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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Situation of human rights in Sri Lanka

**Comprehensive report of the United Nations High Commissioner for
Human Rights***

Summary

In the present report, submitted pursuant to Human Rights Council Resolution 51/1, the United Nations High Commissioner for Human Rights provides a comprehensive analysis of the human rights situation in Sri Lanka, highlighting some concerning trends with potentially far-reaching impact on the enjoyment of fundamental rights and freedoms in the country. Noting the nexus between impunity for past and current human rights violations and broader demands for accountability in governance, the report makes recommendations for action by both Sri Lanka and the international community to advance reconciliation, accountability and human rights.

* The present report was submitted to the conference services for processing after the deadline as a result of consultations with the Member State.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 51/1,¹ which requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including on the impact of the economic crisis and corruption on human rights.² The Council requested OHCHR to present a comprehensive report that includes further options for advancing accountability at its 57th session.³ This report covers developments since adoption of resolution 51/1 in October 2022 until July 2024, but with reference to events in previous years, where appropriate.

2. OHCHR welcomes the Government's engagement in preparation of the present report, while noting its rejection of resolution 46/1 in particular OP6 and resolution 51/1 in particular OP8. The Office sent questions to the Government and the Human Rights Commission of Sri Lanka (HRCSL), received elaborate responses, and shared the draft report with the Government for factual comments and received comments. During preparation of the present report, OHCHR also engaged directly in-person or online with a range of civil society stakeholders. An OHCHR delegation visited Sri Lanka for further consultations in June 2024.

3. In February 2023, Sri Lanka underwent its fourth cycle of Universal Periodic Review (UPR), and in July 2023 it accepted 173 out of 294 recommendations.⁴ The Government established a new Inter-Ministerial Standing Committee on Human Rights in February 2024 to follow-up implementation of recommendations from international human rights mechanisms, such as the UPR and Treaty Bodies. In August 2023, Sri Lanka submitted its initial Report to the Committee on Enforced Disappearances. As of June 2024, the Government had nine pending visit requests from UN special procedure mandate holders.⁵

4. In May 2024, the Global Alliance of National Human Rights Institutions (GANHRI) recommended that the HRCSL be re-accredited with 'A' status.⁶ In its report, GANHRI provided several recommendations including taking proactive steps to ensure its accessibility to the wider community, including in the north and east of the country.⁷ In June 2024, the Parliament passed the *Women's Empowerment Act* that includes *inter alia* provision for establishing a National Commission on Women.

II. Human rights trends and developments

5. Sri Lanka has experienced deep economic crisis since 2022, compounded by the global economic situation and severe debt distress. While the immediate macro-economic situation has stabilised and the Government has succeeded in debt restructuring negotiations with Sri Lanka's creditors, the aftermath continues to significantly affect the human rights of large segments of the population. The popular demands by the mass protest movement in 2022 for democratic reforms and accountability for corruption and economic mismanagement remain largely unfulfilled. Long overdue reforms to advance human rights and reconciliation, especially in institutional and security sectors, have not occurred.⁸ On the contrary, as described herein, there are renewed threats to fundamental freedoms, evidenced by new or proposed regressive laws and ongoing instances of threats, intimidation, and violence against victims, civil society, journalists, and critics.

¹ A/HRC/RES/51/1, para.19

² *Ibid.*

³ *Ibid.*

⁴ A/HRC/53/16/Add.1.

⁵ <https://spinternet.ohchr.org/Search.aspx?Lang=en>.

⁶ <https://www.hrsl.lk/ganhri-sub-committee-on-accreditation-recommends-that-hrcsl-be-reaccredited-with-a-status/>.

⁷ *Ibid.*

⁸ A/HRC/46/20, paras.20-23;A/HRC/51/1, paras.21–26.

6. Against this backdrop, the next Presidential election is due to take place on 21 September.⁹ This will be followed by Parliamentary elections, due by August 2025. Local elections which were to take place in March 2022 continued to be postponed as of July 2024 despite the Supreme Court's ruling, and provincial council elections under the 13th Constitutional Amendment have not been held since 2014.

A. Deepening human rights impacts of the economic crisis

7. Support from the International Monetary Fund (IMF) has helped boost Sri Lanka's macro-economic indicators, and by early July 2024, the Government had reached agreements on debt restructuring with its creditors. However, the cumulative impacts of the economic crisis and associated austerity measures on the enjoyment of economic and social rights continue to reverberate deeply and widely at household and individual levels, particularly affecting the poorest and already marginalized groups. Confronted with tight fiscal space, the Government has taken measures to strengthen its revenue base in line with IMF targets – including lowering of the personal income tax threshold to LKR100,000 (USD328) per month despite diminished real wages; introduction of cost-reflective fuel and utility pricing; and successive increases and broadening of the Value Added Tax – that have hit those at lower socio-economic levels, and women, in particular.¹⁰

8. Between 2021 and 2023, the poverty rate (USD3.65 in 2017 Purchasing Power Parity) doubled from 13.1 to 25.9 per cent, and is expected to remain at elevated levels over the next few years.¹¹ Survey results from the Department of Census and Statistics indicate that, since March 2022, 60.5 per cent of households have seen their monthly incomes decrease and 91 per cent of households experienced an increase in monthly expenditures.¹² Declining incomes (both nominal and real) and increasing household indebtedness have impacted on the right to an adequate standard of living for many Sri Lankans, as decisions have to be made about competing food, health, education, transport and other expense.

9. In July 2023, the Government introduced 'Aswesuma', a means-tested, poverty-targeted cash transfer scheme so far reaching two million families. In July 2024, the Government approved a new National Social Protection Policy, and spending on social security has increased from Rs 174 billion in 2023 to Rs 205 billion in 2024.

10. In terms of the right to food, United Nations data estimate about one-quarter of households to be moderately food insecure, with households that are reliant on social protection and other assistance schemes being most at risk.¹³ The data show that households in the plantation estate community constitute the highest proportion of those who consume inadequate food, and that female-headed households make up a higher proportion of those that consume inadequate meals, as well as adopting more severe coping strategies (e.g. selling assets and spending savings), compared to male-headed households. Between 2021 and 2023, Ministry of Health data indicate that the proportion of children across different ages suffering from wasting and stunting have increased.¹⁴ The Government has initiated various food support programs, allocating around Rs. 12.7 billion in 2024 for distribution of rice among around 3.4 million beneficiaries and providing a school food programme for 1.6 million students.¹⁵

⁹ http://documents.gov.lk/files/egz/2024/7/2394-51_E.pdf.

¹⁰ <https://www.ft.lk/opinion/Urgent-plea-by-feminists-to-address-humanitarian-crisis-caused-by-economic-collapse/14-733198>; <https://www.ft.lk/opinion/Universal-social-security-If-not-now-when/14-736777>.

¹¹ <https://openknowledge.worldbank.org/server/api/core/bitstreams/a498539d-ae15-4911-8895-fff713aa063a/content>; <https://thedocs.worldbank.org/en/doc/64a39c836b5aff415ca339ae14a1afbc-0310062023/original/Sri-Lanka-Development-Update-April-2023-final.pdf>.

¹² http://www.statistics.gov.lk/WebReleases/HECS_Bulletin_Final.

¹³ https://docs.wfp.org/api/documents/WFP-0000158905/download/?_ga=2.44937895.2078595437.1717510781-1011957968.1711620644.

¹⁴ <https://fhh.health.gov.lk/events/routine-nutrition-information-dashboard/>.

¹⁵ GoSL's comments on the HC's, report, 25 July 2024.

11. In terms of the right to health, Department of Census and Statistics data indicate that among those who experienced an illness during the economic crisis, almost one-quarter changed health treatment procedures due to a lack of funds.¹⁶ Other critical factors that have impacted patients' access to medical care include emigration of significant numbers of health professionals, leading to reduced access and even closures of hospitals and medical centres,¹⁷ shortages of medicines¹⁸ and issues with counterfeit medicines and corruption in the health sector.¹⁹

B. Concerning legislative developments

12. Since 2023, the Government has introduced an array of new or proposed laws which give broad powers to the security forces and significantly expand pre-existing restrictions on freedom of expression and opinion and association.²⁰ There is a concern that the cumulative effect of existing legislation and these new laws will have profound implications for the protection of fundamental freedoms and the rule of law in Sri Lanka.

13. For years, UN human rights experts, OHCHR and national and international organizations have expressed concerns about various repressive laws, such as the *Prevention of Terrorism Act* (PTA) and the *Bureau of Rehabilitation Act*, and misuse of the *International Covenant on Civil and Political Rights (ICCPR) Act*, which are often used to arrest, detain and prosecute journalists and human rights defenders.²¹ For instance, in May 2023, Natasha Edirisooriya, a female standup comedian was remanded under section 3 of the ICCPR Act for allegedly "insulting" Buddhism;²² a Magistrate's Court dismissed the case on 19 June 2024.

14. The *Online Safety Act* (OSA), passed in January 2024, and several proposed laws – *Anti-Terrorism Bill* (ATB), *Non-governmental Organizations (Registration and Supervision) and Registration Bill* (hereafter NGO Bill) and *Sri Lanka Telecommunications (Amendment) Bill* – raise concerns including in relation to vague definitions of offenses, broad powers conferred on the authorities to enforce the laws, disproportionate penalties, and inadequate or absent judicial oversight. For example, while the Government states the OSA is intended to combat digital crimes, it contains vaguely defined terms and definitions of offences, allowing for arbitrary interpretation and enforcement.²³ UN human rights experts have expressed concerns that powers provided to the future Online Safety Commission, and "may result in the arbitrary targeting of anyone who may express dissenting or minority opinions or may be critical of the government's actions."²⁴ The current draft ATB, which is currently before the parliament, also grants broad powers to the executive with limited safeguards, including the power to declare any place in the country "prohibited" and to declare curfews in the totality or parts of Sri Lankan territory. It also includes new provisions that criminalize speech such as section 10 on "encouragement of terrorism".²⁵

¹⁶ http://www.statistics.gov.lk/WebReleases/HECS_Bulletin_Final.

¹⁷ <https://www.newsfirst.lk/2023/11/28/40-hospitals-in-sri-lanka-closed-down;>
[https://economynext.com/despite-economic-recovery-more-sri-lankan-doctors-want-to-leave-for-better-pay-kids-future-148267/;](https://economynext.com/despite-economic-recovery-more-sri-lankan-doctors-want-to-leave-for-better-pay-kids-future-148267/) <https://www.context.news/socioeconomic-inclusion/sri-lankan-health-crisis-could-worsen-as-doctors-seek-work-abroad>.

¹⁸ <https://www.dailymirror.lk/breaking-news/Patients-in-dire-straits-as-drug-shortage-hits-Govt-hospitals/108-281838>.

¹⁹ <https://www.bbc.com/news/world-asia-68561893>; SC/FR65/2023 (<https://www.tisirilanka.org/tisl-files-fr-case-regarding-controversial-medical-supplies-procurement-through-indian-credit-line/>); SC/FR99/2024 (<https://www.tisirilanka.org/tisl-files-fr-petition-over-human-immunoglobulin-and-other-controversial-medical-supplies/>).

²⁰ CCPR/C/LKA/CO/6, para.40.

²¹ CCPR/C/LKA/CO/6, para.16.

²² JAL LKA 5/2023, 26 June 2023.

²³ <https://www.ohchr.org/en/press-briefing-notes/2023/10/human-rights-concerns-over-two-draft-laws-sri-lanka>.

²⁴ OL LKA 9/2023, p.5.

²⁵ <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-preliminary-comments-sri-lankas-draft-anti-terrorism-bill>.

15. Despite promises of a *de facto* moratorium on use of the PTA, the authorities have continued to use it to arrest and detain people, including Tamils commemorating their relatives who died in the civil war.²⁶ The Government reported that in 2023 and 2024, four persons were arrested under the PTA, while five persons had been issued detention orders. The Government also indicated that nine PTA detainees were released in 2023 and 2024 (as of May), and that bail was granted to several suspects. The HRCSL, however, reported that the authorities notified it of 46 cases of arrests and detentions under the PTA between January 2023 and April 2024. OHCHR also received reports of at least 12 cases in which the PTA was used to detain persons, – primarily those participating or involved in organization of memorialization activities, – for a short period and without adequate acknowledgment of their deprivation of liberty, who were then released on bail or discharged weeks or months later.²⁷

C. Erosion of democratic checks and balances

16. Although the 21st constitutional amendment of October 2022 rolled back some of the most concerning features of the earlier 20th amendment, concerns persist. In March 2023, the UN Human Rights Committee expressed concerns that the 21st amendment still appeared to permit the executive presidency to exert undue influence on the independence of the judiciary and other oversight institutions, as a majority of the Constitutional Council’s members are parliamentarians.²⁸ In January 2024, the President’s Office claimed authority over the Constitutional Council in relation to appointments to certain public offices,²⁹ raising fresh concerns about executive interference. The tussle between the President and the Council, particularly concerning Supreme Court nominations, has continued, leading to an interim order in April 2024 by the Supreme Court preventing executive nominations to the apex court.³⁰ The President twice sought extensions of the Attorney General’s (AG) term beyond his retirement date, and was twice rejected by the Council.

17. Respect for democratic principles and the rule of law has also been undermined in the lawmaking process. Several laws like the OSA were formulated or passed without adequate consultation with the public, key stakeholders, including civil society, or technology companies.³¹ Additionally, the *Telecommunications (Amendment) Bill*, despite its importance, was presented to Parliament in May 2024 with minimal public consultation.³²

18. In November 2023, the Supreme Court found over 30 clauses the *Online Safety Bill* inconsistent with the Sri Lankan Constitution.³³ On 24 January 2024, Parliament nevertheless passed the law without incorporating several amendments required by the Supreme Court. The HRCSL noted that several sections and omissions in the Act did not comply with the Supreme Court’s determination,³⁴ and fundamental rights petitions have been filed against the OSA’s passage. The Government informed OHCHR that Cabinet has approved further revisions to the law although these have not yet been published.³⁵ Despite this, three criminal

²⁶ E.g.:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28737>.

²⁷ E.g.: AL LKA 1/2024.

²⁸ CCPR/C/LKA/CO/6, para. 5.

²⁹ <https://pmd.gov.lk/news/performance-of-the-constitutional-duties-of-the-president-and-the-constitutional-council/>.

³⁰ <https://www.dailymirror.lk/print/front-page/Constitutional-Council-rejects-Presidents-Supreme-Court-pick/238-276192>;

<https://www.adaderana.lk/news.php?nid=98940#:~:text=Interim%20order%20issued%20preventing%20President%20and%20CC%20from%20nominating%20judges%20to%20SC,-April%2030%2C%202024&text=The%20Supreme%20Court%20has%20issued,Court%2C%20except%20as%20Chief%20Justice>.

³¹ <https://aicasia.org/download/889/>.

³² http://documents.gov.lk/files/bill/2024/5/479-2024_E.pdf; OL LKA 9/2023.

³³ <https://www.hrcsl.lk/wp-content/uploads/2024/02/HRCSL-Press-Notice-08022024.pdf>.

³⁴ <https://www.hrcsl.lk/wp-content/uploads/2024/02/HRCSL-Press-Notice-08022024.pdf>.

³⁵ <https://www.themorning.lk/articles/1DjrRE6q5whH8b6ImfpA>.

proceedings have already been initiated under the new law.³⁶ In June 2024, when the Supreme Court ruled that the enactment of the 'Gender Equality' Bill was inconsistent with the Constitution, the President attacked the Court in Parliament and proposed to appoint a select committee to override the judgment, a move which could trigger a fundamental constitutional conflict between the three branches of government and risk the independence of the judiciary.

D. Civic space restrictions and reprisals

19. Civil society plays a critical role in rural areas in addressing the worst impacts of the economic crisis and supporting conflict-affected communities. However, restrictive operating space and increasing administrative and legal restrictions are making the environment for service delivery, development work and advocacy for human rights even more difficult. Civil Society Organizations are required to be registered with the NGO Secretariat, which was transferred under the Ministry of Public Security since July 2022. Activities and funding sources of CSOs are closely monitored by intelligence services, particularly in the north and east.

20. As of July 2024, the Government was drafting a new law to regulate NGO activities to address concerns with money-laundering and financing of terrorism.³⁷ The Government reported that in January 2024, it disseminated a draft Act through media channels.³⁸ The draft, viewed by OHCHR, which has a wide range of problematic provisions, including broad discretion given to authorities to grant or deny registration, and clauses on “duties of NGOs” which impose restrictions on engagement “in any political activity”, or activities that “affects core cultural values”, among others. These provisions are inconsistent with requirements under international human rights law, such as the ICCPR,³⁹ whereby restrictions on the right to freedom of association must be proportionate and necessary to achieve a legitimate, and could have a chilling effect on the exercise of the right to freedom of association.

Intimidation against journalists and civil society actors

21. Over the reporting period, OHCHR observed a persistent trend of surveillance, intimidation and harassment of journalists and civil society actors, especially those working on enforced disappearances, land seizures, environmental issues, and with former combatants in Sri Lanka’s north and east. CSOs reported that police officials from the Criminal Investigations Department (CID) or the Terrorism Investigation Division (TID) often summoned or visited them to question their programmes, funding, event participants, staff contacts, and international travel, without legal basis. Journalists in these regions face abusive lawsuits, violence, intimidation, and surveillance. For instance, in October 2023, journalists Punniyamoorthy Sasikaran and Valasingham Krishnakumar were questioned after covering a protest about state-supported land seizures.⁴⁰ In November 2023, they received a court order to hand over unedited footage of a Buddhist monk threatening violence against Tamils.⁴¹

Reprisals and intimidation against families of the disappeared

22. During the reporting period, OHCHR received six reported cases of intimidation, surveillance, and reprisals against family members of the disappeared engaging with the UN or international actors, including members of the diplomatic community. Female victims in particular, reported receiving late-night calls from individuals claiming to be CID or TID

³⁶ <https://www.dailymirror.lk/breaking-news/Army-Commander-obtains-order-against-YouTube-channel-under-Online-Safety-Act/108-282656#:~:text=The%20Colombo%20Chief%20Magistrate's%20Court,newly%20enacted%20Online%20Safety%20Act.>

³⁷ GoSL’s comments, 25 July 2024, para 42.

³⁸ *Ibid*, para 43.

³⁹ Art.22.

⁴⁰ [https://cpj.org/2023/11/two-sri-lankan-journalists-questioned-harassed-following-protest-coverage/.](https://cpj.org/2023/11/two-sri-lankan-journalists-questioned-harassed-following-protest-coverage/)

⁴¹ https://www.facebook.com/maddunews/videos/1360369847901836/?extid=NS-UNK-UNK-UNK-IO5_GK0T-GK1C&mibextid=j8LeHn.

personnel, who questioned them about their participation in protests and visits to Colombo or Geneva, including funding and individuals they had met.

E. Emerging and exacerbated human rights concerns

1. Human rights concerns around Yukthiya operations

23. Since December 2023, police, under directive of the Minister of Public Security and with the support of armed forces personnel, have carried out a heavy-handed operation known as ‘Yukthiya’, with the stated aim to control the “drug menace”. Deployment of military personnel in this operation represents a troubling escalation in the militarization of drug law enforcement efforts. The Government reported that as of 20 May 2024, out of 121,957 persons arrested, 43,465 were released on bail; 8,300 remain in custody, while 4,344 were issued judicial detention orders and 3,056 referred to rehabilitation.

24. According to information received by OHCHR, most of those arrested are drug users or are drug dependent, but not drug traffickers. Various entities, including the HRCSL, Bar Association and UN experts have voiced concerns over alleged arbitrary arrests and instances of torture and ill-treatment during ‘Yukthiya’, and the detention of hundreds in compulsory military-run rehabilitation centers.⁴² According to HRCSL, since the start of the operations until April 2024, it has received 60 complaints, including 14 cases of torture. Further, disturbing rhetoric encouraging use of excessive force during the operations, coming from the Ministry of Public Security, raises significant concerns.⁴³

25. The UN Working Group on Arbitrary Detention, after its 2017 visit to Sri Lanka, recommended drug treatment programs be managed by trained medical personnel instead of the military.⁴⁴ Despite absence of legal provision authorizing the military to be involved in drug treatment programs, it continues to manage facilities like Kandakadu and Senapura, where reports of torture, ill-treatment and even death, alongside serious inmate conflict, have emerged.⁴⁵

2. Ongoing custodial deaths, arbitrary arrests/abductions, torture and sexual violence

26. Torture and ill-treatment by police and security forces remain prevalent in Sri Lanka.⁴⁶ In April 2023, the UN Human Rights Committee stated that it was “deeply concerned about the widespread practice of torture and ill-treatment by police and security forces in places of detention, which has resulted in deaths in custody”.⁴⁷ The HRCSL informed OHCHR that it received 2,845 cases of torture and 675 complaints of degrading treatment between January 2023 and March 2024. The HRCSL reported that between January 2023 and March 2024, it received 21 cases of extrajudicial killings; 26 cases of deaths in custody, and 1,342 complaints of arbitrary arrests and detentions. The Government informed OHCHR that there were 14 and three cases of custodial deaths in 2023 and 2024 respectively, and that the police had issued Circular No.2747/2023 on preventing custodial and encounter deaths.

27. OHCHR examined recent allegations of abduction, arbitrary detention, torture, ill-treatment and sexual violence perpetrated against individuals of Tamil ethnicity by Sri Lankan security forces, mainly in Jaffna, Kilinochchi, Mannar, Mullaitivu, and Vavuniya districts. These date from the period as recently as January 2024. OHCHR interviewed eight

⁴² <https://www.hrcsl.lk/the-yukthiya-operation-press-notice-no-hrc-p-i-e-08-01-24/>; <https://www.hrw.org/news/2024/01/15/sri-lanka-stop-abusive-anti-drug-operation-and-release-those-arbitrarily-detained>; <https://www.ohchr.org/en/press-releases/2024/01/un-experts-call-sri-lanka-immediately-suspend-and-review-yukthiya-anti-drug>; <https://www.ohchr.org/en/press-briefing-notes/2024/01/sri-lanka-anti-drugs-operation>.

⁴³ <https://x.com/lankafiles/status/1783895418843115580>.

⁴⁴ A/HRC/39/45/Add.2, para 56.

⁴⁵ A/HRC/39/45/Add.2; https://www.dailymirror.lk/breaking_news/Two-soldiers-two-Airmen-arrested-over-Kandakadu-inmates-death/108-240225; <https://www.newswire.lk/2022/11/07/president-calls-for-full-report-on-kandakadu-violence/>.

⁴⁶ https://www.hrcsl.lk/wp-content/uploads/2023/06/International-Day-in-Support-of-Victims-of-Torture-2023_Chairpersons-Message.pdf; CCPR/C/LKA/CO/6, para. 26.

⁴⁷ *Ibid.*, para. 26.

alleged victims. A clear pattern emerged: Tamils, primarily men who had been involved in protests over disappearances, land/environmental rights or commemoration of war victims and were believed to be previously involved or linked with the Liberation Tigers of Tamil Eelam (LTTE), were monitored or photographed, and subsequently arrested by people who verbally identified themselves as police CID or TID personnel. In a few cases, families of the victims filed complaints with the police and HRCSL⁴⁸ reporting that the victims had gone missing.

28. Victims described how officers came during the evening or at night, blindfolded and gagged them and then transported them into a van to a detention facility in a location unknown to them or their families, approximately between 30 minutes to two hours away. They were interrogated for three to five days on their links with ex-LTTE cadres abroad, fundraising, individuals behind protests and any alleged attempt to 'regroup the LTTE', or to obtain 'confessions' or to elicit information on buried weapons or money.

29. OHCHR assessed as credible specific accounts of security forces using various techniques of torture and cruel, inhuman, or degrading treatment. Many of the interviewees also reported experiencing sexual torture, including rape, squeezing testicles, *forced nudity*, biting of breasts, either during interrogation or in the holding cell. Victims described making up information or 'confessing' simply to get the treatment to stop, or signing blank papers or documents in Sinhala, a language which majority of the victims could not read.

30. Nearly all interviewees recounted that they eventually were released when a family member paid a bribe to someone in the security forces, often using an intermediary. They then fled Sri Lanka. In most cases, the victims said that security or intelligence agents visited victims' home, either searching for the victim or informing families that the victim had escaped from their custody.

31. OHCHR carefully assessed the reliability and credibility of these victims, and the veracity of the information they provided. The accounts were detailed and consistent and were recorded at different times, in different countries. Several victims said that the interview with OHCHR was the first time they had spoken about their experiences, and a number of them were receiving medical and psychological care and counselling.

32. OHCHR provided an outline of the cases to the Government seeking further information. The Government responded that the allegations lacked sufficient detail, but it takes allegations of abduction, unlawful detention, and torture seriously and that it is committed to thorough investigations and prosecutions. It highlighted that Sri Lanka, as a party to international human rights treaties, including the Convention against Torture and its Optional Protocol (OPCAT), has a robust legal framework for the prohibition of torture. The Government highlighted the proactive role of the judiciary in providing relief to victims of torture, as well as the functions of the HRCSL as the National Preventive Mechanism on torture and the OMP in investigating alleged cases of enforced disappearances. The Government cited relevant laws vest the judiciary, HRCSL and OMP with access to places of detention. OHCHR stands ready to assist the Government in strengthening national mechanisms for the investigation and prevention of torture.

F. Land contestations and restrictions on religious freedom

33. In February 2024, the Government initiated a nationwide 'Urumaya' programme, granting conversion of land licences into freehold deeds for over two million individuals.⁴⁹ In the north and east, land-related conflicts remain a fundamental issue 15 years following the end of the civil war.⁵⁰ There has been an ongoing series of *ad hoc* land releases by the

⁴⁸ Copies seen by OHCHR.

⁴⁹ <https://pmd.gov.lk/news/urumaya-program-to-solve-land-issues-for-two-million-people-to-begin-on-05th-february/>.

⁵⁰ See: A/HRC/45/45/Add.1.

military back to civilian control between December 2022 and March 2024,⁵¹ and the Government indicated that a committee had been established within the Ministry of Defence to identify further lands to be released. Land issues, however, are further complicated by other factors, such as changes to the physical landscape and destruction of landmarks; secondary ownership disputes; continued military presence, sometimes for economic activities; and practical difficulties with entering or utilizing released land as surrounding areas or access routes remained under military control.

34. In parallel, land disputes involving one or more State actors, including the Archaeology Department, Mahaweli Authority, Forest Preservation and Wildlife Preservations Departments, and police, continue to simmer. Lands have increasingly been gazetted for forest cover, limiting their practical use. Conflicts concerning contesting claims of archeological remains have exacerbated ethno-religious tensions, impacting people's livelihoods. These grievances are at times overlaid with religious dynamics, impacting on minority communities' rights to religious worship and participation in cultural life. In March 2024, eight devotees were arrested when participating in Shivaratri festival rituals at a contested site Veddukkunaari temple, Vavuniya.⁵²

35. In one such dispute at Kurunthur Malai in Mullaitivu, a judge who ordered the removal of new constructions at the religious site claimed by both Hindu and Buddhist worshippers and subsequently found the Director-General of the Archeological Department in contempt of court,⁵³ resigned in September 2023 claiming threats to his life.⁵⁴ The Government noted that legal proceedings in this case are ongoing and that both communities conduct religious activities at the site.

III. Impunity, accountability and reconciliation

A. Accountability and reconciliation

36. This year, Sri Lanka marks 15 years since the end of the devastating civil war. During its 30-year duration, persistent and grave human rights violations and abuses were committed by both security forces and the LTTE. The United Nations previously established⁵⁵ that there are reasonable grounds to believe that grave violations of human rights, war crimes and crimes against humanity were committed during the conflict. To date, the Government has rarely even acknowledged the serious violations that occurred in the conflict or provided victims with adequate redress. Numerous commissions of inquiry appointed by successive governments, often in response to international pressure, have failed credibly to establish truth and advance accountability and reconciliation.⁵⁶ The Government's commitment in 2015 to create a judicial mechanism with a special counsel to investigate and prosecute these conflict-related crimes has not been implemented.

37. The Government reported that the Office for Reparations (OR) has granted approximately Rs. 2.4 billion (USD 7,928,304) to 9,169 families from 2023 to end of June

⁵¹ <https://www.army.lk/news/army-used-land-padippalai-released-owners>;
<https://www.army.lk/news/more-lands-used-security-purposes-palaly-hsz-released-civilians>;
<https://www.army.lk/news/more-army-used-mullaitivu-lands-released-civilians>;
<https://www.army.lk/news/more-army-used-lands-released-mullaivitu>;
<https://www.army.lk/news/more-army-used-lands-released-civilians-batticaloa>;
<https://www.army.lk/news/55-infantry-division-releases-more-land-kilinochchi-district-secretary>;
<https://www.army.lk/news/sri-lanka-army-returns-over-100-acres-land-rightful-owners-jaffna-peninsula>; <https://www.army.lk/news/235-acres-returned-jaffna-farmers>.

⁵² <https://www.hrw.org/news/2024/03/19/sri-lankan-authorities-detain-hindu-worshippers>.

⁵³ <https://www.tamilguardian.com/content/contempt-court-kurunthumalai-incident-archaeological-department-official-held-accountable>.

⁵⁴ <https://www.newswire.lk/2023/09/30/law-associations-raise-concerns-over-resignation-of-mullaitivu-judge/>.

⁵⁵ See: A/HRC/30/CRP.2, para.1113; Report of the Secretary-General's Panel of experts on accountability in Sri Lanka, 31 March 2011, paras.421-422 and 424.

⁵⁶ *Ibid.*

2024 and implemented three main programmes: monetary relief programme, livelihood support programme, psychosocial support programme. OHCHR was informed that the data on monetary relief was not disaggregated by category of beneficiaries, including women-headed households.

38. The Government informed OHCHR that there are no restrictions on family members to memorialise their loved ones, provided it did not glorify terrorism. It noted that memorialisation is recognized as a collective remedy in the Office for Reparation Act and that many commemorations took place this year throughout the country. However, according to the information received by OHCHR, several commemoration events were disrupted, particularly in the Eastern Province. For instance, in May 2024, four persons, including three women were arbitrarily arrested and detained in Trincomalee for serving ‘kanji’, a rice porridge, at a commemoration event, purportedly on public health grounds.⁵⁷ The authorities also secured court orders to prevent some relatives of forcibly disappeared individuals and others from holding commemorations.⁵⁸ In late June 2024, the report of an Expert Committee on Memorialisation, established by the President in August 2023, was made public.⁵⁹ The findings and recommendations in the report could be an important foundation for new initiatives, with full participation by victims from all communities.

39. Despite its mandate to search for and trace missing persons and its broad legal powers of investigation, including powers to summon persons, request assistance from authorities, and search of premises, the Office of Missing Persons (OMP) has focussed primarily on assessing victim families’ entitlement to financial assistance, reducing ‘duplicate entries’ in their database and closure of files (through ‘panels of preliminary inquiries’).⁶⁰ OHCHR is concerned that this approach puts the burden on families to provide additional information or evidence, which is often retraumatizing for victims. The OMP informed OHCHR that it had so far established the fate of 16 missing persons, from the period 2002 to 2007. Out of them 11 persons were found alive, one had died, while four cases are ‘being processed in the court’. The OMP further stated that out of 5,791 complaints from ‘phase I’ (2000-2021 period) reviewed so far, 1,058 were associated with the military forces or LTTE, of which 397 cases had been the subject of further action, including 50 files forwarded to the CID for further verification. Separately, in May 2024, the HRCSL requested the AG to launch an independent investigation into a possible enforced disappearance of a person from Anuradhapura in March 2024.⁶¹

40. Despite the fact that several mass graves have been accidentally discovered and partially exhumed in Sri Lanka over past decades,⁶² to OHCHR’s knowledge, hardly any remains have been successfully identified and returned to the families for burial and/or dignified commemoration. The Government reported that LKR 5.7 million (USD18,800) was released for the first phase of the excavation and exhumation of a mass grave found in Mullaitivu, Kokkuthoduvai in June 2023 (with an additional LKR9.7 million (USD32,000) to be allocated for the second phase) and 45 human remains were recovered by the forensic archaeologist. OHCHR remains concerned there are insufficient financial, human and technical resources to conduct exhumations in line with international standards and encourages the Government to seek international support in this regard.⁶³

41. The Government reported that the Cabinet Sub-Committee on Reconciliation, appointed by the President to promote reconciliation, and the Special Unit, established under the Presidential Secretariat, has been addressing various issues faced by the people of the Northern and Eastern Provinces, and that the President had met regularly with Tamil members of parliament. These initiatives are a step in the right direction. The Government

⁵⁷ <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-Press-Notice-21052024.pdf>.

⁵⁸ <https://www.hrw.org/news/2024/05/23/sri-lanka-crackdown-over-civil-war-anniversary>.

⁵⁹ <https://www.presidentsoffice.gov.lk/wp-content/uploads/2024/06/Committee-Report-English.pdf>.

⁶⁰ *Office on Missing Persons Act* (2016), sections 12(c)(ii),(d),(e),(g).

⁶¹ <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-letter-to-Hon-Attorney-General-on-14-05-2024.pdf>.

⁶² <https://srilankachrd.org/office/uploads/278.pdf>, p.4.

⁶³ See AL LKA/6/2023.

should publicize the outcomes of these deliberations as well as the agreed timeline to resolve the issues identified in these meetings.

42. In January 2024, the Government gazetted draft legislation for a Commission for Truth, Unity and Reconciliation.⁶⁴ The Interim Secretariat on the Truth and Reconciliation Mechanism has undertaken 65 consultations during visits to the Northern and Eastern provinces and in Colombo. However, victims and CSOs have strongly opposed establishment of the proposed truth-seeking mechanism and have suggested that the Government first take specific steps to create an environment for reconciliation.⁶⁵ Further, the initiative for a credible truth-seeking process is undermined by the continued surveillance, harassment and arrests of victims by security forces discussed above. For any truth-seeking mechanism to be successful, it must enjoy the trust of stakeholders and demonstrate the potential to achieve meaningful results for victims and affected communities. Importantly, such a truth-seeking mechanism must be appropriately designed, free from political and military influence and led by commissioners or experts who meet the highest standards of professionalism, independence, integrity and expertise. Such mechanism must also be part of a comprehensive transitional justice strategy with appropriate linkages to existing or future mechanisms, such as a judicial mechanism.⁶⁶

43. On 22 July 2024, the Cabinet of Ministers decided to extend an apology on behalf of the Government from all the communities affected as a consequence of mandatory cremation policy enacted during the COVID-19 and to prepare a draft law on burial or cremation of dead bodies on religious discretion.⁶⁷ The mandatory cremation caused immense suffering to mourning Muslim families and a huge financial burden for poor families, particularly daily wagers who could not afford a cremation fee.⁶⁸ Another recent example of a regulation discriminating against the Muslim minority is withholding of exam results from 70 Muslim students in Trincomalee in June 2024 for appearing at an advanced-level exam wearing a *hijab* or headscarf.⁶⁹

B. Entrenched impunity

44. Lack of accountability for past and present human rights violations at all levels remains a fundamental human rights problem in Sri Lanka, particularly in cases where alleged perpetrators are members of security forces.⁷⁰ The unwillingness or inability of the State to prosecute and punish perpetrators of crimes is best illustrated by the lack of meaningful progress in emblematic cases. This entrenched impunity has also manifested itself in the corruption, abuse of power and governance failures that were among the root causes of the country's recent economic crisis.⁷¹

45. Several cases, highlighted repeatedly in OHCHR reports, such as the 2006 massacres of 17 humanitarian workers in Muttur, the killings of five Tamil students in Trincomalee in 2006, the murder of journalist Lasantha Wickrematunge in 2009, and the disappearance of journalist Prageeth Eknaligoda in 2010 have faced prolonged delays and setbacks during the investigation stages.⁷² Others have been the subject of interference, acquittals or charges being dropped. For instance, in the assassination of Tamil MP Joseph Pararajasingham in 2005, at a Christmas church service in full view of witnesses, the AG informed the court that he would not proceed with the prosecution. Subsequently, the Batticaloa High Court acquitted and ordered the release of all five suspects, including the current MP Sivanesathurai

⁶⁴ See: AL LKA 7/2023.

⁶⁵ <https://www.themorning.lk/articles/Uo7wCnlwGcm6pEXOvXZv>.

⁶⁶ Also see: <https://www.hrcsl.lk/wp-content/uploads/2024/01/HRCSL-Press-Notice-HRCSL-letter-to-President-on-17-Jan-2024.pdf>.

⁶⁷ GoSL's comments on the report, 25 July 2024.

⁶⁸ AL/LKA/8/2020.

⁶⁹ <https://www.hrw.org/news/2024/06/26/sri-lanka-blocks-exam-results-over-muslim-head-coverings>.

⁷⁰ See also: A/HRC/54/20, para.61; A/HRC/46/20, paras.24–28; A/HRC/49/9, paras.10–19; A/HRC/51/5, para.50.

⁷¹ See: IMF, Sri Lanka Governance Diagnostic Assessment (2023).

⁷² See: A/HRC/30/CRP.2, paras.235-9, 1238-41; A/HRC/46/20, para.27.

Chandranathan (alias Pillayan).⁷³ These cases underscore the pressing need for reform within the AG's office to ensure an independent prosecutorial authority, separate to the AG's function, to be able to make independent prosecutorial decisions, including in relation to the cases of human rights violations.

46. Even in the few cases that progressed to the trial stage, there have been significant setbacks, which illustrate the oft-insurmountable barriers for victims to access justice even in the most emblematic of cases. Trial proceedings into the alleged enforced disappearance of 11 individuals, predominantly Tamil youths, in 2008 and 2009 have been stayed following a writ petition by the former navy commander who is one of the accused.⁷⁴ A case involving the murder of eight Tamil civilians, including four children, in Mirusuvil in April 2000 leading to conviction of army staff sergeant Sunil Ratnayake in 2015 was a rare exception to the lack of accountability in Sri Lanka. His conviction was affirmed by the Supreme Court in 2019; however, he was pardoned by the then-President in March 2020. The Supreme Court is currently hearing a fundamental rights petitions challenging the Presidential pardon.⁷⁵

47. There has been limited progress in the criminal investigation into the 2019 Easter Sunday bombings. Several criminal cases have been filed in Kalmunei, Kegalle, Mawanalla, Nuwareliya, Puttalam and in few other courts; however, there has been very little further progress in these cases, and none of them resulted in a conviction. The full findings of the Presidential Commission of Inquiry have not been published; however, the Catholic Church has received the remaining unpublished parts of the report.⁷⁶ Meanwhile, new potential evidence and inside accounts have continued to come to light, warranting follow up investigation. According to the Government, following the establishment of the 'Victim Fund' within the Office for Reparations, 196 beneficiaries were provided financial compensation.⁷⁷ However, the Supreme Court's orders from January 2023 for the former President and several senior officials to pay personal compensation have not been fully implemented, with only part payment by 30 June 2024.⁷⁸ As of 17 July 2024, Rs 134,975,588 (USD 446,393) had been received from the respondents out of the Rs 311,000,000 (USD 1,028,545) ordered by the Supreme Court. On 15 July, the Supreme Court directed the former President to pay the full amount before 30 August 2024.

48. In February 2024, a new Inspector General of Police (IGP), Deshabandu Tennakoon, was confirmed, despite the Supreme Court's finding that he was responsible for committing torture in 2010.⁷⁹ The *Presidential Commission of Inquiry on the Easter Sunday attacks had also reportedly found Tennakoon* (then DIG Colombo North) negligent in preventing the attacks and recommended disciplinary actions.⁸⁰ Several petitions challenging the constitutionality of his appointment have been filed in the Supreme Court.⁸¹ Further, Major General (retired) Kamal Gunaratne continues to serve as Secretary to the Ministry of Defence (since November 2019), despite having been credibly alleged to have committed grave violations of international human rights and humanitarian law during the

⁷³ See: <https://www.cpalanka.org/wp-content/uploads/2022/07/AGs-Decision-to-Drop-Charges.pdf>; <https://www.amnesty.org/en/latest/press-release/2021/01/sri-lanka-collapse-of-joseph-pararajasingham-murder-case-a-failure-of-justice/>.

⁷⁴ <https://www.aljazeera.com/news/2021/10/14/sri-lanka-charges-former-navy-chief-11-killings-civil-war-tamils>.

⁷⁵ <https://www.cpalanka.org/fundamental-rights-applications-challenging-the-decision-to-pardon-sunil-ratnayake/>.

⁷⁶ <https://www.dailymirror.lk/worldnews/breaking-news/Received-full-presidential-commission-report-on-Easter-Sunday-attacks%3A-Cardinal/108-280850>.

⁷⁷ https://reparations.gov.lk/web/images/OR_-_Payments_from_Victim_Fund.pdf.

⁷⁸ https://www.reparations.gov.lk/web/index.php?option=com_content&view=category&layout=blog&id=8&Itemid=282&lang=en.

⁷⁹ https://www.supremecourt.lk/images/documents/sc_107_2011.pdf.

⁸⁰ <https://island.lk/church-slams-promotion-of-tainted-officer/>.

⁸¹ <https://www.cpalanka.org/centre-for-policy-alternatives-cpa-challenges-constitutionality-of-the-appointment-of-inspector-general-of-the-sri-lanka-police-igp/>; <https://www.newswire.lk/2024/03/14/fr-petition-filed-challenging-appointment-of-igp-deshabandu-tennakoon/>.

armed conflict.⁸² These appointments reinforce a sense of impunity, compound victims' suffering and undermine accountability and reconciliation.

IV. Further options for advancing accountability

49. The foremost responsibility for investigating and prosecuting crimes under international law and ensuring accountability lies with the Government of Sri Lanka. A fundamental precondition for meaningful progress is recognition of the State's responsibility for the accountability deficit and an acknowledgement of the serious violations that occurred during the war, and the continuing impact of the atrocities committed.⁸³ A clear and public change of narrative, in combination with a comprehensive roadmap for truth and justice, could contribute to re-establishing trust in the authorities and help to address the profound polarization in the country.

50. OHCHR has highlighted the structural changes that need to be made to advance accountability.⁸⁴ These include: a comprehensive structural reform of the security sector and the judicial authorities, including the establishment of a fully independent AG's office to ensure the necessary impartiality and independence of the different actors involved, and strengthen the separation of powers and checks and balances in the country. The creation of a judicial mechanism with a special counsel, which was recommended and initially accepted by the Sri Lankan authorities as proposed in resolution 30/1 in 2015,⁸⁵ should be reconsidered.

51. Complementary strategies from the international community remain of importance to help break the cycle of systematic impunity. These include using all potential forms of jurisdiction, including under accepted principles of extraterritorial and universal jurisdiction, to investigate and prosecute crimes under international law committed in Sri Lanka, and increasing the degree of mutual legal cooperation in relation to relevant cases between relevant jurisdictions.⁸⁶ States should strengthen judicial and other means of cooperation, amongst other steps, by confidentially exchanging, as far as possible, information about measures they have taken against certain individuals and the underlying evidentiary material. Relevant States should take further advantage of the full potential of the OHCHR repository created pursuant to resolutions 43/1 and 51/1, by proactively sharing relevant information for inclusion in the repository, in addition to making requests for access to relevant material. States could take further measures to facilitate access of persons holding relevant substantial information concerning the commission of violations to investigative authorities abroad, including by granting visas and, when necessary, facilitating permanent relocation.

52. As part of a wider range of measures, States could consider, consistent with international law, imposing and expanding targeted sanctions, including asset freezes, travel bans, and other restrictive measures, against persons credibly alleged to be responsible for gross violations and abuses of international human rights law or serious violations of international humanitarian law.⁸⁷ States should also consider various forms of vetting for Sri Lankan officials credibly implicated in human rights violations. This includes strict application of the UN human rights screening procedures for deployment to UN peacekeeping missions, and similar screening for bilateral exchanges or training opportunities. States could also take steps to avoid persons being able to shelter behind diplomatic privileges and immunities accorded to ambassadors and other diplomatic staff, when such persons have been credibly alleged to have been involved in violations.⁸⁸ Additionally, States should support initiatives to further strengthen and empower victims and CSOs working in the accountability sphere.⁸⁹

⁸² A/HRC/46/20, para.23.

⁸³ A/HRC/46/20, para.52.

⁸⁴ See: A/HRC/51/5, para.68; A/HRC/46/20, para.52.

⁸⁵ A/HRC/30/L.29, para.6.

⁸⁶ A/HRC/51/5, para.64(a).

⁸⁷ *Ibid*, para. 64(b).

⁸⁸ *Ibid*, para. 64(c).

⁸⁹ *Ibid*, para. 64(e).

53. Furthermore, States, multilateral and international institutions and organizations could use their influence on the Sri Lankan authorities to raise concrete concerns about human rights violations and accountability gaps, while pressing for tangible results, in bilateral dialogues and, as appropriate, in the design and implementation of financial and other assistance initiatives. When relevant, States should also support memorialization initiatives organized by diaspora groups outside Sri Lanka.

54. The international legal system offers further opportunities, including through the inter-State complaint mechanisms of treaty bodies,⁹⁰ and/or consideration of proceedings before the International Court of Justice, where provided for by relevant human rights treaties. Efforts have been undertaken by CSOs⁹¹ to request the Prosecutor of the International Criminal Court (ICC), to the extent possible, to exercise jurisdiction over relevant crimes committed in Sri Lanka. The Rome Statute provides opportunities for States to activate the ICC's jurisdiction, including through the UN Security Council formally referring a situation to it.⁹²

55. Through its resolutions 46/1 and 51/1, the Human Rights Council decided, amongst other things, to strengthen OHCHR's capacity in relation to advancing accountability for gross violations of human rights and serious violations of humanitarian law and related crimes committed by all parties in Sri Lanka. To this end, OHCHR established a specialized project team, the OHCHR Sri Lanka accountability project. The team and its work have been impacted over the last year by the UN Secretariat's regular budget liquidity situation.

56. As of 5 July 2024, the repository established by OHCHR's project comprises 96,215 items and contains over 470 different sources, including information provided by more than 220 witnesses and 250 organisations, including international and multilateral organizations. OHCHR continues its engagement with key actors to transfer of relevant data sets of information, consistent with applicable rules. Information contained in the repository is optimized by interlinking different information sets, strengthening the electronic data management system, and using state of the art analytical tools, including trialling artificial intelligence-driven software tools, in a digitally secure environment.

57. Throughout the reporting period, OHCHR has continued to advocate for victims and survivors, and has integrated a victim-centred approach in implementing the mandate. In 2023, OHCHR carried out a series of consultations with victims to explore the impact of enforced disappearances in Sri Lanka. OHCHR is acutely aware of the risks faced by victims, witnesses and human rights defenders working on current and past human rights violations, and as part of responding to these risks, has reinforced its partnership with protection networks and support mechanisms, including psycho-social support.

58. OHCHR has continued its accountability-related investigations of alleged violations, prioritising specific cases in the areas of unlawful killings, enforced disappearances, torture and sexual and gender-based crimes and children's rights. Profiles of allegedly responsible individuals have been strengthened and the team has created mappings of relevant State and non-State structures and actors.

59. OHCHR continues support to judicial and non-judicial proceedings with competent jurisdictions through sharing of relevant information and evidence, in accordance with the United Nations rules and procedures. To date, OHCHR has received official requests from national authorities for information and evidence in relation to 11 named individuals. Moreover, OHCHR has continued dialogues with relevant actors in the accountability context, including CSOs in the field, and uses its mandate and the network it has created to facilitate contact and collaboration between key actors.

⁹⁰ Sri Lanka accepted Human Rights Committee's competence under article 41 of the ICCPR upon ratification on 11 June 1980, and the interstate communication procedure under article 32 of the ICPPED upon ratification on 25 May 2016.

⁹¹ See: Rome Statute of the ICC, articles 12–15.

⁹² *Ibid.*

V. Conclusions and recommendations

60. As Sri Lanka approaches Presidential and Parliamentary elections, it has an opportunity to recommit to the transformational changes demanded by the broad cross-section of Sri Lankans who protested in 2022. The Government has a responsibility – prior, during and after the election period – to fully protect and respect the rights to freedom of expression, association and peaceful assembly, including by refraining from the use of unnecessary or excessive force against protestors, to take measures to prevent and tackle divisive and discriminatory rhetoric and practices, based on religious, gender or other grounds, and prevent election-related and other human rights violations and abuses.

61. The High Commissioner is mindful of the deep impacts the economic crisis and debt burden are having on all Sri Lankans, particularly the poorest and those in other situations of vulnerability. This economic stress is exacerbated for Sri Lanka and many other developing countries by the prevailing global economic situation and international financial architecture. He urges that decisions on economic policy and fiscal consolidation be guided by Sri Lanka's international human rights obligations, including by ensuring adequate social protection. Sri Lanka's external creditors should provide the Government with the fiscal space needed to realise economic, social and cultural rights and to ensure austerity measures do not undermine Sri Lanka's ability to fulfil its human rights obligations.

62. Emerging trends observed during the reporting period, including a continuing lack of respect for fundamental freedoms as evidenced by new regressive laws, erosion of democratic checks and balances, instances of threats, intimidation and violence against victims, civil society actors and journalists and resurfacing of serious human rights violations of the past, are of deep concern.

63. Failure of the Sri Lankan State to specifically recognize victims' suffering, to acknowledge the military and other security forces' role in the commission of gross human rights violations, and to address violations committed in the past and present, has been a key obstacle to the rule of law, democracy, and good governance. Many of the structures and some of the members of the State apparatus credibly implicated in the grave crimes and human rights violations remain in place, preventing meaningful progress in terms of accountability and perpetuating human rights violations. As noted in the report to the 51st Human Rights Council session, entrenched impunity has also been manifested in the corruption and abuse of power that contributed to the economic crisis and drove the popular protests in 2022.

64. Following the elections, the newly elected Government should - as a matter of urgency – pursue an inclusive national vision for Sri Lanka that addresses the root causes of the conflict and undertakes fundamental constitutional and institutional reforms needed to strengthen democracy and devolution of political authority and advance accountability and reconciliation.

65. Fundamental changes are needed for advancing accountability, reconciliation, and preventing future human rights violations and the abuse of power. This includes implementing significant security sector reforms, which should involve vetting to remove those implicated in serious violations and establishing an operational and judicial framework ensuring strict compliance with human rights standards. The Government should undertake the constitutional, legal and institutional reforms necessary to comply with the country's international human rights obligations, prevent the recurrence of grave violations and strengthen democratic and devolved systems of governance. OHCHR continues to stand ready to assist Sri Lanka on this path.

66. The Human Rights Council and individual UN Member States should continue to fill the accountability gap in Sri Lanka by supporting and using the full potential of OHCHR's strengthened capacity to undertake accountability-related work under Human Rights Council resolutions 46/1 and 51/1, and contributing to creating necessary conditions and political will for undertaking meaningful accountability and reconciliation efforts in the country.

67. The following recommendations to the Government build upon the High Commissioner's recommendations in his previous reports.⁹³

(a) Actively promote an inclusive, pluralistic vision for Sri Lanka, based on non-discrimination and protection of human rights for all, including by preventing and condemning speech and action of religious actors that incite discrimination, hatred and violence against women and minority communities;

(b) Ensure the right to political participation through free and fair elections at all levels of government;

(c) Create an enabling environment for transitional justice by implementing confidence-building measures, such as releasing military-held lands, stopping new land seizures in the north and east, releasing all long-term detainees under the PTA, and decriminalizing and supporting victim's memorialization initiatives;

(d) Remove from power and refrain from appointing or promoting credibly alleged perpetrators of human rights violations to high-level positions in the Government, the security sector, or diplomatic postings, as well as any institution, especially those established to achieve transitional justice and accountability;

(e) Immediately impose a moratorium on the *Prevention of Terrorism Act* and ensure that any replacement legislation is consistent with international human rights law and the benchmarks previously laid out by UN human rights experts for counter-terrorism legislation;⁹⁴

(f) Repeal or amend existing laws or proposed laws that unduly restrict the rights to freedom of opinion and expression, association, and peaceful assembly, including the *Online Safety Act*, *ICCPR Act*, draft NGO Bill, and proposed amendment to *Telecommunications Act*;

(g) Publicly issue unequivocal instructions to all branches of the military, intelligence and police forces that arbitrary arrests, extrajudicial killings, torture, sexual violence and other human rights violations are prohibited and will be systematically investigated and punished;

(h) Establish as a matter of urgency an independent prosecutorial authority, separate from the AG's function, to assess relevant information and make independent prosecutorial decisions, including in relation to the cases of human rights violations and violations of international humanitarian law committed in previous decades;

(i) Avoid the involvement of military in law enforcement, commercial and civil affairs and significantly reduce military presence in the Northern and Eastern Provinces;

(j) Order all security agencies and intelligence to immediately end all forms of surveillance and harassment of and reprisals against human rights defenders, journalists, victims of human rights violations and their families, especially women;

(k) Assess and mitigate the impact of austerity measures on the standard of living of disadvantaged and marginalized individuals and groups; and take all appropriate measures to protect that core content of rights under the International Covenant on Economic, Social and Cultural Rights, especially for those individuals and groups;

(l) Assess the negative impact of corruption on the enjoyment of human rights and ensure the adoption of anti-corruption measures aligns with human rights obligations;

(m) Ensure social protection measures reach disadvantaged and marginalized individuals and groups, including by increasing fiscal allocation for social security;

⁹³ A/HRC/46/20, para.60 and A/HRC/49/9, paras.67–69, A/HRC/51/5, paras.70–72; A/HRC/54/20, para.64.

⁹⁴ OL/LKA,7/2021.

(n) Adjudicate land disputes in ways that are transparent, consultative, impartial and non-discriminatory, and ensure interfaith dialogue about the erection of religious sites;

(o) Stop the 'Yukthiya' operations, and release all individual detained under this operation; provide community-based treatment, rehabilitation and harm reduction support to people with drug dependency; and develop and implement a human rights and public health centred drug policy in line with the International Guidelines on Human Rights and Drug Policy;⁹⁵ and

(p) Recognize the competence of the Committee on Enforced Disappearance to receive and consider communications under article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance and accede to the Rome Statute of the ICC.

68. The High Commissioner recommends that the Human Rights Council and Member States, as applicable:

(a) Cooperate in investigating and prosecuting alleged perpetrators of international crimes committed by all parties in Sri Lanka through judicial proceedings in national jurisdictions, including under accepted principles of extraterritorial or universal jurisdiction, through relevant international networks and mutual legal assistance processes, and in cooperation with survivors, families, and their representatives;

(b) Consider using other international legal options to advance accountability in Sri Lanka;

(c) Explore, as part of a wider range of accountability measures and consistent with international law, further targeted sanctions such as asset freezes and travel bans against individuals credibly alleged to have perpetrated gross international human rights violations or serious humanitarian law violations;

(d) Review asylum measures with respect to Sri Lankan nationals to protect those facing reprisals and refrain from any refoulement in cases that present a real risk of torture or other serious human rights violations; and

(e) Support OHCHR to continue its monitoring and reporting and its strengthened work on accountability for human rights violations and related crimes in Sri Lanka.

⁹⁵ <https://www.undp.org/publications/international-guidelines-human-rights-and-drug-policy#>.