

SRI LANKA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Sri Lanka is a constitutional, multiparty, democratic republic with a freely elected government. Presidential elections were held in 2019, and Gotabaya Rajapaksa won the presidency. He resigned amid protests on July 14, and Parliament elected Ranil Wickremesinghe as president on July 21 to serve the remainder of the Rajapaksa term. Wickremesinghe appointed Dinesh Gunawardena as prime minister on July 22. In parliamentary elections in 2020, Prime Minister Mahinda Rajapaksa led the Sri Lankan People's Freedom Alliance and small allied parties to secure a two-thirds supermajority, winning 150 of 225 seats. COVID-19 travel restrictions prevented international observers and limited domestic election observation. Domestic observers described the election as peaceful, technically well managed, and safe considering the COVID-19 pandemic but noted that unregulated campaign spending, abuse of state resources, and media bias affected the level playing field.

The Sri Lanka Police are responsible for maintaining internal security and are under the Ministry of Public Security, formed in November 2020. The president holds the defense portfolio; the military, under the Ministry of Defense, may be called upon to handle specifically delineated domestic security responsibilities that generally do not include arrest authority. The 11,000-member paramilitary Special Task Force, a police entity that reports to the inspector general of police, coordinates internal security operations with the military. Civilian officials maintained control over the security forces. There were reports that members of the security forces, primarily police, committed numerous abuses.

From March through July the country experienced civil unrest driven by an economic crisis including power cuts, soaring food prices, and a fuel shortage. Demonstrations called for the resignation of then President Gotabaya Rajapaksa and other Rajapaksa family members from government leadership, as well as for political and economic reforms.

Significant human rights issues included credible reports of: unlawful and

arbitrary killings, including extrajudicial killings; torture and cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest and detention; transnational repression against individuals in other countries; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; restrictions on freedom of expression and media, including violence and threats of violence against journalists, unjustified arrests of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation and accountability for gender-based violence, including but not limited to domestic and intimate partner violence and sexual violence; crimes involving violence targeting members of national, racial, and ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; laws criminalizing consensual same-sex sexual conduct between adults, even if the laws were not enforced; and restrictions on workers' freedom of association.

The government took minimal steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption, and there was impunity for both.

On May 9, supporters of then Prime Minister Mahinda Rajapaksa attacked a peaceful protest camp in Colombo. In the evening after the attack, violent demonstrators attacked government supporters across the country, killing eight individuals, including a member of parliament, and setting fire to or otherwise severely damaging more than 80 houses of members. The government reported as of September it arrested more than 3,300 persons in relation to the May 9 violence and that more than 2,000 had been released on bail. Civil society groups reported that the majority of those arrested were peaceful protesters, while those who attacked the protest camp were not arrested.

Section 1. Respect for the Integrity of the Person

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. Police are responsible for investigating allegations of unlawful killings by security forces and the Attorney General's Department (AGD) is responsible for filing indictments and prosecuting cases.

On April 19, police opened fire at a protest against a fuel price hike in Rambukkana, killing one civilian, Chaminda Lakshan, and injuring 24 others. On April 29, police arrested Senior Superintendent of Police K. B. Keerthiratne, accused of giving the order to shoot, and three officers who were involved in the incident. Police claimed that the deceased victim had attempted to set fire to a tanker carrying fuel and that police used live ammunition only after attempting to disperse the protest with tear gas. On August 5, the Kegalle High Court granted bail to Keerthiratne and the other arrested police officers. The Human Rights Commission of Sri Lanka (HRCSL) investigated the incident and found that police had used excessive force and recommended a disciplinary inquiry against Keerthiratne. As of October 31, the criminal case continued against Keerthiratne.

According to civil society groups, there were multiple deaths in police custody during the year, with many incidents following a similar pattern. Many deaths occurred when police took suspects to the alleged crime scene as part of an investigation. For example, on August 9, police announced that Thuwan Shirar, a suspect arrested for the August 2 killing of a local government official, fell to his death when Police Special Task Force officers took him to recover a cache of hidden weapons at a granite quarry in Kaduwela. As of October, there was no investigation into the incident.

Lack of accountability for conflict-era violations and past abuses persisted (see section 1.c.). On January 12, a Colombo High Court sentenced former Prisons Commissioner Emil Ranjan Lamahewa to death for the 2012 Welikada Prison riot that resulted in the deaths of 27 inmates. Inspector of Police Neomal Rangajeewa was acquitted and released from all charges in the case. Human Rights Watch and

other international nongovernmental organizations (NGOs) as well as local civil society groups said the verdict did not fully address the events that led to the killings.

On March 31, the Court of Appeal acquitted parliamentarian Premalal Jayasekara of the Sri Lanka Podujana Peramuna and two others, convicted of shooting a group of United National Party supporters at a 2015 political rally for then presidential candidate Maithripala Sirisena, resulting in the death of one individual and injuries to two others. On September 12, Jayasekara was sworn in as the state minister of ports and aviation.

On June 1, the Criminal Investigation Department (CID) arrested former Sri Lanka Freedom Party (SLFP) parliamentarian Duminda Silva after the Supreme Court temporarily suspended his June 2021 pardon. Silva was sentenced to death in 2016 for the 2011 killing of fellow SLFP parliamentarian Bharatha Lakshman Premachandra during local elections but was pardoned in June 2021 by then President Gotabaya Rajapaksa. Civil and political leaders called the move historic and said it may set a precedent in other petitions against recent presidential pardons that promoted impunity. As of October 31, the Supreme Court review of the challenges to the pardon of Silva remained pending.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. The Office on Missing Persons (OMP) reported that as of September 30 it had not received any new complaints of missing persons or enforced disappearances in the year. Disappearances during the war and its aftermath remained unresolved.

In January the Ministry of Justice conducted a program called “Access to Justice: Mobile Services” in the five districts of the Northern Province, during which the Office for Reparations provided a total of 100 million rupees (\$493,000) in compensation to 1,000 individuals, and more than 1,000 persons consulted with the OMP. Many of the recipients were mothers and wives of missing persons. Then Justice Minister Ali Sabry said that the “mobile service aimed to find solutions [to the missing persons issue] internally within the country’s legal framework.”

On February 22, the NGO Center for Human Rights and Development reported

that the Vavuniya High Court reversed a previous ruling that prevented attorneys from representing families of the disappeared and missing persons related to the case of the mass grave found in Mannar in 2018. The High Court ordered the OMP to intervene in and expedite the case. The High Court stated lawyers, press, and representatives of the families of the disappeared could monitor the excavation process. According to the OMP, there are 13 mass graves in the country pending further investigation, most of which are in the northern and eastern provinces.

On March 7, the cabinet approved the appointment of 25 boards of inquiry to expedite OMP investigations into enforced disappearances and missing-person complaints, focusing first on inquiries into 6,025 cases from the year 2000 onwards. On March 15, the cabinet approved a proposal to issue certificates of death or absence to families of disappeared persons, to pay a one-time 100,000 rupees (\$274) allowance to their next of kin, and to provide land where necessary. In October the one-time payment was doubled to 200,000 rupees (\$544). In May OMP Commissioner Shiraz Noordeen resigned and publicly criticized the OMP for failing to act independently to bring justice to victims. On July 27, the government appointed two new OMP commissioners to fill existing vacancies. Separately on August 3, OMP Commissioner and former Inspector General of Police Jayantha Wickremaratne resigned.

The OMP reported 14,988 cases as of August 27 were still to be processed. In September, the OMP established tracing and legal units. Foreign Minister Ali Sabry in his September 12 statement to the UN Human Rights Council (UNHRC) said that as of August, the OMP issued certificates of absence, which may be used for legal proceedings such as access to bank accounts and property deeds, to 1,341 families of missing persons. In October the OMP chairman claimed there was no evidence that persons who surrendered to security forces during the end of the war were missing, and that the majority of disappeared persons were abducted by the Liberation Tigers of Tamil Eelam (LTTE).

In its September 6 report to the UNHRC, the UN Office of the High Commissioner for Human Rights (OHCHR) said the OMP “has not been able to trace a single disappeared person or clarify the fate of the disappeared in meaningful ways, and its current orientation is to expedite the closure of files.” The OHCHR also said that relatives of victims lacked confidence and trust in the OMP as an independent

and credible national mechanism, particularly since 2020, following a series of problematic appointments of chairpersons and commissioners. The report said that apart from the excavation and exhumation of the 2018 Mannar mass grave, the OMP had not taken a proactive approach in investigating other suspected mass grave sites.

Media reported that on April 6 the Court of Appeal agreed to hear a petition filed by former navy Commander Wasantha Karannagoda opposing a case against him for alleged involvement in the abduction and disappearance of 11 individuals from Colombo in 2008 and 2009 (otherwise known as the “Navy 11” case). In May then President Gotabaya Rajapaksa appointed Karannagoda as the chair of a committee to investigate security forces’ failure to control March 31 violence outside the president’s private residence and May 9 violence country wide (see section 2.b.). In August 2021 the AGD announced its intent to drop charges against Karannagoda and in December 2021 Karannagoda was sworn in as governor of North Western Province, following the death of the previous governor. The president’s appointment of Karannagoda prompted accusations from civil society that the government was further entrenching impunity. As of October 31, there was no progress in the “Navy 11” case and the petition filed by Karannagoda opposing the case was pending.

On June 3, the Colombo High Court revoked the bail and ordered the detention of nine military intelligence personnel indicted in the 2010 enforced disappearance and presumed murder of Prageeth Ekneligoda, a journalist and cartoonist for the news website *LankaEnews*. The suspects had been charged in 2019 but released on bail shortly thereafter. The High Court’s custody order came after the attorney for Ekneligoda and a representative of the AGD told the court that witnesses in the case were being influenced.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibit such practices, but authorities reportedly employed them. The law makes torture a punishable offense and mandates a sentence of not less than seven years’ and not more than 10 years’ imprisonment. The government maintained a Committee on the Prevention of Torture to visit sites

of allegations, examine evidence, and take preventive measures on allegations of torture. The Prevention of Terrorism Act (PTA) allows courts to admit as evidence any statements made by the accused at any time and provides no exception for confessions extracted by torture. On March 22, Parliament amended the PTA to include judicial oversight to safeguard against torture but did not remove the clause allowing for the use of confessions made to police while in police custody. International and local NGOs called for the PTA to be further amended or replaced with legislation in line with international standards.

Human rights and civil society organizations alleged that torture and excessive use of force by police, particularly to extract confessions, remained endemic. The HRCSL, for example, noted that many reports of torture referred to police allegedly “roughing up” suspects to extract a confession or otherwise elicit evidence. As in previous years, arrestees reported torture and mistreatment, forced confessions, and denial of basic rights, such as access to lawyers or family members. On November 15, the National Police Commission reported that it received approximately 1,200 complaints against police during the year.

From January to September 30, the HRCSL documented 291 complaints of torture, compared with 302 for all of 2021. In response to allegations of torture, the HRCSL carried out routine visits to detention centers and established a Rapid Response Unit to conduct immediate visits and inquiries. In February the HRCSL established a separate National Preventive Mechanism unit to prevent torture through monitoring and visits to all types of detention centers. The HRCSL reported that as of September the National Preventive Mechanism unit made 15 visits to detention centers throughout the country, covering more than 500 detainees.

On March 10, then President Rajapaksa appointed Lohan Ratwatte as State Minister of Container Warehouse Facilities, Container Yards, Port Supply Facilities, and Boats and Shipping Industry, and on September 8, President Wickremesinghe again swore in Ratwatte to the same state minister position. In October 2021 the Supreme Court ordered a criminal investigation into allegations that Ratwatte (who was then the State Minister of Prisons) threatened to kill Tamil prisoners held under the PTA during a visit to Anuradhapura prison in September 2021. Ratwatte was subsequently forced to resign from his position as state

minister of prisons. As of the end of the year, the criminal investigation continued against Ratwatte.

Impunity remained a significant problem characterized by a lack of accountability for conflict-era violations and abuses, particularly regarding government officials, military, paramilitary, police, and other security-sector officials implicated and, in some cases, convicted of killing political opponents, journalists, and private citizens. During the year there was no significant progress on investigations into deaths in police custody that occurred in 2021. There was very little progress on cases against officials accused of arbitrary, unlawful, or politically motivated killings. Civil society organizations asserted the government, including the courts, was reluctant to act against security forces alleged to be responsible for past abuses, citing high-level appointments of military officials also alleged to have been involved in such abuses.

Prison and Detention Center Conditions

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

Abusive Physical Conditions: Overcrowding was a problem. According to the prisons spokesperson, there was a rise in the number of incarcerations. As of July 21, approximately 20,500 prisoners and suspects were detained in a system with a capacity for 11,768. In November the Department of Prisons reported that there were 25,975 prisoners and suspects detained, of whom 848 were women.

Members of minority racial and ethnic communities were slightly overrepresented in the prison system. In 2020, the Department of Prisons reported that 67 percent of convicted prisoners were Sinhalese, 16 percent were Sri Lankan Tamils, and 14 percent were Moors. It also reported that 61 percent identified as Buddhist, 14 percent as Hindu, 15 percent as Muslim, and 8 percent as Catholic. Inmates lacked basic hygiene facilities and adequate space to sleep. Authorities often held pretrial detainees and convicted prisoners together. In many prisons, inmates slept on concrete floors, and prisons often lacked natural light and ventilation.

Civil society organizations and prison monitoring groups reported that “high-profile prisoners,” kept separate from the general prison population, included many

Muslim detainees who were arrested after the 2019 Easter Sunday attacks. In 2021, a total of 30 children younger than age five were in the prison system staying with their imprisoned mothers.

On June 29, more than 500 inmates at a drug treatment and rehabilitation center in Polonnaruwa escaped following the death of an inmate on June 28. The commissioner general of rehabilitation said that an instructor had questioned an inmate after finding tobacco in his possession, which escalated into a verbal altercation and ultimately resulted in the inmate's death. The Committee for Protecting the Rights of Prisoners alleged that an army officer overseeing the center assaulted the inmate, causing his death. Police recaptured all escaped inmates, and as of October 31, a HRCSL investigation continued into the incident. The commissioner said that he received a report from a separate four-member investigation panel, which was not made public.

Administration: The HRCSL, on its own initiative or after a complaint is reported, investigates complaints and refers them to the relevant authorities when warranted. The HRCSL reported that as of September it received 26 complaints of violations of prisoners' rights.

Independent Monitoring: The Board of Prison Visitors is the primary domestic organization conducting visits to prisoners and accepting complaints; it also has the legal mandate to examine overall conditions of detention. The Board of Prison Visitors functioned as an internal governmental watchdog and was established under the Prisons Ordinance. Its members are representatives of civil society who are otherwise unaffiliated with the government or other state institutions. The HRCSL had a mandate to monitor prison conditions, and police largely respected their recommendations. The HRCSL and International Committee of the Red Cross had access to all prisoners and detainees, regardless of the type of facility.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but there were numerous reports that arbitrary arrest and detention occurred.

Arrest Procedures and Treatment of Detainees

The criminal procedure code allows police to make an arrest without a warrant for offenses such as homicide, theft, robbery, and rape. Alternatively, police may make arrests pursuant to arrest warrants that judges and magistrates issue based on evidence. The law requires authorities to inform an arrested person of the reason for the arrest and arraign that person before a magistrate within 24 hours for minor crimes, 48 hours for some grave crimes, and 72 hours for crimes covered by the PTA. For offenses that are bailable under the Bail Act, instead of arraignment in court, police may release suspects within 24 hours of detention on a written undertaking and require them to report to court on a specified date for pretrial hearings. Suspects accused of committing bailable offenses are entitled to bail, administered by police, before seeing a magistrate. For suspects accused of nonbailable offenses, bail is granted only after appearing before a magistrate and at the magistrate's discretion.

The Bail Act states no person should be held in custody for more than 12 months prior to conviction and sentencing without a special exemption. On March 22, Parliament amended the PTA to reduce the amount of time a detainee could be held without charge from 18 to 12 months; to provide for daily trials to ensure the expeditious disposal of cases; and to allow bail if trial has not commenced within 12 months of arrest or indictment, a timeframe that human rights organizations criticized as significantly longer than recommended by international standards.

If a trial has not commenced within 12 months of indictment under the PTA, the High Court may authorize bail. Otherwise, judges require approval from the AGD to authorize bail for persons detained under the PTA. The AGD provided such approval in some cases. In homicide cases, regulations require the magistrate to detain the suspect, and only the High Court may grant bail. In all cases, suspects have the right to legal representation, although no provision specifically provides the right of a suspect to legal representation during interrogations in police stations and detention centers. The government provided counsel for indigent defendants in criminal cases before the High Court and Court of Appeal but not in other cases; the law requires the provision of counsel only for cases heard at the High Court and Court of Appeal.

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

In June the government announced that it had implemented a de facto moratorium on the use of the PTA since March. Despite this, on August 18, police arrested Inter University Student Federation student leaders Wasantha Mudalige and Hashantha Gunathilake, Buddhist monk Galwewa Siridhamma, and 17 others under a 90-day detention order under the PTA. The arrests were made after police fired tear-gas and water cannons to disperse a student protest in Colombo; all except the student leaders were released on bail on August 20. The families of the detainees and activists criticized the government for cracking down on student leaders who peacefully protested, while the government said they were holding the individuals for multiple violations including alleged connections to the May 9 arson attacks on politicians' homes (see section 2.b.). On October 7, police released Gunathilake and dismissed the case against him. On November 18, the detention orders against Mudalige and Siridhamma expired. Mudalige was then kept in judicial custody under the PTA, while Siridhamma was granted bail on November 23. Later the same day, Siridhamma was taken into custody again on charges under the Public Property Act in connection with a June 10 protest. On December 6, the court released Siridhamma on bail on this case. On December 13, a court ordered Mudalige to remain in judicial custody until his next hearing scheduled for January 17.

As of November 18, civil society estimated that the government released on bail 85 Tamil detainees and approximately 30 Muslim detainees and acquitted six Tamils, as informed by an advisory board's recommendations. Former President Rajapaksa established the advisory board in 2021 to review and expedite cases of those held without charge under the PTA. In July the government informed the OHCHR that the PTA Advisory Board had facilitated the release of 103 persons detained under the PTA between August 2021 and July. According to civil society sources, from January 1 to November 23, a total of 194 PTA detainees including convicted prisoners were released by court on bail, had charges against them

dropped, or were acquitted including eight Tamil convicted prisoners, among whom four were former LTTE members, whom President Wickremesinghe pardoned on October 21. As of November 23, civil society groups estimated that those who remained incarcerated under the PTA consisted of six convicted PTA prisoners, including two at various stages of appeal; and 105 in pretrial detention, including 35 Tamils for offenses related to the LTTE and 70 Muslims in relation to the 2019 Easter Sunday attacks.

The government arrested five prominent Muslims in 2020 and 2021 for alleged involvement in the 2019 Easter Sunday bombings and indicted three of them on speech-related offenses under the PTA. Advocates on behalf of these individuals claimed the government had been unable to produce credible evidence of their alleged connections to terrorist activity and filed fundamental rights petitions at the Supreme Court to free them, although proceedings were delayed for months. By the end of 2021, three were released on bail and one was acquitted, and the last prominent Muslim, Hejaaz Hizbullah, was released on bail on February 9 (see section 1.e.).

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

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

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government sometimes did not respect judicial independence and impartiality. From 2020 to October, the president had sole discretion to appoint all judges of the superior courts. On October 21, Parliament passed the 21st amendment to the constitution which removed the president's sole discretion in appointments and established a constitutional council to play a role in nominations and approvals of presidential appointments to oversight commissions, the superior courts, and key executive branch appointments.

Political opposition and civil society raised alarm concerning former President Rajapaksa's Presidential Commission of Inquiry (PCoI) on Political Victimization report, which alleged the 2015-19 Sirisena government targeted members of the Rajapaksa government and their loyalists with politically motivated investigations and prosecutions. In January 2021, then President Rajapaksa appointed a Special PCoI to implement some of the report's conclusions; after multiple extensions, its mandate lapsed in April. On September 7, the AGD announced that the final report of the PCoI was no longer valid, as the PCoI and the Special PCoI were defunct. On September 18, however, press reported that the Justice Ministry would review the PCoI report recommendations and make its own recommendations to the government. The PCoI generated domestic and international criticism that it was an attempt to interfere with the judicial system and in its September report to the UNHRC, the OHCHR cited the PCoI as an example of entrenched impunity.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The government provided counsel for indigent persons tried on criminal charges in the High Court and the Court of Appeal but not in cases before lower courts.

A shortage of court-appointed interpreters limited the right of Tamil-speaking defendants to free interpretation, as necessary. In several instances, courts tried criminal cases with Tamil-speaking defendants in Sinhala-speaking areas, which

exacerbated the language difference and increased the difficulty of travel for witnesses needed to be present. Few legal textbooks were available in Tamil.

Political Prisoners and Detainees

Some Tamil and Muslim politicians and local human rights activists referred to alleged former Tamil-LTTE combatants, Muslims, or both accused of terrorism-related violent crimes as political prisoners, often being held for their speech, advocacy, or criticism of the government. The government did not acknowledge any political prisoners and claimed the prisoners in question remained detained for terrorist or violent criminal acts. The government permitted access to prisoners on a regular basis by the HRCSL, magistrates, and the Board of Prison Visits. Authorities granted irregular access to those providing legal counsel and reportedly monitored prisoners' visits with counsel.

On February 9, the Puttalam High Court released on bail Muslim human rights lawyer Hejaaz Hizbullah, nearly 22 months after his detention in April 2020. Police originally accused Hizbullah of being connected to the Easter Sunday attacks, but in March 2021 the attorney general indicted him for speech-related offenses under the PTA, the International Covenant on Civil and Political Rights (ICCPR) Act, and the penal code. Numerous activists, human rights lawyers, and international advocates claimed that Hizbullah and the four other prominent Muslims arrested under the PTA were arrested for their religious or political beliefs. As of the end of the year, Hizbullah's trial continued.

Transnational Repression

Threats, Harassment, Surveillance, and Coercion: On August 1, the Ministry of Defense issued an order lifting the ban on six Tamil diaspora organizations and 316 individuals, mostly diaspora Tamils, who had been previously proscribed in March 2021 for allegedly supporting and funding the LTTE, press reported. The delisted organizations were Tamil diaspora groups including the Australian Tamil Congress, the Global Tamil Forum (including its spokesperson Suren Surendiran), the World Dravida Coordination Committee, the Dravida Eelam People's Congress, the Canadian Tamil Congress, and the British Tamil Forum. The Ministry of Defense also proscribed three new organizations and 55 individuals,

primarily Muslims including poet and teacher Ahnaf Jazeem, who had been released on bail under the PTA in 2021. As of October, Jazeem's case continued under the PTA. Diaspora groups and civil society welcomed the delisting but, said that their listing was arbitrary in the first place, and criticized the addition of Muslim organizations and individuals to the proscribed list.

Civil Judicial Procedures and Remedies

Citizens may seek civil remedies for alleged human rights violations through domestic courts up to the Supreme Court.

On October 19, the Supreme Court issued a summons to former President Gotabaya Rajapaksa to appear at a hearing on December 15 in relation to the continuing enforced disappearance of social activists Lalith Weeraraj and Kugan Muruganandan in 2011. Before Rajapaksa became president in 2019, the Jaffna Magistrate Court issued a summons to him as one of the accused in the disappearance cases. During his presidency, the Court of Appeal ruled that Rajapaksa was entitled to immunity and could not be summoned to testify.

Property Seizure and Restitution

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

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

With the amount of seized and inaccessible land remaining in dispute, many of those affected by the HSZs complained that the pace at which the government

demilitarized land was too slow, that the military held lands it viewed as economically valuable for military benefit, and that military possession of land denied livelihood to the local population. According to the acquisition notices, while most of the land acquired was for use as army camps and bases, among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm. Some Hindu and Muslim groups reported they had difficulty officially claiming land they had long inhabited if Buddhist monks placed a statue of Buddha or a bodhi tree on their property, and they described these acts as part of a “colonialization” plan to dilute the concentration of minorities in the north (see section 2.c.).

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The PTA permits government authorities to enter homes and monitor communications without judicial or other authorization. Government authorities reportedly monitored private movements without authorization. During the year, civil society and journalists reported allegations of both online and offline surveillance.

Section 2. Respect for Civil Liberties

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

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

Freedom of Expression: Authorities restricted hate speech, including insults to religion or religious beliefs, through a police ordinance and the penal code. The government requested media stations and outlets refrain from featuring hate speech in their news items and segments. Restrictions on hate speech were applied selectively, with hate speech against Muslims more tolerated than against other groups. There were also reports that authorities attempted to intimidate individuals who criticized the government, including through public statements, questioning by security officials, official visits at their homes, and arrests.

On February 14, police arrested Shehan Malaka Gamage, a civil society activist advocating on behalf of the Easter Sunday bombing victims, for allegedly “exciting or attempting to excite feelings of disaffection to the State,” before releasing him on bail on February 15. On September 28, media reported that the high court indicted Gamage regarding statements he had made about the Easter attack. In August 2021 the CID recorded statements for two days from Malaka after he made comments on Facebook regarding the 2019 attacks, with several Catholic clergy expressing concerns that authorities were preventing Gamage and other individuals from expressing their views on the Easter Sunday investigations.

During the early hours of April 2, Mutuwal police arrested activist and #GoHomeGota Facebook page administrator Anuruddha Bandara at his residence in Gampola under Section 120 of the Penal Code, which addresses attempts to “excite feelings of dissatisfaction to the president or to the government.” Bandara was released on bail on April 3, and in June the case was dismissed. Bandara was again arrested and released on bail in June on different charges related to a protest outside the Presidential Secretariat. As of October this case continued.

According to press reports, on April 9, Additional Secretary to the Ministry of Home Affairs Chandana Tennakoon issued a circular urging public servants not to criticize the government and government policies using social media networks.

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

Reporters alleged that authorities, sometimes in government vehicles, surveilled journalists, especially those covering protests. There were also reported attacks on journalists covering the protest movement that took place from April through July.

On June 7, Kanapathipillai Kumanan, a Mullaitivu-based Tamil journalist, was covering a protest against land acquisition by the navy for a naval camp when a naval officer in uniform threatened him and told him to stop taking photographs, media reported. Police grabbed Kumanan and attempted to seize his media identity card, and the naval officer repeatedly asked police to arrest him. Kumanan was not arrested but civil society reported that he continued to face surveillance and harassment by security forces in the months following the incident.

On July 9, state security forces attacked four reporters and three other media personnel from *Sirasa TV* as they reported on protests outside then Prime Minister Wickremesinghe's private residence, shortly before the residence was set on fire. Wickremesinghe condemned the attack, and the IGP announced an investigation into the incident. On July 11, police announced that Senior Superintendent of Police Romesh Liyanage was suspended for reportedly issuing the command to attack the journalists. Weeks later the IGP reinstated Liyanage to his position. As of year's end, the investigation continued.

In September, Journalists for Democracy in Sri Lanka reported that Balasingham Krishnakumar and Selvakumar Nilanthan, the president and secretary of the Batticaloa District Tamil Journalists Association, were summoned to the Counter-Terrorism Investigation Division (TID) headquarters in Colombo for questioning regarding alleged links to the LTTE. Reporters Without Borders condemned what they said were "constant attempts to intimidate Tamil media personnel" and called on President Wickremesinghe to stop the arbitrary use of "terrorism" accusations against journalists who reported on Tamil matters.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views, including criticism of the government. Most online commentators and journalists shared opinions concerning government policies and politicians, including the president, without fear of consequence.

On several occasions, print and electronic media journalists noted they self-censored stories that criticized the president or his immediate family. The journalists said they had received calls from supporters of the government asking them to refrain from personal attacks on a small number of senior officials. While

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

On March 9, Parliament passed the Data Protection Act to protect personal data. Opposition legislators raised concern regarding the independence of the Data Protection Authority created by the act. Transparency International Sri Lanka and seven media groups under the Sri Lanka Press Institute raised concerns regarding possible infringement on the rights of professional journalism and media freedom. They said that the definitions of personal data provided in the act were arbitrary and that there was no exception for journalists regarding the processing of personal data, meaning that journalists would not be able to proceed with investigations or reporting topics that could include personal data, such as criminal offenses or criminal proceedings.

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

On March 7, Valaichenai Magistrate Court in Batticaloa released on bail freelance Tamil journalist Murugupillai Kokulathasan after 15 months of detention. Kokulathasan was arrested and detained under the PTA in November 2020 and charged with sharing content that glorified the LTTE on social media platforms around the time of the annual *Maaveerar Naal* (Great Heroes Day) commemoration. Reporters Without Borders, which had advocated for Kokulathasan, welcomed his release but called on authorities to drop the charges brought against him.

Internet Freedom

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

cases restricted access to social media.

Shortly after midnight on April 3, the Telecommunications Regulatory Commission restricted access to Facebook, Facebook Messenger, YouTube, WhatsApp, Viber, Twitter, IMO, Instagram, Telegram, Snapchat, and TikTok during a State of Emergency issued by the president (see section 2.b.) but lifted the restrictions later the same day. Media reported that the Ministry of Defense instructed the commission to implement the restrictions to prevent a mass protest planned for April 3. Several government officials, as well as local activists and citizens, publicly stated that they objected to the restrictions. Chairman of the Information and Communication Technology Agency Oshada Senanayake announced his resignation after the brief social media ban.

Restrictions on Academic Freedom and Cultural Events

State university officials reportedly attempted to prevent professors and university students from criticizing government officials. The government interfered with university appointments and credentialing of individuals based on legal activities and political expression.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

From March to July there were large-scale country-wide protests criticizing the government's economic and political policies and calling for all members of the

Rajapaksa family to resign with the slogan #GoHomeGota, which locals referred to as the “antigovernment” protests. The government arrested numerous individuals involved in the protest movement, which protesters eventually called the *Aragalaya* (struggle). Most of the demonstrations were peaceful, with security forces allowing them to proceed and exercising restraint; however, there were instances of violence by security forces, by those protesting in support of the government and its allies, and by *Aragalaya* protestors. There were also reports that authorities infringed upon the freedom of peaceful assembly, including through the declaration of three states of emergency (SOE).

On April 1, then President Rajapaksa declared an SOE and on April 2, imposed a country-wide curfew. Opposition parties and civil society criticized the proclamation, saying it would be used to stifle peaceful antigovernment protests and to make arbitrary arrests and detentions, as it gave the military the authority to conduct searches and make arrests. The Bar Association called for the president to revoke the declaration and respect the fundamental rights of freedom of expression and assembly. The president revoked the SOE on April 5.

Antigovernment protests expanded country-wide in early April, with the epicenter based outside the Presidential Secretariat near Galle Face Green, one of Colombo’s main recreational gathering spaces. The protesters established a village called the GotaGoGama (Gota Go Village) and called for the president’s resignation for his economic mismanagement. The Rajapaksa administration allowed the peaceful demonstrators to occupy Galle Face Green, and the movement expanded to form other “protest villages” across Colombo including in front of the prime minister’s official residence.

On May 9, supporters of then Prime Minister Mahinda Rajapaksa attacked the peaceful protestors at Galle Face Green and outside the prime minister’s official residence and vandalized the protest sites. Despite the SOE and a large police and military presence, media reported security forces did not stop the attack. The attack on protestors was followed by country-wide violence against government supporters during which eight persons were killed, including a government parliamentarian, and more than 80 houses of members of parliament were set on fire or damaged.

Following the violence, on May 10, the Defense Ministry spokesperson sent a text message saying that military forces had been ordered to shoot at those involved in theft of public property or damage to individuals. On May 11, police headquarters issued a similar “shoot-on-sight” press statement to deter further violence. The press statement and text message sparked wide condemnation from local and international civil society groups. Subsequent police statements clarified that police were to use minimum measures necessary to prevent further violence and destruction. On May 19, then Prime Minister Wickremesinghe told Parliament that the military had not been given a shoot-on-sight order but that police could use their discretion under normal procedures. On May 21, the SOE expired.

The government told the OHCHR that as of September it had arrested more than 3,300 persons in relation to the May 9 country-wide violence and that more than 2,000 had been released on bail. According to civil society groups, most of those arrested were protesters, while those who either incited or committed violence in support of the government were not arrested.

During this time, then Prime Minister Wickremesinghe told media that the government would not interfere with May 18 commemorations, a day when Tamils typically memorialize those killed in the final stages of the civil war. On May 18, events proceeded in the North and East Provinces, as well as in Colombo, without major incident, and according to activists, marked a change from previous administrations’ attempts to interfere with Tamil commemorations.

The months of countrywide protests culminated in a massive demonstration in Colombo on July 9, when tens of thousands of protestors overtook and occupied the office and official residence of then President Gotabaya Rajapaksa and the official residence of the prime minister. Footage on social media showed security forces shooting at protestors near one of the entry points to the president’s official residence and attacking protestors who breached the compound. Another video showed protestors attacking a military vehicle. President Rajapaksa resigned on July 14 after fleeing the country, and on July 17, Acting President Wickremesinghe declared another SOE.

On July 22, shortly after Parliament elected Wickremesinghe as president to fill out the remainder of Rajapaksa’s term, the government led a midnight joint police and

military operation to clear protesters from the Presidential Secretariat. The operation came hours after protesters had told media and announced via social media that they would vacate the premise the following afternoon. Media reported that during the operation, 10 protesters were injured, and security forces refused to allow media, lawyers, or ambulances to enter the site until at least 6 a.m. The HRCSL, opposition politicians, civil society, and international organizations strongly condemned the removal of protesters by force. Amnesty International in a statement condemning the operation said, “The right to protest must be protected. Sri Lankan authorities must immediately cease these acts of violence and release those arrested unlawfully in this manner.” On July 27, Parliament approved the SOE, extending it a month. On August 16, the president announced that he would not seek to extend the SOE further as the situation in the country had normalized, and on August 18, the SOE expired.

In the months after assuming power, President Wickremesinghe arrested several dozen protest leaders on various charges related to the protest movement since April (see section 1.d.). A large majority of those arrested were released on bail, and as of October their cases remained pending. Civil society activists noted the arrests were politically fueled.

On September 23, President Wickremesinghe declared several areas in Colombo as High Security Zones (HSZs). These included key government buildings and surrounding areas: the president’s and prime minister’s offices and official residences, military and police headquarters, court complexes, and parliament. Under the rule, public gatherings and processions were forbidden within the HSZs without high-level police approval. Opposition parties, civil society, and unions criticized the move as an attempt to suppress protests, and an activist filed a September 26 fundamental rights petition challenging the regulation in the Supreme Court. Defense Secretary Kamal Gunaratne claimed the requirement for police approval to protest in these areas would not hinder the public’s daily lives nor rights, citing protestors’ earlier takeover of the Presidential Secretariat as a justification for the new guidelines. On October 1, President Wickremesinghe revoked the previous order and removed the HSZs.

Freedom of Association

The law provides for freedom of association but imposes restrictions on NGOs and criminalizes association with or membership in banned organizations. Religious organizations, including Muslim and Christian groups, reported incidents of intimidation (see section 2.c.).

During the year, civil society reported allegations of monitoring, surveillance, intimidation, and harassment of civil society organizations, religious organizations, human rights defenders, and families of victims of rights violations. Harassment included repeated visits by the TID, the CID, and other state security services, who questioned organizations regarding their staff, finances, and activities. Human rights activists alleged unknown actors believed to be state security officials would call them, issuing threats, alleging staffers had supported terrorism, or suggesting the activists were being surveilled. Organizations that received frequent visits were in three overlapping categories: those located in the North and East provinces; those whose key activities focused on human rights, accountability, or transitional justice; and those publicly known to engage with the international community.

On July 22, President Wickremesinghe moved the NGO Secretariat, which handles government oversight of NGO operations including inspections of NGO finances, from the Ministry of Foreign Affairs to the Ministry of Public Security. NGOs and civil society groups said the move reflected the government's deep distrust of civic activism. Reporting requirements to the NGO Secretariat included quarterly work plans and progress reports that had to be broken down by individual districts (of which there are 25).

Some organizations reported those organizations that fell under the secretariat's authority were compelled to seek prior approval for submitting proposals and subsequently for project activities, faced imposition of strict rules and conditions to obtain approvals, received directives on how to apportion or use financial resources, and faced badgering and criticism during approvals of their annual plans. Smaller organizations reported that they believed they were compelled to attend meetings convened by the secretariat, and that failure to do so would result in their organizations' activities and approval being adversely affected. On

October 5, the government appointed Sanjeewa Wimalagunaratna as director general of the NGO Secretariat, a move that many in civil society welcomed due to Wimalagunaratna's reputed support for and understanding of NGOs.

NGOs receiving foreign funding reported that police officers, including TID and CID agents, visited their offices or called them in (sometimes asking them to travel to Colombo from other provinces) for lengthy and sometimes repeated interrogations related to their project funding and activities. NGO Secretariat officials explained that the CID investigations were based on Central Bank of Sri Lanka counterterrorist financing and anti-money-laundering regulations and that the CID was the correct statutory body to conduct such investigations. Some private individuals and businesses reported being subjected to similar investigations.

c. Freedom of Religion

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

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

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

In-country Movement: In July the Colombo Magistrate Court imposed a travel ban on six high-profile activists who participated in the Aragalaya protest movement, saying that they were witnesses to a continuing investigation. Civil society groups said the travel bans were part of a government crackdown on protests. There were also reports that the government confiscated the passports of witnesses to the May 9 attack on peaceful protesters. Lawyers and civil society groups said that this move was unprecedented and alleged that it was a government attempt to deter additional witnesses from cooperating with the investigation.

e. Protection of Refugees

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

Access to Asylum: The law does not provide for the granting of asylum or refugee status. Remaining in the country as a recognized refugee is not permitted, however refugees were present and remained in the country during the year. A 2005 memorandum of understanding allows UNHCR to operate in the country to conduct refugee registration and status determinations. But with no legal or policy framework on asylum in the country, ability to enter the country to seek asylum remained difficult, with one known instance of refoulement in 2021 and one during the year. UNHCR also facilitated durable solutions for refugees in the form of resettlement to third countries. The government relied on UNHCR to provide food, housing, and education for refugees in the country and to pursue third-country resettlement for them. Asylum seekers, however, had to rely on the support of NGOs for basic needs.

Access to Basic Services: The law does not permit refugees and asylum seekers to work or enroll in the government school system, but many worked informally, which meant they typically earned low wages and did not benefit from traditional workplace protections (see section 7.e.). Refugees and asylum seekers registered with UNHCR had access to free health care in state hospitals. As of October 31, there were 178 asylum seekers and 576 recognized refugees registered with UNHCR in the country. In addition to the UNHCR resettlement process, refugees and asylum seekers depart to countries on private sponsorship of refugee programs. According to UNHCR, 21 refugees and seven asylum seekers departed during the year under the private sponsorship programs.

f. Status and Treatment of Internally Displaced Persons

The country's civil war, which ended in 2009, caused widespread, prolonged displacement, including forced displacement by the government and the LTTE, particularly of Tamil and Muslim civilians. The Ministry of Urban Development

and Housing is responsible for internally displaced person (IDP) matters. The government had policies in place for IDPs' safe and voluntary resettlement or return to their land but did not always effectively implement them. Most IDPs continued to reside in Jaffna, Kilinochchi, Mannar, and Batticaloa Districts in the north and east. While all IDPs had full freedom of movement, most were unable to return home due to land mines; restrictions designating their home areas as part of HSZs; lack of economic opportunities; inability to access basic public services, including acquiring documents verifying land ownership; lack of government resolution of competing land ownership claims; and other war-related reasons.

As of May 2021, a total of 38,025 families, including 4,989 refugee returnees from India, had been resettled in Jaffna, and 20,823 acres of land had been returned, with a government priority of resettling an additional 245 internally displaced families living in 16 welfare centers in Jaffna. The Ministry of Urban Development and Housing reported that at the end of 2021 there were 8,767 individuals from 2,909 families that remained to be resettled.

In a speech in Parliament on August 3, President Wickremesinghe stated there are many land problems that need to be resolved. The September OHCHR report stated that according to the government, from 2009 to June the armed forces released 2.6 million acres of private land or approximately 92 percent of the land previously held by the military, with a further 53 acres proposed for release. Civil society groups reported that during the year, there were several attempts by security forces to legally acquire land that the military already occupied, and to acquire new land to expand existing military bases in the Northern and Eastern provinces.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: After former Prime Minister Mahinda Rajapaksa resigned amid

pressure from protests in May, former President Gotabaya Rajapaksa appointed Ranil Wickremesinghe as prime minister. On July 20, in a secret ballot vote, the Parliament elected Wickremesinghe, who had been serving as acting president since Gotabaya Rajapaksa's July 14 resignation, as president to complete former President Gotabaya Rajapaksa's term through 2024. The vote by Parliament to elect Wickremesinghe as president after Rajapaksa's resignation followed procedures outlined in the constitution.

Parliamentary elections were held in August 2020. The ruling Sri Lanka Podujana Peramuna (SLPP) Party won 59 percent of the vote, or 145 seats, just shy of the two-thirds majority (150 seats) it sought. The SLPP reached a two-thirds majority coalition with the support of smaller, progovernment parties that ran independently of the SLPP but joined or aligned with the SLPP-led Sri Lankan People's Freedom Alliance. The Samagi Jana Balawegaya Party came in second, with 24 percent of the vote and 54 seats. The United National Party, the country's founding political party, won just under 3 percent. The parliamentary elections were conducted peacefully, with few reported violations, no violence, and public-health guidelines largely adhered to by voters.

On January 11, Public Administration, Provincial Councils, and Local Government Minister Janaka Bandara Tennakoon issued a gazette extending by one year, to March 2023, the term of the country's 341 elected local government bodies. The last local government elections were held in 2018, with members serving four-year terms.

Political Parties and Political Participation: There were no reports of restrictions on political parties participating in elections except for those prohibited due to terrorist affiliations.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. There were reports of harassment of women and minority candidates prior to the parliamentary elections in 2020. Although women formed most of the electorate, only 5 percent of elected parliamentarians were women. Local government continued to follow a mandated quota of 25 percent of seats reserved for women. The International Foundation of Electoral Systems, however,

reported that the Sri Lankan Election Commission lacked an enforcement mechanism for the local government quota.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year.

Corruption: Corruption remained a significant and continuing problem, including at the highest levels of government. International companies frequently reported requests for bribes on matters ranging from customs clearances to government procurement. In February the Colombo High Court alleged that the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) often made contradictory statements and did not act independently. As part of the protest movement, Aragalaya protestors criticized the government for perpetuating endemic corruption, citing it as one of the reasons for the country's deteriorating economic situation. In its September report to the UNHRC, the OHCHR urged the government to address impunity for corruption and abuse of power.

On June 6, the Colombo High Court convicted Minister of Urban Development and Housing and Chief Government Whip in Parliament Prasanna Ranatunga of extorting 64 million rupees (\$179,000) from a businessman in 2015 when Ranatunga was the Western Province chief minister. The High Court judge sentenced Ranatunga to two years imprisonment, suspended him from his ministerial position for five years, and ordered him to pay a 25 million rupee (\$70,000) fine. Then Prime Minister Wickremasinghe told Parliament on June 8 that Ranatunga had the right to appeal the verdict, and until any appeals have been concluded, Parliament could not decide on his position as chief government whip.

On August 29, the Colombo High Court served a second indictment on SLPP member of parliament and former Cabinet Minister Johnston Fernando in a case in which he allegedly directed employees of the Co-Operative Wholesale Establishment to engage in political work while he was minister of cooperation and internal trade from 2012 to 2014. Fernando was released on bail, subject to a

travel ban. The investigative unit of CIABOC filed five indictments against Fernando in this case. Police also named Fernando a suspect in the May 9 attack on peaceful protesters and in June issued a warrant for his arrest. On June 9, Fernando surrendered to the court and was granted bail. As of October 31, the cases against Fernando continued.

During the year Basil Rajapaksa, former finance minister and brother of the former president, was acquitted in three corruption cases. The cases included a 2015 misappropriation of funds where Rajapaksa was accused of printing five million almanacs with the image of former President Mahinda Rajapaksa to be used as election propaganda during the 2015 presidential polls, a separate 2015 misappropriation of funds case related to compensation and gratuity projects of the Divineguma Development Department, and a 2013 case where Rajapaksa was charged with embezzling government funds to purchase land. The three cases represented the last of five total cases filed by the 2015-19 Sirisena government against Basil Rajapaksa. As of October 31, he had been acquitted or had charges withdrawn in all five cases since his SLPP party came to power in 2019.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Retribution against Human Rights Defenders (HRDs): Numerous human rights defenders reported police and security services continued a high degree of monitoring and surveillance of them through “burdensome and arbitrary” reporting requirements and harassment and intimidation during in-person home and office visits. These visits were often followed by additional visits, letters, or telephone calls. The frequency of these actions varied depending on the organization or individual’s mission or geographic location, with those in the north and east reporting the greatest number of follow-up actions. Individuals reported that the

visits caused distress, anxiety, and other mental health problems for themselves and their families, as well as affecting their work. In its September report, OHCHR noted that women were particularly affected by surveillance, intimidation, and harassment, given their prominent role in advocating for justice.

On September 8, the Mannar Social and Economic Development Organization (MSEDO) complained to the HRCSL Vavuniya office concerning continuing harassment of its female staffers by intelligence services. According to MSEDO, officers in plainclothes visited the residence of a woman staff member in Vavuniya multiple times, asking for personal details and about her work. MSEDO said that surveillance intensified after the North-East Coordination Committee, an umbrella group of 14 organizations, started a campaign of 100 days of activism calling for a political solution and dignified rights for communities in the North and East, who mainly identify as being either Tamil or Muslim.

The United Nations or Other International Bodies: On September 12, the OHCHR issued a report recognizing that the country is “experiencing an unprecedented economic crisis and is now at a critical juncture in its political life, bringing into sharp focus the indivisibility of human rights.” The OHCHR urged the government to address longstanding human rights and reconciliation concerns and address economic crimes. It also noted that the government had six pending requests for visits by UN special procedures.

On October 6, the UNHRC passed Resolution 51/1 to advance human rights, justice, accountability, and reconciliation in the country. The resolution extended for two years the OHCHR mandate established by the previous UNHRC Resolution 46/1 for the collection and analysis of information and evidence of gross human rights violations or serious violations of international humanitarian law. The government rejected the OHCHR accountability mandate and the entire October 6 resolution and declared its provisions could not be implemented without the government’s consent. During the year the government did not implement a mechanism to hold accountable military and security personnel accused of atrocities during the 1983-2009 civil war as called for in 2015 by UNHRC Resolution 30/1.

Government Human Rights Bodies: The HRCSL has jurisdiction to investigate

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

A memorandum of understanding between the United Nations, the HRCSL, the Ministry of Defense, and the Ministry of Law and Order, finalized in 2018, determined the HRCSL is responsible for vetting military and police participants in peacekeeping operations.

Following a special review, in October 2021 the Global Alliance of National Human Rights Institutions (GANHRI) recommended downgrading the HRCSL accreditation from A-status to B-status, largely due to the lack of an independent process to appoint commissioners and concerns regarding the HRCSL's effectiveness. GANHRI finalized and communicated the decision to the HRCSL in November. The HRCSL continued to undertake inquiries into incidents related to the protests and issued statements on topics such as the declaration of a state of emergency and the temporary suspension of access to social media platforms.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape and domestic violence, but enforcement of the law was inconsistent. The law does not criminalize rape of men but does criminalize “grave sexual abuse.” The prescribed penalties for rape

are seven to 20 years' imprisonment and a fine. For domestic violence, a victim can obtain a protection order for one year and request a maintenance allowance. The law prohibits spousal rape only if the spouses are legally separated.

Women's organizations reported police and judiciary responses to rape and domestic violence incidents and cases were inadequate. In November member of parliament Rohini Kumari Wijerathna told local media that there was a backlog of 5,000 sexual violence cases in the courts. The police Bureau for the Prevention of Abuse of Women and Children conducted awareness programs in schools and at the grassroots level to encourage women to file complaints. Police continued to establish women's units in police stations. Services to assist survivors of rape and domestic violence, such as crisis centers, legal aid, and counseling, were scarce nationwide due to a lack of support. NGOs reported that many police officers did not have adequate gender sensitivity training to deal with survivors of sexual violence, and that there was a lack of Tamil-speaking judicial medical officers.

Several microfinance institutions were reported to have hired employees to recover loans, and reports of demands for sexual favors in exchange for repayment were common.

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

Sexual Harassment: Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Sexual harassment was common and

was a particularly widespread problem in public transport. In March a study by the country's University Grants Commission reported that 17 percent of surveyed state university students had experienced sexual harassment. The United Nations and local NGOs reported that women were the most prevalent target of online hate speech.

On November 12, media reported that senior police officers harassed two women who were protesting peacefully in Colombo. Following this, media reported that male police officers manhandled two female police officers who were also at the scene, including a senior officer grabbing the neck of a female colleague. Local NGOs and politicians condemned the police officers' behavior. A police spokesperson said a police Special Investigation Unit initiated an investigation into the incident, which continued as of year's end.

On November 14, the women's group of the main political opposition party, the SJB, held a Colombo protest calling to end sexual harassment and violence against women ahead of the International Day for the Elimination of Violence Against Women. Police arrested a group of protesters. Later that day, women demonstrated in front of Cinnamon Gardens Police Station requesting the release of those who had been detained. Police arrested additional protesters, including prominent SJB member, women's group organizer, and former member of parliament Hirunika Premachandra. Police told local media they arrested a total of 14 women and one man in relation to the protests.

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

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

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

information and means to do so, free from discrimination, coercion, or violence, however some NGOs reported that sex education in the country was inadequate, especially after the closure of some family planning facilities due to COVID-19.

No significant legal, social, or cultural barriers adversely affected access to contraception or to skilled health care workers in attendance during pregnancy and childbirth. In August the UN Population Fund reported that approximately 99 percent of women give birth at health facilities assisted by medical personnel. The UN Population Fund noted, however, that the economic crisis led to shortages of essential medication and supplies and severely impacted the delivery of sexual and reproductive health services, including access to maternal health care and contraception. Some NGOs reported that Tamils working in the plantation sector had less access to health services and experienced rates of infant and maternal mortality that were higher than the national average.

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

Women and girls had access to menstruation hygiene; however, local media reported that rising prices due to the economic crisis meant some individuals could not afford menstrual hygiene products. In October the government removed taxes on sanitary napkins.

Discrimination: Women have equal rights to men under civil and criminal law, although societal discrimination existed throughout the country. Adjudication of questions related to family law, including marriage, divorce, child custody, and inheritance, varied according to the customary law of each ethnic or religious group, resulting in discrimination. The National Police Commission increased the number of women officers at each post.

On November 8, the Supreme Court rejected petitions filed by Muslim women to lift a ban on women applying for appointment as *quazis*, or Islamic judges, who rule on matters related to the Muslim Marriage and Divorce Act. Muslim women

consider that act to be discriminatory due to provisions that allow for polygamy, do not require a minimum age for marriage, allow young women to be married without their consent, and bar women from serving as quazis.

Systemic Racial or Ethnic Violence and Discrimination

Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, housing, health services, language laws, and procedures for naturalization of noncitizens. Throughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, and NGO staff and former or suspected former LTTE members.

Throughout the year, Muslim civil society and religious organizations in different parts of the country reported monitoring and harassment by security forces, which they said increased after the 2019 Easter Sunday terrorist attacks. As of October 4, according to civil society groups, approximately 175 Muslims remained in detention in alleged connection with the Easter Sunday attacks (see section 1.d.).

On March 3, the government removed all restrictions on burials of COVID-19 victims, ending a mandatory cremation policy enacted in 2020 that primarily affected the Muslim community. In October 2021 then President Rajapaksa appointed a 13-member presidential task force to implement his “One Country, One Law” campaign pledge and named general secretary of the Buddhist group Bodu Bala Sena and Buddhist monk Galagodaaththe Gnanasara Thero as chairman. On June 29, the task force submitted its final report with 43 wide-ranging recommendations. In August President Wickremesinghe told the Sri Lanka Muslim Congress that he would neither accept the report nor act on its recommendations (see sections 1-5 for incidents affecting racial and ethnic minority groups, and section 2.c. for problems impacting religious minority groups).

Indigenous Peoples

The country’s Indigenous people, known as Veddas, reportedly numbered fewer

than 1,000. Some preferred to maintain their traditional way of life, and the law generally protected them, although some faced land encroachment. They freely participated in political and economic life without legal restrictions, but some did not have legal documents.

Children

Birth Registration: Children obtain citizenship from their parents. Citizenship was provided on a nondiscriminatory basis.

Child Abuse: There remained a significant level of public concern regarding the high incidence of violence, including sexual violence, against children, as well as incidents of online violence and bullying. A 2021 study by the University of Sri Jayawardenapura found a higher prevalence of child sexual abuse reported in the war-affected northern part of the country, where mostly Tamils reside, and in areas associated with the tourism industry. There was also growing concern regarding the impact of the economic crisis on vulnerable children, including access to food and basic services. In August the UNICEF regional director for South Asia said that there were increasing reports of abuse, exploitation, and violence against children due to the mounting economic pressure. Women reported that children faced increased sexual abuse from family members when mothers traveled abroad for employment.

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

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

procedure code. In these instances, police file a formal complaint sheet and begin a judicial medical process. The attorney general files indictments for child abuse cases exclusively in high courts.

As of October, the NCPA received 6,000 complaints of child abuse. (See section 7.c. for other examples.)

Child, Early, and Forced Marriage: Civil law sets the minimum legal age for marriage at 18 for both men and women, although girls may marry at age 16 with parental consent. According to the penal code, sexual intercourse with a girl younger than 16, with or without her consent, amounts to statutory rape. The provision, however, does not apply to married Muslim girls older than 12. The Muslim Marriage and Divorce Act, which applies only to Muslims, permits the marriage of girls as young as 12 with the consent of the bride's father, other male relatives, or a quazi.

On November 17, Parliament amended the Kandyan Marriage and Divorce Act to repeal the provision that allowed for marriage of minors with parental consent and amended the Children and Young Persons Act to increase the age of a minor from 16 to 18.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child sex trafficking, and practices related to child pornography, but authorities did not always enforce the law. The minimum age for consensual sex is 16.

As of December, the cases continued against those arrested for the June 2021 trafficking incident of a girl, age 15, in Mount Lavinia.

Displaced Children: IDP welfare centers and relocation sites exposed children to the same difficult conditions as adult IDPs and returnees in these areas (see section 2.f.).

Antisemitism

The Jewish population was very small. There were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual conduct between adults. Those convicted of engaging in same-sex sexual activity face 10 years' imprisonment. Although prosecutions were rare, human rights organizations reported police used the threat of arrest to assault, harass, and sexually and monetarily extort lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

On August 5, President Wickremesinghe amended the July 18 emergency regulations, issued after the SOE proclamation, to remove penal code sections 365 and 365A, which criminalized "voluntary carnal intercourse against the order of nature" and "acts of gross indecency between persons," and are used by police to arrest LGBTQI+ persons. This came after LGBTQI+ rights groups raised concern that the inclusion of 365 and 365A could lead to arrests and ultimately life sentences for persons convicted under the articles.

Violence against LGBTQI+ Persons: A 2021 report from Equal Ground, an organization that advocates for LGBTQI+ rights in the country, documented that approximately 10 percent of LGBTQI+ persons who responded to a national survey had experienced physical assault due to their sexual orientation or gender. Some LGBTQI+ persons reported that they feared being arrested for their sexuality if they went to police.

On August 29, media reported the Kaduwela magistrate granted a lesbian woman an interim protection order against her abusive parents in a first-of-its-kind ruling. Police had prosecuted the woman for her sexuality, but a pro bono legal team successfully defended her and had the case dismissed. Following the case's dismissal, the woman filed for a protection order against her parents, who

continued to harass her.

Discrimination: Antidiscrimination laws do not prohibit discrimination based on sexual orientation and gender identity, and discrimination was widespread. The AGD, however, has stated the constitution implicitly grants equal rights to LGBTQI+ persons and protects them from discrimination.

In March the UN Committee on the Elimination of Discrimination against Women (CEDAW) found that authorities subjected Rosanna Flamer-Caldera, an activist and founder of Equal Ground, to gender-based discrimination and violence. CEDAW said that the government did not respect or protect Flamer-Caldera's right to a life free from gender-based violence after she faced harassment by police, media, and the public due to her LGBTQI+ advocacy work.

On June 26, media reported that police in Ampara District in the Eastern Province arrested two women after they allegedly expressed a desire to get married and the father of one woman lodged a police complaint. The court ordered the women to undergo a psychiatric evaluation before releasing them on June 27.

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

Availability of Legal Gender Recognition: Transgender persons may request a Gender Recognition Certificate if they wish to change the sex on their birth certificate. The Ministry of Health provides specialist psychiatric services to the transgender community. Transgender persons, however, reported the process to obtain a certificate was overly burdensome and included a mandatory psychiatric evaluation, which they said was difficult to obtain. The HRCSL reported that it received complaints of problems with the name and sex change process at registrar offices, and said it intervened on behalf of the complainants.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of so-called conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Members of the LGBTQI+ community faced the same restrictions of freedom of expression, association, or peaceful assembly as those from the non-LGBTQI+ community. On June 25, LGBTQI+ activists involved in the Aragalaya protests held a large Pride parade in Colombo, the first of its kind. Organizers did not seek police permission, as police had rejected similar requests in previous years. Activists said the continuing protests and the economic crisis made the parade a success but were skeptical concerning the environment to continue public Pride parades. LGBTQI+ communities in Jaffna conducted Pride month public awareness events and held a Pride parade.

Persons with Disabilities

Various laws forbid discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel, other public transportation, and access to health care. In practice, however, discrimination and accessibility issues occurred in employment, education, and provision of state services, including public transportation. Children with disabilities attended school at a lower rate than other children. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. Disability rights groups alleged the government showed no interest in taking steps to implement further protections for persons with disabilities.

There are legal provisions for assisted voting of persons with disabilities. Anyone with a partial or full visual or physical disability may complete their ballot with the assistance of a person of their choice or the senior presiding officer if they are unable to be accompanied by an assistant. According to the Asian Network for Free Elections, most polling stations had stairs or steps, affecting wheelchair accessibility.

Other Societal Violence or Discrimination

Persons who provided HIV prevention services and groups at high risk of infection with HIV reportedly suffered discrimination. In addition, hospital officials reportedly publicized the HIV-positive status of their patients and occasionally refused to provide health care to persons with HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

Seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but a union must represent 40 percent of workers at a given enterprise before the law obligates the employer to bargain with the union. Unions that do not meet the 40 percent threshold may merge with others and operate as one. The International Trade Union Confederation reported that employers used the 40 percent threshold to refuse to bargain with unions. The law does not permit public-

sector unions to form federations or represent workers from more than one branch or department of government. The Labor Ministry may cancel a union's registration if it fails to submit an annual report for three years.

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

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

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

The government generally respected workers' freedom of association and the right to bargain collectively. Public-sector unions staged numerous work stoppages, including as part of the country-wide antigovernment protest movement. Several unions participated in the protests and called for political and economic reform (see section 2.b.). For example, on April 28, more than 1,000 trade unions representing ports, railways, village officers, and the petroleum, health, banking,

and education sectors held a one-day strike to support the protests against the government.

On June 8, then President Rajapaksa declared health and electricity as essential services under the Essential Public Services Act (EPSA) and prohibited strikes in these sectors. According to the EPSA, any employee of the designated institutions who does not attend work can face two to five years of prison and a fine. Media reported that the objective of the declaration was to prevent a strike by two Ceylon Electricity Board (CEB) unions against an amendment to the CEB Act 2009 that allowed investments in renewable energy without competitive bids. The amendment was part of a government attempt to break CEB's monopoly on electricity transmission and power purchasing.

While some unions in the public sector were politically independent, most large unions were affiliated with political parties and played prominent roles in the political process. Unions alleged that employers often indefinitely delayed recognition of unions to avoid collective bargaining; decrease support for unionization; or identify, terminate, and sometimes assault or threaten union activists. The Ministry of Labor requires labor commissioners to hold union certification elections within 30 working days of an application for registration if there was no objection, or within 45 working days if there was an objection.

On August 3, police arrested General Secretary of Sri Lanka Teachers' Union Joseph Stalin – a prominent trade union leader who was active in the protest movement – for violating a court order during a May 28 protest march. The court order, issued by a Colombo magistrate, outlined parameters for the May 28 protest, including restricted areas and instructions to not disrupt those engaged in official work. Police alleged the protesters violated these parameters. Civil society widely condemned Stalin's arrest. Stalin was granted bail by the Colombo Fort Magistrate's Court on August 10. As of December, the case against Stalin continued.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor. The government did not effectively enforce the laws due to inadequate resources, inspections, and

remediation efforts, as well as a lack of identification of forced labor cases. Labor Ministry inspections did not extend to domestic workers except in the event of a report of underage domestic workers. The government sporadically prosecuted labor agents who fraudulently recruited migrant workers.

Children between the ages of 16 and 18 and women working as live-in domestic workers in some homes were vulnerable to forced labor (see section 7.c.).

Traffickers exploited men, women, and children in forced labor. Traffickers recruited women from rural areas with promises of urban jobs in the hospitality sector, salons, spas, and domestic work but exploited some in forced labor. While conditions for most tea plantation workers on larger corporate tea estates met international certification standards, such as Fair Trade, some smaller tea estate owners exploited men and women in bonded labor.

In a July report, the UN special rapporteur on contemporary forms of slavery acknowledged progress achieved in preventing child labor and noted historically strong trade unions, while highlighting that women and girls have been disproportionately affected by contemporary forms of slavery in the country. The report said that in the plantation sector, women typically pick tea leaves, while men serve in other roles. Due to low wages for tea pickers, women must work twice as long as men to earn the same salary. The UN report also noted the prevalence of women falling into debt bondage due to predatory microfinance companies. The HRCSL said women targeted by microfinance companies, especially in the Eastern Province, faced harassment, sexual abuse, and threats.

Also see the Department of State's *Trafficking in Persons Report*:

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at

<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination, including with respect to employment

and occupation, based on race, religion, language, caste, sex, political opinion, or place of birth. The law does not prohibit employment or occupational discrimination based on skin color, sexual orientation or gender identity, age, HIV-positive status, or status regarding other communicable diseases.

Women face a range of workforce restrictions, including caps on overtime work and limits on nighttime shifts. Women are prohibited from working at night in the services sector. In March, UN Women reported that this led some employers to hire fewer women. UN Women also reported that there were sociocultural norms about what jobs were suitable for women, and that some employers had stereotypical perceptions regarding capacities for women and men that led to gender-based discrimination. On June 27, the Cabinet of Ministers approved removing the requirement for women with children over the age of two to provide a family background report to government authorities to be eligible for foreign employment, typically domestic work. Employers are required to bear the full cost of providing maternity-leave benefits to their employees for 12 weeks.

The labor market was characterized by high unemployment and low labor force participation for women. The 2021 Department of Census and Statistics *Labor Force Survey* found that the labor force participation rate was 71 percent for men and 32 percent for women. Most of the women who were economically inactive reported the reason as engagement in housework. The unemployment rates were 4 percent for men and 8 percent for women. A woman between the age of 25 and 39 seeking employment was 3.8 times more likely to be unemployed than a man in the same age cohort seeking employment. An estimated 55 percent of employees in the public sector were men and 45 percent were women. In contrast, 70 percent of employees outside the public sector were men and only 30 percent were women. Monthly average income was less for working women than for working men. For monthly salary earners, women received on average 18 percent less than males. For daily wage earners, women earned 44 percent less than men.

Throughout the year, the economic crisis affected employment and access to basic goods and services. The OHCHR in its September report said that vulnerable population segments including daily wage earners and women-headed households were at particular risk of losing livelihoods and income.

According to civil society, some primarily Tamil and Muslim groups in the north and east reported experiencing employment and occupation barriers. The UN special rapporteur report on contemporary forms of slavery said that Malaiyaha Tamils, who typically work in the plantation sector, faced discrimination based on their ethnicity and were vulnerable to labor exploitation. Some members of the LGBTQI+ community reported having been refused employment or forced out of work due to their sexual orientation. There were no reports of employment discrimination based on HIV status.

The government did not always effectively enforce antidiscrimination laws, and discrimination based on the above categories occurred with respect to employment and occupation. Penalties were commensurate with those under laws related to civil rights, such as election interference. Penalties were sometimes applied against violators.

e. Acceptable Conditions of Work

Wage and Hour Laws: Parliament revised the national minimum wage law in 2021 to include a daily minimum wage and increase the monthly minimum by 12.5 percent. The Department of Labor's wage boards continued to set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum private-sector and public-sector wages were above the government's official poverty line. In March, however, the Industrial Global Union and the National Labor Advisory Council said that due to the economic crisis and inflation, wages were no longer sufficient to meet basic needs and called for an increase in the minimum wage.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-one-half-day workweek). In addition, the law stipulates a rest period of one hour per day. Regulations limit maximum overtime hours to 15 hours per week. Overtime pay is 1.5 times the basic wage and is paid for work beyond 45 hours per week and work on Sundays or holidays. The provision limiting basic work hours is not applicable to managers and executives in public institutions. The law provides for paid annual holidays.

On September 26, the Ministry of Labor and Foreign Employment introduced a

new pension scheme for Sri Lankan migrant workers, which they can join when they go abroad for employment. Workers who direct a minimum monthly amount to the scheme for four years will be eligible for a monthly pension after reaching 55 years of age.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards. Workers have the right to remove themselves from dangerous situations, but many workers had no knowledge of such rights or feared that they would lose their jobs if they did so. OSH standards in the rapidly growing construction sector, including infrastructure development projects such as port, airport, and road construction, as well as high-rise buildings, were insufficient. Employers, particularly those in the construction industry, increasingly used contract employment for work of a regular nature, and contract workers had fewer safeguards. Labor regulations apply whenever a company has at least one permanent employee, but seasonal workers are not necessarily covered.

The Industrial Safety Division of the Department of Labor compiles annual information on workplace safety. During 2020 (latest data available), 71 fatal and 1,116 nonfatal workplace accidents were reported to the Department of Labor.

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

Authorities did not effectively enforce OSH standards in all sectors. The Labor Ministry's resources, inspections, and remediation efforts were insufficient. The number of labor inspectors was insufficient for the country's workforce.

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

Informal Sector: According to the *2021 Labor Force Survey*, approximately 58 percent of the country's workforce was employed in the informal sector. In agriculture, approximately 89 percent of employment was informal. Statistics for the year were not available, but NGOs reported the economic crisis increased the number of persons working in the informal sector, and exacerbated vulnerabilities. Legal entitlements enjoyed by formal-sector workers such as Employees Provident Fund, Employees Trust Fund, paid leave, gratuity payments, and security of employment were not available to a large majority of the workforce in the country. Labor inspectors did not monitor wages or working conditions or provide programs or social protections for informal-sector workers.

In October the World Bank reported that informal workers, many of whom earn low wages, did not benefit from job-linked social benefits. Approximately 70 percent of informal sector workers did not receive pensions or any old age protection.