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## SRI LANKA

Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. In 1994 Chandrika Kumaratunga, the head of the governing People's Alliance (PA) coalition, was elected President in free and fair elections. In November President Kumaratunga scheduled presidential elections for December 21 even though her 6-year term was not set to expire until November 2000. The preelection period was marked by violence. On December 18, a member of the Liberation Tigers of Tamil Eelam (LTTE) unsuccessfully attempted to assassinate the President. Kumaratunga was reelected on December 21 in elections that were characterized as generally free and fair; however, there were credible accounts of voting irregularities and at least six persons were killed in election-related violence. The Parliament was elected in free and fair elections in 1994; new parliamentary elections are scheduled for 2000. The Government respects constitutional provisions for an independent judiciary.

For the past 16 years the Government has fought LTTE, an insurgent organization fighting for a separate state in the north and east for the country's Tamil minority. The conflict has claimed approximately 60,000 lives. In a failed attempt to open a land-based supply route to Jaffna in 1997 and 1998, 5,000 combatants on both sides were killed and tens of thousands of persons were displaced from their homes. During the year, government forces gained territory in the north and west of the island through a series of offensives. In November the LTTE counterattacked and successfully pushed back the government forces to new defensive lines, recapturing most of the territory that the Government had seized over the past 2 years. It is estimated that more than a thousand combatants were killed on both sides.

The Government, through the Ministry of Defense, controls all security forces. The 60,000-member police force is responsible for internal security in most areas of the country and also has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The Police Paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and directs various Tamil militias opposed to the LTTE, although at times these groups act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based on the export of textiles, tea, rubber, coconuts, and gems, and on earnings from tourism and repatriated earnings of citizens employed abroad. The gross domestic product per capita is approximately \$850. The economy's growth rate was 4.7 percent in 1998 and growth for 1999 was expected to be less than 4.0 percent due to declining strength in the garment industry and a contraction in the market for export of tea. In 1997 the Government intensified efforts to promote economic reform and liberalization, including privatizing some government enterprises and promoting foreign investment and trade. These steps continued during the year.

The Government generally respected the human rights of its citizens in areas not affected by the insurgency; however, the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by the security forces. Security forces committed numerous extrajudicial killings, and almost certainly killed prisoners captured on the battlefield. In addition up to 15 individuals disappeared from security force custody in Vavuniya and in the east. In the past, persons also have disappeared or have been killed after last being seen near the army's forward defense lines in the north, areas civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear, and with the many military offensives and forward defense line changes throughout the year, the risk to civilians remained high. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests--including short-term mass arrests and detentions--continued, often accompanied by failure of the security forces to comply with the protective provisions of the Emergency Regulations (ER). Impunity for those responsible for human rights abuses also remained a serious problem. Little progress was made in resolving cases of extrajudicial killing or disappearance. In most cases, there was no investigation or prosecution at all, giving the appearance of impunity for those responsible for human rights violations. No arrests were made in connection with the disappearance and presumed killing of at least 350 civilians whom the security forces suspected were members or sympathizers of the LTTE in Jaffna in 1996 and 1997. The Government infringed on citizens' privacy rights and restricted freedom of the press. The Government continued to engage in censorship of domestic newspaper reporting and foreign television broadcasts on military

and security operations during the year. On occasion security forces harassed journalists. On one occasion government forces assaulted journalists and forcibly dispersed a march by the leading opposition party. There were some restrictions on freedom of movement, especially from Vavuniya to the south and Colombo. Violence and discrimination against women, child prostitution, child labor, and discrimination against the disabled continued to be problems. There is some discrimination and occasional violence against religious minorities and widespread ethnic discrimination against Tamils. Trafficking in women and children for the purpose of forced prostitution occurs.

In positive developments, the Government took steps to control abuses. The national Human Rights Commission (HRC) continued its operations in 11 offices around the nation; however, human rights observers believed the HRC was not pursuing its mandate aggressively due to poor leadership. In 1998 the Government also established a cabinet-level committee initially known as the Anti-Harassment Committee and later renamed the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The CIUAH has a mandate to investigate complaints associated with alleged harassment and arrests and other security force actions. Human rights groups state that the committee is somewhat effective; however, critics believe that the committee's services have not been advertised widely and question its continued viability. In July 1998, one of the six soldiers convicted in the Krishanthi Kumaraswamy murder and rape case claimed that he knew where the bodies of up to 400 Tamils killed by security forces in 1996 had been buried. In part as a result of international pressure and prodding by the HRC, the Government agreed to open an investigation. During the year, two exhumation investigations recovered 15 bodies. At year's end, the Government was continuing its investigation and had not yet sought criminal indictments against any security force personnel in relation to the killings.

There was no attempt, as in the past, to use the ER to cover up security force misdeeds. Through its rulings, the judiciary continued to exhibit its independence and uphold individual civil rights. Security forces continued to take effective measures to limit civilian casualties during military operations; however, the air force bombed a civilian village near the north of Puthukudiyiruppu (PTK) on September 15, killing 22 persons, and in November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops. The Government captured and took prisoner more than 90 LTTE cadres throughout the year. The Government also continued to provide relief to those displaced by the conflict even though many were still in areas under LTTE control such as the Vanni area. However, government restrictions on medical supplies and a significant reduction in food rations contributed to poor health conditions for civilians in the Vanni area. In 1997 three regional commissions published a report that documented that more than 16,000 persons had disappeared over the period from 1988 to 1994 after having been removed forcibly by security forces (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP). Following publication of this report, the Government began submitting cases of alleged human rights abuses to the Attorney General's office for review and possible prosecution of those involved. The Attorney General referred over 290 indictments to the courts, action reportedly had been filed against 489 security force personnel, and 25 cases were moving through the court system by year's end. A fourth commission was established in May 1998 to investigate the 10,000 cases of disappearance that the first 3 commissions could not investigate before their mandates expired. The report was scheduled for release on October 29; however, by the end of year, the commission had not completed its investigation or released its final report.

There are several former Tamil insurgent organizations that now are aligned with the Government. These progovernment Tamil militants, who are armed and at times directed by the security forces, sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion, and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. Both PLOTE and the Tamil Eelam Liberation Organization (TELO) effectively were disarmed by the Government in Vavuniya after a May 15 shootout between the groups in Colombo.

The LTTE continued to attack civilians. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefields, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. After a period of relative calm at the beginning of the year, the LTTE began a long series of attacks, killing close to 100 civilians, including moderate Tamil politician Dr. Neelan Tiruchelvam. In the north, at least 14 persons found guilty of offenses by the LTTE's self-described courts were killed by public execution and their bodies tied to lamp posts or otherwise left for public display. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of the local government bodies in Jaffna whose members were elected in free and fair elections in January 1998. In addition the LTTE warned Tamil politicians in the east to discontinue their political activities during part of the year; however, they later lifted their ban on such activity.

The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied those under its authority the right to change their government, infringed on their privacy rights, forcibly recruited children, routinely violated their civil liberties, operated an unfair court system, restricted freedom of movement, and severely discriminated against ethnic and religious minorities.

## **RESPECT FOR HUMAN RIGHTS**

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Police, home guards, and army personnel committed extrajudicial killings in many places, including the eastern province, and army personnel also were responsible for killing a number of persons in the Vavuniya area and in Jaffna in the north. In July Ida Carmelita, a young Tamil girl, allegedly was kidnaped, gang raped, and killed in the Mannar area by five soldiers. At year's end, the case still was being investigated. In September an air force bombing of Puthukkudiyiruppu in the north killed over 20 civilians and wounded 40 others (see Section 1.g.). Security forces killed at least two other persons in Vavuniya. At least three killings occurred in the Batticaloa area, associated with operations against the LTTE insurgents. In November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops (see Section 1.g.). About 3,000 internally displaced persons (IDP's) sought shelter at the church a few days earlier as the fighting between the LTTE and government forces escalated. The circumstances of the shelling remain unclear; however both the government security forces and the LTTE knew that civilians were inside the church. At least one person died in police custody in Kandy after being arrested for suspected terrorist activity (see Section 1.c.). The exact number of extrajudicial killings was impossible to ascertain due to frequent censorship of news relating to military or police operations and to lack of regular access to the north and east where the war between the Government and the LTTE insurgents is being waged.

In some cases extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam in February 1998, police and home guards allegedly massacred eight Tamil civilians, including three children, possibly in reprisal for the LTTE bombing of the Temple of the Tooth 1 week earlier. Some 31 police officers and 10 home guards were arrested in connection with the case. Twenty-one of these individuals were charged, 4 with murder and 17 with unlawful assembly. The other 20 were released after the Attorney General determined that there was insufficient evidence against them. The cases were scheduled to be heard during the year; however, they had not begun by year's end. The perpetrators of most extrajudicial killings were not arrested by year's end.

Impunity remains a serious problem. Since April 1995 at least 761 persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody and are presumed dead. With the exception of the six security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy, no member of the security forces has been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. In August 1998, the Government reimposed a state of emergency nationwide. There was no evidence that the Government was using the ER, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the HRC often were ignored by the security forces--especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished during the year.

The 1997 death of Reverend Arulpanan was not investigated during the year.

In December 1997, three Tamil prisoners were hacked to death in prison by Sinhalese prisoners at Kalutara prison. Prison staff and army personnel at the prison allegedly failed to take measures to protect the detainees even as the attack occurred. At year's end nobody had been charged.

In 1998 6 persons were found guilty and sentenced to death and 2 persons were acquitted in the case of the 16 police and army personnel who were arrested for the rape and murder of Krishanthi Kumaraaswamy, the murder of 2 of her family members, and the rape and murder of another individual.

At his sentencing in the Kumaraswamy case, one of those convicted, former Lance Corporal Somaratne Rajapakse, claimed that he had knowledge of mass graves at Chemmani in Jaffna where the bodies of up to 400 persons killed by security forces in 1996 had been buried. On July 22, 1998, the Ministry of Defense (MOD) issued a statement indicating that the police criminal investigation department had been directed to examine the allegation. In August 1998, the MOD stated that a forensic expert, a government analyst, and police detectives would visit the site. The HRC also was involved in investigating the claim and asked for United Nations forensic assistance. The Government was slow to move on the case; however, due to international pressure the process again was put in motion early in the year. On January 7, the Attorney General filed a request in the Jaffna magistrate's court to order exhumations of the Chemmani site. In March a team of Government investigators visited the site and collected preliminary soil samples. On June 16, Rajapakse identified one site; excavations witnessed by international observers yielded the skeletal remains of two persons. The two victims were provisionally identified as two young men who had disappeared in 1996 (see Section 1.b.). In August and September, 5 persons convicted in the Kumaraswamy case identified a total of 16 sites where they said they had buried between 120 and 140 bodies on the orders of their superiors. Exhumations, again observed by international experts, resumed on August 30. During this phase of exhumations, an additional 13 bodies were uncovered. On December 6, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including one skeleton that was bound and blindfolded, showed signs of physical assault and murder. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault and murder could not be ruled out. By year's end, 13 of the bodies had not been identified.

Rajapakse and others convicted in the Kumaraswamy case also disclosed the names of the 20 security force personnel, including 2 former policemen, who allegedly were responsible for the killings in the Chemmani case. On September 21, the Attorney General announced that the Government would attempt to confirm the identity of those who reportedly were involved in the killings; however, by year's end the investigation was ongoing and no arrests were ordered.

The case against 8 soldiers and 1 reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder and the case was scheduled for trial during the year; however, no action was taken by year's end. The other two accused security force agents were released due to lack of evidence.

At year's end, the Attorney General had not made a recommendation concerning prosecution in the case of the six police officers who were accused of killing a Tamil textile merchant whose charred body was found in 1996.

The case of the 22 STF members who were arrested on suspicion of murdering 23 Tamil youths in 1995 was scheduled to be heard in March; however, the prosecution did not appear. At a resumption of the proceedings in December the judge asked the case to be assigned to another court, and a new hearing is scheduled for February 2000.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions in several extrajudicial murders allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The trial is scheduled to begin in May 2000.

There were no developments in the government investigations into the mass graves at Sooriyakanda, which contain an estimated 300 bodies, or the grave at Ankumbura, which is thought to contain the bodies of 36 people killed by the police in 1989. There were also no developments in the Nikaweratiya army camp incident in which soldiers allegedly killed 20 youths in 1989 during the period of the JVP uprising.

In 1996 a presidential commission was established to investigate alleged torture and murder during the 1988-89 JVP uprising at a government-run detention center at the Batalanda housing estate near Colombo. In August 1998, five senior police officials were placed on compulsory leave for their involvement in the case, but they reportedly had been returned to duty in December of that year. In a final judgment, the trial court found the accused not guilty and closed the case.

Former insurgent Tamil militant groups now aligned with the Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north. The military wing of PLOTE and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE insurgents, and, in some cases, to fight in

military operations against the insurgents. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups is generally inadequate. These groups frequently operated beyond government control. Complaints about their activities continued, especially in transit camps for IDP's in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Those killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. In May the Government forbade these groups from carrying arms in public and from stockpiling weapons, but this prohibition has generally not been effective. The September killing of the PLOTE military wing leader led to a reduced number of complaints against the group.

During provincial council elections in January, members of the country's two main political parties committed over 800 acts of violence. At least two persons were killed as a result of this violence (see Section 3).

On September 7, unknown assailants shot and killed controversial journalist Rohana Kumara, editor of the Sinhala-language newspaper Satana (see Section 2.a.). Allegations of government involvement were not substantiated.

On November 2, unknown assailants shot and killed Ramesh Nadarajah, a Tamil Member of Parliament for the Eelam People's Democratic Party (EPDP) and the editor of a weekly Tamil-language newspaper. No individual or group claimed responsibility for this attack by year's end; however, some persons speculated that the perpetrators targeted Nadarajah either because of his affiliation with the Government or in an attempt to suppress freedom of expression (see Section 2.a.).

On November 14, a grenade exploded close to a political rally held by the opposition United National Party (UNP) prior to the December presidential elections (see Section 3). One person was killed in the attack and about 35 others were injured. No one claimed responsibility for the incident.

The LTTE continued to commit extrajudicial killings, including both targeted attacks and bombings (see Sections 1.c. and 1.g.). On March 9, a bomb planted by an LTTE insurgent exploded on a bus in Colombo, killing 1 person and wounding more than a dozen others.

In April an LTTE bomb exploded on a bus in Kandy, killing 2 persons and wounding 15 others. On July 14, a bomb planted by LTTE insurgents in Batticaloa killed 2 civilians and wounded as many as 29 others. On July 26, LTTE insurgents opened fire on the Ranga hotel in Vavuniya, killing two security force members and three civilians.

On July 29, a suicide bomber killed moderate Tamil parliamentarian Dr. Neelan Tiruchelvam in Colombo. Tiruchelvam also was the founder of the International Center for Ethnic Studies and the Law and Society Trust, a human rights research and advocacy organization. Tiruchelvam reportedly had angered the LTTE by supporting an alternative to a separate Tamil state.

On August 11, the LTTE detonated Claymore mines in Batticaloa, killing 9 police agents and injuring 30. On September 2, the LTTE allegedly killed the vice president of PLOTE and two other persons in a Claymore mine bombing. On September 18, members of the LTTE killed more than 50 civilians, including women and children, with machetes close to Amparai. This attack allegedly was in retaliation for the airforce bombing of PTK on September 15 (see Section 1.g.).

On September 27, an explosion attributed to the LTTE killed 1 person and wounded 31 on a bus in Badulla.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga at a rally 3 days before the presidential elections. The bomb injured slightly the President, Justice Minister Peiris, and many other persons, and killed the perpetrator and 13 other persons, including a deputy inspector general of police for Colombo (see Sections 1.g. and 3).

On December 18, an insurgent affiliated with the LTTE allegedly also bombed a rally of the UNP, killing 11 and injuring 43 (see Section 3).

The LTTE also targeted progovernment Tamil groups. For example, on May 29, an LTTE suicide bomber targeted Ganesh Kumar, leader of the Razeek group; Kumar was killed and nine civilians were injured (see Section 1.g.).

The LTTE also committed a number of "lamp post" killings.

At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed by the LTTE in public executions and their bodies tied to lamp posts or otherwise left for public display. The LTTE has attacked government installations, killing and wounding civilians, and the LTTE sometimes also kills its own injured troops to avoid their capture (see Section 1.g.). In July 1997, the Attorney General determined that there was insufficient evidence to charge anyone in the October 1994 suicide bombing that killed the UNP presidential candidate Gamini Dissanayake and 58 other persons, although the LTTE generally is believed to be responsible. No further investigations were continuing.

On March 26, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were about 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

#### b. Disappearance

Disappearances at the hands of the security forces continued in the north and east. During the year, there were no reports of disappearances in Colombo, Trincomalee, or Jaffna. At least 15 disappearances involved cases where individuals were last known to be in security force custody in Vavuniya and Batticaloa. In October three Tamils were taken by the home guards and later were found decapitated. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east.

Those who disappeared in 1999 and in previous years are presumed dead. The commander of the army and the Inspector General of police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless, there have been very few security force personnel prosecutions to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988-94, most of which occurred during the 1988-89 period of the JVP uprising. The commission found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements--in particular the leftist JVP--were determined to be responsible for the disappearances. The Attorney General's office has opened over 900 files and referred over 290 indictments to the appropriate courts involving 489 members of the security forces on abduction and murder charges. The courts had initiated proceedings in at least 25 of those cases by year's end. In December a police officer was sentenced to 5 years' imprisonment for an abduction carried out in Hanbantota in the late 1980's.

In May 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial 3 commissions had been unable to investigate before their mandates expired. The commission is not to investigate cases of disappearance, which occurred after 1994, but is to focus only on cases that were not completed by the first three commissions. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga Government took office in 1994. The commission is charged with facilitating payment of monetary compensation to the families of persons who disappeared, as well as forwarding cases to the Attorney General for possible prosecution. The commission submitted an interim report to President Kumaratunga in December. By year's end, the commission had not published its final report.

The trial of 9 suspects, including an army brigadier general, in the disappearance of 32 youths from the southern town of Embilipitiya in 1989 and 1990 concluded. Seven of the nine accused (excluding the brigadier) were found guilty and sentenced in February to 10 years' imprisonment. There were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. Proceedings began early in the year against an army major and former subinspector of police in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989. The army major died after being charged in magistrate court, and the case against the former police officer is scheduled to continue in March 2000.

Progovernment Tamil militias also were responsible for disappearances. These militias detain persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believe that the PLOTE was a major offender in the case of disappearances. However, the HRC has no mandate or authority to enforce respect for human rights among these militia groups. When the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. He eventually departed the country. It was impossible to determine the

exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear steps to stop these militants' actions, although tighter restrictions on these groups' rights to bear arms were implemented following a May 15 shootout between PLOTE and TELO supporters near a popular shopping center in downtown Colombo.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east of the island during the year. Although the LTTE has denied taking any prisoners from several of its battles, it is known to be holding 12 civilian crew members of vessels it has hijacked since 1995, along with 15 security force personnel. The LTTE has not notified the International Committee of the Red Cross (ICRC) of any new security forces prisoners since 1994.

### c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons. At least one person died in police custody during the year as a result of beatings received after he was arrested for suspected terrorist activity (see Section 1.a.).

The Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a June Amnesty International (AI) report, the CATA does not implement several provisions in the UN Convention; this resulted in torture being prohibited under specific circumstances and allowed under others. The Government has not yet developed effective regulations under the new legislation to prosecute and punish military and police personnel responsible for torture; however, it has ceased paying fines incurred by security force personnel guilty of the offense. Security force personnel have been fined under civil law for engaging in torture; however, they have not yet been prosecuted under criminal law. Members of the security forces continued to torture and mistreat detainees and other prisoners, both male and female, particularly during interrogation. Several children reportedly have been subjected to torture in detention during the past several years. Most torture victims were Tamils suspected of being LTTE insurgents or collaborators; however, there also have been sporadic reports of the use of torture against suspected criminals.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, and near drownings. In other cases, victims are forced to remain in unnatural positions for extended periods, or have bags laced with insecticide, chili powder or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no reports of rape in detention.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Court. The Court has granted awards ranging from \$200 (14,200 rupees) to \$2,500 (182,500 rupees). However, most cases take 2 years or more to move through the courts. Despite the existence of this law, torture continues to be committed with relative impunity, and no one has ever been convicted under the CATA for torture. During the year, charges were filed under CATA against fewer than a dozen police officers.

Progovernment Tamil militants in the east and north, directly responsible to the security forces, also engaged in torture. The PLOTE in Vavuniya has drawn the most criticism for routinely torturing its opponents. Security forces have done little to stop this practice.

On July 15, presidential security and police personnel injured 30 members of the UNP opposition party with batons and tear gas at a protest against the Government's failure to fulfill campaign pledges (see Section 2.b.). Security forces also allegedly assaulted 12 journalists and photographers and confiscated their cameras at this protest (see Section 2.a.).

During provincial council elections in January, members of the 2 main political parties participated in over 800 violent incidents, ranging from defacement of campaign posters to assault. This violence resulted in scores of injuries and 2 deaths (see Sections 1.a. and 3).

On November 14, an explosion at a UNP political rally killed 1 person and injured about 35 others. No one claimed responsibility for the attack (see Sections 1.a. and 3).

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE said that they occasionally had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned by hot rods.

The LTTE was responsible for a number of bomb attacks during the year, which killed and injured dozens of civilians (see Sections 1.a and 1.g.). In September the LTTE attacked a Chinese merchant ship, which had strayed to within about 7 miles of the coast. None of the crew was hurt in the attack, and the ship was rescued and escorted to Trincomalee Harbor by the navy (see Section 1.g.).

Prison conditions generally are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor standards in short-term detention centers as well as in undeclared detention centers run by progovernment Tamil groups such as the PLOTE (see Section 1.d.). The Government permitted representatives from the ICRC to visit approximately 250 places of detention. The HRC also made over 1,400 visits to police stations and detention facilities during the year (see Section 1.d.).

Conditions also are poor in detention facilities operated by the LTTE. Some former prisoners reported being handcuffed and shackled during much of their captivity.

The LTTE permitted the ICRC to visit only a few detainees (see Section 1.d.).

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Under ordinary law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. Under the ER and the Prevention of Terrorism Act (PTA), security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and reactivated in August 1998, allows pretrial detention for a maximum of four consecutive 3-month periods. A magistrate must order further detention. Detainees may challenge their detention and sue the Government for violating their civil rights in the Supreme Court.

In spite of the Government's announcements that it would close all secret detention centers, there were continued reports that the security forces held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.).

Large-scale arrests of Tamils continued during the year; these arrests were particularly prevalent after LTTE bombings. The Government detained more than 1,970 persons under the ER and the PTA during the year, a slightly higher number than in 1998. Many of these detainees were arrested during operations against the LTTE. The majority of those arrested were released after periods lasting several days to several months; however, the total number of prisoners held under the ER and the PTA was consistently close to 2,000. Hundreds of Tamils who were arrested under the PTA were being held without bail awaiting trial; some of these persons have been held for up to 5 years. According to the Attorney General, there are almost 1,000 cases under the PTA or ER before the high courts.

Arrests and detentions by the police took place in violation of the legal safeguards built into the ER and other legislation, particularly regarding requirements that receipts be issued and that the HRC be notified of any arrest within 48 hours. Those arrested by the army generally were turned over to the police within 24 hours as required under the ER. The HRC has a legal mandate to visit those arrested, and police officials generally respected this mandate; however, due to censorship and infrequent access to the area, it was unclear what was happening in the north and east.

Security forces continued to conduct large-scale detentions and arrests of young Tamils, both male and female, on suspicion of being members or sympathizers of the LTTE. Major sweeps and arrests occurred in Colombo, in the east and on the Jaffna peninsula. Hundreds of Tamils at a time were picked up during police actions. Most were released after identity checks lasting several hours to several days. The Government justified the arrests on security grounds, but many Tamils claimed that the arrests were a form of harassment. In addition those arrested, most of whom were innocent of any wrongdoing, sometimes were detained in prisons together with hardened criminals. Security forces also caused other problems for Tamils. Tamils complained that they were verbally abused



and held for extended periods of time at the security checkpoints that have been set up throughout Colombo. In July 1998, the President established the CIUAH. The committee, which includes senior opposition party and Tamil representatives, was tasked to look into complaints stemming from arrests and other security force actions and take remedial action as necessary. The committee set up a telephone hot line and received and investigated more than 100 complaints during the year. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee acted as a deterrent to random arrests and helped to alleviate some of the problems encountered by detainees and their families. However, some critics claim that, following an initial rash of publicity, the committee's services have not been widely advertised. For example, the fax number for the committee is not in the Colombo telephone directory. Those wishing to contact the CIUAH usually are referred through human rights lawyers or find it by word of mouth. Finally, many Tamils believe that the CIUAH does little to deter police agents from stopping them more frequently at security forces checkpoints in the capital.

The HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC legally is constituted to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes breached the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 250 detention centers, police stations, and army camps throughout the country that were recognized officially as places of detention. This played an important role in enabling the ICRC to monitor the human rights practices of the security forces. The HRC, through its 10 regional offices, also visited places of detention; however, human rights observers believed that due to inadequate leadership and a failure of the HRC to give long term contracts to many of its workers, the organization was not pursuing its mandate (see Section 4).

The PLOTE continued to run places of illegal detention in Vavuniya.

The LTTE continued to detain civilians, often holding them for ransom. For example, in September the LTTE held three businessmen for a ransom of \$550,000 (40 million rupees). There continued to be unconfirmed reports that the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. Those held included 12 civilian crew members of 3 vessels hijacked by the LTTE since 1995. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees aside from these crew members and 15 security force personnel.

The Government does not practice forced exile. There are no legal provisions allowing or prohibiting its use.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until mandatory retirement age, which is 65 for the Supreme Court and 62 for judges on other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament.

In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal but not in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice has created five community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. There are no jury trials in cases brought under the PTA. Confessions, which are inadmissible in criminal proceedings, are allowed in PTA cases. Most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Although over 1,000 cases under the PTA and the ER were before the courts, no cases came to trial during the year.

Most court proceedings are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Few judges speak Tamil. The ER was published only recently in Tamil, and there are no law reports and few legal textbooks in Tamil.

In Jaffna LTTE threats to court officials disrupted normal court operations. The courts were operating on only a limited basis by year's end.

The LTTE has its own self-described court system, composed of young judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution. During the course of the year, the LTTE committed several "lamp post" killings in which the bodies of those executed were left for public display (see Section 1.a.).

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. There is insufficient information to verify this claim and to determine whether these detainees or members of the now legal JVP, who were detained in similar fashion in past years, were political prisoners. Between 200 and 300 of those previously detained--mostly JVP members--have been convicted under criminal law and remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects many of the constitutional protections of individual privacy and the sanctity of the family and home; however, it infringes on these rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of Defense is responsible for providing oversight for such searches. There is no judicial review or other means of redress for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces. The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband. The Government censors international television broadcasts received in the country that cover military operations (see Section 2.a).

Progovernment Tamil militant groups, nominally operating under government control, use forced conscription. There are credible reports that Tamil youth in the east in particular have been forced to join these groups under threats to themselves and their families.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. There are credible reports the LTTE has warned Muslims displaced from the Mannar area (approximately 55,000 persons) not to return to their homes until the conflict is over. The LTTE also forcibly recruits children (see Section 6.c.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Hostilities between the Government and the LTTE continued throughout the year. After failing to open a land-based supply route to Jaffna during 1997-98, the SLA launched Operation Rana Gosa in March. In a series of offensives between March and September the SLA gained territory in the north and west of the island. However, in November the LTTE counterattacked and successfully pushed back government forces to new defensive lines, and recaptured most of the territory the SLA had gained since 1997. The President replaced several officials in the military, and imposed a ban on press coverage of the war following the Government's losses to the LTTE (see Section 2.a.). It is estimated that more than 1,000 combatants on both sides were killed.

Over 340,000 persons, principally in the Vanni region, remain displaced by the past several years of fighting.

In the past, the Government often has publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the military was more secretive during the year and did not give public warnings before the commencement of its advances. At least 36 persons were killed by security forces during the year. Despite the use of unmanned aerial vehicles to assess targets before attacks, bombings and artillery fire against LTTE installations have killed civilians working at those installations or living nearby.

On September 15, the air force dropped 3 bombs on a village near PTK in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians.

Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the airforce targeted an LTTE training camp, and at first did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident.

In November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops (see Section 1.a.).

The security forces continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). According to the military, the army also has established human rights cells in each division and human rights offices in each brigade and battalion. Civilian casualties in the north and east battle zone remained relatively low during the year. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages. Although incidents occurred where the rules apparently were breached or waived, these were isolated cases. In some cases, poor targeting by the armed forces resulted in civilian casualties from artillery fire and bombs. The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians.

The Government continued to provide food relief to displaced and other needy citizens, including those living in areas controlled by the LTTE. However, the Government decided to cut significantly food rations to the north in 1998. Food also is distributed by the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS). Food rations are delivered by the Government to the Vanni area through a checkpoint whose location was moved twice as a result of changes in the battlefield situation. This checkpoint is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE ("uncleared area" in Government parlance) was closed a total of five times during the year, including a long period of closure from late June until early August (see Section 2.d.). These closures were related directly to the armed conflict. As a result, the distribution of food to the north was erratic during the year. Nongovernmental organization (NGO) representatives expressed concern that these interruptions had an impact on food reserves in the Vanni area and may have led to worsened nutrition there.

The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the MOD. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas.

The Ministry of Defense reported that during the course of the year, over 35 LTTE insurgents turned themselves in and over 400 either surrendered on the battlefield or were arrested in security sweeps, with many of those arrested subsequently sent to rehabilitation centers. The ICRC continued to visit approximately 150 former LTTE members now in government rehabilitation camps who had surrendered during the previous 2 years. Given the scale of hostilities and the large number of LTTE casualties, observers found the number of prisoners taken under battlefield conditions to be extremely low; many LTTE fighters apparently were killed rather than taken prisoner. Observers believed that on the government side, an unwritten "take-no-prisoners" policy generally remained in effect. However, various other factors may have limited the number of prisoners taken, such as the LTTE's efforts to remove wounded fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly wounded fighters (see Section 1.a.). No army or other security forces personnel were prosecuted or disciplined for executing prisoners.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to Government care. During the course of the year, there were verifiable instances of wounded LTTE cadres surrendering to the Government and receiving appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Eyewitness accounts confirm that the LTTE has executed wounded soldiers on the battlefield. The LTTE admits to holding only 15 security forces prisoners, all of whom were captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel it has captured in recent years. However, the LTTE released two army deserters who surrendered to it in 1998. In November the LTTE handed over 11 SLA members who were captured during the year to the ICRC.

The LTTE uses excessive force in the war. During the course of the year, the LTTE attempted to assassinate the President, killed a Member of Parliament, killed other noncombatants, and engaged in hostage taking, hijackings and bombing of civilian targets.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga; the bomb injured the President and Justice Minister Peiris and killed 14 persons, including the perpetrator (see Sections 1.a. and 3). That same day the LTTE allegedly bombed a UNP rally, killing 11 civilians (see Section 1.a.).

On September 18, LTTE insurgents massacred more than 50 Sinhalese men, women, and children in Gonagala, allegedly in retaliation for the air force bombing of PTK (see Section 1.a.).

A number of suicide bombings, Claymore mine attacks and "pistol gang" shootings occurred during the year, killing and injuring dozens of civilians (see Sections 1.a. and 1.c.).

In September the LTTE attacked a Chinese merchant ship, which had strayed to within about 7 miles of the coast. None of the crew was hurt in the attack, and the ship was rescued and escorted to Trincomalee Harbor by the navy (see Section 1.c.).

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions; however, there were no reports that this occurred during the year. Reports that the LTTE was using children on the battlefield were verified when 25 LTTE fighters surrendered en masse in September 1998. At least one of those who surrendered was 13 years old; most of the others were between 15 and 17.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled and other parts of the Vanni region. Experts have reported an increase in anemia and a lower birth rate, both indications of lower levels of nutrition. Nutrition levels were generally below the national average, and there were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information, and continued to censor news relating to the military and security situation. In June 1998, the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. Although enforcement was lax at the beginning of the year, the Government reissued its censorship order in November after the military suffered setbacks in the field. Even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country, with almost all references to Sri Lanka removed.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (a radio station). However, there are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. However, some journalists practiced self-censorship due to fear of intimidation. There is also one privately owned newspaper published in Jaffna. There are no political restrictions on the establishment of new media entries.

The Government still has failed to reform the press law and privatize government-owned media as promised during the 1994 election campaign. In 1997 the Government presented a draft broadcasting reform bill in Parliament, but there was considerable opposition from members of the media, and the Supreme Court subsequently ruled that the bill was inconsistent with the Constitution. Revisions subsequently proposed by a blue-ribbon panel have yet to be implemented. A highly-touted national media policy proposed by the Government in 1994 and again during the year was criticized as irrelevant by senior editors.

On March 14, a journalist for an independent Sinhala-language newspaper, was abducted from his home and assaulted, allegedly by a brigadier in the army. Army officials placed the brigadier under open arrest pending a full police inquiry; the case was still pending at year's end.

On July 15, members of the presidential security division attacked journalists who were covering an opposition party rally in the vicinity of the President's residence. The perpetrators injured protesters, including journalists and photographers and confiscated cameras. Involvement by the presidential security division was at first denied, then later confirmed by the media minister (see Sections 1.c. and 2.b.).

In August the offices of the only Tamil-language daily newspaper in the north of the country were attacked, allegedly by a progovernment Tamil paramilitary group accused by the newspaper of extortion and bullying tactics in and around Jaffna.

A journalist who regularly reports on defense matters, including corruption in military procurements, was attacked in his home by armed men in February 1998. He and his family were threatened at gunpoint before the attackers fled. The Government criticized the attack and subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former commander of the air force. A formal indictment was handed down early in the year against the accused and the case was due for trial in November; however, the trial was postponed until May 2000.

On September 7, unknown assailants shot and killed Rohana Kumara, editor of the Sinhala-language newspaper Satana. The newspaper was critical of leading figures in the ruling coalition (see Section 1.a.). Allegations of government involvement in the attack were not substantiated.

On November 2, unknown assailants shot and killed Ramesh Nadarajah, a Tamil Member of Parliament for the EPDP and the editor of a weekly Tamil-language newspaper (see Section 1.a.).

The editor of a leading national newspaper who was found guilty of defaming the president in 1997 since has appealed the verdict. After many postponements the appeal is scheduled for early 2000. Another defamation case filed by the President in 1995 and three others filed in 1997--all against editors of major newspapers, either critical of the Government or proopposition--still were pending and unresolved. These cases were viewed by journalists as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance was formed during the year to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation cards. In August the Sri Lanka Tamil Media Alliance filed the first-ever fundamental rights test case on behalf of an ethnic Tamil reporter on the staff of the government owned and controlled Tamil language daily.

Both foreign and national journalists are allowed to go to the conflict areas; however, they must receive advance permission from the Ministry of Defense. The Foreign Ministry also must approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced but still prevail. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. However, after censorship was imposed in June 1998, the Government became the only source of most news about security and defense matters that could be disseminated to the public legally.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. In the past, the LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom and has repressed and killed intellectuals who criticize it, most notably the moderate and widely-respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber on July 29 (see Section 1.a.). The LTTE severely repressed members of a human rights organization, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula; most former members of this group have been killed.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose during the year. The Government generally granted permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

During the year several incidents of violence occurred at political rallies held by the PA and the opposition UNP, including an attempted assassination of the President (see Sections 1.a. and 3).

On July 15, government security forces injured several journalists and other demonstrators at a UNP rally near the presidential palace (see Sections 1.c. and 2.a.). The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that during the year.

The LTTE does not allow freedom of association in the areas it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of those Tamil civilians whose association with security forces and other Government entities it seeks to prevent. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

#### c. Freedom of Religion

The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in Sri Lanka, but for more than 30 years the Government has prohibited the entry of new foreign Jesuit clergy. In 1962 the Government reached an agreement with the Catholic Church that new foreign clergy would not be permitted to enter the country on a permanent basis. As foreign clergy retired, Sri Lankans would replace them. It permitted those already in the country to remain. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute and is not lobbying the Government to change the agreement. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin.

Some evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytizing often are met with hostility and harassment by the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment; however, there is no evidence to support this claim. In 1997 the Assemblies of God Church filed a fundamental rights case with the Supreme Court after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism. The Supreme Court ruled that the construction of the church could proceed. The construction of the new church was nearing completion at year's end. However, in May two bombs exploded in the hall of the church; no one was injured but the structure was damaged slightly (see Section 5).

The LTTE has discriminated against Muslims in the past. In 1990 it evicted some 46,000 thousand Muslims from areas under its control in the north. The LTTE also has expropriated Muslim homes, lands, and businesses, and threatened Muslim families with death if they attempted to return to areas under LTTE control.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka," and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east and frequently are harassed at checkpoints around the country (see Section 1.c.). These security measures have the effect of restricting the movement of Tamils, especially young males. Prior to the government military offensive on the Jaffna peninsula in 1995 and 1996, an estimated 600,000 citizens had been displaced by the insurgency. Most lived in camps financed by the Government and NGO's. The Jaffna offensive, in addition to the military advance in Kilinochchi in the Vanni region in July 1996, resulted in the

displacement of hundreds of thousands of persons in LTTE-controlled areas of the Vanni region; some of these persons were being displaced for a second or third time. Some of the displaced persons lived with friends or relatives, or in "welfare centers" in schools, religious institutions and other public buildings. Many others lived in makeshift shelters or camped out under trees. The Government continued to supply them with food, medicine and other essential supplies. The military offensive in the Vanni region that began in May 1997 and continued until the end of 1998 displaced an additional 70,000 persons. However, well over 100,000 persons have left the LTTE-controlled parts of the Vanni region since 1996, and this has helped to relieve the situation. Most of these displaced persons have returned to their homes on the Jaffna peninsula.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city, although the military has reduced the number of checkpoints there compared with 1997. For Tamils, travel from Jaffna to other parts of the country is extremely difficult, due in part to security restrictions imposed by the security forces and in part by the limited availability of transportation to the south.

From October 1996 until the end of 1999, over 150,000 persons are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points in government-controlled regions. Of these, over 100,000 persons were repatriated to or otherwise reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take between 2 and 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and the very young. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. About 14,000 of these displaced persons continue to live in substandard conditions in camps in Vavuniya and Mannar. Many of these persons hope to return to their homes in the areas of conflict once the fighting stops.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons who sought to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition, it usually would grant permission to only one family member to travel at a time. However, following the Government capture of Jaffna the LTTE began to allow persons to move more freely into government-controlled areas, although it occasionally disrupted the flow of persons exiting the Vanni region through the checkpoint. In November most of the residents of Vavuniya evacuated the town due to LTTE threats that it was planning to shell the town as part of its counterattack against the Government. A week later, the LTTE withdrew its threat and most of the town's residents returned. The LTTE also disrupted the movement of IDP's from Trincomalee and Mannar to Jaffna by hijacking or attacking civilian shipping in the north. The LTTE also disrupted civilian air traffic to Jaffna; in August 1998 it began warning civilians and humanitarian workers not to use civilian flights servicing the peninsula. Humanitarian groups estimate that there are more than 200,000 IDP's in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 64,000 Tamil refugees live in camps there, having left Sri Lanka at various times throughout the period of the conflict. Another 100,000 refugees are believed to have been integrated into Tamil society in southern India.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. The law does not include provisions for granting refugee/asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no instances of forcible repatriation of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. This right was exercised during parliamentary elections in August 1994, when the PA coalition ended the 17-year rule of the UNP, during the presidential elections in November 1994, when PA presidential candidate Chandrika Kumaratunga won 62 percent of the vote, and in December when Kumaratunga was reelected in elections that were generally free and fair but were marred by voting irregularities and violence. In November President Kumaratunga called for presidential elections to be held on December 21 even though her 6-year term was not set to expire until November 2000. The preelection period was marked by violence. On November 14, a grenade exploded in the vicinity of a UNP rally featuring opposition leader and presidential

candidate, Ranil Wickremesinghe. One youth was killed in the blast and about 35 persons were injured (see Sections 1.a. and 1.c.). On November 29, the main UNP headquarters were attacked by 25 armed persons who threatened security staff, tore down posters, and broke windows.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga at a rally 3 days before the presidential elections. The bomb injured the President, Justice Minister Peiris, and many others, and killed 13 bystanders (see Sections 1.a. and 1.c.).

On December 18, the LTTE allegedly also bombed a rally of the UNP, killing 11 civilians (see Section 1.a.).

There also were allegations that the ruling PA party took measures to undermine free and fair elections. On November 12, President Kumaratunga appointed an acting election commissioner. There were allegations that this appointment was politically motivated, although he permitted local election monitors and some international observers to participate in elections. On November 6, after a series of military setbacks in the war with the LTTE, the Government implemented a strict censorship policy regarding reporting of military or security news (see Section 2.a.). Opposition figures criticized this policy for curtailing freedom of expression, and alleged that it was implemented to cover up the recent military setbacks prior to the elections.

On December 21, President Kumaratunga was reelected with 51 percent of the vote. There were credible accounts of voting irregularities in several locations around the country. At least six persons were killed on December 21 in election-related violence. By year's end, local observers had not issued reports on the elections; however, they expressed concern about whether the vote was free and fair. A team of international observers stated that, despite some irregularities, they were satisfied with the conduct of the elections. None of the opposition candidates challenged the election results.

Elections for seven of the country's nine provincial councils took place during the year. In January elections were held in the northwest ('Wayamba') province; the ruling PA won 28 seats, the UNP won 19 seats, and the JVP won 3 seats. This election was marked by violence and accusations of electoral fraud. The Center for Monitoring Election Violence (CMEV) reported more than 800 instances of violence, including 2 cases of murder and 11 cases of attempted murder, as well as a large number of assaults and cases of intimidation (see Sections 1.a. and 1.c.). In response to sharp criticism about the way that the vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Although there was some criticism following the five provincial council elections held in April and the southern province election held in June, reported incidents of violence were far fewer than in January. The ruling PA party narrowly won elections in the April provincial council elections, claiming 120 of 263 seats. The UNP took 112 seats and the JVP won 15. In the June southern provincial elections, the PA gained 27 seats, the UNP won 21, and the JVP won 7.

In January 1998, the Government held local government elections in Jaffna for the first time in over a decade. Although turnout for the elections was relatively low due in part to threats from the LTTE and in part to outdated electoral register, observers believed that the elections were free and fair. Voters elected 239 representatives from 5 Tamil political parties to serve on 17 local councils.

The Commissioner of Elections recognizes 34 parties; however, only 10 parties actually hold seats in the 225-member Parliament. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. Historically, these two parties have alternated in power.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and they are underrepresented. Nonetheless, in August 1994, voters elected a Parliament that chose a female prime minister for the third time in the country's history. In November 1994, a woman was elected President for the first time; she was reelected in December for a second term. Eleven women hold seats in the Parliament. In addition to the Prime Minister, the Minister for Women's Affairs and the Minister of Social Services, a number of deputy ministers are women.

There are 27 Tamil and 20 Muslim Members of Parliament.

The LTTE refuses to allow elections in areas under its control. Through a campaign of murder and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in



January 1998. This campaign included the murder of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims to be part of a Tamil homeland. During the summer, the LTTE told politicians in the east to suspend their political activities and stay away from their constituencies; however, this ban was lifted by year's end.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several domestic NGO human rights groups, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers believed that this was an attempt by the Government to exert greater control over the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January (see Section 3). However, few NGO's complied with these new reporting requirements. The Government generally cooperated with NGO's, with members of Parliament, and with other officials frequently participating in seminars and other events concerning human rights and humanitarian affairs.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). In the past, the ICRC provided international humanitarian law training materials and training to the security forces on an ad hoc basis. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, even with the many restriction on such supplies (see Section 1.g). Some observers believed that increased restrictions on relief work, coupled with a cut in dry food rations, were linked to a government policy to draw persons out of the LTTE-controlled parts of the Vanni region. There was insufficient evidence to verify this claim.

During the year, the HRC conducted more than 1,000 visits to police stations and over 300 visits to detention facilities. It is estimated that the HRC has well over 2,500 cases of alleged human rights abuse pending. The commission also began the investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna, which resulted in the government investigation and exhumations (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership within the organization. For example, after almost 3 years of operation, the HRC has failed to hire permanent staff. The organization also responded inadequately to requests from its field officers for protection when inquiries placed them in danger. The HRC also has been criticized for micromanaging the activities of the field offices, which are poorly equipped. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness, since the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). The tenure of the HRC commissioners, including the chairman, is set to expire in March 2000.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language or Social Status

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

#### Women

Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) represent serious and pervasive forms of societal violence against women. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation. Rape laws were modified to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual harassment in the workplace and sexual molestation. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials also is required. The Government set up the Children and Women Protection Bureau within the police in 1994 to respond to calls for greater awareness and attention. Police statistics indicated that there were 26,660 crimes against women during the period from January to July, compared with 26,565 crimes between January and June of 1998. Laws against procuring and trafficking were strengthened

in 1995, facilitating the prosecution of brothel owners; however, trafficking in women for the purpose of forced prostitution occurs (see Section 6.f.).

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector, where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, issues related to family law, including divorce, child custody and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

## Children

The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The 1997 Compulsory Attendance at Schools Act of 1997 was implemented in January 1998 and requires that children between the ages of 5 and 14 attend school (see Section 6.d.). Education is free through the university level. Health care, including immunization programs, also is free.

There is a significant problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim the number is much higher; estimates range as high as 15,000 to 20,000 (see Sections 6.d. and 6.f.). A 1998 U.N. International Labor Office study placed the total at 30,000. The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who sell themselves to foreign tourists. Some of these children are forced into prostitution. The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. Several foreign pedophiles were brought before courts during the year. The penalty for conviction is usually a fine and deportation. Two foreign pedophiles were convicted during the year; one was sentenced to 14 years in prison and the other was deported (see Section 6.f.). In 1995 the Ministry of Media, Tourism, and Aviation created a task force specifically to study the problem of sex tourism and related offenses. It was abolished at the end of 1997 and superseded by a presidential task force on child protection.

Following the recommendation of the task force, the Government created the National Child Protection Authority (NCPA) in 1998. In May the President appointed board members to the NCPA. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA board is composed of senior law enforcement officers as well as representatives from education and the medical and legal professions, and reports directly to the President. At year's end, the NCPA was involved in recruiting permanent staff.

In the first half of the year, the police recorded 2,066 cases of crimes against children, compared with 1,752 crimes in the first half of 1998. Although NGO's welcomed the NCPA legislation, many attribute the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE.

Labor force surveys over the past several years have suggested that more than 16,000 children may be fully employed (see Section 6.d.). Additional thousands of children are believed to be working in domestic service. There have been reports of rural children working as domestic servants in urban households--often given into service by poverty stricken parents--and being abused by their employers. Some of these children reportedly have been starved, beaten, sexually abused, and forced into prostitution (see Section 6.c.). The Government states that it does not have sufficient resources to protect these children from such exploitation (see Section 6.d.). Nonetheless, the Government has supported a high-profile UNICEF advertising campaign aimed at combating child labor.

The LTTE recruits children for use in battlefield support functions and in combat. It has been confirmed that some of these children are as young as age 13, and some are recruited forcibly (see Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17; however, it is not clear that the LTTE has honored this pledge.

#### People With Disabilities

The law does not mandate accessibility to buildings or government services for the disabled. The World Health Organization estimates that 7 percent of the population are disabled. Most disabled persons who are unable to work are cared for by their families. The Department of Social Services operates eight vocational training schools for the physically and mentally disabled and sponsors a program of job training and job placement for graduates. Some private companies, at the urging of the Government, have provided training and jobs to disabled veterans. The Government also provides some financial support to NGO's that assist the disabled, subsidizes prosthetic devices and other medical aids for the disabled, makes some purchases from disabled suppliers, and has registered 74 schools and training institutions for the disabled run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible disabled persons to find jobs. In spite of these efforts, the disabled still face difficulties arising from discrimination and negative attitudes. In December 1996, Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

#### Indigenous People

The indigenous people of Sri Lanka, known as Veddas, number less than 1,000. They prefer to maintain their isolated traditional way of life and are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vedda demand when the president issued an order granting many Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, special identity cards were issued to some Veddas to facilitate their use of these forest areas. However, some Veddas still complain that they are being pushed off of their land.

#### Religious Minorities

Discrimination based on religious differences is much less common than discrimination based on ethnic group or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion evangelical Christians have been harassed by Buddhist monks for their attempts to convert Buddhists to Christianity (see Section 2.c.). In March 1988, the leader of an Assemblies of God congregation in the southern town of Tissamaharama was killed by unknown assailants. In April two bombs were placed in the church hall of this congregation, now run by the pastor's widow (see Section 1.c.). No one was injured; however, the building sustained some structural damage.

In the northern part of the island, LTTE insurgents expelled some 46,000 Muslim inhabitants from their homes in 1990--virtually the entire Muslim population. Most of these persons remain displaced. In the past, the LTTE has expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempt to return.

#### National/Racial/Ethnic Minorities

There are approximately 1 million Tamils of comparatively recent Indian origin, the so-called "hill Tamils" or "Indian Tamils," whose ancestors originally were brought to Sri Lanka in the 19th century to work on plantations. About 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of Government funds for education. Without national identity cards, they are also vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During the year, the Government introduced a program to begin registering these individuals. During the year, some "Indian" Tamils received identity cards; however, the program reportedly was not progressing quickly.

Both Sri Lankan and "Indian" Tamils maintain that they have long been the victims of systematic discrimination in university education, government employment and in other matters controlled by the Government. However, in recent years, there has been little clear evidence of overt discrimination in university enrollment or government

employment, although some groups continue to assert that it exists. In January 1996, the Government established a parliamentary select committee to consider a "devolution" package designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. The devolution proposals were placed before Parliament in September 1997. Although much has been made of the devolution proposals as a springboard to talks with the LTTE and a possible means to end the ethnic war, the ruling PA and opposition UNP could not agree on several key aspects of the proposals. The proposal was not voted upon in Parliament by year's end.

## Section 6 Worker Rights

### a. The Right of Association

The Government respects the Constitutional right of workers to establish labor unions. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Over 70 percent of the plantation work force, which is overwhelmingly "Indian" Tamil, is unionized. In total there are over 900,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector also is unionized. Unions represent most workers in large private firms, but those in small scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 1998 the most recent year for which data are available, the Department of Labor registered 111 new unions and canceled the registration of 14 others, bringing the total number of functioning unions to 1,678. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers also may lodge complaints with the Commissioner of Labor, a labor tribunal or the Supreme Court to protect their rights. Before September 1994, the Government controlled strikes by declaring some industries to be essential under the ER. Subsequently, this practice largely ceased, with the Government permitting, for example, a 5-week postal strike early in 1998. However, the President retains the power to designate any industry as an essential service. In June the Government attempted to break a doctors' strike by declaring medical services, which are provided by the State under a program of socialized medicine, as essential. However, the doctors continued to strike, defying the order until it was revoked, and the Government agreed to consider the doctors' grievances. The International Labor Organization has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the public service commission but have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in recent years. There were 128 strikes in the public sector during the year. There were 115 strikes during 1998 and 156 strikes in 1997.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Any employees who have been dismissed have a right to appeal their termination before a labor tribunal.

Unions are free to affiliate with international bodies, and many of them have done so. However, there is no national trade union center that is affiliated with the International Confederation of Free Trade Unions (ICFTU) to centralize or facilitate this contact.

### b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining, and it is widely practiced. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the export processing zones (EPZ's), worker councils--composed of employees, employers and often a public sector representative--are generally the forums for labor/management negotiation. However, the councils are not mandatory outside the EPZ's, do not have the power to negotiate binding contracts, and have been criticized as ineffective by labor advocates.

For most of the year, the law did not require management to recognize or bargain with unions, and in some cases employers declined to recognize the unions in their factories. However, in December Parliament passed an amendment to the Industrial Disputes Act, which requires employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. Employers found guilty of such discrimination are required to reinstate workers fired for union activities, but have the right to transfer them to different locations.

There are approximately 87,500 workers employed in the EPZ's, a large percentage of them women. Under the law, workers in the EPZ's have the same rights to join unions as other workers. However, few unions have been formed in the EPZ's, largely because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZ's is only 0.2 percent. Some labor representatives allege that the Government's Board of Investment (BOI), which manages the EPZ's, has discouraged union activity and few unions have been formed. Work councils in the EPZ's are chaired by the BOI and only have the power to make recommendations. While employers in the EPZ's offer higher wages and better working conditions generally than employers elsewhere, (workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment). In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ's, where wages and work conditions are set by the BOI.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by provisions of the Abolition of Slavery Act of 1844; however, there were reports of its use. The act does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. There are credible reports that some rural children are employed in debt bondage as domestic servants in urban households; some of these children reportedly have been abused (see Section 5). Some children were forced into prostitution (see Sections 5 and 6.f.) There are credible reports that some members of the STF operating in the Batticaloa area forced local villagers to work without compensation in clearing jungle areas and in other manual labor in and near STF camps during the year. In some cases, the villagers were threatened directly or indirectly with physical abuse if they did not perform the work.

The LTTE continues to conscript high-school age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 in battle, and children sometimes are recruited forcibly into the LTTE. In May the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including schoolchildren and the aged. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is widely believed that the training was established in order to gain tighter control over the population.

#### d. Status of Child Labor Practices and Minimum Age for Employment

In 1998 Parliament passed the National Child Protection Authority Act (NCPA) to combat the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that clearly established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law continues to permit the employment of younger children by their parents or guardians in limited agricultural work. Under certain circumstances domestic employment is permitted for children as young as age 12. A recent study reported that child domestic servants are employed in 8.6 percent of homes in the southern province. The same study reported that child laborers in the domestic service sector often are deprived of an education. The law also permits employment in any school or institution for training purposes. The Compulsory Attendance at Schools Act of 1997, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. The ultimate effect that this may have on the child labor problem remains unclear.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in non-plantation agriculture. About 85 percent of children below the age of 16 attend school. The law permits the employment of such persons for not more than 1 hour on any day before school. However, a 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Despite legislation, some child labor still exists. A 1997 census and statistics department survey found that 16,511 children between the ages of 10 and 14 were fully employed. This included 11,132 males and 5,379 females. Additional thousands of children (estimates range from 50,000 to 100,000) are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are subjected to physical, sexual, and/or emotional abuse. A significant portion of employed children work outside their families. In addition to domestic service, regular employment of children occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), though, an awareness campaign coupled with the establishment of hot lines for reporting child labor led to over 500 complaints in 1998. There are an estimated 250 to 300 prosecutions each year in cases related to the employment of minors. Under legislation dating from 1956, the maximum penalty for employing minors is about \$14 (1,000 rupees), with a maximum jail term of 6 months.

Children work as prostitutes as well (see Section 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics (see Section 5). Although forced or bonded labor by persons of any age are prohibited by law, some rural children reportedly serve in debt bondage (see Sections 5 and 6.c.).

#### e. Acceptable Conditions of Work

The Department of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the Department from effectively monitoring the informal sector. While there is no universal national minimum wage, about 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics department of the Labor Ministry, current minimum wage rates average \$30 (2,130 rupees) per month in industry, commerce, and the service sector; and \$1.33 (95 rupees) per day in agriculture. The minimum wage in the garment industry is \$35 (2,535 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner. Most permanent full-time workers are covered by laws that prohibit them from working regularly more than 45 hours per week (a 5-and-one-half day workweek). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and some 20 local holidays each year.

Maternity leave is available for permanent and casual female workers. Employers must contribute 12 percent of a worker's wage to an employee's provident fund and 3 percent to an employee's trust fund. Employers who fail to comply may be fined, although the effectiveness of government enforcement of this provision is unknown.

Several laws protect the safety and health of industrial workers. However, the Department of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves.

#### f. Trafficking in Persons

Penal Code amendments enacted in 1995 made trafficking in persons illegal; however, there are credible reports that trafficking in women and children occurs. According to police reports, there is a floating pool of 200 foreign female sex workers in the country who were trafficked from the former Soviet Union, Thailand, and China. There are also occasional reports of female Sri Lankan domestic workers in the Gulf States being abused and illegally exploited.

Internal trafficking in male children also is a problem, especially from areas bordering northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO estimates that there are at least 5,000 male children between the ages of 8 and 15 who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or organized crime (see Section 5). PEACE also reports that there are an additional 7,000 young men aged 15 to 18 who are self-employed prostitutes. The country reportedly has a growing reputation as a destination for foreign pedophiles; however, officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles. During the year, two foreign pedophiles were convicted; one was sentenced to 14 years' imprisonment and the other received a suspended sentence and was deported (see Section 5).