

# Parallel Information on the Situation of Economic, Social and Cultural Rights in Sri Lanka

Submitted to the UN Committee on Economic, Social and Cultural Rights, on the occasion of the review of the fifth periodic report of the State of Sri Lanka

61 Session (29 May 2017 - 23 Jun 2017)

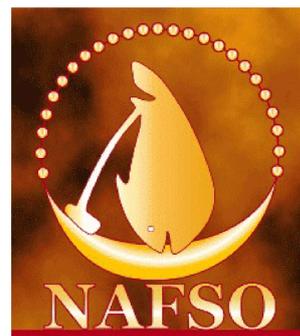
Submitting organisations:



**Franciscans International**  
A voice at the United Nations



**HUMAN RIGHTS OFFICE KANDY**  
Sri Lanka





## Parallel information submitted to the CESCR on the occasion of the consideration of the fifth periodic report of Sri Lanka

1. The present parallel information is submitted by Franciscans International (FI, an NGO in general consultative status with the UN ECOSOC), the Human Rights Office of Kandy and National Fisheries Solidarity Movement (NAFSO). It is partly based on the submission that the Sri Lanka Ecumenical Coalition for UPR 2017<sup>1</sup> prepared for the Universal Periodic Review (UPR) of Sri Lanka to take place at the 28th Session (November 2017).
2. The above-mentioned organisations are aware of and support the information already provided to the Committee on Economic, Social and Cultural Rights (hereafter the Committee) in the comprehensive collective report prepared by civil society organisations under the coordination of the Law and Society Trust.<sup>2</sup> The submitting organisations welcome the opportunity to submit this brief parallel information that brings additional and specific information concerning threats to and violations of a number of substantive rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR).
3. While offering specific cases, illustrative of broader, structural issues that impede the full realization of economic, social and cultural rights, the present information aims at providing elements of replies to the questions posed to the State of Sri Lanka in the Committee's List of Issues (LoI). The sections hereafter thus follow the structure of the LoI and whenever relevant recall the specific questions to which the information provided corresponds to.

### I. General information

5. Please provide information on the impact of the measures taken by the State party to prevent and address corruption in the acquisition, occupation and sale of land and property by the military, members of political parties and civil servants. Please also provide related statistics on reported cases of acquisition of land and occupation of public facilities by the military and cases of distribution of land owned by refugees and of forest lands.

4. The Tamil & Muslim communities in the Northern and Eastern Provinces are still affected by the conflict between the government and LTTE despite the end of the war, especially the communities whose traditional villages are still occupied, such as in Mullikulam,

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<sup>1</sup> *Religious and Priests for Human Rights, Alliance for Justice, Human Right Office Kandy, National Christian Evangelical Alliance of Sri Lanka, Franciscans International (FI), Dominican for Justice and Peace, Congregation of Lady of Charity of the Good Shepperd, the World Evangelical Alliance (WEA) and Marist International Solidarity Foundation (FMSI).*

<sup>2</sup> *The State of Economic, Social and Cultural Rights in Sri Lanka: A Joint Civil Society Shadow Report to the United Nations Committee on Economic Social and Cultural Rights, April 2017, available at: [http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/LKA/INT\\_CESCR\\_CSS\\_LKA\\_27228\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/LKA/INT_CESCR_CSS_LKA_27228_E.pdf)*

Pallimunai (Mannar district), Kepapulavu, Murippu (Mulaitivu district), Myletty, KKS, (Jaffna district) in the Northern Province; and in Ashrofnagar and Paanama (Ampara district), Santhoshapuram (Adhivasi Community) and Sampur (Trincomalee district), in the Eastern Province. Although some parts of the lands have been released in the last two years following social protests, some communities are still desperately waiting for the military to leave and allow them to return to their homes, lands, livelihoods and lifestyle. Even the people who were resettled in areas such as, Valalai and Mavittapuram in Vallikamam North, are living amidst military camps and have not been provided adequate facilities and reparations for up to a quarter century of military occupation and use of their lands and houses.

5. During FI's field visit to the North in February 2017, repeated allegations were received that there are heavy military presence and involvement in a range of civilian activities including, shops, restaurants, hotels, tourism, bakeries, boat services, farms, pre-schools etc. A close surveillance by the Sri Lankan military of communities' peaceful protests could also be observed.

## Recommendation

6. Considering the persisting issues mentioned above, the submitting organisations urge the Sri Lankan government to commit to a time-bound plan and to its swift implementation to end the military's occupation and involvement in civilian and economic activities. The government should also commit to fully respect the rights of internally displaced persons in compliance with the ICESCR and with other international standards, including those on return, resettlement and reintegration enshrined in the UN Guiding Principles on Internal Displacement; as well as on property restitution and housing as enshrined in the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons.<sup>3</sup> This should constitute a fundamental element of any transitional justice process.

## II. Issues relating to the specific provisions of the Covenant (arts. 6-15)

### Right to just and favourable conditions of work (art. 7)

15. Please provide information on the impact of measures taken to protect migrant workers from the State party against trafficking, exploitation and violence in receiving countries and to provide assistance to victims who have returned to the State party.

7. Within the country, sex trafficking in brothels continues to represent a severe problem affecting both women and children in particular. Boys are more likely than girls to be forced into prostitution in coastal areas for child sex tourism, particularly in the South and South West.<sup>4</sup> Some child domestic workers in Colombo, generally from the Tamil tea estate sector, are subjected to physical, sexual and mental abuse, as well as non-payment of wages and restrictions of movement indicators of labour trafficking.<sup>5</sup> While the

<sup>3</sup> Respectively: *UN Guiding Principles on Internal Displacement (1998)*, UN Doc. E/CN.4/1998/53/Add.2; and *UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005)*, UN Doc. E/CN.4/Sub.2/2005/17.

<sup>4</sup> [http://www.ecpat.org.uk/sites/default/files/end\\_of\\_the\\_line\\_2006.pdf](http://www.ecpat.org.uk/sites/default/files/end_of_the_line_2006.pdf)

<sup>5</sup> <https://www.state.gov/documents/organization/258876.pdf>

government did ultimately ratify the Palermo Protocol on trafficking in person in 2015, its effects are very insignificant.

8. The government demonstrated limited progress in law enforcement efforts to address human trafficking. Although the government has Standard Operating Procedures (SOPs) for the identification of victims, officials' ability to implement these procedures and ensure victims were not jailed or penalized for crimes committed as a direct result of being subjected to human trafficking remained weak. The lack of capacity and knowledge of the government officials in regards to the issue of human trafficking resulted in a failure to charge the perpetrators under the anti-trafficking statute, thus rendering the issue of human trafficking largely unnoticed or denied within the country.
9. Provisions for victim protection is inadequate. There is no proper protection and rehabilitation mechanism for the victims of trafficking and for children who have been subjected to child labour and child trafficking. There is also a lack of adequate assistance for the victims of trafficking who return from other countries.

#### Recommendation

10. **The government of Sri Lanka should provide capacity building for law enforcement officials in regards to early identification, referral to other relevant authorities, rehabilitation and social integration in order to improve access to shelters, legal, medical and psychosocial assistance, as well as to take concrete measures to prevent trafficking in person; protect the victims, bring those involved to justice and finally, address the legal gaps that impede the prosecution of traffickers under the Penal Code.**

#### Protection of family and children (art. 10)

19. Please provide information on the outcome of the implementation of the 2016 road map on the worst forms of child labour, including statistical data on prosecutions against and punishment for exploitation of children in labour relations. Please provide information on obstacles to the eradication of exploitation of children in domestic work, agriculture and manufacturing sectors.

11. Since 2012, the National Child Protection Authority (NCPA), which is under the Ministry of Women and Child Affairs, took several initiatives such as, establishing a 24-hour hotline to receive complaints on child abuse and child rights violations; educational initiatives to empower children to protect themselves; and the establishment of child protection committees. Nevertheless, the government has not yet approved the draft National Child Protection Policy, intended to ensure effective coordination among all organizations and individuals working for the protection and development of children in Sri Lanka.
12. During FI's mission to Sri Lanka in February 2017, various civil society actors shared their experiences and concerns about the alarming situation of children in Sri Lanka who are engaged in child labour, including in agriculture and domestic work. There are no laws regulating employment in third party household, which leaves children between the ages

of 14-18, employed as domestic workers highly vulnerable to exploitation. Although the minimum age for compulsory education is 14 years, children from Malayaha Tamilar community (often living in estates), and in the rural areas are often not able to complete their 10th standard of education as a result of several factors including, poverty, lack of teaching staff, transportation to schools and sanitation. In many estates, there are schools only up to 8th standard.

13. FI also received reports of children being employed as domestic workers due to debt bondage and of children from tea plantation sector being trafficked internally to perform domestic work in Colombo. Some child domestic workers are subjected to physical sexual and emotional abuse.<sup>6</sup> Children, predominantly boys, are trafficked internally for commercial sexual exploitation in coastal areas as part of the sex tourism industry.
14. Social protection for children who need care and protection has been substantially neglected in the country. The state protection remains focused on the institutionalization of children. The lack of a coherent national policy on the deinstitutionalization of children means children victims of abuse and neglect, children with disabilities and children living in poverty continue to be institutionalized. A recent study found that of the 14,179 children in institutional care, 50% of the children had a single parent while 32% have both parents.<sup>7</sup> Many of these children could be reunited with their families, but Sri Lanka currently lacks the programs necessary to help reunite children with their families.
15. The culture of impunity that has been aggravated by deficient investigations conducted by the police, the long delay of the processing of child abuse cases in the justice system, as well as the weak sentencing of perpetrators continue to remain some of the biggest challenges in tackling child sexual abuse and exploitation. It can take as long as seven years or more to prosecute criminals who abuse children,<sup>8</sup> thus the delay has traumatized thousands of children whose cases are struck in the courts. Many of these children are forced to reside in safe houses away from their families. Often times, appearing in the court room is a traumatizing experience for the children. The education of judges, lawyers and prosecutors regarding the appropriate handling of sexual violence cases remains a priority.
16. There is a need for further coordination and collaboration among different government agencies in addressing the issue of child labour in Sri Lanka. In particular, there is a lack of coordination between the Department of Probation and Childcare, the National Child Protection Authority and Children and Women Bureaus in addressing this issue in a more coherent and sustainable way.

## Recommendation

17. In light of the information above, the submitting organisations recommend the government of Sri Lanka to adopt a National Child Protection Policy that provides an

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<sup>6</sup> Sri Lanka Journal of Child Health, 2016; 45(1): 1-2 DOI: <http://dx.doi.org/10.4038/slch.v45i1.8060>

<sup>7</sup> [https://www.unicef.org/srilanka/Current\\_Childcare\\_Analysis\\_book\\_Final.pdf](https://www.unicef.org/srilanka/Current_Childcare_Analysis_book_Final.pdf)

<sup>8</sup> See the mission report to Sri Lanka of the UN Special Rapporteur on the independent of judges and lawyers A/HRC/35/31/add.1 para 56.

effective framework and guidance to relevant institutions, including educational and labour inspectorate to prevent and address child labour. In addition, Sri Lanka must address the gaps in the judicial system to ensure the handling of cases of child abuses in compliance with international human rights and rule of law standards.

Right to an adequate standard of living (art. 11)

21. Please provide information on the protection of the rights of land owners and users in the case of the acquisition of land for public purposes. Please also provide information on the outcome of the work of the committee that was established to investigate evictions and resettlements carried out by the Urban Development Authority, including information on reparations provided to victims.

22. Please provide an update on the strengthening of the legal, procedural and policy framework for the protection of the rights of internally displaced persons. Please also indicate how disputes are resolved relating to livelihood, land and housing rights between returnees (internally displaced persons) and those who had settled on their land.

18. In the following, the submitting organisations share with the Committee a number of specific situations that the Human Rights Office in Kandy is following and in which it is providing support, including legal counsel. These “cases” are illustrative of structural issues that shall be addressed by the government of Sri Lanka so as to comply with its obligations under the ICESCR.

19. The specific situations highlight a larger problem relating to the State’s approach in addressing land issues in the conflict-affected areas. In the post-war context, a number of State agencies, particularly the Military, continue to occupy land that is owned or claimed by civilians. While the Government has released some lands in the North and East, multiple communities including, civilians in Central province, cannot reclaim their land and thus are completely disenchanted by the Government’s approach to land release: from the largely Sinhalese families in Panama (Ampara) and Muslim families in Ashraf Nagar (Ampara) and Silavathurai (Musali) to Tamil communities across the North (not limited to Mullikulam in Musali), such as Telipallai in Jaffna and Kepappulavu in Mullaitivu. The continuing occupation and claiming of land by multiple State agencies fuels fears, particularly those of minority communities, that the State is seeking to dispossess multiple communities of their lands.

20. The way land issues have been dealt with also raises grave questions about the adherence of the Government to its own National Policy on Durable Solutions for Conflict Affected Persons which was approved by the Cabinet in June 2016. In Section VII.2 the policy clearly identifies the problem of state actors including, the Forest and Wildlife Departments, gazetting lands without consultations of district level actors and local communities and a process to review and to adopt a transparent and consultative process to resolve individual disputes.

## The case of Maberitenna / Kandy area

21. Maberitenna is an estate owned by the government National Livestock Development Board (NLDB). There are around 300 families living in the estate. In May 2014, the previous government initiated a project to build a domestic airport and the estate workers were asked to relocate. They were promised to be given land within the same estate by the NLDB and were also asked to vacate the houses while the air force camp was built. At the beginning of the construction work, the blasting of the rocks damaged several houses.
22. On 2 July 2014, the estate workers were given a plan of the new location on which they were going to be resettled and the numbers of the allocated lots were given to each family. A ceremony was even organised during which the new plots were given to the people. Hence, people started to identify their respective plots, clearing the land and some already fencing them.
23. When the new government came into power in 2015, the Housing Ministry under the leadership of Mr Sajith Premadasa announced a loan scheme (10000 Sri Lankan Rupees to each family) to build a house with two rooms, kitchen and a toilet. However, since the money had to be repaid monthly, none of the families have taken the loan. We received information on an allegation that the NLDB had collected Rs 500 from each family as a fund to build house.
24. However, in the absence of the necessary measures from the government in 2016, the estate management asked people not to build houses. As a response to this situation, the leader of the workers' union submitted a complaint on 20 May 2016 at the Teldeniya police station (CIB 2 223/ 274) to denounce the prohibition to build houses and to announce that they would proceed with clearing the lands that were given to them, especially since several of their houses had been damaged. The manager was called by the police and asked to give details within a month. Nevertheless, there was no response and no follow-up.
25. On 27 March 2017, 181 families had gone to clean the land allocated to them. The manager called the police to stop them. Since the Parliamentarian Mr Velukumar was present at the site and the workers could show the documents, the police officers did not stop the work.
26. Yet, the Teldeniya police officers later summoned two workers, Mr Rajagopal and Mr A. Caixtus, to come to the Teldeniya police station. When they arrived at the police station around 10:45 a.m. on 28 March 2017, they were verbally abused by the police officers and were arrested.
27. The three-wheel driver Mr C. Sandana Raja who brought the two workers and Mr M. Sathgunam who accompanied them in another three-wheeler, went into the police station after waiting for some hours to find out why they were late to return. However, to their surprise they were also arrested and detained after the police had spoken to the manager over the phone. The four men were then taken by a jeep to Teldeniya

Magistrate Courts around 2.15 p.m. and were produced in court for trespassing and trying to forcibly occupy the state land.

### **The Case of Musali / East area**

28. The people of Musali (Muslims, Tamils and Sinhalese) have been living in this area for hundreds of years in some instances and decades in others, except for a 30-year absence when most were forced to flee due to the war, including the Muslims, who were evicted by the LTTE in 1990. They are largely peasant farmers and dependent on a land based economy that includes paddy cultivation and cattle farming. Yet, the recently declared forest boundary denies them access to their residential, agricultural and cattle grazing lands located in the “declared forest area”. In addition to land owned and used by people, additional land that is required for natural growth of the population and livelihood will also be lost.
29. Under the gazette notification, some 40,030 hectares are to be included into the expanded Mavillu Forest Reserve that will bifurcate the Musali division, disconnecting Musali South and Musali North communities, both Muslim and Tamil, that have been historically connected. It creates discrete enclaves of people, isolating them, restricting their mobility and limiting social interaction. The forest boundary goes along the borders of the houses of the people, fencing them in those enclaves and making the human-animal conflict a grave danger to the people, already under great stress. Communities in Musali have been struggling to build their lives, homes, livelihoods and communities but the limited assistance and resources have resulted in severe hardships and low rates of permanent return. Only about 40% of the Musali South displaced have returned, and the current declaration will place a severe stress on the return of the rest of the community and further deter the growth of the community in the region.
30. The plight of the displaced from and returnees to Musali is on a continuum with the plight of other displaced communities in the region. It is important to note that the competing claims between forest protection and resettlement are not unique to Wilpattu and its northern boundary. Across the North and East there are similar disputes including Karuvepakulam (Othiyamalai, Oddusudan DS, Mullaitivu), Kiran Komari and Vegamam (Pottuvil DS Ampara) and Mailattamadhu Mathavani (Koralaipatttu South Batticaloa) where returning communities find that land they used and claimed has been demarcated as protected areas for forests, sometimes even without the consultation of district level officials responsible for land administration.

### **The Case of Mullikulam / Mannar area**

31. On 8 September 2007, the entire village of Mullikulam was unceremoniously evacuated by the Military with the promise of enabling their return within three days. Ten years later, these villagers are yet to be allowed to return to their homes and engage in their traditional livelihoods. Since their eviction from Mullikulam in 2007, the Navy North-Western Command Headquarters has been established there, occupying the entirety of their village. A decade-long relentless struggle comprising of multiple protests, petitions, discussions and false promises, have brought the villagers back to the streets. They are

inspired by the stories of other victims fighting for their rights, and supported by many others, irrespective of religious or ethnic backgrounds.

32. Continued protests breaking out across the North and East and demanding the return of military-occupied land, as well as truth and justice for the disappeared, appears to have breathed new life into the struggle of the people of Mullikulam. Their only wish is to return to their village, illegally occupied by the military since 2007.
33. Currently there are approximately 120 families temporarily resettled in Malankaadu, and 150 families in Kayakuli. About 100 families (including extended family) left for India due to war and displacement, but are waiting to return if their village is returned to them.
34. When the villagers left in 2007, there were about 100 houses in good condition and about 50 other self-made mud and thatched houses. There were also a Church, the co-operative building, three school buildings, a pre-school, two hospital buildings, a library, post-office, the Fisherman's Co-operative Society building, a teacher's quarters, six public and four private wells, and nine tanks.
35. Now, they have no access to the tanks, public spaces and limited access to some of their cultivation land. Only 27 of the 150 houses remain to this day, and are occupied by Navy personnel. Villagers claim that the rest has been destroyed. The Navy also provides a daily school bus to take children to and from school which teaches only up to Grade 9. Thereafter, children have to go to other nearby schools on their own, or stay at hostels if the schools are too far away.
36. The Mullikulam people were primarily a farming and fishing community, so their proximity to the sea was essential. They had access to nine Paadu (karavalai in Tamil – a term referring to a type of easement or license) to fish for prawns and other shallow water fish. Now they only have access to 4, with the most fertile Paadu being currently under Navy control. When the villagers were evicted from Mullikulam in 2007, they had to leave behind 64 fiber glass boats, out-boat motors, nets and ropes and other fishing gear, as well as 90 Theppams (Catamarans) and 3 drag-nets.
37. The Human Rights Commission of Sri Lanka concluded that the Navy had occupied private land without due process and had recommended that if providing alternative lands, the people's willingness should be considered and they should not be forced to settle elsewhere.
38. The Divisional Secretary and his representative visited the people on 23 March 2017, and told them that they won't achieve much by protesting. They had asked the villagers to give them a letter with their demands, promising that they would hand it over to higher authorities for action. Most of the lands in the village are owned privately by individuals and the Catholic Diocese of Mannar. The rest of the lands are held through permits and grants under the Land Development Ordinance (LDO), State lands and National Housing Development Authority (NHDA) lands.
39. On 29 April 2017, the Navy commander has promised to release the land, house and paddy field and water tanks within six months. However, the people are still not allowed

to return to their land, thus they are now trying to re-organize the protest as they have no trust in the new promises made by the Navy commander.

## Recommendation

40. **The Government of Sri Lanka should take all the measures necessary to find durable solutions for the communities who have been displaced due to internal conflicts, development projects, or natural disasters. These measures may include, appropriate return to the original lands, or resettlement and compensation as prescribed in relevant international standards on the rights of internally displaced persons, and in compliance with international standards including those contained in article 11 of the ICESCR. In addition, the submitting organisations call for the immediate and effective implementation of a National Policy on Durable Solutions for Conflict Affected Persons.**

## Special Concern: Prison conditions and article 11 and 12 of the ICESCR

41. In Sri Lanka, the issue of prison overcrowding remains extremely alarming, especially due to the delay of trials and of appeal cases. It must also be noted that although the death penalty is not implemented and no executions have taken place, death sentences are still being handed down by courts. There are only 3 prisons that hold more than 700 prisoners who are given death sentences that are not implemented.
42. Usually only two to three prisoners are supposed to be detained in one prison cell, however due to the lack of space each small cell is packed with 60-75 prisoners including, prisoners with life imprisonment and death sentences. During a recent visit of the Human Rights Office of Kandy to the Kandy Bogambara-Dumbara prison ward - D, it could be documented that 74 prisoners were detained in one cell (2 m x 0.7 m), while that as many as 55-60 prisoners were detained in another single cell.
43. Remand prisoners are languishing in prisons for years without trial, therefore this presents serious issues for both remand prisoners and for prisoners with sentences. Some key concerns include access to water and sanitation: during the dry season, the prisoners only get one or two buckets of water for a day for washing, bathing and to use at the toilet. There are only 2-3 toilets for 50-75 inmates.
44. In terms of access to health service, the prisoners have only access to doctors who are assigned to provide medicine to prisoners by the ministry of health. Only minor ailments are treated by them. The provision of medical treatments and health care remains highly problematic for persons deprived of liberty and the Human Rights Office in Kandy has documented several cases of violations of the right to health and life of individuals who were denied access to doctors and medical care in places of detention.
45. The case of Ms. Anjela Croos (33 years old) described hereafter is only one in a series of cases documented by the Human Rights Office in Kandy. Ms. Croos was a young English teacher and was imprisoned for 2 years at the Raja Veediya remand prison in Kandy under the Prevention of Terrorist Act (PTA). Ms Croos was teaching at Teldeniya, Bopitiya Nawalar estate Tamil school when she was arrested on 10 August 2009. Ms Anjela Croos

suffered from Lupus and was on medication at the time of her arrest. However, until the Supreme Court ordered the prison authorities to allow Ms Croos to consult her doctor, she did not receive any proper treatment.

46. On the instructions of the Attorney Generals' department, the high court judge in Kandy finally pronounced that Ms Anjela Croos was innocent and she walked out of the prison on 15 March 2011. However, Mr Anjela Cross soon fell ill since she was not properly receiving treatment for her sickness during her period of detention. After being hospitalized for 3 weeks at the intensive care unit in Kandy general hospital, Anjela Croos passed away on 24 October 2012.

### Recommendation

47. The government of Sri Lanka shall ensure that persons in place of detention shall be guaranteed access to adequate water, sanitation and health care in compliance with articles 11 and 12 of the ICESCR. In addition to developing effective plans to improve the conditions of detention through better infrastructures and services available in the penitentiary system, Sri Lanka shall also address the issue of massive prison overcrowding and of arbitrary detentions.

### Cultural rights (art. 15)

27. Please inform the Committee of the obstacles to the implementation of the official language policy, including regarding the translation of laws into the official languages and the mandate of the Official Languages Commission. Furthermore, please provide examples of cases where individuals have successfully challenged the availability and accessibility of public services in their languages. Please also provide information on regulatory and organizational measures taken subsequent to related decisions.

48. The Tamil language gained recognition as an official language through the 13th Amendment to the constitution.<sup>9</sup> While this was a welcome move by the then administration, the provision as enshrined in the constitution is yet to be fully realized. It is only in the Northern and Eastern provinces of Sri Lanka that some government officials are able to perform their administrative duties in the Tamil language. While there has been some recruitment of Tamil-speaking police officers, and some training of police officers in Tamil, the situation remains highly unsatisfactory. Even in the majority Tamil-speaking North and East, many police stations are unable to receive complaints in Tamil as the personnel are entirely Sinhala-speakers. This contributes to the discrimination against the ethnic Tamil minority and to the inability of the latter to fully enjoy various rights.<sup>10</sup>

<sup>9</sup> 13<sup>th</sup> Amendment to the Constitution, 14<sup>th</sup> November 1987, s. 2.

<sup>10</sup> It is important to note that the various language policy changes made by successive administrations historically, have contributed to current ethnic challenges. The introduction of the Sinhala Only Act in 1956, which declared Sinhala as the

49. Ethnic Tamil groups who reside outside of the North and East provinces, are even less able to access and interact with public administrations and services in Tamil, either through correspondence or in person. Furthermore, informational material offered by public institutions is scarce in the Tamil language.<sup>11</sup>
50. While the Public Administration Circular No. 3 and 7 of 2007 promote the bilingual services of the public sector, it is of concern that no positive action is envisaged for the recruitment of Tamil language speakers to provincial governments outside of the North and East, to redress their under-representation in the public sector and to include minority communities into public administration.<sup>12</sup>
51. The Official Languages Commission is under-resourced, unable to inspect and monitor implementation of the official languages law and unwilling to take legal action against uncooperative public institutions. Presently, there is a National Co-Existence and Official Language Ministry, however, the political will to effectively deal with language issues has been largely missing. Furthermore, it has not been decentralized with offices outside of Colombo.
52. The lack of Tamil-language translators in the public service violates the right of Tamil-speakers to engage with the administrative service in Tamil. Tamil-speaking government officers in the North and East have made complaints that circulars issued by the central government appear in Sinhala only.
53. Ethnic Tamil estate workers find it difficult to apply for social security benefits (Employees Provident Fund and Employees Trust Fund) due to the lack of adequate Tamil-speaking officers in the Labour Department. In addition, Tamils outside the North and East are unable to have births, deaths or marriages registered in the Tamil-language as government officers are predominantly Sinhala-speakers or lack the technical resources.
54. The Special Rapporteur on Minority Issues, following her mission to Sri Lanka commented on the difficulty for Tamil-speaking people in the North and East to engage with State officials and State institutions in the language they prefer.<sup>13</sup> For instance, when women from minority communities approach local Children and Women's Bureau Desks to report cases of domestic abuse, they face difficulties owing to language barriers. This results in unwillingness on the part of victims to report incidents of violence.<sup>14</sup>

## Recommendation

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official language of the State, was the most devastating of these policies; resulting in the exacerbation of existing grievances and deepening the ethnic and linguistic divide. This was also a contributing factor towards the country's civil war.

<sup>11</sup> The Centre for Policy Alternatives filed a complaint against the Colombo Municipality Council in 2012, to the Human Rights Commission regarding building permits not being issued in Tamil: <https://www.cpalanka.org/wp-content/uploads/2014/11/3rd-Edition-Vibhasha-English.pdf>

<sup>12</sup> Annual Report of the National Language Commission 2006. More than 50% of the officers represented matters at the Language Audits were not aware of the Constitutional Provisions with regard to the Official Languages Policy or the directives issued by the government on the subject. Due to this reason name boards, sign boards, direction boards etc. appeared only in one language in most of the Divisional Secretariats audited.

<sup>13</sup> Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, 31<sup>st</sup> January 2017, pp. 7

<sup>14</sup> *Ibid*

55. The Government of Sri Lanka should ensure an effective implementation of the Official Languages Policy through the recruitment of bilingual public officials in every government institution. The Government should also fully commit to the protection of language rights as set forth in the National Action Plan for the Protection and Promotion of Human Rights, and in accordance with its international human rights obligations.