents are in addition to attacks against journalists that continued in the last four years.

S. RIGHTS OF THE HILL COUNTRY TAMILS (MALAIYAHA MAKKAL)

61. The *Malayaha Makkal* community continues to be excluded from government services and welfare programs at the local level. The community's struggle for Rs. 1,000.00 daily wage were acceded to only in 2021. Plantation companies have refused to sign any collective agreements thereafter.^{xcii} In the context of skyrocketing cost-of-living, the community is one of Sri Lanka's most precarious social groups.
62. Many live in overcrowded line-houses with poor hygiene and inadequate access to clean drinking water despite housing projects initiated. The health indicators are poor, with many issues pertaining to malnutrition, infant mortality, low birth weights, maternal health, and decreased life expectancy.
63. Right to education is limited within estates, with high drop-out, unsuitable learning environments in line-houses and difficulties in filling teacher vacancies.
64. Nutrition indicators are at their lowest in the estate sector and access to lands for cultivation are yet to be granted to this community.
65. The Tamil Official Language policy is not implemented and access to government services to members of the *Malayaha Makkal* community is restricted due to language barriers.
66. The culture of the *Malayaha Makkal* such as (Karagam, Kimmi, Kavadi, Kamkoothu, Ponnar Sangar and Archunan Thabasu) have not been recognized and are not supported by line ministries.
67. Freedom of association is restricted with trade unions and civil society organizations restricted by private companies that administer estates.

T. STATE OF MIGRANT WORKERS IN SRI LANKA

68. The legal provisions on migrant workers falls woefully short of the expected safety standards.^{xcii}
69. Primary legislation is limited to repatriation or recovery and does not extend to protecting migrant workers in employment in host countries. The Act provides services only to workers registered under the law, contrary to the obligation under international law.^{xciii}
70. A large proportion of the registration fees under the Act are retained by the Sri Lanka Bureau of Foreign Employment, the remainder is grossly inadequate for worker's welfare.^{xciv}
71. Migrant workers from Sri Lanka are subject to contractual changes upon arrival in host countries, work long hours without rest or over time, subject to abuse, denied wages and at-risk of breach of contract by employers. They rely on sub-agents and middlemen, and often pay excessive recruitment fees in a market that is not regulated.
72. The controversial Family Background Report (FBR) Circular that came into existence in 2013, was in place throughout the period under review, imposing discriminatory requirements on all females migrating for work.^{xcv} Attempts to amend these provisions were rejected by the President.^{xcvi}
73. Sri Lankan diplomatic missions abroad and the Government provided little assistance to migrant workers who were stranded in destination countries.^{xcvii}

U. REFUGEE RETURNEES FROM INDIA

74. There is no policy framework to support refugee returnees to Sri Lanka despite an open policy for returns.^{xcviii} Those born in refugee camps face penalties when registering as citizens ^{xcix} and refugees have little resource allocations for holistic assistance and re-integration. ^c They depend entirely on the state for basic subsistence, livelihood and food assistance ^{ci}
75. As a result, many reintegrate to their places of origin, due to the lack of support to return.^{cii}

Asylum Seekers and Refugees in Sri Lanka

76. As at March 2022, there are 882 refugees and 191 asylum seekers registered with UNHCR in Sri Lanka. Sri Lanka did not ratify the 1951 Refugee Convention nor its 1967 Protocol. There are no national procedures for the granting of refugee status.

77. Refugees are left to the care and protection of UNHCR, which, in agreement with the Government of Sri Lanka, registers asylum seekers and carries out refugee status determination. It has been announced that the physical operation of the UNHCR will end by 2024 which has distressed asylum seekers who have been waiting for more than two years.
78. Asylum seekers are turned back at the port of entry, without an opportunity to present their case, violating the customary law principle of *non-refoulement*. Asylum seekers have, in many cases, taken huge risks in order to flee the political, religious, and cultural persecution they faced in their countries of origin.
79. Refugees recognized by UNHCR are denied the right to work or obtain any sort of income in Sri Lanka. They are dependent on a monthly allowance to meet all basic needs. Asylum seekers are not even eligible for the UNHCR allowance and receive no financial aid. Samurdhi initiatives is not accessible to asylum seekers and refugees.
80. In the aftermath of the 2019 Easter Sunday terror bombings, two thirds of the refugee and asylum-seeking population in Sri Lanka was displaced as they were evicted from their homes as the local community viewed them as ‘terrorists’^{ciii}, others were arrested.
81. Health services for refugees and asylum seekers at public hospitals face discriminatory slurs and are denied at times at the discretion of authorities.

V. HOUSING RIGHTS IN SRI LANKA

82. There is no national policy on housing. Around 800, 000 poverty-stricken families do not have houses or adequate protective shelter. This includes those internally displaced by war as well. Those without a permanent residence face a multitude of repercussions such as societal backlash, problems in accessing schooling for children, privacy being jeopardized, being forced to live under unreasonable terms of landlords, not qualifying for government aid such as *Samurdhi* etc.

W. WATER AND SANITATION

83. Despite the existence of a National Policy on Sanitation, a considerable population (such as the disabled, those in urban shanties, estate sector communities) still lack access to water and sanitation. It is noted that only 2% of the population has access to piped sewerage while the majority depend on on-site sanitation.
84. In 2020, the government imposed new taxes on bath ware and tiles which is another obstacle to ensuring the availability of sanitary facilities.

X. LAND RIGHTS

85. After 13 years of ending the civil war, 179 families are remaining in internally displaced people's camps in the North & East area of the Island. Inadequate support for small farmers and chronic kidney disease has seriously affected many farming communities.

RECOMMENDATIONS

Accountability

01. Ensure accountability for serious human rights violations in Sri Lanka in line with UNHRC Resolution 46/1, repealing the PTA and ensuring justice for missing persons, reparations and truth seeking.
02. Support international accountability processes for serious human rights violations committed in Sri Lanka through evidence collection, preservation and prosecutions.

Health

03. Ensure the availability of essential medicines in the health services and to ensure to access to health care of the people, specifically most vulnerable groups and ensure the conducive working environment for the health sector workers.

HRDs

04. Ensure an enabling environment for HRDs and NGOs, protecting whistle blowers and assuring freedom of association, assembly and expression through legislative reforms, policing reforms and access to justice.
05. Ensure an enabling environment for HRDs by holding the CID, Police, the Attorney General and other state institutions accountable for harassment and intimidation of HRDs.

Freedom of Assembly, Association, Expression

06. Guarantee the right to protest, protecting press freedom and expression of all persons, guaranteeing the freedom of association of trade unions and NGOs.

Women's Rights

07. Introduce amendments to relevant laws for a quota for female participation at the Parliamentary and Provincial Council levels.
08. Repeal or amend discriminatory laws.
09. Introduce national policies to address the issue of microfinance induced household debts.
10. Ensure, livelihoods, security and resettlement of Internal Displaced People/ Women Headed Households in the country.

Torture

11. Ratify the OPCAT and end the use of torture in all forms by state authorities.

12. Ensure individual accountability for all police officers involved in custodial torture and extra judicial killings

Rights of LGBT Persons

13. Repeal Article 16 of the Constitution, repeal sections 365, 365 A, amend section 399 of the Penal Code and specific sections of other laws that criminalize homosexuality.^{civ}
14. Permit fundamental rights challenges of actions by private entities providing public services.^{cv}
15. Recognize the crime of rape and non-consensual sex of males under the common legal sections concerning rape and sexual offences, address domestic violence and assure access to justice.
16. Take specific measures to address discrimination and harassment faced by LGBTIQ+ persons in health sector, law and justice, with special attention to transgender persons.^{cvi}
17. Ban conversion therapies, other treatments, psychiatrist evaluation solely based on their Sexual Orientation Gender Identity and Expression (SOGIE) or practices that attempt to “correct” LGBTIQ+ persons for their SOGIE
18. Ban any form of virginity test and forced anal or vaginal tests
19. Address harmful and stereotypical media reporting, through artistic expression and updated gender and sexuality knowledge in secondary and tertiary school curricula

Indigenous Adivasi Community

20. Recognizing the indigenous Adivasi community rights, legal status, traditional livelihoods, access to land, protection from land grabs, language identity, access to health and education.

Refugee Returnees from India

21. Guarantee essential documentation, land, housing, education livelihood and employment to refugee returnees and work with the Government of India to guarantee rights of refugees^{cvi}.

Asylum Seekers and Refugees

22. Respect the principle of non-refoulement, allow asylum seekers to enter the country for determination of their claim, and prevent automatic deportation when negative determinations are made by the UNHCR..
23. Permit asylum seekers and refugees to engage in employment, access the Samurdhi scheme to ensure basic food security, and the national primary and secondary education system.

24. Direct medical health service professionals to be inclusive and cater to the needs of refugees and asylum seekers, alongside the local population.

Right to Food

25. Ensure the Right to food for most vulnerable groups & provide in particular food programs for children & pregnant mothers. Provide basic requirements for food producers.

Upcountry Tamil People (Malayaha Makkal)

26. Ensure Rights to Food, Housing, Education, Language, and Land & respect the agreement provide minimum daily wages LKR 1000.00 through collective agreement while facilitating the right to freedom of association.

Housing Rights

27. Recognize the right to housing in law and policy.
28. Recognize economic, social and cultural rights on an equal footing to civil and political rights so that human dignity is ensured.

ⁱ List of Organizations:

1. National Fisheries Solidarity, Negombo,
2. Movement for National Land and Agriculture Reforms, Colombo,
3. Law and Society Trust, Borella
4. SAVISTRI National Women Movement, Baththaramulla.
5. Janawaboda Kendraya, Negombo
6. Right to Life Human Rights Organization, Colombo.
7. Justice for All, Rajagiriya
8. FIAN Sri Lanka, Nugegoda
9. Center for Society and Religion, Colombo 10
10. Families of the Disappeared, Negombo.
11. Sri Vimukthi Fisher Women Organization, Negombo.
12. Rural Workers Organization, Jaffna.
13. Mannar District Fisheries Solidarity Organization, Musali,
14. Kilinochchi District Fisheries Organization, Poonagari.
15. Mullaitivu District Fisheries Solidarity, Mullaitivu
16. Jaffna District Fisheries Solidarity Organization,
17. Southern Fisheries Organization, Dodanduwa, Galle.
18. Southern Fisheries Organization, Dondra, Matara.
19. DIFSO-Ampara, Pothuwil
20. Batticaloa District Fisheries Solidarity Organization, Kathankudy, Batticaloa
21. Trincomalee District Fisheries Solidarity, Trincomalee
22. Miridiya Organization, Polonnaruwa,
23. Praja Shayogitha Sansadaya
24. Tendral District Women Federation, Mullaitivu.
25. Voice of Northern Province Women, [Vadahamana Pengal Kural], Musali, Mannar,
26. Northern Province Women Federation, Jaffna.
27. People's Movement Against Port City, Negombo
28. RDS, Poththuvil,
29. Valarpirai Citizen forum , Addalaichenai
30. KilakkuSooriyan Women District Committee, Addalaichenai
31. Vali North Resettlement Organization, Jaff
32. NPFPU, Mannar& Jaffn
33. Poonthalir Women District Committee, Jaffna
34. Vali North Citizen Forum, Jaffna

35. Vali East Citizen forum
36. Marumalarchchi Women District Organization, Batticaloa
37. Stand Up Movement, Katunayake,
38. Citizen Forum, Trincomalee
39. RDS, Sampoor, Trincomalee,
40. Udayam District Women Organization
41. Citizen Forum, Mannar
42. Nesakaram Citizen Forum, Mannar
43. Valarpirai District Women Organization, Mannar
44. Savistree, Matara
45. PrajaAbilasa Network, Negombo
46. PARL, Colombo
47. Lanka Farmers Forum- Colombo
48. UWWO-Wellawaya
49. PPPO-Paanama,
50. IPHC, Brandigampola, Kaluaggala.

- ⁱⁱ Cancer World. 6 May 2022. <https://cancerworld.net/sri-lanka-cancer-care-hit-by-foreign-currency-crisis/>
- ⁱⁱⁱ ICJ. June 2022. <https://www.icj.org/sri-lanka-government-must-ensure-availability-of-essential-medicines-to-protect-lives/>
- ^{iv} The Guardian. 31 May 2022. <https://www.theguardian.com/world/2022/may/31/people-are-going-to-die-crisis-hit-sri-lanka-runs-out-of-medicine>
- ^v News First. 23 May 2022. <https://www.newsfirst.lk/2022/05/23/sri-lanka-two-day-old-baby-dies-as-fuel-crisis-forces-delay-in-admitting-her-to-hospital/>
- ^{vi} UNICEF. 10 June 2022. <https://www.unicef.org/rosa/press-releases/unicef-appeals-us25-million-meet-urgent-needs-17-million-children-affected-economic>
- ^{vii} For instance, Due to the inflation, wheat flour consumption went down 45 percent since mid-2021. <https://www.orfonline.org/expert-speak/sri-lanka-food-security-impacted-by-flawed-economic-policies/>
- ^{viii} The increase is recorded as 40% in August 2021 to 68% in April 2022.
- ^{ix} Food security assessment conducted by the WFP in June, 2022.
- ^x <https://reliefweb.int/report/sri-lanka/wfp-sri-lanka-situation-report-6-july-2022>
- ^{xi} Records show a 40 - 50% reduction of production in the Maha cultivation Season. It is estimated that the Yala season was cultivated only in 24% of the farming land. <https://reliefweb.int/report/sri-lanka/sri-lanka-food-security-crisis-humanitarian-needs-and-priorities-2022-june-sept-2022-ensita>
- ^{xii} Central Bank of Sri Lanka (2022), *Press Release*, retrieved from https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/press/pr/press_20220630_inflation_in_june_2022_ccpi_e.pdf (accessed 11.7.2022).
- ^{xiii} Department of Census and Statistics (2021), *Sri Lanka Labour Force Survey Annual Bulletin 2021*, retrieved from <http://www.statistics.gov.lk/LabourForce/StaticInformation/Bulletins/SriLankaLabourForceSurveyAnnualBulletin-2021> (accessed 11.7.2022).
- ^{xiv} The largest such programme, *Samurdhi*, provides up to Rs 3500/= depending on the size of the beneficiary family; however, transfer amounts are also subject to deductions for compulsory savings, security, and a housing lottery. The inadequacy of social security transfers was highlighted during the pandemic period when all schemes were increased to the same level, with no rationale offered to relate the figure of Rs 5000 to each discrete beneficiary group.
- ^{xv} See, e.g., The Sunday Times (2020), *One-time Rs 5000 allowance mired in controversy*, retrieved from <https://www.sundaytimes.lk/200426/news/one-time-rs-5000-allowance-mired-in-controversy-400964.html> (accessed 11.7.2022).
- ^{xvi} World Bank (2021), p 44.
- ^{xvii} Including land grants inheritance laws such as the Land Development Ordinance and the State Lands Ordinance; sections 365, 365A and 399 of the Penal Code that discriminates against LGBT persons, the Brothels Ordinance and Vagrants Ordinance as well as the personal laws such as the Muslim Marriage and Divorce Act No. 13 on 1951, the Matrimonial Rights and Inheritance Ordinance (Jaffna) No. 1 of 1911 amended by Ordinance No. 58 of 1947 and the Kandyan Law Declaration and Amendment Ordinance No. 39 of 1938.
- ^{xviii} Women and Media Collective. January 2017. “Sri Lanka Shadow Report To the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)”. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LKA/INT_CEDAW_NGO_LKA_26306_E.pdf

- ^{xix} Sarah Thanawala. Global Human Rights Defence. 24 March 2022. “Gender-Based Violence Plaguing Sri Lanka”. <https://ghrd.org/gender-based-violence-plaguing-srilanka/>
- ^{xx} UNFPA. <https://srilanka.unfpa.org/en/topics/gender-based-violence-13>.
- ^{xxi} Women and Media Collective. January 2017. “Sri Lanka Shadow Report To the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)”. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LKA/INT_CEDAW_NGO_LKA_26306_E.pdf
- ^{xxii} In April 2022, the restrictions on access to social media were imposed as a response to protesters demanding government accountability <https://www.dw.com/en/sri-lanka-restricts-access-to-social-media-platforms-amid-protests/a-61343824>; A social media ban was imposed after the Easter Sunday Terror attacks to stop the spread of “false news reports”. <https://www.bbc.com/news/technology-48022530>; In 2018, social media was blocked or restricted as a response to anti-Muslim violence that spread in central Sri Lanka <https://www.theguardian.com/world/2018/mar/07/sri-lanka-blocks-social-media-as-deadly-violence-continues-buddhist-temple-anti-muslim-riots-kandy>
- ^{xxiii} Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxiv} ‘Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxv} ‘Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxvi} <https://www.ft.lk/TOP-STORY/President-takes-over-Rupavahini/26-685512>
- ^{xxvii} Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf Jazeem was detained on terrorism charges under the Prevention of Terrorism Act on the ground that his poetry book contained ‘extremist’ messages. He was bailed out in December 2021 after eighteen months in detention.
- ^{xxviii} Amnesty International. <https://www.amnesty.org/en/documents/asa37/0800/2019/en/>. In 2020 the United National Working Group on Arbitrary Detention ruled that the Government contravened human rights obligations through his pre-trial detention. He was later released in 2021 ahead of the United Nations Human Rights Council sessions. WSWS. 21 December 2021. <https://www.wsws.org/en/articles/2021/12/21/ahna-d21.html>
- ^{xxix} Economy Next. <https://economynext.com/shakthika-sathkumara-discharged-days-ahead-of-unhrc-sessions-78661/>
- ^{xxx} <https://www.colombotelegraph.com/index.php/harassment-of-journalist-dharisha-bastians-may-be-aimed-at-stopping-her-reporting-on-sri-lanka-5-un-special-rapporteurs-write-to-govt/>
- ^{xxxi} <https://www.colombotelegraph.com/index.php/harassment-of-journalist-dharisha-bastians-may-be-aimed-at-stopping-her-reporting-on-sri-lanka-5-un-special-rapporteurs-write-to-govt/>
- ^{xxxii} Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxxiii} ‘Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxxiv} ‘Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxxv} Media Freedom in Sri Lanka: Annual Report 2020’ (*Free Media Movement*, 2020) FMM_2021_Aug_Annual_Eng.pdf
- ^{xxxvi} <https://monitor.civicus.org/updates/2018/04/10/government-backs-down-restrictive-ngo-law-amendments/>
- ^{xxxvii} <https://www.sundaytimes.lk/190428/columns/easter-sunday-massacres-where-do-we-go-from-here-347090.html>
- ^{xxxviii} In total, the attacks claimed the lives of 269 individuals and injured more than 500 across all six locations: St. Anthony’s Church Kochchikade, St. Sebastian’s Church Katuwapitiya, Zion Church Batticaloa, Cinnamon Grand Hotel Colombo, Shangri La Hotel Colombo, Kingsbury Hotel Colombo.
- ^{xxxix} Borham, M. & Attanayake, D., 2018. *Tension in Ampara after fake ‘sterilization pills’ controversy*. [Online] Available at: <http://www.sundayobserver.lk/2018/03/04/news/tension-ampara-after-fake-%E2%80%99sterilization-pills%E2%80%99-controversy> [Accessed 12 July 2022]
- ^{xl} Amnesty International, 2021. *From Buring Houses to Burning Bodies: Anti-Muslim Violence, Discrimination and Harassment in Sri Lanka*. London: Amnesty International.

-
- xli http://www.documents.gov.lk/files/egz/2019/4/2121-01_E.pdf
- xlii Centre for Policy Alternatives, 2020. *Disposal of bodies of deceased persons who were infected with and suspected of being infected with COVID-19* [Online] Available at: <https://www.cpalanka.org/disposal-of-bodies-of-deceased-persons-who-were-infected-with-and-suspected-of-being-infected-with-covid-19/> [Accessed 12 July 2022]
- xliii Ulmer, A. & Rajarathnam, O., 2019. *Unsubstantiated claims Muslim doctor sterilized women raise tensions in Sri Lanka*. [Online] Available at: <https://www.reuters.com/article/us-sri-lanka-doctor-insight-idUSKCN1T71HS> [Accessed 12 July 2022].
- xliv Minor Matters, 2020. *Hate Speech in Sri Lanka during the pandemic* [Online] Available at: <https://www.minormatters.org/storage/app/uploads/public/5fc/76b/014/5fc76b014d43f554793096.pdf> [Accessed 12 July 2022]
- xlvi Verite Research, 2022. *Patterns and Risks of Religious Violence against Christians (October 2020-October 2021)* [Online] Available at: <https://www.minormatters.org/storage/app/uploads/public/621/341/892/6213418929bfa869712586.pdf> [Accessed 12 July 2022].
- xlvii Oakland Institute, 2021. *Endless War: The Destroyed Land, Life and Identity of the Tamil People in Sri Lanka* [Online] Available at: <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/endless-war-web.pdf> [Accessed 12 July 2022].
- xlviii <http://www.adaderana.lk/news/77552/accused-in-mawanella-buddha-statue-vandalism-case-served-indictments>
- xlix Official Webpage of the Office of Reparations. https://www.reparations.gov.lk/web/index.php?option=com_content&view=article&id=100&Itemid=250&lang=en
- l Amnesty International. February 2022. <https://www.amnesty.org/en/wp-content/uploads/2022/03/ASA3752782022ENGLISH.pdf>
- l the first permanent body with a mandate, among others, to trace missing persons and to clarify the circumstances in which such persons went missing, to identify avenues of redress for missing persons and relatives, and to collate data related to missing persons. concerns remain on the current composition of the OMP.
- li On January 20th 2020, 2 months after being elected as President, it was reported that Gotabaya Rajapakse had stated that steps will be taken to issue death certificates to those who have disappeared, as they were actually dead. It was later clarified that the President had said that Death certificates would be issued upon the conclusion of investigations. Colombo Page. 25 January 2020. http://www.colombopage.com/archive_20A/Jan25_1579893541CH.php
- lii Economy Next. <https://economynext.com/sri-lanka-to-issue-death-missing-certificates-to-disappeared-pay-100000-lkr-to-next-of-kin-91667/> . On or around March 15th 2022, “Sri Lanka’s cabinet of ministers has approved a proposal to issue death or missing person certificates to disappeared persons and pay a 100,000-rupee one-time-only allowance to their next of kin and also provide land where necessary”
- liii Manjula Asela Kumara (33) and Rasin Chinthaka (31) had been picked up by persons in Police uniforms on 23 January 2019, they were allegedly killed in police custody. <https://www.sundaytimes.lk/190217/news/ratgama-abductions-senior-dig-transferred-336720.html>
- liv On October 11th 2020, 21 year old Gayan Pushpakumara was arrested by the Pugoda Police Station. It was a case of mistaken identity. He was assaulted by the OIC of the Pugoda Police Station and succumbed to his injuries. <https://www.right2lifelanka.org/the-oic-of-pugoda-police-station-kicked-to-gayans-stomach-three-times-said-by-relatives/>
- lv On May 17th 2021 49 year old Sunil Indrajith. it is alleged that the Police had asked another individual to assault Mr. Indrajith, and that a bus had run over him thereafter. <https://www.hrw.org/news/2021/08/06/sri-lanka-police-abuses-surge-amid-covid-19-pandemic>
- lvi On 3rd June 2021, 21 year old Tamil youth, Chandran Vithushan died after arrest by police in the eastern town of Batticaloa. <https://www.hrw.org/news/2021/08/06/sri-lanka-police-abuses-surge-amid-covid-19-pandemic>
- lvii On 6th June 2021, 42 year old Ali Khan, a manual labourer died at Panadura Base Hospital after being arrested by the Police earlier that day in the morning. Witnesses say that a police vehicle had chased him and the police had assaulted him. The Police for their part maintain that he died tried to escape

-
- from a moving police vehicle. <https://www.hrw.org/news/2021/08/06/sri-lanka-police-abuses-surge-amid-covid-19-pandemic>
- ^{lviii} On 22nd August 2021, a person arrested for allegedly violating covid-19 regulations died while in police custody for less than 3 hours. <http://www.humanrights.asia/news/forwarded-news/AHRC-FST-010-2021/>
- ^{lix} Chamara Indrajith was involved in robbing a jewellery shop, and killed a Police Constable who arrived on the scene, during a gun fight in Matara Town. <https://www.newsfirst.lk/2018/06/23/chief-suspect-of-matara-jewelry-heist-shot-dead-by-police/>. He was killed while in Police Custody on 23rd June 2018. Police stated that the suspect had attempted to throw a grenade at the police after being taken by the Police to Kirila Kale to recover a bag with clothes and equipment used for the robbery.
- ^{lx} On 21st October 2020, Makandure Madush a prominent underworld figure was killed while in police custody, during a gun fight between CCD and suspected gang members. <https://www.ft.lk/news/Drug-kingpin-Makandure-Madush-shot-dead/56-707829%C2%A0>
- ^{lxi} Killing of two underworld figures on 13th May 2021. <https://www.dailymirror.lk/opinion/Custodial-Safety-Even-a-Hardened-Criminals-Human-Right/172-212326>. Kosgoda Tharaka (Dharmakeerthi Tharaka Perera Wijesekara), an underworld figure died while in police custody, following a shooting incident on 13th May 2021. Mabulage Dineth Melan Mabula alias Uru Juwa was also killed on 13th May 2021.
- ^{lxii} Island. <https://island.lk/one-killed-24-wounded-in-police-shooting-at-rambukkana/>. One killed (40-year-old Chaminda Lakshan, father of two, was dead on admission to the Kegalle Teaching Hospital) and at least 24 injured when Police opened fire at protestors on 19th April 2022 in Rambukkana, Kegalle. The Kegalle Magistrate ordered the arrest of SSP Keerthirathna upon JMO determining that the cause of death was gun shot injuries. SSP Keerthirathna, who gave the order to shoot at the protestors, and three other Police Constables were subsequently arrested on 29th April 2022. https://www.dailymirror.lk/top_story/Four-police-officers-including-former-Kegalle-SSP-arrested-over-Rambukkana-shooting/155-235913
- ^{lxiii} BBC. 18 August 2022. <https://www.bbc.com/news/world-asia-45296871>. BBC. <https://www.bbc.com/news/world-asia-46295889>
- ^{lxiv} The Morning. <https://www.themorning.lk/missing-persons-families-to-observe-mannar-mass-grave-exhumation/> This case was a sequel to an order made by the Mannar magistrate ruling that the families of the disappeared and other aggrieved parties are not entitled to participate in the excavation proceedings by themselves or through their attorneys.
- ^{lxv} News First. 12 June 2022. <https://www.newsfirst.lk/2022/06/12/igp-report-reveals-lack-of-procedure-for-appointing-oics/>
- ^{lxvi} Human Rights Commission of Sri Lanka. 2020. https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf
- ^{lxvii} HRW. <https://www.hrw.org/report/2022/02/07/legal-black-hole/sri-lankas-failure-reform-prevention-terrorism-act>
- ^{lxviii} Human Rights Commission of Sri Lanka. 2020. https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf
- ^{lxix} Human Rights Commission of Sri Lanka. 2020. https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf
- ^{lxx} Human Rights Commission of Sri Lanka. 2020. https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf. “PTA prisoners reported suffering discrimination and feel they are at a continued risk of harassment or abuse by fellow prisoners, and even prison officers.”
- ^{lxxi} Al Jazeera. <https://www.aljazeera.com/features/2019/6/16/muslims-targeted-with-arbitrary-arrests-after-easter-massacre>
- ^{lxxii} Amnesty International. <https://www.amnesty.org/en/documents/asa37/5372/2022/en/>
- ^{lxxiii} The Island. <https://island.lk/pta-bill-passed/>
- ^{lxxiv} Prevention of Terrorism (de-radicalization from holding violent extremist religious ideology) Regulations No. 1 of 2021, which is attached to the PTA and seeks to expand its powers. “The regulation broadly allows the authorities to detain and “rehabilitate” anyone who “by words either spoken or intended to be read or by signs or by visible representations” causes the commission of violence or “religious, racial or communal disharmony or feelings of ill will or hostility between different communities or racial or religious groups.” HRW. “In a Legal Black Hole”: Sri Lanka’s Failure to

-
- Reform the Prevention of Terrorism Act. <https://www.hrw.org/report/2022/02/07/legal-black-hole/sri-lankas-failure-reform-prevention-terrorism-act>
- ^{lxxv} Amnesty International. <https://www.amnesty.org/en/latest/news/2020/11/sri-lanka-prison-deaths-must-be-investigated-amid-growing-covid19-unrest/>
- ^{lxxvi} Daily News. 30 June 2020. <https://www.dailynews.lk/2022/06/30/local/282037/kandakadu-tense-after-one-death>; Ceylon Today. <https://ceylontoday.lk/2022/06/30/mass-escape-at-kandakadu-rehab-centre/>
- ^{lxxvii} Human Rights Commission of Sri Lanka. 2020. https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf
- ^{lxxviii} <https://www.hrw.org/news/2020/10/20/sri-lanka-forced-anal-exams-homosexuality-prosecutions>
- ^{lxxix} <https://www.icj.org/sri-lanka-ensuring-equality-and-non-discrimination-for-lesbian-gay-bisexuals-and-transgender-people/>
- ^{lxxx} Amnesty International. 2020. “Sri Lanka: Attacks on human rights organisations, media organisations and journalists in Sri Lanka”. <https://www.amnesty.org/en/documents/asa37/1678/2020/en/>
- ^{lxxxi} Civicus. <https://monitor.civicus.org/updates/2022/03/29/assault-civic-freedoms-continue-sri-lanka-economic-crisis-hits-country/>
- ^{lxxxii} Sri Lanka Brief. <https://srilankabrief.org/in-an-unprecedented-move-hrcsl-complains-to-ag-cj-against-hrd-and-attorney-at-law-senaka-perera/>
- ^{lxxxiii} Economy Next. 6 June 2022. <https://economynext.com/sri-lanka-lawyer-and-activist-senaka-perera-summoned-by-cid-95206/>
- ^{lxxxiv} Newswire. 14 February 2022. <https://www.newswire.lk/2022/02/14/civil-activist-shehan-malaka-gamage-arrested/>
- ^{lxxxv} OMCT. 14 February 2022. “Sri Lanka: Intimidation against prominent human rights lawyer Ambika Satkunanathan”. <https://www.omct.org/en/resources/statements/sri-lanka-intimidation-against-prominent-human-rights-lawyer-ambika-satkunanathan>
- ^{lxxxvi} Sri Lanka Ministry of Foreign Affairs. 4 February 2022. “Foreign Ministry refutes claims made by Ambika Satkunanathan to the European Parliament’s Subcommittee on Human Rights”. <https://mfa.gov.lk/fm-refutes-claims-ambika/>
- ^{lxxxvii} Twitter. Shanakiyan Rajaputhiran Rasamanickam, @ShanakiyanR, 17 February 2022. https://twitter.com/ShanakiyanR/status/1494326420994392065?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1494326420994392065%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fmonitor.civicus.org%2Fupdates%2F2022%2F03%2F29%2Fassault-civic-freedoms-continue-sri-lanka-economic-crisis-hits-country%2F
- ^{lxxxviii} Times Online. 15 December 2021. “Detained poet Ahnaf Jazeem granted bail after 578 days”. <https://www.timesonline.lk/news-online/Detained-poet-Ahnaf-Jazeem-granted-bail-after-578-days/2-1136260>; Economy Next. 7 February 2022. “Sri Lanka’s court of appeal grants bail to detained lawyer Hejaaz Hizbullah”. <https://economynext.com/sri-lankas-court-of-appeal-grants-bail-to-detained-lawyer-hejaaz-hizbullah-90225/>
- ^{lxxxix} Abeysekera oversaw investigations into the Waseem Thajudeen murder case, the murder of journalist Lasantha Wickrematunga, the enforced disappearance of Prageeth Eknaligoda and the abduction of 11 Tamil youth by the Naval intelligence personnel among several key cases. FT. 10 December 2020. “Shani’s lawyer files FR violation petition”. <https://www.ft.lk/news/Shani-s-lawyer-files-FR-violation-petition/56-710018>
- ^{xc} Daily News. 16 June 2021. “Shani Abeysekera granted bail”. <https://www.dailynews.lk/2021/06/16/law-order/251763/shani-abeysekera-granted-bail>
- ^{xci} The agreements offered certain social security benefits to labourers, and have imposed conditions for the payment of the Rs. 1,000.00 daily wage
- ^{xcii} The focus of the SLBFE Act No. 21 of 1985, which is the primary legislation pertaining to labour migration governance, is on regulating the ‘process’ of migration rather than ensuring safe, skilled migration.
- ^{xciii} Under the ratified International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Convention. *Review of the Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985 & The Recommendations made by the Civil Society*, March 2017.
- ^{xciv} Female migrant workers working as domestic workers primarily in Gulf Cooperation Council (GCC) countries, and particularly in Saudi Arabia are often subject to exploitation and abuse, as various studies from civil society (such as Amnesty International or Human Rights Watch) as well as international organisations such as ILO demonstrate. In addition, in countries where the Kafalah

(sponsorship) system is in place, workers are not easily in a position to change their employment. Furthermore, migrant workers are also required to obtain an “exit visa” which prevents workers from leaving the country without the sponsor's permission. Employer consent is required to change jobs or leave the country. This enhances dependency on the employer and leaves room for further exploitation. There are numerous reports and evidence from the undersigned organizations that suggest that female domestic workers have been implicated in false cases and arbitrarily arrested or detained when they attempted to leave employment owing to continuous abuse/exploitation.

- ^{xcv} Further, as per the Act, only 10% of the registration fee is remitted to the welfare fund of migrant workers when 70% of it is paid back to the foreign employment agency and 20% retained by SLBFE. Initially the requirement to submit an FBR was only applicable to females migrating abroad as domestic workers, which changed in June 2015 to be applied to all women under Circular MFE/RAD/10/13. The FBR results in migration outside Sri Lanka’s legal framework thus increasing their vulnerability at destination. The Daily Mirror. <https://www.dailymirror.lk/businessopinion/FBR-Good-riddance-What-next-to-increase-migrant-remittances-to-Sri-Lanka/306-240369>
- ^{xcvi} Despite a cabinet paper proposed in 2018 and 2019 to progressively revise provisions discriminatory provisions, it was rejected. However, in light of the current economic crisis and the dire need to increase foreign remittances to increase foreign exchange, the Government more recently partially lifted the ban on compulsory FBR report requirement from female migrant workers with children below the age of 5 years. However, as per the Cabinet decision, female migrant workers with children below the age of 2 years are discouraged from migrating <https://economynext.com/sri-lanka-allows-women-with-young-children-to-go-abroad-for-work-after-money-printing-96598/>
- ^{xcvii} Business and Human Rights Resource Centre. <https://www.business-humanrights.org/en/latest-news/sri-lanka-stranded-migrant-workers-in-middle-east-mostly-women-plead-govt-to-facilitate-return-home-amid-covid-19/>. In April 2021, 122 Sri Lankan migrant workers based in the Middle East lost their lives due to Covid-19. Over 30, 832 workers returned upon losing their jobs. The South Asia Monitor. <https://www.southasiamonitor.org/sri-lanka/covid-19-killed-122-sri-lankan-migrant-workers>
- ^{xcviii} While 15,592 refugees from Tamil Nadu have returned since the end of the war, the annual rate of return decreased due to COVID-19 and economic crisis. However, it is expected to surge once the situation in the country improves. Documentation is key challenge, including essential documents such as birth certificates, identity cards and passports. The state should provide adequate and accessible consular services through the Sri Lankan Deputy High Commission in Chennai and diplomatic missions in relevant countries. Penalty fees and fines for applying for citizenship by 18 should be waived. Ensuring that educational and professional qualifications are recognized in Sri Lanka is a key problem for school children, graduates and diploma holders which makes it difficult for them to access educational facilities and employment opportunities. Employment, including access to key livelihood resources such as cultivable land, fishing equipment and other tools, is a significant concern.
- ^{xcix} It is under unfortunate circumstances that refugee displacement takes place and, inevitably, the civil and legal documents are lost or inaccessible due to their vulnerability and extraordinary circumstances beyond their control. By virtue of determining the political status of refugees and those who were forcibly sent, GoSL should place them in an extra-ordinary circumstances and provide extra-ordinary support with essential documentation.
- ^c There is no separate state policy for the rehabilitation of refugee returnees. They have been included as per the directive made by the Ministry of Resettlement.
- ^{ci} Refugee returnees from India or other countries mostly come with very limited resources or no resources to restart their lives back in their places of origin. Therefore, the GoSL should prioritize refugee returnees in par with vulnerable population in Sri Lanka and develop extra-ordinary support mechanism to strengthen the reintegration of the returnees on the basis that they left the country due to unusual circumstances led by war.
- ^{cii} Re-commencing the ferry service would allow refugees to bring more possessions from Tamil Nadu where they have lived for 20-30 years.
- ^{ciii} Amnesty International. 16 May 2019. <https://www.amnesty.org/en/latest/press-release/2019/05/sri-lanka-refugees-fear-for-their-safety-amid-desperate-conditions/>.
- ^{civ} Including vagrancy ordinance, Air Force Act and Army Act

^{cv} Allow filing Fundamental Rights petitions against private parties who are offering public services (hotels, public transport, educational institutions, religious institutions etc.)

^{cvi} (1) Establish a separate mechanism to take action against such violations when reported, (2) Have at least some unisex toilets at prisons, detention centres, hospitals and other government institutions to reduce difficulties faced by transgender persons, and (3) Consider gender identity different from assigned sex when admitting to the hospital and prison/ remand wards.

^{cvi} As of now refugees are returning through UNHCR's Voluntary repatriation program. This program doesn't have holistic support to enable successful reintegration of the returnees. In order to ensure a well-considered, safe, dignified voluntary and sustainable return, there is a need to develop a structured refugee return program backed up by a rehabilitation package. This support would enable families to get on to their feet in their place of origins.