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Delegations will find attached document SWD(2023) 366 final.

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HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 21.11.2023
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JOINT STAFF WORKING DOCUMENT

The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Democratic Socialist Republic of Sri Lanka covering the period 2020-2022

Accompanying the document

Joint Report to the European Parliament and the Council

on the Generalised Scheme of Preferences covering the period 2020-2022

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1. SUMMARY ASSESSMENT

During the reporting period 2020-2022, the Democratic Socialist Republic of Sri Lanka (Sri Lanka) engaged seriously with the EU through regular exchanges on GSP+ compliance issues. The monitoring cycle was marked by a number of developments, and therefore this report mirrors the complex situation in Sri Lanka. On the one hand, Sri Lanka withdrew in 2020 from the co-sponsorship of the UN Human Rights Council Resolution adopted in 2015. On the other hand, against the background of a severe economic and financial crisis, protests and social movements led to a peaceful Presidential transition in 2022.

Sri Lanka is seeking to mitigate the impact of a deep economic and financial crisis on the most vulnerable parts of the population, on labour rights as well as on environmental standards and its new administration has committed to improve good governance and to fight corruption. Yet, while efforts have been made to bring Sri Lanka's counterterrorism legislation in line with international standards and to promote reconciliation and human rights, challenges remain. As Sri Lanka continues on the path of economic and political reform, the democratic and open spirit of the 2022 protests should not be reversed.

1.1. Priorities and Monitoring

The main priorities identified for this monitoring cycle (2020-2022) include counterterrorism legislation in accordance with international standards, reconciliation, accountability and human rights, the continuation of the *de facto* moratorium on the death penalty, implementation of zero tolerance on child labour, and the establishment of a robust anti-discrimination and anti-corruption framework.

The EU conducted a monitoring mission to Sri Lanka from 24 September to 5 October 2021, the first GSP+ beneficiary to be visited after the onset of the COVID-19 pandemic. The mission was essential to assess the human rights situation, with some focus on the Prevention of Terrorism Act, and the labour rights situation ⁽¹⁾. On 28 October 2022, the sixth meeting of the EU-Sri Lanka Working Group on Governance, Rule of Law and Human Rights took place in Colombo ⁽²⁾ and addressed matters of GSP+ monitoring in the areas of human and labour rights. The Working Group was preceded by meetings between the delegation from the EU and Sri Lankan State institutions and civil society.

1.2. Human Rights

Sri Lanka has taken significant steps towards the protection of human rights since its readmission into the GSP+ scheme in 2017. However, challenges remain and a risk of

⁽¹⁾ This mission came after the European Parliament Resolution on Sri Lanka on 10 June 2021, which expressed concerns about the above-mentioned main priorities. Sri Lanka's Government reacted to the EP Resolution and the monitoring mission by intensifying its engagement with the European Union.

⁽²⁾ [https://www.eeas.europa.eu/eeas/eu-sri-lanka-sixth-meeting-working-group-governance-rule-law-and-human-rights_en#:~:text=The%20Sixth%20Working%20Group%20on,the%20European%20Union%20\(EU\)](https://www.eeas.europa.eu/eeas/eu-sri-lanka-sixth-meeting-working-group-governance-rule-law-and-human-rights_en#:~:text=The%20Sixth%20Working%20Group%20on,the%20European%20Union%20(EU))
All links provided in this Staff Working Document were up to date as of 20 October 2023.

backtracking on reforms was identified in the years between 2020 and 2022. In March 2022, popular discontent translated into a mass movement, overcoming ethnic, class, gender, and generational divides. The protests highlighted that Sri Lanka's civil society is organised and capable of mobilisation, and for a significant period they were able to protest in the spirit of democracy and freedom of expression and assembly. While this points to some deeply felt grievances, during the period of the protests Sri Lankan citizens across communities could enjoy space for dissent.

On the other hand, the economic and financial crisis has had a severe negative impact on an increasingly large part of the population, particularly the most vulnerable, leading to rising concerns for socio-economic rights. As the political and economic and financial crisis continued after July 2022, the use of a more repressive response has become apparent. Following the imposition of a State of Emergency on 18 July 2022, the arrests of the movement's leaders increased this concern. Ensuring freedom of association and of expression through protests remains a priority of GSP+ implementation and a challenge.

There is an actual risk of repressive action by the State, as seen in the disproportionate use of force against civil protestors. In this challenging context, it is paramount that the State shows restraint and continues to guarantee freedom of association, freedom of expression and the right to protest free from intimidation. The process of reform will be more sustainable and robust if Sri Lankan civil society is part of it and if the approach is truly inclusive.

Further, the reform of the domestic legislative framework to comply fully with the human rights conventions presents important ongoing challenges. Reforms of existing legislation and any new legislation must align with international human rights standards. The 1979 Prevention of Terrorism Act (PTA) has been used to arbitrarily arrest and detain individuals for years without due process, and its amendment in accordance with international standard is a GSP+ monitoring priority. Its amendment in March 2022 deserves to be highlighted as a first step of positive reform in accordance with the commitments made by Sri Lanka in 2017. The amendment aims to increase judicial oversight, expedite hearings, reduce the length of pre-trial detention and to allow suspects to challenge their detention in court. However, the amended PTA continues to diverge from international standards. In November 2022, Sri Lanka expressed its strong commitment to prepare a comprehensive legislative proposal to replace the PTA in accordance with the Constitution, and in line with international norms and best practices, with a view to its finalisation in 2023. On 22 March 2023 the Government published an Anti-Terrorism Bill to replace the PTA. While providing improvements in some areas, concerns regarding compliance with international human rights standards remained. A new draft of the Bill was published on 15 September 2023. Civil society and legal experts have raised concerns that the new proposal still contains a number of problematic elements. It is important that the concerns and recommendations of legal experts, stakeholders and civil society are taken into account.

A draft Online Safety Bill was published in September 2023. The Bill has raised concerns about lack of clarity in defining harmful content, which could lead to the censorship of legitimate and non-harmful material. The Bill should provide adequate safeguards for the fundamental right of freedom of expression.

In the area of accountability and reconciliation after the end of the civil war, independent institutions established under the 2015 19th amendment of the Sri Lankan Constitution such as the Office on Missing Persons and the Office of Reparations, are key. They continue to operate, but the perception of their independence and effectiveness suffered after the 20th amendment of the Sri Lankan Constitution in October 2020, which gave sweeping powers

to the President by empowering him to appoint the chairs of independent institutions. In October 2021, recommendations by the Global Alliance of National Human Rights Institutions to downgrade the Human Rights Commission of Sri Lanka (HRCSL) from its “A” status sent a strong signal to the Sri Lankan Government and led to some corrective actions. A new chairperson was appointed at the HRCSL, and funding was attributed for its functioning. The Government also reacted to concerns that followed the move of the non-governmental organisations (NGO) secretariat, which monitors the registration and operations of NGOs, from a civilian Ministry of Foreign Affairs under the Ministry for Public Security in July 2022. However, these actions were not sufficient as the Global Alliance of National Human Rights Institutions downgraded the HRCSL to a “B” status because of, among others, the lack of transparency in the appointment process and of pluralism in its membership and staff ⁽³⁾.

In October 2022 Sri Lanka adopted the 21st Amendment to the Constitution, whose stated aims are to strengthen democratic governance and independent oversight of key institutions, public scrutiny, as well as to deploy anti-corruption measures, with the re-establishment of the Constitutional Council and Independent Commissions. The implementation of the 21st amendment will show whether it is sufficient to guarantee the separation of powers, appropriate checks and balances, and the capacity of independent institutions to continue functioning.

The first half of 2023 has seen efforts by the President to establish a Truth and Reconciliation Commission as a reconciliation mechanism based on accountability. Progress through the establishment of a functioning secretariat is underway, but some stakeholders have raised questions about the Commission’s effectiveness and independence.

The COVID-19 situation led to discriminatory policies and practices such as the policy of compulsory cremation of those that deceased from COVID-19, irrespective of their religion. This policy, in contravention of Muslim tradition, was condemned locally and internationally and in response to calls for an inclusive, non-discriminatory approach, burials were allowed again in February 2021.

The “One Country One Law” task force was appointed in 2021 and headed by a militant Buddhist monk. This was perceived as a potential threat to ethnic and religious non-discrimination, although the Government downplayed its divisive potential by stating that its prime aim was to prevent the practice of early marriages. Its report from 2022 was not made public.

There has been no substantial progress on legislation against the discrimination of LGBTIQ citizens, and same-sex consensual relations remain criminalised under Sections 365 and 365A of the Criminal Code. A private member bill was introduced in the Sri Lankan Parliament in August 2022 to amend these provisions, which would constitute an important step forward if adopted.

On the death penalty, Sri Lanka has maintained a *de facto* moratorium on executions since 1976. In December 2022 Sri Lanka was among the 125 countries to vote in favour of a resolution on a moratorium at the UN General Assembly, reiterating the positive vote in 2020.

³ CCPR/C/LKA/CO/6

1.3. Labour Rights

On labour rights, Sri Lanka registered incremental progress during the reporting period. The country took action on eliminating child labour by aligning the minimum age of work with the upper age of compulsory education at 16 years in 2020 and expanding the list of hazardous jobs prohibited for persons below 18 years in 2021. These measures are in line with the Government's pledge to eliminate child labour fully by 2025 and were positively assessed by international organisations. On the other hand, child labour still remains a concern with reported activity in agriculture, fisheries, tourism, and informal economy. The ongoing economic and financial crisis on top of distress caused by COVID-19 has increased school dropouts, which may increase the risk of child labour.

Sri Lanka has made some progress in the implementation and enforcement of the freedom of association and collective bargaining rights; it has strengthened enforcement capacities of labour inspection services and continued awareness raising campaigns for workers and employers. However, a significant number of reports of anti-union practices, impeded social dialogue and other challenges continue across different sectors in the economy, while many outstanding issues observed by the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR) persist. Often, these had been raised to Sri Lankan authorities in CEACR reports for many years, including the last report of February 2023. National legislation, particularly the Industrial Disputes Act and Trade Union Ordinance, remains in need of further alignment with ILO Conventions No. 87 and No. 98.

Policies aimed at supporting gender equality, equal work and training opportunities for women, and eradicating gender-based violence have been adopted since 2015, however Sri Lankan legislation remains out of step with ILO Conventions No. 100 and No. 111 with regards to principles of equal pay for work of equal value and the list of all grounds for discrimination. While the country's Constitution includes provisions against discrimination, a legislation covering all grounds for discrimination in line with ILO Convention No. 111 is planned but not yet adopted. In the wake of the COVID-19 pandemic, gaps between men and women in labour force participation and unemployment rates widened. Significant further efforts are needed for female labour market participation and access to better paid jobs. Similarly, legislation reserving 3% of jobs in the public sector for persons with disabilities needs to be implemented.

The country has made efforts to protect its sizeable outward migrant worker population through 18 active Memoranda of Understandings (MOUs) with recipient countries. Avoiding the risk of the imposition of compulsory labour is ever more crucial in view of the unprecedented economic and financial crisis, high inflation and rising cost of living, while the Government is proactively encouraging outward migration. In September 2022 national headline inflation (NCPI) ⁽⁴⁾ reached 73.7% (85.8% for food), having somewhat moderated its ascent (2.3% monthly from 5.6% in July), putting a strain on living conditions of all workers and in particular the lowest paid. This has severely impacted wage employees and their families.

Sri Lanka has continued making headway in the elimination of forced labour, becoming the second country in Asia, in 2019, to ratify the 2014 Protocol to the ILO Forced Labour Convention No. 29. Gaps in both legislation and implementation still remain, particularly

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https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/press/pr/press_20221021_inflation_in_september_2022_ncpi_e.pdf

given the ILO's concerns as to whether some aspects of existing national legislation may effectively amount to the imposition of compulsory labour.

1.4. Environment and Climate

Sri Lanka is considered one of the world's 34 biodiversity hotspots and is extremely vulnerable to the impact of climate change. The country has made commendable efforts on upholding its commitments across environmental conventions, although not commensurate with the risks it faces. There is a risk that the current economic and financial crisis could undermine the gains made on environment protection and addressing climate change. While the country only partially fulfils reporting obligations overall, it is well on track as regards its obligations under the Montreal Protocol. Sri Lanka's domestic legislation still needs to be aligned with the Convention on International Trade in Endangered Species (CITES) obligations. Nonetheless, in 2021, the country became the first ever to roll out an electronic permit system designed to control legal trade in CITES-listed species and help prevent illegal trade.

1.5. Good Governance

While Sri Lanka has several anti-corruption institutions, the perception of impunity has continued. Anti-corruption enforcement was a key request of protestors in 2022. The record of Sri Lanka's primary anti-corruption institution, the Commission to Investigate Allegations of Bribery and Corruption (CIABOC) has been mixed, with some positive steps on awareness raising and training efforts but an uneven rate of success in reaching convictions following investigations upon CIABOC's recommendations during the period. Although a comprehensive anti-corruption strategy was developed (the National Anti-Corruption Strategy 2019-2023), the 20th amendment to the Constitution – passed in 2020 – abolished the National Procurement Commission and the National Audit Commission, and also weakened CIABOC. The 21st amendment of the Constitution foresees restoring the authority and powers of CIABOC and re-establishing the National Procurement Commission and the National Audit Commission. Anti-corruption enforcement continues to be strained by inefficient coordination between institutions and the perception that anti-corruption investigations are politically targeted. A new Anti-Corruption Act (No. 9 of 2023), passed in the Parliament in July 2023, aims to enhance transparency in governance and to give effect to obligations under the UN Convention against Corruption and contains a number of improvements as compared to previous anti-corruption legislation. At the same time, it is important to ensure that certain provisions of the law do not discourage citizens willing to report cases of corruption.

Despite not being a major producer or considered a transit country for illicit drugs, Sri Lanka has an increasing drug problem due to inward smuggling of mostly cannabis and heroin for domestic use. Sri Lanka has continued stepping up its activities aimed at fighting the growing supply and demand of illicit substances, mainly through law enforcement capacity building, awareness programmes for prevention, and increased volume of successful drug seizures. Sri Lanka's cooperation with the International Narcotics Control Board (INCB) has decreased in recent years, although Sri Lanka has played an increasingly active role in regional cooperation. Prison admissions, and death sentences for drug offences are on the rise while prevention and treatment capacities by the National Dangerous Drug Control Board (NDDCB) are limited. While there is a *de facto* moratorium on executions since 1976, sustained imposition of death sentences for drug offences remains problematic. While efforts to adopt health-based approaches to drug abuse are notable, compulsory entry in rehabilitation programmes is problematic and the new Bureau of Rehabilitation Act raises concerns about its compatibility with international human rights standards.

1.6. Status of Ratification and Reporting

Sri Lanka maintained ratification of the 27 GSP+ relevant conventions. To date, Sri Lanka has overdue reports for the UN Convention against Torture (report due in 2020) and the Convention on Elimination of All Forms of Racial Discrimination (due in 2019), as well as under some of the environmental conventions.

2. LONG-TERM VIEW: SRI LANKA SINCE JOINING GSP+ IN 2017

Sri Lanka initially benefited from the GSP+ scheme until its access was temporarily withdrawn in 2010 due to significant shortcomings in the country's implementation of three UN human rights conventions.

Following a change of government in 2015, the country embarked on major reforms aimed at achieving national reconciliation, and respect for human rights, the rule of law and good governance, as well as sustainable economic development. The new administration re-engaged with the international community, including the UN system, and instituted improvements in fundamental freedoms. Sri Lanka reapplied for GSP+ in July 2016 and was readmitted to the scheme as of 19 May 2017. Overall, Sri Lanka has made progress in implementing the commitments that led to its readmission to GSP+ in 2017, but challenges remain and Sri Lanka should avoid the risk of backtracking on fundamental rights.

Overall ⁽⁵⁾, Sri Lanka's economy experienced positive growth since 2005, with the country's Gross Domestic Product (GDP) per capita more than doubling between 2005 and 2020 and steady progress made in the reduction of poverty and unemployment rates. The share of GDP attributable to trade fell from 74% in 2005 to 43% in 2021, making way for inter alia an increased share of earnings from tourism and Sri Lankan workers' remittances.

Sri Lanka's overall trade balance ⁽⁶⁾ since 2005 has exhibited mostly a continued growth in exports but has kept an increasingly negative balance in the trade of goods. Sri Lanka's main exports are textiles (nearly half of all its exports to the EU in 2021), as well as food products, plastics and rubbers. Its main imports are petrol, oil gas, and machinery. Since the end of the civil war in 2009, transportation products have also constituted a significant share of Sri Lanka's imports. The economic and financial crisis has shown the need to diversify Sri Lanka's economy, which highly depends on trade of few products (such as garments) and on tourism to acquire foreign currency.

Spurred by its GDP per capita growth between 2009 and 2019, Sri Lanka was on track to graduate from the GSP+ scheme following its upgrade to upper-middle-income economy by the World Bank in 2019. However, hampered by the negative consequences of the 2019 Easter Sunday terror attacks, the COVID-19 pandemic and the unprovoked and unjustified war of aggression of Russia against Ukraine, particularly on earnings from tourism and related services, Sri Lanka's economic growth stalled and the World Bank re-classified it back to lower-middle income economy in 2020. At the end of 2022, due to the dire economic conditions and lack of creditworthiness for borrowing on market terms, the World Bank granted Sri Lanka temporary access to concessional financing from the International Development Association (IDA) through reverse-graduation, as a result of

⁽⁵⁾ <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2021&locations=LK&start=2005>

⁽⁶⁾ http://www.doc.gov.lk/index.php?option=com_content&view=article&id=37&Itemid=126&lang=en#statistic-reports

which Sri Lanka is now also classified as an IDA country despite remaining a lower-middle income economy with Gross National Income (GNI) per capita well above the usual threshold for IDA. On 20 March 2023, the Executive Board of the International Monetary Fund (IMF) approved a 48-month extended arrangement under the Extended Fund Facility (EFF) with an amount equivalent to about €2.85 billion.

3. RECENT DEVELOPMENTS

Following the election of President Gotabaya Rajapaksa, in November 2019, the landslide victory of the *Sri Lanka Podujana Peramuna* (SLPP) in the parliamentary elections in August 2020 led to the passing of the 20th amendment to the Constitution in October 2020, which further strengthened the Executive Presidency, thereby eroding democratic checks and balances. The 21st Amendment of the Constitution adopted in October 2022 reversed some of the changes.

Sri Lanka's human rights situation was also affected by the COVID-19 pandemic and the impact of the unprovoked and unjustified war of aggression of Russia against Ukraine, which accelerated the economic downturn. In 2022, an unprecedented economic and financial crisis led to a massive and mostly peaceful social movement whose main request was the ousting of the Rajapaksa family. Called the *Aragalaya* (struggle), the movement brought together Sri Lankan citizens irrespective of ethnic, gender and class divides. From April until July 2022, the movement rallied thousands across the island against the Rajapaksa Government's perceived mismanagement of the economy, corruption and lack of accountability. Prime Minister Mahinda Rajapaksa and his cabinet resigned in May and President Gotabaya Rajapaksa in July. One of the most senior politicians in the country, Ranil Wickremesinghe, took over as Prime Minister in May and two months later was elected by the Parliament as the new President, in accordance with the Constitution. While Acting President, Wickremesinghe declared a state of emergency on 18 July and a day after taking oath, on 22 July, ordered security forces to crack down on peaceful demonstrators.

The economic and financial crisis led to shortages in essential goods from fuel to gas and electricity and had a severe impact on socio-economic rights of the people, affecting their access to health care, food and education. According to the joint Food and Agriculture Organization/World Food Programme Crop and Food Security Assessment Mission (CFSAM) report ⁽⁷⁾, over 6.2 million people are estimated to be moderately acute food-insecure in June 2022 and of this number, 66,000 people were severely acute food-insecure. About 80% of medical supplies in Sri Lanka are imported. As of 31 May 2022, about 200 medical items were in shortage ⁽⁸⁾.

According to the World Bank, Sri Lanka's GDP experienced continuous growth since 2002 until 2018, with 2.3% in 2018 but started contracting -0.2% growth in 2019. In 2020, Sri Lanka's GDP decreased by 4.6% which was followed again by an increase in 2021 by 3.5%. The GDP of Sri Lanka was €71 billion in 2022, 7.8% less than in 2021, according

⁽⁷⁾ <https://www.wfp.org/publications/faowfp-crop-and-food-security-assessment-mission-cfsam-democratic-socialist-republic>

⁽⁸⁾ https://srilanka.un.org/sites/default/files/2022-06/LKA_HNP_FoodSecurityCrisis_20220609_0.pdf

to the World Bank. Unfortunately, as a result of Sri Lanka's debt and a balance of payments crisis, the World Bank currently expects real GDP to fall by a further 4.2% in 2023 ⁽⁹⁾.

Cooperation in multilateral fora

The period has seen a shift in the country's positioning at the UN Human Rights Council (HRC) from 2020 onwards. In March 2020, the Sri Lankan Government's withdrawal from the co-sponsorship of resolution 30/1 on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka marked a turning point in the country's engagement with the Council. In March 2021, the UN HRC adopted resolution 46/1 which took a harder stance on the Government for its lack of accountability in addressing violations of international human rights law and international humanitarian law. While reiterating its exclusive commitment to a domestically designed process, Sri Lanka rejected the resolution considering it unhelpful, divisive and polarising. On 6 October 2022, in a polarised context and with open rejection from the Sri Lanka Government, a new resolution "promoting reconciliation, accountability and human rights in Sri Lanka" was passed at the UN HRC 51 ⁽¹⁰⁾.

In September 2022, the OHCHR published its report on the human rights situation in Sri Lanka, acknowledging the critical moment Sri Lanka is experiencing, as the country faces an unprecedented economic and financial crisis. The report was received critically by the Sri Lanka Government.

Cooperation with the UN has, however, remained active and Sri Lanka has a standing invitation to Special Mandate holders. After the visits of UN Special Rapporteurs on Freedom of Religion or Belief and on Freedom of Expression and Freedom of Assembly – whose reports were submitted in 2020 – the UN Special Rapporteur on contemporary forms of slavery made a country visit to Sri Lanka from 26 November to 3 December 2021 ⁽¹¹⁾.

The Government has remained engaged with UN agencies towards meeting the 2030 Sustainable Development Goals.

Sri Lanka underwent its fourth Universal Periodic Review in early 2023. Sri Lanka received 294 recommendations (173 were supported, 115 noted, 6 rejected). Sri Lanka rejected recommendations referring to the HRC resolutions 51/1 and 46/1 on transitional justice and the reconciliation mechanism. The Government supported all recommendations on ratification of the Optional Protocol to the Convention Against Torture; extension of standing invitations to the UN special procedures; national environmental plan; national Human Rights Commission; national reconciliation and the establishment of a National Truth Commission; ensuring effective and independent operations of the Office on Missing Persons and the Office for Reparations; fight against poverty; rights to health, education, food and an adequate standard of living; rights of a child; and women's rights and empowerment of women.

Sri Lanka has received recommendations from UN bodies on multiple occasions, many of which are yet to be implemented. Implementation of such recommendations is a fundamental part of the commitment under the respective conventions.

EU–Sri Lanka Development Cooperation

⁽⁹⁾ <https://www.worldbank.org/en/country/srilanka/overview>

⁽¹⁰⁾ With 20 votes in favour, 20 abstentions and 5 votes against

⁽¹¹⁾ <https://www.ohchr.org/en/countries/sri-lanka>

The Multi-annual Indicative Programme (MIP) 2021-2027 for Sri Lanka (€60 million until 2024) focuses on two priority areas, 1) Green Recovery, and 2) Inclusive and Peaceful Society. The present MIP is being implemented in parallel with remaining Actions approved under the previous MIP (2014-2020 for €210 million), which focused on rural development and good governance and reconciliation. Ongoing projects include support to the agriculture sector with small-holder farmers and MSME as main beneficiaries, food/ nutrition and food safety, tourism, climate change, local government, and social inclusion and reconciliation as well as support to the Justice Sector, including to mediation boards, to increase access to justice.

Thematic (CSO-LA), and European Instrument for Democracy and Human Rights (EIDHR) and regional programmes (e.g. SWITCH Asia), as well as the Foreign Policy Instruments are also benefitting Sri Lanka with a focus on sustainable consumption and production, investments in water and sanitation, countering terrorism and preventing violent extremism, gender equality, decent work as well as fundamental freedoms and media development.

In view of the political and economic crisis, current and future programmes are being aligned with Sri Lanka's most pressing needs while also remaining committed to longer-term priorities 1) green recovery and 2) a peaceful and inclusive society. The redefinition of ongoing EU funding will focus particularly on agriculture to provide urgent support to farmers and public finance management to support economic reform. Future funding would be spent on stimulating the circular economy in the food sector to address the food crisis and ensuring a green sustainable economy. Moreover, under the second priority (peaceful and inclusive society) the EU is funding, jointly with Germany, the programme SCOPE (*Strengthening Social Cohesion and Peace in Sri Lanka*).

EU Development cooperation supports Sri Lanka's Trade capacity and compliance with core international conventions notably on human rights, good governance, and climate change.

Trade Related Assistance - €8 million (2015-2021)

The EU has recently finalised a project to enhance trade competitiveness of Sri Lankan SMEs in regional and EU markets, focussing particularly on food and spice value chains and IT Business Process outsourcing (BPO) sectors. The project dealt with trade and non-trade barriers to help maximise the benefits of GSP+.

Major milestones achieved include the establishing the National Export Strategy, developing a GSP+ business guide, enhanced efficiency of cross-border procedures (including support to the National Trade Facilitation Committee) and SMEs' capacity to comply with cross-border procedures, improved national quality infrastructure (including cabinet approval of the National Quality Infrastructure (NQI) Strategy and Action Plan) and supporting Sri Lanka to obtain its first Geographical Indication (Ceylon Cinnamon obtained in February 2022).

4. EU-SRI LANKA TRADE AND GSP+

Figures 1-4 illustrate Sri Lanka's utilisation rate of GSP+ in the context of overall imports from Sri Lanka to the EU ⁽¹²⁾. Sri Lanka's utilisation of GSP+ preferences during the period 2019 to 2022 at a rate of around 61-66% was less than the average utilisation rate of GSP+ beneficiary countries, although it increased over time (Figure 1 and 2). In 2022, over €2.6 billion worth of goods were eligible to benefit from GSP+ preferences (Figure 1 and 2). The top product which used GSP+ preferential imports in 2022 were garments and

⁽¹²⁾ Source for all statistics: Eurostat data as of September 2023. GSP statistics only cover goods imported in the EU market, i.e. goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure. Trade flows registered as "confidential" do not appear in the GSP+ usage figures and regime 1 normal trade; but do appear in total trade figures (regime 4). https://ec.europa.eu/eurostat/cache/metadata/en/ext_go_agg_esms.htm#conf1537195068659

textile articles, S-11b under the common GSP nomenclature (Figure 3). Textile articles have traditionally been the top GSP+ beneficiary sector in Sri Lanka, creating important employment opportunities in the country. They are also the products which incurred the highest tariff reduction in 2022 (Figure 4).

Figure 1: EU imports from Sri Lanka and GSP+ utilisation rate, 2019-2022

	2019	2020	2021	2022	Trend %
Total imports, € million	2,267	2,064	2,545	3,146	38.8
GSP+ eligible, € million	1,920	1,753	2,136	2,659	38.5
GSP+ used, € million	1,168	1,106	1,414	1,749	49.8
Share GSP+ in total, %	84.7	84.9	84.0	84.5	
GSP+ utilisation rate, %	60.8	63.1	66.2	65.8	

Figure 2: EU imports from Sri Lanka by trade regime (€ million) and utilisation rates (%), 2019-2022

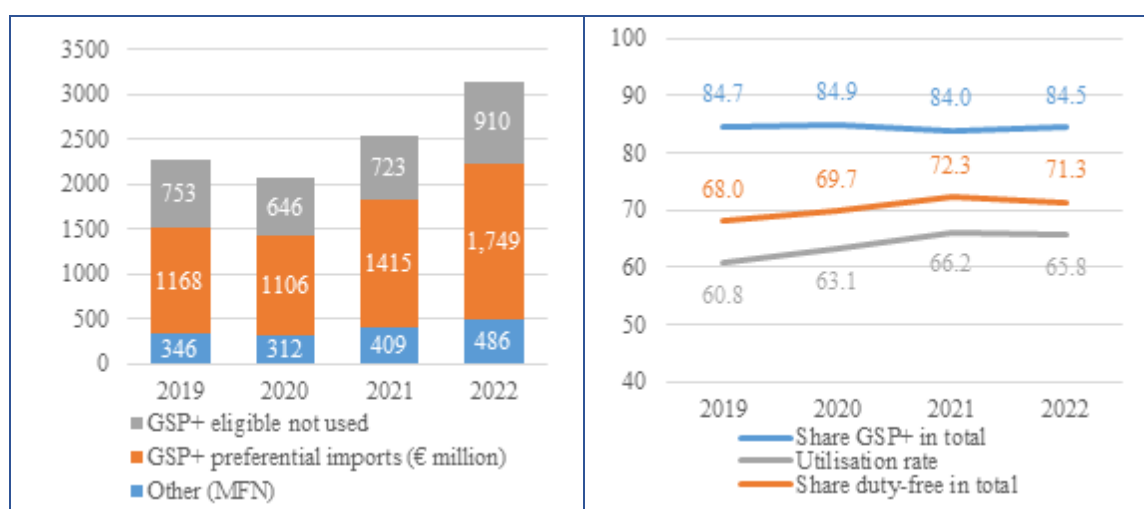


Figure 3: Top Sri Lankan product groups benefitting from GSP+ tariff preferences, 2022, € million

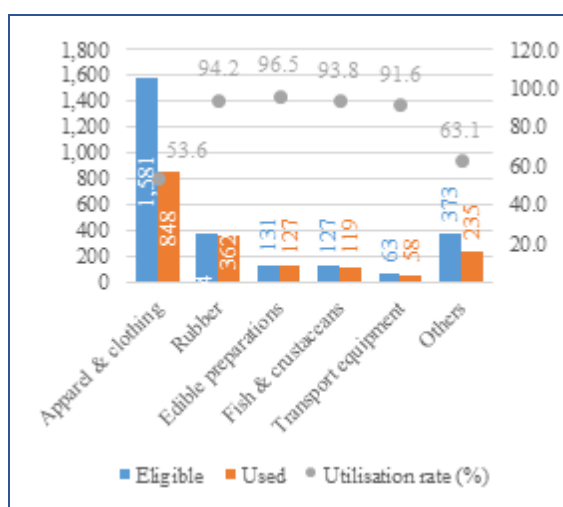
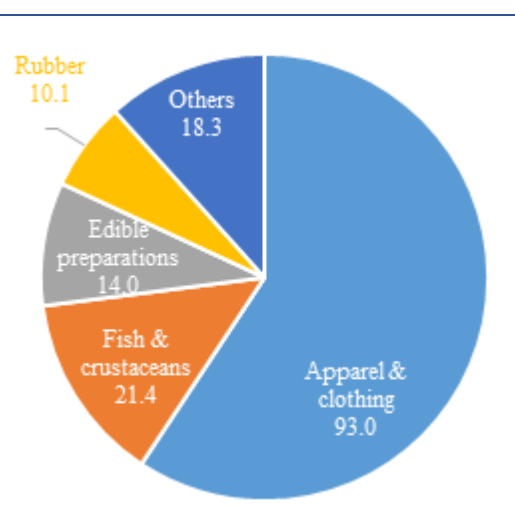


Figure 4: GSP+ tariff reduction gains per product group, 2022, € million



5. COMPLIANCE WITH GSP+ OBLIGATIONS

5.1. UN Human Rights Conventions (Conventions 1-7)

5.1.1. *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

The most recent periodic review was issued in 2016. The state report for the next periodic review, due on 20 March 2019, has not been submitted yet.

Sri Lanka continues to lack a proper definition of racial discrimination, and there is no comprehensive legislation prohibiting all forms of racial discrimination.

The 1979 Prevention of Terrorism Act (PTA) has been used for the arbitrary arrests and detentions of individuals for many decades, and persons belonging to ethnic and ethno-religious minorities have been targeted. According to the Sri Lankan Ministry of Foreign Affairs, in 2020, seven organisations and close to 400 individuals were designated as terrorist. By June 2022, however, a large number of individuals (145) and organisations had been delisted, reflecting efforts by the Government to correct this trend.

During the COVID-19 pandemic, an obligation to cremate the dead was seen as stigmatising the Muslim community and was eventually reversed. In 2021, the President's appointment of militant Buddhist monk Gnanasara Thera to head the "One Country, One Law" presidential task force triggered fears this would be used against minorities, but its report of June 2022 was not made public.

5.1.2. *International Covenant on Civil and Political Rights (ICCPR)*

While the latest state report was submitted with a two-year delay in 2019, the Human Rights Committee published its concluding observations on the sixth periodic report of Sri Lanka in March 2023.

From 2020 to 2022, the constitutional and legal framework governing the Covenant saw significant developments. In October 2020, the 20th Amendment to the Constitution reinforced the powers of the Executive Presidency. Reversing the reforms introduced by the 19th Amendment in 2015, the 20th Amendment went back on the democratic governance structure established through the independent oversight of key institutions. The 21st Amendment of the Constitution, adopted in October 2022, reverses some of those changes.

There have been numerous instances of imposition of the State of Emergency (SoE) during the reporting period, in particular during COVID-19 and between April and August 2022. In most cases, authorities implemented the measure with restraint. However, the last imposition of SoE was strictly enforced by the military, dislodging protestors from Government premises. In its 2023 report, the Human Rights Committee expressed particular concern about serious human rights violations, including deaths, injuries, arbitrary arrests, and detention of protestors that had occurred during the SoE.

The PTA has not been repealed yet, but under domestic and international growing pressure, the Government amended the Act in March 2022. However, the current law still allows the Government to detain individuals for up to a year without charge, without producing any evidence. The amendment does not provide meaningful safeguards against torture, as it allows convictions based on a confession to the police and still allows officials to keep a

suspect in “any place for the purpose of interrogation” – a provision that is understood to have facilitated torture and increases the risk of enforced disappearances. The Government has expressed its strong commitment to prepare a comprehensive legislative proposal to replace the PTA in accordance with the Constitution, and in line with international norms and best practices, with a view to its finalisation in 2023. The Government in 2022 announced a *de facto* moratorium on the use of the PTA but used the legislation again to arrest three protest leaders in August 2022. While one of the three student leaders was released with no charge and another (Buddhist monk Siridamma) is on bail with charges under PTA, the third one, Wasantha Mudalige, was held under the PTA until 31 January 2023, when he was discharged from charges under the PTA and released.

Non-discrimination and equality remain problematic. There has been no progress on decriminalising consensual same-sex relations. Section 365 of the Penal Code prohibits “carnal intercourse against the order of nature,” which is punishable with up to 10 years in prison and a fine. Section 365A punishes “any act of gross indecency” with up to two years in prison and a fine. These provisions criminalise consensual sex between same-sex people, including women. A private-member Bill was introduced in Parliament in August 2022 to amend these provisions. In a landmark case, the Supreme Court of Sri Lanka ruled on 9 May 2023 ⁽¹³⁾ that the Bill is “not inconsistent with the Constitution”. Its adoption would constitute a significant step forward for the rights of sexual minorities.

In their reports in 2020, the UN Special Rapporteurs on Freedom of Assembly and Freedom of Religion or Belief (A/HRC/43/48/Add.2) noted a serious deficit of trust and an increase in tensions among ethno-religious communities. Threats towards human rights defenders, journalists, and lawyers were regularly reported in 2020 and 2021, which explains why Sri Lanka’s ranking in the World Press Freedom Index deteriorated by 20 points in the 2022 ranking compared to 2019. However, in 2022 the three-month-long protest (March-July) was allowed to take place peacefully, and security forces exercised commendable restraint on 9 July 2022 when tens of thousands thronged the Presidential secretariat. This record was broken on 22 July 2022 with assault by security forces on protestors. Freedom of expression is also affected by the restriction of activities of NGOs, which face harassment and intimidation. Any future reform of the laws governing NGOs should guarantee their independence and should be consulted thoroughly with civil society.

The 2007 ICCPR Act, introduced to protect human rights, has recently been used for arrests with the alleged purpose of curbing speech that threatens ethnic and religious harmony. Human rights groups are concerned about what they consider a misuse of the ICCPR Act compared to its original objectives.

Although Sri Lanka has observed a *de facto* moratorium on executions since 1976 and voted against the death penalty in UNGA resolutions in 2020, the courts continue imposing death sentences, and 1,284 persons were on death row as of September 2020 ⁽¹⁴⁾.

EU–Sri Lanka Development Cooperation on Civil and Political Rights

An important part of the EU cooperation with Sri Lanka is implemented through local and international civil society organisations (CSO), through mainstreaming in bilateral country programmes or through grants funded through calls for proposals under the thematic instruments such as the European Instrument for Democracy and Human Rights (EIDHR) and CSO/LA thematic programmes. The EU is managing a diversified portfolio of EIDHR and CSO-funded grants implemented by international and local civil society organisations (CSOs) (nine projects currently ongoing). Topics covered include freedom of expression, media and journalism,

⁽¹³⁾ http://www.supremecourt.lk/images/documents/sc_sd_13_2023.pdf

⁽¹⁴⁾ <http://www.prisonmin.gov.lk/web/images/pdf/progress-report-2020.pdf>

freedom of association and labour rights, women empowerment, gender-based violence, livelihoods and biodiversity. The EU also holds a regular dialogue with CSOs. Priorities as regards the EU partnership with civil society in Sri Lanka are outlined in the EU-SL CSO Roadmap 2021-2024. A new call for proposals was launched in March 2022 under the NDICI human rights and democracy thematic instrument, with a focus on the protection of human rights defenders/preservation of the civic space as well as democratic governance.

5.1.3. International Covenant on Economic, Social and Cultural Rights (ICESCR)

The last periodic review on Sri Lanka's implementation of ICESCR was in 2017, and the next State report was due in June 2022. Prior concerns such as the need to address persisting discriminatory practices with regard to cultural rights, rise in poverty, high incidence of sexual and gender-based violence, delays in land restitution, and difficult access to and quality of health care and education remain valid.

In 2022, the country plunged into an unprecedented economic and financial crisis with severe social consequences. The pandemic and the crisis exacerbated these trends, affecting people across sectors, gender, and classes, and more particularly vulnerable groups (minorities, women, and children). The large informal sector (with low wages and no social security) has been the most severely impacted by the COVID-19 pandemic. Tamil tea estate workers were disproportionately affected by the loss of daily earnings, while children of labourers lost access to education due to the lack of internet access. Policies such as the sudden ban on chemical fertilisers contributed to a crisis in the agricultural sector.

The question of access to land in the northern and eastern areas of Sri Lanka remains a concern, although more than 90% of land expropriated by the military during the civil war has been returned. The creation in June 2020 of an Archaeological Heritage Task Force for the Eastern Province attracted criticism from minority groups because of its composition of individuals from the majority ethnic and religious group only, as well as its role in identifying archaeological land for potential expropriation. The Task Force was dissolved in August 2022, but ethnic minorities continue to be concerned about the risk of losing control of their land.

5.1.4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Sri Lanka's last periodic review was issued in 2017. The next state report was due on 31 March 2021 and was submitted in August 2022. Women continue to face barriers in access to justice. Their rights awareness remains limited despite a number of initiatives, including projects funded by the EU. Incidence of sexual and gender-based violence remains high and increased during the COVID-19 pandemic, despite the Government's policy framework and 2016-2020 National Action Plan to address sexual and gender-based violence.

As regards human trafficking and sexual exploitation, in July 2022, a three-year project was launched to be implemented by the International Organization for Migration (IOM) with the National Anti-Human Trafficking Task Force under the Ministry of Defence. This is all the more important as the current economic and financial crisis has generated new migration trends, lack of employment forcing people to migrate legally or illegally, into the informal sector and even into prostitution.

In 2021, the Cabinet proposed reforms to the 1951 Muslim Marriage and Divorce Act to, amongst other reforms, make 18 the minimum age for marriage. However, the reforms have not yet been adopted.

In Parliament, women held only 5.3% of seats in 2021, although the 25% quota at the local government level has improved women's representation in politics⁽¹⁵⁾. Female labour participation remains low, with high female unemployment, significant gender pay gap, workplace discrimination, and limited access to decent employment for marginalised groups of women.

On 21 February 2022 the UN Committee on the Elimination of Discrimination against Women found that Sri Lanka had breached the rights of a lesbian complainant under the CEDAW in several respects, including through the criminalisation of consensual same sex relations between women.

EU–Sri Lanka Development Cooperation on Gender Issues

To support the implementation of the *Gender Action Plan GAP III* and to enable the timely integration of its objectives and targets in the programming, following dialogue and consultation with CSOs and other stakeholders, the EU Delegation and Member States have prepared the *Country Level Implementation Plan (CLIP)* for Sri Lanka for the period of 2021-2025. The CLIP is based on the updated country gender profile of Sri Lanka that covers both the programmatic and political commitments and proposes specific actions for gender equality.

Several EIDHR and CSO-funded grants (still ongoing or recently closed) deal with gender-related issues in Sri Lanka, such as women political and economic empowerment, access to justice for women and girls survivors of domestic and gender-based violence as well as female workers' rights. Effective and fair access to justice for women and girls is also an important component of the EU-funded Justice Reform programme (JURE).

5.1.5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The last periodic report was issued in 2017, while the next state report due on 7 December 2020 has not yet been submitted. The main challenges previously noted have persisted, including documented acts of torture and ill-treatment during police detention, reprisals against victims and witnesses of torture, inadequate investigations, and prolonged detentions and prison sentences under the PTA affecting minority communities, including convictions based on confessions obtained with torture. In 2020, a prison study by the Human Rights Commission⁽¹⁶⁾ pointed to the need to address detention conditions (overcrowding leading to degrading treatment), indicating that 66% of inmates are in pre-trial detention.

5.1.6. Convention on the Rights of the Child (CRC)

The last periodic report on CRC was issued in 2018, with the next State report due in 2023. While overall progress has been made in a number of areas – decreasing child and maternal mortality rate, achieving nearly universal child immunisation rates, reduction of child labour, improved access to water, sanitation, and primary education – there are large disparities between children of different population groups. Children in remote areas have limited access to health care, and the education sector requires increased funding and reforms to reach appropriate standards and guarantee the right to education for all children

⁽¹⁵⁾ Local Authorities Amendment Act n°16 of 2017

⁽¹⁶⁾ <https://www.hrcls.lk/wp-content/uploads/2020/01/Prison-Report-Final-2.pdf>

in Sri Lanka, including for the many who live below the poverty line. The pandemic and the economic and financial crisis impact on incomes resulted in decreased quality of nutrition. Reports of domestic violence and child abuse also increased during the pandemic.

Conclusions and priorities

Both positive and negative elements could be observed during the monitoring cycle as regards the human rights situation in Sri Lanka. Sri Lankan civil society has shown resilience, and the *Aragalaya* protest movement in 2022 saw the participation of protesters and activists from diverse backgrounds. On the other hand, the treatment of minorities remains a concern in particular as efforts towards reconciliation are slow, and the 1979 Prevention of Terrorism Act (PTA) continues to be applied including after the protest movements in 2022, causing fear amongst the population and suffocating dissent. Substantial reform or repeal of the PTA in line with human rights standards remains a priority, just as Sri Lanka's need to re-commit to reconciliation and accountability. Other challenges remain in tackling hate crimes, allegations of torture under police detention, decriminalising same sex relations, fighting discrimination against LGBTIQ persons, fighting inequality between men and women, domestic violence, and child abuse. In the aftermath of the 2022 protest movement, it is necessary that harassment and threats against human rights defenders, journalists and lawyers is avoided.

5.2. ILO Labour Rights Conventions (Conventions 8-15)

5.2.1. Freedom of Association and Collective Bargaining (Conventions No. 87 and No. 98)

On the legislative front, several aspects of the Industrial Disputes Act continue to hamper the full development and utilisation of collective bargaining. CEACR has repeatedly noted – also in their last report of February 2023 – the need to amend this Act, inter alia, to allow for victims of anti-union practices to lodge complaints in court and for unions to bring anti-union discrimination cases to courts on behalf of their members, and to revisit provisions that enable trade unions to negotiate a collective agreement only if the said union represents at least 40% of workers in the organisation⁽¹⁷⁾. These matters are subject to review in the current draft Employment Act.

Public sector workers are expressly excluded from the application of the Industrial Disputes Act section 49. CEACR has noted that measures are necessary to recognise for all public servants not engaged in the administration of the state the right to collective bargaining and to provide information on the number of collective agreements covering public enterprises⁽¹⁸⁾.

The National Labour Advisory Council (NLAC), the tripartite consultative mechanism in operation since 1994, played an important role in bringing social partners together to agree measures during the COVID-19 pandemic, but requires overall strengthening and amended composition to improve its representativeness and effectiveness. The NLAC can continue to play an important role in view of the current economic and financial crisis. The Fourth

⁽¹⁷⁾ In its report of February 2023, the CEACR criticised these aspects again (CEACR report, page 274-276).

⁽¹⁸⁾ The ILO is supporting an initiative to enhance the dispute resolution system for public sector workers. This includes proposed measures to introduce sectoral collective bargaining in the public sector.

ILO Sri Lanka Decent Work Country Programme (2018-2022) includes an objective to support such reform, and ILO technical assistance was launched in 2018 to this end.

Trade unions report that in practice, the effective exercise of labour rights remains particularly difficult in the Export Processing Zones (EPZ) and unfair dismissals related to union activity continue to take place. Since employers prefer extending support to employee councils, in April 2022 there were 40 trade unions and in 107 employee councils in EPZs ⁽¹⁹⁾. Five collective agreements have been reached since 2019, covering less than approximately 2% of over 100,000 workers employed in EPZs. In five of eleven EPZs, the Ministry of Labour together with the Board of Investment has established worker facilitation centres to enable unions to meet their members in private without interference or intimidation ⁽²⁰⁾.

A positive sign is that Sri Lanka requested technical assistance from the ILO to address the observations and recommendations formulated by the ILO supervisory bodies. The Committee expressed its hope that the technical cooperation will contribute to fostering a sound industrial relations system that will in turn contribute to address current socio-economic challenges in a peaceful manner ⁽²¹⁾.

EU–Sri Lanka Development Cooperation on Labour Rights

In the reporting period, the EU supported freedom of association and female workers' rights in the garment industry through two EIDHR and CSO projects with civil society organisations and local trade unions. In 2022, the Better Work Sri Lanka programme was launched to support a more resilient, inclusive and sustainable garment industry in Sri Lanka, with a strong focus on gender, diversity and inclusion. Specific activities include the support of the Voice & Representation of women workers; awareness on harassment and abuse prevention; mental health and wellbeing. Through its Partnership instrument the EU has financed the UNDP regional programme on Business and Human Rights, which covers Sri Lanka among other countries in the Asian region.

5.2.2. Abolition of Forced Labour (Conventions No. 29 and No. 105)

CEACR has since 2013 requested the Government to ensure that provisions of the PTA are not used for the imposition of sanctions involving compulsory labour to persons who practice peaceful opposition. Similarly, CEACR noted with regret the lack of information from the Government despite its request in 2012 about the application in practice of section 120 of the Penal Code, whereby the expression of political opinions may lead to imprisonment and the obligation to perform compulsory labour.

Risks of compulsory labour remain a concern also in relation to the Merchant Shipping Act, whereby CEACR has asked for an amendment that ensures disciplinary measures against seafarers do not lead to compulsory labour except in limited situations of danger to the ship or life or health of persons. A new Maritime Labour Regulation is being drafted. The sanction of imprisonment involving compulsory prison labour for participation in a strike under the Industrial Disputes Act also remains a concern, although the Government has stated that since these provisions have not been applied in practice recently, amendment was not deemed essential. Another concern is the Essential Public Service Act

⁽¹⁹⁾ CEACR report of February 2023, page 275.

⁽²⁰⁾ In its report of February 2023, the CEACR requested the Government to intensify its efforts to promote collective bargaining in EPZs, including by establishing worker facilitation centres in *all* EPZs (CEACR report, page 275).

⁽²¹⁾ CEACR report of February 2023, page 276.

which foresees the possibility of imposing compulsory public service for graduates of up to five years.

As a country with a significant migrant worker population, many emigrating citizens are at risk of trafficking and forced labour. The ongoing economic and financial crisis has increased incidence and vulnerability to trafficking and forced labour. The Government has provided support to such workers throughout the past years, through consular assistance, awareness raising about risks of exploitation and abuse, and assistance to victims of trafficking in cooperation with NGOs. Sri Lanka has also signed 22 Memoranda of Understanding (MoU) with popular labour destinations to ensure the protection of the rights of migrant workers; 18 of these MoUs are being actively implemented while three were inactive and one not related to labour as of July 2021.

As the economic and financial crisis continues, vigilance is necessary on the risk of forced labour. For instance, there are reports that workers in small tea estates, unable to cover basic needs with their low wages, are indebted to their employers, work extra hours to repay these debts, and may even have their identification documents held by employers until debts are repaid.

5.2.3. Minimum Age for Work and Worst Forms of Child Labour (Conventions No. 138 and No. 182)

In 2020, several legislative acts were amended to effectively increase the minimum age of work from 14 to 16 years, aligning it with the upper age for compulsory education. In 2021, the Government also agreed to extend the list of hazardous jobs prohibited for persons under 18 years. The share of the child population engaged in economic activity has decreased significantly over the years, from 12.9% in 2008/09 ⁽²²⁾ to 2.3% in 2015/16 ⁽²³⁾ according to the most recent Child Activity Survey data, while the volume of child labour and underage persons employed in hazardous jobs has decreased by around a half.

As the largest employer in Sri Lanka providing jobs for around 10% of the population, the tea sector remains at risk of child labour, particularly in small and medium estates and following the difficulties of the COVID period. The tourism sector has also been linked to child labour and its hazardous forms, particularly given the risk of commercial sex exploitation. Risks of child labour also remain in the informal economy, including domestic service, given challenges related to data gathering and detection of child labour.

A welcome measure by the Government is the pilot project in Ratnapura district aimed at making the district completely free of child labour. The Government has pledged to eradicate the worst forms of child labour by 2022 and eliminate child labour completely by 2025.

5.2.4. Equal Remuneration and Elimination of Discrimination (Conventions No. 100 and No. 111)

Sri Lanka's legislation does not follow the principle of equal pay for work of equal value as established in ILO Convention No. 100. Wage ordinances and collective agreements instead foresee equal wages for "the same" or "substantially the same" or equal remuneration for "similar work". The National Minimum Age Act passed in 2016 does not apply to workers with informal jobs, workers who are not unionised, domestic workers, and workers on daily wages such as those in the plantation sector and tea estates, thus

⁽²²⁾ <https://www.ilo.org/ipeinfo/product/download.do?type=document&id=18735>

⁽²³⁾ <https://www.ilo.org/ipeinfo/product/download.do?type=document&id=30055>

excluding a significant share of the population from its coverage. In addition, there is no structured mechanism for periodic revision of the minimum wage, which would require an amendment of the Act. It also lacks a defined procedure for a comprehensive consultation and does not establish clear criteria for setting or modifying the minimum wage. As a result, the current framework in Sri Lanka lacks a consistent mechanism for minimum wage adjustments, contributing to the deterioration of the minimum wage value in real terms.

Importantly, while the Constitution of Sri Lanka includes provisions on discrimination, no existing legislation prohibits discrimination on all grounds listed in ILO Convention No. 111 in the context of employment and occupation. Sri Lanka was repeatedly requested to establish labour anti-discrimination legislation covering the principles included in Convention No. 111 (race, colour, sex, religion, political opinion, national extraction and social origin) and ensuring adequate penalties for transgressors, and the Government of Sri Lanka is now preparing legislation in this sense. In this context, specific provisions should include a prohibition of all forms of sexual harassment in the workplace.

Female labour force participation has reversed in recent years to 2012 levels, from 36.6% in 2016 to 33.6% in 2021 ⁽²⁴⁾. The same trends have been observed in unemployment rates for women, increasing to 8.5% in 2020 at a greater rate than that for men. The gender-based pay gap remains an issue, with women earning 79% of the wage received by men as of 2020.

Occupational segregation by gender is also prominent and worrying, with higher shares of women in such sectors as education and health care, as well as low-paying jobs in tea and rubber plantations. Women represent the majority of workers in EPZs, and a higher share of women work in semi-skilled or unskilled occupations. Numerous factors limit women's participation in the labour market, e.g. lack of childcare facilities, lower education levels and mismatch of skills.

Finally, only a limited number of employers in the public sector have implemented the 1988 circular requiring 3% of workplaces to be reserved for persons with disabilities and to adjust the working environment for their needs.

Conclusions and priorities

Both the legal and practical application of the rights to freedom of association and collective bargaining in Sri Lanka require further work through genuine social dialogue between the Government, employers, and workers and a regular and inclusive tripartite consultation. Priority steps include strengthening of the NLAC, amendments to legislation such as the Industrial Disputes Act and Trade Union Ordinance in line with ILO Conventions No. 87 and No. 98, as well as addressing anti-union discrimination practices, including in EPZs.

While progress on forced labour has been notable, particularly for outward migrant workers, further action is needed to align domestic legislation with Conventions No. 29 and No. 105, including closing gaps in legislation that could potentially be used to impose compulsory labour based on the recommendation of the CEACR.

(24) <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?end=2019&locations=LK&start=2012>

Progress on eliminating child labour in Sri Lanka is commendable and must be sustained. Sectors at risk of child labour and its worst forms such as tea estates and tourism need to receive particular attention.

Sri Lanka should establish labour anti-discrimination legislation covering the principles included in Convention No. 111 (race, colour, sex, religion, political opinion, national extraction and social origin) and ensuring adequate penalties for transgressors.

5.3. UN Conventions on Environmental Protection and Climate Change (Conventions 16-23)

5.3.1. *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

Sri Lanka acceded to CITES in 1979 and is compliant with reporting obligations having submitted all its Annual Reports between 2015 and 2022 on time. To date, it has however not submitted any of the Annual Illegal Trade reports and has only submitted its CITES implementation report for 2021. Although these reports are not a requirement, they would help meeting the overall aims of the Convention.

EU–Sri Lanka Development Cooperation on Environmental Protection and Climate Change

Under the MIP 2021-2027, climate change and biodiversity are prioritised under the Green Recovery Pillar with allocated €35 million and also mainstreamed in programmes on support to reconciliation and local authorities that aim inter-alia at increasing the responsiveness of local authorities in service delivery. Under a Team Europe Initiative with Germany, France, the Netherlands and EIB, the EU has in 2021 adopted a €5 million Green Policy Dialogue Facility, that will support the Government in improving policies and legal frameworks to ensure a green transition and economic recovery in line with the EU Green Deal priorities. A new Team Europe Initiative on Circular Economy in the food sector and on plastic waste has also been adopted under the MIP in 2022.

Sri Lanka continues to be classified as a Category 3 country, meaning its legislation does not meet CITES implementation requirements. As of 2022, reclassification to Category 1 status remains subject to the finalisation of implementing regulations and further agreement between Sri Lanka and the CITES Secretariat.

In 2021, Sri Lanka was the first to roll out the “eCITES BaseSolution”, an electronic permit system to control legal trade in CITES-listed species and help prevent illegal trade.

5.3.2. *Waste Conventions: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, and Stockholm Convention on Persistent Organic Pollutants (POPs)*

Sri Lanka ratified the Basel Convention in 1992 and its amendments II, VII and IX entered into force on 24 March 2020. The country is however not compliant with the reporting obligations for parties to the convention, as 2019, 2020, and 2021 annual reports have not been submitted by their respective 31 December deadlines each year thus far.

The Government, together with the Central Environmental Authority (CEA) as the national body responsible for implementation, has been vigilant about the dumping of hazardous waste in the country. In September 2020, authorities identified 263 shipping containers of

hazardous waste from the United Kingdom, 21 of which were returned ⁽²⁵⁾ and Sri Lanka also sought compensation for damages.

In September 2021, a first joint virtual training workshop was organised by the World Customs Organization (WCO), the Secretariat of the Basel Convention, and UNODC-WCO Container Control Programme, to support the targeting, examination, and investigation work of Sri Lanka Customs, Ministry of Environment, and CEA in implementing and enforcing the Basel Convention to fight against illegal trade in plastic waste.

With respect to POPs, Sri Lanka ratified the Stockholm Convention in 2015 and is partially compliant with its reporting obligations. Its latest National report was submitted on 31 August 2022. The Revised National Implementation Plan was submitted in 2015, but no NAP has been submitted. Updates to address COP4 were submitted in 2018, and for COP5 are pending transmission to the Secretariat. However, updates have not been submitted for COP6, COP7, and COP8 due in 2016, 2017, and 2020 respectively.

In December 2020, the Government released its National Policy on Chemicals Management, addressing the life cycle management of toxic pesticides, hazardous chemicals, POPs, and other toxic substances and chemicals.

5.3.3. Convention on Biological Diversity (CBD) and Cartagena Protocol on Biosafety

Sri Lanka ratified the Convention on Biological Diversity (CBD) in 1994. It is compliant with CBD reporting obligations with the Sixth National report submitted in June 2019 and the NBSAP updated in October 2016. This NBSAP will need to be aligned with the new Global Biodiversity Framework adopted in December 2022 ahead of CBD COP16 in 2024.

As one of 34 world's biodiversity hotspots, Sri Lanka has 66 endangered and 102 critically endangered species. However, the numbers of endangered animals have declined due to human-wildlife conflict, illegal trade, and disruptions to wildlife life-cycles and behaviour patterns caused by global warming, degradation of water levels, and water pollution.

Sri Lanka ratified the Cartagena Protocol under the CBD in 2004. However, the country is not compliant with the Cartagena Protocol reporting obligations, having not yet submitted its Fourth National Report due on 1 October 2019 and having not uploaded its First and Interim National Reports on the Biosafety Clearing House Website due on 1 January 1998 and 1 November 2017 respectively.

Sri Lanka does not produce any genetically engineered crops or animals, or allow their imports, but does allow imports of products that may contain microbial biotech-derived food ingredients. Sri Lanka is developing policies to regulate and promote biotechnology but most of these are incomplete and yet to be implemented.

5.3.4. Conventions on Climate Change and Protection of the Ozone Layer ⁽²⁶⁾

Sri Lanka ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1993, the Kyoto Protocol in 2002, and the Paris Agreement in 2016. The updated NDC was submitted in July 2021 and the National Adaptation Plan on 23

⁽²⁵⁾ <https://www.gov.uk/government/news/illegal-waste-containers-successfully-repatriated-from-sri-lanka>

⁽²⁶⁾ United Nations Framework Convention on Climate Change, Kyoto Protocol to the United Nations Framework Convention on Climate Change, and Montreal Protocol on Substances that Deplete the Ozone Layer.

September 2021. The third national communication (NC3) was submitted on 1 December 2022. At COP26, Sri Lanka signed the Global Coal to Clean Power Transition Statement.

Sri Lanka ratified the Montreal Protocol in 1989 and the Kigali Amendment in 2018. It is compliant with reporting obligations, having updated data for consumption of ozone-depleting substances (ODS), hydrochlorofluorocarbon (HCFC) and hydrofluorocarbons (HFC) until 2020. It has an ODS licensing system in place as well. Sri Lanka has reduced ODS consumption considerably in recent years from a peak in 2016 at 12.73 ozone depleting potential (ODP) tonnes to 8.57 in 2020. However, its HFC consumption has increased in 2020 to 478,418 CO₂-equivalent tonnes in 2020. Sri Lanka has instituted the development of the National Cooling Plan in 2021 and has committed to comply with the phase-out plans developed for HCFCs and HFCs, 70% of which are estimated to be utilised by the country's refrigeration and air conditioning (RAC) sector by 2030. Sri Lanka is also in the process of initiating its HFC phase-down plans as per the Kigali Amendment by 2024.

Conclusions and priorities

Sri Lanka has made significant efforts to implement the GSP+ environmental conventions. Given Sri Lanka's vulnerability to climate change and threats to its vibrant biodiversity, the country would greatly benefit from better engagement with convention bodies and needs to improve coordination, governance and compliance with reporting obligations of all the relevant environmental conventions.

5.4. UN Conventions on Good Governance (Conventions 24-27)

5.4.1. International Drug Control Conventions (27)

Cannabis is the only locally cultivated drug, although mostly at a small scale. Drugs are smuggled into the country from neighbouring countries via sea routes, mostly for the domestic market but also for transit, including to Europe. Authorities have increased enforcement, with an upward trend in drug seizures in recent years with 19 tonnes seized in 2020, amounting to more than double in any single year since 2015, and remaining high in 2021 as well. NDDCB reports extensive training of law enforcement agencies in 2020.

Registered drug-related offences have increased from 6,811 in 2020 to 10,959 in 2021. The vast majority relates to cannabis and heroin, with the latter surpassing cannabis-related arrests in 2020, a trend since 2009. Persons can be held in pre-trial detention for several months in cases involving small quantities of drugs, and several years in cases involving larger quantities. The share of prison admissions for drug offenders reached a high of 52% in 2019, decreasing to 47% partially due to lower court activity following COVID-19 containment measures but also due to the Government's efforts to reduce prison overcrowding and attempts to use health-based approaches to rehabilitation of drug users. The largest and increasing share of these relates to heroin with 85% of prison admissions in 2020, followed by cannabis; admissions for other drugs are limited but increasing sharply. The COVID-19 pandemic has not had a major impact on drug use in the country.

Admissions to treatment centres in 2020 reduced to 1,649 compared to 4,447 in 2018, as NDDCB reports limited treatment capacity as a challenge. Treatment centres have been criticised for accepting patients on a voluntary as well as a non-voluntary basis. State-run

(27) UN Single Convention on Narcotic Drugs (1961), UN Convention on Psychotropic Substances (1971) UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

compulsory drug detention centres are located on military bases and overseen by law enforcement authorities, despite evidence of higher relapse rates compared to voluntary schemes. The new Bureau of Rehabilitation Bill raises concerns about its compatibility with international human rights standards.

Although Sri Lanka voted in favour of extending the moratorium on the death penalty in 2018 and 2020 UNGA resolutions, and no executions have taken place since 1976, death sentences for drug offences are still being imposed in increasing numbers with 45 persons entering death row in 2020. In its 2021 report, INCB also expressed concern about emerging reports of extrajudicial acts of retribution against suspects of drug offences, effective reversal of the presumption of innocence for some offences, and non-eligibility for legal aid for suspected offenders. INCB in its 2019 report recommended commuting all death sentences handed down and abolishing the death penalty for drug-related offences, whereas in 2021 it noted the lack of dialogue with the Government on drug control and invited Sri Lanka to improve cooperation with INCB.

In addition to the three UN drug conventions, Sri Lanka participates in other international and regional initiatives aimed at drug control.

EU–Sri Lanka Development Cooperation on Governance

In 2022, the EU flagship programme on Justice Sector Reform (JURE) started with a duration of 4.5 years and with an EU contribution of €18 million. The programme aims to improve access to justice, accountability/transparency in the sector and the efficiency of justice services delivery based on the reform agenda of the Government, and with a strong focus on access to justice for women and children.

5.4.2. UN Convention against Corruption (UNCAC)

In terms of UNCAC implementation, Sri Lanka's first and second cycle implementation review reports from 2015 and 2018 noted some progress but highlighted a number of improvements needed, including for an effective coordinated anti-corruption policy. In response, the National Anti-Corruption Strategy 2019-2023 was inaugurated in March 2019 under President Maithripala Sirisena, but implementation since has been negatively affected including in the perception of the general public during protests in 2022. According to Transparency International's 'Corruption Pledge Tracker', which tracks Sri Lanka's implementation of 39 mandatory articles of the Convention, eight are being implemented, while alignment is under way for 25 articles, and six have not yet been implemented. The Parliament of Sri Lanka adopted a new anti-corruption law in 2023 with a view to address some of these concerns. The new Act contains a number of improvements compared to previous legislation.

In addition to the main anti-corruption authority – the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) – at least eight other institutions with mandates relevant to preventing and combating corruption operate in Sri Lanka, raising concerns about the effective coordination and use of resources. Of particular concern is also the ad-hoc creation of structures outside the constitutionally established anti-corruption bodies, such as presidential commissions. This has led to the widely shared perception that anti-corruption investigations are targeting political opponents and are affected by undue influence or linked to the political process rather than being independent.

The activities of the anti-corruption watchdog have decreased in number in recent years. However, the effect of the COVID-19 pandemic should be taken into account. Importantly, the number of cases referred to the courts steadily decreased from 2015 until

2021, with initial 2022 volumes on track to 2015 levels. Convictions in 2020 and 2021 were low in part due to lower court activity due to COVID-19 measures, but have also picked up in 2022 so far.

Sri Lanka's corruption indicators show a mixed picture. Its scores in the 'Control of Corruption' index of the Worldwide Governance Indicators for 2015-2020 (latest data) valued at -0.3 (on a scale from -2.5 to +2.5) are better than many other lower middle income countries. However, Sri Lanka's score in Transparency International's 'Corruption Perception Index' (CPI) for 2021 decreased to 37 (out of 100), and its rank fell from 94 in 2020 to 102 in 2021, out of 180 countries.

In recognition of improvements in anti-money laundering and countering the financing of terrorism (AML/CFT) measures taken since 2017, Sri Lanka was removed from Financial Action Task Force's (FATF) monitoring 'grey list' in October 2019.

Conclusions and priorities

Efforts to stem the increased drug problem by Sri Lankan authorities have been significant, however more balance can be pursued between the current focus on law enforcement and punitive criminalisation, notably through improved prevention and rehabilitation capacities. Given Sri Lanka's commitment to the moratorium on the death penalty and in line with INCB recommendations, the death penalty for drug offences should be abolished and such sentences already handed down effectively commuted. Sri Lankan authorities are required to comply with all its international reporting obligations under the drug control conventions, noting INCB's call for improved cooperation and dialogue.

Progress on AML/CFT standards by Sri Lankan authorities has been steady and commendable, while the same cannot be said about anti-corruption efforts and corruption indicators after 2019. Key priorities include revived implementation of the National Anti-Corruption Strategy 2019-2023, following the commitments to and procedures of the Open Government Partnership, as well as de-politicisation and capacity-building of anti-corruption institutions.

ANNEX: SRI LANKA – TREATY RATIFICATION AND REPORTING

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
Human rights conventions		
1. Convention on the Prevention and Punishment of the Crime of Genocide	Acceded: 12.10.1950 No reservations	No reporting obligations
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 18.02.1982 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 15.10.2015. • Next report was due on 20.03.2019.
3. International Covenant on Civil and Political Rights	Ratified: 11.06.1980 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 22.02.2019. • Next report is due on 26.03.2029.
4. International Covenant on Economic Social and Cultural Rights	Ratified: 11.06.1980 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 07.10.2015. • Next report was due on 30.06.2022.
5. Convention on the Elimination of All Forms of Discrimination Against Women	Ratified: 05.10.1981 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 22.04.2022 (due on 31.03.2021).
6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 03.01.1994 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 16.10.2015. • Next report was due on 07.12.2020.
7. Convention on the Rights of the Child	Ratified: 12.07.1991 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last report submitted on 08.06.2016. • Next report due on 10.08.2023.
Labour conventions ⁽²⁸⁾		
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratified: 05.04.1950 (2014 Protocol to the Convention ratified on 10.04.2019)	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. ⁽²⁹⁾ • Last report received in 2019. • Next report due in 2023.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratified: 15.09.1995	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2023. • Last report received in 2022. • Next report due in 2025.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratified: 13.12.1972	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2023. • Last report received in 2022. • Next report due in 2025.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratified: 01.04.1993	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2019. • Last report (out of cycle): received in 2022. • Next report due in 2024.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratified: 07.01.2003	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2020. • Next regular report due in 2023.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratified: 27.11.1998	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2019. • Last report received in 2022. • Next report due in 2024.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratified: 11.02.2000	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2020. • Next report due in 2023.

⁽²⁸⁾ Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

⁽²⁹⁾ The year mentioned indicates the year of publication (not adoption) of the CEACR report.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
15. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182	Ratified: 01.03.2001	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2020. • Next report due in 2023.
Environmental conventions		
16. Convention on International Trade in Endangered Species of Wild Fauna and Flora	Acceded: 02.08.1979 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Last Annual Report for 2021 submitted on 30.03.2022. • Previous Annual Reports submitted: AR 2020 on 15.02.2021; AR 2019 on 15.10.2020; all annual reports for 2015 to 2021 submitted on time. • Implementation Report for 2020-2021 submitted on 23.03.21. No other reports for other years submitted. ⁽³⁰⁾ • No Annual Illegal Trade report submitted to date. ⁽³¹⁾
17. Montreal Protocol on Substances that Deplete the Ozone Layer	Acceded: 15.12.1989 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Most recent data for 2021 was submitted. • No more recent reporting data is available. • ODS licensing system established.
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Ratified: 28.08.1992 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • No reports listed for 2019-2021. • Previous Annual Reports: AR for 2018 submitted on 22.01.2020; AR for 2017 on 7.02.2019. No reports listed for 2014-2016.
19. Convention on Biological Diversity	Ratified: 21.06.1994 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Sixth National Report published on 26.06.2019. • National Biodiversity Strategy and Action Plan updated on 17.10.2016.
20. The United Nations Framework Convention on Climate Change	Ratified: 23.11.1993 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Updated NDC submitted in July 2021. • National Adaptation Plan submitted on 23.09.2021. National Adaptation Plan for 2016-2025 submitted in 2016. • NC1 submitted on 6.11.2000, NC2 submitted on 16.03.2012 and NC3 submitted on 01.12.2022. • No NIR or BUR reports submitted to date. No CRF tables published.
21. Cartagena Protocol on Biosafety	Ratified: 26.07.2004 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Fourth National report not submitted. • Previous National Reports: Third NR submitted on 04.01.2016; Second NR on 03.01.2012; First NR and Interim National Report not submitted.
22. Stockholm Convention on Persistent Organic Pollutants	Ratified: 22.12.2005 No reservations	Partially compliant with reporting obligations <ul style="list-style-type: none"> • Latest (Fifth) National report submitted on 31.08.2022. • Fourth National Report for the year 2018 submitted. • Revised National Implementation Plan under Stockholm Convention - 2015 submitted in October 2017. • NAP not submitted.

⁽³⁰⁾ Reporting mandatory, but not subject to compliance procedure.

⁽³¹⁾ Reporting mandatory, but not subject to compliance procedure.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
		<ul style="list-style-type: none"> • Updates for COP4 submitted on 18.05.2018; Updates for COP5 are pending transmission to the Secretariat. • Not submitted: Updates for COP6 (due on 26.11.2016), COP7 (due on 15.12.2017); COP8 (due on 18.12.2020). • Updates on COP 9 are due on 03.12.2022.
23. Kyoto Protocol to the United Nations Framework Convention on Climate Change	Ratified: 03.09.2002 No reservations	No reporting obligations
Good governance conventions		
24. United Nations Single Convention on Narcotic Drugs (1961/72)	Acceded: 11.07.1963 ⁽³²⁾ No reservations. ⁽³³⁾	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Compliant with reporting under Single Convention and Convention on Psychotropic Substances. • No reports provided for 2019 and 2020 under the Convention against Illicit Traffic.
25. United Nations Convention on Psychotropic Substances (1971)	Acceded: 15.03.1993 No reservations	
26. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)	Acceded: 06.06.1991 No reservations	Review by INCB <ul style="list-style-type: none"> • INCB mission took place in March 2019. • INCB reports lack of dialogue with Government on drug control and “trusts that Sri Lanka will improve its cooperation and respond to those efforts of the Board, in line with article 9 of the 1961 Convention as amended” (INCB, 2022d, p. 37).
27. United Nations Convention against Corruption (2003)	Ratified: 31.03.2004 No reservations	No reporting obligations Partial compliance with notification requirements <ul style="list-style-type: none"> • Notifications regarding mutual legal assistance not made. Review by UNODC & peer review <ul style="list-style-type: none"> • Executive summaries and country reports published in 2015 and 2018.

⁽³²⁾ Participation in the Convention by virtue of ratification, accession or succession to the Protocol of 25 March 1972 or to the 1961 Convention after the entry into force of the Protocol: 29.06.1981

⁽³³⁾ The Government of Ceylon notified the Secretary-General that in respect of article 17 of the Convention, “the existing administration will be maintained for the purpose of applying the provisions of the Convention without setting up a ‘special administration’ for the purpose.” The Government added that this was to be considered a statement and not a reservation.