

# Sri Lanka 2023 Human Rights Report

## Executive Summary

During the year, the government of Sri Lanka released on bail dozens of suspects held under the Prevention of Terrorism Act. Police also issued new guidelines to respect the rights of lesbian, gay, bisexual, transgender, queer, or intersex persons and stop arrest and harassment of transgender persons. In March the government indefinitely postponed local government elections, citing a lack of funds, and the terms of local councils across the country expired.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; transnational repression against individuals in another country; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists, unjustified arrests of journalists, and censorship; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of

citizens to change their government peacefully through free and fair elections; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including domestic and intimate partner violence and sexual violence; crimes involving violence targeting Hindus, Muslims, Christians, and Tamils; laws criminalizing consensual same-sex sexual conduct between adults, even if the laws were not enforced; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took minimal steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year. There were multiple deaths in police custody, with many incidents following a similar pattern. Many deaths occurred when police took suspects to the alleged crime scene as part of an investigation or claimed that suspects attacked them during interrogation or tried to escape.

For example, on January 10, police arrested A.G. Samantha Preethi Kumara, assistant manager of the National Vocational Training Institute, for alleged possession of 15 grams of heroin. According to police, he acted impulsively while being interrogated and injured a police officer with a broken glass bottle. After the altercation, Kumara was pronounced dead. The autopsy reported the cause of death as internal bleeding. Seven individuals, including a subinspector of the Police Narcotics Bureau, were arrested and, as of the end of October, remained in pretrial detention.

On March 8, Ajith Kumara, sentenced to nine months in prison for failure to pay money in a maintenance case, was shot and killed by a prison guard when he allegedly attempted to escape from Kegalle Prison. As of the end of October, a police investigation continued.

The Human Rights Commission of Sri Lanka (HRCSL) reported as of July it received at least seven reports of extrajudicial killings and eight cases of deaths in custody. Police were responsible for investigating allegations of unlawful killings by security forces and the Attorney General's Department was responsible for filing indictments and prosecuting cases. In February the President's Office told the Supreme Court that President Wickremesinghe would not authorize the use of capital punishment. According to civil society, this was the first time a president gave written assurance to a court that death sentences would not be implemented.

In 2022, police opened fire at a protest against a fuel price hike in Rambukkana, killing one civilian, Chaminda Lakshan, and injuring 24 others. Ten days later, police arrested Senior Superintendent of Police K.B. Keerthiratne, accused of giving the order to shoot, and three officers who were involved in the incident. Police claimed that the deceased victim had attempted to set fire to a tanker carrying fuel and that police used live ammunition only after attempting to disperse the protest with tear gas. Three months later, the Kegalle High Court granted bail to Keerthiratne and the other arrested police officers. The HRCSL investigated the incident and found that police had used excessive force and recommended a disciplinary inquiry against Keerthiratne. In April the HRCSL presented its final recommendations to police, which included paying compensation to the family of the victim. As of the end of October, the criminal case continued against Keerthiratne.

On February 3, the Supreme Court ordered the inspector general of police to develop and implement guidelines to prevent “encounter deaths” in police custody. As of the end of October, police were still working with the Attorney General’s Department to issue the final policy.

Police reported a surge in shootings across the island with a total of 70 cases as of the end of August causing 41 fatalities and 30 injuries, committed by members of organized crime syndicates. In 2022, the Criminal Investigation Department (CID) arrested former Sri Lanka Freedom Party (SLFP)

parliamentarian Duminda Silva after the Supreme Court temporarily suspended his June 2021 pardon. Silva was sentenced to death in 2016 for the 2011 killing of fellow SLFP parliamentarian Bharatha Lakshman Premachandra during local elections but was pardoned in 2021 by then President Gotabaya Rajapaksa. Civil and political leaders called the move historic and said it might set a precedent in other petitions against recent presidential pardons that promoted impunity. As of the end of October, the Supreme Court review of the challenges to the pardon of Silva remained pending.

On January 12, the Supreme Court ruled former President Maithripala Sirisena had violated the fundamental rights of victims of the 2019 Easter Sunday attacks and ordered him to pay 100 million rupees (\$310,000) as damages. The Supreme Court also ordered former Inspector General of Police Pujith Jayasundara and former State Intelligence Service Director Nilantha Jayawardhane to pay 75 million rupees (\$232,000) each, former Defense Secretary Hemasiri Fernando to pay 50 million rupees (\$155,000), and former Chief of National Intelligence Sisira Mendis to pay 10 million rupees (\$31,000) as damages to the victims. The court held that Sirisena, who was also defense minister, had not convened regular meetings of the National Security Council and had omitted key personnel from the meetings he held. On July 11, Sirisena sought additional time from the Supreme Court to pay the remaining 85 million rupees (\$264,000). As of the end of

October, the case remained pending.

There was little progress during the year in the cases of 25 individuals charged with perpetrating the 2019 Easter Sunday attacks. In response to the September 5 broadcast of a documentary by the United Kingdom's Channel 4 alleging the involvement and complicity of senior government officials in the Easter bombings, President Wickremesinghe announced on September 10 he would appoint an investigative committee to be chaired by a retired Supreme Court judge.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. The Office on Missing Persons (OMP) reported that as of the end of October it had not received any new complaints of missing persons or enforced disappearances.

There was little progress investigating allegations of abuses from the 1983-2009 civil war or from the 1988-89 Marxist insurrection in the south. Impunity and lack of accountability for war-era abuses remained a problem. Disappearances during the war and its aftermath remained unresolved. Families of disappeared and missing persons remained frustrated with the lack of progress investigating cases and the lack of answers from the government or OMP.

In 2022, the cabinet approved the appointment of 25 boards of inquiry to expedite OMP investigations into 14,988 complaints of enforced disappearances and missing persons. As of September 5, the OMP had appointed 16 boards of inquiry, which had met with approximately 3,559 complainants. During the year, the OMP established tracing, protection, and victim and family supporting units to assist victims, families, and witnesses. At the OMP's request, the Central Bank of Sri Lanka recirculated guidelines to financial institutions on recognizing Certificates of Absence (CoA) as legal documents. According to the Ministry of Foreign Affairs, as of July, 1,313 families had obtained certificates of absence. The OMP also conducted a needs assessment in line with its Strategic Road Map. In a September report to the UN Human Rights Council (UNHRC), the Office of the High Commissioner for Human Rights stated the OMP required "proactive, independent leadership and more robust investigative and tracing capacities." As of July, the government reported it had paid 40.6 million rupees (\$126,000) as relief to 203 families of persons from the north and east missing from the civil war.

On July 11, Foreign Minister Ali Sabry briefed civil society on government plans to pass a Truth and Reconciliation Commission bill, including the establishment of a judicial mechanism to investigate human rights abuses from the end of the civil war. In August the government established an Interim Secretariat for a Truth and Reconciliation Mechanism, appointed a

director general, and established Legal and Policy, Public Relations, and Information Technology divisions. Civil society groups criticized the government for moving forward with the secretariat without extensive consultations, and for not implementing recommendations from previous post conflict commissions, including the 2016 Consultation Task Force on Reconciliation Mechanisms. In August the government extended until September 15, then again until the end of October, the Special Commission of Inquiry, appointed in 2021, to examine the findings of previous commissions and committees on human rights and reconciliation.

There were 14 reported mass graves in the country pending investigation, most in the Northern and Eastern Provinces. The OMP was legally empowered to act as an observer during excavations, exhumations, and other proceedings related to suspected grave sites. The Ministry of Foreign Affairs reported the OMP legal counsel assisted with the excavation of mass graves in Mannar and Mullaitivu.

In 2022, a court ruled that attorneys could represent families of disappeared persons in the case of the mass grave found in Mannar in 2018. The court also ordered the OMP to intervene in and expedite the case and ruled lawyers, press, and representatives of the families of the disappeared could monitor the excavation process. In September the local nongovernmental organization (NGO) Center for Human Rights and Development reported the investigation into the Mannar mass grave continued, and the Department of



Forensic Medicine and Toxicology was undertaking bone analysis of more than 50 samples from the mass grave.

On June 29, construction workers found a suspected mass grave in Kokkuthoduvai, Mullaitivu District, and during exhumation in July, a judicial medical officer found the remains of 13 bodies believed to be Liberation Tigers of Tamil Eelam (LTTE) soldiers, along with military-style uniforms. The Ministry of Justice allocated 5.6 million rupees (\$17,350) for the exhumation process, and the Mullaitivu Magistrate Court approved a Standard Operating Procedure – developed by the OMP – to be followed during the exhumation. The exhumation began on September 5. Families of the disappeared, civil society, local politicians, and the press observed excavation following a court ruling allowing their presence. Civil society and the OMP reported government intelligence officers were also present and questioned some of the observers. The OMP stated some intelligence officers entered the mass grave without authorization and eroded public trust in the exhumation process.

There was no progress during the year in high-profile disappearance cases.

There was no progress on the “Navy 11” case of the abduction and disappearance of 11 individuals from Colombo in 2008 and 2009 involving former navy Commander Wasantha Karannagoda. In May President Ranil Wickremesinghe removed Karannagoda as governor of the North Western

Province, reportedly for reasons unrelated to allegations of human rights violations.

On January 24, the Supreme Court sentenced retired army officer Major Ajith Prasanna to four years of rigorous imprisonment and fined him for a contempt of court and witness intimidation case. The case had been filed in 2019 after Prasanna held a media briefing that reportedly intimidated witnesses in the Navy 11 case. A different contempt of court case was filed in 2020 after Prasanna criticized the judiciary during an interview. On June 8, the Court of Appeal sentenced Prasanna to six months in prison after he pled guilty to contempt of court.

On September 5, the Permanent Trial-at-Bar postponed until November 23 a hearing in the case of the 2010 enforced disappearance and presumed murder of cartoonist Prageeth Ekneligoda. Two of the three judges presiding over the case withdrew due to other commitments and were not replaced. The judge also postponed an order to include additional evidence that would support the prosecution's case alleging military involvement in the disappearance. The suspects had been charged in 2019 but were released on bail shortly thereafter.

### **c. Torture and Other Cruel, Inhuman, or Degrading**

## Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, but there were credible reports that government officials employed them. The law made torture a punishable offense and mandated a sentence of not less than seven years' and not more than 10 years' imprisonment. The government maintained a Committee on the Prevention of Torture to visit sites of allegations, examine evidence, and take preventive measures on allegations of torture. The Prevention of Terrorism Act (PTA) allowed courts to admit as evidence any statements made by the accused at any time and provided no exception for confessions extracted by torture. In 2022, parliament amended the PTA to include judicial oversight to safeguard against torture but did not remove the clause allowing for the use of confessions made to police while in police custody. Human rights and civil society organizations alleged that torture and excessive use of force by police, particularly to extract confessions, remained endemic. The HRCSL, for example, noted that many reports of torture referred to police allegedly "roughing up" suspects to extract a confession or otherwise elicit evidence. As in previous years, arrestees reported torture and mistreatment, forced confessions, and denial of basic rights, such as access to lawyers or family members. Anecdotally, male arrestees more often reported facing torture than female arrestees.

On August 16, the National Police Commission issued new procedures to

record and investigate complaints against police officers. The procedures outlined the commission's authority to appoint independent investigations into complaints and the inspector general of police's obligation to hold police officers and stations accountable to respond in a timely manner to investigations. The procedures also required that all complainants be informed of the outcome of any investigation into their complaint. From January 2022 to August 2023, the HRCSL documented 560 complaints of torture. In response to allegations of torture, the HRCSL carried out routine visits to detention centers and established a Rapid Response Unit to conduct immediate visits and inquiries.

Impunity remained a significant problem characterized by a lack of accountability for abuses, particularly regarding government officials, military, paramilitary, police, and other security-sector officials. Civil society organizations asserted the government, including the courts, was reluctant to act against security forces alleged to be responsible for abuses. During the year, civil society organizations reported some Tamils from the north alleged police illegally detained and tortured them and questioned them regarding connections to the LTTE or participation in protests.

On November 8, Vaddukkottai police arrested Nagarasa Alex, age 25, for allegedly committing theft. Alex subsequently received hospital treatment on November 16 for injuries sustained from alleged police torture. A widely circulated video showed Alex describing the alleged police torture during a

hospital interview. On November 19, police returned Alex to the Jaffna Teaching Hospital, where hospital staff later pronounced him dead. A postmortem examination reported Alex sustained multiple injuries including abrasions and contusions on his upper and lower limbs. On November 24, four police officers were arrested for alleged involvement in Alex's death. As of December, they remained in pretrial detention while an investigation continued.

On June 9, the Ministry of Justice publicly released its report on parliamentarian and State Minister Lohan Ratwatte's 2021 forceful entry into two prisons where he threatened Tamil detainees at gunpoint. The report made six recommendations, including to file attempted murder charges against Ratwatte, who was the state minister of prisons at the time of the incident. A police spokesperson told the press on June 15 police would not initiate any action against Ratwatte without direction from the Cabinet of Ministers. In September the Attorney General's Department stated it would charge Ratwatte for criminal intimidation. As of September 15, Ratwatte was on bail with the first hearing scheduled for January 2024.

## **Prison and Detention Center Conditions**

Prison conditions were poor due to overcrowding, a shortage of sanitary facilities, and old infrastructure.

**Abusive Physical Conditions:** Overcrowding was a problem. According to

the prisons' spokesperson, there was a rise in the number of incarcerations during the year, increasing congestion within prisons. As of the end of August, 28,551 prisoners and suspects including 1,065 women were detained in a system with a capacity for 13,241. Prison cells meant for one prisoner were often occupied by three or four, at times resulting in inmates lacking sleeping space and adequate sanitary conditions.

On January 18, parliament passed the Bureau of Rehabilitation bill establishing a government agency to oversee mandated drug rehabilitation programs and requiring the government to build new treatment facilities. As of the end of October, the government had not implemented the new legislation.

**Administration:** The HRCSL, on its own initiative or after a complaint was reported, investigated complaints and referred them to the relevant authorities when warranted.

**Independent Monitoring:** The Board of Prison Visitors was the primary domestic organization conducting visits to prisoners and accepting complaints; it also had the legal mandate to examine overall conditions of detention. The Board of Prison Visitors functioned as an internal governmental watchdog and was established under the Prisons Ordinance. Its members were representatives of civil society who were otherwise unaffiliated with the government or other state institutions. The HRCSL had

a mandate to monitor prison conditions, and police largely respected its recommendations. The HRCSL and the government permitted independent nongovernmental organizations such as the International Committee of the Red Cross access to all prisoners and detainees, regardless of the type of facility.

#### **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of any persons to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements.

#### **Arrest Procedures and Treatment of Detainees**

The criminal procedure code allowed police to make an arrest without a warrant for offenses such as homicide, theft, robbery, and rape.

Alternatively, police might make arrests pursuant to arrest warrants judges and magistrates issued based on evidence. The law required authorities to inform an arrested person of the reason for the arrest and arraign that person before a magistrate within 24 hours for minor crimes, 48 hours for some grave crimes, and 72 hours for crimes covered by the PTA. Suspects accused of committing bailable offenses were entitled to bail, administered by police, before seeing a magistrate. For suspects accused of nonbailable offenses, bail was granted only after appearing before a magistrate and at

the magistrate's discretion.

The Bail Act stated no person should be held in custody for more than 12 months prior to conviction and sentencing without a special exemption. If a trial had not commenced within 12 months of indictment under the PTA, the High Court might authorize bail. Otherwise, judges required approval from the attorney general to authorize bail for persons detained under the PTA. The Attorney General's Department provided such approval in some cases. In homicide cases, regulations required the magistrate to detain the suspect, and only the High Court could grant bail.

In all cases, suspects had the right to legal representation, although no provision specifically provided the right of a suspect to legal representation during interrogations in police stations and detention centers. The government provided counsel for indigent defendants in criminal cases before the High Court and Court of Appeal but not in other cases; the law required the provision of counsel only for cases heard at the High Court and Court of Appeal.

**Arbitrary Arrest:** The HRCSL received numerous complaints of arbitrary arrest and detention. Police sometimes held detainees incommunicado, and lawyers had to apply for permission to meet clients, with police frequently present at such meetings. In some cases, unlawful detentions reportedly included interrogations involving mistreatment or torture. In August the



government stated a de facto moratorium on the use of the PTA had been in effect since March 2022. Despite this there were reports of at least 15 arrests under the PTA. This included nine Tamils arrested in November for alleged use of illegal symbols or images glorifying the LTTE during participation in LTTE Great Heroes Day, an annual event to commemorate fallen LTTE fighters.

On May 18, the police CID arrested four Muslims under the PTA, all of whom were associated with al-Zuhriya Arabic College and were witnesses in support of Muslim human rights attorney Hejaaz Hizbullah, who spent nearly 22 months detained under the PTA in connection with the 2019 Easter Sunday bombings before receiving bail in 2022. All four witnesses originally recorded statements when Hizbullah was arrested in 2020, but police had not previously pursued steps against them. On June 26, Puttalam High Court indicted two suspects under the International Covenant on Civil and Political Rights (ICCPR) Act, released them on bail, and dropped all charges against the other two.

On January 31, the government dropped all PTA charges against Inter-University Students' Federation Convener Wasantha Mudalige in cases related to the 2022 antigovernment protests. On February 1, the court released Mudalige on bail on three different cases related to his convening or participating in protests. Mudalige had been in custody since August 2022 under the PTA.

According to civil society sources, from January 1 to the end of October at least 60 PTA detainees, including convicted prisoners, were released by court on bail, had charges against them dropped, or were acquitted. On August 9, President Wickremesinghe told parliament that under the PTA there were 21 prisoners in pretrial detention, three convicted with death sentences, and 22 others convicted, serving sentences. He approved the release of 11 of the convicted prisoners. As of August 9, civil society groups estimated that those who remained incarcerated under the PTA consisted of 46 convicted and pretrial detention PTA prisoners, including Tamils for offenses related to the LTTE and Muslims in relation to the 2019 Easter Sunday attacks.

In 2020 and 2021, the government arrested five prominent Muslims, Rishad Bathiudeen, Riyaj Bathiudeen, Azath Salley, Ahnaf Jazeem, and Hejaaz Hizbullah, for alleged involvement in the 2019 Easter Sunday bombings and indicted three of them on speech-related offenses under the PTA.

Advocates on behalf of these individuals claimed the government had been unable to produce credible evidence of their alleged connections to terrorist activity and filed fundamental rights petitions at the Supreme Court to free them, although proceedings were delayed for months. By the end of 2021, three were released on bail and one was acquitted, and the last prominent Muslim, Hejaaz Hizbullah, was released in February 2022. As of the end of December, only Hejaaz Hizbullah's case remained pending as the High Court

acquitted two individuals in 2022 and Muslim poet Ahnaf Jazeem on December 12.

**Pretrial Detention:** Pretrial detainees comprised approximately two-thirds of the detainee population. Inability to post bail, lengthy legal procedures, judicial inefficiency, and corruption often caused delays in releasing pretrial detainees. Legal advocacy groups asserted that for those cases in which pretrial detention exceeded 24 hours, it was common for the length of pretrial detention to equal or exceed the sentence for the alleged crime.

A person could legally challenge an arrest or detention and obtain release through the courts. The legal process took years, however, and the Center for Human Rights Development reported the perceived lack of judicial independence and minimal compensation discouraged individuals from challenging an arrest or detention in the courts. Individuals detained under the PTA had the right to challenge their detention, but many such individuals faced difficulties in accessing this right due to administrative restrictions on access to lawyers and lack of financial resources to retain competent counsel.

## **e. Denial of Fair Public Trial**

The law provided for an independent judiciary, but the government sometimes did not respect judicial independence and impartiality. In 2022, parliament passed an amendment to the constitution that removed the

president's sole discretion for appointing judges of superior courts and reestablished a constitutional council to play a role in nominations and approvals of presidential appointments to oversight commissions, the superior courts, and key executive branch appointments.

## **Trial Procedures**

The constitution and law provided for the right to a fair and public trial, and an independent judiciary generally enforced this right.

A shortage of court-appointed interpreters limited the right of Tamil-speaking defendants to free interpretation as necessary. In several instances, courts tried criminal cases with Tamil-speaking defendants in Sinhala-speaking areas, which exacerbated the language difference and increased the difficulty of travel for witnesses. Few legal textbooks were available in Tamil.

## **Political Prisoners and Detainees**

Some Tamil and Muslim politicians, international organizations, and local human rights activists referred to PTA detainees including former Tamil-LTTE combatants, Muslims, and student activists accused of terrorism-related violent crimes as political prisoners, alleging they were held for their speech, advocacy, or criticism of the government. The government charged the prisoners in question had committed or conspired to commit terrorist or

violent criminal acts. The government permitted access to prisoners on a regular basis by the HRCSL, magistrates, and the Board of Prison Visits. Authorities granted irregular access to those providing legal counsel and reportedly monitored prisoners' visits with counsel.

## **f. Transnational Repression**

The government engaged in transnational repression against Tamil and Muslim diaspora organizations as well as certain individuals, primarily Muslims, living abroad.

**Threats, Harassment, Surveillance, and Coercion:** In June the Ministry of Defense renewed the proscription of nine Tamil diaspora organizations for allegedly supporting and funding terrorism, allegations which the organizations continued to deny. It also renewed the proscription of dozens of individuals, primarily Muslims, including those living overseas. On June 10, the secretary of the Ministry of Defense froze all funds, other financial assets, and economic resources belonging to or held by any designated person or group. On July 26, the government removed a ban on five of the 11 Muslim groups that were proscribed in 2021 under the PTA. The delisted organizations were United Thawheed Jamma'ath, Ceylon Thawheed Jamma'ath, Sri Lanka Thawheed Jamma'ath, All Ceylon Thawheed Jamma'ath and Jamiyathul Ansari Sunnathul Mohomadiya.

## **g. Property Seizure and Restitution**

Land ownership disputes continued between private individuals in former war zones, and between citizens and the government.

The military seized significant amounts of land during the 1983-2009 civil war to create security buffer zones around military bases and other high-value targets, known as high security zones (HSZs). During and immediately following the war, government officials frequently posted acquisition notices for HSZ lands that were inaccessible to property owners, many of whom initiated court cases, including fundamental right cases before the Supreme Court, to challenge these acquisitions. Throughout the year, lawsuits, including a 2016 Supreme Court fundamental right case and numerous writ applications filed with courts, remained stalled. Although HSZs had no legal framework following the lapse of emergency regulations in 2011, they still existed and remained off limits to civilians.

With the amount of seized and inaccessible land remaining in dispute, many of those affected by the HSZs complained that the pace at which the government demilitarized land was too slow, that the military held lands it viewed as economically valuable for military benefit, and that military possession of land denied livelihood to the local population. According to the acquisition notices, while most of the land acquired was for use as army camps and bases, among the purposes listed on certain notices were the

establishment of a hotel, a factory, and a farm. Some Hindu and Muslim groups reported they had difficulty officially claiming land they had long inhabited if Buddhist monks placed a statue of Buddha or a bodhi tree on their property, and they described these acts as part of a “colonialization” plan to dilute the concentration of minorities in the north.

According to the Ministry of Foreign Affairs, the government returned 90 to 92 percent of the land occupied by security forces and police in 2009; the government stated this comprised 817 acres of state and 22,101 acres of private land. Security forces and police continued to occupy 3,754 acres of land, including 862 state and 2,892 acres of private land, the ministry reported.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The PTA permitted government authorities to enter homes and monitor communications without judicial or other authorization. Government authorities reportedly monitored private movements without authorization. During the year, civil society and journalists reported several allegations of both online and offline surveillance and said the government targeted ethnic minorities engaged in work related to postwar reconciliation or transitional justice.

## Section 2. Respect for Civil Liberties

### a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, but the government sometimes restricted this right.

**Freedom of Expression:** Authorities restricted hate speech, including insults to religion or religious beliefs, through a police ordinance and the penal code. The government requested media stations and outlets refrain from featuring hate speech in their news items and segments. Restrictions on hate speech were applied selectively, with hate speech against Muslims more tolerated than against other groups. There were also reports that authorities attempted to intimidate individuals who criticized the government, including through public statements, questioning by security officials, official visits at their homes, and arrests. Civil society accused the government of using the ICCPR and penal code provisions against hate speech to curtail freedom of expression. In its September report to the UNHRC, the UN Office of the High Commissioner for Human Rights (OHCHR) also reported the government misused the ICCPR to stifle freedom of expression.



On January 6, the CID arrested social media personality Sepal Amarasinghe for making insulting remarks regarding the Buddhist Temple of the Tooth Relic. He was held in pretrial detention until February 21, when a court dropped the case against him.

On May 28, police arrested stand-up comedian Nathasha Edirisooriya on charges of insulting Buddhism during an April performance, a recording of which was posted to the SLVlog YouTube channel on May 23. Police accused her of violating section 3(1) of the ICCPR Act, which criminalized advocacy of “national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” as well as the Computer Crime Act and hate speech provisions of the penal code. Police arrested the administrator of SLVlog, Bruno Divakara, on May 31 under the same provisions of the ICCPR Act, penal code, and Computer Crime Act for propagating Edirisooriya’s remarks. The magistrate in both cases initially ordered the detainees to remain in pretrial detention. On July 6, the Colombo Fort magistrate granted bail to Edirisooriya. Civil society criticized the arrest as stifling freedom of speech in the guise of protecting religious harmony. As of the end of October, the charges against Edirisooriya remained pending.

Evangelical Christian pastor Jerome Fernando went overseas in May to evade an arrest warrant for April 30 statements deemed offensive to Buddhism, Islam, and Hinduism. Many, including the Catholic Church and

politicians across parties, condemned Fernando's remarks. As of September, the arrest warrant remained pending, and Fernando remained overseas.

**Violence and Harassment:** There were reports of harassment and intimidation of journalists covering sensitive topics. Some journalists including citizen journalists, reported harassment, threats, intimidation, and interference from members of state security services, especially when reporting on topics related to the civil war or its aftermath, including missing persons. Tamil journalists reported military officers requested copies of photographs, lists of attendees at events, and names of sources for articles. They also reported the military directly requested that journalists refrain from reporting on sensitive events, such as Tamil war commemorations or land occupation protests, as well as on posting anything related to former LTTE leaders, and that they feared repercussions if they did not cooperate. Reporters alleged that authorities, sometimes in government vehicles, surveilled journalists, especially those covering protests.

On July 28, police arrested Young Journalists' Association member Tharindu Uduwaragedara for being part of an illegal gathering and criminal coercion of a government official while he was covering a labor union protest. The arrest sparked outcry on social media after videos showed police pulling Uduwaragedara by his hair and further assaulting him, resulting in injury to

his head and arms. He was granted bail on July 29 and subsequently admitted to the hospital on the orders of a judicial medical officer.

Uduwaragedara was discharged from the hospital on July 31.

On August 22, a Sinhalese mob led by a Buddhist monk surrounded vehicles with three journalists – Selvakumar Nilanthan, Valasingham Krishnakumar, and Antony Christopher Christiraj – and a group of interfaith religious leaders after the journalists reported on alleged encroachments on Tamil cattle farmers' land in Batticaloa District. The mob, some reportedly armed with knives, held the journalists and a group of approximately 15 others for more than two hours despite the presence of officials from the local government development authority. The interfaith group leaders called police, who arrived hours later after Tamil politicians raised the matter in parliament. As of the end of October, police had not opened an investigation into the incident.

### **Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** Some journalists said the Attorney General's Department ignored requests for comments but threatened journalists with slander lawsuits when the journalists reported on large-scale corruption cases without comment from the government.

Nevertheless, slander was not a criminal offense in the country.

While some online commentators reported occasionally self-censoring

because of fears of harassment, threats, and intimidation, more journalists seemed concerned with whether antigovernment reporting might be rejected by publishers who feared losing advertising revenue controlled by the government. Those who worked for smaller media organizations reported increased self-censorship due to fear they would face heightened vulnerability, as they had no institutional backing.

On July 20, the Ministry of Health reissued a blanket ban on public health staff making statements or expressing their views on the sector, citing a Supreme Court ruling that state employees had no right to make comments to the press without prior approval from their departmental head. After the Health Professionals Association threatened to protest, the secretary of the ministry said the ban would not apply to the union but would apply to other health-sector employees. The ban came after several articles and public statements by health employees concerning a declining standard of imported medicine following a number of deaths and serious illnesses reported in state hospitals.

**National Security:** Authorities continued to cite the PTA, ICCPR Act, and penal code to arrest and punish critics of the government and deter criticism of government policies or officials.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor

online content. There were credible reports that the government monitored private online communications without appropriate legal authority.

## **b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The law provided for freedom of peaceful assembly, but these freedoms were subject to multiple restrictions. The constitution restricted the freedom of assembly in the interest of religious harmony, national security, public order, or the protection of public health or morality. Freedom of peaceful assembly also might be restricted in the interest of securing due recognition and respect for the rights and freedoms of others or in the interest of meeting the just requirements of the general welfare of a democratic society. Under a police ordinance, protesters were required to seek permission from local police before holding a protest.

On January 18, the Jaffna Magistrate Court arrested prominent Tamil civil society activist and coordinator of the 2021 Pottuvil-to-Poligandy protest movement, Hindu priest Velan Swamigal, for allegedly obstructing police duties during a January 15 protest against President Ranil Wickremesinghe's visit to Jaffna. Swamigal was released on bail later that day.

On March 7, police teargassed and arrested several Inter University Student Federation protesters in front of Colombo University. Video of school children affected by the tear gas as they left a nearby school went viral on social media, causing many online commenters to condemn the government. On March 8, police again used tear gas and arrested six Kelaniya University students who were protesting the previous day's arrests. Later on March 8, police issued an apology to the administration of Colombo University for firing tear gas into its premises, press reported. Local NGO Centre for Society and Religion in a report stated police often used expired tear gas, including during the 2022 Aragalaya protest movement, and did not receive proper training on the use of tear gas. Police denied these allegations.

The government allowed May 18 commemorations, a day when Tamils typically memorialize those killed in the final stages of the civil war. On May 18, events proceeded in the North and East Provinces, without major incident, and according to activists, marked a change from previous administrations' attempts to restrict or interfere with Tamil commemorations. When a group of Tamils and southern civil society held a May 18 commemoration in Colombo, individuals from the Sinhalese nationalist group "Ravana Balaya" attempted to disturb the event outside Borella cemetery. Police and riot control units arrived and dispersed both groups.

On June 7, police arrested parliamentarian Gajendrakumar Ponnambalam, leader of the Tamil National People's Front (TNPf), at his Colombo residence for obstructing police duties. The arrest came after he did not appear to give a statement to police regarding a June 2 incident at a TNPf meeting when individuals, later identified as intelligence and police officers, filmed the gathering and refused to show their identification cards. The Kilinochchi Magistrate Court released Ponnambalam on bail later the same day. The judge criticized police for hastily arresting the parliamentarian, despite his agreeing to make a statement the following day.

On July 23, a group of Tamil and Sinhala civil society activists and religious leaders convened a silent protest near the Borella Cemetery in Colombo to mark the 40th anniversary of the killing of thousands of Tamils in 1983 with overt or tacit government approval. Members of a Sinhalese nationalist group disrupted the proceedings, despite heavy police presence, and accused the participants of supporting the LTTE and terrorism. Riot police asked the activists, not the disruptors, to disperse immediately.

On September 18, police arrested four men and two women for assaulting the Jaffna district TNPf parliamentarian and Secretary General Selvarasa Kajendran the previous day while commemorating a former LTTE leader known as Thileepan, who fasted to death in 1987. A widely circulated video showed a Sinhalese mob assaulting Kajendran in Trincomalee and attacking with stones and batons a vehicle with Thileepan's image as it passed

through a Sinhalese village. On September 26 Tamils in the north and east held multiple large-scale events to commemorate Thileepan. Multiple courts in the north and east rejected police requests to ban the events, ruling commemorating the dead was a fundamental right.

In the months after President Wickremesinghe assumed power in 2022, police arrested several dozen protest leaders on various charges related to the 2022 protest movement. A large majority of those arrested were released on bail, and as of September their cases remained pending.

## **Freedom of Association**

The law provided for freedom of association but imposed restrictions on NGOs and criminalized association with or membership in banned organizations. Religious organizations, including Muslim and Christian groups, reported incidents of intimidation.

During the year, civil society reported allegations of monitoring, surveillance, intimidation, and harassment of civil society organizations, religious organizations, human rights defenders, and families of victims of rights violations. Harassment included repeated visits by the Counterterrorism Investigation Division (TID), the CID, and other state security services, which questioned organizations regarding their staff, finances, and activities. Human rights activists alleged unknown actors believed to be state security officials would call them, issuing threats,



alleging staffers had supported terrorism, or suggesting the activists were being surveilled. Organizations that received frequent visits were in three overlapping categories: those located in the North and East Provinces; those whose key activities focused on human rights, accountability, or transitional justice; and those publicly known to engage with the international community.

On August 28, Minister of Public Security Tiran Alles announced plans to require all NGOs to register with the NGO Secretariat, and to prohibit any unregistered NGO from operating. Some NGOs reported those organizations that fell under the secretariat's authority were compelled to seek prior approval for submitting proposals and subsequently for project activities, faced imposition of strict rules and conditions to obtain approvals, received directives on how to apportion or use financial resources, and faced badgering and criticism during approvals of their annual plans. Smaller organizations reported they believed they were compelled to attend meetings convened by the secretariat, and that failure to do so would result in their organizations' activities and approval being adversely affected. NGOs receiving foreign funding reported police officers, including TID and CID agents, visited their offices or called them in (sometimes asking them to travel to Colombo from other provinces) for lengthy and sometimes repeated interrogations related to their project funding and activities. NGO Secretariat officials explained that the CID investigations were based on

Central Bank of Sri Lanka counterterrorist financing and anti-money-laundering regulations and that the CID was the correct statutory body to conduct such investigations. Some private individuals and businesses reported being subjected to similar investigations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Human rights organizations described military presence, including numerous military checkpoints, in the north and east as part of government security efforts and to prevent drug trafficking.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law did not provide for the granting of asylum or refugee status and the government had not established a system for providing protection to refugees. Remaining in the country as a recognized refugee was not permitted; however, refugees were present and remained in the country. A 2005 memorandum of understanding allowed UNHCR to operate in the country to conduct refugee registration and status determinations. But with no legal or policy framework on asylum in the country, entering the country to seek asylum remained difficult. UNHCR also facilitated durable solutions for refugees in the form of resettlement to third countries. The government relied on UNHCR to provide food, housing, and education for refugees in the country and to pursue third-country resettlement for them. Asylum seekers, however, had to rely on the support of NGOs for basic needs. According to UNHCR, the office planned to close operations in the country at the end of 2024.

**Employment:** The law did not permit refugees and asylum seekers to work, but many worked informally, which meant they typically earned low wages and did not benefit from traditional workplace protections.

**Access to Basic Services:** The law did not permit refugees and asylum seekers to enroll in the government school system.

## **f. Status and Treatment of Internally Displaced Persons**

## (IDPs)

The country's civil war, which ended in 2009, caused widespread, prolonged displacement, including forced displacement by the government and the LTTE, particularly of Tamil and Muslim civilians. The Ministry of Urban Development and Housing was responsible for IDP matters. The government had policies in place for IDPs' safe and voluntary resettlement or return to their land but did not always effectively implement them. Most IDPs continued to reside in Jaffna, Kilinochchi, Mannar, and Batticaloa Districts in the north and east. While all IDPs had full freedom of movement, most were unable to return home due to land mines; restrictions designating their home areas as part of HSZs; lack of economic opportunities; inability to access basic public services, including acquiring documents verifying land ownership; lack of government resolution of competing land ownership claims; and other war-related reasons.

On August 9, the president told parliament there were 15 Welfare Centers in Jaffna with a total of 136 IDP families and that 2,175 additional families were staying with friends and relatives. There were no Welfare Centers in Kilinochchi, with 359 IDP families with friends and relatives. There were no Welfare Centers in the Eastern Province, and a smaller number of IDPs in Trincomalee and Ampara Districts were living with friends and relatives.

For further information about IDPs in the country, please see the materials

of the Internal Displacement Monitoring Center at <https://www.internal-displacement.org/>.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provided citizens with the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** The most recent national elections, held in 2020, were reported to be fair and free of abuses and irregularities. In 2022, parliament, via a secret ballot vote, elected Ranil Wickremesinghe as president to complete the term of resigned president Gotabaya Rajapaksa through 2024. The vote by parliament to elect Wickremesinghe as president after Rajapaksa's resignation followed procedures outlined in the constitution.

On January 21, the National Election Commission announced local government elections would be held on March 9. The country last held local government elections in 2018 and in 2022 extended the terms of the 341 local councils for one year. Opposition parties filed a fundamental rights

petition against the government's decision not to release money for elections due to the economic crisis. On March 3, the Supreme Court issued an interim order preventing the finance secretary, the attorney general, and any other state official from withholding funds that had been allocated in the 2023 budget for local government elections. The Election Commission subsequently scheduled April 25 as the new date for the elections. The Finance Ministry, with President Wickremesinghe also serving as minister of finance, still did not release funds. On April 19, the Election Commission announced local elections would not be held on April 25. The terms of all local councils expired in March, and the central government took control of local administration. As of the end of October, local government elections continued to be indefinitely postponed. Elections for provincial councils, the second tier of government below parliament, also remained indefinitely postponed with all provincial councils defunct since 2018.

Civil society, international NGOs, and some opposition political groups criticized the government's postponement of local elections as a political move. There were multiple peaceful protests throughout the country following the postponement, with an estimated 10,000-17,000 participants.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous

reports of government corruption during the year.

**Corruption:** Corruption remained a significant and continuing problem, including at the highest levels of government. International companies frequently reported requests for bribes on matters ranging from customs clearances to government procurement. In July parliament passed, by unanimous consent, new anti-corruption legislation. This was a required structural benchmark of the International Monetary Fund program. The legislation expanded the mandate of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) and changed both the way CIABOC was funded and how it could recruit investigators in order to provide greater independence. The law required politicians to publicly declare assets. The law also expanded and created new criminal offenses for corruption, including recognizing the demand for sexual favors as a criminal form of corruption, and increased the fines for offenses.

Numerous civil society groups criticized the law for insufficient whistleblower protections and for insufficient protection of the right to information, but overall they welcomed the law as a step in the right direction. Civil society and the private sector saw a window of opportunity to address endemic corruption in the country but were concerned the government and CIABOC lacked the capacity and political will to do so. There was long-standing and widespread impunity for government officials accused of corruption, and police and the judiciary lacked training in

addressing complicated cases of financial crimes.

In March the Colombo High Court ordered charges dropped against former parliamentarian Sajin Vass Gunawardena, who was accused of misappropriating nearly 883 million rupees (\$2.7 million) while he was the CEO of state-owned airline Mihin Lanka. CIABOC had filed the case against Gunawardena in 2016.

Corruption in the health sector regarding the procurement of medicines and medical equipment attracted significant attention during the year after multiple deaths and serious injuries were reported at state hospitals, allegedly due to substandard drugs.

CIABOC reported it received 1,749 complaints of corruption from January through July. During this period, CIABOC filed 42 corruption cases, and the courts convicted eight individuals of corruption (all low-level officials).

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and**



## Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups monitored and investigated human rights conditions and cases and published their findings. Government officials, however, were unreceptive to findings and employed bureaucratic obfuscation to inhibit the work of such organizations.

**Retribution against Human Rights Defenders:** Numerous human rights defenders reported police and security services continued a high degree of monitoring and surveillance of them through “burdensome and arbitrary” reporting requirements and harassment and intimidation during in-person home and office visits. These visits were often followed by additional visits, letters, or telephone calls. The frequency of these actions varied depending on the organization or individual’s mission or geographic location, with those in the north and east reporting the greatest number of follow-up actions. Individuals reported the visits caused distress, anxiety, and other mental health problems for themselves and their families, as well as affecting their work. Women reported they were particularly affected by surveillance, intimidation, and harassment, given their prominent role in advocating for justice.

K. Lavakusarasa, coordinator of AHAM Humanitarian Resource Center (AHRC) in Trincomalee and the convenor of the North-East Coordinating Committee, reported multiple instances where TID and police harassed and

questioned him and other organizations working with the committee. On June 28, the divisional secretary of the Muthur Division, Trincomalee, in a letter ordered the AHRC to halt implementation of all projects until it received district secretary approval. The letter cited complaints from the local community as well as concerns from security forces. On July 11, two TID officers from Trincomalee visited the AHRC office and questioned staff regarding the organization's financial transactions. On July 18, the TID summoned Lavakusarasa to the TID office and questioned him for three hours regarding his organization's funding, project activities, and its advocacy on human rights and a political solution.

**The United Nations or Other International Bodies:** The government cooperated with and participated in the fourth Universal Periodic Review (UPR) of the country under the UNHRC in February. In June the OHCHR gave an oral statement on the country, and on September 11, the OHCHR provided a written update. The OHCHR noted the government provided information to the OHCHR during report drafting but did not support the OHCHR Sri Lanka Accountability Project. The government did not allow members of the Sri Lanka Accountability Project to travel to the country for the purpose of collecting and preserving evidence of human rights abuses. The OHCHR noted that as of August the government had seven pending requests for visits by UN special procedures.

**Government Human Rights Bodies:** The HRCSL had jurisdiction to

investigate human rights violations. The HRCSL consisted of five commissioners and had divisions for investigations, education, monitoring and review, and administration and finance. The HRCSL accepted complaints from the public and could also initiate investigations. After an allegation was proven to the satisfaction of the commission, the HRCSL could recommend financial compensation for victims, refer the case for administrative disciplinary action or to the attorney general for prosecution, or both. If the government did not follow an HRCSL request for evidence, the HRCSL could summon witnesses from the government to explain its action. If the HRCSL found the government had not complied with its request, the HRCSL could refer the case to the High Court for prosecution for contempt, an offense punishable by imprisonment or fine. By statute the HRCSL had wide powers and resources and could not be called as a witness in any court of law or be sued for matters relating to its official duties. Rights groups assessed the HRCSL did not operate independent of and without interference from the government.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law prohibited rape and domestic violence, but enforcement of the law was inconsistent. The law did not criminalize rape of men as the law defined the act of rape as being a man

having sexual intercourse with a woman without the consent of the woman, although it did criminalize “grave sexual abuse.” The law prohibited spousal rape only if the spouses were legally separated. The prescribed penalties for rape were seven to 20 years’ imprisonment and a fine. For domestic violence, a victim could obtain a protection order for one year and request a maintenance allowance.

Women’s organizations reported police and judiciary responses to rape and domestic violence incidents and cases were inadequate. NGOs reported many police officers did not have sufficient gender-sensitivity training to deal with survivors of sexual violence, and there was a lack of Tamil-speaking judicial medical officers.

**Female Genital Mutilation/Cutting (FGM/C):** The law did not prohibit FGM/C for women and girls. Some of the country’s Muslims historically practiced FGM/C. There were no recent statistics on the prevalence of FGM/C in the country, but one NGO reported that it was highly prevalent among the small Dawoodi Bohra community (fewer than 3,000 persons), where it was considered a mandatory ritual, and common among Moor and Malay communities. A 2018 Ministry of Health circular banned medical practitioners from carrying out FGM/C, but since the practice was usually carried out by traditional practitioners, activists said the prohibition had little effect. Several civil society groups led mostly by Muslim women continued to campaign against FGM/C.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment was common. Women from the north, mostly from minority communities, reported military officials at security checkpoints targeted women for unnecessary body searches. Women from the north and east, mostly from minority communities, also reported male security officers often questioned women in their homes without family members present. There were widespread complaints by women employees in parliament of sexual harassment and sexual abuse by senior parliament officials. In August the general secretary of parliament launched an internal investigation into the allegations, media reported. Women police officers also complained of harassment from male colleagues. The United Nations and local NGOs reported women were the most prevalent target of online hate speech.

**Discrimination:** Women had equal rights to men under civil and criminal law, although societal discrimination existed throughout the country. Adjudication of questions related to family law, including marriage, divorce, child custody, and inheritance, varied according to the customary law of each ethnic or religious group, resulting in discrimination. Women faced a range of workforce restrictions, including caps on overtime work and limits on nighttime shifts. Women were prohibited from working at night in the services sector. A 2021 Department of Census and Statistics Labor Force Survey (most recent data available) found that women had a much lower labor force participation rate than men and faced higher unemployment

rates. Monthly average income was less for women than it was for men.

In February the cabinet approved a National Policy on Gender Equality and Women's Empowerment. The policy standardized the development of laws, policies, and programs to afford equal rights for women. Also in February, the cabinet adopted the country's first National Action Plan on Women, Peace and Security for 2023-2027.

Many considered the Muslim Marriage and Divorce Act to discriminate against women due to provisions that allowed for polygamy, allowed girls as young as 12 to be married, allowed young women to be married without their consent, and barred women from serving as *quazis* (Islamic judges).

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

A group of civil society organizations reported involuntary sterilization affected some marginalized communities experiencing acute poverty, especially Tamil plantation workers, when doctors opted for caesareans when delivering babies so that it was possible to perform sterilization at the same time, following consent from the woman's husband. They reported these doctors did not always obtain consent from the woman.

Couples and individuals had the right to decide the number, spacing, and timing of their children and to manage their reproductive health. They had

access to the information and means to do so, free from discrimination, coercion, or violence, however some NGOs reported sex education in the country was inadequate, especially after the closure of some family planning facilities due to COVID-19. A National Institutes of Health study published during the year found that knowledge of sexual and reproductive health, including contraception options, was poor among adolescents and youth in the country.

In July Amnesty International reported many pregnant and breastfeeding women lacked access to adequate nutrition due to the 2022 economic crisis. Individuals were also affected by medicine shortages resulting from the economic crisis. Some NGOs reported that Tamils working in the plantation sector had less access to health services and experienced rates of infant and maternal mortality that were higher than the national average.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception and postexposure prophylaxis. Emergency contraception was available at government hospitals and Ministry of Health clinics and was provided free of charge. NGOs reported police, however, were often unaware of resources available, limiting referrals.

Women and girls had access to menstruation hygiene; however, local media reported rising prices due to the economic crisis meant some individuals

could not afford menstrual hygiene products. NGOs and local media reported many women and girls stayed home during menstruation due to lack of awareness of menstrual hygiene, inability to afford menstrual hygiene products, and in some cases inadequate sanitation and disposal facilities at schools.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution provided for the right to equality before the law and prohibited discrimination on the grounds of race, religion, language, caste, sex, political opinion, and place of birth.

Both Hill Country (or Malaiyaha) Tamils and Tamils from the north and east maintained that they suffered long-standing, systematic discrimination in university education, government employment, housing, health services, language laws, and procedures for naturalization of noncitizens.

Throughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, NGO staff, and former or suspected former LTTE members.

During the year, the Hill Country Tamil community held events to mark the 200th anniversary of the first Hill Country Tamils' arrival in the country and to call for solutions to the community's problems. Media and NGOs reported Hill Country Tamils were among the most socioeconomically



disadvantaged populations, and most Hill Country Tamils did not own land, especially those working on plantations. All plantation land belonged to the government and was on long-term lease to plantation companies; disputes over whether the government or companies held responsibility for maintaining workers' housing meant housing in these communities was overcrowded and often lacked adequate water and sanitation facilities. Local politicians and NGOs reported the government did not recognize many predominantly Hill Country Tamil communities as official villages and as a result residents did not qualify for many government services.

## Indigenous Peoples

The country's Indigenous people, known as Veddas, reportedly numbered fewer than 1,000. Some preferred to maintain their traditional way of life, and the law generally protected them, although some faced land encroachment. They freely participated in political and economic life without legal restrictions, but some did not have legal documents.

## Children

**Child Abuse:** The law prohibited child abuse, including physical, sexual, and psychological abuse, and child neglect. The government enforced the law but did not enforce the law effectively. There remained a significant level of public concern regarding the high incidence of violence, including sexual

violence, against children, as well as incidents of online violence and bullying. Local media reported increased rates of online child abuse, including sexual abuse, after the COVID-19 pandemic but maintained that a lack of understanding of online abuse meant it was underreported. There was also continued concern regarding the impact of the economic crisis on vulnerable children, including access to food and basic services. Women reported that children faced increased sexual abuse from family members when mothers traveled abroad for employment. One local NGO reported inadequate policing and a general tolerance of corporal punishment contributed to a cycle of violence against children.

Despite laws on child abuse, cruelty to children and their exploitation in trafficking and child labor persisted. Penalties varied based on the type and degree of child abuse, but trials tended to last for years.

There were multiple reports of physical and sexual abuse of underage novice monks at Buddhist temples across the country. In April a child monk, age eight, at a temple in Gampola was admitted to the hospital with what media called severe injuries. The child alleged senior monks assaulted him after he incorrectly recited sermons. Police recorded a statement from the temple chief, but as of September 11 no arrests had been made. Media and local NGOs alleged Buddhist leadership did not adequately address widespread reports of child abuse in temples. The minister of Buddhasasana, religious, and cultural affairs in July said he appointed a committee to establish

regulations regarding child ordination.

Most child abuse complaints were received by the National Child Protection Authority (NCPA) via a toll-free 24-hour hotline. Civil society organizations working on children's matters asserted children had insufficient mechanisms to safely report domestic violence or abuse. Although police stations were supposed to have an officer dedicated to handling abuse complaints from women and children, the government did not consistently implement this practice nationwide. The police department's Children and Women Bureau played a major role in investigating abuse cases, but depending on the severity of the case, some fell under the jurisdiction of the magistrates' courts as outlined in the criminal procedure code. In these instances, police filed a formal complaint sheet and began a judicial medical process. The attorney general filed indictments for child abuse cases exclusively in high courts.

As of September, the NCPA received 5,456 complaints of child abuse including reports of child cruelty, serious injuries, sexual abuse, children being utilized in begging, and complaints regarding the use of social media and abuse of children in cyberspace.

**Child, Early, and Forced Marriage:** Civil law set the minimum legal age for marriage at 18 for both men and women, although girls could marry at age 16 with parental consent. The law was enforced by the government.

According to the penal code, sexual intercourse with a girl younger than 16, with or without her consent, amounted to statutory rape. The provision, however, did not apply to married Muslim girls older than 12. The Muslim Marriage and Divorce Act, which applied only to Muslims, permitted the marriage of girls as young as 12 with the consent of the bride's father, other male relatives, or a quazi.

**Sexual Exploitation of Children:** The law prohibited the sale or use of children for commercial sexual exploitation offering or procuring a child for child sex trafficking, and practices related to child pornography, but authorities did not always enforce the law. The minimum age for consensual sex was 16. As of September, the NCPA received 273 complaints of sexual abuse of children.

## **Antisemitism**

There was a small Jewish population living in different parts of the country. There were no known reports of antisemitic incidents.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based**

## **on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law criminalized consensual same-sex sexual conduct between adults. Those convicted of engaging in same-sex sexual activity faced up to 10 years' imprisonment. Although arrests and prosecutions were rare, human rights organizations reported police used the threat of arrest to assault and harass lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law also criminalized gender impersonation, which activists reported police sometimes used to harass transgender persons.

**Violence and Harassment:** A 2021 report from Equal Ground, an organization that advocated for LGBTQI+ human rights in the country, documented that approximately 10 percent of LGBTQI+ persons who responded to a national survey had experienced physical assault due to their sexual orientation or gender. Some LGBTQI+ persons reported they feared being arrested for their sexuality if they went to police. In March the HRCSL issued guidelines for police officers regarding interaction with transgender persons to foster police respect for the rights and dignity of the transgender community.

In June, during Pride month activities, police reported increased online threats towards the LGBTQI+ community. A UN report tracking hate speech

on social media in the country also recorded a sharp increase in June in hate speech and threats targeting the LGBTQI+ community. Local organizations reported incidents of protesters attempting to disrupt Pride events but stated in most cases police defused the situation.

**Discrimination:** The constitution prohibited discrimination based on sex, and the Attorney General's Department stated this implicitly granted equal rights to LGBTQI+ persons and protected them from discrimination.

Antidiscrimination laws, however, did not explicitly prohibit discrimination based on sexual orientation and gender identity, and discrimination was widespread. Some members of the LGBTQI+ community reported having been refused employment or forced out of work due to their sexual orientation.

A March publication from Bridge to Equality, a local LGBTQI+ advocacy organization, reported 235 violations of human rights against LGBTQI+ persons over the previous two years. Of these, 149 cases had been submitted to the HRCSL for action. More than 90 percent of the complaints involved discrimination and violations of equal protection under the law. More than 50 percent also included complaints of cruel, inhuman, or humiliating treatment. Bridge to Equality reported police were the most frequent perpetrators, cited in more than 40 percent of the complaints. Medical professionals were the second most common perpetrators, in more than 27 percent of the complaints, followed by officers in municipal councils

in nearly 10 percent of complaints.

Transgender persons continued to face societal discrimination, including mistreatment, and discrimination accessing employment, housing, and health care.

In January the Court of Appeal concluded a discrimination case against police, originally filed in 2021, with a ruling in favor of the petitioner. The 2021 petition accused a police trainer of using material that was discriminatory and derogatory towards the LGBTQI+ community during training for police officers. The Court of Appeal ruled the police trainer was bound by the police order (published as a result of the case) that prohibited arbitrary arrest, discrimination, and harassment of transgender persons.

**Availability of Legal Gender Recognition:** Transgender persons could request a Gender Recognition Certificate if they wished to change the sex on their birth certificate. The Ministry of Health provided specialist psychiatric services to the transgender community. Transgender persons, however, reported the process to obtain a certificate was overly burdensome and included a mandatory psychiatric evaluation, which they said was difficult to obtain. They said some government officials did not support or understand the Gender Recognition Certificate process and the requirements to obtain them were not clear. The HRCSL reported receiving complaints of problems with the name and sex change process at registrar offices, and stated it

intervened on behalf of the complainants. Medical gender reassignment procedures were free and covered by the health system, but human rights organizations reported in practice it was difficult to find doctors who understood transgender matters and provided adequate care. They stated sometimes hormone treatment was not available.

**Involuntary or Coercive Medical or Psychological Practices:** There were some reports of so-called conversion therapy. According to LGBTQI+ community members, some parents sent their LGBTQI+ children to so-called therapy that included forced medication and harmful religious rituals. One activist in an interview said many parents believed their children needed conversion therapy so they could lead a normal life. There were no reports of irreversible “normalization” surgeries performed on children or nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no reported restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

## **Persons with Disabilities**

Various laws forbade discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel, other public transportation, and access to health care. In practice, however, discrimination and barriers to accessibility occurred in



employment, education, and provision of state services, including public transportation. Children with disabilities attended school at a lower rate than other children. Schools catering to children with disabilities described a general lack of understanding of disabilities among families, and a stigma against hiring youth with disabilities. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. Disability rights groups alleged the government showed no interest in taking steps to implement further protections for persons with disabilities. Disability rights groups from the north, primarily Tamil, reported many women who were injured during the war did not have legal recognition for their disabilities and thus did not receive monthly social security benefits for which they were eligible. There were legal provisions for assisted voting of persons with disabilities. Persons with a partial or full visual or physical disability could complete their ballot with the assistance of a person of their choice or the senior presiding officer if they were unable to be accompanied by an assistant. According to the Asian Network for Free Elections, most polling stations had stairs or steps, affecting wheelchair accessibility. In January the Election Commission conducted outreach to promote access to polls for persons with disabilities.

## **Other Societal Violence or Discrimination**

The government did not always effectively enforce antidiscrimination laws,

and discrimination based on race, religion, language, caste, sex, political opinion, or place of birth occurred with respect to employment and occupation. Penalties were commensurate with those under laws related to civil rights, such as election interference. Penalties were sometimes applied against violators.

The law did not prohibit employment or occupational discrimination based on HIV-positive status or status regarding other communicable disease. Persons who provided HIV prevention services and groups at high risk of infection with HIV reportedly suffered discrimination. In addition, hospital officials reportedly publicized the HIV-positive status of their patients and occasionally refused to provide health care to persons with HIV.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right of workers to form and join unions of their choice. Exceptions included members of the armed forces, police officers, judicial officers, and prison officers. Workers in nonessential services industries, except for workers in public-service unions, had the legal right to bargain collectively. The law did not explicitly recognize the right to strike, but courts recognized an implied right to strike based on the Trade Unions

Ordinance and the Industrial Disputes Act.

The law prohibited antiunion discrimination. Labor laws did not cover domestic workers employed in the homes of others or informal-sector workers, but there was an active domestic workers' union. The law allowed unions to conduct their activities without interference, but the government enforced the law unevenly. Nonunion worker councils tended to represent labor in export-processing zone (EPZ) enterprises, although several unions operated in the zones. According to the Board of Investment, which operated the EPZs, if both a recognized trade union with bargaining power and a nonunion worker council existed in an enterprise, the trade union would have the power to represent the employees in collective bargaining.

Under emergency regulations of the public-security ordinance, the president had broad discretion to declare sectors "essential" to national security, the life of the community, or the preservation of public order and to revoke those workers' rights to conduct legal strikes. In addition to the public-security ordinance, the law allowed the president to declare services provided by government agencies as "essential" public services. The law prohibited retribution against striking workers in nonessential sectors.

Seven workers might form a union, adopt a charter, elect leaders, and publicize their views, but a union had to represent 40 percent of workers at a given enterprise before the law obligated the employer to bargain with the

union. Unions that did not meet the 40 percent threshold could merge with others and operate as one. The law did not permit public-sector unions to form federations or represent workers from more than one branch or department of government. The Labor Ministry could cancel a union's registration if it failed to submit an annual report for three years.

Violations for antiunion discrimination could result in a fine. The law required an employer found guilty of antiunion discrimination to reinstate workers fired for union activities, but the company could transfer them to different locations. Penalties for violations were commensurate with those under other laws involving denial of civil rights, such as discrimination. Penalties were sometimes applied against violators.

Only the Department of Labor could bring antiunion discrimination cases before a magistrate court, not those individuals or organizations alleging such discrimination. The Department of Labor reported that during the year no new cases were filed with the courts against companies under the Industrial Disputes Act. Four previously filed cases were closed, and nine cases remained pending. Citing routine government inaction on alleged violations of labor rights, some unions pressed for standing to sue for such practices, while some smaller unions did not want that ability because of the cost of filing cases. The Department of Labor reported that during the year workers filed six cases under the Termination of Employment and Workmen Act and 684 cases under the Payment of Gratuity Act.

The Industrial Dispute Act did not apply to the public sector, and public-sector unions had no formal dispute resolution mechanism. In addition, most large-scale private firms in the services sector, other than banks and tourist hotels, prohibited forming or joining a labor union within work premises and included it as a binding clause in the letter of appointment or contracts signed between the employee and the firm; this practice transgressed the country's legal framework.

The government generally respected workers' freedom of association and the right to bargain collectively. In May the Labor Ministry reconstituted the National Labor Advisory Council (NLAC), a tripartite council to promote dialogue among the government, employers' unions and employees' unions that had been inactive for much of 2022. In reconstituting the NLAC, the Labor Ministry changed the criteria for unions' membership, resulting in representatives from four trade unions being removed from the council, including the United Federation of Labor (UFL). Swasthika Arulingam, the UFL's permanent representative, had been the first and only woman member of the NLAC. Local and regional workers unions and civil society organizations condemned the removal of four unions from the NLAC, and in particular criticized Arulingam's removal. One open letter from trade unions and civil society organizations accused the government of excluding women from decision making on labor policy. The Labor Ministry stated the reconstitution was routine in line with obligations under the International

Labor Organization, and stated the criteria were based solely on trade union membership. No other trade union put forward a woman representative.

During the year, there were multiple trade union actions to protest economic policies enacted as part of the International Monetary Fund program. On February 21, electricity workers held a strike to protest the government raising personal income taxes. On March 15, public employees at ports, hospitals, schools, and railways across the country held a one-day strike to protest the increased taxes as well as the high cost of living in the wake of the 2022 economic crisis. While some unions in the public sector were politically independent, most large unions were affiliated with political parties and played prominent roles in the political process. Unions alleged that employers often indefinitely delayed recognition of unions to avoid collective bargaining, decrease support for unionization, or identify, terminate, and sometimes assault or threaten union activists. The Ministry of Labor required labor commissioners to hold union certification elections within 30 working days of an application for registration if there was no objection, or within 45 working days if there was an objection.

In August 2022, police arrested General Secretary of the Sri Lanka Teachers' Union Joseph Stalin – a prominent trade union leader who was active in the 2022 protest movement – for violating a court order during a protest march. Civil society widely condemned Stalin's arrest. Stalin was granted bail by the Colombo Fort Magistrate's Court in August 2022. As of the end of October,

the case against Stalin continued.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage law included a daily minimum wage and provided different minimum wages for different industries. The Department of Labor's wage boards continued to set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum private-sector and public-sector wages were above the government's official poverty line. The law prohibited most full-time workers from regularly working more than 45 hours per week (a five and a half-day workweek). In addition, the law

stipulated a rest period of one hour per day. Regulations limited maximum overtime hours to 15 hours per week. Overtime pay was 1.5 times the basic wage and was paid for work beyond 45 hours per week and work on Sundays or holidays. The provision limiting basic work hours was not applicable to managers and executives in public institutions. The law provided for paid annual holidays.

Civil society organizations and local politicians maintained that in the tea estate sector companies kept real salaries low by offering employees fewer days of work per month and using contracted laborers who did not receive benefits. The minimum wage for tea pickers was 1,000 rupees (\$3) per day, but workers said some companies refused to pay the minimum wage.

**Occupational Safety and Health:** The government set occupational safety and health (OSH) standards that were generally appropriate for the main industries in the country. Workers had the right to remove themselves from dangerous situations, but many workers had no knowledge of such rights or feared they would lose their jobs if they did so. OSH standards in the rapidly growing construction sector, including infrastructure development projects such as port, airport, and road construction, as well as high-rise buildings, were insufficient. Employers, particularly those in the construction industry, increasingly used contract employment for work of a regular nature, and contract workers had fewer safeguards. Labor regulations applied whenever a company had at least one permanent employee, but seasonal



workers were not necessarily covered.

**Wage, Hour, and OSH Enforcement:** Penalties for violating minimum wage and hours of work laws were a fine, six months' imprisonment, or both. Labor Ministry inspectors verified whether employers fully paid employees and contributed to pension funds as required by law. Unions questioned, however, whether the ministry's inspections were effective. The Labor Department used a computerized labor information system application designed to improve the efficiency and effectiveness of inspections, but officials and trade unions noted concerns that the system was not well maintained.

Authorities did not effectively enforce OSH standards in all sectors. The Labor Ministry's resources, inspections, and remediation efforts were insufficient. The number of labor inspectors was insufficient for the country's workforce. Civil society organizations accused the Labor Department of being "lax with regards to the tea estate sector" and not thoroughly investigating labor complaints.

Penalties for wage, hour, and OSH violations were commensurate with those for crimes such as fraud or negligence. Penalties were sometimes applied against violators.

According to the *2021 Labor Force Survey* (most recent data available), approximately 58 percent of the country's workforce was employed in the

informal sector. In agriculture, approximately 89 percent of employment was informal. Labor inspectors did not monitor wages or working conditions or provide programs or social protections for informal-sector workers.