

Sri Lanka: Resolution 30/1 Implementation Monitor

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Sri Lanka: Resolution 30/1

Implementation Monitor

The Legal Research team at Verité Research prepared this brief.

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Contents

Background	4
Methodology	5
Resolution 30/1: Implementation Status	7
Transitional Justice and Reconciliation	7
Rights and Rule of Law	9
Security and Demilitarisation	13
Power Sharing.....	16
International Engagement	17
Resolution 30/1: Overall status of implementation.....	19
Annex 1:	20
Implementation Status (June 2016 to August 2024).....	20
Endnotes	30

Background

Sri Lanka co-sponsored United Nations Human Rights Council (UNHRC) Resolution 30/1 in October 2015. As a result, it committed to fulfilling a range of measures dealing with human rights, accountability and transitional justice. Resolution 30/1 came to represent the main features of Sri Lanka's transitional justice agenda, particularly in relation to accountability mechanisms for abuses suffered by victims of the civil war.



Source: www.linkedin.com

Resolution 30/1 contains 36 distinct commitments that fall into five broad thematic categories:

1. Transitional justice and reconciliation
2. Rights and rule of law
3. Security and demilitarisation
4. Power sharing
5. International engagement

At the 34th UNHRC session held in March 2017, the Government of Sri Lanka (GoSL) co-sponsored a fresh resolution. Resolution 34/1 reaffirms the above commitments, and requests that Sri Lanka fully implement measures identified in Resolution 30/1 that are outstanding. Subsequently, at the 40th session held in March 2019, the government co-sponsored Resolution 40/1 which reaffirms its commitments to reconciliation envisaged in Resolution 30/1 and reaffirmed in Resolution 34/1. In February 2020, the

GoSL informed the Office of the High Commissioner for Human Rights (OHCHR) of its decision to withdraw from co-sponsorship of Resolution 40/1 of 2019, and its preceding Resolutions 34/1 of March 2017, and 30/1 of October 2015.¹ The Minister of Foreign Relations of Sri Lanka cited several reasons for the government's decision. These included: (1) the commitments made were 'impractical, unconstitutional and undeliverable'; (2) it damaged the reputation of Sri Lanka in the international realm; and (3) the changes made following the co-sponsorship of Resolution 30/1 'undermined the national interest and compromised national security including weakening national intelligence operations'.² The OHCHR submitted a report of Sri Lanka's implementation of Resolution 30/1, pursuant to Resolution 40/1, which was taken up for discussion at the UNHRC's 46th session in February and March 2021. Moreover, Resolution 46/1 was adopted during this session on 23 March 2021 to establish a new accountability framework to collect, analyse and preserve evi-

dence of international crimes committed in Sri Lanka for use in future prosecution.³ The GoSL rejected any ‘external initiatives’ under this resolution.⁴

At the UNHRC’s 51st session in September and October 2022, Resolution 51/1 was adopted.⁵ The GoSL rejected Resolution 51/1. They particularly opposed operative paragraph 8 which extends the mandate of the OHCHR in Sri Lanka to gather evidence of human rights violations,⁶ and the provisions that relate to economic policy, both of which the government considers to be outside the UNHRC’s mandate.⁷ The OHCHR produced a written update on Sri Lanka’s progress at the 54th UNHRC session on 11 September 2023⁸ and the GoSL rejected the written update, its conclusions and recommendations.⁹ At the 55th session in February 2024 and 56th session in June 2024 the GoSL maintained their stance in rejecting

the said resolutions and any external evidence gathering mechanism.¹⁰ OHCHR is due to present a comprehensive report that includes further options for advancing accountability on 9 September 2024 at the 57th UNHRC session which will take place from 9 September – 9 October 2024.

The report aims to offer an overview of transitional justice and human rights developments in Sri Lanka despite the government’s withdrawal of the 30/1 resolution at the 43rd UNHRC session in February 2020. Verité Research released analyses of progress in fulfilling the 36 actionable commitments in Resolution 30/1 in June 2016, March 2017, February 2018, March 2019, February 2020, February 2021, March 2022, February 2023 and August 2023. **This brief contains an updated analysis of progress from September 2023 until August 2024.**

Methodology

The methodology of this study has been developed in an attempt to create, as far as possible, an objective basis for monitoring progress.

		Performance Indicators			
		Fully Met	Partially met	Poorly met	Not met
Implementation Plan	Workable	Complete	Partial progress	Poor progress	Poor progress
	Flawed				No progress
	No plan				

The methodology involves two assessments:

1. Assessment of performance indicators:

Step 1: Quantitative and qualitative assessment of progress in terms of ‘performance indicators’. Each indicator aims to capture full accomplishment of actions envisaged in a commitment. For instance, a commitment and its indicator can be devised as follows:

Commitment: Begin to issue Certificates of Absence to the families of missing persons as a temporary measure of relief.

Indicator: Certificates of Absence have been issued to families of missing persons.

The assessment of progress thereafter relies on publicly available information and evidence of steps taken towards achievement of each indicator. In this assessment, information received in response to Right to Information (RTI) requests were also used to assess the progress of some commitments. The assessment includes a qualitative evaluation of how complete and effective the government’s steps are in meeting performance indicators.

Step 2: Classification of all commitments into ‘completed’, ‘partial progress’, ‘poor progress’ or ‘no progress’, based on the degree to which performance indicators have been met.*

ress’, based on the degree to which performance indicators have been met.*

*N.B. Even if performance indicators have not been met to any degree, the commitment would be classified as ‘poor progress’ (as opposed to ‘no progress’) if it possesses a workable implementation plan. Therefore, the second assessment detailed below may retrospectively determine the final classification of a commitment as ‘poor progress’ or ‘no progress’.

2. Assessment of implementation plans:

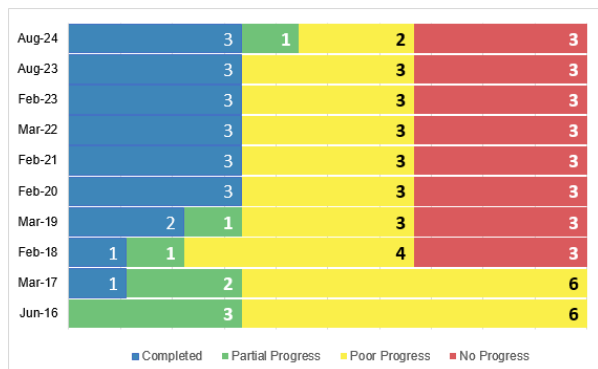
This assessment entails a determination of whether the commitment has an identifiable plan for implementation. Where there is a lack of a documented plan (such as a government action plan or roadmap), the existence of a plan may be verified by publicly available evidence of steps towards the commitment’s fulfilment (such as tabling legislation in Parliament or obtaining Cabinet approval for policy decisions).

The matrix below illustrates how the status of implementation of each individual commitment is classified. It also illustrates how the implementation plan pertaining to a commitment may determine its classification.

Resolution 30/1: Implementation Status

TRANSITIONAL JUSTICE AND RECONCILIATION

The government made **nine commitments** to transitional justice and reconciliation in Resolution 30/1.



On 1 January 2024, the GoSL gazetted a Bill on the Commission for Truth, Unity and Reconciliation in Sri Lanka (CTUR).¹¹ As the government has commenced the legislative process and has granted enforcement powers to the commission, the commitment (2) on establishing a commission for truth, justice, reconciliation and non-recurrence has been upgraded from ‘poor progress’ to ‘partial progress’. However, Human Rights Commission of Sri Lanka (HRCSL) and civil society have raised concerns about the man-

date of the commission and how the GoSL should utilise the findings of prior Commissions of Inquiry without repeating the same task through the CTUR. The HRCSL further recommends to monitor the implementation of all constructive recommendations of previous truth seeking mechanisms.¹²

As per clause 12 of the proposed bill, the mandate is limited to events that occurred in the Northern and Eastern Provinces during the period of 1983 to 2009, or its aftermath. This has left out events before and after and in other areas, such as the *Janatha Vimukthi Peramuna (JVP)* insurrections which took place in 1971 and 1987-1989 in the Southern parts of the country.¹³ Further, in the same clause the mandate is outlined to include alleged damage or harm caused to persons or property, or violations of human rights, leaving out the crimes committed under international humanitarian law.¹⁴

In July 2024 the Cabinet approved drafting of the updated CTUR bill claiming to have incorporated the amendments proposed by various parties. The bill has received the clearance from the Attorney General's Department.¹⁵ The new Bill was gazetted on 5 August 2024.¹⁶

In January 2024, the Office for National Unity and Reconciliation (ONUR) Act No.1 2024, was enacted rendering the ONUR a permanent body.¹⁷ The ONUR was first established in 2015 under Gazette No. 1945/41.

The commitment (1) on engaging in broad national consultations has remained completed since 2017. During the current reporting period, the GoSL has conducted public and stakeholder consultations in 2024 through the Interim Secretariat for the Truth and Reconciliation Mechanism (ISTRM) primarily to obtain inputs on the CTUR Bill.¹⁸ The ISTRM was established in September 2023 to lay the foundational work for the Commission, by obtaining suggestions and recommendations from stakeholders.¹⁹ In July 2024 ISTRM launched their website.²⁰

Similarly, commitment (3) on establishing the Office of Missing Persons (OMP) and the commitment (4) on establishing the Office for Reparations (OR) remains completed. As of December 2023, out of the 21,374 complaints received the OMP has recognised 14,988 complaints as active records falling within its mandate.²¹ The OMP has conducted a total of 5,791 inquiries as of December 2023 out of which 2,832 inquiries have been conducted during 2023.²² The OMP in a response to the RTI filed by Verité Research noted that, from 1 January 2024 to 31 June 2024, the OMP has traced 404 missing persons and has found 14 alive and 2 persons deceased.²³ As of 28 August 2024, there are 15 cases on missing persons pending in the courts.²⁴

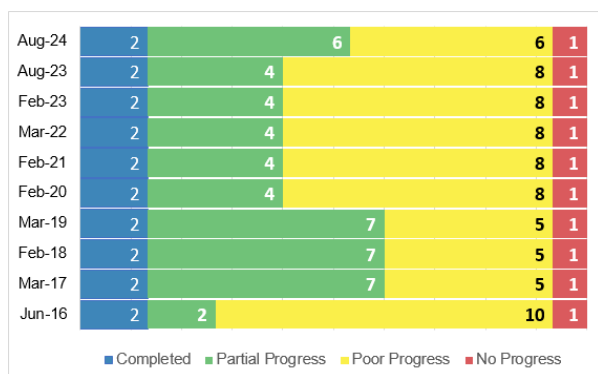
The 2024 budget estimates have allocated 110,000,000 LKR as the recurrent expenditure and 162,000,000 LKR as the capital expenditure.²⁵ It has allocated 2,588,000,000 LKR as the recurrent expenditure for the OR and 2,000,000 LKR as its capital expenditure.²⁶ The OR has granted monetary relief to 3,508 applicants in 2023 and has paid a total sum of 1,335,000,000 LKR as reparations in that year.²⁷ Budgetary allocations to these institutions have increased in comparison to the previous year.

The commitment (7) remains at 'no progress'. An independent prosecutorial body has not been established yet.²⁸ The Attorney General's (AG) Department remains the chief prosecutorial body and the defenders of public office. The AG continues to hold the power of *nolle prosequi*, the inherent and non-delegable power to discontinue criminal proceedings before a High Court in respect of a suspect without the permission of the court.²⁹

Further, in September 2023 a Mullaitivu District Judge and Magistrate T. Saravanarajah handed in his resignation noting that there had been threats to his life, before leaving the country.³⁰ In June 2022, he prohibited any form of construction in *Kurunthu Malai*, a Hindu place of worship. In August 2023 he ruled that the Archaeological Department has committed contempt of court by disregarding the court's previous orders, by continuing constructions of a *stupa in Kurunthu Malai*.³¹ Following his resignation, the Bar Association of Sri Lanka (BASL) and the Jaffna bar members demanded a transparent inquiry on the resignation of the judge.³² Several protests took place in the Northern Province against the resignation.³³

RIGHTS AND RULE OF LAW

The government made **fifteen commitments** to rights and rule of law in Resolution 30/1.



There has been minimal progress on investigating attacks on journalists, human rights defenders, religious minorities, and civil society. Emblematic cases such as the murder of journalist Lasantha Wickrematunge in 2010 and the post-war incidents such as anti-Muslim riots in Aluthgama in 2014 and in Digana in 2018 remain poorly investigated.³⁴ There is no publicly available information on the progress of the investigations into the attacks on 'GotaGoG-

ama'/'GoHomeGota' protesters that took place from 2022 to 2023.

Further, there have been recent attacks on journalists, human rights defenders, and civil society. In March 2024 'Ravana Lanka News' website editor G.P. Nissanka and freelance journalist Bimal Ruhunage were arrested by the police. Nissanka was arrested under the Computer Crimes Act and Ruhunage was arrested for allegedly obstructing police duties.³⁵ In June 2024, Jaffna based journalist Pradeepan Thambiturai was subjected to vandalism and arson of his property by an unidentified group.³⁶

In terms of holding perpetrators of such attacks accountable under commitment (2), the progress remains poor. On 17 May 2024, all accused army personnel of the Rathupaswala shooting were acquitted by the Gampaha High Court's Trial-at-Bar.³⁷ The only

ongoing prosecution regarding grave crimes against journalists in Sri Lanka is the case on the disappearance of Prageeth Ekeneligoda. The trial began against nine soldiers in 2019, and the case is still ongoing at the Colombo Permanent High Court Trial-at-Bar.³⁸

Five years since the Easter Sunday attacks, there has been no criminal accountability or adequate compensation for the victims.³⁹ In September 2023 the government appointed a committee to inquire into the allegations made by Channel 4, and a Parliamentary Select Committee was formed to inquire into the allegations made by a former Attorney General, that the country's intelligence officials were involved in the Easter Sunday attacks.⁴⁰

In November 2023 the Supreme Court ordered state officials, including former President Maithripala Sirisena to submit assets and liabilities, as the former state officials have failed to pay compensation as ordered by the Court in January 2023.⁴¹

Under the same commitment, holding perpetrators accountable for the attacks on places of worship has seen little progress. *Kurunthu malai* is a contested place of worship in Mullaitivu and its worshippers and structures have been subjected to attacks.⁴² In June 2023 the President appointed a committee to conduct a formal inquiry and report on the claim of land area in extent of 5,000 acres for the Kurundi temple in the Mullaitivu District and Thiriyaya temple in the Trincomalee District for archaeological purposes.⁴³ There is no publicly available information on the outcomes of this expert Committee.

In relation to holding perpetrators of such attacks accountable under commitment (2), there have been ad hoc instances of the judiciary taking steps to strengthen accountability mechanisms during the reporting period. On 14 November 2023 the Supreme Court of Sri Lanka determined that the fundamental rights of political commentator Ramzi Raziq have been violated following his arrest by the officials

of the Criminal Investigations Department (CID) and ordered the State to pay a compensation of LKR 1 million.⁴⁴ The judgment notably holds that section 3 of the International Covenant on Civil and Political Rights (ICCPR) Act should not be understood as criminalising blasphemy.⁴⁵

In July 2015 Army Sergeant Sunil Ratnayake was sentenced to death by the Colombo High Court for the Mirusuvil massacre which took place in 2000. In March 2020, Ratnayake was granted a presidential pardon by the former President Gotabaya Rajapaksa.⁴⁶ On 17 May 2024 the Supreme Court issued an order directing Rajapaksa and Ratnayake to testify regarding the presidential pardon. The Supreme Court mandated the former President to present his rationale behind the pardoning. Ratnayake was ordered to provide detailed facts about the incident and the circumstances surrounding his pardon.⁴⁷ The Supreme Court has fixed the petitions to be considered on 15 January 2025.⁴⁸

On 26 April 2024 High Court of Anuradhapura sentenced five police officers to life imprisonment including the Bharathipuram police station officer-in-charge, over the murder of eight unarmed Tamil civilians of the Bharathipuram village in Kantale, in 1998. The other two officers were acquitted by the court.⁴⁹

Commitment (3) entails preventing such attacks in the future. In November 2023 the Supreme Court in the case of Ramzy Razik, ordered the Attorney General to provide the Inspector General of Police (IGP) with a summary of the principles from its judgment to be disseminated among police officers. These instructions were for the police officers to be followed when handling offenses under section 3 (1) of the ICCPR Act.⁵⁰

In December 2023, the HRCSL launched a draft set of 'General Guidelines and Recommendations to Sri Lanka Police on Preventing Custodial and Encounter Deaths' and 'General Guidelines and Rec-

ommendations on the Protection of Human Rights Defenders'.⁵¹ Apart from the HRCSL guidelines, the Supreme Court instructions to police officers on arrests under the ICCPR Act was recognised as a significant improvement. The ICCPR Act has been used to unlawfully arrest and detain minorities and civil society members at previous occasions.⁵² Therefore, this commitment was upgraded from 'poor' to 'partial progress'.

Both commitments concerning the Prevention of Terrorism Act (PTA) remain at 'poor progress'. The Supreme Court on 20 February 2024 conveyed its special determination on the Anti-Terrorism Bill to the Speaker of Parliament. The Court determined that while several clauses of the proposed legislation require to be passed by a special majority, several other provisions need to be passed by both a special majority and a referendum, unless amendments recommended by the Supreme Court are carried out. However, the Bill has not yet been passed in Parliament as of August 2024, and the PTA remains in force. The state has continued to make arrests under the PTA. In December 2023 nine Tamil civilians in Batticaloa were arrested under the PTA during *Maaveerar Naal* commemorations.⁵³

In relation to commitment (5), the Supreme Court in its determination stated that the Anti-terrorism Bill is not compliant with international standards especially concerning the definition of "terrorism", in comparison to multiple international instruments.⁵⁴ There have also been expert opinions that the proposed Bill does not follow international standards.⁵⁵

Although commitment (7) on criminalising enforced disappearances remains completed, the OHCHR has released a report in May 2024 indicating that the steps taken by the GoSL regarding enforced disappearances have not resulted in tangible progress.⁵⁶

Commitment (8) on publishing previous presidential commission reports remains at 'partial progress'. In February 2024 International Truth and Justice

Project (ITJP) published a joint press release in stating that out of the 36 past commissions, around 14 reports were never published and out of the published reports a lower number is publicly available digitally and physically.⁵⁷

The status of commitment number (9) to review the Public Security Ordinance remains at 'no progress'. On 27 August 2024 the President issued a gazette extraordinary under the Public Security Ordinance summoning all members of armed forces to maintain public order in specific areas.⁵⁸

Commitment (10) to issue Certificates of Absence (COA) to families of missing persons remains at 'partial progress'. At the 55th UNHRC session in March 2024, the Ministry of Foreign Affairs (MoFA) reported that 1,313 families have received COAs and steps have been taken to extend the validity period of the certificates until 2028.⁵⁹ The OMP in response to the RTI request filed by Verité Research, has informed that as of 31 June 2024, they have recommended to the Registrar General Department to issue 2209 COAs.⁶⁰

In terms of commitment (12), in December 2023, the HRCSL released [Draft] General Guidelines and Recommendations on the Protection of Human Rights Defenders' and 'General Guidelines and Recommendations to the Sri Lanka Police on Prevention of Custodial and Encounter Deaths'.⁶¹ Therefore, the commitment to issue instructions to security forces on human rights violations and international humanitarian law violations remains at 'partial progress'.

Commitment number (13) to address reports of sexual and gender-based violence remains at 'poor progress' as there are inadequate updates on redress and justice to survivors of conflict related gender-based violence (CRGBV). In November 2023, the Court of Appeal of Sri Lanka acquitted two soldiers who were initially sentenced to death over the 1996 gang rape and murder of Rajini Velauthapillai, from Urumpirai. The Court acquitted the two defen-

dants of all charges, and the other defendant was ordered a retrial.⁶²

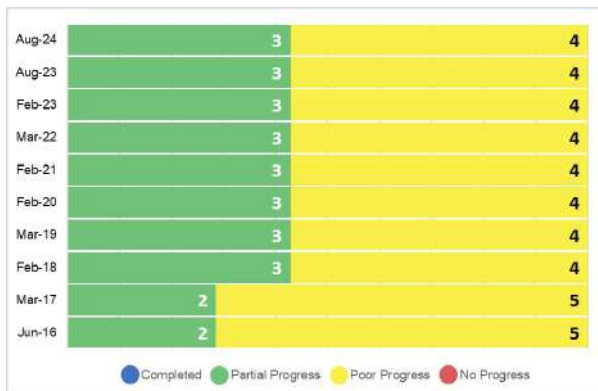
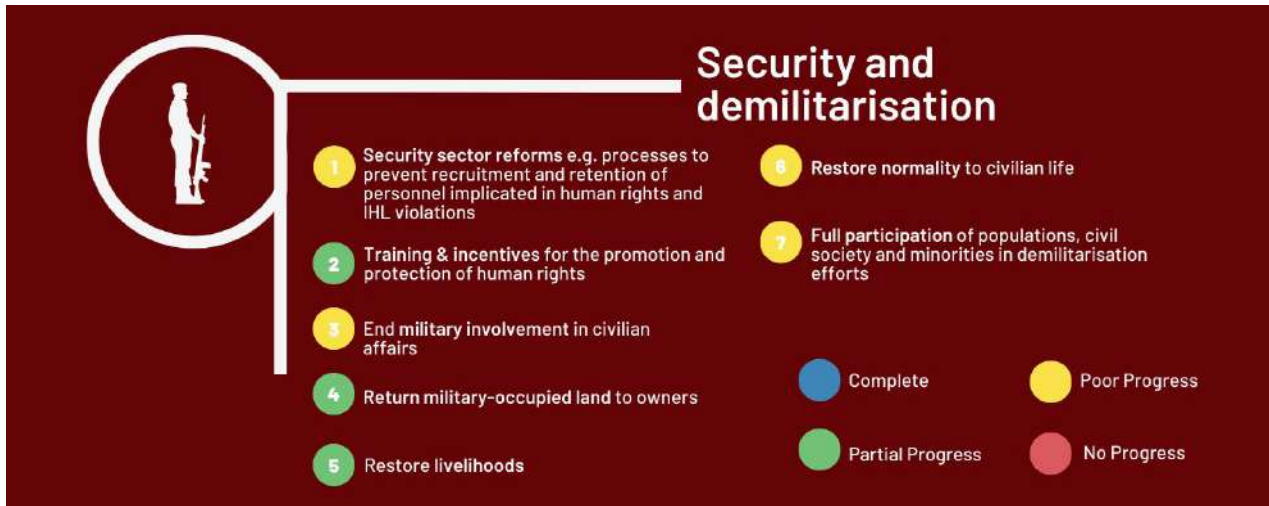
However, the government has taken some steps to mitigate or prevent gender-based violence (GBV). In December 2023, the government published the National Action Plan to Address Sexual and Gender-Based Violence (SGBV). On 4 January 2024, a dedicated unit and a hotline was established in the Bureau for the Prevention of Abuse of Children and Women to accept complaints relating to abuse of children and women. By March, the unit reported that it had received a total of 1,077 complaints of abuse against children and women through the hotline.⁶³ The Sri Lanka Police has stated that investigations into 477 complaints have been completed, and legal action has been instituted for 42 complaints. In addition, eight complaints have been referred to the mediation board, and investigations are ongoing for

505 complaints.⁶⁴ In June 2024 Parliament passed the Women's Empowerment Act which includes provisions to establish a 'National Commission on Women' and a mechanism to protect women's rights, including legal recourse for such violations.⁶⁵

In relation to commitments (14) and (15), the Assistance to and Protection of Victims of Crime and Witnesses Act No. 10 of 2023 came into effect from 15 September 2023. This Act and the Anti-Corruption Act of No. 9 of 2023 have extended the definition of a 'witness' to "public officers" involved in the administration of justice.⁶⁶ Under the previous amendment of Act No. 4 of 2015, the protection was limited to the public officers involved with investigations.⁶⁷ Therefore, commitment (15) on strengthening witness and victim protection law is upgraded from 'poor progress' to 'partial progress'.

SECURITY AND DEMILITARISATION

The government made **seven commitments** on security and demilitarisation in Resolution 30/1.



The commitment (1) entails the introduction of effective security sector reforms, by way of preventing the retention or recruitment of anyone credibly implicated in violations of serious human rights or of international humanitarian law. The President reappointed Shavendra Silva as Chief of Defence Staff in June 2024 until 31 December 2024.⁶⁸ A United Nations panel in 2011 found credible allegations on Silva’s division for suspected extrajudicial executions of unarmed rebels in the final stages of the war and systematic torture of people in custody.⁶⁹ In February 2024 Deshabandu Tennakoon was appointed as the Inspector General of Police (IGP) as nominated by the President and approved by the constitutional

council with two council members abstaining.⁷⁰ Before that, Tennakoon was appointed as the Acting IGP by the President on 29 November 2023. On the 14 December 2023, the Supreme Court found Tennakoon to be guilty of torture directly and under superior responsibility while he was the Superintendent of Police in Nugegoda in 2011. The Court ordered the National Police Commission to conduct an inquiry and each respondent to pay a compensation of LKR 500,000 to the petitioner.⁷¹ The judgement was delivered when Tennakoon was functioning as the Acting IGP.

In December 2023, under Tennakoon’s directives, Sri Lanka Police and the Ministry of Public Security initiated an operation named ‘Yukthiya’ to combat drug trafficking and organised crimes.⁷² Under the operation, over 20,000 suspects were arrested in a span of two weeks in December, and by March 2024 over 110,000 suspects have been arrested.⁷³ In January 2024 HRCSL expressed concern over receiving a number of complaints concerning torture, cruel, inhuman or degrading treatment, and arbitrary arrests and detention associated with the ‘Yukthiya’ operation.⁷⁴

At the moment, there are fundamental rights petitions filed against the unconstitutionality of the appointment of the IGP and his suitability for the position.⁷⁵ On 24 July 2024 the Supreme Court granted leave to proceed to these petitions with an interim order to temporarily suspend Tennakoon from the position of the IGP until the issuance of the judgement.⁷⁶ Following the order, Cabinet announced that they wish to conduct an in-depth legal analysis of the order and on 26 July Prime Minister Gunawardena stated at Parliament that the interim order is illegal.⁷⁷ Due to these developments, the progress of this commitment has remained 'poor' during the reporting period.

Under commitment (2) the government has continued to facilitate trainings for the armed forces on the promotion and protection of human rights. The Directorate of Legal Services, Human Rights and Humanitarian Law of the Sri Lankan Army has conducted an 'International Humanitarian Law and Human Rights Basic Course' from February to March 2024. The course has consisted of 37 officers from tri-services and 1 officer from special task force.⁷⁸ The same directorate has devised an advanced course on human rights and international humanitarian law which was conducted in September 2023 at the Institute for Peace Support Operations Training in Sri Lanka, to 17 Army, 3 Navy and 2 Air Force officers.⁷⁹

In relation to commitment (3), the military has continued to engage in civilian functions. The Sri Lankan Army has been involved with building houses for civilians. In December 2023 in Jaffna district, a house was built in Columbuthurei and another in Point Pedro.⁸⁰ In April 2024, a house and water supply were built by the troops in Killinochchi.⁸¹ Two more houses were constructed by the troops in Jaffna for unemployed families.⁸² By December 2023, the Sri Lankan Army has built over 700 houses for civilians.⁸³

The status of commitment number (4) to return military-occupied land to owners remains at 'partial

progress' however there were improvements in the commitment during the reporting period. In February 2024, the GoSL initiated 'Urumaya' a freehold land deed program which grants land ownership to individuals. The program targets farmers and low-income earners and at its initial stage 10,000 land deeds are finalised to be distributed.⁸⁴ The program aims to distribute a total of two million deeds. In March 2024, 408 land deeds were distributed in Jaffna.⁸⁵ In June 2024, 192 families in Batticaloa district received land deeds and 442 land deeds were distributed in Mannar district.⁸⁶

In March 2024, the Sri Lankan Army returned 109.56 acres of land in Jaffna peninsula to rightful owners.⁸⁷ In terms of demining, which is an essential prerequisite to return land, the Sri Lanka Mine Action Centre (NMAC) has declared 109 areas totalling 5,316,665.4 square meters as safe zones. These areas, located in eight districts in three provinces were officially released for human activities in 2023.⁸⁸ In 2023, the Sri Lankan Army humanitarian demining unit demined 18,968 m², amounting to approximately 11% of the total land area demined in 2023.⁸⁹ Further, in total 23 km² are left to be demined which is expected to be completed by 2028.⁹⁰

In relation to commitment (5), to restore livelihoods, by the end of 2023, it is recorded that they are 12,000 conflict related Internally Displaced Persons (IDP) in Sri Lanka.⁹¹ The Cabinet has agreed to revise the memorandum of understanding with South Korea for the implementation of the 'Community Based Tourism Development Project' focusing on the Central, North and Eastern Provinces of Sri Lanka, which can potentially enhance the employment and livelihood in these regions.⁹² In March 2024 a web application called 'Farm to Gate' which is a food/product vendor application, was launched by the government which was developed under the directives of the Governor of the Northern Province.⁹³

Commitment (6) to restore normality to civilian life remains at 'poor progress'. In March 2024, Sri Lankan

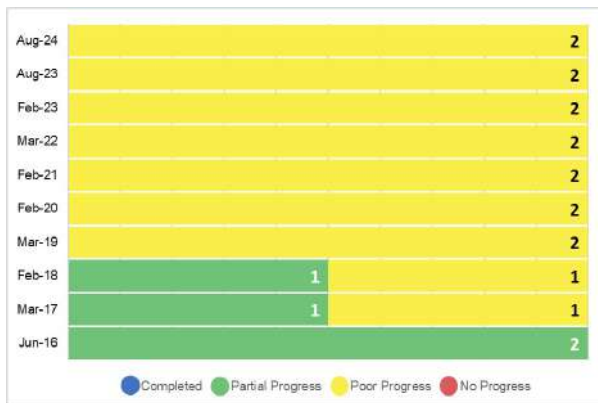
Army allowed civilian access to temples within high security zone for the first time in 34 years. The army announced it has granted conditional access to seven temples out of twenty-one located within the high security zone in Jaffna. The army has mandated worshippers to use army transportation and to provide their personal information such as addresses, national identity card numbers, telephone numbers to the army and temple management. Accordingly, the temple management will share such details with the district and divisional secretariat before granting approval.⁹⁴

Under the same commitment, facilitating memorialisation as a way of restoring civilian lives in the post-conflict context, remains poor as well. In

September 2023 Tamil National People's Front Member of Parliament (MP) Selvarajah Kanden was attacked by a group, in Sardhapura, Trincomalee while attending a memorial procession held to commemorate the death anniversary of 'Thileepan', a LTTE member who passed away during a hunger strike.⁹⁵ In November 2023 several Magistrate's Courts in the Northern and Eastern Provinces rejected police requests seeking stay orders preventing commemorative events organised for the '*Maaveerar Day*', which falls on 27 November.⁹⁶ On 12 May 2024, the police arrested four Tamils in Trincomalee for serving *kanji* (rice porridge in Tamil) during the Mullivaikkal remembrance, and later those arrested were granted bail by the court.⁹⁷

POWER SHARING

The government made **two commitments** on power sharing in Resolution 30/1.



The status of the commitments to reach a political settlement through constitutional reform and to fully implement the 13th Amendment to the Constitution both remain at “poor progress”.

The 13th Amendment sets out the existing framework for devolution of power in Sri Lanka and provides for the establishment of Provincial Councils.⁹⁸ To date the 13th Amendment has not been fully implemented due to the failure of successive governments to devolve land and police powers to the Councils.⁹⁹ Provincial Council elections have not been held since 2014. By 2019 the five-year term of the councils expired.¹⁰⁰ In November 2023 the Prime Minister stated in the Parliament that the overdue Provincial Council elections are contingent upon the consensus of opposition on the electoral system. He stated that

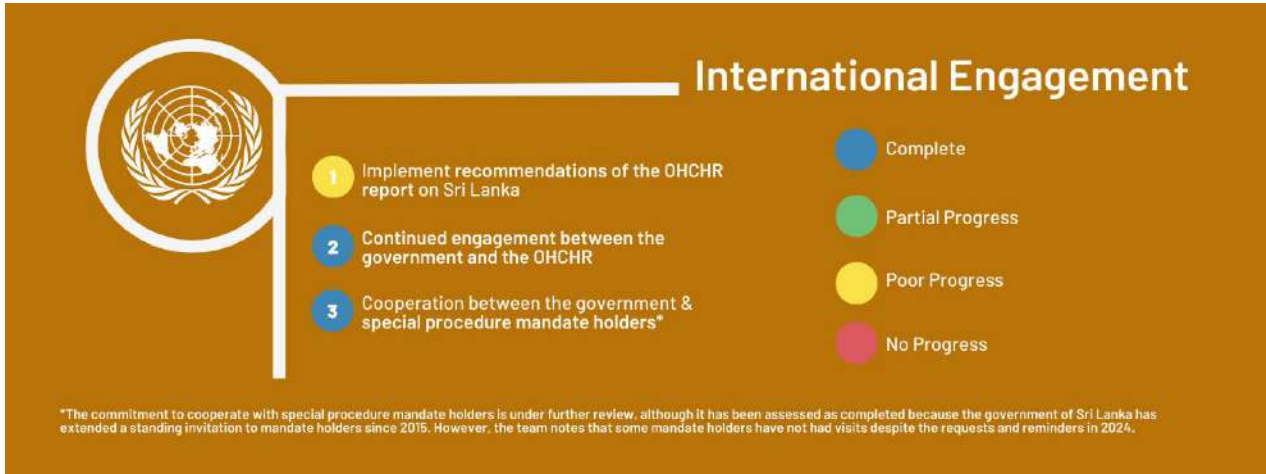
parties have not come into an agreement on it at the Select Committee on Provincial Council Elections.¹⁰¹ However, in February 2024 Cabinet stated that the funds required to hold the Provincial Council elections will be released from the 2025 budget and the elections will be held in 2025.¹⁰²

The Private Member’s bill proposed by Member of Parliament M. A. Sumanthiran which was gazetted on 10 May 2023 repealing the Provincial Council Election Amendment Act No. 17 of 2017 has not yet been passed by Parliament.¹⁰³ The Amendment Act No. 17 of 2017 changed the electoral system from proportional representation to mixed member proportional system and provided for a quota of 25% for women in all Provincial Councils.¹⁰⁴ The proposed bill aims to repeal the 2017 amendment and change the voting system to restore the representative voting system that existed prior to the amendment.¹⁰⁵

In June 2024, during a session of the ‘All Party Conference’ at the Presidential Secretariat, the President stated that the 13th Amendment should be implemented or abolished. He suggested that a new constitutional amendment could be introduced by any Member of Parliament as a Private Member’s bill to repeal the 13A.¹⁰⁶

INTERNATIONAL ENGAGEMENT

The government made **three commitments** on international engagement in Resolution 30/1.



The government's progress in implementing the recommendations in the OHCHR Investigation Report on Sri Lanka (OISL) under commitment number (1) overall remains at 'poor progress'. The OISL report includes several recommendations that have been dealt in other sections of this report. One of the recommendations of the OISL report is to clarify the roles and chain of command for all branches of the security forces, including the different intelligence services, the Criminal Investigation Department (CID) and the Terrorist Investigation Department (TID). In June 2024, a local social activist was arrested by the TID for allegedly publishing false information on senior police officials.¹⁰⁷ Another recommendation is to ensure the independence and integrity of those appointed to the Witness Protection Authority and

that the police personnel assigned to this program are fully vetted. The Assistance to and Protection of Victims of Crime and Witnesses Act No. 10 of 2023 established the 'National Authority for the Protection of Victims of Crime and Witnesses'. Apart from the ex-officio members in its board, the rest of the five members are directly appointed by the President.¹⁰⁸ The law does not mandate any vetting process for the personnel assigned to the board.

Commitment number (2) on continued engagement between the government and the OHCHR has been completed since 2016 as the GoSL has expressed their active and constructive cooperation at UNHRC sessions. However, at the 54th session in September 2023, 55th session in February 2024 and 56th session in June 2024 the GoSL has rejected any form of external evidence gathering mechanisms.¹⁰⁹ Furthermore, at the 55th UNHRC session, the Foreign Minister Ali Sabry stated that, out of the 294 recommendations received at the 4th Cycle of the Universal Periodic Review, the GoSL supported 173, noted 115, rejected 06 recommendations which referred to HRC resolutions 30/1, 46/1 and 51/1 and announced 12 additional voluntary pledges.¹¹⁰ In addition he stated that the inaugural session of 'Inter-Ministerial Standing Committee on Human Rights' was estab-

lished with the approval of the Cabinet. He stated that this committee functions as a national framework to ensure efficient coordination and reporting on Sri Lanka's voluntary international commitments regarding human rights and reconciliation.¹¹¹

Moreover, in the OHCHR report 'Accountability for Enforced Disappearances in Sri Lanka' published in May 2024, the OHCHR states that they requested further support from the GoSL for the data collection of the report in January 2024. However, it was not acceded by the government due to the opposition to UNHRC resolutions 46/1 and 51/1.¹¹² Meanwhile the MoFA in response to the RTI filed by Verité Research, noted that the GoSL has engaged with the OHCHR by providing comprehensive responses to the statements and reports issued by the OHCHR.¹¹³

The commitment (3) also remains completed since June 2016 as the GoSL has extended standing invitations to all thematic special procedures mandate holders since December 2015. However, as of 31 August 2024, the GoSL has not approved several country visit requests made in 2023 and 2024 for special procedures of the UNHRC¹¹⁴ For instance, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on human rights and counter terrorism, and the Special Rapporteur on torture have requested country visits in 2024. The Independent Expert on international solidarity has requested the visit in 2018 and has sent a reminder on the request to GoSL in 2024.¹¹⁵ The MoFA, in response to the RTI filed by Verité Research, noted that the visits will be scheduled considering the logistical and other aspects of scheduling meetings with government stakeholders.¹¹⁶

RESOLUTION 30/1: OVERALL STATUS OF IMPLEMENTATION



The overall status of the government’s implementation of the 36 commitments has seen three changes since August 2023 with three commitments advancing from ‘poor’ to ‘partial progress’. (See Annex 1 for implementation status since 2016). Nine years after co-sponsoring Resolution 30/1, the Sri Lankan government has fulfilled only seven out of thirty-six commitments on human rights, accountability and transitional justice. These commitments are to: (1) engage in broad transitional justice processes; (2) establish the Office on Missing Persons; (3) establish the Office for Reparations; (4) sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances; (5) criminalise enforced disappearances; (6) continue engagement between the Government of Sri Lanka and the OHCHR; and (7) cooperate with special procedure mandate holders.

Three commitments have advanced from ‘poor progress’ to ‘partial progress’ last year. These commitments are: (1) establishing a commission for truth, justice, reconciliation and non-recurrence; (2) taking steps to prevent attacks by individuals and groups on journalists, human rights defenders, members of religious minority groups and other members of civil society, as well as places of worship in the future; and (3) strengthening essential protections (i.e.


witness and victim protection) by making specific accommodations to protect witnesses and victims, investigators, prosecutors and judges effectively.

Apart from the three commitments that were upgraded to partial progress, seven other commitments remain partially fulfilled rendering the total number of commitments at partial progress to ten. The seven comments include (1) issuing of Certificates of Absence to families of missing persons; (2) releasing lands held by military to rightful civilian owners. The progress of most commitments remains at ‘poor’, including those to: (1) restore normality to civilian life; (2) investigate attacks on journalists, human rights defenders, religious minorities, and civil society; (3) hold perpetrators of these attacks to account; and (4) accountability and reconciliation for violations committed by the LLTE and (5) ensure all Provincial Councils operate effectively in accordance with the 13th Amendment. The commitments to repeal the PTA and legislate anti-terrorism laws that are in line with international standards remain at poor progress.

The commitments to (1) set up a judicial mechanism with a special counsel and foreign participation to investigate violations of human rights and international humanitarian law, (2) independent judicial and prosecutorial institutions led by impartial individuals of integrity and (3) participation in a Sri Lankan judicial mechanism, including the special counsel’s office, of Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and investigators, have remained at ‘no progress’ since March 2017. Since 2015, the government has not made any progress on its commitment to review the Public Security Ordinance. As such, it has remained at ‘no progress’ throughout the last eight years.


Annex 1:

IMPLEMENTATION STATUS (JUNE 2016 TO AUGUST 2024)

Category	Commitment	Implementation Status									
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024
	<p>Engage in broad national consultations with the inclusion of victims and civil society, including non-governmental organizations, from all affected communities, which will inform the design and implementation of these processes, drawing on international expertise, assistance and best practices.</p> <p> *This commitment is also iterated in the OISL recommendations: (c) Initiate genuine consultations on transitional justice, in particular truth-seeking and accountability mechanisms, reparations and memorialization, with the public, victims and witness groups, civil society and other stakeholders; these should be accompanied by public education programmes that ensure informed participation in the process.</p>	Partial progress	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed

Category	Commitment	Implementation Status									
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024
	Establish an office of missing persons. *This commitment is iterated in the OISL recommendations: (r) Dispense with the current Presidential Commission on Missing Persons and transfer its cases to a credible and independent institution developed in consultation with families of the disappeared.	Partial progress	Partial progress	Partial progress	Completed	Completed	Completed	Completed	Completed	Completed	Completed
	Establish an office for reparations	Poor progress	Poor progress	Poor progress	Partial progress	Completed	Completed	Completed	Completed	Completed	Completed
	Give each mechanism the freedom to obtain financial, material and technical assistance from international partners, including the Office of the High Commissioner	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Establish a commission for truth, justice, reconciliation and non-recurrence	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Partial progress
	Accountability and reconciliation for the violations and abuses committed by the Liberation Tigers of Tamil Eelam	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law	Poor progress	Poor progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress



Category	Commitment	Implementation Status										
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024	
	Independent judicial and prosecutorial institutions led by impartial individuals of integrity	Poor progress	Poor progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress
	Participation in a Sri Lankan judicial mechanism, including the special counsel's office, of Commonwealth and other foreign judges, defence lawyers and authorized prosecutors and investigators	Poor progress	Poor progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress
	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
	Criminalize enforced disappearances	Poor progress	Partial progress	Partial progress	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
	Release publicly previous presidential commission reports. *This commitment is iterated in the OISL recommendations: (t) Publish all unpublished reports of the many human rights-related commissions of inquiry, the Presidential Commission on the Missing and the Army Court of Inquiry into civilian casualties.	Completed	Completed	Completed	Partial progress*	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress
	Begin to issue certificates of absence to the families of missing persons as a temporary measure of relief	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress







Category	Commitment	Implementation Status									
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024
	<p>Issue instructions clearly to all branches of the security forces that violations of international human rights law and international humanitarian law, including those involving torture, rape and sexual violence, are prohibited and that those responsible will be investigated and punished</p>	Poor progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress
	<p>Review the updated witness and victim protection law</p> <p>*This commitment is also iterated in the OISL recommendations: (k) Review the Victim and Witness Protection Act with a view to incorporating better safeguards for the independence and effectiveness of the witness protection programme in accordance with international standards; ensure the independence and integrity of those appointed to the Witness Protection Authority and that the police personnel assigned to the programme are fully vetted; and ensure adequate resources for the witness protection system.</p>	Poor progress	Poor progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	


Category	Commitment	Implementation Status									
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024
	Review and repeal the Prevention of Terrorism Act. *This commitment is also iterated in the OISL recommendations: (j) Initiate a high-level review of the Prevention of Terrorism Act and its regulations and the Public Security Ordinance Act with a view to their repeal and the formulation of a new national security framework fully compliant with international law.	Poor progress	Partial progress	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Replace it with anti-terrorism legislation in accordance with contemporary international best practices. *This commitment is also iterated in the OISL recommendations: (j) Initiate a high-level review of the Prevention of Terrorism Act and its regulations and the Public Security Ordinance Act with a view to their repeal and the formulation of a new national security framework fully compliant with international law.	Poor progress	Partial progress	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	
	Investigate all alleged attacks by individuals and groups on journalists, human rights defenders, members of religious minority groups and other members of civil society, as well as places of worship	Poor progress	Partial progress	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	

Category	Commitment	Implementation Status										
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024	
	Take steps to prevent such attacks in the future	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Partial progress
	Hold perpetrators of such attacks to account	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	<p>Develop a comprehensive plan and mechanism for preserving all existing records and documentation relating to human rights violations and abuses and violations of international humanitarian law, whether held by public or private institutions.</p> <p>*This commitment is iterated in the OISL recommendations: (u) Develop a comprehensive plan/mechanism for preserving all existing records and documentation relating to human rights violations, whether held by public or by private institutions.</p>	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	
	Address all reports of sexual and gender-based violence and torture	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Strengthen these essential protections (i.e. witness and victim protection) by making specific accommodations to protect effectively witnesses and victims, investigators, prosecutors and judges	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Partial progress

Category	Commitment	Implementation Status										
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024	
	Review the Public Security Ordinance [Act]. *This commitment is also iterated in the OISL recommendations: (j) Initiate a high-level review of the Prevention of Terrorism Act and its regulations and the Public Security Ordinance Act with a view to their repeal and the formulation of a new national security framework fully compliant with international law.	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress	No progress
	Accelerate the return of land to its rightful civilian owners. *This commitment is also iterated in the OISL recommendations: (h) Prioritize the return of private land that has been occupied by the military and end military involvement in civilian activities.	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	
	Resumption of livelihoods	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	
	Increase training and incentives focused on the promotion and protection of human rights of all Sri Lankans	Poor progress	Poor progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress	

Category	Commitment	Implementation Status									
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024
	<p>End military involvement in civilian activities.</p> <p>*This commitment is also iterated in the OISL recommendations: (h) Prioritize the return of private land that has been occupied by the military and end military involvement in civilian activities.</p>	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	<p>Introduce effective security sector reforms as part of its transitional justice process; ensure that no scope exists for retention in or recruitment into the security forces of anyone credibly implicated through a fair administrative process in serious crimes involving human rights violations or abuses or violations of international humanitarian law, including members of the security and intelligence units.</p> <p>*This commitment is also iterated in the OISL recommendations: (g) Develop a full-fledged vetting process respecting due process to remove from office military and security force personnel and any other public official where there are reasonable grounds to believe that they have been involved in human rights violations.</p>	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress

Category	Commitment	Implementation Status										
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024	
	Restoration of normality to civilian life	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Full participation of local populations, including representatives of civil society and minorities, in these efforts	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Ensure that all Provincial Councils are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka	Partial progress	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	A political settlement by taking the necessary constitutional measures on the devolution of political authority	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Continuation of engagement between the Government of Sri Lanka and the High Commissioner and the Office of the High Commissioner in the promotion and protection of human rights and in exploring appropriate forms of international support for and participation in Sri Lankan processes for seeking truth and justice	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
	Cooperate with special procedure mandate holders, including by responding formally to outstanding requests	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed

Category	Commitment	Implementation Status									
		June 2016	Mar 2017	Feb 2018	Mar 2019	Feb 2020	Feb 2021	Mar 2022	Feb 2023	Aug 2023	Sep 2023 - Aug 2024
	Implement the recommendations contained in the report of the Office of the High Commissioner on promoting reconciliation and accountability in Sri Lanka and its investigation on Sri Lanka when implementing measures for truth-seeking, justice, reparations and guarantees of non-recurrence	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress

*The commitment to cooperate with special procedure mandate holders is under further review, although it has been assessed as completed because the government of Sri Lanka has extended a standing invitation to mandate holders since 2015. However, some mandate holders have not had visits despite requests in 2024. ¹⁷

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