



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the sixth periodic report of Sri Lanka\*

1. The Committee considered the sixth periodic report of Sri Lanka<sup>1</sup> at its 3969th, 3970th and 3971st meetings,<sup>2</sup> held on 8 and 9 March 2023. At its 3988th meeting, held on 21 March 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the sixth periodic report of Sri Lanka and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative measures:

- (a) Office on Missing Persons Act No. 14 of 2016;
- (b) Local Authorities Elections (Amendments) Act No. 16 of 2017;
- (c) Assistance to and Protection of Victims of Crime and Witnesses (Amendment) Act No. 27 of 2017;
- (d) Office for Reparations Act No. 34 of 2018;
- (e) International Convention for the Protection of All Persons from Enforced Disappearance Act No. 5 of 2018;
- (f) Land Development (Amendment) Act No. 11 of 2022.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

- (a) International Convention for the Protection of All Persons from Enforced Disappearance, on 25 May 2016;

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\* Adopted by the Committee at its 137th session (27 February–24 March 2023).

<sup>1</sup> [CCPR/C/LKA/6](#).

<sup>2</sup> See [CCPR/C/SR.3969](#), [CCPR/C/SR.3970](#) and [CCPR/C/SR.3971](#).

<sup>3</sup> [CCPR/C/LKA/RQ/6](#).

<sup>4</sup> [CCPR/C/LKA/Q/6](#).



- (b) Convention on the Rights of Persons with Disabilities, on 8 February 2016;
- (c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 5 December 2017.

## C. Principal matters of concern and recommendations

### Constitutional and legal framework

5. While noting that the State party's constitutional reform process is still under way, the Committee is concerned about the significant delay in finalizing this process and the lack of information on its current status. It is concerned that, despite proposals made by the Subcommittee on Fundamental Rights of Sri Lanka in 2019, the Constitution does not include explicit guarantees of the Covenant rights, such as the right to life, the right not to be subjected to enforced disappearance, the right to privacy and the right to security of person, or a detailed list of prohibited grounds of discrimination, including sexual orientation and gender identity. While welcoming the adoption of the twenty-first amendment to the Constitution in October 2022, aiming to limit the power of the executive presidency in the appointment of oversight institutions, the Committee is concerned that that amendment still appears to allow the executive presidency to have undue influence on the independence of oversight institutions, including the judiciary, due to the fact that the Constitutional Council is still dominated by members of the political parties in parliament. The Committee is also concerned about the frequent amendments made to the Constitution, broadening and limiting the powers of the executive presidency, which have implications for the independence of the oversight institutions responsible for protecting the rule of law and human rights, including the Human Rights Commission of Sri Lanka. The Committee regrets that, while the current system of judicial review of legislation is limited to pre-enactment review, there appears to be no plan to establish judicial review mechanisms over questions related to the constitutionality of enacted legislation (art. 2).

#### 6. The State party should:

(a) **Expedite and finalize its constitutional reform process with a view to bringing its constitutional framework into full compliance with the Covenant and ensuring that the separation of powers and institutional checks and balances between the executive and oversight institutions, including the judiciary, entrusted with protecting human rights are fully respected and are not subject to arbitrary removal by future amendments;**

(b) **Safeguard, in law and in practice, the full independence and impartiality of members of the Constitutional Council and other officials responsible for upholding the rule of law and human rights, including by ensuring that their appointments are in compliance with the Covenant and relevant international standards;**

(c) **Provide judicial review mechanisms for the constitutionality of both draft and enacted legislation.**

### Implementation of the Covenant and its Optional Protocol

7. In the light of its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant and, while noting that, in January 2016, the State party declared a policy to acknowledge the receipt of and consider new individual communications brought before the Committee, the Committee reiterates<sup>5</sup> its concern about the Supreme Court's 2006 decision in the *Singarasa* case, in which the Court found that the State party's accession to the Optional Protocol was unconstitutional. The Committee is also concerned about the lack of information on the implementation of Views adopted under the Optional Protocol to the Covenant and of a specific procedure for the implementation of those Views in the State party (art. 2).

<sup>5</sup> CCPR/C/LKA/CO/5, para. 6.

8. **In view of the Committee's previous recommendations,<sup>6</sup> the State party should give full effect to the Committee's Views and ensure access to effective remedies when violations of the Covenant are committed. In doing so, it should establish a dedicated mechanism for the implementation of the Views adopted. Furthermore, it should provide the Committee, in a timely manner, with the information requested on the measures taken to implement all the Views adopted, as requested under the Committee's follow-up to Views procedure.**

#### **Human Rights Commission of Sri Lanka**

9. While noting the adoption of the twenty-first amendment to the Constitution, aiming to restore the independence and effectiveness of the Human Rights Commission of Sri Lanka, the Committee regrets that the Global Alliance of National Human Rights Institutions downgraded the Commission to B status because of, among other things, the lack of transparency in the appointment process and of pluralism in its membership and staff (art. 2).

10. **The State party should take all necessary measures to ensure that the Human Rights Commission of Sri Lanka fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should ensure transparency in the appointment process of members of the Commission and provide the Commission with sufficient human and financial resources to carry out its mandate effectively and independently in all parts of the country.**

#### **Fight against impunity and past human rights violations**

11. The Committee is deeply concerned about the extreme delay in bringing to justice perpetrators of past human rights violations that occurred during the conflict. It regrets that domestic legislation does not criminalize war crimes, crimes against humanity or genocide. It is concerned that, despite credible evidence of war crimes, the Court of Inquiry convened by the Sri Lankan Army found that no civilian casualties had been caused by army operations between 2006 and 2009 and that allegations of systematic use of torture and sexual violence at Joseph Camp in Vavuniya remain unaddressed. The Committee expresses its concern about reports of interference in and obstruction of judicial and investigative processes by politicians and members of security forces. It is particularly concerned about the recommendations made by the commission of inquiry to investigate allegations of political victimization, which led to the withdrawal of charges in many emblematic cases, including the abduction of 11 Tamil individuals by Navy officials in 2008 and 2009 and the killings of Tamil Members of Parliament Nadaraja Raviraj and Joseph Pararajasingham. It is also concerned about the continued appointment and promotion of military personnel accused of war crimes during the conflict, which fosters a climate of impunity.

12. While noting the amendment made to the Assistance to and Protection of Victims of Crime and Witnesses Act of 2015, the Committee remains concerned that victims, their relatives and witnesses are not provided effective protection and continue to face threats, intimidation and harassment. While also noting the establishment and operation of the Office for Reparations and the Office on Missing Persons, it is concerned by the lack of progress in clarifications of the whereabouts and fate of persons subjected to enforced disappearances, appointments to these bodies of individuals implicated in past human rights violations and interference in the prosecution of such cases, which deter victims and their relatives from seeking justice. While noting the State party's information that former combatants are eligible for reparations pursuant to the Office for Reparations Act No. 34 of 2018 and are included in social services schemes, it regrets reports that they lack adequate access to such information and other services, including medical care (arts. 6, 7, 9, 14 and 26).

13. **The State party should intensify its efforts to ensure accountability for all past human rights violations, including extrajudicial killings, enforced disappearances, torture and sexual violence, that occurred during the conflict. To this end, it should take all necessary measures:**

<sup>6</sup> Ibid.

(a) **To promptly, independently and thoroughly investigate all cases of past human rights violations and prosecute and, if found guilty, punish perpetrators with penalties commensurate with the gravity of the offences. In doing so, it should ensure that there is no undue interference in, or obstruction of, the judicial or investigative processes by politicians and military personnel;**

(b) **To provide victims of past human rights violations or their relatives with full reparations, including adequate compensation, and other legal, medical, psychological and rehabilitation services, including through the Office for Reparations, protect, in law and in practice, victims, their relatives and witnesses against threats, intimidation, harassment and reprisals and ensure that victims and their families have adequate access to information about their rights and available remedies;**

(c) **To refrain from appointing or promoting alleged perpetrators of human rights violations to high-level positions in the Government, the security sector and any other institutions established to achieve transitional justice and accountability;**

(d) **To establish a dedicated accountability mechanism that is fully independent, impartial and transparent to investigate alleged violations of international human rights and humanitarian law and strengthen its cooperation with international bodies, such as the Office of the United Nations High Commissioner for Human Rights, with a view to allowing victims to have adequate access to effective remedies and to achieving transitional justice and accountability.**

#### **States of emergency**

14. In the light of the State party's frequent declarations of states of emergency, the Committee is concerned that Public Security Ordinance No. 25 of 1947 allows the emergency regulations to override any law, except the Constitution, that its section 8 prevents any declaration from being challenged in court and that sections 9 and 23 guarantee immunity for officials acting in "good faith". It is also concerned that serious human rights violations, including deaths, injuries, arbitrary arrests and detention of protestors and blanket bans on social media, occurred during the states of emergency following the Easter Sunday bombings in April 2019 and during the mass protests from April to May 2022 (arts. 4 and 6).

15. **The State party should ensure that its national legal framework on emergencies, including Public Security Ordinance No. 25 of 1947, is in line with the Covenant, particularly its article 4, as interpreted in the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency. It should also ensure that the measures are strictly required by and proportional to the exigencies of the situation and are limited in duration, geographical coverage and material scope. If the State party avails itself of the right of derogation, it should immediately inform other States parties to the Covenant, through the intermediary of the Secretary-General, of the rights that it has derogated from in time of public emergency and the reasons therefor, in accordance with article 4 (3) of the Covenant.**

#### **Counter-terrorism measures**

16. While noting the amendment made in 2022 to the Prevention of Terrorism Act, the Committee remains concerned that the Act continues to permit prolonged pretrial detention, of up to 12 months, without charge, contains a broad definition of terrorism and is used to legitimize the targeting of minorities, in particular Muslims and Tamils, critics of the Government and lesbian, gay, bisexual and transgender individuals, and to extract confessions through torture. It is also concerned about reports of deaths in custody of individuals detained under the Act and impunity in relation to such deaths (arts. 4, 7, 17, 19, 21 and 22).

17. **The State party should take concrete measures:**

(a) **To repeal the Prevention of Terrorism Act and replace it with legislation that narrows the definition of terrorism and is compatible with the Covenant and the principles of legal certainty, predictability and proportionality;**

(b) **To ensure that the legislative process for enacting a new anti-terrorism or national security law is inclusive and transparent and facilitates the free, open and meaningful participation of a wide range of stakeholders, including the Human Rights Commission of Sri Lanka, civil society and the public;**

(c) **To ensure that individuals suspected of, or charged with, terrorist acts or related crimes are provided, in law and in practice, with all appropriate legal safeguards, in particular the rights to be informed of the charges against them, to be brought promptly before a judge and to have access to legal counsel, in line with article 9 of the Covenant and the Committee's general comment No. 35 (2014) on liberty and security of person;**

(d) **To facilitate independent, effective and regular monitoring of all places of detention without prior notice and on an unsupervised basis, including by the Human Rights Commission, to carry out inspections of the situation of individuals detained under the Prevention of Terrorism Act;**

(e) **To ensure that all deaths in custody are promptly, independently and effectively investigated, that perpetrators are held accountable, with penalties commensurate with the seriousness of the crimes, and that victims' families are provided with full reparations.**

#### **Discrimination on the basis of sexual orientation and gender identity**

18. While noting the Supreme Court's pronouncement that consensual same-sex activity should not result in custodial sentences, the Committee remains concerned that lesbian, gay, bisexual and transgender persons continue to face criminalization under sections 365, 365A and 399 of the Penal Code and discrimination on a daily basis, including in accessing health care, employment and housing. It is also concerned by reports that lesbian, gay, bisexual and transgender persons are victims of arbitrary arrests and detention and are subjected to forced anal examinations in an attempt to gather evidence for prosecutions for same-sex conduct. It regrets that police officers handling cases of violence against lesbian, gay, bisexual and transgender persons often treat the victims as criminals (arts. 2, 7, 9, 17 and 26).

19. **Bearing in mind the Committee's previous recommendations,<sup>7</sup> the State party should step up its efforts:**

(a) **To repeal provisions of the Penal Code, including sections 365, 365A and 399;**

(b) **To provide effective protection against all forms of discrimination and violence, including abuse by police officers, on the basis of sexual orientation and gender identity, both in law and in practice, and ensure that such violations are promptly and effectively investigated, that perpetrators are held accountable, with penalties commensurate with the seriousness of the crimes, and that victims have access to full reparations;**

(c) **To combat negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including through training and awareness-raising campaigns for judges, prosecutors, law enforcement officials and the general public.**

#### **Gender equality**

20. While noting the amendment made to the Land Development Ordinance of 1935, which removed certain discriminatory provisions, the Committee is concerned that discriminatory provisions against women remain in force in the areas of marriage, inheritance and property, as set out in personal laws, including the Muslim Marriage and Divorce Act of 1951 and the Jaffna Matrimonial Rights and Inheritance Ordinance of 1911. While noting the positive impact of the mandatory quota for women in local government positions, the Committee regrets the low political representation of women at the national and provincial levels and allegations of harassment and verbal attacks, including defamatory and sexist

<sup>7</sup> Ibid., para. 8.

comments made by politicians and high-level public officials, against women members of parliament and candidates. The Committee notes with concern continuing patriarchal attitudes and discriminatory stereotypes regarding the roles of men and women and the portrayal of women in the media (arts. 2, 3, 25 and 26).

**21. The State party should step up its efforts to guarantee, in law and in practice, gender equality. In particular, it should take all necessary measures:**

**(a) To repeal and amend discriminatory provisions in its statutory and customary law, in particular in personal laws, including the Muslim Marriage and Divorce Act and the Jaffna Matrimonial Rights and Inheritance Ordinance;**

**(b) To achieve the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at the national and provincial levels, in particular in decision-making positions, including by means of temporary special measures, such as quotas;**

**(c) To protect female candidates and politicians from harassment, verbal attacks and violence, including by denouncing and sanctioning such acts;**

**(d) To eliminate gender stereotypes about the roles and responsibilities of women and men in the family and in society, including through awareness-raising campaigns, and encourage media outlets to portray women as active participants in public and political life.**

#### **Violence against women, including domestic violence**

22. The Committee is concerned by the prevalence of violence against women, including domestic and sexual violence, sometimes in the form of sexual bribery, in particular of widows and divorcees and those seeking information on detainees or government services. It is particularly concerned that the underreporting of violence against women persists owing to the sociocultural customs condoning such violence, the lack of trust in the police and the judiciary and the existing obstacles to effective access to justice, such as the mandatory participation of victims in mediation. It is also concerned about reports of long delays in investigating cases of violence against women and of arbitrary outcomes, very low conviction rates and ineffective sanctioning of perpetrators. While noting the State party's information on the partial implementation of the National Action Plan to Address Sexual and Gender-Based Violence 2016–2020, the Committee regrets the lack of specific information on its impact on the reduction of violence against women or on the increase in prosecutions of such cases (arts. 2, 3, 6, 7 and 26).

**23. The State party should intensify its efforts:**

**(a) To encourage the reporting of cases of violence against women, including by ensuring that all women have access to a range of forms of reporting and information about their rights and available remedies and addressing negative societal attitudes affecting reporting, including through awareness-raising campaigns;**

**(b) To investigate all allegations of violence against women, including domestic and sexual violence, marital rape and sexual bribery, prosecute and, if found guilty, punish perpetrators with penalties commensurate with the gravity of the offences and provide victims with full reparations, other legal, medical, psychological and rehabilitation services and means of protection, including access to adequately resourced shelters throughout the State party;**

**(c) To provide appropriate training of public officials, including judges, prosecutors, lawyers and law enforcement officers, on identifying and handling cases of violence against women, including domestic and sexual violence;**

**(d) To adopt legislation that explicitly prohibits marital rape.**

#### **Death penalty**

24. While noting the State party's long-standing moratorium on the death penalty, the Committee is concerned about the continued and frequent use of the death penalty. It is also

concerned that the death penalty remains mandatory for certain crimes, that offences that do not meet the threshold of the “most serious crimes” within the meaning of article 6 (2) of the Covenant are punishable by death and that certain crimes punishable by death are explicitly excluded from being granted pardons or commutations. It notes with concern the lack of requested information on steps taken to abolish the death penalty and ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty (art. 6).

**25. Recalling the Committee’s general comment No. 36 (2018) on the right to life, the State party should take all measures necessary, including legislative action, to ensure that the death penalty is applied only for the most serious crimes, it is never mandatory and pardon or commutation of the sentence is available in all cases, regardless of the crime committed. The State party should also ensure that, if imposed at all, the death penalty is never imposed in violation of the Covenant, including in violation of fair trial procedures. The Committee encourages the State party to give due consideration to abolishing the death penalty, maintaining its moratorium on the death penalty and acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment**

26. The Committee is deeply concerned about the widespread practice of torture and ill-treatment by police and security forces in places of detention, which has resulted in deaths in custody, in particular against those arrested and detained under the Prevention of Terrorism Act. It is concerned that confessions obtained under torture have been admitted as evidence in courts and that magistrates have the competence but not the obligation to move a detainee who reports torture or ill-treatment to a safe location. It regrets the lack of requested information on the number of allegations of torture and ill-treatment made during the reporting period, and the outcomes thereof (arts. 2 and 7).

**27. The State party should take immediate measures to eradicate torture and ill-treatment, including by ensuring that:**

(a) **All cases of torture, ill-treatment and deaths in custody are promptly, independently and thoroughly investigated, perpetrators are brought to justice and adequately sanctioned and victims receive full reparations;**

(b) **Complainants are protected against reprisals, all cases of reprisal are promptly, independently and thoroughly investigated and perpetrators are prosecuted and, if convicted, punished;**

(c) **Confessions obtained through torture and ill-treatment, in violation of article 7 of the Covenant, are not accepted by courts under any circumstances and the burden of proving that the confession was made voluntarily falls upon the prosecution;**

(d) **Interrogation rooms in police stations and other places of deprivation of liberty are equipped with audio- and video-recording devices and such devices are used to prevent torture and ill-treatment;**

(e) **Judges, prosecutors, lawyers, security officers and law enforcement officials receive regular training in the field of human rights, including on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).**

#### **Liberty and security of person**

28. The Committee is concerned by reports of arbitrary arrests and detention of anti-government protestors, trade unionists, Tamils and Muslims, including Muslim women for wearing a niqab. It is also concerned that arrested or detained persons do not always enjoy all the fundamental legal safeguards from the very outset of their detention, including the rights to have prompt access to a lawyer, to have access to a doctor of their own choice and to be brought promptly before a judge. It is further concerned about the extensive use of prolonged pretrial detention, inconsistent bail provisions, ineffective access to non-custodial alternatives and the failure of the authorities to take into account the length of pretrial detention when determining the final sentence (arts. 9 and 14).

29. **The State party should redouble its efforts to ensure that:**

(a) **All allegations of arbitrary arrests and detention, in particular of critics of the Government, protestors, trade unionists and members of minority groups, are promptly, effectively and independently investigated, that those responsible are brought to justice and that victims are provided with full reparations;**

(b) **All persons deprived of their liberty are afforded, in law and in practice, all the fundamental legal and procedural safeguards from the outset of their detention, in particular, the rights to promptly contact a family member or any other person of their choice, to have prompt and confidential access to a qualified and independent lawyer or, when needed, to free legal aid, in line with the Basic Principles on the Role of Lawyers, to have access to a medical examination by an independent doctor and to be brought promptly before a competent, independent and impartial court within a maximum period of 48 hours;**

(c) **Pretrial detention is only used as an exceptional measure and for a limited period of time, the use of alternative measures to pretrial detention, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), is increased, and the length of pretrial detention is properly taken into account when a final sentence is determined.**

#### **Independence of the judiciary**

30. The Committee is concerned that the Judicial Service Commission, which is responsible for the appointment, promotion and transfer of judges of first instance courts, is composed of three Supreme Court judges appointed by the President, which allows undue influence by the executive branch. It is also concerned by reports of retaliation or pressure on judges of the Supreme Court and the Court of Appeal through politicized and vague removal procedures and regrets the lack of information provided on concrete protection measures against the arbitrary removal of judges (art. 14).

31. **The State party should take all measures necessary to ensure the full independence and impartiality of the judiciary and the public prosecution service and guarantee that they are free to operate without any type of undue pressure or interference from the executive and legislative branches. In doing so, it should:**

(a) **Ensure that the procedures for the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors, and also ensure that the entities responsible for such procedures, such as the Judicial Service Commission, are able to discharge their functions independently and impartially without political interference;**

(b) **Review and revise the current removal procedures against judges with a view to ensuring that removal is not utilized to retaliate against or exert undue pressure on judges.**

#### **Administration of justice**

32. The Committee is concerned by the excessive delays in trials and the ensuing backlog of cases, including cases of serious crimes against children. It further regrets that Tamil-speaking individuals do not have equal access to justice owing to the limited use of the Tamil language in judicial proceedings and the lack of interpretation and translation services (art. 14).

33. **The State party should take all measures necessary to:**

(a) **Effectively reduce the court backlog, including by increasing the financial resources allocated to the judiciary and increasing the availability of trained judges, prosecutors and public defenders;**

(b) **Provide for free translation and interpretation services for all defendants who do not understand or speak the language used in court.**



### **Internally displaced persons**

34. While noting the efforts made by the State party to resettle internally displaced persons and to return private land held by the military to its civilian owners, the Committee remains concerned about reports of new land grabs by the military using threats and intimidation, as well as of partial land releases, with the military retaining the control of neighbouring land. It is also concerned about the forced resettlement of the Tamil community as a result of annexation of their traditional land by the authorities for irrigation and development purposes, and the lack of reparations provided to the affected community. It notes with concern reports of frequent land disputes in relation to the construction of Buddhist archaeological heritage and forestry conservation sites, especially in provinces largely inhabited by Tamils and Muslims, which have undermined reconciliation and led to new conflicts. It expresses its concern about the continued expansion of and increase in military zones, security-related infrastructure and military-owned businesses in the Northern and Eastern Provinces, despite the State party's commitment to reducing the military presence in those provinces (arts. 2, 7, 12 and 26).

**35. The State party should intensify its efforts to recognize and protect the rights of internally displaced persons and provide them with durable solutions, such as adequate housing, in consultation with them and in accordance with the Covenant, the Guiding Principles on Internal Displacement and other relevant international standards. In particular, it should take all necessary steps:**

(a) **To ensure that private land held by the military is fully returned to its legitimate civilian owners;**

(b) **To cease military land grabbing and land annexation, especially of Tamil lands, with a view to preventing forced resettlement of the Tamil community, and provide full reparations to members of the affected community;**

(c) **To ensure that land disputes are impartially adjudicated with a view to preventing the continuation and escalation of ethno-religious tensions and conflicts;**

(d) **To reduce military operations and presence in the Northern and Eastern Provinces with a view to minimizing their adverse impact on the livelihoods of internally displaced persons and returnees.**

### **Treatment of refugees and asylum-seekers**

36. While noting the State party's information on protection measures taken for refugees and asylum-seekers in the immediate aftermath of the Easter Sunday bombings in 2019, the Committee remains concerned about reports that refugees and asylum-seekers face increased discrimination and hostility, continue to be subjected to arbitrary arrest, detention and deportation and are not provided with sufficient protection (arts. 2, 7, 12 and 26).

**37. The State party should take all necessary measures to enhance protection of refugees and asylum-seekers. To this end, it should:**

(a) **Introduce dedicated legislation governing the rights of refugees and asylum-seekers and relevant procedures, in conformity with the Covenant and other international standards, including the principle of non-refoulement, and consider ratifying the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness;**

(b) **Ensure that all allegations of discrimination and violence against refugees and asylum-seekers are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished and that the victims obtain redress;**

(c) **Raise awareness, including through information campaigns, among the public and relevant public officials, such as judges, prosecutors, lawyers, law enforcement officers and immigration personnel, to combat stereotypes of and negative attitudes towards refugees and asylum-seekers, in particular on the basis of ethnicity and religion.**

### Freedom of conscience and religious belief

38. While noting that the Constitution recognizes Buddhism, Islam, Hinduism and Christianity, the Committee notes with concern that Buddhism continues to be granted “the foremost place” under its article 9. It is concerned about continuing ethno-religious hostility targeting religious minority groups and about persisting discrimination, violence, hate speech and misinformation, on- and offline, and incitement to hatred and violence against such groups. It is also concerned about reports of discrimination and attacks on places of worship of religious minorities (arts. 2, 19, 20 and 26).

39. **The State party should step up its efforts to guarantee the right to freedom of religion or belief for everyone and address tensions among ethnic and religious communities. To do so, it should:**

(a) **Combat discrimination, hate speech and incitement to hatred and violence, which amounts to persecution, aimed at ethnic and religious minorities and ensure that any such acts are promptly, independently and effectively investigated, that perpetrators are held accountable, with penalties commensurate with the seriousness of the crimes, and that victims have access to full reparations;**

(b) **Take measures to diminish existing ethno-religious tensions, including by creating opportunities for open dialogue between various ethnic and religious groups, allowing for public discussions on existing tensions and conflict, promoting inter-ethnic and interreligious harmony and tolerance and overcoming prejudices and negative stereotypes, including in schools and universities and in the media.**

### Freedom of expression

40. The Committee is concerned about reports of severe restrictions on freedom of opinion and expression in the State party, such as:

(a) Harassment, intimidation, surveillance, disappearances and killings, with impunity, of journalists, human rights activists and other media workers, including the disappearance of the journalist and activist Prageeth Ekneligoda in 2010, the murder of the journalist Lasantha Wickrematunge in 2009 and the killing of 17 employees of the non-governmental organization Action against Hunger in 2006;

(b) The misuse of the International Covenant on Civil and Political Rights Act No. 56 of 2007 to stifle freedom of expression, as well as the failure of the authorities to grant bail in a timely manner to individuals charged under the Act;

(c) The blocking of public access to social media platforms ahead of and during anti-government protests in 2022, as well as possible restrictions on freedom of expression online set out in the proposal, approved by the Cabinet of Ministers in April 2021, to draft legislation on false and misleading statements on the Internet (arts. 6, 9 and 19).

41. **The State party should take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restrictions on the exercise of freedom of expression comply with the strict requirements of articles 19 (3) of the Covenant. In doing so, the State party should:**

(a) **Effectively prevent and combat acts of harassment, intimidation and violence, including extrajudicial killings and enforced disappearances, against journalists, media workers, human rights defenders and other civil society actors to ensure that they are free to carry out their work without fear of violence or reprisals;**

(b) **Conduct prompt, effective and impartial investigations into allegations of threats or violence against journalists, media workers, human rights defenders and other civil society actors, bring the perpetrators to justice and provide victims with effective remedies, including compensation;**

(c) **Refrain from prosecuting and imprisoning, including under the International Covenant on Civil and Political Rights Act, journalists, media workers,**

**human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions;**

**(d) Ensure that any restrictions imposed in law and in practice on online freedom of expression are in line with the Covenant, particularly its articles 19 (3) and 20.**

#### **Right of peaceful assembly and association**

42. The Committee is concerned that the State party's Constitution subjects the right to freedoms of peaceful assembly and association to additional restrictions pertaining to racial and religious harmony, which is utilized to target ethnic and religious minorities and restrict their freedoms of peaceful assembly and association. It notes with concern the use of excessive force in dispersing peaceful assemblies, the application of counter-terrorism legislation against protestors and the lack of effective investigations and prosecutions in these cases. It is concerned about onerous requirements for the registration of non-governmental organizations and frequent denials of requests from organizations working on politically sensitive issues. It also regrets allegations of harassment and surveillance of members of civil society by the police and intelligence services (arts. 21, 22 and 26).

43. **The State party should:**

**(a) Review and amend its law and practices to ensure that individuals fully enjoy their right of peaceful assembly and association and ensure that there is a meaningful, open and transparent consultation with civil society organizations and any other relevant stakeholders in all revision exercises;**

**(b) Ensure that any restrictions on the right of peaceful assembly and association, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of articles 21 and 22 of the Covenant;**

**(c) Ensure that allegations of excessive use of force during peaceful assemblies and of harassment, violence and surveillance of members of civil society are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished and that the victims obtain redress;**

**(d) Ensure that law enforcement officials and security officers regularly receive appropriate training on the right of peaceful assembly and association, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

#### **Participation in public affairs**

44. The Committee is concerned about reports that Sinhala-centric language practices in public institutions have excluded Muslims and Tamils from participation in public affairs. It is also concerned about reports of vote-buying, political bribery and attempts to hinder and deter members of minorities from voting, including by means of violent attacks and unauthorized roadblocks, during the presidential elections in 2015 and 2019. It notes with concern the lack of information on specific steps taken to protect the independence of the Election Commission to enable it to independently carry out its mandate in accordance with the law. It regrets that the local government elections, which had been scheduled for 9 March 2023, did not take place owing to a reported lack of funding and were postponed repeatedly (arts. 25 and 26).

**45. The State party should ensure the full enjoyment of the right to participate in public affairs, in particular for members of ethnic, linguistic, and religious minority groups, and bring its electoral regulations and practices into full compliance with the Covenant, including article 25 thereof. In particular, it should ensure that all allegations of electoral irregularities are promptly, effectively and independently investigated and that perpetrators are brought to justice. In this regard, it should ensure the effective and independent functioning of the Election Commission and also ensure that the scheduled local government elections do take place.**

**D. Dissemination and follow-up**

46. The State party should widely disseminate the Covenant, its first Optional Protocol, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the other official languages of the State party.

47. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 24 March 2026, information on the implementation of the recommendations made by the Committee in paragraphs 10 (Human Rights Commission of Sri Lanka), 17 (counter-terrorism measures) and 29 (liberty and security of person) above.

48. The Committee requests the State party to submit its next periodic report by 26 March 2029 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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