

**TAMIL CENTRE FOR HUMAN RIGHTS - TCHR/CTDH**  
**CENTRE TAMOUL POUR LES DROITS DE L'HOMME**  
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**DOES SRI LANKA MEET THE CRITERIA FOR GSP PLUS?**

The 1968 United Nations Conference on Trade and Development – UNCTAD, paved the way for the developed countries to grant trade preferences to all developing countries. This is known as the Generalised System of Preferences – GSP. The European Union being the largest trading partner for the world's developing countries, was the first (1971) to implement a GSP which grants either duty-free access or a tariff reduction on products imported from 178 GSP beneficiary countries.

Currently there are five types of EU GSP schemes and these will remain until December this year. They cover roughly 7000 products, of which 40 per cent are classified as non-sensitive and enjoy duty free access, while sensitive products benefit from a tariff reduction of 3.5 percentage points on the Most Favoured Nation agreements - MFN tariff.

The following developing countries - Bolivia ; Colombia; Costa Rica; Ecuador; Georgia; Guatemala; Honduras; **Sri Lanka**; Republic of Moldova; Mongolia; Nicaragua; Panama; Peru; El Salvador and Venezuela were qualified by the EU (Regulation EC No 80/2005) to benefit from the EU GSP scheme from 1 January 2006 to 31 December 2008.

The deadline for the beneficiary countries to reapply for the renewal is on 31 October 2008, for the period 2009-2011. Applications received before the deadline of 31 October will be assessed by the Commission and a decision will be published by 15 December on whether they meet the criteria to qualify for GSP+ benefits from January 2009.

The new EU GSP scheme from January 2009 will have three types instead of five. The general scheme includes 7200 products from the agriculture and fishery sectors, of interest for developing countries.

The second one will be a new '**GSP Plus**' scheme for especially vulnerable countries with special development needs. Under this scheme 7200 duty free products can enter EU, on the condition that the benefiting country has **ratified twenty seven important international conventions and that the country is characterised by good governance.**

Under the third scheme 'Everything but Arms' will remain unchanged from the present five types of EU GSP scheme. It is a special scheme for Least Developed Countries (LDC). It allows duty free entry to the EU for all products except arms and ammunition for the world's 50 poorest countries.

**'GSP Plus' scheme**

Countries wishing to benefit from GSP plus need to demonstrate that their economies are poorly diversified and they are dependent and vulnerable. Also they must have ratified and effectively implemented sixteen key conventions related to human rights and labour rights including good governance and protection of the environment.

Furthermore, the beneficiary countries must commit themselves to ratifying and effectively implementing the key international conventions which they have not yet ratified – twenty seven\* conventions have to be ratified by 31 December 2008.

The Information notice released on 6 August 2008 by the Commission of the European Communities, Directorate-General for Trade provides procedural guidance and instructions for GSP beneficiary countries (Submission of requests under Article 9 of Council Regulation (EC) No 732/2008 of 22 July 2008) as follows:

- *Comprehensive information concerning the ratification of the conventions listed in Annex III of Council Regulation (EC) 732/2008. The dates of such ratifications should preferably be confirmed by a copy of the deposited ratification instrument to the relevant international organization;*
- *Domestic legislation and measures to implement the provisions of the conventions effectively, together with any relevant description if appropriate;*

- *A statement of its commitment to accept to maintain the ratification of the conventions and their implementing legislation and measures and to accept and comply fully with the regular monitoring and review of its implementation record in accordance with the implementation provisions of the conventions and related instruments.*

## Sri Lanka

Considering the guidance and instructions given above, being one of the organisations working on the human rights situation in Sri Lanka for almost two decades, it is our duty as well as that of other members of civil society and the general public to bring the facts to light. Then anyone can judge for themselves, whether Sri Lanka fulfils the guide-lines and instructions.

Regarding human rights, one has to seriously consider the reports of the UN Human Rights Special Procedures and monitoring mechanisms – the reports of the Special Rapporteurs on Extrajudicial killings, Freedom of Expression, Freedom of Religion, and Torture; the reports of the Treaty Bodies; EU reports on human rights and other relevant reports.

In order to understand whether there is ‘good governance’ in Sri Lanka, all the following stand as evidence: – nearly forty years of Emergency rule with few intervals, nearly thirty years of Prevention of Terrorism Act – PTA which contradicts international standards; recent rigged elections; corruption; abrogation of many key agreements, including the Cease-fire Agreement of 2002, and the de-merging of the North Eastern Province which goes against the Indo-Lanka accord signed in 1987.

The quitting of the International Independent Group of Eminent Persons – IIGEP; the persistent refusal to accept an International monitoring body on Human Rights; the continuous arrests, detentions, disappearances and assassinations of Media personal, Humanitarian workers, Academics, Parliamentarians, Religious leaders, Laymen and others stand witness to the level of respect for human rights. These violations show that although ratification of conventions has taken place, effective implementation of the human rights conventions has been nil.

In September 2006, the Supreme Court ruling that Sri Lankan citizens cannot seek remedy from the UN Human Rights Committee regarding human rights violations, exemplifies just how endemic impunity is. In such a climate the political will to combat impunity is non-existent, and contempt for the recommendations made by the UN Treaty bodies and the UN Special rapporteurs is clear. Decision-makers on the GSP plus on Sri Lanka, have ample evidence to decide for themselves whether Sri Lanka satisfies the criteria for GSP plus.

As far as the protection of the environment is concerned the “**The Montreal Protocol on Substances that Deplete the Ozone Layer**” preamble says that the parties to this protocol are, “*Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer*”.

Daily aerial bombing, artillery shelling, use of land mines and other chemicals used in warfare spoil the environment and create very serious health conditions for humans as well as other creatures on earth.

***Please refer to the annexes given below with their links to see yourself whether Sri Lanka meets the criteria for GSP plus.***

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# ANNEXES

## DOES SRI LANKA MEET THE CRITERIA FOR GSP PLUS?

TAMIL CENTRE FOR HUMAN RIGHTS - TCHR/CTDH

Ref : MW045/PR/2008

22 October 2008

### FINLAND ON BEHALF EUROPEAN EUROPEAN TABLED A DRAFT DECISION ON SRI LANKA TO THE UN HUMAN RIGHTS COUNCIL – OCTOBER 2006

(IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED  
“HUMAN RIGHTS COUNCIL” - A/HRC/2/L.37-3 October 2006

#### DRAFT DECISION - 2006/... SRI LANKA

The Human Rights Council decides to adopt the following text:

“The Human Rights Council,

“*Expresses its concern* at the recent escalation of violence in Sri Lanka following the resumption of hostilities, leading to increasing violations of human rights and international humanitarian law, including increased extrajudicial killings and disappearances, impunity, large-scale displacement and the continuing forced recruitment of soldiers by the Liberation Tigers of Tamil Eelam, including of children. The Council calls for the respect of human rights and calls upon all parties to put an immediate end to the violations of humanitarian law, and to guarantee access for humanitarian aid to the population as well as to guarantee the protection of humanitarian workers,

“*Welcomes* the constructive cooperation of Sri Lanka with the special procedures and other human rights mechanisms, and also welcomes the announcement by the President of Sri Lanka appointing a Commission of Inquiry into allegations of human rights violations, as well as the involvement of the International Independent Group of Eminent Persons to Act as Observers of Investigations into Abductions, Disappearances and Extra-judicial Killings. The Council notes the need for the Commission of Inquiry to carry out its mandate in conformity with international standards,

“*Invites* the Office of the United Nations High Commissioner for Human Rights to consider strengthening its presence in Sri Lanka and to report on these efforts at the Council’s third session in 2006. The Council also invites the Group of Eminent Persons to update it on its activities at that session.”

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/2ndSession/ResolutionsDecisions>

**Ps. This was never taken up for discussion in the Human Rights Council.**

### ABROGATE THE CEASEFIRE AGREEMENT - CFA

ADDRESS BY SRI LANKAN AMBASSADOR BERNARD GOONETILLEKE  
AT CAPITOL HILL, WASHINGTON DC - 25 JANUARY 2008

On January 3, 2008, the government gave notice to abrogate the CFA, which became operational on January 17, 2008. Since then, many close observers of Sri Lanka’s conflict and the peace process, Co-Chairs of the Tokyo Donor Conference viz. Norway, Japan, the US and the EU, other friends of Sri Lanka and the civil society, have expressed concern. The sentiments commonly expressed have been that withdrawal from the CFA would escalate fighting, leading to heavy civilian casualties and violation of human rights, that there is no military solution to the conflict, that a solution can be found only through negotiation, and that parties to the conflict should return to the CFA. **(Excerpt)**

[http://www.slmbassyusa.org/statements/2008/the\\_ceasefire\\_25jan08.html](http://www.slmbassyusa.org/statements/2008/the_ceasefire_25jan08.html)

### SRI LANKA HAS DECIDED TO ABROGATE THE CEASEFIRE AGREEMENT

**SLMM, 3 Januaruy 2008** - The Government of Sri Lanka has decided to abrogate the Ceasefire Agreement of 2002 between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam effective as of 16 January 2008.

Thus the SLMM will terminate its current operational activities in Sri Lanka effective 16 January at 19.00hrs.

<http://www.slmml.info/STATEMENTS/2008/03%2F01%2F08+SLMM+Statement.9UFRrM2V.ip>

## FINAL DAY OF THE CEASEFIRE AGREEMENT (CFA) – SLMM

**Today, January 16 2008**, marks the final day of the Ceasefire Agreement (CFA) period in Sri Lanka, that has lasted for almost six years. (Excerpt)

<http://www.simm.info/STATEMENTS/2008/16%2F01%2F08+SLMM+Press+Statement.9UFRrM3W.ips>

### UN HIGH COMMISSIONER FOR HUMAN RIGHTS URGES RESPECT FOR INTERNATIONAL LAW WITH END OF CEASEFIRE IN SRI LANKA

**Geneva, 15 January 2008** -- As the Ceasefire Agreement in Sri Lanka is due to effectively end on 16 January 2008, the United Nations High Commissioner for Human Rights, Louise Arbour, reminded the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) of their obligations under international law to respect human rights.

"An intensification of hostilities will likely have a devastating effect on the human rights of many Sri Lankans from all communities," the High Commissioner said.

The High Commissioner noted that international law obliges all parties to protect civilians without discrimination and includes prohibitions against the arbitrary deprivation of life, arbitrary detention, forced displacement, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment. It also forbids the recruitment and deployment of children as soldiers.

The High Commissioner warned that violations of these rules by any party could entail individual criminal responsibility under international criminal law, including by those in positions of command.

The High Commissioner visited Sri Lanka in October 2007. In her dialogue with the Government she has stressed the critical need for independent, public reporting on the human rights situation in Sri Lanka and the readiness of her Office to assist in this regard.

<http://www2.ohchr.org/english/>

### EUROPEAN COMMISSIONER FOR EXTERNAL RELATIONS BENITA FERRERO-WALDNER ON THE SITUATION IN SRI LANKA

**04.01.2008** - "I am deeply disappointed by the Sri Lankan government's decision to abrogate the 2002 Ceasefire Agreement. This decision risks complicating the already difficult situation in the country.

I firmly condemn LTTE's recent acts of terror and statements announcing further violence from their side. As Co-Chair together with Japan, US and Norway we have always held the view that violence is not the appropriate way to solve this conflict. A lasting solution can only come from a ceasefire and a negotiated settlement.

I hope that the Sri Lankan government will come forward with a substantive devolution offer around which negotiations can start as soon as possible. As the Co-Chairs stated in Japan last year, for an arrangement to be credible to minorities and to serve as a feasible base for negotiations, it needs to go beyond past offers that failed."

[http://ec.europa.eu/commission\\_barroso/ferrero-waldner/speeches/index\\_en.htm](http://ec.europa.eu/commission_barroso/ferrero-waldner/speeches/index_en.htm)

### SUPREME COURT OF SRI LANKA OVER RULE THE DECISION OF THE UN HUMAN RIGHTS COMMITTEE

#### IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Even though Sri Lanka is signatory to the ICCPR, **on 15 September 2006**, the Supreme Court effectively ruled that Sri Lankan citizens cannot seek remedy from the UN Human Rights Committee regarding human rights violations.

*"The Constitution of Sri Lanka and the prevailing legal regime do not provide for release or retrial of a convicted person after his conviction is confirmed by the highest appellate Court, the Supreme Court of Sri Lanka. Therefore, the State does not have the legal authority to execute the decision of the Human Rights Committee to release the convict or grant a retrial. The government of Sri Lanka cannot be expected to act in any manner which is contrary to the Constitution of Sri Lanka."*

If the provisions of the Constitution were adhered to the then President as Head of Government could not have acceded to the Optional Protocol in 1997 and made the Declaration referred to above. The upshot of the resultant incongruity is a plea of helplessness on the part of the Government revealed in the response to the Human Rights Committee cited above, which does not reflect well on the Republic of Sri Lanka.

For the reasons stated above I hold that the Petitioner's application is misconceived and without any legal base.

**The application is accordingly dismissed. (Excerpt)**

<http://www.ruleoflawsrilanka.org/cases/un-cases-for-sri-lanka/special-case-supreme-court-on-nallaratanam>

## **UN HIGH COMMISSIONER FOR HUMAN RIGHTS HOPES NEW INQUIRY COMMISSION ON KILLINGS AND DISAPPEARANCES IN SRI LANKA WILL PROVE EFFECTIVE**

**6 November 2006**

United Nations High Commissioner for Human Rights Louise Arbour today welcomed the Sri Lankan President's establishment of a Commission of Inquiry into extrajudicial killings and disappearances, expressing hope that it will see the perpetrators of serious human rights violations brought to justice.

The High Commissioner underlined the significance of this initiative in addressing impunity for human rights violations related to the on-going conflict in Sri Lanka. She noted that the Government has also invited a group of international observers in the form of an International Independent Group of Eminent Persons to monitor, provide advice as requested, and report on the Commission's work.

The High Commissioner thanked the Government for inviting her to provide advice on the terms of reference for the Commission of Inquiry and the observer group in line with international standards. She expressed satisfaction that many of the comments by her Office had been taken into account in establishing the Commission, including the need for witness protection and measures to increase the transparency of the inquiry.

The High Commissioner expressed concern, however, over several shortcomings in the national legal system that could potentially hamper the effectiveness of the Commission of Inquiry, particularly the absence of any legal tradition of establishing command responsibility for human rights violations. She also noted that many recommendations of past commissions of inquiry, including into disappearances, had not yet been fully implemented.

"It will be critically important for the Commission to establish not only individual responsibility for crimes, but the broader patterns and context in which they occur", the High Commissioner said.

The High Commissioner also noted that any commission of inquiry can only investigate a selection of cases, and that a broader international mechanism is still needed to monitor, ultimately prevent, human rights violations in the longer term.

***At the invitation of the Government, the Office of the High Commissioner for Human Rights (OHCHR) has submitted a list of names of suitable candidates who could potentially serve as observers to the inquiry. These persons, if selected, would serve in their personal capacities and would not represent the High Commissioner or OHCHR.*** <http://www2.ohchr.org/english/>

## **INTERNATIONAL INDEPENDENT GROUP OF EMINENT PERSONS – IIGEP QUITS SRI LANKA**

### **Conclusion**

**IIGEP, 6 March 2008** - The IIGEP has decided that it will terminate its operation in Sri Lanka. It has taken this decision after due consideration and for fundamental reasons. The President charged the IIGEP to observe the proceedings of the Commission of Inquiry, to offer suggestions, and to assess the conduct of these proceedings against international norms and standards. The Eminent Persons conclude that they have accomplished all that is possible within the constraints of the prevailing situation. They no longer see how they can contribute further to the protection and enhancement of human rights in Sri Lanka and have regretfully decided to bring to an end their activities in this country. **(Excerpt)**

<http://www.iigep.org/prelease/estatement6.pdf>

## HIGH COMMISSIONER FOR HUMAN RIGHTS EXPRESSES CONCERN OVER INCREASING NUMBER OF KILLINGS OF CIVILIANS IN SRI LANKA

**23 May 2006** - United Nations High Commissioner for Human Rights Louise Arbour today expressed deep concern about the rising violence in Sri Lanka, in particular the increasing killings of civilians, including children. The victims have also included staff of humanitarian agencies, which are facing increasing threats in their important work.

"These violations are not only ceasefire violations, but also serious breaches of international human rights and humanitarian law", the High Commissioner said. She stressed that the Government of Sri Lanka and LTTE have obligations beyond the Ceasefire Agreement to respect basic human rights and humanitarian norms and these obligations apply regardless of the status of the Ceasefire Agreement and whether the country is at peace or war.

Paramount among these is respect for the right to life, said the High Commissioner, noting the concerns raised by the Special Rapporteur on extrajudicial, summary and arbitrary killings in his recent report about the targeting of both civilians and members of the security forces taking no active part in hostilities.

A duty of the state in maintaining security and law and order is to ensure crimes of this nature are properly investigated and punished, whoever is responsible, she said.

The High Commissioner also expressed concern about recent threats and obstruction to the work of the Sri Lankan Monitoring Mission and urged the parties to give their fullest cooperation and reinforce SLMM's capacity to respond to violations.

"I recommend that the Government of Sri Lanka seek international police and forensic support for investigations into killings to ensure justice and accountability", she said.

The High Commissioner urged the parties to take immediate steps to de-escalate the violence, resume dialogue and strengthen the monitoring and protection of human rights.

<http://www2.ohchr.org/english/>

<http://www2.ohchr.org/english/press/hrc/index.htm>

## STATEMENT BY MS LOUISE ARBOUR, HIGH COMMISSIONER FOR HUMAN RIGHTS CONCLUSION OF HER VISIT TO SRI LANKA

**13 October 2007** – I wish to thank His Excellency the President for inviting me to visit Sri Lanka and the Government of Sri Lanka for facilitating my program. I would like to thank Minister Samarasinghe and the many government officials, representatives of political parties, religious leaders, members of civil society and UN colleagues who have taken the time to share with me their perspectives. In particular, I would like to express my gratitude to the many individuals who approached me with testimonies of their own experience.

Yesterday I visited Jaffna. I am grateful to the military authorities for facilitating my visit and my particular thanks are due to the Bishop whose warm welcome and hospitality I very much appreciated.

***I regret that time did not permit me to visit the Eastern Province. I also regret that I did not have the opportunity to visit Killinochchi, where I would have liked to convey directly to the LTTE my deep concern about their violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings. I am very concerned by the many reports I have also received of serious violations by the TMVP and other armed groups.***

I was struck in my discussions by the fact that broader human rights issues affecting all communities on the island have largely been eclipsed by the immediate focus on issues related to the conflict. These include issues of discrimination and exclusion, gender inequalities, the low participation of women in public and political life, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focussed attention.

Sri Lanka has many of the elements needed for a strong national protection system. It has ratified most of the international human rights treaties. It has justiciable human rights guarantees in the Constitution. It has longstanding democratic and legal traditions. It has had a national human rights commission for more than a decade. Sri Lanka has an active media and benefits from a committed civil society.

However, in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming. ***There is a large number of reported killings, abductions and disappearances which remain unresolved.*** This is particularly worrying in a country that has had a long, traumatic experience of unresolved disappearances and no shortage of recommendations from past Commissions of Inquiry on how to safeguard against such violations. While the Government pointed to several initiatives it has taken to address these issues, there has yet to be an adequate and credible public accounting for the vast majority of these incidents. ***In the absence of more vigorous investigations, prosecutions and convictions, it is hard to see how this will come to an end.***

While Sri Lanka has much of the necessary human rights institutional infrastructure, critical elements of protection have been undermined or compromised. ***The application of treaties in domestic law has been questioned by the Supreme Court in the Singarasa case.*** The Government's proposed legislation to address this problem, tabled this week in Parliament only partially addresses the issues and risks confusing further the status of different rights in national law.

Throughout my discussions, government representatives have insisted that national mechanisms are adequate for the protection of human rights, but require capacity building and further support from the international community. In contrast, people from across a broad political spectrum and from various communities have expressed to me a lack of confidence and trust in the ability of existing relevant institutions to adequately safeguard against the most serious human rights abuses.

Some of the institutions themselves acknowledge their limitations in this respect. Members of the Commission of Inquiry pointed out to me that some state officials had failed to appear in response to their requests. They also stressed that the absence of an effective witness assistance and protection system was a major constraint on their work. The Commission would, in my view, gain greater public confidence and support by conducting public hearings. In any event, the Commission of Inquiry is an ad hoc response to a series of particularly shocking incidents and should not be a substitute for effective action by relevant law enforcement agencies. Nor should it divert from the need for a forward looking, comprehensive and effective human rights protection system.

The Human Rights Commission has in the past played an important role in this respect. However, the failure to resolve the controversy over the appointment of commissioners has created a crisis of confidence in the HRC both locally and internationally. The HRC's failure to systematically conduct public inquiries and issue timely public reports has further undermined confidence in its efficacy and independence. Indeed, the Commission may lose its accreditation to the international body governing these institutions.

***In my view the current human rights protection gap in Sri Lanka is not solely a question of capacity. While training and international expertise are needed in specific areas, and I understand would be welcomed by the Government, I am convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.***

Many state that the LTTE is quick to manipulate information for propaganda gain. In my view this only accentuates the need for independent information gathering and public reporting on human rights issues.

OHCHR is willing to support the Government of Sri Lanka in this way. I am aware that there is a lively national debate about the need for international support in human rights protection. In light of the gravity of the reported ongoing abuses, and in particular of threats to life and security of the person, I believe that we should urgently resolve our ongoing discussions about the future of a productive relationship between OHCHR and the Government of Sri Lanka.

**A final observation: *It would be highly desirable for the government to consider an early ratification of the new International Convention for the Protection of All Persons from Enforced Disappearance. In light of the documented violations of international humanitarian law, Sri Lanka should seriously consider joining the 105 countries which have ratified the Rome Treaty creating the International Criminal Court.*** (Excerpt) <http://www.dmhr.gov.lk/hr/english/press.html>

## ADDRESS BY UN HIGH COMMISSIONER FOR HUMAN RIGHTS TO THE 6TH SESSION OF THE HUMAN RIGHTS COUNCIL

Geneva, 11 December 2007

Mr. President,  
Excellencies,  
Ladies and Gentlemen,

I was very pleased to visit Sri Lanka from 9-12 October at the invitation of President Rajapakse and am grateful for the broad access I was given to Government representatives, political parties and members of civil society, including in the troubled northern region of Jaffna. I regret not having the opportunity to meet with representatives of the Liberation Tigers of Tamil Eelam (LTTE), as I would have liked to convey to them directly my deep concern with their serious violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings.

During my visit, I paid special attention to the issue of abductions and disappearances, which have been reported in alarming numbers over the past two years. While the Government pointed to several initiatives it had taken to address these issues, there has yet to be an adequate investigation or credible public accounting for the vast majority of these cases. I am also concerned about safeguards for those detained under the emergency regulations, including during recent mass arrests in Colombo.

Regrettably, the various national institutions and mechanisms that could be expected to safeguard human rights have failed to deliver adequate protection. In particular, the Human Rights Commission of Sri Lanka, which had previously enjoyed a proud reputation internationally, has had its independence compromised by the irregular appointment of its Commissioners and the credibility of its work has suffered. Further, despite high expectations, the special Commission of Inquiry appointed by the President more than one year ago to investigate high profile killings and disappearances has yet to complete any of its cases. The Eminent Persons invited to observe the Commission have expressed concerns about its compliance with international standards.

In a highly polarized context, where human rights information is easily manipulated for propaganda gains, there is a critical need for an independent actor to gather information and publicly report on the human rights situation. For this reason, I have suggested that the Government would benefit from the support of a presence of OHCHR in the country, with a full mandate incorporating technical assistance and public reporting. ***Since my visit, my Office has engaged in discussions with the Sri Lankan authorities on possible models involving an OHCHR presence working alongside national structures. We have reached no agreement on a formula by which independent, public reporting by OHCHR could be ensured.*** OHCHR will continue to assist the authorities in strengthening the national human rights system, but this will fall short of meeting the critical protection gap. **(Excerpt)** <http://www2.ohchr.org/english/>  
<http://www2.ohchr.org/english/press/hrc/index.htm>

### UNITED NATIONS EXPERT GROUP DEPLORES RECENT WAVE OF DISAPPEARANCES IN SRI LANKA

**UN Press Release, 11 June 2008** - "In the past two months alone, the Working Group has sent 22 urgent actions to the Government. Out of those cases, 18 disappearances took place in May. The Working Group is also concerned that both women and humanitarian aid workers are being targeted", the expert group said. That number may be lower than in reality, as the group estimates that many other disappearances may be occurring in Sri Lanka but are not being reported because of fear of reprisals. **(Excerpt)**

<HTTP://WWW.UNHCHR.CH/HURICANE/HURICANE.NSF/VIEW01/D564F9EDD64E959FC12574650049042C?OPENDOCUMENT>  
<http://www2.ohchr.org/english/press/hrc/index.htm>

### UN WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES CONCLUDES 85TH SESSION

**UN Press Release, 26 July 2008** - "The Working Group examined 38 reported cases under its urgent action procedure. The members of the Working Group expressed deep concern that 30 of the new urgent action cases refer to alleged disappearances in Sri Lanka". **(Excerpt)**

<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/9138D9FB1CF7358FC125749400457190?opendocument>



**REPORT OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES  
TO SEVENTH SESSION – UN HUMAN RIGHTS COUNCIL  
A/HRC/7/2 - 10 January 2008**

**Total cases transmitted, clarified and outstanding**

343. In previous years and during the year under review, the Working Group **has transmitted 12,463 cases** to the Government; of those, **39 cases have been clarified** on the basis of information provided by the source, **6,530 cases have been clarified** on the basis of information provided by the Government, 378 cases were found to be duplications by the Working Group and were therefore deleted, **and 5,516 cases remain outstanding. (Excerpt - Page 73-76, Paragraphs 330-348)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/101/05/PDF/G0810105.pdf?OpenElement>

**WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES**

**E/CN.4/2000/64/Add.1 - 21 December 1999**

**MISSION TO SRI LANKA  
(25 to 29 October 1999)**

**III. CONCLUSIONS AND RECOMMENDATIONS**

62. As far as prevention is concerned, **many of the earlier recommendations of the Working Group have not been implemented. First of all**, the Prevention of Terrorism Act and the Emergency Regulations, which are rightly considered as the main reason for the continuation, albeit on a much less severe level, of enforced disappearances, have not been abolished or brought into line with internationally accepted standards of human rights. **Secondly**, no central register of detainees was set up. **Thirdly**, the safeguards for the prevention of arbitrary arrests, and in particular the legal obligation to immediately inform the Human Rights Commission of arrests and detentions, seem not to be widely known by the law enforcement bodies and are often disregarded in practice.

63. In conclusion, the Working Group addresses the following recommendations to the Government of Sri Lanka:

(a) The Government should establish an independent body with the task of investigating all cases of disappearance which occurred since 1995 and identifying the perpetrators;

(b) The Government should speed up its efforts to bring the perpetrators of enforced disappearances, whether committed under the former or the present Government, to justice. The Attorney-General or another independent authority should be empowered to investigate and indict suspected perpetrators of enforced disappearances irrespective of the outcome of investigations by the police;

(c) The act of enforced disappearance should be made an independent offence under the criminal law of Sri Lanka punishable by appropriate penalties as stipulated in article 4 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance;

(d) **The Prevention of Terrorism Act and the Emergency Regulations currently in force should be abolished or otherwise brought into line with internationally accepted standards of personal liberty, due process of law and humane treatment of prisoners;**

(e) Any person deprived of liberty should be held only in an officially recognized place of detention as stipulated in article 10 (1) of the Declaration. All unofficial places of detention, in particular those established by paramilitary organizations fighting alongside the Security Forces, such as PLOTE and TELO, should immediately be dissolved; **(Excerpt)**

<http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/e6d08bb09c61c6d7802568a9006830f1?Opendocument>

[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

## UN INDEPENDENT EXPERTS EXPRESS SERIOUS CONCERN OVER THE ESCALATION OF VIOLENCE IN SRI LANKA

**11 August 2006 - The Special Representative of the Secretary-General on Human Rights Defenders, Hina Jilani; the Special Rapporteur on extrajudicial, arbitrary and summary executions, Philip Alston, and the Special Rapporteur on the Right to Food, Jean Ziegler, issued the following statement today:**

We are shocked and alarmed by the recent escalation of violence in Sri Lanka which has culminated in the brutal killing of **17 humanitarian workers of the NGO Action Contre la Faim on Sunday, 6 August**, and the car bomb blast in Colombo on 8 August killing two civilians, including a three-year old child.

The deliberate targeting of humanitarian workers is a serious violation of the basic principles of international human rights and humanitarian law and the Declaration of Human Rights Defenders. Humanitarian workers serve every day as implementing partners for UN agencies. They deliver and distribute food, water, medicine, clothing and other material assistance. They provide medical care and psychological support for victims of sexual violence and other trauma. They help transport people when they are ready to return home. Humanitarian workers are, without question, human rights defenders who help people stay alive during times of conflict. Without them, especially in times of conflict, many more civilians would be vulnerable to violations of their civil, cultural, economic, political and social rights such as their right to life, physical integrity, liberty, food, health and adequate housing. In the face of that reality, the responsibility of the Government to extend effective protection to humanitarian workers is heightened.

We urge the Government to ensure immediate and independent investigations are carried out into these killings and that the perpetrators of these despicable acts are brought to justice. We therefore welcome the Government's strong condemnation of the murders, its promise to conduct such an investigation expeditiously and **its request to the Government of Australia to send a forensic expert who will assist the Sri Lankan special investigations team, a request the Australian Government has agreed to**. The vigorous independent investigation into the killings of the 17 humanitarian workers is vital not only to bring the perpetrators to justice, but to restore confidence to humanitarian workers and the populations they serve. **We also urge the Government to render the findings of its investigation public as soon as it is completed**. An investigation, however independent, impartial and professional, whose results remain covered by secrecy is of little use.

The on-going wave of fighting between Sri Lankan Government forces and the Liberation Tigers of Tamil Eelam's (LTTE) has only served to strain an already precarious ceasefire agreement.

The recent spike in fighting is also related to the closing of sluice gates of a water reservoir south of the eastern Muslim-dominated town of Muttur, halting the water supply to vast areas of farm land in government controlled territory, and thus threatening the livelihoods of the farmers in the area. We welcome the recent reopening of the sluice gates.

The Independent Experts further express concern over the disproportionate effects the current fighting has had on the Muslim population in Muttur town and surrounding region. **It is reported that this latest escalation has created a climate of fear making life intolerable for the affected communities. According to the most recent reports, more than 50,000 out of the 63,690 inhabitants of the district have fled their homes and villages**. A large proportion of those displaced are part of the Muslim community. The Independent Experts appeal to those involved in the fighting to ensure that all civilians are granted immediate protection and that humanitarian agencies are granted access to the conflict-affected areas to deliver assistance to the civilian population. Civilians and humanitarian workers need guarantees of security and access as well as a meaningful commitment by both the Government and the LTTE.

We strongly urge the Government of Sri Lanka and the LTTE to immediately halt the violence, the deliberate targeting of civilians and promptly return to negotiations to solve this current impasse.

<http://www2.ohchr.org/english/press/newsFrameset-2.htm>

## **SPECIAL RAPPORTEUR ON EXTRAJUDICIAL EXECUTIONS CALLS FOR URGENT MEASURES END POLITICAL KILLINGS**

**27 April 2006**

The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Professor Philip Alston, today called on the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) to take urgent measures to end political killings and to strengthen protection for human rights as conflict looked set to spiral out of control.

'The current impasse in negotiations is no excuse for either side not taking immediate steps to end political killings and protect human rights,' he said. 'The dangerous escalation of the conflict in recent days is a direct consequence of killings being allowed to run unchecked.'

The Special Rapporteur has recently released the final report of his fact-finding mission to Sri Lanka in December 2005. His report draws on visits and interviews undertaken in Ampara, Batticaloa, Colombo and Kilinochchi with Government officials, representatives of the LTTE, the Sri Lanka Monitoring Mission (SLMM), representatives of the diplomatic community, witnesses of extrajudicial killings and relatives of those killed, representatives of various political parties, and members of Sri Lankan civil society.

The Special Rapporteur expressed deep concern about the widespread killings and violence that has continued to spiral since his visit, culminating in a suicide bomb attack on the army chief in Colombo and retaliatory military strikes on 25 April. These included the assassination of Tamil National Alliance MP Joseph Parajasingham while attending church on Christmas Eve 2005; the apparent extra-judicial execution by security forces of five students in Trincomalee on 2 January; and the killing of a prominent Tamil community leader in Trincomalee, Mr J Vigneswaran, on 7 April. The victims also include members of the Sinhalese and Muslim communities, including transport workers, business people and government officials. During the same period, there have been numerous claymore mine and other attacks on police and security forces.

Alston observed that "Every such killing represents a major setback to the peace process, and every retaliatory death plays into the hands of those whose interests do not lie in the restoration of peace. In responding to the situation, the Government must give primacy to protecting civilian lives."

The Special Rapporteur noted the difficulties in attributing responsibility for many attacks in the absence of effective investigation by Sri Lanka's law enforcement bodies or the Sri Lanka Monitoring Mission that oversees the ceasefire. Both parties appear to be exploiting the ambiguities presented by the ceasefire agreement and the weakness of its monitoring mission to consolidate and advance their position. He noted also that the national Human Rights Commission currently had its hands tied due to the Government's failure to appoint new members through the Constitutional Council.

The Special Rapporteur found the LTTE's denials of responsibility for many attacks unconvincing, and warned that its apparent use of surrogate groups to attack the security forces represented a dangerous escalation of the conflict. He also noted that the LTTE's characterization of its political opponents within the Tamil community as paramilitaries is a gross oversimplification of a complex situation.

At the same time, the Special Rapporteur reported a dangerous indifference on the part of the Government to other armed elements responsible for attacks, including the Karuna group. While he found no clear evidence of official collusion during his visit, he reported strong circumstantial evidence of at least informal cooperation between Government forces and these factions.

The Special Rapporteur noted the Government had failed to effectively investigate most political killings. Few suspects are pursued or identified, let alone apprehended. In many cases, the police act as if the ceasefire agreement itself prevented them from fulfilling their law enforcement functions. Even where arrests have been made, witnesses face threats and prosecutions rarely proceed. The Special Rapporteur expressed special concern about serious threats made in recent weeks to Dr Manohoran, the father of one of five students killed in Trincomalee on 2 January who had given eyewitness testimony, and urged the authorities to expedite this case while ensuring full protection to the witnesses and families. He was also disturbed by the re-emergence of reports of deaths in custody and disappearances at the hands of the security forces, problems that have wracked Sri Lanka in the past.

At the same time, the Special Rapporteur noted that the SLMM has taken an overly narrow view of its mandate as excluding investigation, making it appear simply as a recording agency. While the SLMM has made an invaluable contribution over the past four years, the time has come to reinforce its work. He urged the parties to accord the SLMM a stronger and better-equipped role to enable it to carry out more in-depth monitoring of

killings and to publicly report its findings of the facts in different cases. This would build public confidence and help quell the claims, counter-claims and rumours that were only fuelling the cycle of retaliation and conflict.

***Longer term, the Special Rapporteur said a broader human rights framework and more comprehensive international monitoring mechanism is needed to address the many human rights issues that went beyond the ceasefire. He commended to the parties the options presented in this regard by their human rights advisor, Mr Ian Martin.***

In his report, the Special Rapporteur also stressed the need for reforms to the criminal justice system as a whole to improve law enforcement, prevent problems of torture and deaths in custody, and better safeguard the human rights of all Sri Lankans. <http://www2.ohchr.org/english/press/newsFrameset-2.htm>

**REPORT OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL,  
SUMMARY OR ARBITRARY EXECUTIONS - PHILIP ALSTON  
E/CN.4/2006/53/Add.5 - 27 March 2006**

**MISSION TO SRI LANKA  
(28 November to 6 December 2005)**

59. The failure to effectively prosecute government violence is a deeply-felt problem in Sri Lanka. The paucity of cases in which a government official - such as a soldier or police officer - has been convicted for the killing of a Tamil is an example. Few of my interlocutors could name any such case, with the exception of Krishanthi, in which six soldiers and a policeman were convicted.<sup>40</sup> ***The cause of this impunity is unclear.*** The result, however, is clear: many people doubt that their lives will be protected by the rule of law.

60. The State's failure to convict anyone for the Bindunuwewa massacre is an example of this impunity: on 25 October 2000, 27 Tamil men were beaten, cut, and trampled to death by a mob while they were in custody and "protected" by roughly 60 police officers, but not a single private person or public official has been convicted. I had previously corresponded with the Government concerning this case<sup>41</sup> and, during my visit, I met with the mothers of Bindunuwewa victims, a survivor, and an attorney for the families.

61. That there was both State and individual criminal responsibility is undeniable, and supported by multiple government reports.<sup>42</sup> However, not a single person has been convicted of any crime related to the events at Bindunuwewa.<sup>43</sup> I was offered various explanations for this failure of justice: an inadequate police investigation led to insufficient evidence for conviction; judicial bias or corruption produced acquittals; the complexity of the case forced the prosecution to rely on novel legal theories. I do not have the information available to form a judgement, but the bottom line remains that this is a deeply unsatisfactory outcome and one which is all too consistent with fears of impunity for those who kill Tamils.<sup>44</sup> **(Excerpt)**  
<http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/16/PDF/G0612116.pdf?OpenElement>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**REPORT OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL,  
SUMMARY OR ARBITRARY EXECUTIONS - MR. BACRE WALY NDIAYE  
E/CN.4/1998/68/Add.2 - 12 March 1998**

**MISSION TO SRI LANKA  
(24 August to 5 September 1997)**

**119. Effective impunity encourages political violence** and is a serious destabilizing element in all contexts of the Sri Lankan socio-political system. Respect for the rule of law is essential to maintain order and stability and to protect human rights in any country. Impunity perpetuates the mass violation of human rights. There have been periodical extrajudicial executions, but few perpetrators have been brought to justice. Furthermore, impunity is an obstacle to democratic development and peace negotiations, and makes reconciliation difficult. This culture of impunity has led to arbitrary killings and has contributed to the uncontrollable spiralling of violence.

**120.** The systematic absence of investigation, either civil or military, into violations of the right to life **facilitates impunity.** Investigations are rarely conducted, and when they are, they do not lead to the appropriate convictions or penalties. **(Excerpt)**

**SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN  
OR DEGRADING TREATMENT OR PUNISHMENT - MANFRED NOWAK  
A/HRC/7/3/Add.6 - 26 February 2008**

**MISSION TO SRI LANKA  
(1 October to 8 October 2007)**

42. For three decades, emergency rule has continued between intervals in Sri Lanka. The Prevention of Terrorism Act (PTA) of 1979 was suspended in 2002 after the CFA was agreed upon. However, the law is still in force and its section 9 (1), allowing to detain a person under detention order (DO) for a period of “three months in the first instance, in such place and subject to such conditions as may be determined by the Minister”, renewable to a maximum of 18 months, still applies. Although the CFA provided for the temporary suspension of the PTA, throughout this time many provisions of the PTA were reintroduced under the Emergency Regulations and now that the CFA has been abrogated, the temporary suspension of the PTA has been repealed.

51. The Special Rapporteur is encouraged by the significant number of indictments, 34, made by the Attorney General. While appreciating that the conviction of offenders is entirely a matter for the courts, before which evidence must be led and prosecutions carried out according to law, he regrets that the indictments by the Attorney General have led so far only to three convictions. He notes that eight cases were concluded with acquittals. Further, the Special Rapporteur is concerned about the long duration of investigation with regard to these cases of often more than two years and allegations of threats against complainants and torture victims.

52. The Attorney General’s powers have so far not been used to prosecute any officer for torture above the rank of inspector of police and no indictment was filed on the basis of command responsibility.**13 (Extract)**  
<http://daccessdds.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf?OpenElement>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**REPORT OF THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION  
OR BELIEF - ASMA JAHANGIR  
E/CN.4/2006/5/Add.3 - 12 December 2005**

**MISSION TO SRI LANKA  
(2 to 12 May 2005)**

39. Religious sensitivity is thus very often coupled with nationalism, and the words “Sinhalese” and “Buddhist” are increasingly becoming interchangeable.

42. Finally, there were numerous reports of destruction of religious symbols such as crosses and statues of Buddha and other religious personalities. For instance, a dispute over the erection of a Buddhist statue in Trincomalee was the cause of considerable tension in the weeks following the Special Rapporteur’s visit. It was often claimed that these symbols or revered statues had been deliberately put in a place populated by followers of another religion. Sometimes it appeared that the level of intolerance had fallen so low that even the sight of religious symbols of other communities was seen as offensive.

85. Although the Special Rapporteur’s interlocutors at the official level all condemned the attacks, the reports received claimed that the measures taken by the authorities to bring the perpetrators to justice and to remedy the situation have been either insufficient or non-existent. In only a very few cases have perpetrators been prosecuted under applicable criminal law provisions (destruction of property, violence). Certain interlocutors claimed that there was political pressure behind the apparent reluctance to make the judicial apparatus function properly. **(Excerpt)**

**REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE SITUATION OF HUMAN RIGHTS  
ON INTERNALLY DISPLACED PERSON – WALTER KALIN  
- A/HRC/8/6/Add.4 - 21 May 2008**

**MISSION TO SRI LANKA  
(14 to 21 December 2007)**

16. The Representative distinguishes among six situations:

(b) Continuing displacement since 2006 and 2007 in the Eastern districts. Roughly 188,000 of the 300,000 displaced since the resumption of hostilities remain in displacement in both the North and the East. Those who remain displaced in the East are primarily those from areas where there are (i) high security zones, (ii) zones awaiting demining, or (iii) houses or villages occupied by security forces. Many of these IDPs are concerned about security, access to services and livelihoods. Most are in camps or host families in Batticaloa district, although some are in “transit camps” in Trincomalee district;

(d) Displacement inside the Vanni. In the areas under LTTE control, covering Mullaitivu and Kilinochchi districts and parts of Mannar, Vavuniya and Jaffna districts, estimates indicate 106,000 IDPs, or perhaps one third of the total population. This category overlaps with categories (c), (e) and (f) but warrants attention as a distinct category, because these IDPs face additional challenges related to freedom of movement and access to services and livelihoods. In particular, Kilinochchi and Mullaitivu districts experienced large influxes of IDPs from Jaffna in 1995 and 1999. The two districts have experienced new displacement since 2006, of 81,000 arriving from Jaffna, from within the districts, and recently Mannar; **(Excerpt)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/135/54/PDF/G0813554.pdf?OpenElement>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**SPECIAL RAPPORTEUR ON THE RIGHT TO FREEDOM OF  
OPINION AND EXPRESSION - AMBEYI LIGABO**

**A/HRC/7/14/Add.1 - 25 February 2008**

605. The Special Rapporteur brought to the attention of the Government the situation of Mr. **Sripathi Sooriyaarachchi**, former Projects Minister, who was reportedly arrested on 17 March under the Misappropriation of Public Property Act, on the charge of misusing a government vehicle. On 27 March, a Magistrate Court refused his request to be released on bail. It is reported that Sripathi Sooriyaarachchi, together with National Heritage Minister **Anura Bandaranaike** and Ports Minister **Mangala Samaraweera** were stripped of their ministerial portfolios on 9 February 2007, allegedly in connection with their position with regard to the Government's contacts with the LTTE and with regard to some cases of corruption. It seems that former Ports Minister Mangala Samaraweera left the country in March 2007 fearing that he could also be arrested.

**Letter of allegations sent on 23 August 2007 jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions**

613. The Special Rapporteurs brought to the attention of the Government the reported **killings of eleven journalists and media workers** in Sri Lanka since January 2006. All those killed either worked for Tamil language publications or reported violations relating to the conflict. Many of the killings appear to share common elements: the shootings occurred in Government controlled areas and sometimes during curfew hours. It is furthermore reported that investigations into most of the killings have been inconclusive and the perpetrators have not been found. **(Excerpt - Page 160-165, paragraphs 605-631)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/109/89/PDF/G0810989.pdf?OpenElement>

**SPECIAL RAPPORTEUR ON THE RIGHT TO FREEDOM OF  
OPINION AND EXPRESSION - AMBEYI LIGABO**

**A/HRC/4/27/Add.1 - 26 March 2007**

580. On 6 January 2006, the Special Rapporteur sent a letter of allegation concerning Mr **Joseph Pararajasingham**, leader of the parliamentary group Tamil National Alliance, who was murdered on 24 December by unknown gunmen in the cathedral of his home town Batticaloa, where he was participating in the midnight Christmas Eve mass with his wife Sugunam, who was also seriously wounded in the attack. According

to reports received, Mr and Mrs Pararajasingham had not visited their home town Batticaloa in the recent past because of security concerns. Pararajasingham had drawn international attention to the attacks against Tamil civilians, including the killing of lawyers and journalists, in the North-East part of the country, including the town of Batticaloa, an area in which, despite the Ceasefire Agreement, the ethnic and political confrontation continues to be very violent.

581. On 28 February 2006, the Special Rapporteur sent a letter of allegation concerning the Sinhala-language weekly *Irudina* and its English counterpart *The Sunday Leader*. The two newspapers have already been the subject of a communication sent on 28 October 2005. According to the new information received, on 10 February 2006, the police summoned and interrogated members of *Irudina* and *The Sunday Leader*, regarding the article on claymore mines, which was published by *Irudina* on 22 January. The focus of the interrogation was the management structures of *Irudina* and *The Sunday Leader*. Following this investigation, on 11 February, several members of the weekend newspaper *Sathdina* were assaulted by an unidentified group of men. It is reported that *Sathdina* staff members were attacked because the assailants mistook them as members of *Irudina*. The assailants told the *Sathdina* staff members that it was forbidden to put up *Irudina* posters. The assault ceased once a *Sathdina* member told the assailants that they were not working for *Irudina*. Concern was expressed that these series of events were directly connected with the journalistic work of *Irudina* and *The Sunday Leader*. Concern was heightened in light of the report that a parliamentarian made a statement on 1 February 2006, inciting hatred against the editor of *The Sunday Leader*, accusing him of supporting terrorism activities in Sri Lanka.

583. On 7 June 2006, the Special Rapporteur sent an urgent appeal concerning five journalists: **Sunanda Deshapriya** and **Sitha Ranjane** of the Free Media Movement; **Poddala Jayanthe**, of the Sri Lanka Working Journalists Association; **Dharmasiri Lankapeli**, of the Federation of Media Employees Trade Unions; and journalist **Prasanna Fonseka**. Sunanda Deshapriya was the subject of an urgent appeal sent on 23 May 2005. According to the information received, the five above-mentioned journalists were amongst the representatives of journalist groups who went to Kilinochchi to meet with the chief of the Political Wing of the Tamil Tigers on 16 May 2006. Reports indicate that they went to raise their concern about the Tamil Tigers' earlier call for Tamil journalists to resign from positions in the media affiliated to the Government. Following the meeting, several media published articles accusing the five journalists of being Tamil Tiger spies. They have subsequently received several phone calls from unidentified individuals, threatening that they would be killed. **(Excerpt - Page 213-218, paragraphs 580-596)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/12/1/77/PDF/G0712177.pdf?OpenElement>

## **SPECIAL RAPPORTEUR ON ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES - YAKIN ERTÜRK**

**A/HRC/7/6/Add.1 – 27 February 2008**

### **Allegation letter**

471. On 23 April 2007, the Special Rapporteur on violence against women its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children sent an allegation letter to Government concerning a proposed regulation banning mothers of young children from migrating abroad for work.

472. According to information received : On 7 March 2007, the Ministerial Cabinet discussed a proposal reportedly made by the Minister for Women's Empowerment and Child Welfare that would ban women with children under 5 years of age from emigrating for work. If adopted such a regulation would also require mothers with children aged 5 or older to obtain approval for overseas employment from a government committee after submitting proof that they can provide appropriate caretakers for their children.

### **Observations**

473. The Special Rapporteur **regrets for not having received a reply to the communication** sent in 2007 and reiterates her interest in receiving a reply from the Government of Sri Lanka in regard to all allegations submitted. **(Excerpt - Page 124 paragraphs 471-473)**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A.HRC.7.6.Add.1.pdf>

## **SPECIAL RAPPORTEUR ON ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES - YAKIN ERTÜRK**

**A/HRC/4/34/Add.1- 19 March 2007**

### **Allegation Letter**

635. On 16 January 2006 the Special Rapporteur has jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a letter of allegation to the Government of Sri Lanka concerning two incidents of killing of Tamil civilians.

636. According to the reports received, I.T., a woman aged 20 from Pungudutivu, Jaffna Peninsula, was last seen alive on 16 December 2005, when she left her home at 6.15 pm. on her way to the Sri Lankan Navy camp in Pungudutivu. On the evening of 17 December 2005, her body was found in a well. It had been weighed down with heavy stones. The following morning, her body was taken to the Jaffna Teaching Hospital, where a post mortem was performed. The Judicial Medical Officer reportedly found stab wounds in her chest and near her hips. He concluded that I.T. had been raped before being killed. The medical report was given to police, who submitted it to the Magistrate's Court on 20 December 2005. The Criminal Investigation Department (CID) has been at the crime scene and has heard from the victim's relatives.

**(Excerpt - Page 108-110 paragraphs 635-646)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/119/48/PDF/G0711948.pdf?OpenElement>

### **THE FOLLOWING SPECIAL RAPPORTEURS REQUESTED VISIT TO SRI LANKA BUT THEIR REQUEST EITHER PENDING OR POSTPONED !**

**Special Rapporteurs on independence of judges and lawyers** – requested in 2005

**Special Rapporteurs on the right to freedom of opinion and expression** requested in 2003 and agreed for visit during 20 February- 4 March 2006. *But his visit was postponed*

**UN Working Group on Enforced or Involuntary Disappearances** made requests twice in 2006 and 2007.

### **UN DID NOT RE-ELECT SRI LANKA TO HUMAN RIGHTS COUNCIL**

**BBSNews 2008-05-22 -- New York (HRW)** - UN member states enforced the standards they established for the new Human Rights Council by not re-electing Sri Lanka to the body today. Domestic and international human rights advocates who had opposed Sri Lanka's re-election to the council said the vote was a victory for human rights standards and for victims of abuse in Sri Lanka. **(Excerpt)**

<http://bbsnews.net/article.php/20080522120036196>

### **EUROPEAN COMMISSIONER FOR EXTERNAL RELATIONS, AFTER A MEETING OF THE SRI LANKA CO-CHAIRS OF THE TOKYO DONORS CONFERENCE IN NEW YORK**

**24.09.2008** - "Along with my colleagues, I am concerned about the humanitarian situation prevailing in Sri Lanka, and would appeal to both the Government and the LTTE that the rights and needs of civilians and those who are internally displaced by the ongoing conflict in the North are fully respected, in line with international humanitarian law. Their safety and freedom of movement must be paramount.

It is crucial that full access for relief supplies is ensured and that the safe transit of these supplies be supervised by independent humanitarian monitors. I also want to underline our full support for the United Nations and its agencies and the NGO's, who are shouldering a heavy burden in carrying out these operations.

I am preoccupied by the continuing disrespect for human rights by all sides and am very concerned by reports of forced recruitment and summary executions by the LTTE. These violations must cease and the perpetrators brought to justice."

Speech at Foreign Policy Association, World Leadership Forum 2008, New York

[http://ec.europa.eu/commission\\_barroso/ferrero-waldner/speeches/index\\_en.htm](http://ec.europa.eu/commission_barroso/ferrero-waldner/speeches/index_en.htm)



# EU ANNUAL REPORT ON HUMAN RIGHTS, 2007

**THIS REPORT HAS BEEN JOINTLY PREPARED BY THE PRESIDENCY OF THE EUROPEAN UNION, THE EUROPEAN COMMISSION, AND THE GENERAL SECRETARIAT OF THE COUNCIL**

The EU followed with dismay the deteriorating human rights situation in **Sri Lanka**. The EU continued to play its part as one of the Co-Chairs of the 2003 Tokyo Conference, and continued to support the role of Norway as facilitator in the peace process. Unfortunately, however, both the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) have declined to respect the 2002 ceasefire. Instead, there has been a pattern of worsening attacks on civilians while the perpetrators of atrocities have continued to benefit from a culture of impunity. The EU has sought to support the President's Commission of Inquiry, and has been a contributor to the IIGEP (International Independent Group of Eminent Persons), **but remains convinced that the IIGEP cannot replace an international human rights monitoring mechanism.** (Page – 80)

**Sri Lanka** has been listed as one of the countries, *“Where did the EU carry out démarches on torture and ill-treatment?”* (Page – 31)

**Sri Lanka** has been listed as one of the countries, *“Campaign on Women Human Rights Defenders - Specific target countries”* (Page – 34)

The **inaugural session** of the Human Rights Council took place from 19 to 30 June 2006 in Geneva. The **2nd regular session** was held from 18 September to 6 October, and resumed from 27 to 29 November 2006. “.....All the other resolutions including the **EU's text on Sri Lanka** were either deferred to later sessions or withdrawn.” (Page – 62)”

The opening session of the Council's **4th regular session** (12 to 30 March 2007) was attended by Foreign Minister Frank Walter Steinmeier of Germany representing the EU Presidency. “....As to the **situation in Sri Lanka**, the EU was once again constrained to defer its initiative to **one of the upcoming sessions of the Council.**” (Page – 62) [http://ec.europa.eu/external\\_relations/human\\_rights/doc/report07\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/doc/report07_en.pdf)

# EU ANNUAL REPORT ON HUMAN RIGHTS, 2006

**THIS REPORT HAS BEEN JOINTLY PREPARED BY THE PRESIDENCY, THE EUROPEAN COMMISSION, AND THE COUNCIL SECRETARIAT**

The EU has continued to promote the peace process in **Sri Lanka**, as one of the Co-Chairs of the 2003 Tokyo Conference. The EU has strongly supported Norway in urging the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) to respect the 2002 ceasefire and resume direct talks.

Unfortunately, both sides failed to take advantage of the opportunity for reconciliation presented by the 2004 Tsunami and the situation started to deteriorate rapidly in the spring 2006. Faced with increasing levels of violence towards civilians, the EU finally decided to list the LTTE as a terrorist organisation on 31 May 2006. (Page 80)

**Sri Lanka** – is one of the countries in the list of démarches to promote the universality and integrity of the **Rome Statute during the period under review.** (Page 39)

**Sri Lanka** has been listed as one of the countries, *“Campaign on Women Human Rights Defenders - Specific target countries”* (Page – 34)

An EU EOM in **Sri Lanka** headed by John Cushnahan, former MEP and Chief Observer for the 2000, 2001, and 2004 elections in Sri Lanka, was deployed for the Presidential election on 17th November. The mission was deployed from 23 October until 4 December 2005.

In its final report, the mission concluded that “while the 17th November presidential election was conducted in a much improved election environment in the South of the country, a markedly contrasting situation was to be found in the North and East. In areas in which the LTTE either controlled or exercised influence, there was little tangible evidence to show that an election process had actually taken place. Political campaigning was non-existent and voters were prevented from exercising their franchise because of an enforced boycott by the LTTE and its proxies. Regrettably the distortion of the electoral process in these areas was not a new phenomenon and therefore cannot be ignored. Previous EU EOMs to Sri Lanka have made a number of recommendations but most of them have not yet been implemented. These are put forward again as they remain essential ingredients for strengthening the electoral process. However, on their own, they are insufficient

to address the fundamental malaise that exists in those areas of the North and East where voters have been constantly denied the opportunity to fully participate in the democratic process". (Page 44 & 45)  
[http://ec.europa.eu/external\\_relations/human\\_rights/doc/report\\_06\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/doc/report_06_en.pdf)

## THE EU'S RELATIONS WITH SRI LANKA (OVERVIEW) EXTERNAL RELATIONS

### Human Rights

In recent years, Sri Lanka has seen a gradual erosion of human rights standards and a systematic increase of abuses and human rights violations. The human rights and humanitarian situation in Sri Lanka has deteriorated drastically since April 2006. Credible sources - including the UN and reputable Human Rights advocates and organizations - reported growing human rights problems, including unlawful killings, high profile killings by unknown perpetrators, child soldiers, politically motivated killings and disappearances. Human rights monitors also reported arbitrary arrests and detention, abductions, attacks to the press, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. The failure to make the Constitutional Council operative and the unilateral appointment of commissions for the police, public service, and human rights has taken away national institutions involved in human rights protection of their independence and much of their legitimacy.

Against this backdrop and the pleas of the international community, in October 2006 the President of Sri Lanka has decided to appoint a Commission of Inquiry (Col) to investigate recent human rights violations. In order to enhance transparency and ensure that investigations are conducted in conformity with international norms, the President has invited an international panel of eminent persons supported by a standing secretariat, to observe the work of the Col and independently report on it. This 'International Independent Group of Eminent Persons' (IIGEP) is mandated to observe and monitor the working of the Col. The role of the group and its mandate were established in close consultation with the International Community, including the UN Office of the High Commissioner for Human Rights (UNOHCHR). The group consists of eminent persons from a series of countries/organizations which have been invited, including Australia, Canada, the EU, the Inter-Parliamentary Union, Japan, the Netherlands, the UNOHCHR, the United Kingdom and the United States. The group is chaired by Mr. Bagwati, former Chief of Justice of India. Eminent Persons act in their personal capacity, and not as official representatives of the nominating countries/organizations. The IIGEP has become operational in February 2007 and is put in place for an initial period of 18 months. The European Union designated former French Minister Dr Bernard Kouchner as the EU Eminent Person.

Reversing the deterioration of human rights while coping with conflict and striving for a political solution are some of the greatest political challenges facing Sri Lanka in the coming years. In 2006 Sri Lanka was elected member of the newly-established UN Human Rights Council.

### Electoral observation

In view of the very specific political situation, the EU deployed four Electoral Observation Missions (EOMs) to Sri Lanka in 2000, 2001, 2004 and 2005. All four took place under the leadership of Mr John Cushnahan (Ireland), former Member of the European Parliament and a well-known figure in Sri Lanka. EU EOMs were the largest international observer missions and followed the standard EU methodology (long-term observation, legal and media analysis, political independence).

The **final report of the EU-EOM for the 2005 presidential elections** called for an international organisation to administer and supervise elections in uncleared areas. Compared to previous elections, the 2005 Presidential election was conducted in a much improved election environment in the South of the country. However, a very different scenario was to be found in the North and East. The recommendations of earlier EU-EOM's (the appointment of an independent Election Commission with extended powers, the role of the police and proper treatment of complaints received against police officers, the role of the media, particularly state-owned, the need for a code of conduct for political parties) have been re-stated because most of them have not yet been implemented. They remain essential ingredients for strengthening the electoral process. However, on their own, they are insufficient to address the fundamental malaise that exists in those areas of the North and East where voters and parties have consistently been denied the opportunity to fully participate in the democratic process. It is clear that more radical measures are necessary to transform this situation.

[http://ec.europa.eu/external\\_relations/sri\\_lanka/intro/index.htm#hr](http://ec.europa.eu/external_relations/sri_lanka/intro/index.htm#hr)

# SRI LANKA: COUNTRY STRATEGY PAPER 2007-2013

## EXECUTIVE SUMMARY

The European Union (EU) has a long and substantial relationship with Sri Lanka, including sizeable development co-operation, extensive trade relations and an important political role.

**The challenges facing Sri Lanka over the next seven years will be characterised by:**

- ***The need to resolve a volatile political and conflict situation with the overall objective of realising a lasting resolution of the conflict through a peacefully negotiated political settlement which respects the legitimate demands of all the people of Sri Lanka including minority communities.***
- ***The need to take forward a series of reforms and ensuring faster growth to achieve Millennium Development Goals (MDGs) on poverty reduction.***
- ***The need to eradicate acute poverty in parts of central Sri Lanka and in the whole of the North and East of Sri Lanka.***

The development assistance mapped out in this present Country Strategy Paper (CSP) seeks to assist Sri Lanka to meet these challenges. The CSP, for which an envelope of 112 MEURO has been set aside, is in line with the EU's established strategy of focusing on conflict prevention and poverty reduction and will support the EU scenario based strategy towards Sri Lanka.

The priority sector for 2007-13 will be support to the peace process and poverty reduction in the North and East through sustainable integrated district development of one to two Districts. In addition, the CSP will include a smaller allocation of support to two non focal sectors: trade and good governance. The trade support takes note of the fact that trade concessions such as GSP+ can have a major development impact but countries such as Sri Lanka have not managed to make maximum use of them in the past. ***Support under reform, human rights monitoring and advocacy and conflict resolution.***

Over the past seven years, Sri Lanka has experienced widely different political situations, including periods of positive climate towards peace/uneasy peace, of low intensity conflict and of high intensity conflict, the latter is arguably the prevailing situation in 2007. Conflict is clearly the single most important obstacle to successful implementation of the proposed EC programme and development activities will need to be adapted to suit what is feasible and appropriate. To this end, the CSP foresees three scenarios under which the EC's support and response strategy will change respectively:

**a)** Under a scenario of a positive climate towards peace/uneasy peace, integrated district development as foreseen in the strategy will be pursued and support for trade and good governance will follow normal channels, supporting both government and non government institutions.

**b)** Under a scenario of insecurity and low-intensity conflict, when regional development and road building are problematic, support will focus more on trying to keep vulnerable communities in place, whereas for the two non focal sectors support will be directed via non state actors and, only if duly justified, aid could pass via government institutions.

**c)** Under a scenario of high intensity conflict with major displacement of population, support will tend to focus on the communities and people who have been uprooted, addressing their medium term needs in the conflict affected communities which cannot be addressed by the ECHO instrument. Under this scenario, support for governance and trade will be channelled exclusively via NGOs and the private sector.

Those scenarios need to be used with flexibility and judgment so that they allow account to be taken of the changing situation in the implementation of the CSP.

[http://ec.europa.eu/external\\_relations/sri\\_lanka/csp/index.htm](http://ec.europa.eu/external_relations/sri_lanka/csp/index.htm)

**US DEPARTMENT OF STATE - 2007 COUNTRY REPORTS ON SRI LANKA**  
**RELEASED BY THE BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR**  
**March 11, 2008**

**Government Corruption and Transparency**

According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. There was corruption in all three branches of government, as well as various bureaucratic agencies. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions. **(Excerpt)**

**Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament. **(Excerpt)**

**Internally Displaced Persons (IDPs)**

The UN High Commissioner for Refugees (UNHCR) reported in December that there were currently approximately 456,000 IDPs in the north and east. Of these, 312,000 were displaced prior to 2006 by the conflict and the 2004 tsunami, and 208,000 became displaced since the resumption of the conflict in 2006. There is an overlap between the two groups of approximately 65,000 IDPs who have been displaced more than once. An estimated 353,000 IDPs (old and new) live with host families, usually relatives. Since March about 120,000 IDPs have returned to their places of origin in the east. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom are still in camps in Puttalam. The government has not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs. **(Excerpt)**

<http://www.state.gov/g/drl/rls/hrrpt/2007/100620.htm>

**DEBATE IN THE BRITISH PARLIAMENT ON SRI LANKA**

**PARLIAMENTARY UNDER-SECRETARY OF STATE  
FOR INTERNATIONAL DEVELOPMENT - MR. MICHAEL FOSTER**

The Government share the grave concern about the ***prospects for peace in Sri Lanka, the humanitarian situation there***, the decline in respect for human rights and the impact that the conflict is having on Sri Lanka's development, ***including slowing the recovery from the tsunami of December 2004***.

***The total number of internally displaced persons in Sri Lanka is estimated at 500,000. The worst off are the approximately 220,000 people who have repeatedly been displaced by the conflict in the north over the past year, including at least 30,000 who have been displaced an average of five times.*** Those desperate people fear both sides in the conflict and have barely enough food to survive on. As we have heard, they are made more vulnerable and less able to cope each time they are driven out of their homes.

All UN agencies and NGOs left the area last month after the Government requested their withdrawal, stating that their security could no longer be guaranteed. The International Committee of the Red Cross and the Red Crescent remain in the area and are critical to the protection of the population. We welcome the stated commitment of the Government of Sri Lanka to allow humanitarian access and regular convoys of essential supplies to the north, and acknowledge the value of the continued international presence of the ICRC in the Vanni region. ***We are urging the Government of Sri Lanka to facilitate the work of other impartial humanitarian actors to enable them to deal with the growing crisis.***

The EU notes with concern the trend in attacks and threats on journalists, civil society organisations and lawyers. As far back as 2006, ***Louise Arbour, the UN High Commissioner for Human Rights, was sufficiently concerned to call on the international community to monitor the unfolding human rights situation***, suggesting that the events were not simply ceasefire violations, but grave breaches of international human rights and humanitarian law. That situation remains. **(Excerpt)**

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081014/halltext/81014h0010.htm>

## ABROGATION OF “INDO-LANKA” PACT

On 29 July 1987, the “Indo-Lanka” pact was signed between Sri Lanka and India, under the guise of settling the Tamil ethnic conflict in Sri Lanka. Under this accord, by a special decree of the Executive President of Sri Lanka, the merger of the North Eastern province took place on 8 September 1988.

But, after exactly 18 years of this merger, the JVP filed a case in the Supreme Court, demanding the **de-merging of these two provinces**. The Supreme Court delivered its biased political decision on this case on 16 October 2006, stating that the merger of these two provinces by the then President was invalid. **Once again another agreement/accord, in this case one that even had international status, was abrogated with the biased legal support of the Supreme court.**

### Referendum

**BBC Sinhala service, 1 January 2007** - "What is the special reason to de-merge at this particular point?" the veteran politician who has long been a vocal critic of the Tamil Tigers questioned.

He said neither the people of the north and the east nor the government is going to be beneficial of this untimely decision. The government has taken steps to de-merge the provinces temporarily merged after the Indo-Lanka accord in 1987.

### Court ruling

Sri Lanka's Supreme Court last year ruled that the temporarily merger was against the country's constitution. But the former parliamentarian Anadasangaree says the President Rajapaksa's government could obtain a parliamentary majority if they were genuinely interested in keeping the provinces merged. ***"What I have been fighting for the full democracy for all the peoples in Sri Lanka"***. (Excerpt)

[HTTP://WWW.BBC.CO.UK/SINHALA/NEWS/STORY/2007/01/070101\\_TULF\\_DEMERGE.SHTML](http://www.bbc.co.uk/sinhala/news/story/2007/01/070101_TULF_DEMERGE.SHTML)

## SRI LANKA IS A FAILED STATE

Year	Place
2008	20 <sup>th</sup>
2007	25 <sup>th</sup>

[http://www.fundforpeace.org/web/index.php?option=com\\_content&task=view&id=99&Itemid=140](http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=99&Itemid=140)

## FAILURE OF PEACE TALKS

Due to pressure from the International community, President Mahinda Rajapaksa's government agreed to have peace talks in Geneva which took place in February 2006. During the talks, the government of Sri Lanka agreed to abide by the CFA, including its clause 1.8, and disarm paramilitary groups operating in army-controlled areas.

However, when the 2<sup>nd</sup> round of talks took place in Geneva in October 2006, the talks failed, as the government of Sri Lanka had not implemented what had been agreed in the first round of Geneva talks. **The international community, especially Norway and Switzerland witnessed this at close hand.**

## SRI LANKAN TALKS END IN FAILURE

**BBC News, 29 October 2006** - Talks between Sri Lanka's government and Tamil Tiger rebels aimed at averting a return to war have ended without agreement. Norwegian mediator Erik Solheim said no deal had been reached on how to address the humanitarian crisis and no dates had been set for new negotiations.

The two-day talks in Geneva had been intended to shore up the 2002 ceasefire amid a major upsurge of fighting. They were the first time the two sides had met in eight months. (Excerpt)

[http://news.bbc.co.uk/1/hi/world/south\\_asia/6090866.stm](http://news.bbc.co.uk/1/hi/world/south_asia/6090866.stm)

# CORRUPTION - SRI LANKA

## 92ND IN THE CORRUPTION INDEX YEAR 2008

Sri Lanka occupies the 92nd position among 180 countries in the Corruption Perception Index (CPI) 2008 conducted by Transparency International (TI), the global civil society organisation leading the fight against corruption. (Excerpt - [http://www.tisrilanka.org/Press\\_Releases/pr53.htm](http://www.tisrilanka.org/Press_Releases/pr53.htm))

## 94TH IN THE CORRUPTION INDEX Year 2007

Sri Lanka occupies the 94th position among 179 countries in the Corruption Perception Index (CPI) 2007 (Excerpt - [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2007](http://www.transparency.org/policy_research/surveys_indices/cpi/2007))

## 84TH IN THE CORRUPTION INDEX Year 2006

Sri Lanka occupies the 84th position among 163 countries in the Corruption Perception Index (CPI) 2006 (Excerpt - [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://www.transparency.org/policy_research/surveys_indices/cpi/2006))

## 78TH IN THE CORRUPTION INDEX Year 2005

Sri Lanka occupies the 78<sup>th</sup> position among 158 countries in the Corruption Perception Index (CPI) 2005 (Excerpt - [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_research/surveys_indices/cpi/2005))

# REPORTERS WITHOUT BOARDERS – FOR PRESS FREEDOM

## SRI LANKA - ANNUAL REPORT 2007

The daily *Uthayan*, published in Jaffna had three employees killed in 2006. Its offices came under murderous attack on 2 May, eve of World Press Freedom Day, celebrated by UNESCO in Colombo on 3 May. Armed men believed to be pro-government militia sprayed its offices with machine-gun fire, killing two staff members, the day after it carried a cartoon of Douglas Devananda, leader of the Eelam People's Democratic Party (EPDP), a member of the ruling coalition. A few weeks later, a newspaper vendor selling the daily was killed by soldiers in the streets of Jaffna. In August, armed men threatened fresh reprisals if the paper published a statement from striking students, and then set fire to its presses. At the end of the year, soldiers blocked its news print supply. Tamil media also suffered serious interference with distribution in the east of the country. Distributors on several occasions were forced to stop selling some papers in the face of death threats from pro-government militia headed by Colonel Karuna. These were *Virakesari*, *Thinakural* and *Sudar Oli*. The state-run Tamil newspaper *Thinakaran* was not interfered with however.

Under strong press criticism, President Mahinda Rajapakse and his government stepped up their control over state-run media. At least two journalists, including Rajpal Abenayaka, editor of the government weekly *Sunday Observer*, were removed from their posts after publishing news seen as too independent. Two state radio programmes were also pulled because they reported on the ethnic conflict in outspoken terms. The government in November also used a 1966 law on good social behaviour to block *Raja FM*, supposedly broadcasting shocking programmes about sexuality.

(Excerpt - [http://www.rsf.org/country-50.php3?id\\_mot=264&Valider=OK](http://www.rsf.org/country-50.php3?id_mot=264&Valider=OK))

## PRESS RELEASES ON PRESS FREEDOM

2008 - [http://www.rsf.org/archives-en.php3?id\\_rubrique=51&annee=2008&tri=](http://www.rsf.org/archives-en.php3?id_rubrique=51&annee=2008&tri=)

2007 - [http://www.rsf.org/archives-en.php3?id\\_rubrique=51&annee=2007&tri=](http://www.rsf.org/archives-en.php3?id_rubrique=51&annee=2007&tri=)

2006 - [http://www.rsf.org/archives-en.php3?id\\_rubrique=51&annee=2006&tri=](http://www.rsf.org/archives-en.php3?id_rubrique=51&annee=2006&tri=)

# SRI LANKA - ABORTION POLICY

(Population and development in the United Nations system)

## Grounds on which abortion is permitted:

To save the life of the woman	<b>Yes</b>
To preserve physical health	<b>No</b>
To preserve mental health	<b>No</b>
Rape or incest	<b>No</b>
Foetal impairment	<b>No</b>
Economic or social reasons	<b>No</b>
Available on request	<b>No</b>

## Additional requirements:

The Penal Code contains no procedural requirements for the legal termination of pregnancy, except that the pregnant woman's consent is necessary. There are no provisions specifying the qualifications of those authorized to perform abortions nor the type of facilities in which the procedures are to be performed.

## REPRODUCTIVE HEALTH CONTEXT

Government view on fertility level:	<b>Satisfactory</b>
Government intervention concerning fertility level:	<b>To lower</b>
Government policy on contraceptive use:	<b>Direct support provided</b>
Percentage of currently married women using modern contraception (aged 15-49, 1993):	<b>44</b>
Total fertility rate (1995-2000):	<b>2.1</b>
Age-specific fertility rate (per 1,000 women aged 15-19, 1990-1995):	<b>20</b>
Government has expressed particular concern about:	
Morbidity and mortality resulting from induced abortion	<b>No</b>
Complications of childbearing and childbirth	<b>Yes</b>
Maternal mortality ratio (per 100,000 live births, 1990):	
National	<b>140</b>
South-central Asia	<b>560</b>
Female life expectancy at birth (1995-2000):	<b>75.4</b>

\* Excluding areas containing roughly 15 per cent of the population.

## BACKGROUND

Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years' imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is "quick with child", a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to "woman with child", which simply refers to "being pregnant". A woman who induces her own miscarriage is subject to the same penalties. If the miscarriage is caused without the consent of the woman, whether or not she is quick with child, the person causing it is subject to up to 20 years' imprisonment and payment of a fine (Section 304). The same penalty is imposed if the woman's death results from any act carried out with intent to bring about a miscarriage, whether or not the offender knew that the act was likely to cause death (Section 305).

In 1973, the abortion legislation of the country was studied by a committee of the Medical Legal Society of Sri Lanka, which recommended that the law should be liberalized to allow abortions to be performed to prevent grave injury to the physical and mental health of the mother, in cases where pregnancy resulted from rape or incest, and in cases where there was substantial risk that the child, if born, would suffer from severe physical or mental abnormalities that would cause it to be seriously handicapped for life. No legislative action, however, resulted from these recommendations. The Ministry of Health has begun, however, to publicize the linkage

between illegal abortion and maternal mortality as a means of giving support to a liberalization of the abortion law.

Despite rigid statutory provisions, Sri Lankan women from higher income households who desire to terminate their pregnancies find little or no difficulty in doing so. They often consult a psychiatrist for severe mental depression combined with suicidal tendencies. The psychiatrist may advise an abortion in order to save the life of the mother, and the pregnancy may then be terminated in a private or government hospital by a qualified medical practitioner. Women from middle-income and lower income households, however, must often resort to abortions performed by "back-door abortionists" under primitive and unhygienic conditions, resulting in high maternal mortality and chronic ill health.

Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. **A rural survey suggests that 54 abortions per 1,000 population are performed each year.**

The Government of Sri Lanka considers the rates of fertility and population growth to be too high and hoped to achieve a target of replacement-level fertility by the year 2000. Sri Lanka has a current total fertility rate of 2.1 children per woman and a population growth rate of 1 per cent, a rate satisfactory to the Government. **Recognizing that a reduction in fertility will enhance socio-economic development, the Government has sought to strengthen and expand the delivery of family planning services, to provide incentives for controlling population growth and to promote population education. Family planning services are part of a comprehensive family health programme that provides a variety of subsidized clinical and contraceptive services.** Existing maternal and child health and family planning services are being enhanced, especially in rural and poor urban areas. **The modern contraceptive prevalence rate was estimated at 44 per cent in 1993. Local health officials estimated the 1999 maternal mortality rate to be 250 deaths per 100,000 live births, 25 per cent of them related to unsafe abortions.**

[www.un.org/esa/population/publications/abortion/doc/srilanka.doc](http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc)

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