



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention**

Fifth periodic reports of States parties due in 2012

Sri Lanka^{*}, ^{}**

[Date received: 16 October 2015]

* The present document is being issued without formal editing.

** The combined third and fourth periodic reports of Sri Lanka are contained in document CAT/C/LKA/3-4; it was considered by the Committee at its 1030th and 1033rd meetings (see CAT/C/SR.1030 and 1033), held on 8 and 9 November 2011. For the Committee's concluding observations thereon, see document CAT/C/LKA/CO/3-4.



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Abbreviations

A/L	Advanced Level
CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
CCYO	Correctional Centre for Youthful Offenders
CFPSL	College of Forensic Pathologist of Sri Lanka
CID	Criminal Investigation Division
COI	Courts of Inquiry
DCBC	Department of Community Based Corrections
DPCCS	Department of Probation and Child Care Services
GCE (O/L)	General Certificate of Education (Ordinary Level)
GOSL	Government of Sri Lanka
HR	Human Rights
HRC	Human Rights Commission
HRCSL	Human Rights Commission of Sri Lanka
ICCPR	International Convention on Civil and Political Rights
ICRC	International Committee of the Rest Cross
IDP	Internally Displaced Person
IGP	Inspector General of Police
IHL	International Humanitarian Law
ILO	International Labour Organization
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
JMO	Judicial Medical Officer
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Elam
MINUSTAH	United Nations Stabilization Mission in Haiti
ML	Medico Legal
MLR	Medical Legal Report
MO	Medical Officers
NCO	Non-Commissioned Officer
NCPA	National Child Protection Authority
NGO	Non-Governmental Organization
NVQ	National Vocational Qualification
OIC	Officer in Charge

OISL	Office of High Commissioner for Human Right's Investigation on Sri Lanka
PTA	Prevention of Terrorism Act
PTP	Prosecution of Torture Perpetrators
RSO	Regional Support Office
SDP	Status Determination Process
SIU	Special Investigation Unit
SLAF	Sri Lanka Air Force
SLBFE	Sri Lanka Bureau of Foreign Employment
SMR	Standard Minimum Rules
SOP	Standard Operating Procedures
STF	Special Task Force
TID	Terrorist Investigation Division
TIP	Trafficking in Persons
TSYO	Training School for Youthful Offenders
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UPRP	Urban Prison Relocation Programme
VAW	Violence against Women
WDO	Women Development Officer
WGEID	Working Group on Enforced or Involuntary Disappearances

I. Introduction

1. Sri Lanka is pleased to submit its fifth periodic report for the consideration of the Committee against Torture. The present report covers the period December 2011 to 7 October 2015. This report focuses primarily on the Concluding Observations made by the Committee (CAT/C/LKA/CO/3-4) following the review of the combined third and fourth periodic reports of Sri Lanka, (CAT/C/LKA/3-4) submitted by the GoSL in 2009 and reviewed by the Committee in 2011.

2. Sri Lanka submitted its follow-up response to issues highlighted in paragraph 38, of document CAT/C/LKA/CO/3-4, relating to legal safeguards in detention (para. 7 of the concluding recommendations of the Committee), investigations (para. 11 confessions), prosecuting perpetrators (para. 18), LLRC investigations (para. 21) vide document CAT/C/LKA/CO/3-4/Add.1 published on 9 September 2013. Further GOSL wishes to bring to the attention of the Committee that Sri Lanka has responded to these concerns in other UN human rights mechanisms as well.

3. The report details the significant initiatives undertaken by the GoSL, since the review of Sri Lanka's combined third and fourth periodic report to the Committee and particular attention is given to the "principal subjects of concern and recommendations" expressed by the Committee.

4. The GoSL takes note of the positive comments expressed by the Committee during the consideration of Sri Lanka's combined third and fourth periodic report to the Committee. The Government will continue to improve the situation and will engage in a constructive dialogue with the Committee in an open and transparent manner.

5. The Government, since assumption of office in January 2015, undertook a series of steps to strengthen democratic institutions, good governance and rule of law and also has enhanced efforts in achieving meaningful reconciliation and building confidence among communities affected by the conflict. These measures include, inter alia, the passage of the 19th Amendment to the Constitution, the adoption of the Assistance to and Protection of Victims of Crime and Witnesses Act and steps taken to ensure the independence of the judiciary, media freedom, conducting credible investigations into alleged disappearances and extra judicial killings, handing back the lands in the conflict affected areas back to their rightful owners, and expediting resettlement of IDPs in their own habitats, These measures, as applicable to the Convention, will be elaborated in the paragraphs to follow.

6. Sri Lanka is also pleased to bring to the attention of the Committee recent developments in relation to its initiatives to establish a domestic mechanism to respond to allegations relating to violations of International Human Rights Law and International Humanitarian Law. The GoSL takes note of the Report of the OHCHR investigation on Sri Lanka (OISL) and appreciates the due recognition given to the Government's constructive engagement with the OHCHR aimed at addressing post-conflict issues. Sri Lanka recognizes that this Report represents a human rights investigation and not a criminal investigation, and will ensure that its content as well as recommendations receive due attention of the relevant authorities including the new mechanisms that are envisaged to be set up. The GoSL will ensure dialogue and wide consultations with all stakeholders especially the victims of conflict, communities, political parties, civil society representatives, the military as well as the High Commissioner and his Office, bilateral partners, and other international organizations in putting in place mechanisms and measures that will facilitate the right to know, right to justice, reparations and guaranteeing non recurrence, with the aim of achieving reconciliation and durable peace to ensure long term progress of all her citizens.

7. Government of Sri Lanka is committed to developing a proactive and practical programme in Sri Lanka to ensure peace, security and human rights. The independent, credible and empowered mechanisms that the GoSL intends to set up for truth seeking, justice, reparations and guarantees of non-recurrence will be empowered within the framework of the Constitution. The Government will shortly begin consultations with all stakeholders in finalizing the form, structure and composition of these mechanisms.

- For truth seeking, the establishment by law, of two mechanisms:
 - A Commission for Truth, Justice, Reconciliation and Non-recurrence to be evolved in consultation with the relevant authorities of South Africa. This mechanism is envisaged as having a dual structure: a “Compassionate Council” composed of religious dignitaries from all major religions in the country and a structure composed of Commissioners. For many victims of human rights abuses, from whichever community, where the perpetrators are unclear for a judicial mechanism to handle, or where the practices of the state and society have resulted in discrimination, this Commission will allow them to discover the truth, understand what happened and help remedy any sense of injustice.
 - An Office on Missing Persons based on the principle of the families’ right to know, to be set up by law with the expertise from the International Committee of Red Cross (ICRC), and in line with internationally accepted standards.
- On the Right to Justice, a Judicial Mechanism with a Special Counsel has been proposed to be set up by law. This takes into account the right of victims to a fair remedy and aims to address the problem of impunity for human rights violations suffered by all communities.
- On the Right to Reparations, an Office for Reparations to be set up by law to facilitate the implementation of recommendations relating to reparations made by the proposed Commission on Truth, Justice, Reconciliation and Non-recurrence, the Office of the Missing Persons, the LLRC and any other entity.

8. The Government believes that the wide range of measures taken since January 2015 as well as measures envisaged to be taken will continue to create a conducive environment for the promotion and protection of human rights including the provisions of the Convention Against Torture, Cruel, Inhuman and Degrading Treatment or Punishment.

II. Responses to Concluding Observations of the Committee against Torture Consequent to the Consideration of Sri Lanka’s Combined Third and Fourth Periodic Reports

[Ref. paragraph “c” of the Concluding Observations (CAT/C/LKA/CO/3-4)]

Allegations of widespread use of torture and ill-treatment [paragraph 6]

9. The Government of Sri Lanka rejects the allegations that torture remains widespread and unpunished. Whenever credible evidence is available, steps have been taken to prosecute law enforcement personnel and members of the military, who are responsible for torture and arbitrary killings. A few examples are given below:

- A sub Inspector, who was the Officer in Charge of Crimes of a Police station, was indicted along with another person for the killing of a witness in a pending case. The

High Court trial is in progress and is presently adjourned for the conclusion of the defence case (HC Negombo case No. 445/2005 – AG’s Ref CR1/96/2005).

- Four Police Officers including an Inspector who was in Charge of a Police Station were convicted by a Trial-at-Bar (a panel of three judges of the High Court) in August, 2011 for Conspiracy, Abduction and Murder of two individuals. A five judge bench of the Supreme Court on 2 April 2014, dismissed the appeal of all four accused and affirmed the conviction and sentence pronounced by the Trial-at-Bar.
- The trial of a Deputy Inspector General of Police who is indicted along with several others on charges of Conspiracy, Abduction and Murder before a Trial-at-Bar is presently in progress before the High Court of Colombo.
- In the case of the *Attorney General v. Sunil Rathnayake*, accused R.M. Sunil Ratnayake, who was an Army Staff Sergeant, found guilty of murdering eight Internally Displaced Persons (IDPs) in Mirusuvil, Jaffna on 12 December 2000, and was sentenced to death by the High Court of Colombo.

10. Taking serious note of allegations of torture, as well as deaths while in police custody, the Government enforces strict rules against police officers held responsible for any act of torture. The Inspector General of Police (IGP) issued a warning to all officers-in-charge of police stations that they would be held responsible in accordance with the law, if any suspect dies while in their custody. The IGP has reiterated his orders that under no circumstances should any suspect be subjected to torture or to other cruel, inhuman or degrading treatment while in police custody.

11. The IGP has given directions to all Deputy Inspector Generals of Police that under no circumstances should any act of torture be permitted to take place within their respective ranges. Whenever a complaint or information is received alleging the perpetration of torture, the Deputy-Inspectors-Generals of Police are directed to take prompt and impartial action against the alleged perpetrators.

12. It is noted that, as per available statistics (Table I), reported cases of alleged torture attributed to the Sri Lanka Police have declined over the last 4 years, in the post-conflict period.

Table 1
Reported cases of alleged torture attributed to the Sri Lanka Police

<i>Year</i>	<i>No. of Cases</i>
2011	9
2012	10
2013	8
2014	3

Source: Department of Police, Sri Lanka.

Fundamental Legal Safeguards [paragraph 7]

13. The GoSL wishes to draw the attention of the Committee to its follow-up response to issues highlighted in paragraph 38, of document CAT/C/LKA/CO/3-4 in this regard. In addition, the following may be noted:

- All detainees can challenge the lawfulness of a detention by way of a Habeas Corpus or by way of a Fundamental Rights Application. As regard the fundamental rights application it is noteworthy that complaints could be initiated by addressing a letter to

the Supreme Court-the epistolary jurisdiction which has been developed by the Supreme Court.

- Legal safeguards of the detainees also include access to legal representation and medical examination when required.
- Access to detention centres is provided to NoKs and Magistrates. In addition there have been instances where members of the diplomatic corps have also been provided access.
- ICRC has also been provided access to detainees and ICRC delegates undertake regular prison visits.

Secret detention centres [paragraph 8]

14. In the light of persistent allegations on the existence of secret detention centers, the GoSL has re-launched investigations into this matter. Since the investigations into these allegations are still at a preliminary status, more information can be provided once investigations are completed

Enforced disappearances [paragraph 9]

15. The Government of Sri Lanka is actively considering to ratify, the International Convention for the Protection of All Persons from Enforced Disappearance. Currently, the existing provisions in the Penal Code, sections 350 to 360 cover any situation of kidnapping, abduction or disappearances. A committee comprising officials from the Ministry of Justice, Attorney General's Department (AG's Department), Law Commission, Human Rights Commission and Legal Draftsman's Department is considering new legislation in this regard.

16. Sri Lanka has been engaging with the respective UN special procedures on human rights, including with the Working Group on Enforced or Involuntary Disappearances (WGEID). Total number of complaints received by the Terrorist Investigation Division (TID) regarding disappearance of persons as at 08.08.2015 is 2,894. Out of these complaints, investigations into 604 cases are already completed and 17 missing persons were traced by the TID. The number of pending cases is 2,877. As of September 2015, the GoSL has clarified 1,688 cases out of 5,750 cases referred by the UN Working Group on Enforced or Involuntary Disappearances (WGEID), and steps have been taken in expediting the processing of the remaining cases. A visit to Sri Lanka by the WGEID is envisaged to take place from 9 to 18 November this year.

17. In the case of *C. Earl Fernando and H.P. Premarathna v. The Attorney General* (C.A. Application No. 223-224/07) the Court of Appeal decided on 5th December 2013, concerning a disappeared person. The court affirmed the conviction and sentence given by the High Court of Gampaha, against the police officer who was in charge of the police station. The court held inter alia that:

“This Court is of the view that failures to comply with the legal provisions that complete a legal act of an authorized officer make such an act illegal with consequent liabilities. I, therefore, hold taking away Upali from his workplace by the 1st Accused Appellant was none other than abduction with intent to cause him to be secretly and wrongfully confined. With this conclusion this court upholds the conviction of the first Accused Appellant.”

18. The Government has been working closely with the ICRC to establish a mechanism including an office for missing persons by statute to address concerns pertaining to missing persons. The ICRC conducted a Family Needs Assessment for the families of missing persons in the country, based on the ICRC standards and sampling methods and the report is expected to be shared with the Government by early next year.

The Commission of Inquiry to Investigate into Complaints regarding Missing Persons in the Northern and Eastern Provinces (Paranagama Commission)

19. The Commission was appointed based on the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC), by Gazette Notification 1823/42 dated 15 August 2013, issued by His Excellency the President of Sri Lanka. The duration of the Commission has been extended until 15th February 2016. In order to facilitate and expedite the conduct of inquiries, 2 additional Commissioners, i.e Retired High Court Judge Mr. Thilakaratne Ratnayaka and Mr. Hewa Hettige Sumanapala, were appointed to the Commission by Gazette Notice No. 1919/82 dated June 19, 2015. The Presidential Commission is mandated to inquire into and report on alleged abductions or disappearances that occurred during the period January 1, 1983 to May 19, 2009, and whether any person, group or institution directly or indirectly bears responsibility for violations of international humanitarian law or international human rights law.

20. Since the Establishment of the Commission on 25th August 2015, the number of complaints received from residents in the Northern and Eastern Provinces is 18,099, while a further 5,000 complaints have been received from families of missing security forces personnel.

21. The Commission has held regular meetings with the ICRC and the United Nations Development Programme (UNDP) and have obtained their views and experiences gained in other parts of the world particularly on matters relating to missing persons at the end of a conflict.

22. The Commission submitted its Report to H.E. the President. This report, along with the Udalgama Commission Report will be presented to the Parliament shortly.

Anti-terrorism measures [paragraph 10]

23. The Prevention of Terrorism Act (PTA) was enacted to “deal with acts of terrorism” within the context of accepted norms and principles of the penal legislation of Sri Lanka. The procedures governing individuals are similar to those found under the Code of Criminal Procedure. Accordingly, the validity of an arrest, the legality of detention, the period of detention, and a decision of a lower court made under the PTA can be subject to judicial review. Additionally the right to seek the issuance of the writ of Habeas Corpus and recourse to the fundamental rights jurisdiction of the Supreme Court are also available to any person aggrieved by measures taken under the Act.

24. In terms of section 6(1) of the PTA, any police officer not below the rank of superintendent or any other police officer not below the rank of sub-inspector, who has been authorized in writing, may arrest without a warrant a person connected with any offence set out in section 2 of the PTA.

25. Such a person can be kept in custody for a period not exceeding 72 hours unless a detention order is made under Section 9 of the Act. A detention order under Section 8 is for a period of three months at the first instance. Such period can be extended from time to time for periods not exceeding three months at a time for a maximum period of 18 months.

26. Arrest and detention, both under normal laws and the PTA, can also be challenged by way of a fundamental rights petition under article 13 of the Constitution. It also needs to be emphasized that the procedure followed in respect of persons detained and indicted under the PTA, i.e. regarding investigations, filing of cases in the courts, leading evidence, etc., is the normal procedure applicable in any criminal case. Thus, once a person is detained under the PTA, the police are under a duty to conduct an investigation into the case and forward their findings to the Attorney-General’s Department. Where there is

sufficient evidence, the suspect has to be indicted in the ordinary courts according to procedure established by law. Every such detainee has the right to legal counsel.

27. All detainees can challenge the lawfulness of the detention by way of Habeas Corpus in the High Court or Court of Appeal and also challenge such detention in the Supreme Court by way of a Fundamental Rights Application. With regard to fundamental rights applications it is noteworthy that complaints could be initiated by addressing a letter to the Supreme court- the epistolary jurisdiction which has been developed by the Supreme Court.

28. The GoSL continues to review the cases of suspects held under the Prevention of Terrorism Act (PTA) in order to prosecute, submit to rehabilitation or release persons held in detention, upon consideration of the evidence (Please refer to paragraph 30).

29. Following are the safeguards against arbitrary arrest, detention and torture under the PTA:

- The arresting officer must issue a document informing the spouse, father, mother or other close relative of the detainee of the arrest. The document must contain the name and the rank of the arresting officer, the time and date of arrest and the place at which the person will be detained or held in custody (Regulation 18(8)).
- Every arresting officer must report an arrest made under Regulation 18 within 24 hours to a superior officer (Regulation 18(7)).
- Every officer in charge of a detention camp is obliged to furnish the magistrate every fortnight a list of detainees held by him. The Magistrate is obliged to post this list on the court notice board and to visit the camp every month (Regulation 19 (6)).
- As per existing legislation, all Magistrates are legally empowered to visit and inspect remand prisons, where suspects are held on remand on judicial orders of the Magistrates.

30. Since the end of the conflict in 2009, the Attorney-General has in many instances opted to rehabilitate the suspects as an alternative to prosecution. Rehabilitation is conducted only in instances where the suspect voluntarily agrees to rehabilitate himself before reintegration into society. Over 200 persons have been recommended by the Attorney General for rehabilitation in lieu of prosecution after 2009. The process is facilitated through courts and under judicial supervision. In addition to recommendation for rehabilitation by the Attorney General, the courts have also in many instances sent convicted persons for rehabilitation as a substitute for jail sentences.

31. As of 14 September 2015, statistics relating to those arrested under the PTA are as follows:

No. of persons presently under Detention Orders	17
In custody pending trial (after service of indictment)	67
In custody – Remanded by Magistrate	50
Rehabilitation Male	63
Female	8
Serving sentences	20
Total	225

32. As the security situation improves, the government hopes to review and repeal the Prevention of Terrorism Act and replace it with anti-terrorism legislation in line with contemporary international best practices and also review the Public Security Ordinance, which governs the national security architecture in the country.

Registration of all detainees [paragraph 12]

33. Terrorist Investigation Division has decentralized its database on the persons arrested, detained, released etc. where any close relative could scrutinize the list. A round-the-clock mechanism has been established in under-noted locations from 01.04.2011, to provide details of the detainees and those who are already released from detention by the Terrorist Investigation Division. Details will be issued only to the Next of Kin (NoK) provided they established their identity through a certified letter issued by either the OIC of the relevant Police Station or the *Grama sevaka* of the area of residence.

- Terrorist Investigation Division, 2nd Floor, New Secretariat Building, Colombo 01., Tel. 0112384400, Email dir.tid@police.lk
- Boossa Terrorist Detention Camp, Race Course road, Boosa, Galle, Tel. 0912267084
- Terrorist Investigation Unit, Opposite the Office of DIG Wannai, Kandy Road, Vavunia. Tel. 0243243207

34. A comprehensive around the clock data base is being maintained by the Criminal Records Division of the Sri Lanka Police, where all the data of the suspects arrested for terrorism or non-terrorism (criminal) related offences are maintained. This is regularly being scrutinized by the Senior Officers.

35. The Justice Ministry has entered into a MoU with the Attorney Generals Department to support the department with 8 State Counsel to assist in the clearing of backlog of cases on narcotics and those relating to persons held in detention for a prolonged period under the Prevention of Terrorism Act and the Emergency Regulations.

36. A team of Attorneys-at-Law acting under direct supervision of an Additional Solicitor General and a Deputy Solicitor General is taking action to recommend charges, discharge or any other course of action ie: rehabilitation after having considered evidence available against each detainee.

37. Total Number of detainees under the PTA recommended for rehabilitation over the last four years are given below.

Table 2

Number of detainees recommended for rehabilitation

<i>Year</i>	<i>No. of detainees recommended for rehabilitation</i>
2011	14
2012	127
2013	15
2014	23

Source: Department of Police, Sri Lanka.

38. Human Rights Commission of Sri Lanka maintains a register of detention orders and it is a mandatory requirement of all the authorized agencies to keep the HRC informed of the enforcement of all detention orders.

Human rights defenders, defence lawyers, journalists and other civil society actors at risk [paragraph 13]

39. Since January 2015, GoSL has taken all steps to prevent harassment and attacks on human rights defenders, defence lawyers, journalists and other civil society actors and has given priority to the investigation, prosecution and disposal of such cases.

40. In the case of the disappearance of journalist Prageeth Eknaligoda, four members of the armed forces have been arrested and further investigations are in progress. Investigations into other such cases are ongoing.

41. Strengthening the grievance handling mechanism, the Press Council, which is an affiliated institute of the Ministry of Mass Media, provides the opportunity to submit complaints through the official website of the Press Council.

42. To ensure media freedom, Ministry of Mass Media has widened the scope of the registration process for print, electronic and social media institutions. Protection of media personnel or institutions is ensured as any person who seeks to facilitate or vindicate human rights has the option of filing a Fundamental Rights application in the Supreme Court, or a Writ Application in the Court of Appeal, or making a complaint before the National Human Rights Commission, on their own behalf or in the public interest. Constitutional guarantees are available to individuals or groups who wish to espouse social causes and advocacy, also encompassing the area of human rights, or to canvass for the rights of media personnel.

Conditions of detention in police stations and prisons [paragraph 14]

43. The Prison Ordinance was introduced in 1877 and there were several amendments thereafter. The Ministry of Justice appointed a Prison Ordinance Amending Committee to consider the redrafting of the Prison Ordinance. Although the existing Prison Ordinance is closely matched with international requirements, the Ministry of Justice is keen to amend certain regulations to protect prisoner's rights. Cabinet approval has been granted to the drafted amendments.

44. Sri Lankan Prisons Authorities take unremitting efforts to comply with the International Standards in administration, management, and in the treatment of prisoners. Further, the Ministry of Justice is in the process of finalizing the "New Prison Administration Bill" to make provisions for the detention of prisoners, to provide for the custody, care and rehabilitation of the prisoners and to provide for the promotion of universally accepted principles and practices in the treatment and management of prisoners.

45. The proposed legislation has suggested three independent visiting committees. Board of Prison Visitors, Local Prison Visiting Committee and the Special Visiting Committee. Duties of these committees are to:

- Make recommendations to Commissioner General of Prisons to promote overall welfare of the prisoners
- Assist prisoners to live with self-respect and dignity
- Investigate and report any matter as requested by the Minister and CGP

46. Sri Lanka is willing to take advisory assistance and technical assistance in the field of criminal justice and law reforms.

47. As manual searching can raise problems concerning the human dignity of inmates, a policy decision was taken to introduce high tech equipment to search prisoners and their belongings. The Department of Prisons has decided to purchase Body Scanners and Parcel Scanners. These machines are already fixed in 3 major prisons in Sri Lanka. Another three

prisons will be facilitated by the end of this year. Introduction of an electronic monitoring system is also under consideration.

48. The Ministry of Justice, with the technical assistance of the ICRC, had taken the initiative to formulate a “Special Task Force” to identify the “Legal and Judicial causes of Prison overcrowding” with the participation of several vital stakeholders who are responsible for the smooth functioning of the judicial system and prison administration.

49. Presently, the Task Force is in the process of identifying and considering the following areas in order to identify and to find remedies to the issue of “Prison overcrowding”:

- Prison population
- Community based correction orders
- Drug offenders
- Sentencing

50. The Department of Prisons has taken Standard Minimum Rules and ICRC standards as the minimum specification for building new prisons. The second largest prison in Sri Lanka has already been shifted from an urban area and established in a new location. A new prison complex is currently under construction in Angunakolapelassa in the Southern Province. Welikada Prison Complex, located in a highly urban area, has been identified to be relocated in the future with the help of foreign donors. The Department of Prisons plans to reduce overcrowding and improve prison conditions by introducing Urban Prison Relocation Program (UPRP). Accommodation, ventilation, bedding, hygiene, sanitation and other requirements of these prisons have been designed on par with international standards. Almost all the new prisons are above the minimum international standards.

51. A Special Task Force Chaired by the Secretary to the Ministry of Justice was appointed on 14 July 2015, by the Ministry of Justice to work on reducing prison overcrowding in Sri Lanka. The Task Force works closely with the ICRC which has expertise in the area and facilitates this program. The Task Force will submit their recommendations to reduce prison overcrowding.

52. The GoSL has established the Department of Community Based Corrections (DCBC) under the Act No. 46 of 1999. At present, the DCBC handle approximately 9,000 persons per year. This can be identified as a major step to reduce prison congestion. The Ministry of Rehabilitation and Prison Reform intends to upgrade the policies relating to the DCBC for better performance in the future.

53. For the purpose of reduction of pre-trial detention, a Committee has been appointed by the Secretary of the Ministry of Justice to identify the issues relating to pre-trial detention. Senior Officers from the Police, Prison, Attorney General, Government Analysis Department, Judge’s Institute and Legal Aid Commission are members of this committee. The committee is working to reduce long term pre-trial detention.

54. The GoSL has taken steps to segregate incarcerated juveniles from adults and remand detainees from convicted felons. Further, the juveniles incarcerated for offences are not kept in closed prisons. The juveniles are kept in separate institutions named Training School for Youthful Offenders (T.S.Y.O) at Watareka and Correctional Centre for Youthful offenders (C.C.Y.O) located in Pallansena. The convicted felons are kept in Welikada prison and all remand suspects in Welikada prison have been transferred to other remand prisons in Colombo.

55. All prison institutions have prison hospitals inside the prisons. There are three main hospitals in Welikada, Mahara and Dumbara Prisons. Dumbara Prison Hospital Complex is

under construction now. Articles 66 to 70 of the Prison ordinance has emphasized the health rights of inmates.

56. Under the present system, any person including alleged torture victims, before being released from police custody or before being produced before magistrate/ courts should be produced before the Judicial Medical Officer (JMO) for medico legal examination. Now this examination is performed by:

- Board certified Specialists in Forensic Medicine identified as Consultant Judicial Medical Officers.
- Medical Officers/Medico Legal (MO/ML) who were given short term training in medico legal management and working under the consultant JMO's supervision.
- Board certified specialists in Forensic Medicine working as senior lecturers in Forensic Medicine Departments of medical faculties in teaching hospitals.
- Post graduate trainees in Forensic Medicine working under the consultant JMOs supervision.

57. As such, examination of torture survivors in Sri Lanka is performed by experienced medico legal practitioners.

58. Professional measures are being taken by the College of Forensic Pathologists of Sri Lanka (CFPSL), the professional body of the specialists in Forensic Medicine in Sri Lanka, to continuously improve and update the system are as follows:

- Guidelines on medico-legal examination of torture survivors were developed based on the Istanbul Protocol and is about to be launched officially. This project was funded by the EU through the FRC (Family Rehabilitation Centre). Training of all JMOs/MOs-ML of the country will be done subsequently. Training modules have been developed. Director General of Health Services has approved this project.
- In 2004, the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was introduced in Sri Lanka and awareness programs were conducted for doctors in operating in rural areas with technical assistance from Caritas Sri Lanka.
- Development of guidelines and Standard Operational Procedures (SOPs) on investigation of Mass Graves have commenced in August 2015 in collaboration with the Ministry of Justice and Ministry of Health and funded by the ICRC.
- Development of guidelines on investigations into deaths in custody and extrajudicial executions and arbitrary killings is under discussion by the CFPSL. Implementation of Minnesota Protocol in Sri Lanka has been recommended. CFPSL and the Chief JMO will be working on this.

59. As at present, any torture survivor can get admission to any Government or major private hospital in Colombo after they are released by the Police or Courts. In hospital, it is compulsory for them to be referred to JMO for medico legal examination.

60. All patients who have been subjected to medico legal examination have a right to get a Medico Legal Report (MLR) or a copy of the MLR which was sent to the courts. When a report is submitted to the courts, it will become a public document and a copy can be obtained from the courts by paying a fee.

61. Suggestions to have a medico legal examination by an ordinary doctor other than the JMO or MO-ML is not recommended, as other doctors do not have a proper training on medico legal examinations and a poor quality report would result in a weak prosecution in courts. Similarly, an option to have the medico legal examination by a doctor/JMO of the

patient's choice is also not recommended as the defense lawyers will try to create doubts regarding impartiality and professionalism in such cases. In some cases, the prisoner or a party can make a request to the courts to refer a case to another JMO or chief JMO if they are not satisfied with the outcome of the first examination. This practice is seen in post mortem examination of deaths due to suspected torture.

62. Recent improvements:

- Prison Ordinance Article 18(2) has mentioned that Medical Officers shall obey all the rules and regulations of prisons. The proposed new prison ordinance suggests allowing medical officers to work on Medical Ethics as well.
- Dental Units have been established in main prison hospitals and various clinics have been started in these prisons.
- After the war, new Prison in Jaffna District is under construction now with all medical facilities.
- The Ministry of Health recently appointed a new Director to handle prisoner's health. All prison doctors are responsible to the Director (Prison Health).
- ICRC is involved in addressing some issues in the health sector, especially in providing consultations.

Deaths in custody [paragraph 15]

63. Deaths in Police custody are being subjected to prompt investigations under the judicial supervision and all suspected persons are bound to be produced before the Magistrate under the Criminal Procedure Code of Sri Lanka. In addition to above, the police personnel who are responsible for these deaths are also subjected to the Disciplinary Code of Sri Lanka Police.

64. Cases of deaths during the riots at Welikada Prison: Following this incident, a three-member independent Committee headed by a retired High Court judge was appointed by the former Hon. Minister of Prisons and Rehabilitation. A retired Senior Deputy Inspector General of Police and Senior Legal Advisor of the Ministry of Prisons (also a former District Court judge) were appointed as the other two members. The Committee submitted its findings to the Minister in charge of the subject. The Committee concluded that the military was compelled to take action to protect the prison officials and other inmates who got trapped. The officials who were on protection duty of the armoury were subjected to disciplinary action for lapses on their part which enabled the inmates to arm themselves. The recommendations of the Committee are being implemented with a view to preventing any such incidents happening in the future.

65. Cases of deaths during the riots at Vavuniya prison: Investigations conducted up to now do not disclose sufficient material to attach criminal responsibility to any particular person. Consequent to an order made by the High Court judge of Vavuniya in case No. HCB 2275/2011, to transfer a prisoner to a detention camp in the South, the other prison inmates began a protest campaign and took hostage 3 prison officers and continued this protest for more than a day. Unable to control this siege, the prison authorities summoned the assistance of the STF of the Police in order to rescue the prison officers held as hostage. In the course of this operation 2 prisoners, 3 prison officers and 7 STF personnel were injured as a result of the attack launched by the prisoners. Two prisoners who sustained injuries during the rescue operation later succumbed to their injuries.

Monitoring detention facilities [paragraph 16]

66. As far as detainees are concerned, access is given not only to their legal representatives but also to family members, religious dignitaries, medical personnel and the ICRC. The Magistrates also visit the detainees regularly to ascertain their well-being. In addition, legal aid is provided by the State at its expense for accused and appellants in the High Court and Court of Appeal respectively, if they are unable to retain a lawyer of their choice. The Bar Association of Sri Lanka also assists persons with legal aid mainly in forwarding Fundamental Rights petitions to the Supreme Court. Legal aid is also available for civil matters.

67. Every member of the armed forces and the police force shall assist and facilitate the Human Rights Commission of Sri Lanka (HRCSL) and any person authorized by the HRCSL in the exercise of its powers, duties and functions and also ensure that the fundamental rights of a person arrested or detained are respected. Those members of the HRC or anyone authorized by it must be given access to the arrested or detained person and should be permitted to enter at any time, any place of detention, police station or any other place in which such a person is confined. Further, the HRC must be informed within 48 hours of any arrest or detention and the place the person is being detained.

68. Authorized government agencies and NGOs (international and local) are permitted to visit places of detention with prior approval. These NGOs educate prison inmates on their human rights, fundamental rights, and inmates are also provided with legal advice. Any person under custody is free to complain to any person, organization/international body of any grievance, personal problems or complaints.

Human Rights Commission of Sri Lanka (HRCSL) [paragraph 17]

69. The Human Rights Commission of Sri Lanka was established under the Act No. 21 of 1996, to give effect to the commitment of Sri Lanka as a member of the United Nations in protecting human rights, and to perform the duties and obligations imposed on Sri Lanka by various international treaties at international level; as well as to maintain the standards set out under the Paris Principles in 1996. The Human Rights Commission of Sri Lanka is an independent Commission, which was set up to promote and protect human rights in the country. Strengthening of the Human Rights Commission including upholding and strengthening the Commission's independence was established under the 19th Amendment to the Constitution.

70. It is expected that, at the appropriate time, the Human Rights Commission of Sri Lanka will be able to obtain Grade "A" status in light of recent legislative changes and the reconstitution of the Commission.

71. The GoSL has continued to provide funding for the HRCSL and contributions to the annual budget has been increased.

72. The HRCSL Act provides for any person authorized by the Commission to enter at any time any place of detention, police station, prison, or any other place in which any person is detained and HRCSL officers visit police stations and detention centres to look into the welfare of detainees. An important development is the expansion of its network of 10 regional offices island wide (Kandy, Vavuniya, Jaffna, Badulla, Kalmunai, Anuradhapura, Trincomalee, Matara, Batticaloa and Ampara) to carry out their activities.

73. Every member of the Armed Forces and the Police Force shall assist and facilitate the HRCSL and any person authorized by the HRCSL in the exercise of its powers, duties and functions and also ensure that the fundamental rights of persons arrested or detained are respected. The Sri Lanka Police have in place the necessary arrangements for the HRCSL officers to visit the places of detention to look into the welfare of the suspects. Legal

Division of the Police continues to inform details of arrested suspects and detainees to the HRCSL on a regular basis.

74. The role of the HRCSL was also strengthened by the ICCPR Act (No. 56 of 2007) which provides that the High Court may also refer a matter arising under the Act to the HRCSL for an inquiry and report, and request the Commission to submit its report to the High Court within the time stipulated. This may be done at any stage of the proceedings.

75. A hotline has been introduced by the HRCSL for the public to make complaints regarding unlawful arrest, detention or torture. Capacity building programmes have also been undertaken for the staff of the HRCSL with the assistance of the UN Joint Programme on Human Rights of the UNDP.

76. The HRCSL is functionally independent and is appointed in terms of the applicable law. A substantial amount of funding has been made available by the GoSL for the HRCSL. Financial resource allocations have been increased as per HRCSL requirements and HRCSL has established its office in a new premises. New staff has also been recruited and most of them have been allocated to the Inquiry and Investigation Division. The HRCSL appointed retired judges on contract basis to clear the backlog of cases. Assistance for office requisites have been provided by UN Joint Programme on Human Rights – UNDP.

77. Action has been taken by the Ministry of Justice to introduce necessary legal provisions to the “Human Rights Commission Act” and to the “Code of Criminal Procedure Act” with the aim of protecting the following aspects of human rights:

- Adhering to applicable legal provisions by the law enforcement authorities when taking persons into custody, such as issuing of a formal receipt regarding the arrest and providing details of the place of detention
- An arrested person should be promptly produced before a Magistrate to be dealt with in accordance with the law, and any change of the place of detention should be promptly notified to the family of the arrested person and the Human Rights Commission of Sri Lanka and
- Magistrates should visit the places of detention every month and release from detention should be done through courts. Such persons should be detained only at formal places of detention declared under the law. Adequate publicity should be given to such authorized places of detention, with access to next of kin.

Witness and victim protection [paragraph 19]

78. Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015 was passed by the Parliament and certified on 7th March 2015. This can be identified as an essential piece of legislation which declares the rights and entitlements of victims of crime and witnesses and contains measures for the protection and promotion of such rights and entitlements and especially to give effect to appropriate international norms, standards and best practices relating to the protection of victims of crime and witnesses.

79. The Ministry of Justice is in the process of setting up a National Authority for the protection of victims of crime and witnesses, which is a further step to enhance an efficient criminal justice process in Sri Lanka. The Act has identified and recognized widely the rights and entitlements of victims of crime and witnesses.

80. The main objectives of the Act are:

- To uphold and to enforce the rights and entitlements of victims of crime and witnesses and to provide for a mechanism to promote, protect, enforce and to exercise such rights and entitlements.

- Provide assistance and protection to victims of crime and witnesses.
- Enable victims of crime to obtain compensation from persons convicted of having committed offences against them.
- Set out duties and responsibilities of the State, judicial officers and public officers towards the promotion and protection of the rights and entitlements of victims of crime and witnesses.
- Provide for the adoption and implementation of best practices relating to the protection of victims of crime and witnesses.

Internally displaced persons [paragraph 20]

81. Following the termination of military operations against the LTTE in 2009, the GoSL has undertaken a gradual process of reduction of military presence in former conflict affected areas, review of High Security Zones (HSZs) and releasing of land for resettlement of the internally displaced.

82. The GoSL has resettled a total of 232,952 families consisting of 796,720 individual persons since 2009 in Northern and Eastern Provinces. Out of this, 157,051 families amounting to 521,081 individual persons have been resettled in the North while 75,901 families consisting of 275,639 persons have been resettled in the East. As at end June 2015, a further 13,459 families which amounts to 44,934 individuals are either living in Welfare Centers or with friends and relatives. Resettlement of these families will be undertaken with the completion of the on-going demining operations in the relevant areas and the subsequent release of lands.

83. The Government, after assumption of duties in January 2015, considered the resettlement of the remaining IDPs, as a priority issue. This was seen as an essential step forward in terms of bringing about a process of reconciliation and harmony among the ethnic communities in the country. Under the present government, 1,000 acres of private land from then High Security Zone in Jaffna/Palaly, hitherto used by the military, have been released to the District Secretary to be handed over to the original owners. Action has already been taken to identify more lands to be released from these areas. In addition, during 2015, Ministry of Defence accelerated revoking of acquisition requests for 84 land plots to release 380 acres of private land in the North and East. Also, 18,525 acres of State land from Ponnaweli, Kilinochchi that was under the protection of Army has been released. Resettlement in Sampur area is identified as a priority action. Hence, an extent of 818 acres of land that was previously vested with the Board of Investment under a special grant was cancelled in 2015 and the Ministry of Lands is now in the process of divesting respective lands to the original owners. Furthermore, of the 237 acres of lands in Sampur where the Navy Training Center was established, 60 acres have been released and are now occupied by the original owners. On August 22nd, the President handed over land deeds to 234 war displaced families who are now resettled in these areas. Action will be taken to release the remaining extent to the Divisional Secretariat to initiate resettlement activities. Release of 1,000 acres of private land from High Security Zone in Jaffna and 237 acres of lands in Sampur in 2015 has enabled the recent resettlement of 1,171 families in Jaffna District and 253 families in Sampur Village. Discussions between the Defence Ministry and the Resettlement Authorities continue to identify more lands that can be released for resettlement. To date, 20,011 acres of private land and 5,740 acres of state land have been released in the North and East.

84. The Ministry of Resettlement & Hindu Religious Affairs, in collaboration with UN Country Team which includes UNHCR and other relevant entities, is working out resettlement plans for the IDPs. On 4 June 2015, Ministry of Resettlement and Hindu Religious Affairs convened a Donor Consultation. Several Embassies/High Commissions

based in Sri Lanka together with members of the civil society and donor organizations, Chief Minister of the Eastern Province, Governors of the Northern and Eastern Provinces and District Secretaries of the two provinces participated in this meeting. The UN, responding positively to a request of the Ministry of Resettlement & Hindu Religious Affairs for in-house capacity building has agreed to appoint shortly an External Consultant at the level of Senior Protection Officer and a National Consultant to the Ministry.

85. Ministry of Lands has taken steps to build awareness among Internally Displaced Persons in respective areas. Implementing agencies have taken action to make people aware of policies and alternatives available for them in the context of land and resettlement. A total of 3,025 field level and land branch officials have been sensitized through 20 Divisional Secretariat level awareness programmes in North and 18 Divisional Secretariat level awareness programmes in East. Divisional Days, Land Kachcheris and Mobile Services have been conducted in Northern and Eastern Provinces to raise awareness of the public.

86. Ministry of Resettlement has constructed 8,373 houses to resettle displaced persons. Of this, 2,303 houses have been constructed for the benefit of returnee Muslim IDP families in the Mannar District. Further, 4,891 new houses have been provided to displaced Muslims in Puttalam District and 1,493 houses have been renovated under World Bank funds in 2011. Under this project, 7 water supply projects were implemented, 149 km of internal roads were constructed and 1,669 toilets were provided. In addition, 7,485 plots of State land have been earmarked for alienation to resettle displaced Muslim families. Land Kachcheries to select suitable allottees is in progress.

87. A full census is being planned among approximately 10,000 Muslim IDP families living in Puttalam in order to establish their intention to return to their places of origin. As a first step a pilot survey has been carried out. According to this survey 48% have rejected the option of returning to their place of origin and they want to integrate locally in Puttalam.

88. A Ministerial review mechanism is in operation to address issues on resettlement of Muslim IDPs in their places of origin in the Northern Province. The Committee has identified *inter-alia* action that should be taken on priority basis viz; release of land, resettlement assistance, preparation of lands, and development of common and community infrastructure. There are 08 line Agencies represented in this Committee which meets once every 2 months to review progress and take necessary action.

89. The Government has facilitated the visit of Dr. Chaloka Beyani, the Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs) to Sri Lanka from 2-6 December 2013 and has continued constructive engagement with the Special Rapporteur concerning the provision of durable solutions for the IDPs.

Accountability process and the Lessons Learnt Reconciliation Commission (LLRC) [paragraph 21]

90. The GoSL remains committed to pursuing the implementation of the recommendations of the LLRC. The Committee may also refer to Paragraph 5 on the envisaged mechanisms for setting up independent, credible and empowered mechanisms for truth seeking, justice, reparations and guarantees of non-recurrence within the framework of the Constitution.

91. With regard to the cases relating to 17 aid workers in Muthur (Action Contre La Faim) and the 5 students who met with their deaths in Trincomalee, the cases were referred to the Attorney-General with a view to ascertaining whether a *prima facie* case exists to launch prosecutions. The Attorney-General has advised the IGP to conduct further investigations. Steps have also been taken by the Attorney General's Department to peruse

the material placed before the LLRC to ascertain whether it would be possible to impute liability so that offenders could be identified and prosecuted. It may be noted that this matter is currently being dealt by the Working Group on Situations of the HRC Complain Procedure.

Investigations into the murder of 5 students in Trincomalee in 2006

92. The prosecution has encountered a practical difficulty in locating 8 crucial witnesses, which includes 2 students injured in the incident, as their foreign addresses are not known. Thus, when the case was last taken up for inquiry in March 2015, the state moved for a later date in order to trace the whereabouts of these witnesses. Non Summary Inquiry in this case commenced on September 9, 2013. As at present, evidence of 16 witnesses had concluded. They include members of the Police, Army, Navy and relatives of one of the deceased. Also, affidavits of 10 official witnesses have been tendered as evidence. Summons have been issued on 14 witnesses to appear.

93. The original investigation into this matter was handled by a special team of police officers of the Trincomalee Police Division. Thereafter, the Criminal Investigation Department (CID) took over the investigation and proceeded. Based on the conduct of such investigations, the AG advised the CID to institute criminal proceedings in the Magistrates Court of Trincomalee against 13 personnel of the Special Task Force (STF) of the Sri Lanka Police. Accordingly, criminal proceedings were instituted and a Non-Summary Inquiry commenced on August 5, 2013 against the said accused. [In terms of the Sri Lankan law, a Non-Summary Inquiry is conducted to assess the available evidence, in order to enable a magistrate to determine whether there is reliable and sufficient evidence to try the accused on indictment in the High Court.] The prosecution of the case is being handled by a Senior State Counsel of the Attorney General's Department.

94. At this point of time, the prosecution has presented the depositions of 25 witnesses. Eight (8) witnesses cited by the prosecution are not available at their given addresses and are believed to be residing overseas. Hence summons could not be served. These witnesses include the two injured boys who survived the incident who have since left Sri Lanka. The CID wanted further time to locate the present addresses of these witnesses. The prosecution moved for summons on witnesses 1, 10 and 11 by email. The registrar of the Trincomalee Magistrate's Court was directed to issue an email notice about the date of further inquiry. However there was no response to the email that was successfully delivered. At present the prosecution has encountered this practical difficulty of locating the crucial witnesses to this case as their foreign addresses are not known. The prosecution has sought the assistance of the Ministries of Justice and Foreign Affairs to have the Summons served through formal and alternate means, including via the Office of the United Nations' High Commissioner for Human Rights. Further proceedings in the Magistrates Court of Trincomalee are scheduled for 7th December 2015.

Death of 17 aid workers of Action Contre La Faim (ACF) in 2006

95. The original investigation into this matter was handled by a special team of police officers of the Trincomalee Police Division. Thereafter, the Criminal Investigation Department (CID) took-over the investigation and proceeded. Since January 2015, the CID has interviewed and recorded the statements of 18 military personnel. A further 22 are to be interviewed. The CID continues to brief the AG on the progress of the investigation. The CID is desirous of interviewing two key witnesses who are said to be living in France. The Ministry of Foreign Affairs has requested the Embassy of France in Colombo to extend its good offices to facilitate the conduct of the interviews of these two possible witnesses.

Violence against women, including sexual violence [paragraph 22]

96. All acts of violence against women are criminalized. Sri Lanka's legal regime in this regard is comprehensive. The implementation mechanisms have also been strengthened with a network of State Institutions that reach the grass root level vested with tasks to address violence issues. These include at the base level, Women Development Officers (WDO's) and Counselling Assistants who have been appointed since 2005 to work at the administrative division level, i.e. The lowest level of State administration.

97. The State institutions available for women to access justice including the State Legal Aid Commission, provide a comprehensive service and are supported by several Non-Governmental Organizations that offer support to women victims.

98. Efforts to improve implementation continue, through programmes for all stakeholders including the Police, members of the judiciary, gender focal points in Government Ministries, Medical practitioners and Lawyers.

99. Sensitization programmes also continue to be held for all stakeholders including school children. Docudrama's on VAW including on the prevention of workplace harassment have been produced.

100. 150 Counselling Assistants have been recruited by the Ministry of Women and Child Affairs. Counselling programmes have been conducted for Counselling Assistants and a one year Diploma course in Counselling has been introduced for WDOs and Counselling Assistants. The number of Women and Children Police Help Desk has been increased to provide specialized services to a larger number of victims. The Ministry of Child Development and Women's Affairs provided funds to construct a new building for 26 Police Child and Women's Bureau units and provided necessary equipment to address diverse issues on violence against women.

101. A toll free helpline 1938 has been setup under the National Committee on Women to receive complaints and refer them to relevant service providers. An extensive state system of service providers have been placed at the Divisional Secretariat level, comprising of 5 key government officers working on women and children matters who liaise with other relevant agencies. State funding for the Legal Aid Commission was increased to 500 million for provision of legal aid to needy women.

102. The Ministry of Child Development and Women's Affairs has established Children and Women Units in 198 out of 351 Divisions under the close supervision and coordination of Divisional Secretaries, in order to implement the Government's programmes on Children and Women. The Unit consists of Women Development Officers (WDOs), Child Rights Promotion Officers, Relief Sister, Early Childhood Development Assistant and Assistant Child Protection officers.

103. Programmes on strengthening enforcement of law and access to justice and social integration have been implemented by empowering public sector and non-public sector stake holders. Bill boards have been erected in all the Districts depicting messages on ending violence against women and children. "Men too can make a difference on ending violence against women" is a theme taken up in all awareness raising programmes.

104. The Ministry of Child Development & Women's Affairs has implemented the following programmes in line with the Prevention of Domestic Violence Action Plan:

- Infrastructure support services were provided.
- Health service providers and law enforcement officers were trained on the DV Act.

- A shelter was established for victims of Gender Based Violence. The shelter was setup in 2012 and has provided services for nearly 50 women. The Ministry has also allocated funds to put up shelters in the North and East.
- 12 counselling centers in selected districts were established. Counselling services have been extended to grass root level enabling affected women to access services effectively.

105. Marital rape is recognized by the Penal Code amendment of 1995 by section 363(a) as an offence when the parties are judicially separated. It should be noted that there are cultural sensitivities relating to the criminalization of “marital rape” in all circumstances within Sri Lankan society. Although the act of sexual intercourse without consent of the wife is by itself not a crime under the existing law, where such an act involves violence to such a degree that the violence amounts to a crime, the act of violence is punishable under the Penal Code. In such an event relief can also be sought under Domestic Violence Prevention Act.

106. With regard to investigations on allegations of human rights violations, including sexual violence, during the conflict period, the Committee’s attention is drawn to paragraph 6 on envisaged mechanisms to be set up by the GoSL.

107. However, allegations of human rights violations, including sexual violence, continue to be investigated and dealt with by the authorities under the provisions of the criminal laws in the country. E.g., the Jaffna High Court, on 6 October 2015, sentenced four soldiers for 20 years each and Rs. 500,000 (or 5 more years) for raping a young mother, and 5 years imprisonment and Rs.100,000 each for abusing another woman living in the same house in Vishwamadhu, Kilinochchi in 2010.

Sexual exploitation and abuse of children by peacekeepers [paragraph 23]

108. In respect to this allegation, the Government as per the procedures of the (Office of the Internal Oversight) OIOS of the UNDPKO, immediately dispatched a three-member National Investigation Team (NIO) to Haiti. As part of the rotation of the battalions all alleged members of the Battalion were withdrawn and an Army Court of Inquiry (CoI) was convened in terms of the Army Courts of Inquiry Regulations 1952, in order to investigate allegations of sexual exploitation and abuses alleged to have been committed by some members of the 6th Sri Lanka Peacekeeping battalion deployed in Haiti (MINUSTAH). The OIOS prosecutor participated in this process in cross examinations. Based on the evidence recorded and observations of the COI, disciplinary actions were taken against 10 officers and 13 soldiers of the said battalion. Three soldiers out of 13 had been killed in action whilst on operational duties in Sri Lanka at the time of inquiry.

109. Out of the 10 officers, disciplinary action was taken against one officer and his commission was withdrawn. One officer was made to retire in his substantive rank. Eight officers were given corresponding punishments based on the gravity of the offences committed. In respect of the 13 soldiers, one was discharged from the service. The respective Regimental Units that the rest of the 12 soldiers belong to, had been ordered to take punitive action according to the gravity of the offences committed by each of them.

110. The Secretariat of the United Nations informed on 30 June 2015, that the Secretariat has taken note of the outcome of the Court of Inquiry conducted by the Sri Lanka Army, including the names of the 10 officers and 13 soldiers convicted and their respective punishments, and that the Secretariat of the United Nations now considers the matter closed.

111. In conformity with the UN principles, action has already been taken to disbar any officer/soldier, who has been tainted with any allegation related to sexual misconduct, from

taking part in UN peacekeeping missions. In addition, an authorized representative of the Commander of the Army issues a Declaration to the effect that the Sri Lanka Army personnel assigned to a particular UN mission are free from blemish and have not been convicted for any offence related to sexual misconduct.

Human trafficking and violence against Sri Lankan migrant workers [paragraph 24]

112. Sri Lanka ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in June 2015. The offence of Trafficking as contained in the Penal Code is a relatively new offence introduced in 2006. The Ministry of Justice established the National Anti-Human Trafficking Task Force (Task Force) in 2010 and it functions as the national coordinating body to advise and monitor activities to be implemented in combating human trafficking in Sri Lanka.

113. The Task Force aims to strengthen the co-ordination among key government stakeholders, to increase prosecutions and to improve the protection of victims. The Task Force consists of representatives of all the government institutions which were recognized as responsible institutions in addressing human trafficking in the country. Technical assistance for the Task Force is provided by the International Organization for Migration (IOM).

114. Standard Operating Procedures (SOP) was developed by the Task Force and launched in March 2015 to improve identification, referral and protection of victims of human trafficking and it has been approved by the Cabinet of Ministers. The Task Force is planning to conduct awareness programmes for its member stakeholders to help familiarize them with the SOP for its implementation.

115. Sri Lanka is an active member of the Bali Process. The Regional Support Office (RSO) of the Bali Process has been established by the Bali Process membership to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, and other components of migration management in the Asia-Pacific region. The RSO in collaboration with the Task Force launched “Policy Guides on Criminalizing Trafficking in Persons and Migrant Smuggling” which was developed by a Drafting Committee in October 2014 at the Ministry of Justice.

116. All reported cases of trafficking are investigated and prosecuted. It is significant that there have been no acquittals. In addition to the number of prosecutions for the specific offence of Trafficking, it should be noted that action is taken for related offences as well. This happens when it transpires during the course of the investigations that although original reports of incidents may be classified as trafficking, that the nature of the incidents warrant framing of charges for the offences of procurement or sexual exploitation of children. One of the challenges in prosecuting is that the offence of trafficking is more difficult to prove and, therefore, in the interest of securing a successful prosecution and a conviction, charges are framed for these connected, but different offences. It is relevant to note that, prior to the amendment to the Penal Code in 2006 which introduced the separate offence of trafficking, incidents of trafficking were charged under the offence of Procurement or under the Brothels Ordinance. Therefore, while the fact that some cases involving trafficking may be filed under other penal provisions should not be disregarded, it is hoped that continued awareness and training programs for law enforcement authorities such as the police, will increase charges filed under the specific offence of trafficking. One of the other challenges in securing prosecutions and convictions for trafficking offenders is that not all cases are reported or evidence is sometimes scarce, where victims are dissuaded from complaining in fear of reprisals.

117. The establishment in 2012 of a special shelter for female victims of trafficking under the former Ministry of Child Development and Women’s Affairs (currently Ministry of

Women and Child Affairs) is expected to provide better protection to victims, facilitating an environment more conducive to effective prosecutions.

118. The Task Force also supervises the member institutions in conducting awareness programmes on human trafficking for the general public and state officials. One of such recently held programmes was when the Sri Lanka Bureau of Foreign Employment and Labour Department in collaboration with IOM and under the direct supervision of the Task Force organized a regional training programme on the identification, protection and referral of victims of human trafficking for selected officers based at Sri Lankan overseas missions in the Middle East region in August 2014 in Amman, Jordan. Subsequent to this programme three capacity building programmes were conducted for the officials of the SLBFE in June 2015.

119. Further, the Task Force has given special focus in conducting capacity building training programmes for the Sri Lanka Police Department, in order to ensure that victims of human trafficking are properly identified and possible cases of human trafficking are thoroughly investigated to conduct a successful prosecution.

120. With the aim of streamlining anti-human trafficking efforts, the Task Force is currently in the process of developing a Strategic Plan to Monitor and Combat Human Trafficking in Sri Lanka.

121. Violation of the offences of Procurement and Trafficking during the period 2011-2014 have been dealt with, as follows:¹

Table 3

Trafficking offences during 2011-2014

<i>Year</i>	<i>Reported Cases</i>	<i>Prosecutions</i>	<i>Investigations Pending</i>
2011	20	9	11
2012	28	15	13
2013	6	2	4
2014 (up to September)	6	4	2
Total	60	30	30

122. The numbers of female victims of trafficking as reported by all police divisions was 29/44 in 2011, 02/06 in 2012, none in 2013 and 04/12 in 2014.² The above data does not indicate an increase in trafficking offences, but indicates a decline in the number of reported cases on procurement and trafficking, as well as in the number of trafficking victims in 2014 compared with 2011. Therefore, Sri Lanka appears to be on a positive track where combating trafficking is concerned.

123. A survey on returned and refused migrants is being conducted at the Bandaranaike International Airport by the relevant Governmental functionaries to identify victims and offenders of trafficking and channel them to the relevant authorities.

124. Information dissemination and training on anti-trafficking legislation has taken place on many fronts by a variety of bodies:

¹ Police department.

² Criminal Records division of the Police department.

Attorney General's Department

125. Since 2009, the Attorney General's Department has enhanced its focus on prosecutions for the offence of trafficking. Two officers of the Department are members of the Anti-Human Trafficking Task Force. Hence, the necessary cooperation and coordination is maintained with all authorities combating trafficking. The Department is also in the process of developing a database to record the number of prosecutions and convictions in Trafficking. The officers of the criminal division in the Department receive regular training on prosecutions in this area, and also act as resource persons at workshops organized to train judges as well as personnel of other relevant institutions such as the Police Department and the Immigration and Emigration Department.

Counter-Trafficking National Database Unit

126. The Counter-Trafficking National Database Unit under the Police Criminal Records Division was established to serve as a central depository of island wide reports on trafficking. Accordingly, the Unit has formulated an incident reporting form which has been sent out to all police divisions. When incidents are reported, the relevant police divisions re-submit the completed forms to the Unit, and the information is thereafter entered into the database.

National Counter-Trafficking Research Center

127. Several training activities have been carried out by the National Counter-Trafficking Research Center at the Department of Immigration and Emigration. These activities during the reporting period were as follows:

- 2012 The Center coordinated the following programmes:
 - An ILO-sponsored Diploma Program on *Migration Studies* conducted in partnership with the Bandaranaike Centre for International Studies, at which 21 immigration officers successfully completed the diploma course.
 - 3 ILO-sponsored one-day workshops on *Laws, Policies, Regulations, Promotion of Regular Migration and Prevention of Trafficking in Persons*, which were also sponsored by the ILO, where 100 immigration officers participated.
 - A training program on *Migration Intelligence Analysis and Reporting* conducted by the Australian Government, at which 16 officers attached to the Border Surveillance Unit were trained.
- 2014 The Center coordinated 2 IOM sponsored one-day workshops on *Combating Human Trafficking*, with 54 immigration officers participating.

INGO activities

128. The relevant Government departments have received significant support from the International Organization for Migration (IOM) and the International Labour Organization (ILO) who have been instrumental in supporting many initiatives towards information dissemination and training on anti-trafficking measures. These are:

- Capacity building programmes for law enforcement officers and officers of the Attorney General's Department.
- Awareness campaigns for the public regarding the risks and consequences of human trafficking as a method of prevention.

- Information campaigns for the public on countering irregular migration including trafficking.
- Judicial Colloquiums on the international legal developments on the subject were organized by the ILO.
- Development of Resource Manuals on the subject for the State Prosecutors in partnership with the Attorney General's Department, as well as for the police.
- Establishment of Community Vigilance Groups in selected districts and training them to perform Watch Dog functions, as well as to monitor and investigate cases of trafficking at the village level. Consequently, several cases, victims and offenders were identified and channeled to the relevant authorities including the Police and the National Child Protection Authority. Linkages were established between these community groups and the Grama Niladhari divisions and the law enforcement authorities to ensure close coordination.
- Expanding national data collection and management systems to track trafficking-related cases and crimes.
- Provided protection and reintegration assistance to victims of trafficking in Sri Lanka and strengthened the capacities of these partners to continue providing such assistance to victims.

129. Legal and policy developments in the area of foreign employment also seek to minimize the potential for trafficking. Statutory provisions contained in the Sri Lanka Bureau of Foreign Employment Act while ensuring that foreign employment is regulated, also address prevention of trafficking. For instance, all foreign employment agencies are required to be licensed and, non-compliance thereof is a penal offence (s. 24) and recruitment cannot be done without the approval of the Sri Lanka Bureau of Foreign Employment (SLBFE) (s. 37). The contract between the employer abroad and the local employee must be certified by the SLBFE and the certified contract must be registered with the Ministry of Labour of the employer's country (s. 44). The terms of the contract are explained to the worker and the signing of the contract takes place in the presence of officials of the SLBFE. The SLBFE also has the power to inquire into complaints made by persons recruited for foreign employment (s. 51). Furthermore, by way of a decision of the Cabinet of Ministers in 2011, a minimum age of 21 years was introduced for female domestic employees sent abroad. In 2013, this age was raised to 25 and 23 years in respect of employment in the Kingdom of Saudi Arabia and other Middle Eastern Countries respectively.

130. The SLBFE also carries out training and awareness programmes for foreign employment agents and public officers, and provides legal assistance to victimized employees through the legal division of the SLBFE and, where necessary, the relevant Embassies.

Definition of torture [paragraph 25]

131. Professor Manfred Nowak, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states in paragraphs 24 and 25 of the "Report of the Special Rapporteur for Torture and Other Cruel, Inhuman, or degrading treatment and or Punishment, Manfred Novak, Mission to Sri Lanka" (A/HRC/7/3/Add.6) that: "Sri Lanka applies a dualist legal system and has implemented the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment by Act No. 22 of 1994... The Special Rapporteur notes that the definition of Article 12 is in conformity with the definition of Article 1 of CAT ..."

132. Professor Nowak further "...notes that the definition in article 12 is in conformity with the definition of Article 1 of CAT: however, it does not expressly include suffering." This is a clear indication that despite the lack of the term "suffering" the Convention against Torture Act No. 22 of 1994 (CAT Act) is in conformity with the definition of the Convention against Torture.

133. In *De Silva v. Fertilizer Corporation* [1989] 2 SLR 393, Justice Amerasinghe held that "Article 11 of the Constitution guarantees freedom from torture, cruel, inhuman or degrading treatment or punishment. The words of the Constitution are in terms identical to those in Article 5 of the Universal Declaration of Human Rights, adopted by the General Assembly of the UN...I am of the opinion that the torture, cruel, inhuman or degrading treatment or punishment contemplated in Article 11 of the Constitution is not confined to the realm of physical violence. It would embrace the sphere of the soul or mind as well. The fact that mental aggression should be looked upon in the same manner as we contemplate physical attack is supported by Resolution 3452 (XXX) which was adopted by the General Assembly at its 30th session in 1975."

Jurisdiction over acts of torture [paragraph 26]

134. The existing provisions in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act No. 22 of 1994, provides for this. Section 4(1) provides as follows:

"The High Court of Sri Lanka shall have the jurisdiction to hear and try an offence under this Act committed in any place outside the territory of Sri Lanka by any person, in any case where:

- (a) the offender whether he is a citizen of Sri Lanka or not, is in Sri Lanka, or on board a ship or aircraft registered in Sri Lanka;
- (b) the person alleged to have committed the offence is a citizen of Sri Lanka; or
- (c) the person in relation to whom the offence is alleged to have been committed is a citizen of Sri Lanka."

135. Section 4(2) provides:

"The jurisdiction of the High Court of Sri Lanka in respect of an offence under this Act committed by a person who is not a citizen of Sri Lanka, outside the territory of Sri Lanka, shall be exercised by the High Court holden in the Judicial Zone nominated by the Chief Justice, by a direction in writing under his hand".

Refugees, non-refoulement [paragraph 27]

136. Government of Sri Lanka and UNHCR handle cases of asylum seekers/ refugees in terms of the Agreement signed between GOSL and UNHCR in 2005 and Terms of Reference of the Working Arrangement with regard to the Issuance of Certificates by UNHCR to the Asylum seekers and refugees. UNHCR has been working closely with the GoSL especially since the election of President Maithripala Sirisena in January 2015, on assisting the Ministry of Resettlement on the matter of resettling of IDPs. Owing to a 700% increase in the number of asylum seekers into Sri Lanka in 2013-2014, authorities at the time resorted to arresting, detaining and deporting asylum seekers (approximately around 385 asylum seekers were deported during August, September and October 2014). However, this practice was subsequently halted after a few months. Currently, UNHCHR and relevant GoSL authorities work in coordination and cooperation to address issues pertaining to asylum seeker claims in accordance with international norms. GoSL authorities cooperate with UNHCR in the process of investigating the claims of asylum seekers (Status Determination Process – SDP) and GoSL authorities assist and facilitate UNHCR's work in

the process of resettling refugees in third countries (during 2015, UNHCR has resettled 180 refugees mainly in Canada and the US and this process continues).

137. From 2011 to end July 2015, 1,550 families (4,341 persons) have voluntarily returned to Sri Lanka. During 2015, 130 families comprising 266 persons have returned.

138. Matters relating to voluntary repatriation of Sri Lankan Refugees from Tamil Nadu in South India were taken up for discussion with the Ministry of External Affairs of India on 30.01.2015. Ministry of Foreign Affairs is also undertaking action to register the births of approximately 16,000 refugee children. Presently, there are 64,982 Sri Lankan Refugees in 109 camps while 37,073 live outside camps. The Government has consistently encouraged voluntary return of Sri Lankan refugees and such return is facilitated through UNHCR which provides a basic cash package to the refugees. In addition, booklets and documentary videos have been produced to provide information on the type of assistance available to returning refugees which would positively impact on refugees to return to Sri Lanka.

139. In keeping with the Government's policy of engaging and working in cooperation with international organizations and countries across the world to seek solutions to issues through dialogue, cooperation, understanding and learning, the GoSL authorities will continue to cooperate with UNHCR in protecting the rights and needs of asylum seekers, refugees and the internally displaced.

Training [paragraph 28]

140. Human rights education forms part of the training of all law enforcement officers, members of the armed forces and prison officers. This training includes lectures on the fundamental rights guaranteed by the Constitution, international human right norms, criminal procedure law, the rights of a citizen and the duties and obligations of law enforcement officers. Demonstrations and visual aids reinforce these lectures. Seminars and discussions are also held during various stages of the officer's service.

141. All security forces have directorates of Human Rights (HR) and International Humanitarian Law (IHL) established internally [Army (1997), Navy (2002) Air Force (2002)] for in-depth training on HR and IHL. Assistance for training programmes within the directorates was obtained from Government and INGOs such as ICRC. Training in HR and IHL has been continuously conducted for the armed services and police. The focus of providing IHL and HR education to the armed forces is to transform them into a force that voluntarily observes the principles of IHL&HR through training, enhancement of awareness, and knowledge in the field, thereby minimizing IHL&HR violations. ICRC in Sri Lanka continues to conduct training programmes on IHL for security forces, public officials and civil society organizations.

142. The Sri Lanka Army has formed an elite instructor element of professionally qualified officers to educate all Army personnel on IHL&HR principles. A wide range of training courses, seminars, workshops and awareness programmes are conducted by these instructors, covering the entire Army since 1997. IHL and HR training has been prominently included in the annually published training directive. Moreover, IHL&HR have been incorporated as a subject in all promotions, and most other examinations conducted within the Army. The Army has trained about 3,800 Officers on IHL and HR during their professional military courses and 98,100 personnel were given 14 hours theoretical package on IHL and HR during their collective training packages. About 1,200 Officers and 16,500 other Ranks were educated on IHL and HR prior to attending UN Peacekeeping operations. 927 Officers and 1,149 Other Ranks were trained in specially designed IHL and HR courses under the Directorate of HL & HR. Total personnel trained exceeds 120,000.

143. All Officers and Sailors in the Sri Lanka Navy have been given adequate education on HR and IHL in different levels such as Basic Instructor Course, Advance Refresher Course, Basic Instructor Course, Advanced Refresher Course, Human Rights Protection Facilitator Training, etc. Presently, there are 15 Senior Sailors conducting training programs at various Naval Establishments. There are 56 Officers who have followed basic and advanced training on these laws to be utilized as instructors. It is estimated that over 30,000 naval officers have undergone these training modules at various stages.

144. SLAF conducts training on IHL, HR, and Laws of War for all officer cadets and recruits enlisted in the Air Force. These lectures are conducted at respective training establishments, and such subjects are incorporated in the syllabi. In addition, a comprehensive HR module is conducted for officers following Junior Command and Staff College. This module is conducted at Centre for Study of Human Rights, University of Colombo. There are three courses conducted in a year and each consists of about 30 officers. Further, a HR module is conducted for Non-Commissioned Officers (NCOs) following NCOs Management Course in Air Force Academy. Usually 4 courses are conducted in a year and each course consists of about 80 NCOs. The same subjects are also covered in General Service Training Classes as continuation training for all officers and airmen serving in respective base units.

145. Sri Lanka Air Force has also established a Human Rights Centre in SLAF Academy China-Bay, Trincomalee. The intention of this unit is to conduct more awareness programmes for officers and airmen. The basic structure is established and the SLAF is in the process of arranging resource personnel with the help of Centre for Study of Human Rights of the University of Colombo.

146. Human rights education was introduced into police training in the early 1980s. It is now a subject of instruction at the Sri Lanka Police College where basic training is provided for new recruits at the Police Higher Training Institute, where promotional and refresher courses are provided and at divisional training centres where in-service training is provided. Officers are questioned on aspects of human rights at all examinations.

147. Human Rights Education has been incorporated into school curriculum since 2013 and supplementary curriculum material on human rights has also been developed. Based on the curriculum on human rights, a comprehensive teacher training programme has been initiated with financial assistance from UNESCO. Ten teacher trainers' programmes have been completed (550 core-teacher trainers including in-service advisers and lecturers of National College of Education were trained). Further, "child clubs" have been introduced in 200 schools as part of "student parliament programme." The main objective of this programme is to ensure that children learn key skills and competences of understanding basic rights and responsibilities of every individual from their childhood.

148. Due to the awareness and advanced training programmes on Human Rights conducted with the help of HRCSL, UNDP and University of Colombo at the Police Academy and Police College, there is a drastic change in the conduct of police officers and a significant drop in the cases of torture against police officers. The Police Department has introduced new scientific methods of investigation into crimes. Access to all police stations by the members of HRCSL is a main tool to monitor police activities on arrest and detention of suspects. Posters regarding the rights of suspects are prominently displayed near the cells in the Police Stations.

Redress, including compensation and rehabilitation [paragraph 29]

149. While there are no programs specifically aimed at rehabilitation of torture victims, such victims may seek assistance, including counseling, at rehabilitation programs conducted by the government or non-government sectors. Medical assistance is provided

free of charge at all government hospitals throughout the country. With regard to ex-combatants, detainee status has been reviewed and they are facilitated according to their special requirements.

- Child Combatants: All 594 ex-child combatants, which included 364 males and 230 females, have been rehabilitated and reintegrated into society by May 2010. All those who missed out on their schooling during the conflict period were facilitated to gain formal education and those qualified for G.C.E (O/L) and (A/L) sat these examinations undergoing special education programmes and tuition classes under the “Catch up Education Scheme”. 169 qualified to enter university. Further, 322 ex-child combatants received vocational training in order to be gainfully employed.
- Rehabilitees with disabilities/minor injuries: 3,422 rehabilitees have been re-integrated since 2009. Of this, 9 were re-integrated during July 2015. A further 13 disabled rehabilitees remain in Rehabilitation Centres.
- Provision of artificial limbs: Artificial limbs have been provided to 120 re-integrated rehabilitees.
- Livelihood assistance: All rehabilitees with permanent disabilities (1,619) have been made entitled to receive a monthly allowance of Rs 3,000/-. To date, 228 beneficiaries have submitted applications. Awareness programmes have been conducted at village level to educate other disabled beneficiaries requiring this assistance. Disabled ex-combatants are also granted a loan of Rs 25,000/- to start livelihood projects.
- Counselling and other programmes: 662 Counselling programmes have been held for rehabilitees since 2009. Counselling is extended to family members as well. Community based reintegration programmes and other relevant programmes such as Leadership programmes and Educational trips are also held, and 25 such programmes were introduced in July 2015.
- Medical care: Special health clinics and screening programmes are carried out for the benefit of ex-combatants by Government medical teams. At least 48 ex-combatants have been facilitated to undergo surgeries at Government Hospitals in Colombo and Vavuniya.

150. Vocational Training programmes are conducted at PARCs in Vauniya and on completion of their training the rehabilitees are awarded with the National Vocational Qualification (NVQ) Certificate which will enable them to gain employment after reintegration. There have been 144 programmes conducted since 2009 for 4,708 beneficiaries on Carpentry, Masonry, Aluminium Fabrication, Tri Lingual Educational Programs and Computer courses.

151. Bureau of the Commissioner General of Rehabilitation is actively engaged in coordinating with all government and corporate sector institutions, INGOs, NGOs and the community to ensure the successful and sustainable socio-economic reintegration of all rehabilitated ex-combatants and their families in the respective districts. The Bureau is also exploring ways to provide the rehabilitated individuals with employment opportunities abroad. This is an on-going exercise. The rehabilitation period includes professional training courses in areas such as mechanical skills, IT, agriculture, animal husbandry, beauty culture, food processing, education, handicrafts, carpentry and construction, among others. Many rehabilitees are currently employed in both government and private sectors.

152. Steps are also being taken by the Office of National Unity and Reconciliation to extend psychosocial support to communities and individuals who are in need of such care.

Corporal punishment [paragraph 30]

153. Corporal punishment was provided for in under the Corporal Punishment Ordinance (Chapter 21) and certain provisions in the Code of Criminal Procedure Act No. 15 of 1979. This Ordinance was repealed by the Corporal Punishment (Repeal) Act No. 23 of 2005 which prohibits the imposition of corporal punishment as a penalty that may be imposed by courts and as a punishment that may be imposed under the Prisons Ordinance for offences against prison discipline. Provisions in the Code of Criminal Procedure pertaining to corporal punishment were also repealed.

154. Strict instructions have been issued to schools, via the Ministry of Education Circular No. 2001/11 dated 20th March 2001, to prohibit the use of corporal punishment to discipline school children. Circular No. 11/2001 was replaced by Circular No. 17/2005 dated 11th May 2005.

155. The Circular highlights the obligations imposed on the State Party under the provisions of the Convention on the Rights of the Child, Article 28(2), wherein it is stated that States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

156. It also states that a physical punishment or mental suffering imposed by a teacher on a pupil would also give rise to legal action for subjecting children to cruelty under section 308(a) of the Penal Code.

157. The Child Protection Authority (NCPA) has produced and distributed a booklet to all teachers and orientation programs through school principals were also undertaken to distribute educational material to the general public including the mass media. Thus these instructions have been implemented in schools to a great extent although some incidents of corporal punishments have been reported to the Ministry of Education.

158. When complaints of corporal punishment or other degrading punishments are brought to the attention of the Ministry of Education, the Ministry takes appropriate action and where necessary, disciplinary action is taken against those who have violated the Circular No. 17/2005.

159. In the event of any blatant violations of these Circulars, the courts of law will not be hesitant to impose a sentence on the person concerned. The CAT Act (No. 22 of 1994) has also recognized corporal punishment as an offence.

160. School Child Protection Committees setup under the circular issued by the Ministry of Justice, Village Alert Groups setup by NCPA and Village Committees set up by Department of Probation and Child Care Services (DPCCS) are used to discuss the issues of corporal punishment and trafficking of children.

Required documentation on compliance [paragraph 31]

161. In Sri Lanka the conducting of criminal investigations into allegations of torture is assigned to the Special Investigation Unit (SIU) of the Department of Police. These investigations are monitored by the Prosecution of Torture Perpetrators (PTP Unit) of the Attorney General's Department. The progress of investigations is reported by the SIU to PTP Unit. The Unit also advises the SIU on the conduct of investigations.

162. Upon completion of criminal investigations, the corresponding notes of investigations are submitted by the SIU to the PTP Unit to consider the institution of criminal proceedings. Upon a decision taken to indict the alleged perpetrators of torture, the SIU is advised to arrest the suspect(s) and produce the suspect(s) before a Magistrate. Thereafter, the indictment is prepared and forwarded to the relevant High Court. The

conduct of the prosecution in the relevant High Court is handled by the Attorney General's Department.

163. The aforementioned mechanism serves to facilitate the conducting of prompt, impartial and comprehensive investigations into all complaints relating to alleged perpetration of torture. It also serves as an efficient process to facilitate the prosecution of perpetrators of torture.

164. Relevant statistics are compiled by the respective institutions mentioned above.
