



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Combined tenth to seventeenth periodic reports of States
parties due in 2015**

Sri Lanka*

[Date received: 15 October 2015]

* The present document is being issued without formal editing.



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Abbreviations

EPF	Employee Provident Fund
ETF	Employee Trust Fund
GoSL	Government of Sri Lanka
HSZ	High Security Zones
HDI	Human Development Index
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
LFPR	Labour Force Participation Rate
LLRC	Lessons Learnt and Reconciliation Commission
MoH	Ministry of Health
NHDP	National Health Development Plan
PTA	Prevention of Terrorism Act
PWD	Persons with Disabilities
TNA	Tamil National Alliance
UPL	Unfair Labour Practices

I. General Information

1. This report contains Sri Lanka's combined tenth, eleventh, twelfth, thirteenth and fourteenth reports to be submitted under Article 9 of the International Convention for the Elimination of All Forms of Racial Discrimination. This report covers the period from August 2001 to September 2015.
2. The combined seventh, eighth and ninth periodic reports were submitted to Committee on the Elimination of Racial Discrimination (the Committee) in 2001 (CERD/C/357/Add.3) and was considered by the Committee in 2001.
3. The Government of Sri Lanka's last formal interaction with the Committee took place in August 2001, in the midst of hostilities perpetrated by the Liberation Tigers of Tamil Eelam (LTTE), the separatist, terrorist group which was ultimately defeated in May 2009. The end of terrorism, though not without cost, was a necessity and without which the promotion and protection of human rights, reconciliation among communities and equitable and sustainable development of the nation could not be achieved.
4. This report brings to the attention of the Committee, the significant positive developments taking place in Sri Lanka, as relevant to the Convention on the Elimination of All Forms of Racial Discrimination, which have accelerated since the end of the armed conflict in 2009 and especially since the historic Presidential elections of 8th January 2015. President Maithripala Sirisena was elected in January 2015 on a platform promising a united new Sri Lanka in which ethnic, cultural and linguistic diversity is respected, celebrated and valued.
5. The people of Sri Lanka further endorsed the mandate given to President Maithripala Sirisena and Prime Minister Ranil Wickremasinghe at the General Elections of 17 August, 2015. Soon after, a National Unity Government, that is essential for the political and policy stability required for reconciliation to succeed, was formed. The President and Prime Minister have placed reconciliation and development as the top-most priorities of the Government.
6. The Government has been focusing on engagement with ethnic minorities as an important aspect in the process of overall national unity and reconciliation. The Government is committed to ensure that all ethnic communities are able to practice their chosen faiths without hindrance. In keeping with Sri Lanka's societal, cultural and historical norms, regular dialogue continues to take place at various levels to ensure inter-ethnic harmony and understanding amongst all communities.
7. The statistics relating to the ethnic composition of the population according to the provinces, based on the island-wide census of 2012, are provided below :

Table I
Ethnic Composition of the population according to provinces 2012

Province	Total Population	Ethnic Group			
		Sinhalese	Tamils	Sri Lanka Moor	Other
Western	5,851,130	84.2	6.8	7.9	1.2
Central	2,571,557	66.0	23.8	9.9	0.3
Southern	2,477,285	95.0	1.7	2.9	0.4
Northern	1,061,315	3.0	93.8	3.1	0.1
Eastern	1,555,510	23.2	39.2	36.9	0.7

Province	Total Population	Ethnic Group			
		Sinhalese	Tamils	Sri Lanka Moor	Other
N. Western	2,380,861	85.7	3.0	11.0	0.3
N. Central	1,266,663	90.9	1.0	8.0	0.1
Uva	1,266,463	80.8	14.7	4.3	0.3
Sabaragamuwa	1,266,463	86.4	9.2	4.3	0.1
Sri Lanka	20,359,439	74.9	15.3	9.3	0.5

Source: Department of Census and Statistics.

Note: Majority of the population in Sri Lanka is Sinhalese (74.9) followed by Tamils (15.3%) and Sri Lanka Moor (9.3%). Other ethnic groups including Burgher, Malay and Sri Lanka Chetty consist of (0.5%) of the population. The total population of Sri Lanka is estimated, by the Department of Census and Statistics, at 20.7 million (by mid of 2014).

8. In view of this diversity of the demographic and cultural composition of Sri Lanka which comprises three main ethnic groups and four major religious traditions, the Sri Lankan legal system provides for a multiplicity of laws to accommodate and preserve the respective cultural and religious rites and traditions of such communities.

9. The general law of the country is made up of the Statute law complemented by the British Common law tradition and the Roman-Dutch law tradition. However, these laws take a subordinate position in the sphere of Customary or Personal Laws, as applicable to the respective communities in accordance with the Latin legal maxim *generalia specialibus non-derogata*. Therefore, in areas such as marriage, divorce, succession to personal property etc., in addition to the general law of the country, there are special laws applicable to those from specific communities or ethnic/religious groups.

10. As such, those of an Islamic faith have the option of subscribing to Muslim Personal laws (including statutes), Tamils hailing from the Jaffna Peninsula (also called the Malabar inhabitants of the Jaffna Province) fall within the ambit of the “Thesavalame Law” and people from the historic Kandyan region and ancestry (i.e. descendants of families that were living in the provinces that came under the Kandyan Kingdom at the commencement of British colonial rule) are at liberty to follow the Kandyan law traditions established over centuries.

11. This feature of the Sri Lankan legal system is of particular significance in the context of protecting and upholding rights of all communities and racial groups.

12. During the early years of British rule, the proclamation of 23 September 1799, the continued operation of the customary laws was guaranteed. In the present context, Article 16(1) of the Constitution of 1978 has guaranteed that all existing written and unwritten laws continued operation after the enactment of the Constitution.

II. Information relating to articles 2 to 7 of the convention

Article 2

13. The Government of Sri Lanka (GoSL) remains committed to build a society where the rights of all communities are secured and their safety and security is ensured. Thus, human dignity is valued and equal treatment to every person despite their religion, ethnicity or race is an accepted norm of public life. Steps are continuously being taken to ensure that all communities have the space to express their identity, including the right to enjoy their

own culture, profess and practice their own religion and nurture and promote their own language. All communities participate fully in the life of the nation, whether it be at national, provincial or local level. Article 12 (2) of the Constitution of Sri Lanka guarantees the fundamental right to equality and provides “No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds.”

14. From the time of independence, various legislative, judicial and administrative measures such as the promulgation of the Prevention of Social Disabilities Act No. 21 of 1957 and the Citizenship Act No. 35 of 2003, have been adopted by successive Governments to address issues related to minority communities. The present Government, after assuming duties in January 2015, initiated significant steps to identify issues, still remaining, which may contribute to perceptions of discrimination among people on the basis of race or ethnicity, with a view to creating a harmonious environment for all ethnic groups. These steps include:

(a) Strengthening the constitutional guarantees of fundamental rights with the enactment of the 19th Amendment to the Constitution which strengthens the founding of independent institutions including the Elections, Human Rights, Judicial Services and Police Commissions;

(b) Acknowledgement of the tragedy of the conflict and undertaking a collective act of contrition: At the official national day ceremony held on 4 February 2015 to mark the 67th Independence Day, the Government made a collective “Declaration of Peace” acknowledging the tragedy of the conflict and pledged a commitment to non-recurrence. The Declaration that was readout in all 3 languages included:

“Paying respects to all citizens of Sri Lanka of all ethnicities and religions, who lost their lives due to the tragic conflict that afflicted the country for over three decades and to all the victims of violence since Independence; and

A collective commitment to ensure that the country will never again be allowed to be traumatized by the shedding of blood of her citizens”.

(c) The establishment of a Special Presidential Task Force on Reconciliation and an Office for National Unity. These institutions are expected to contribute to ongoing efforts of reconciliation and to promote and build a peaceful and inclusive society in Sri Lanka;

(d) A series of additional measures to address the particular requirements and grievances of the people in the conflict affected areas have also commenced, including tangible solutions to the complicated issue of land ownership. Land that formed part of the High Security Zones (HSZ) during the conflict, including 1,000 acres situated in the Northern parts of the country and a further 818 acres in the Eastern province, have now been released to their owners;

(e) The Government of Sri Lanka is pleased to work with the support of the international community to address outstanding issues relating to reconciliation, accountability and human rights. The Government recognizes the importance of credible, domestic processes to deal with truth seeking, justice, reparation and guarantees of non-recurrence. The Government will continue to take steps within the framework of the Constitution and the envisaged steps are as follows:

- For truth seeking, the establishment by statute, of two mechanisms:
 - A Commission for Truth, Justice, Reconciliation and Non-recurrence to be evolved in consultation with the relevant authorities of South Africa. This mechanism is envisaged as having a dual structure: a “Compassionate

Council” composed of religious dignitaries from all major religions in the country and a structure composed of whichever community, where the perpetrators are unclear for a judicial mechanism to handle, or where the practices of the state and society have resulted in discrimination, this Commission will allow them to discover the truth, understand what happened and help remedy any sense of injustice.

- An Office on Missing Persons based on the principle of the families’ right to know, to be set up by Statute with expertise from the International Committee of the Red Cross (ICRC), and in line with internationally accepted standards.
- On the Right to Justice, a proposed Judicial Mechanism with a Special Counsel to be set up by Statute. This takes into account the right of victims to a fair remedy and aims to address the problem of impunity for human rights violations suffered by all communities.
- On the Right to Reparations, an Office for Reparations to be set up by Statute to facilitate the implementation of recommendations relating to reparations made by the proposed Commission on Truth, Justice, Reconciliation and Non-recurrence, the Office of the Missing Persons, the Lessons Learnt and Reconciliation Commission (LLRC) and any other entity.
- To guarantee non-recurrence, a series of measure are being contemplated including administrative and judicial reform and the adoption of a new Constitution. These include, among other, amendments to the penal code to criminalize hate speech and enforced disappearances.

Constitutional Reform

15. One of the most significant steps taken by the Government to strengthen good governance and the rule of law is the enactment of the 19th Amendment to the Constitution on 28th April 2015. This important amendment, while repealing the 18th amendment and building upon the essence of the 17th Amendment, serves to curtail Presidential powers, establish independent commissions overseeing a number of areas including the judiciary, police and human rights, and enshrines the right to access to information as a fundamental right.

16. Furthermore, as a part of a constitutional reform process that encourages integrationist multiracial organizations and the elimination of barriers between races, Article 41 A (4) of the 19th Amendment to the Constitution specifically provides that in nominating members to the Constitutional Council, the Prime Minister and the Leader of the Opposition shall consult the leaders of political parties and independent groups represented in Parliament “so as to ensure that the Constitutional Council reflects the pluralistic character of Sri Lankan society, including professional and social diversity.” Similarly, Article 41 B (3) of the 19th Amendment obliges the members of the Constitutional Council, when recommending persons as Chairmen or members to the independent Commissions as specified in the 19th Amendment, to ensure that “such recommendations reflect the pluralistic character of Sri Lankan society, including gender.” It also deems that appointees who are not members of Parliament shall be persons of eminence and integrity who have distinguished themselves in public or professional life and who are not members of any political party and that their nominations shall be approved by Parliament. Accordingly, in September, parliament approved the three nominations of Dr. A.T. Ariyaratne, Dr. Radhika Coomaraswamy and Shibly Aziz P.C. All appointments to the nine independent Commissions, under the 19th Amendment, are to be completed and activated by end of October 2015.

17. Following the parliamentary elections held on 17 August, and the formation of the National Unity Government, Mr. R. Sampanthan of the Tamil National Alliance (TNA), who is the leader of the party that obtained the third highest number of votes, was appointed as the Leader of the Opposition. This appointment, as well as the appointment of the current Chief Justice of Sri Lanka in January are clear indicators that extraneous considerations such as ethnicity, religion, class or gender are not inhibiting factors in rising to public office.

Language Rights

18. The Constitution of Sri Lanka provides parity of status to the languages of the majority and the minorities. Article 14 (1) f and Articles 18 to 25 of Chapter IV of the Constitution deal with language rights of the individuals. In terms of Article 19 of the Constitution both Sinhala and Tamil are National languages while English remains the link language.

19. In terms of the provisions of the 16th Amendment to the Constitution, both Sinhala and Tamil were made the languages of administration and of the Courts. Article 22 of the Constitution specifies that Sinhala and Tamil shall be the languages of administration throughout Sri Lanka, and that Sinhala shall be the language of administration to be used for the maintenance of public records and the transaction of all business by public institutions of all the provinces of Sri Lanka, other than the Northern and Eastern Provinces where Tamil shall be so used. These constitutional provisions reflect the demographic realities of the country where a majority of the inhabitants of the North and East speak Tamil as the first language.

20. Similarly, according to Article 24(2) of the Constitution, any party or applicant or any person legally entitled to represent such party may initiate proceedings, and submit to court pleadings and other documents, and participate in the proceedings in court, in either Sinhala or Tamil. Any judge, juror, party or applicant or any person legally entitled to represent such party, who is not conversant with the language used in a court, shall be entitled to interpretation and to translation into Sinhala or Tamil.

21. Article 21 (1) of the Constitution recognizes the right of persons to be educated in either of the national languages and imposes a duty on the State to publish all laws and subordinate legislation in all three languages. There is also a positive duty imposed on the State pursuant to Article 18(4) of the Constitution to enact legislation and provide adequate facilities for the implementation of the Chapter pertaining to language rights.

22. Pursuant to the provisions of the Official Languages Commission Act No. 18 of 1991, the failure of a public servant to comply with the provisions of the Act is an offence punishable by law.

23. A ten year National Plan for a Trilingual Sri Lanka was launched in January 2012 for the implementation of the "Trilingual Policy". In line with this Plan, the Government has initiated a program to make public sector workers bilingual, with the ability to converse in both Sinhala and Tamil.

24. Civil servants and Police officers have been recruited and trained to serve the public in the North and the East in the language of their choice. Special focus is being placed on enabling police personnel serving in the North to have a sound knowledge of Tamil.

Resettlement

25. The Government, after assumption of duties in January, considered the resettlement of the remaining Internally Displaced Persons (IDPs) and refugees, as an issue of priority. This was seen as an essential step forward in terms of bringing about a process of

reconciliation and harmony among the ethnic communities in the country. Simultaneously, the Government engaged in facilitating the possible return of Sri Lankan refugees who have been living in camps in South India.

26. As at 30 June 2015, the Ministry of Resettlement, Reconstruction and Hindu Religious Affairs has resettled a total of 232,952 families consisting of 796,720 individual persons since 2009 in Northern and Eastern Provinces. Out of this, 157,051 families amounting to 521,081 individual persons have been resettled in the North while 75,901 families consisting of 275,639 persons have been resettled in the East. As at end June 2015, a further 13,459 families which amounts to 44,934 individuals are either living in Welfare Centers or with friends and relatives. Resettlement of these families will be undertaken with the completion of the on-going demining operations in the relevant areas and the subsequent release of lands.

27. As of August 2015, the Ministry of Resettlement, Reconstruction & Hindu Religious Affairs has constructed 2,303 houses for the benefit of returnee Muslim IDP families in the Mannar District. Further 7,485 plots of State land have been earmarked for alienation to resettle the displaced Muslim families.

28. The Ministry of Resettlement, Reconstruction & Hindu Religious Affairs, in collaboration with UN Country Team which includes UNHCR and other relevant entities, is working out resettlement plans for the IDPs. On 4 June 2015, Ministry of Resettlement and Hindu Religious Affairs convened a Donor Consultation in this regard with the participation of several Embassies/High Commissions based in Sri Lanka together with members of the civil society and donor organizations.

Rights of Adivasi / Veddah community

29. While Sri Lanka does not recognize the concept of “indigenous peoples” as all people of Sri Lanka share a common heritage of over 2,500 years and contribute to the diversity and richness of the Sri Lankan civilization, Sri Lanka voted in favour of adopting the Declaration on the Rights of Indigenous Peoples (adopted by the General Assembly on 13 September 2007).

30. *Adivasi* (Veddah) people have been provided with an uninterrupted freedom to reside in their natural lands, especially in the Maduru Oya reserve, where they remain highly concentrated.¹ However, there are some restrictions in place on poaching of wild animals in the forest reserve due to conservation concerns. It may also be noted that when designing development projects in *adivasi* settlements,² commitments have been made to ensure the participation and consultation of *adivasi* community in the process. This guarantees that their sensitivities and unique needs are taken into consideration in order to maximize the benefits of development initiatives.

31. The Government’s policy towards its *adivasi* citizens and their inclusive role in the development process has taken into consideration their specific aspirations and their cultural identity and way of living. They enjoy all other rights enjoyed by the citizens of Sri Lanka. The Government has launched specific programmes to protect and promote the

¹ According to data from the Mahaweli Authority in Sri Lanka, 49 families who denied to leave Maduru Oya have been located to a secondary settlement in Maduru Oya, provided with the same facilities and amenities to exercise and preserve their cultural rights. 11 families were moved to Kotabakiniya, another village close to Maduru Oya, while families that moved out of Maduru Oya has been resettled in Henanigala and Kandeganwila with the financial assistance from the State.

² Facilities such as pre-schools, housing, sanitary and community and religious centers were provided at the State party’s expense to facilitate a smooth resettlement process.

rights of the indigenous peoples including their access to education, health and livelihood support. The Jana Aruna Museum and the Vedi Piyasa Centres are repositories established to preserve the cultural heritage and the ancient medical traditions of the indigenous community.

Article 3

32. Sri Lanka, together with other nations, welcomed the dismantling of the policy of apartheid and the successful conclusion of multi-racial elections in South Africa in April 1994. Sri Lanka took an uncompromising stand against apartheid and condemned it both at the United Nations and at other international fora such as the Non-Aligned Movement. Sri Lanka ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid on 18 February 1982. Sri Lanka has supported and voted for all Resolutions before the United Nations aimed at combating and eliminating apartheid in South Africa.

33. Article 12(3) of the Constitution of Sri Lanka provides that “No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.”

34. A brief visit was undertaken by Mr. Cyril Ramaphosa, Deputy President of the Republic of South Africa and Special Envoy of the President of South Africa, on 7th and 8th of July 2014, upon the request of the Government of Sri Lanka to assist in its reconciliation process.

35. A workshop was held for Government officials and NGO representatives on 26th February 2015, to sensitize senior officials of the Government on the South African experience in reconciliation. As part of its reconciliation process, the Government of Sri Lanka intends to establish by statute a Commission for Truth, Justice, Reconciliation and Non-recurrence in consultation with relevant authorities of South Africa.

Article 4

36. As referred to in paragraph 10 above, Article 12 (2) of the Constitution guarantees the Fundamental Right to Equality and prohibits discrimination against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds.

37. It is noteworthy that “interests of racial and religious harmony” as referred to in Articles 15(2), (3) and (4) of the Constitution, is one of the bases on which restrictions could be imposed on the exercise of certain specified Fundamental Rights as specified therein of.

38. Article 3 (1) of the International Covenant on Civil and Political Rights Act No. 56 of 2007 provides that no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

39. Under the Prevention of Terrorism Act No. 48 of 1979, any person who by words either spoken or intended to be read or by signs or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities, racial or religious groups, is guilty of an offence [as per section 2 (i) (h)]. A person found guilty of such an offence is punishable with imprisonment for a period not less than five years but

not exceeding 20 years [as per section 2 (ii)]. (For more information on the PTA and Emergency Regulations, please refer to paragraphs 51 to 55)

40. Furthermore, in terms of section 290 of the Penal Code, whoever destroys, damages or defiles any place of worship or any object held sacred by any class of person with the intention of thereby insulting their religion or with the knowledge that any class is likely to consider such destruction, damage or defilement as an insult to their religion, is punishable by law as a penal offence. Additionally, sections 290 to 292 of the Penal Code deals with acts committed in relation to places of worship with intent to insult the religion of any class of persons, voluntarily disturb any lawful religious assembly, to utter words with deliberate intent to hurt religious feelings and to trespass in to any place of worship. All such acts are punishable offences under the Penal law of the country.

Article 5

Article 5 (a)

The right to equal treatment before the law

41. Right to equal recognition before the law has formed the very foundation on which the legal system of Sri Lanka is based. As referred to above, Article 12(1) of the Constitution acknowledges that all persons are equal before the law and Article 12(2) provides for the right to non-discrimination.

42. These provisions are further strengthened by further constitutional provisions which safeguard the independence of the Judiciary. Articles 107-110 of the Constitution, deal with such matters as the security of tenure of judges, salaries and disciplinary control and contain elaborate provisions to ensure the independence of the judiciary.

43. Further, the 19th Amendment to the Constitution provides that no person shall be appointed by the President to any of the scheduled offices specified in the Constitution including the Judges of the superior courts and members of the Judicial Service Commission, unless such appointments have been approved by the Constitutional Council. Article 111 (H) empowers the Judicial Service Commission to deal with matters related to the lower judiciary. The Legal Aid Law No. 27 of 1978 provides for the grant of legal assistance and for this purpose has established the Legal Aid Commission and the Legal Aid Fund.

Article 5 (b)

The right to security of person and protection by the state

44. The right to security of person and protection by the state is guaranteed through the Constitution of Sri Lanka and also by ordinary laws.

45. Article 11 of the Constitution is an entrenched provision and states that “no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”. The fundamental right to freedom from torture cannot be abridged, restricted or denied under any circumstances and is also extended to non-citizens residing in Sri Lanka.

46. Sri Lanka acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 3rd January 1994. Subsequently, enabling legislation to give effect to Sri Lanka’s obligations under the Convention was passed by Parliament on 25th November 1994. The Convention against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment Act No. 22 of 1994 considerably strengthened the existing legal framework on prohibition against torture.

47. The Act No. 22 of 1994 referred to above designates and defines torture as a specific crime and vests the High Court of Sri Lanka with jurisdiction over offences of torture committed in and outside Sri Lanka. Procedure relating to investigations, taking a suspect into custody, prosecution etc. are dealt with in detail by the general penal law of the country, i.e the Code of Criminal Procedure Act No. 15 of 1979 and the Penal Code (ordinance No. 11 of 1887 and subsequent amendments).

48. Article 13(1), 13(2) and 13(3) of the Constitution further guarantees freedom from arbitrary arrest, detention and punishment, and prohibition of retroactive penal legislation.

49. Article 13(3) of the Constitution guarantees the right to a fair trial and provides that “any person charged with an offence shall be entitled to be heard, in person or by an attorney-at-law, at a fair trial by a competent court” Article 13(4) ensures the right not to be imprisoned except by order of a competent Court.

50. The procedure governing the due presentation of a person arrested before a competent Court, is governed by the Code of Criminal Procedure Act No. 15 of 1979. Also in terms of Article 141 of the Constitution any person illegally or improperly detained in public or private custody is entitled in law to seek relief by way of a Writ of Habeas Corpus. Article 13 (3) of the Constitution and section 54 of the Code of Criminal Procedure Code Act No. 15 of 1979 provide for the due presentation of a person arrested under a warrant before a competent Court without unnecessary delay. Section 37 of the Act provides that persons arrested without a warrant should be produced before a Magistrate within 24 hours.

Prevention of Terrorism Act (PTA) and Emergency Regulations

51. It may be noted that the Emergency Regulations lapsed in August 2011.

52. The PTA is a special law enacted by the Parliament to deal with matters relating to terrorist activities. Persons arrested under the provisions of the PTA are entitled to all safeguards including visits by family members, attorneys-at-law, magistrates, medical officers, members of the clergy and representatives of ICRC and the National Human Rights Commission.

53. A centralized, comprehensive database of detainees and of those released from detention, is available for access by next of kin at the Terrorist Investigation Units that have been set up in Colombo, Vavuniya and Boosa. Access to database information is restricted to Next of Kin (NoK) based on requests by detainees not to publicly disclose such information owing to privacy concerns. Over 3,000 NoKs have benefitted thus far.

54. Since the end of the conflict in 2009, the Attorney-General has in many instances opted to rehabilitate the suspects as an alternative to prosecution. Rehabilitation is conducted only in instances where the suspect voluntarily agrees to rehabilitate himself before reintegration into society. Over 200 persons have been recommended by the Attorney General for rehabilitation in lieu of prosecution after 2009. The process is facilitated through courts and under judicial supervision. In addition to recommendation for rehabilitation by the Attorney General, the courts have also in many instances sent convicted persons for rehabilitation as a substitute for jail sentences.

55. The Government is aware that concerns have been expressed that certain provisions of the national security legislation in the country are not compatible with the provisions of the ICCPR. As the security situation improves, the Government intends to review and take steps to address these concerns.

External Monitoring of the Welfare of Detainees

56. Opportunities are also afforded to persons arrested to meet members of the ICRC to whom they could make their complaints. At the time of the conflict, the ICRC was permitted to visit persons in detention under the Prevention of Terrorism Act of 1979, in pursuance of the 1989 Agreement between the GoSL and the ICRC. The ICRC continues to visit individuals who have been detained under the PTA.

Article 5 (c)

Political Rights

57. Sri Lanka has been a democracy since its independence in 1948. All successive Governments have been elected by universal adult franchise, which was introduced to Sri Lanka in 1931, even before the country gained independence. Electoral accountability and democratic governance have thus become an integral part of Sri Lankan society.

58. Sri Lanka's Third to Sixth periodic reports to the Committee set out in detail the rights of its citizens to participate in elections, to vote and to stand for election on the basis of universal and equal suffrage as well as the rights relating to participation in Government.

59. A critical aspect to restoring normalcy after the conflict was the holding of elections in the Northern and Eastern Provinces soon after the areas were brought under the control of the Government. Provincial Council elections were held in the Eastern Province even before the humanitarian operation ended in the North, and Local Authority elections were held for the Jaffna Municipal Council and Vavuniya Urban Council as early as August 2009. The Northern Provincial Council Election was convened on 21 September 2013 for the first time since the introduction of the Provincial Council system in Sri Lanka in 1987. At this election, an ethnic Tamil party — the Ilankai Tamil Arasu Kadchi (ITAK) secured 78.48%. Today in Sri Lanka, the elected representatives of the Tamil people have a voice not only at the Centre but also at the provincial level, the ITAK being the governing party in the Northern Provincial Council. Accordingly, the civil administration system in the Northern and Eastern Provinces have been made fully functional. A number of international observers were present during the election to ensure free and fair election and to report on election malpractices. During the Eastern Provincial Council election 19 international monitors were present in electoral Districts.

60. At the Presidential election held in January 2015, 81.52% of the registered voters in Sri Lanka from all parts of the island, including the former conflict affected areas in the Northern and Eastern provinces, exercised their franchise. It is noteworthy that this election recorded the highest voter-turnout in the history of the country.

61. At the parliamentary elections held on August 17, 2015, 77.66% of island-wide registered voters cast their vote. (See paragraph 14)

62. The Government of Sri Lanka is committed to guarantee a society in which ethnic, cultural and linguistic diversity is respected, celebrated and valued.

Article 5 (d) (i) & (ii)

Freedom of movement within the State and the right to leave and return to one's country

63. Article 14 (1) (h) provides for the freedom of movement and of choosing one's residence within Sri Lanka and Article 14 (1) (i) guarantees the freedom to return to Sri Lanka.

64. Every citizen is entitled to obtain a passport according to law for purposes of travel outside the country. With the progressive liberalization of the economy and the de-regulation of exchange controls and of import and export activity since 1977, foreign travel has recorded a significant growth. Freedom to return to the country has been further facilitated by the implementation of regulations pertaining to the granting of dual citizenship.

Article 5 (d) (3)

Right to nationality

65. Article 26 (1) of the Constitution provides that there shall only be one status of citizenship known as “the status of a citizen of Sri Lanka”. Article 26(3) states that no distinction shall be drawn between citizens of the country for any purpose by reference to the mode of acquisition of such status. Earlier the right of citizenship by descent was limited only to the persons whose father was a citizen at the time of his or her birth. With the enactment of the Amendment Act No. 16 of 2003, criteria for citizenship by descent was extended to the consideration of that fact of either parent being a Sri Lankan citizen. This amendment was made effective from the appointed date (1948-11-15) of the Citizenship Act.

66. The GoSL enacted the Grant of Citizenship to Persons of Indian Origin (Amendment) Act No. 35 of 2003 in order to resolve the issue of citizenship pertaining to persons of Indian origin. Accordingly all persons resident in Sri Lanka since 30th October 1964 or was a descendent of a resident of Sri Lanka since 30th October, 1964 was granted citizenship of Sri Lanka. Further all such persons are considered to be entitled to economic, social and cultural rights and privileges to the extent guaranteed by the fundamental rights chapter of the constitution. As such, in view of the Article 12 of the Constitution citizens of Indian origin are guaranteed same rights, privileges, and entitlements to which any other Sri Lankan citizen is entitled to.³

Article 5 (d) (4)

Right to marriage and choice of spouse

67. Section 18 of the Marriage Registration Ordinance No. 19 of 1907 (as amended) specifies that every male and female is required to attain the age of 18 in order to contract a valid marriage with a person of their choice. This provision is part of the general law of the country and set out by statute. However, in the sphere of customary and personal laws, there are a separate set of considerations for entering into a recognized marital union. For e.g. the Muslim law imposes restrictions that spell out prohibited decrees of marriage.

68. Customary and personal laws of Sri Lanka trace their roots to even before the time the British gave statutory effect to such laws by way of the Proclamation of 23rd September 1799. Based on this proclamation the Roman-Dutch law, the Kandyan law, the Tesawalamai law and the Muslim laws have continued in force and are considered valid and operative in terms of Article 16 of the Constitution. The application of personal laws arises only in the context of marriage, divorce, succession and property rights. The Tesawalamai, Muslim and the Kandyan laws have now been modified and enacted as part

³ To augment this process, the Ministry of National Languages and Social Integration oversees the Mobile Services Programme. This facility ensures that legal documentation is made available to marginalized and vulnerable communities.

of the statute law of the country. Tesawalamai and Kandyan laws, to a great extent, are of territorial application, while Muslim law is based on the principles of the Islamic faith. These laws include the Kandyan Marriage and Divorce Act No. 44 of 1952, the Kandyan Law (Declaration and Amendment) Ordinance No. 39 of 1938, the Kandyan Succession Ordinance No. 23 of 1917, The Tesawalamai Regulation No. 5 of 1869, the Jaffna Matrimonial Rights and Inheritance Ordinance No. 1 of 1911, the Muslim Marriage and Divorce Act No. 13 of 1951 and the Muslim Intestate Succession Ordinance No. 10 of 1931.

69. It needs to be stated that the application of personal laws to any particular individual is not automatic, but a matter of choice of the individual and regardless of the origins, race or religion, any Sri Lankan is entitled to enter into a marriage under the Marriage Registration Ordinance.

70. However, Sri Lanka recognizes the existence of customary laws which are applicable to particular communities in the country. Muslim Marriages and Divorce Act (1951) does not specify a minimum age of marriage, and efforts to reach a consensus with the Sri Lankan Muslim community on reforming this law has not yielded positive results. However, the reported percentage of underage Muslim marriages has significantly reduced in recent years. Therefore, underage marriages cannot be considered a traditional practice in Sri Lanka and there is considerable public awareness regarding the minimum age of marriage.

Article 5 (d) (5)

Right to own property alone as well as in association with others

71. Every citizen is entitled to acquire, enjoy and dispose of property under the ordinary law. While the State has the power to acquire land for public purposes in accordance with the procedure laid down in the Land Acquisition Act No. 9 of 1950 (as amended), such acquisitions are subject to the payment of compensation.

72. It is noted that the Thesawalamai personal law which requires the consent of the husband for the wife to dispose her immovable property may be deemed a discriminatory practice. However, since the Personal Laws of Sri Lanka contain provisions that are deeply rooted in custom, proposals for reform of such practices long recognized by the respective personal laws should, in the interest of respect for ethnic diversity, emanate from the respective communities.

73. Article 27 of the Constitution provides for Directive Principles of State Policy which includes realization by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing and housing, the continuous improvement of living conditions and the full enjoyment of leisure and social and cultural opportunities. While rights contained in the Directive Principles of State Policy are non-justiciable, the Constitution in Article 27(1) provides that they shall serve as a guide for the Parliament, the President and the Cabinet of Ministers in the enactment of laws and the governance of Sri Lanka for the establishment of a just and free society.

Article 5 (d) (6)

Right to inherit

74. Roman-Dutch law is considered the bedrock of the general law on property in Sri Lanka and operates as a residual law to fill in any gaps in the Statute law of the country. Sri Lankan laws are non-discriminatory as amongst citizens on ownership of land, property and

business ventures. Therefore, both men and women can legally own, transfer, inherit and dispose of land and property and may enter into any economic or business activity and employment as long as it is not illegal or against public policy.

75. The law of succession within the Sri Lankan legal system is two-fold. In testate succession, where a person dies and leaves a last will, the property of such person would be divided in accordance with the terms of such will. In the case of Intestate Succession where a person dies without leaving a last will, the property rights will be determined by the laws of inheritance.

76. The Matrimonial Rights and Inheritance Ordinance No. 15 of 1876 which is applicable in the case of intestate succession, recognizes the right to property of a surviving spouse. Also, section 24 of the Ordinance specifically provides that all children shall inherit equally from their parent's intestate property, thereby recognizing concept of equal inheritance rights for both male and female children.

77. The extent of the application of the general (statute) law has been limited by customary laws that are operative in the island. The matrimonial property rights and rights of inheritance of communities that opt to subscribe to the different personal laws are governed by the respective regimes. Any perceived inequalities with regards to ownership and succession to land and property under "personal laws" unavoidably emanate from cultural and religious precepts which form the bases of such laws.

78. A notable exception to the general principle of non-discrimination in matters of succession, as embodied in Sri Lankan law, is found in the Land Development Ordinance No. 19 of 1935. The Ordinance which has been promulgated under the British rule, gives preference to male inheritance where the original owner dies intestate. However, these provisions are in the process of being amended in order to enable succession and ownership of land by any child, regardless of sex.

Article 5 (d) (7)

Right to freedom of thought, conscience and religion

79. Article 10 of the Constitution guarantees the right to freedom of thought, conscience and religion. Article 14 (1) (e) and 14 (1) (f) guarantee the right to manifest one's religion or beliefs in worship, observance, practice and teaching and to promote his own culture and to use his own language. There can be no derogation from Article 10. It is also an entrenched clause in the Constitution. Articles 14 (1) (e) and (f) however, can be restricted in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedom of others as per Article 15 (7) and 15 (8) of the Constitution.

Article 5 (d) (8)

Right to freedom of opinion and expression

80. Article 14 (1) (a) of the Constitution recognizes the right to freedom of speech and expression, including publication. This right may, however, be restricted in the interest of racial and religious harmony, and such other restrictions as set out in Article 15(2), 15(7) and 15(8) of the Constitution. Article 14(A) of the 19th Amendment to the Constitution expressly provides for the right of access to any information that is required for the exercise or protection of a citizen's right.

81. Since January 2015, the Government has taken specific measures to strengthen media freedom. These measures include the unblocking of websites that were previously censored, the lifting of restrictions placed on foreign media personnel visiting the country, enabling journalists to travel freely to all parts of the country and the extension of invitation to all media personnel living in exile to return. Right to information was introduced as a Fundamental Right under the 19th Amendment to the Constitution. Thus media personnel are encouraged to engage in their work without fear, intimidation or harassment.

Article 5 (e)

Economic, social and cultural rights

82. Important economic and social welfare measures have been sustained in the country, which have ensured a high quality of life for all its citizens. These include the availability of basic food items, educational facilities, medical services and health care, housing and other essentials. State policies have also helped to reduce income disparities between different economic sectors and among different social groups and special programmes such as i.e. Samurdhi, Divi Neguma (Livelihood Development Programme) have contributed towards the reduction of poverty. Directive Principles of State Policy under Article 27 of the Constitution, as referred to in paragraph 54 above, are also relevant in this context.

83. The main objective of the Livelihood Development Programme is to encourage a wide range of economic activities and services to insulate households from various market vulnerabilities as well as to promote a healthy family lifestyle, particularly in rural Sri Lanka. It envisages developing the rural economy in a sustainable manner creating semi-urban and rural economic centres throughout the country. This has contributed to provide economic opportunities in all the provinces of Sri Lanka preventing the necessity for large scale urban migration to urban centres, and also contributed towards the development of small and medium scale businesses at village level, spurring further economic growth locally.

84. Despite being a developing country with a per capita income of around US\$ 9,470 ppp (2013), Sri Lanka boasts significant and impressive accomplishments in the social front as seen by the following indicators.

Sri Lanka – Human Development Profile

Life expectancy at birth	74.3 years (2013)
Access to drinking water	89.7% (2014)
Proportion of population below National poverty line	6.7% (2012/13)
Share of poorest quintile in national consumption	7.2% (2012/13)
Net enrolment ratio in primary education	99.7% (2012/13)
Literacy rate of 15-24 year-olds, (women and men)	97.8% (2012)
Infant mortality rate (per 100 live births)	9.4% (2009)
Maternal mortality rate (deaths per 100,000 live births)	33.3% (2010)
Growth rate of GDP per person employed (15 years and above)	7.3% (2012)
Real GDP per capita	7.4% (2014)

Sources: Millennium Development Goals Country Report (Sri Lanka) 2014
Annual Report of Central Bank of Sri Lanka (2014).

85. As per the United Nations Human Development Report 2014, Sri Lanka's Human Development Index (HDI) value⁴ for 2013 is 0.750 which is in the high human development category, placing the country at 73 out of 187 countries and territories. Between 1980 and 2013, Sri Lanka's HDI value increased from 0.569 to 0.750, reflecting an increase of 31.8 percent or an average annual increase of about 0.84 percent.

86. Table II below reviews Sri Lanka's progress in each of the HDI indicators. Between 1980 and 2013, Sri Lanka's life expectancy at birth increased by 6.1 years, mean years of schooling increased by 3.7 years and expected years of schooling increased by 3.6 years. Sri Lanka's GNI per capita increased by about 273.7 percent between 1980 and 2013.

Table II
Sri Lanka's HDI trends based on consistent time series data and new goal posts

<i>Year</i>	<i>Life expectancy at birth</i>	<i>Expected years of schooling</i>	<i>Mean years of schooling</i>	<i>GNI per capita (2011 PPP\$)</i>	<i>HDI value</i>
1980	68.2	10.0	7.1	2,475	0.569
1985	69.1	10.5	7.7	3,085	0.598
1990	69.5	11.3	8.4	3,316	0.620
1995	69.3	11.9	9.1	4,035	0.645
2000	71.1	12.5	10.0	4,859	0.679
2005	73.6	13.0	10.4	5,772	0.710
2012	73.8	13.6	10.8	7,476	0.736
2011	73.9	13.6	10.8	8,023	0.740
2012	74.1	13.6	10.8	8,686	0.745
2013	74.3	13.6	10.8	9,250	0.750

Source: Human Development Report (UNDP) 2014.

87. Furthermore, the government's commitment to combating poverty is reflected by its recent socio-economic achievements. The progress made in achieving Millennium Development Goals and SAARC Development Goals undoubtedly demonstrate the effectiveness of the measures taken up by the government in order to alleviate poverty. Implementation of safety net programmes for select community groups serve in achieving the objects of protecting vulnerable communities from being adversely affected by competitive market forces in a macro-economic setting. At the same time, developments made in the health and education sectors have contributed greatly in achieving the current socio-economic progress of the country.

Article 5 (e) (i)

Right to work

88. The Constitution stipulates provisions for protecting all employees against direct or indirect discrimination in the private or public sectors. Fundamental Rights of the citizens are guaranteed by the Constitution and any citizen is free to choose his occupation. Fundamental Rights enshrined in Articles 12 and 14 of the Constitution are of particular

⁴ The HDI is a summary measure for assessing long term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living.

relevance in construing a right to work. Article 12 guaranteed equality and equal opportunity in employment and Article 14 (1) (g) declares the freedom to engage in any lawful occupation, profession, trade, business or enterprise. Similarly, the freedom to form and join trade unions as set out in Article 14 (1) (g) is germane to recognizing an effective right to work. Further, Article 17 of the Constitution ensures access to the Supreme Court in case of an infringement or an imminent infringement, by executive or administrative action, of a fundamental right to which such person is entitled under the aforesaid provisions.

89. The rate of unemployment in Sri Lanka has recorded a steep decline to its lowest ever rate of 4.1 per cent in for the Fourth Quarter of 2013. The GoSL's broad-based and sustained economic growth, including several infrastructure development projects have been instrumental in achieving this status.

90. The Labour Force Participation Rate (LFPR) has increased in 2013. The LFPR which is expressed as a ratio of the labour force to the household population aged 15 years and above, has recorded an increase to 53.8 per cent in 2013, compared to the 52.6 per cent in 2012. This increase is attributable to the increase in female labour force participation indicating a rise in its rate of 32.9 per cent in 2012 to 35.6 per cent in 2013. The LFPR in the rural sector increased marginally from 53.5 per cent in 2012 to 55.0 per cent in 2013. Rural sector female LFPR increased significantly from 33.8 per cent in 2012 to 37.2 percent in 2013. However a marginal decline was observed in the male labour force participation in the rural sector from 75.0 per cent in 2012 to 74.9 per cent in 2013.

91. The composition of employment among major industry groups has recorded a change over the years with the increasing share of the Industry sector and Services sector and the declining share of the Agriculture sector in total employment. The Services sector dominated in providing employment opportunities in 2013. Employment in the public sector, the private sector and self-employment grew during the year. Unemployment among GCE O/L qualified persons declined marginally to 5.9 per cent in 2013 from 6.0 per cent in 2012.

Article 5 (e) (ii)

Right to form and join a trade union

92. Sri Lanka fully recognizes and respects the freedom of association as enshrined in Article 14 (1) (C) of the Constitution and Article 14 (1) (d) specifically recognizes the freedom to form and join trade unions. This recognition is further by legislation such as the Industrial Dispute Act No. 43 of 1950 and the Trade Union Ordinance of 1935 and regulations promulgated under such laws.

93. In terms of section 32 A of the Industrial Disputes Act No. 43 of 1950, it is considered an unfair labour practice for an employer to coerce/force an employee to join or refrain from joining a union as a condition of employment. There are a number of other provisions in the Trade Unions Ordinance designed to protect the right of trade unions to function freely. Section 26 of the Ordinance provides trade unions immunity from civil action in certain cases. In the terms of section 27, a trade union is not liable for tortuous acts. According to Section 29, the objects of a registered trade union not deemed to be unlawful by reason only that they are in restraint of trade.

94. There are no legal and practical restrictions on the right of trade unions to federate and join international trade union organizations. There are about 1,000 registered trade unions and many of them are in fact affiliated to international trade union organizations.

95. The GoSL is a party to the ILO Freedom of Association and Protection of the Right to Organize Convention (No. 87) and Right to Organized and Collective Bargaining Convention (No. 98).

96. A number of initiatives such as establishing facilitation centres in the export processing zones (in order to promote and ensure freedom of association), strengthening the investigation procedure of Unfair Labour Practices (UPL), addressing the delays in prosecution of UPL, have been implemented in order to ensure the practice of Freedom of Association in the private sector.

Article 5 (e) (iii)

Right to housing

97. Government welfare and other measures to further the development of the housing sector has a long history in Sri Lanka. The more important of these interventions include:

- Regulatory controls and development work by the decentralized administration
- Rent control measures
- Ensuring access to housing even of low income groups
- Action taken under the ceiling on housing property law
- Government intervention in the housing financial market
- Institutional development and house construction on a direct construction basis

98. A separate Ministry for Housing has been established by each successive Government that came into power after 1953. The Ministry of Housing and Samurdhi was created by the new Government elected in August 2015 in order to further its policy objectives in this regard. The National Housing Development Authority (NHDA) which is a statutory entity operates under the purview of the Ministry of Housing and Samurdhi in order to facilitate schemes for granting of housing loans and programmes for such as construction of rental and rent-purchase housing etc.

99. A country-wide survey was carried out by the Department of Census and Statistics in order to assess the status of the housing sector in Sri Lanka. The consequent Report by the Department of Census and Statistics for the Year 2012 indicates numbers of individuals and families who are homeless or inadequately housed and without access to basic Infrastructure facilities and services. This data is used in the formulation and re-consideration of policies of the Government in respect of the housing industry.

100. With the end of the conflict in May 2009, the Government was able to formulate much-needed policies towards achieving its development goals including a national housing policy which was drafted by the former Ministry of Housing, Engineering Service and Common Amenities (this Ministry has now been reconstituted as the Ministry of Housing and Samurdhi). This policy was approved by the Cabinet of Ministers and adopted in 2014. The primary objective of the Housing Policy is to “ensure the right to live in an adequate, stable, qualitative, affordable, sustainable, environment friendly and secure house with services for creating a high living standard on the timely needs of the people.”⁵

100. Projects for allocation of housing by the Government are implemented in an equitable manner to deserving persons irrespective of their ethnic or religious backgrounds

⁵ The National Housing Policy could be accessed at www.housingpolicy.lk.

or such other such consideration. The general policy adopted is to provide housing to families who do not have adequate living conditions to the closest housing complex in order to ensure that their lives are not disrupted and the education of the children advancement of their livelihoods could continue uninterrupted. Within the past two years period, the UDA has awarded contracts for the construction of housing schemes in 19 sites containing ground+3 walkup apartments and 12 storied condominium apartments.

101. The Janasevena National Housing Drive oversees the implementation of policies developed through consensus achieved by the participation of stakeholders, namely, the private sector, State parties and the community. The view of the community are given significant consideration in the decision-making process pertaining to such construction of housing. The government plays a supporting role of providing financial and technical assistance to ensure the houses constructed, especially by the low and the lower middle income families, meets the criteria laid in the framework of adequate housing. The low and lower middle income group represents 80% of the demand for housing in the country. Hence, it garners significant attention from the Government.

102. Ministry of Housing and Samurdhi expects to construct 2,400 houses in the North and East in the course of 2015 under the Diriya Piyasa Housing project. 2,179 Diriya Saviya loans have been granted to entrepreneurs in the Batticaloa, Ampara and Jaffna districts. Awareness programmes on Disaster Resilient Construction Technologies have been conducted for 253 construction craftsmen in the North and East.

Article 5 (e) (iv)

Right to public health, medical care, social services and social security

103. Sri Lanka has a wide network of health services in terms of geographical and population coverage and has a longstanding reputation for maintaining a reasonably high standard of health facilities through the provision of free medical care, free hospital care and free clinical facilities. This has been made possible through the allocation of substantial amounts of financial resources from the government budget to the social sectors continuously in the post-independence period. A parallel private health care sector also exists. Private insurance holders obtain health care services from the private sector.

104. The State party has formulated a ten-year national health policy (2006-2016), which has been adopted. Further, the National Health Development Plan (NHDP) is prepared by the Ministry of Health (MoH) as a medium-term plan spanning from 2013 to 2017. MoH is expected to prepare its annual budgets and plans based on the NHDP.

105. Preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone free of charge irrespective of their income status.

Services for elderly population

106. Sri Lanka's elderly population comprises of 9.2% of the total population and is expected to rise to 24.8% in 2040. Care for the elderly is accorded much priority in the State party's Health Plan. Hence, it has taken the following actions:

- The process of converting the physical infrastructure of health institutions to make access feasible for disabled and the elderly, has already commenced.
- Special medical clinics for elders in primary health care institutions and dental care services have been instituted. Medical officers with degree qualifications have been recruited to fill in the vacancies of these institutions.

- Continuous provision of free healthcare has been guaranteed in tandem with advanced technological facilities such as cardiac surgeries, kidney transplant, joint replacement and neurological interventions. Special eye camps for the prevention of blindness (Cataract, Glaucoma) have been carried out by MOH with the collaboration of NGOs.
- Work on the establishment of long-stay hospitals for the care of the elderly has commenced.

107. Several measures are implemented by Ministry of Social Services to empower and assist the elderly population in conflict affected areas. Elders in conflict affected areas receive cash benefits under the “Monthly Livelihood Allowance Programme for under privileged elders” conducted by Ministry of Social Services. By May 2015, 33,724 elders from the Northern Province and 34,496 elders from the Eastern Province have benefitted.

108. Government Mobile Services for the issuance of Identity Cards to the elderly have benefitted over 13,000 senior citizens in North and East, in order that they may gain access to priority medical treatment at public and private hospitals and be entitled to free medical cover.

109. Ministry of Social Services has also established, 1,079 Elder’s Committees at village, regional and district levels in North and East provinces which carry out activities to create an elder-friendly environment.

110. Further, several measures are implemented by Ministry of Social Services to empower and assist the elderly population in conflict affected areas. Elders residing in these areas receive cash benefits under the “Monthly Livelihood Allowance Programme for under privileged elders”.

Care for the disabled

111. A steering committee on disability care has been appointed and a draft National Action Plan has already been developed. A Parliamentary subcommittee was appointed to study the provision of services to autistic children and a road safety policy accordingly.

- Regulation pertaining to accessibility to government health institutions is in the process of being implemented.
- In-service training programmes are carried out for doctors, nurses and other health personnel on long- term care. Training for community care givers has also being carried out. Measures were also taken to increase the intake of therapists for basic training.
- The concept of Independent living has been introduced to the public through an island wide awareness campaign.
- A model Spinal Cord Injury (SCI) ward was established at the National Hospital of Sri Lanka⁶. A half way home was established at the Base Hospital in Awissawella.

⁶ The main physical rehabilitation hospital is located in Ragama with few regional rehabilitation hospitals located in Digana, Kandagolla, Akmeemana and Polonnaruwa. Special hospitals for SCI patients were established at Pompemudu –Vavuniya in 2009 in collaboration with an INGO. Stroke units were established in teaching hospitals. Special service package for children with special needs provided by FHB. Prosthetic and orthotic workshops were established in government hospitals (Lady Ridegeway Hospital for Children, District General Hospital Vavuniya and Trincomalee and Teaching Hospital Batticaloa).

- Care for the disabled is addressed through a range of preventive care services such as: Maternal Child Health, school health, nutrition awareness, injury and violence prevention, road safety, National Authority on Tobacco and Alcohol Act (NATA) No. 27 of 2006, Non Communicable Diseases (NCD) prevention policy and the Vision 2020 programme.
- Geriatric Medicine and Gerontology are provided.
- Sign language training programmes have been incorporated in the post graduate training syllabus to facilitate the access to government health care institutions for the vulnerable and the disabled by removing barriers to communication.

112. Disabled-Friendly national legislation is already in force. For instance, Act No. 28 of 1996 “Protection of the Rights of Persons with Disabilities” has been amended to recognize all the rights of persons with disabilities (PWDs) in accordance with the UN Convention; an Election Special Act of 2011 was enacted to make provision for a disabled voter to be accompanied by another person during voting; “ Accessibility Regulations No. 1 of 2006”, providing additional facilities to PWDs is in operation; A National Policy on Disability is in operation with a view to creating a disabled-friendly environment; Sign Language has been recognized as an accepted language in Sri Lanka to ensure the empowerment of the PWDS (deaf and dumb). Elections (Special Provisions) Act No. 28 of 2011 allows a voter who is subject to disability to be accompanied by a person when voting at elections.

113. Ministry of Social Services provides Rs. 3,000.00 monthly livelihood assistance to families with disabled members in Northern and Eastern provinces. The programme is implemented under World Bank funded “Diri Saviya Assisting Persons with Disabilities through Cash Transfer and Vocational Training Project” to provide financial assistance to the disabled.

114. As at August 2015, a total of 18,770 Medical officers including specialists(2014), 1,324 dental surgeons, 1,055 assistant medical officers, 31,527 Staff nurses and 9,164 Public health midwives(Including hospital Midwives), 1,386 pharmacists, 1,182 dispensers, 1,423 Medical laboratory technicians, 531 Radiographers and 340 Physiotherapists are available all around the country.

115. The competitive political system in existence since independence has been unusually responsive to the basic social and economic needs of the population. The welfare orientation of State policies can be seen also in a wide range of social security and community welfare schemes operated under several ministries. The special welfare and community services offered by the Ministry of Social Services include national disaster management, rehabilitation, protection and assistance to the aged, disabled and indigent. Probation and childcare services also form an important component of special welfare services. Thus, vulnerable groups who are not covered by formal social security programmes are looked after by a system of welfare and community services.

116. There are various social security laws and programmes covering works in the organized sector in order to guarantee their purchasing power of injury, disability, maternity, old age etc. A workman’s compensation scheme is in existence for those who suffer personal injury from accidents or occupational diseases in the course of employment. The Employee Provident Fund (EPF), Employee Trust Fund (ETF), gratuity, pension and other schemes are available for the provision of social security for workers upon retirement. A retirement benefit for farmers and fishermen in the unorganized sectors has also been established.

Article 5 (e) (v)

Right to education and training

117. Sri Lanka is committed to promote and protect right to education for all its citizens. It is also a signatory to International Conventions such as the Convention on the Rights of the Child (CRC), World Declaration on Education (1990), Education For All (2000), Millennium Development Goals (2000) that state that education is a fundamental human right of all children. In terms of Article 27 (2) (h) of the Constitution, Sri Lanka is committed to “the complete eradication of illiteracy and assurance to all persons of the right to universal and equal access to education at all levels.”

118. One of the significant initiatives taken by the Government to ensure the right to education for all social groups was granting free education from kindergarten to university since 1945 and providing equal educational opportunities to everybody. The Free Education Act of 1945 paved the way for children from poor families to gain access to education.

119. The free education system was further reinforced by several other policies such as free textbooks scheme implemented since the 1950s. Widespread schemes of student welfare facilities such as free health services, mid-day meals and financial assistance (scholarships) at the secondary and higher education levels for all promising, talented students also reduces parental cost for education.

120. The education system of Sri Lanka is renowned for having achieved near universal primary education and high levels of literacy. Successive Governments since independence have maintained high levels of expenditure on education. The education policy and legislation of the Government are formulated to provide universal and equal access to education at all levels of the society. The present high enrolment rates at primary and secondary levels of education further reflect the effects of the long-standing policies of the Government.

121. Sri Lanka has a good track record on “Education for All” goals and MDG targets related to education and have the highest literacy rates in South Asia at 93% for males and 91% for females. The country has achieved gender parity in primary school and net enrolment rates at primary level are 98% for both girls and boys. (Table III). Sri Lanka also has one of the highest net enrolment rates in South Asia at 98% for both males and females and the lowest percentage of never enrolled children at secondary level. (Table IV)

Table III

Net Enrolment Rates in Primary Education 2005 to 2012 (National Level)

Year	NER in Secondary Education		Total
	Male	Female	
2005	90%	88%	89%
2008	91%	92%	91%
2011	95%	96%	95%
2012	98%	98%	98%

Source: School Census 2011/2012.

122. The primary education completion rate is 97% and the survival rate is 99.5% for both boys and girls up to Grade 5. The net enrolment rate for secondary education is recorded at 96% in 2012. (see Table 2). Adult literacy rate is recorded as 96% for males and

94% for females in 2012 and both rural and urban sector literacy rates are above 90%. (see Table IV).

Table IV
**Net Enrolment Rates in Secondary Education Progress between 2005 to 2011
(National Level)**

<i>Year</i>	<i>NER in Secondary Education</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
2005	88%	91%	90%
2008	90%	93%	91%
2011	88%	92%	90%
2012	96%	95%	96%

Source: School Census 2011/2012.

123. In order to ensure equitable access to basic education the government has established a widely scattered network of schools throughout the country. At present, there are 10,012 government schools out of which 3,299 are primary schools with classes from grade 1 to grade 5 and 562 schools with grade 1 to 13.

Student Welfare

124. The Government provides a whole package of welfare services to pupils in schools. These welfare measures have contributed to better school attendance, higher participation and the high literacy rates in the country. Each year the Ministry of Education allocates 10% of its budget for subsidies to provide free textbooks to students.

Inclusive Education

125. Inclusive Education in Sri Lanka has evolved from the idea that education is a basic human right for all children and is based on the principle that all learners have a right to education irrespective of their individual characteristics, differences and needs. The Inclusive Education Framework in Sri Lanka has been developed to implement the EFA Mid-Decade Assessment Recommendations in 2009 with the support from UNICEF. This framework includes:

- Creating an inclusive culture
- Developing inclusive practices
- Providing appropriate, quality education
- Leading schools towards increased inclusion
- Ensuring an inclusive environment

Education for specific vulnerable groups

Children from the Plantation Community

126. Children of the plantation community have been integrated into the national system of education starting from early 1970s. The plantation community in Sri Lanka is about 6.3% of the total population of Sri Lanka and they are mainly in the Central province, including districts of Nuwara Eliya, Badulla, Rathnapura and Kandy. Schools in these districts benefit from special donor assisted programs initiated in 1983 with funding from

international donor agencies such as the Swedish International Development Agency (SIDA) and German Technical Corporation (GTZ). A National College of Education was established in the heart of the Plantation area to train plantation youth with GCE A/L qualifications as teachers for plantation sector schools. It is hoped that teacher shortages in these schools will be rectified in the future.

Children with Disabilities and Special Education Needs

127. Currently there are 714 schools (111 national schools and 603 provincial schools) that provide special education units in government schools for disabled children. There are 25 special schools for severely disabled children which are operated by the private sector. These schools receive financial assistance by the Government. 25 schools for disabled children which are operated by the private sector are partially funded by the government.

Table V

Numbers of special schools for disabled children by category and number of students by gender

<i>Category</i>	<i>Number of Schools</i>	<i>Number of Students</i>		
		<i>Male</i>	<i>Female</i>	<i>Total</i>
Blind	01			
Deaf	06	1,047	806	1,853
Blind and Deaf	10			
Intellectually impaired	06	325	309	634
Physically impaired & Other	02	113	87	200
Total	25	1,485	1,202	3,687

Source: Non formal and Special Education Branch, Ministry of Education.

Article 5 (e) (vi)

Right to equal participation in cultural activities

128. Article 14(1) (f) of the Constitution guarantees to every citizen the freedom, by himself or in association with others, to promote his/her own culture and to use his/her own language. These include, inter alia, the freedoms of speech, peaceful assembly, freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise, and the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language. Holidays Act No. 29 of 1971 specifically provides for cultural and religious holidays.

129. Sri Lanka is a multi-ethnic, multi-racial and multi-religious country. The need to ensure the enjoyment and promotion of one's own culture and to use one's own language as between the different ethnic and religious groups arises from the need to ensure equality and racial and religious harmony.

130. Thus the measures taken to limit certain rights to individuals of Sri Lankan origin should be understood in the light of a wider State practice and circumstances that are unique to the multi ethnic and multi religious fabric of Sri Lankan society.

131. The minority Tamil and Muslim communities in Sri Lanka have every right to practice and enjoy their culture. Days of cultural and religious significance to the Tamils and Muslims are public holidays and celebrated at national level, with State patronage. The

media promotes and reflects the pluralistic nature of culture in Sri Lanka. There is no discrimination against any ethnic group, as far as time or space is concerned, in the electronic and print media. The Sri Lanka Broadcasting Corporation has three distinct services catering for the Sinhala, Tamil and Muslim listeners. The Sri Lankan Rupavahini Corporation, the State television station, runs its programmes in Sinhala, Tamil and English. The State and private newspaper companies publish dailies and weeklies in all three languages.

132. Every effort is being made to maintain the identity of different ethnic groups. The programmes on radio and television and the space in newspapers are liberally made use of in furthering the interest of a pluralistic society. Tamil, the language of the Tamils, and also for the majority of Muslims, was made an official language in 1978, in recognition of the fact that language is an important symbol of culture.

133. The Muslims from colonial times have enjoyed the right to be governed by their personal laws, an important aspect of their culture, in matters pertaining to marriage, divorce and family affairs. Successive Governments have guaranteed the continued enjoyment of this right.

Article 6

134. Discrimination based on race is prohibited by the constitution of Sri Lanka. Article 12 (2) of the Constitution states, inter alia, that no citizen shall be discriminated against on grounds of race. The violation of the fundamental right to equal treatment as well as of language rights recognized by the Constitution is justiciable before the highest court of the land.

The Supreme Court of Sri Lanka

135. The Supreme Court of Sri Lanka is vested, in terms of Article 126 of the Constitution, with the sole and exclusive jurisdiction to hear and determine any question in relation to the infringement or the imminent infringement by executive or administrative action of any fundamental right.

136. In terms of Article 126 (2) of the Constitution, a person who alleges that a fundamental right protected by the Constitution has been infringed or is about to be infringed by executive or administrative action may himself or by an attorney-at-law on his/her behalf, within one month, apply to the Supreme Court by way of a petition requesting relief or redress in respect of such infringement.

137. Chapter III of the Constitution has specified the fundamental rights that have been recognized and their protection is ensured. Accordingly every person shall be entitled to apply to the Supreme Court, as provided by Article 126 of the Constitution, in respect of the infringement or imminent infringement, by executive or administrative action, of a fundamental right to which such person is entitled under the provisions.

138. In addition, each successive Government, has from time to time, appointed Commissions to inquire into specific violations of fundamental rights in order to complement the existing judicial mechanism to further facilitate and expand avenues of access to justice.

139. In addition to the jurisdiction of the Supreme Court in respect of Fundamental Rights, the National Human Rights Commission is also available to a person whose right to freedom from discrimination has been violated.

141. At present, the institutions depicted below are competent to provide protection against any acts of racial discrimination which violate a person's fundamental freedoms and human rights.

National Human Rights Commission

140. The Human Rights Commission of Sri Lanka was established under the Act No. 21 of 1996, to give force to the commitments undertaken by Sri Lanka as a member of the United Nations in order to protect human rights, and to perform the duties and obligations imposed on Sri Lanka by various international treaties and to maintain the standards set down by the Paris Principles of 1996. The Human Rights Commission of Sri Lanka is an independent body, which was set up to promote and protect human rights in the country. Strengthening of the Human Rights Commission including upholding and strengthening the Commission's independence was further fortified by the 19th Amendment.

141. The Constitutional Council established under the 19th Amendment to the Constitution further strengthens the independence of the judiciary. According to Article 41 C of the Amendment, the appointments to the office of the Chief Justice, Judges of the Supreme Court, President and the Judges of the Court of Appeal and Members of the Judicial Service Commission shall be by the President, based on approval of the Constitutional Council, upon a recommendation made to the Council by the President. The aforesaid Judges hold office during good behavior and cannot be removed except by an order of the President made after an address of Parliament supported by majority vote of the Members of the Parliament, on the ground of proved misbehaviour or incapacity. Article 111 (H) of the Constitution provides for the powers vested in the Judicial Service Commission and ensures the independence of the High Court Judges and judicial officers.

144. Sri Lanka has a vibrant civil society and our Constitution guarantees the protection of every citizen's fundamental rights, including rights of members of civil society. Any person who seeks the enforcement or vindication of his/her rights by the executive or administrative arm of the State, has the option of filing a Fundamental Rights application in the Supreme Court, or a Writ Application in the Court of Appeal, or making a complaint before the National Human Rights Commission, on their own behalf or in the public interest. The full gamut of constitutional guarantees, including effective remedies, is available to individuals or groups who wish to espouse social causes and advocacy, also encompassing the area of human rights.

142. In light of recent constitutional and legislative changes and the reconstitution of the National Human Rights Commission with greater independence, it is hoped that the Human Rights Commission of Sri Lanka will be able to obtain Grade "A" status within the UNHRC mechanism.

Ombudsman

143. The Constitution of Sri Lanka provides for the establishment of the Office of the Parliamentary Commissioner for Administration (Ombudsman), charged with the duty of investigation and reporting upon complaints or allegations of the infringement of fundamental rights and other injustices by public officers of public corporations, local authorities and other like institutions, in accordance with the law.

144. The Parliamentary Commissioner for Administration Act of 1981 established the office of the Parliamentary Commissioner for Administration (Ombudsman). The Office of the Ombudsman provides all citizens with the right to be heard by an impartial and independent body in respect of any grievances regarding the infringement of a fundamental right or other injustices committed by a public or an officer of a public corporation, local

authorities or other like institutions. It was envisaged that this office would afford an expeditious and inexpensive means of redressing grievances of the public.

Article 7

Education and teaching

145. Human rights teaching in schools have continued and have been strengthened since the 1995. As a follow-up to the recommendations made by the National Institute of Education (NIE) in 1993 to improve teaching and learning of human rights in schools. A comprehensive teacher training programme on Human Rights has been initiated with the financial assistance of UNESCO.

146. Secondary school education curriculum has incorporated Human Rights education. Supplementary curriculum material on Human Rights is also being developed.

Human rights education for officers wielding arms

147. Human rights education forms part of the training of all law enforcement officers, members of the armed forces and prison officers. This training includes lectures on the fundamental rights guaranteed by the Constitution, international human right norms, law of criminal procedure, the rights of a citizen and the duties and obligations of law enforcement officers. Demonstrations and visual aids reinforce these lectures. Seminars and discussions are also held during various stages of the officer's service.

148. Human rights education was introduced into police training in the early 1980s. It is now a subject of instruction at the Sri Lanka Police College where basic training is provided for new recruits, at the Police Higher Training Institute where promotional and refresher courses are provided and at divisional training centres where in-service training is provided. Officers are questioned on aspects of human rights at all examinations.

149. As a matter of policy, the Government is committed to ensuring that all service personnel are properly instructed and trained to respect and observe standards of human rights and humanitarian law, so that their powers are not used arbitrarily or excessively and that weapons are not used indiscriminately. While the law of war and humanitarian law have been part of the education and training of the armed forces, the scope and content of these programmes are being revised with emphasis on understanding and practice.

150. The Government has also benefited from the assistance received from non-governmental organizations in conducting human rights awareness programme for the armed forces, the Police and other public servants.

151. Under the LLRC recommendation 9.60 to "provide comprehensive, island-wide human rights education programmes targeting the school children, youth, members of the security forces and the Police", the Ministry of Education, Ministry of Defence and Ministry of Public Order and Christian Religious Affairs, as responsible line ministries, have implemented several programmes in this regard.

152. The Sri Lanka Army has a dedicated Directorate of Human Rights (HR) and International Humanitarian Law (IHL) which is exclusively tasked to disseminate HR and IHL training for all ranks throughout the year. In addition, the ICRC conducts regular IHL training programmes for Sri Lankan military personnel.

Non-formal human rights education

153. A number of non-governmental organizations are involved in the dissemination of information on human rights for various groups of the population.

Culture

154. The Government recognizes culture as an essential component of overall planning and as a medium of national integration. Culture is viewed in the conceptual framework of building peace as well as national development. The culture and tradition of all communities will be protected and preserved and every effort will be made to foster inter-cultural understanding.
