

## BRIEF SUBMISSION BY CPA

FEBRUARY 2020

The following is a brief update to the submission made by the Centre for Policy Alternatives (CPA) in 2014. The present submission, which focuses on the period from February 2015 to February 2020, is an examination of a few issues and is by no means an exhaustive analysis.

<u>Issue in Concern</u>	<u>Remarks</u>
1. Constitutional, Legal framework and Independence of the Judiciary	<ul style="list-style-type: none"><li>• The Nineteenth Amendment to the Constitution, which curbed the excessive powers of the Executive President and facilitated independent institutions, was a welcome initiative which strengthened the Separation of Powers. However, there are indications that the current government may take steps to abolish the Nineteenth Amendment<sup>1</sup>.</li><li>• If the 19th Amendment is repealed, the independent appointments to the judiciary facilitated by the Constitutional Council<sup>2</sup> will be threatened.</li></ul>

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<sup>1</sup> See, <https://www.dailynews.lk/2019/12/27/features/206742/confusion-and-instability-due-19th-amendment> and [http://www.colombopage.com/archive\\_19B/Dec01\\_1575211860CH.php](http://www.colombopage.com/archive_19B/Dec01_1575211860CH.php). See also, the SLPP manifesto which states “The adoption of the 19th Constitutional Amendment has resulted in the disruption of the smooth functioning of the government.” <https://gota.lk/sri-lanka-podujana-peramuna-manifesto-english.pdf>

<sup>2</sup>Chapter VIIA of the Nineteenth Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka.

<p>2.Non Discrimination</p>	<ul style="list-style-type: none"> <li>Proposed amendments to certain discriminatory legislation (most of which are Personal Laws) are in need of immediate reform.<sup>3 4 5 6</sup></li> </ul> <p>However it needs to be noted that after years of attempt, Cabinet approval has been granted to amend certain discriminatory provisions in the Muslim Marriage and Divorce Act.<sup>7</sup></p> <ul style="list-style-type: none"> <li>Legal reform is required to ensure the protection of the rights of the LGBTQI community in Sri Lanka.<sup>8</sup></li> </ul>
<p>3.Violence against Women</p>	<p>Legislation enacted with the aim of protecting the rights of women are in need of reform.</p> <ul style="list-style-type: none"> <li>Marital rape has to be recognized as a punishable offense under the law of Sri Lanka<sup>9</sup>.</li> </ul>

<sup>3</sup> For instance the Section 6 of Jaffna Matrimonial Rights and Inheritances Ordinance No 58 of 1947 unfairly restricts the rights of a married woman to control her property without her husband's consent.

<sup>4</sup> Also as per the Kandyan Law, women do not have equal intestate rights with men. Legitimate sons and daughters inherit their parents' property in equal shares, although a daughter who marries in diga - whereby the bride moves to the husband's house or that of his parents - after the death of her father must transfer any immovable property she inherited from him to her brothers or binna-married sisters, upon their request for such property.

<sup>5</sup> Under the Muslim Law, in almost all sects, female heirs inherit a lesser share than male heirs of the same degree of relationship to the deceased.

<sup>6</sup> The Land Development Ordinance 1935 contains discriminatory provisions such as those, which gives preference to male inheritance where the original owner (traditionally a man), dies intestate.

<sup>7</sup> The joint proposal made by the Minister of Postal Services & Muslim Religious Affairs and the Minister of Justice & Prison Reforms to draft legislation to amend the said Act including amendments to the provisions pertaining to the Age of Marriage, Registration Procedures and Consent of Marriage etc., was approved by the Cabinet as per the Press briefing of Cabinet Decision taken on 2019-08-20, 'Amendments To The Muslim Marriage And Divorce Act' (*Cabinetoffice.gov.lk*, 2019)  
<[http://www.cabinetoffice.gov.lk/cab/index.php?option=com\\_content&view=article&id=16&Itemid=49&lang=en&dID=10031](http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=10031)> accessed 17 February 2020.

<sup>8</sup> Provisions such as Sections 365,365A and 399 criminalises sexual relations between persons of the same sex and the gender identity of transgender individuals. 'Sri Lanka | Human Dignity Trust' (*Humandignitytrust.org*, 2020)  
<<https://www.humandignitytrust.org/country-profile/sri-lanka/>> accessed 14 February 2020.

Also, the Shadow Report Submitted for consideration at the 110th Session of the Human Rights Committee in March 2014, reports incidents of arbitrary arrests/ detention and other ill-treatment of individuals on grounds of their sexual orientation or gender identity by police and other state officers, discrimination with regard to employment and housing, hate crimes. See 'Human Rights Violations Against Lesbian, Gay, Bisexual, And Transgender (LGBT) People In Sri Lanka' (EQUAL GROUND, Sri Lanka Center for International Human Rights of Northwestern University School of Law Heartland Alliance for Human Needs & Human Rights, Global Initiative for Sexuality and Human Rights 2014)  
<[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT\\_CCPR\\_ICO\\_LKA\\_15986\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_ICO_LKA_15986_E.pdf)> accessed 17 February 2020.

<sup>9</sup> Isankhya Udani, 'Contesting the Consent: An Analysis of the Law Relating to Marital Rape Exception in Sri Lanka' (2017) 14 International Journal of Business, Economics and Law.

	<ul style="list-style-type: none"> <li>• Specific Laws should be adopted with regard to Gender Based Violence in the cyberspace<sup>10</sup>.</li> <li>• FGM should be statutorily recognized as a punishable offence<sup>11</sup>.</li> <li>• Acid attacks should be recognized as a separate punishable offence.</li> <li>• The PDVA<sup>12</sup> in force contains many defective provisions and is in need of immediate reform<sup>13, 14</sup>.</li> </ul>
4.Abortion and maternity mortality	<ul style="list-style-type: none"> <li>• Proposals to widen the grounds of allowing abortion have not been enacted yet<sup>15</sup></li> </ul>
5.Counter-terrorism	<ul style="list-style-type: none"> <li>• The PTA<sup>16</sup> which, is one of the main legislation in place to combat terrorism has been and is being abused with severe human rights implications.<sup>17</sup> The Counter Terrorism Bill which sought to repeal and replace the PTA was a welcome improvement (despite certain shortcomings) when compared with its predecessor<sup>18 19</sup>. However</li> </ul>

<sup>10</sup> Including the non-consensual online dissemination of intimate images, obtained with or without consent, with the purpose of shaming, stigmatizing or harming the victim.

<sup>11</sup>Vimukthi Fernando, 'Female Genital Mutilation: A Lifetime Of Scarred Agony' Sunday Observer (2018) <<http://www.sundayobserver.lk/2018/10/21/news-features/female-genital-mutilation-lifetime-scarred-agony>> accessed 20 February 2020.

<sup>12</sup>Prevention of Domestic Violence Act, No.34 of 2005

<sup>13</sup>Some notable defects in the law are, lacking a punitive element to deter perpetrators, Protection Orders being only valid for a year and the requirement of mandatory counseling which forces the victim to reconcile with the abuser.

<sup>14</sup>Megara Tegal, 'How Effective Is The Domestic Violence Act?' *Daily Mirror* (2016) <<http://www.dailymirror.lk/105882/How-Effective-is-the-Domestic-Violence-Act>> accessed 12 February 2020.

<sup>15</sup>In Sri Lanka, abortion is legal if it is to save the life of the mother, but it becomes criminal when it is performed for other purposes. This strict law has still not been amended, despite the alarming rate of illegal abortions that take place. The attempt to reform the law in 2017 was met with initial success, but the drafting process has come to a standstill with the opposition of various parties. See, Saira Meyler, 'Abortion – Where Is Sri Lanka On The Spectrum?' (*Groundviews*, 2018) <<https://groundviews.org/2018/09/02/abortion-where-is-sri-lanka-on-the-spectrum/>> accessed 12 February 2020.

<sup>16</sup>Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, as amended by Act Nos. 10 of 1982 and 22 of 1988

<sup>17</sup>Centre for Policy Alternatives, 'The Need To Repeal And Replace The Prevention Of Terrorism Act(PTA)' (2013) <<https://www.cpalanka.org/the-need-to-repeal-and-replace-the-prevention-of-terrorism-act-pta/>> accessed 11 February 2020.

<sup>18</sup>The draft Counter-Terrorism Act (CTA) was approved by Cabinet on 11 September 2018 and tabled in Parliament on 9 October 2018. See, Office of the Cabinet of Ministers- Sri Lanka, 'The Proposed Counter Terrorism Act' (2018)<[http://www.cabinetoffice.gov.lk/cab/index.php?option=com\\_content&view=article&id=16&Itemid=49&language=en&dID=9200](http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&language=en&dID=9200)> accessed 14 February 2020.

	<p>earlier in January 2020, the Cabinet of Ministers decided to withdraw the Counter Terrorism Bill<sup>20</sup>, which implies that the draconian PTA will continue into the future.</p>
<p>6. IDPs</p>	<ul style="list-style-type: none"> <li>It is estimated that almost 1 million people were displaced at the peak of the conflict in 2001<sup>21</sup>. The Internal Displacement Monitoring Centre reports that approximately 37,000 individuals are still internally displaced in Sri Lanka due to Conflict and Violence (as of 31st of December 2018)<sup>22</sup>. Despite the fact that over a decade has passed since the end of the civil conflict, a large number of IDPs have been unable to return to their homelands due to the occupations of their lands by the State and other parties<sup>23</sup>.</li> </ul>

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<sup>19</sup>CPA expressed concern with regard to certain provisions of the CTA. Some issues noted were, (1) the number of offences in the Act being vast in number and being worded very broadly which can give rise to many human rights concerns, (2) the wide powers of Arrest and Detention allowed to the military and coast guard officers (Clauses 17,18, 27(2), 39(4) and 41 of the draft bill), restriction of access to counsel and fair trial rights (Clauses 48(1),54(3)(a), 79(2)(b), procedural concerns with regard to Detention Orders, Wide powers granted to police officers to issue directives for the protection of the public (Clause 62(1)(a) to (h) of the bill), Minister's powers with regard to Proscription Orders, Restriction Orders and Prohibited Places (Clauses 82,82 and 84 of the bill), Curfew Orders (Clause 83) and the AGs power to suspend, defer and withdraw indictments (Clauses 72(1) and 77(1) of the bill. See Centre for Policy Alternatives, 'Questions & Answers Proposed Counter Terrorism Act' (Centre for Policy Alternatives 2019) <[https://www.cpalanka.org/wp-content/uploads/2019/04/CTA\\_QA.pdf](https://www.cpalanka.org/wp-content/uploads/2019/04/CTA_QA.pdf)> accessed 19 February 2020.

<sup>20</sup>KelumBandara, 'Govt. Withdraws Counter Terrorism Bill' *Daily Mirror* (2020) <[http://www.dailymirror.lk/breaking\\_news/Govt-withdraws-Counter-Terrorism-Bill/108-180615](http://www.dailymirror.lk/breaking_news/Govt-withdraws-Counter-Terrorism-Bill/108-180615)> accessed 17 February 2020.

<sup>21</sup>Burns, R., Wickramage, K., Musah, A. *et al.* Health status of returning refugees, internally displaced persons, and the host community in a post-conflict district in northern Sri Lanka: a cross-sectional survey. *Confl Health* 12, 41 (2018). <https://doi.org/10.1186/s13031-018-0176-7>

<sup>22</sup>'Sri Lanka' (IDMC) <<https://www.internal-displacement.org/countries/sri-lanka>> accessed 17 February 2020.

<sup>23</sup> Incidents of protests by IDPs who seek to be resettled in their homelands, which have subsequently been occupied by the Military, were reported in 2018 and early 2019. See <https://groundviews.org/2019/01/22/keppapulavu-land-struggle-reaches-boiling-point-after-700-days-of-protest/>. See also, Centre for Policy Alternatives, 'Land And Property Rights Of Internally Displaced Persons' (Centre for Policy Alternatives 2007) <[https://www.cpalanka.org/wp-content/uploads/2007/08/Land\\_and\\_Property\\_Rights\\_of\\_IDPs.pdf](https://www.cpalanka.org/wp-content/uploads/2007/08/Land_and_Property_Rights_of_IDPs.pdf)> accessed 21 February 2020.

7.Land Release	<ul style="list-style-type: none"> <li>• According to government figures, around 75 per cent of the land held in 2009 has already been returned<sup>24</sup>. However, communities have complained about new land grabs and other contentious land issues, such as alleged “colonization” through the establishment of irrigation, forestry and archaeological projects, and of continued military involvement in economic activities<sup>25</sup>. There have also been allegations of military personnel using threat and intimidation to forcefully possess land.<sup>26</sup></li> </ul>
8.Right to Life	<ul style="list-style-type: none"> <li>• Since Sri Lanka’s last execution in 1976, there had been a moratorium on capital punishment. In June 2019, former President Sirisena announced his decision to reinstate the death sentence for drug convicts<sup>27</sup>, which is a violation of the Fundamental Rights enshrined in the Constitution as well as the international law obligations<sup>28</sup> of the country.</li> </ul>

<sup>24</sup>Promoting Reconciliation, Accountability And Human Rights In Sri Lanka : Report Of The Office Of The United Nations High Commissioner For Human Rights' (United Nations High Commissioner for Human Rights 2019) <<https://reliefweb.int/sites/reliefweb.int/files/resources/G1902925.pdf>> accessed 17 February 2020.

<sup>25</sup> Ibid p8

<sup>26</sup>Human Rights Watch, “‘Why Can’T We Go Home?’ Military Occupation Of Land In Sri Lanka' (Human Rights Watch 2018) <[https://www.hrw.org/sites/default/files/report\\_pdf/srilanka1018\\_web2.pdf](https://www.hrw.org/sites/default/files/report_pdf/srilanka1018_web2.pdf)> accessed 17 February 2020. See also, Centre for Policy Alternatives, 'Land Occupation In The Northern Province: A Commentary On Ground Realities And Recommendations For Reform' (Centre for Policy Alternatives 2016) <<https://www.cpalanka.org/wp-content/uploads/2016/03/Land-Occupation-in-the-Northern-Province.pdf>> accessed 21 February 2020.

<sup>27</sup>Ruki Fernando, 'Death Penalty: License For Judicial Killings' (*Groundviews*, 2019) <<https://groundviews.org/2019/06/28/death-penalty-license-for-judicial-killings/>> accessed 17 February 2020.

<sup>28</sup>Though the Sri Lankan Constitution does not recognize an explicit right to life, the rights enumerated in the Chapter III of the constitution titled fundamental rights is based on the right to life. See cases such as *Shriyani Silva v Iddamalgoda* [2003] 2 SriLR 63; *RathnayakeTharangaLakmali v OIC, Embilipitiya* (17.12.2019) SC/FR Application 577/2010.

Moreover Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR) recognises that ‘every human being has the right to life,’ which shall be protected by law. Since Sri Lanka is bound by the Covenant, imposing death penalty constitutes a violation of the international obligation.

<p>9.Enforced Disappearances</p>	<ul style="list-style-type: none"> <li>• The Protection against Enforced Disappearances Act lacks a retrospective element to capture the violations of the past to ensure accountability<sup>29</sup>.</li> <li>• Following the co-sponsoring of UN Human Rights Council resolution 30/1 in 2015,the OMP Act was enacted in August 2016. Albeit being a notable initiative, concerns arose with regard to the process of implementation, operationalization and the lack of transparency in the appointment of members<sup>30</sup>.</li> <li>• The period of Issuance of Certificate of Absence<sup>31</sup>, which entitles its holder to a monthly interim allowance<sup>32</sup>, has been extended by two years.</li> <li>• Statements made by the incumbent President as well as the former Prime Minister, regarding the fate of Missing Persons have been considered to be insensitive<sup>33</sup>.</li> </ul>
<p>10.Torture and Ill Treatments</p>	<ul style="list-style-type: none"> <li>• According to the Report of the Special Rapporteur, torture and ill treatment including of a sexual nature, still occur, particularly in the early stages of arrest and interrogation, often for the purpose of eliciting confessions.</li> </ul>

<sup>29</sup> Disna Mudalige and Camelia Nathaniel, 'Bill For Protection Against Enforced Disappearances Passed Without Amendments' *Daily News* (2018) <<https://www.dailynews.lk/2018/03/08/political/144963/bill-protection-against-enforced-disappearances-passed-without>> accessed 21 February 2020.

<sup>30</sup> Civil Society Statement On The Office On Missing Persons' (*Centre for Policy Alternatives*, 2018) <<https://www.cpalanka.org/civil-society-statement-on-the-office-on-missing-persons/>> accessed 17 February 2020.

<sup>31</sup> Centre for Policy Alternatives, 'Certificates Of Absence: A Practical Step To Address Challenges Faced By The Families Of The Disappeared In Sri Lanka' (Centre for Policy Alternatives 2015) <<https://www.cpalanka.org/wp-content/uploads/2015/09/Certificates-of-Absence-FINAL.pdf>> accessed 21 February 2020.

<sup>32</sup> Sri Lanka: Issue Of 'Certificates Of Absence' For The Disappeared Extended By 2 More Years | Sri Lanka Brief (*Srilankabrief.org*, 2019) <<https://srilankabrief.org/2019/09/sri-lanka-issue-of-certificates-of-absence-for-the-disappeared-extended-by-2-more-years/>> accessed 18 February 2020.

<sup>33</sup> President Gotabaya Rajapaksh told U.N. Resident Coordinator Hanaa Singer that those reported missing from the war are "actually dead" and that the government would soon issue death certificates. Although the President has since clarified that death certificates will follow proper investigations, his remarks are an affront to the relatives of the disappeared who have for years been demanding answers in monthly street protests. See, 'Women'S Action Network Condemns President Gota's Statements On Missing Persons' (*Colombo Telegraph*, 2020) <<https://www.colombotelegraph.com/index.php/womens-action-network-condemns-president-gotas-statements-on-missing-persons/>> accessed 17 February 2020. Similar sentiments have previously been expressed by the then PM Ranil Wickremasinghe. See, 'Missing And Disappeared Persons Most Likely Dead Says Sri Lanka Prime Minister | Tamil Guardian' (*Tamilguardian.com*) <<https://www.tamilguardian.com/content/missing-and-disappeared-persons-most-likely-dead-says-sri-lanka-prime-minister>> accessed 21 February 2020.

<p>11. Detention</p>	<ul style="list-style-type: none"> <li>• As CPA has previously noted, the provisions of the PTA which enable detention without charge for extended periods of time at irregular places of detention, the broad denial of detainees' rights, admissibility of confessions in judicial proceedings subject only to the most tenuous of safeguards, the shifting of the evidential burden of proof to the defendant, and disproportionate penalties has worrying effects on Human Rights<sup>34</sup>.</li> <li>• Proposed amendment to the Code of Criminal Procedure (Special Provisions) Act No. 2 of 2013, contained a provision which allowed the Officer in Charge of a Police Station to deny lawyers from accessing detainees and even police stations if such access would "impede ongoing investigations".<sup>35</sup></li> </ul>
<p>12. Prison Overcrowding</p>	<ul style="list-style-type: none"> <li>• The Prisons Ordinance should be reformed so as to prioritize reintegration, vocational training and employment and to abolish the distinction between simple and rigorous imprisonment. Moreover the institutional structure of prisons, the roles of prison officers and the scope of their work, needs reform.</li> <li>• A statutory mechanism and criteria for commuting sentences needs to be introduced.</li> <li>• Non-custodial measures should be recognized as punishment.</li> <li>• As per the UN Special Rapporteurs Report on Torture in 2017, prison conditions were found to be inhumane with deficient infrastructure and pronounced overcrowding<sup>36</sup>. Therefore prison conditions need to be improved.</li> </ul>

<sup>34</sup>The Need to Repeal and Replace the Prevention of Terrorism Act (PTA)' (Centre for Policy Alternatives, 2013) <<https://www.cpalanka.org/the-need-to-repeal-and-replace-the-prevention-of-terrorism-act-pta/>> accessed 17 February 2020.

<sup>35</sup>'Cpa Statement On Proposed Amendment To The Code Of Criminal Procedure (Special Provisions) Act No. 2 Of 2013 – (Rights Of Detainees – Access To Legal Counsel)' (Centre for Policy Alternatives, 2017) <<https://www.cpalanka.org/cpa-statement-on-proposed-amendment-to-the-code-of-criminal-procedure-special-provisions-act-no-2-of-2013-rights-of-detainees-access-to-legal-counsel/>> accessed 21 February 2020.

<sup>36</sup>Moreover the Rapporteur records that there was also a lack of adequate sleeping accommodation, extreme heat and insufficient ventilation. See page 10 of the Report: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka Human Rights Council Thirty-fourth session 27 February-24 March 2017

13. Corporal Punishments	<ul style="list-style-type: none"> <li>• Provisions of the Penal Code as well as other legislative provisions, which legitimizes corporal punishment need to be reformed.<sup>37</sup></li> </ul>
14. Freedom expression and participation in the political process	<ul style="list-style-type: none"> <li>• The previous government's attempt to bring in amendments to the Penal Code to criminalize hate speech was challenged by CPA and thereby leading to the government withdrawing the bill<sup>38</sup></li> <li>• Misapplication of ICCPR Act to confine the freedom of expression with regard to creative expression and journalism<sup>39</sup>.</li> </ul>
15. Freedom of Assembly and Freedom of Association	<ul style="list-style-type: none"> <li>• There have been reported incidents of the State using fear and intimidation to suppress peaceful protests.<sup>40</sup></li> <li>• The Government's decision to demarcate a specific site for protests and demonstrations may unduly restrict the freedom of assembly<sup>41</sup>.</li> <li>• CPA has raised concerns on the 2018 Cabinet decision to amend the Voluntary Social Service Organizations (Registration and Supervision) Act No.31 of 1980 and the possible implications it may have on Civil Society and the Freedom for Association in Sri Lanka<sup>42</sup>. In 2014 too, there were attempts of restricting the freedoms</li> </ul>

<sup>37</sup> Article 82 of the Penal Code 1883 and Article 71(6) of the Children and Young Persons Ordinance 1939 legitimizes corporal punishment on children.

<sup>38</sup> 'The Centre For Policy Alternatives Vs. The Attorney General (Amendment To Section 291 Of The Penal Code) (SC SD 28/2015)' (*Centre for Policy Alternatives*, 2018) <<https://www.cpalanka.org/the-centre-for-policy-alternatives-vs-the-attorney-general-amendment-to-section-291-of-the-penal-code-sc-sd-28-2015/>> accessed 21 February 2020.

<sup>39</sup> See the cases of Shakhthika Sathkumara, Kusal Perera and Dilshan Mohomed where ICCPR Act was misused to suppress freedom of expression. See 'Misuse Of ICCPR Act And Judicial System To Stifle Freedom Of Expression In Sri Lanka - CIVICUS - Tracking Conditions For Citizen Action' (*Monitor.civicus.org*, 2019) <<https://monitor.civicus.org/updates/2019/07/05/iccpr-act-and-judicial-system-being-misused-stifle-freedom-expression-sri-lanka/>> accessed 21 February 2020.

<sup>40</sup> See the Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organization in special consultative status to the Human Rights Committee 19 February 2016, A/HRC/31/NGO/73, which states that "the practices adopted by the Government, in conjunction with a lack of accountability for past violations, contribute to the continued existence of a climate of intimidation and fear, which, in turn, has a chilling effect on the full enjoyment of freedom of assembly." See also, 'Freedom Of Assembly In Sri Lanka[1] | Sri Lanka Brief' (*Srilankabrief.org*, 2013) <<https://srilankabrief.org/2013/05/freedom-of-assembly-in-sri-lanka1/>> accessed 12 February 2020

<sup>41</sup> 'Designated Site At Galle Face To Stage Protests' (*Colombo Gazette*, 2020) <<https://colombogazette.com/2020/02/05/designated-site-at-galle-face-to-stage-protests/>> accessed 12 February 2020.

<sup>42</sup> Some concerns raised here are, the unnecessary expansion of the definition, differentiation of Organisations based on its funding (which could carry negative connotations and stereotypes of foreign funded NGOs, excessive powers



	of Non Governmental and Not for Profit Civil Society organisations. <sup>43</sup>
16.Minority rights	<ul style="list-style-type: none"> <li>• When tensions arise between communities, fast and immediate measures must be taken to ensure the safety of minorities and to restore order in society. However law enforcement failures after incidents of communal violence were repeatedly observed in Sri Lanka which further agitated vulnerable sects in society. The Anti-Muslim riots which occurred in Digana, Teldeniya area in 2018<sup>44</sup> is an example.</li> <li>• The national anthem was sung in both national languages (Sinhala and Tamil) since 2016. However, as per a government decision the national anthem was only sung in Sinhala language at the Independence Day Celebrations 2020, which disappointed the Tamil Community<sup>45</sup>.</li> </ul>
17. Compliance of domestic laws with the ICCPR provisions	<ul style="list-style-type: none"> <li>• As per Article 2 of the Covenant, every state party should undertake necessary steps to give effect to the rights recognized in the Covenant. Therefore the Right to Privacy protected by Article 17 of the Covenant should be legally recognized in Sri Lanka. Recent attempts to introduce bills with regard to Data Protection and Cyber Security have been subject to various criticisms on the potential violations of privacy it could entail<sup>46</sup>.</li> </ul>

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conferred to the National Secretariat for Non-Governmental Organisations, Mandatory registration of all NGOs and Provisions which restrict the financial autonomy of NGOs. See more, *Observations On The Bill To Amend The Voluntary Social Service Organisations (Registration And Supervision) Act No. 31 Of 1980* (The Centre for Policy Alternatives (CPA) 2018) <<https://www.cpalanka.org/wp-content/uploads/2018/03/CPA-Note-on-VSSO-Amendment-2018-FINAL-2-1.pdf>> accessed 21 February 2020.

<sup>43</sup>The proposed amendment sought to prohibit nongovernmental organizations (NGOs) from holding press conferences, conducting trainings for journalists, or issuing press releases. Furthermore every Non-Profitorgnaisation were to be registered as NGOs with the NGO Secretariat, a body that operates under the Ministry of Defense and Urban Development. See, Constance Johnston, 'Sri Lanka: Amendment Planned For NGO Funding Rules | Global Legal Monitor' (*Library of Congress*, 2014) <<http://www.loc.gov/law/foreign-news/article/sri-lanka-amendment-planned-for-ngo-funding-rules/>> accessed 20 February 2020.

<sup>44</sup>See <https://www.sundayobserver.lk/2018/03/11/features/digana-mayhem-law-enforcement-failures>

<sup>45</sup>Lakshmi Jayakody, 'National Anthem Not Sung In Tamil: Tamils Disappointed - Sampanthan' (*CeylonToday*, 2020) <<https://ceylontoday.lk/print-more/51366>> accessed 17 February 2020.

<sup>46</sup>'Comments On The Cyber Security Bill - Sri Lanka 2019 — Lirneasia' (LIRNEasia, 2019) <<https://lirneasia.net/2019/06/comments-on-the-cyber-security-bill-sri-lanka-2019/>> accessed 20 February 2020.

CPA submits that the above remarks are worthy of consideration for the present exercise and look forward to engaging if further information is required.

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