Sri Lanka since 8th January 2015

- **8th January 2015: A President chosen by all communities:**

  - Mr. Maithripala Sirisena, who campaigned at the Presidential Election as the Common Candidate leading a coalition of political parties, supported by academics, journalists, artistes, media personnel, lawyers, students, rights activists, human rights defenders, civil society and other stakeholders was elected as the 6th Executive President of Sri Lanka.

  - President Sirisena secured the votes of all communities in the country including the former conflict affected northern and eastern provinces. He promised the creation of a new Sri Lanka in which ethnic, cultural and linguistic diversity is respected, celebrated and valued.

  - The **voter turnout of 81.52%** at the January 8th elections was the largest in Sri Lanka’s history.

After the new Government assumed office, the process of building a stable post-conflict society has been set in motion by initiating far-reaching reforms in governance and promoting reconciliation.

- **A new Prime Minister and a new culture in Sri Lankan politics:**

  - Immediately following his election, Mr. Ranil Wickremesinghe, leader of the United National Party (UNP), was sworn in as the Prime Minister despite the UNP having a minority of seats in Parliament.

  - Despite commanding a minority in Parliament, the President and Prime Minister ushered in a series of measures aimed at strengthening good governance, democracy, rule of law, media freedom and freedom of expression, and human rights in the country. A series of steps were also taken towards reconciliation and to renew Sri Lanka’s relations with the international community including international organizations.

  - A Cabinet consisting of SLFP and UNP members was formed with the aim of creating a new culture in Sri Lankan politics ensuring bipartisan consensus and policy making based on national interest overriding electoral advantage.
• Steps taken since January 8th:

- **Travel bans** on foreigners visiting the North and the East were removed.

- **Notification required from foreign diplomats** visiting the North was removed.

- Restrictions on **media personnel** travelling to the North were removed.

- **News websites** that were blocked were unblocked.

- **Visa restrictions** on foreign media personnel visiting Sri Lanka were lifted.

- **Media personnel in exile** were invited to return to Sri Lanka.

- The most senior Judge of the Supreme Court, a Tamil, was appointed as the **Chief Justice**.

- Upholding the **independence of the judiciary**, the new Government has ensured that the judiciary remains immune from political meddling as illustrated by several judgments given by the Supreme Court.

- In the process of **strengthening civilian administration** in the Northern and Eastern Provinces, two ex-civil servants were appointed as Governors in the two provinces, replacing the former Governors who were military personnel.

- In a marked shift from the past, triumphalism at the Independence Day Ceremony on 4th February was discontinued and the Government made a ‘**Declaration of Peace**’ at the 67th National Day Event presided over by the President. The Declaration included paying respect to all the citizens of Sri Lanka, of all ethnicities and religions, who lost their lives due to the tragic conflict for over three decades and to all the victims of violence since Independence and a collective commitment to ensure non-recurrence.

- **Prohibition on singing the National Anthem in Tamil was lifted.** A circular was issued by President Sirisena announcing that there was no bar to singing the National Anthem in Tamil.

- Representatives of **human rights groups** and human rights activists have been invited to visit; meetings with officials are facilitated by the Government when requested (eg. Human Rights Watch visited in October 2015; Amnesty International will be visiting in December 2015).

- Although commanding a minority in Parliament at the time, President Sirisena and Prime Minister Wickremesinghe managed to garner the 2/3rds majority required in Parliament for the passage of the **19th Amendment to the Constitution on 28 April 2015**.
Some of the provisions of the 19th Amendment included the following:

- repealed the 18th Amendment which curtailed democracy and good governance practices
- imposed a two-term maximum limit for the Presidency
- reduced the duration of a single-term of the Presidency from six to five years
- recognized the Right to Information as a fundamental right;
- recognized reconciliation and integration as duties of the President;
- enabled the establishment of independent Commissions to which appointments are made through a Constitutional Council which includes members from civil society as well: Judicial Services; Police; Public Service; Human Rights; Investigate Allegations of Bribery or Corruption; Audit; Elections; Finance.


-The Protection for Witnesses and Victims Act was passed in Parliament in February 2015; provisions of the Act were operationalized. However, taking into consideration, gaps and concerns in the Law, the Government has invited officials from OHCHR to work with the relevant officials in reviewing the law as well as steps involved in setting up the relevant mechanisms.

-19 May which was celebrated as Victory Day previously was marked as ‘Armed Forces Day’ where the President emphasized that the priority of the Government is to pursue ‘reconciliation and development’.

People all over the country, including in the North, were allowed to light lamps and grieve for their loved ones who perished in the conflict which was not allowed before. The Chief Minister of the North Province and several others held an event in Mullaiavaikkal where the final phase of the conflict took place.

-Sri Lankan refugees in South India and elsewhere were invited to return to the country.

-Granting of Dual Citizenship which had been halted under the previous government was re-started.
• Parliamentary Elections: 17 August 2015 and formation of a National Unity Government:

- Parliamentary Elections were announced once the first 100 Days in Office concluded. The election was held on 17 August 2015.

- The EU was invited to send a European Union Election Observer Mission to observe the elections. They hailed the election as “well-administered and offered voters a genuine choice from among a broad range of political alternatives...”. The Mission stated that freedoms of assembly and movement were respected and that the Commissioner of Elections and his staff administered the elections in a transparent and impartial manner, demonstrating strong leadership and enjoying the confidence of all stakeholders.

- Ushering in a new culture of consensual politics, a National Unity Government was formed following the election where the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), traditional rivals in Sri Lankan politics – came together, enabling political and policy stability. Inaugurating the new (8th) Parliament on the 1st of September, President Sirisena drew from the example of South Africa where the main political parties came together at a historic moment in that country. He affirmed that similarly, in the post-conflict context in Sri Lanka, the formation of a National Unity Government is essential to obtain the bipartisan consensus that is necessary to face the important challenges before our nation, which include reconciliation and peacebuilding.

- Upholding good governance practices, the Parliament, on September 1st, appointed as the Leader of the Opposition, the head of the Tamil National Alliance, Mr. R. Sampanthan, who is the leader of the Party that obtained the third highest number of votes at the election. This appointment, as well as the appointment of Justice K. Sripavan, as the 44th Chief Justice of Sri Lanka in January (both are from the Tamil minority) are clear messages that extraneous considerations such as ethnicity, religion, class or gender would not be used to deny anyone their rightful place.

• Engaging the International Community and building confidence:

- Since the election of President Sirisena on 8th January 2015, the Government reached out to the international community to renew ties that had been strained during the previous Government.

- The Foreign Minister reached out personally to the UN Secretary-General, calling on him in February in New York, and establishing contact with the UN High Commissioner for Human Rights as well in February.

- Similarly, high-level interaction was established with countries in the West, South Asia and beyond. The Prime Minister of India, Mr. Narendra Modi visited Sri Lanka in March 2015 (the first bilateral visit by an Indian Prime Minister in 28
years); **US Secretary of State**, Mr. John Kerry visited Sri Lanka in May 2015 (the first official visit by a US Secretary of State in 43 years).

-Illustrative of the reinvigorated bilateral relationship, during his visit, **Secretary Kerry announced the launch of the US-Sri Lanka Partnership Dialogue**, which would serve as a platform for increased dialogue and cooperation between the two countries. The US-Sri Lanka relationship was further reinforced by the second US cabinet level visit this year, when Ambassador Samantha Power visited Sri Lanka in November 2015.

-The vision of the Government is to build a nation that is prosperous, where the human rights of all individual citizens are protected, a nation which is a responsible member of the international community, and a nation that is confident, respecting the universal values of freedom, equality and justice. Accordingly, in a clear departure from the past (2012, 2013, 2014) where the Sri Lanka situation in the Human Rights Council was viewed as divisive, and Resolutions were adopted by vote, the Government of Sri Lanka, at the 30th Session of the Council (September-October 2015), worked with the main sponsors to adopt the Resolution titled ‘Promoting reconciliation, accountability and human rights in Sri Lanka’ by consensus on 1 October 2015. Moreover, Sri Lanka also co-sponsored the Resolution, taking ownership for its implementation. This indicates the change in the position of the new Government to addressing human rights issues in terms of policy, and change in terms of approach as well, indicating a firm willingness to work closely towards this endeavour with the international community – bilateral partners and the United Nations.

-The **UN Working Group on Enforced or Involuntary Disappearances (WGEID)** was invited to visit Sri Lanka. The visit took place from 9-18 November 2015. The last visit by the Working Group was in 1999 (16 years ago). The Working Group was **granted access to all sites** that they requested including the Navy Base in Trincomalee, despite criticism from the Opposition in Parliament regarding the nature of access provided, especially to military installations.

-Sri Lanka is **committed** to taking all possible measures **locally to promote and protect human rights**. Similarly, **internationally as well**, Sri Lanka’s position is to advocate the promotion and protection of human rights. In keeping with this position, Sri Lanka **changed its voting position in the UNGA Third Committee on country specific resolutions on human rights**, and did not oppose any Resolutions presented at the third Committee.

-The **UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence visited** Sri Lanka in March-April 2015, in a **technical capacity**. The Government continues to remain engaged with him in drawing up the framework for national level consultations and to seek advice on related processes.
- The Government, as a mark of its commitment to reconciliation and human rights, has agreed in principle to host in Sri Lanka, **the regional level consultations (Asia-Pacific) on transitional justice** which the mandate of the Special Rapporteur is tasked with, in 2016.

- **Other Special Procedure Mandate Holders will be** invited to visit over the next year and beyond.

- An **invitation was extended to the UN High Commissioner for Human Rights** in February 2015, to visit Sri Lanka. Dates are to be proposed by the High Commissioner’s Office.

- Assistance through the **Peacebuilding Fund (PBF) of the UN**: Indicating its commitment to work with the international community, Sri Lanka applied for assistance from the PBF. Funds under the Immediate Response Facility of the PBF have already been disbursed for resettlement of the internally displaced. Project documents on other areas of reconciliation including capacity building for the Northern and Eastern Provincial Councils are currently being prepared by the UN Country Team in consultation with the Office of National Unity and Reconciliation (ONUR), the Ministry of Foreign Affairs and other relevant stakeholders.

- The Ministry of Foreign Affairs worked closely with the United Nations Country Team in organizing the celebration of the **UN Day on October 24th**, which marked the 70th anniversary of the United Nations and the 60th anniversary of Sri Lanka’s membership in the UN. For the first time, the President, Prime Minister, Foreign Minister and Leader of Opposition participated in the event which was held in the UN Compound in Colombo. **This event was a symbolic gesture signifying the Government’s firm commitment to work in cooperation with the United Nations.**

- Participating in a **UN Peacekeeping Summit** co-hosted by the US President in New York in September 2015, the President of Sri Lanka pledged increased Sri Lankan contributions for UN Peacekeeping. Sri Lanka became the **first and only country in South Asia so far to subscribe to the Kigali Principles on the Protection of Civilians.**

- Manifesting Sri Lanka’s commitment to strengthen governance, rule of law and human rights, and engage openly with partners and interlocutors in the international community with a view to learning from best practices and obtaining assistance for domestic processes, the Government decided to set up a **Working Group on ‘Governance, Rule of Law and Human Rights’ with the EU under the EU-Sri Lanka Joint Commission**. The Terms of Reference of the Working Group have now been finalized and the first meeting of the Working Group is scheduled to take place in Colombo on 21 January 2016.
• Addressing issues of accountability:

- As the Minister of Foreign Affairs explained in his address to the UN Human Rights Council on 14 September, item 93 of President Sirisena’s 100 Day Work Programme and Agenda for Change in the lead up to the 8 January Presidential Election expressed the intention of the common candidate, if elected, to address issues of accountability through national judicial mechanisms.

- The Government recognizes fully that accountability is essential to uphold the rule of law and build confidence in the people of all communities in the country, in the justice system. The need for judicial and administrative reform, for the culture of accountability and rule of law which have eroded through years of violence to once again be ingrained in society is acknowledged. This is important to prevent impunity not only for violations of human rights but corruption and other crimes; and for long-term development in the country and for the peace dividend to be felt by all.

The Government is committed to set up special mechanisms by statute, for truth-seeking, justice, reparations and guarantees of non-recurrence. The ideas put forth by the Government include: a Commission for Truth, Justice, Reconciliation and Non-recurrence; an Office of Missing Persons, based on the principle of the families’ right to know, to be set up by Statute with expertise from the ICRC; a Judicial Mechanism with a Special Counsel, taking into account the right of victims to a fair remedy and aiming to address the problem of impunity for human rights violations suffered by all communities; and an Office for Reparations to facilitate the implementation of recommendations relating to reparations made by the proposed Commission and any other entity.

- Recognizing that the best guarantee for non-recurrence is a political settlement that addresses the grievances of the Tamil community of the North, the Government is committed to undertaking administrative and judicial reform, including the adoption of a new Constitution.

A new Constitution is envisaged to include a Bill of Rights that takes into account civil and political rights as well as economic, social and cultural rights; allow greater participation for the public in decision-making processes relating to matters in their respective areas enabling more accountable and more responsible government in the country; bring in electoral reform and restore a stronger parliamentary government.

- The President presented a Special Cabinet Paper on 18 November 2015 to initiate steps to abolish the Executive Presidency and introduce a new electoral system. A sub-committee headed by the Prime Minister has been appointed for this purpose and the sub-committee is expected to present a report to the Cabinet of Ministers next month so that the legal draftsman will then begin drafting the required amendments to the Constitution.
Fighting corruption and strengthening the rule of law is another important element in the government’s agenda. One of the first steps of the government upon taking office was to give new life to the existing institutions with an anti-corruption mandate and to form several new bodies charged with fighting corruption. In this respect, the Presidential Commission of Inquiry into Serious Acts of Fraud, Corruption, and Abuse of Power (PRECIFAC), the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the Financial Crimes Investigations Division (FCID) have begun regular hearings dedicated to rooting out sources of corruption and to bring perpetrators to justice.

Certain cases:

Justice for extrajudicial killings by Army soldier
An Army soldier, who was convicted of murdering eight individuals, was sentenced to death by the Colombo High Court in June 2015. The soldier in question was found guilty of slitting the throats of eight Tamil civilians, including four children, in Mirusuvil in 2000.

Arrests made in connection with the abduction and murder of journalist Prageeth Ekneligoda
Four members of the Sri Lankan military, two Lieutenant Colonels and a Sergeant and a Corporal, were taken into custody for alleged abduction, unlawful detention and murder of Prageeth Ekneligoda after a painstaking investigation. The legal proceedings against them are underway.

Arrests made in connection to Raviraj assassination
Three members of the Sri Lanka Navy were arrested over the killing of TNA MP Nadarajah Raviraj who was killed in Colombo, near the headquarters of the military police, in November 2006.

The three soldiers including two officers will also be interrogated over the incidents of disappearance of several youth reported in 2006.

Vishwamadu rape case
The verdict in the Vishwamadu rape case (case no 1569/12) delivered by the High Court of Jaffna in October 2015 is noteworthy. The Jaffna High Court sentenced the soldiers each for 20 years rigorous imprisonment and ordered the payment of compensation of Rs. 500,000 and a fine of Rs. 25,000 for the rape victim. In the case of failure to pay the compensation, they will serve two more years’ rigorous imprisonment and failure to pay the fine will result in an additional year of imprisonment. For sexual assault (of a neighbour), the court sentenced the four soldiers to five-year rigorous imprisonment and ordered Rs. 100,000 as compensation and a fine of Rs. 10,000 each. In the event of failure to pay the compensation, one more year of rigorous imprisonment and an additional year of imprisonment will be imposed if they fail to pay the fine. The judge ordered that each of the convicted will serve a sentence of 25 years and an additional five years if they fail to pay compensation to the victims.
**Supreme Court allows Fundamental Rights petitions**

The Supreme Court granted leave to proceed with regard to the five fundamental rights petitions against police *inaction during the clashes at Aluthgama* in 2014. Respondents included in the petitions are former senior DIG Anura Senanayake, Police Chief N.K. Illangakoon, Law and Order Ministry Secretary Nanda Mallawarachchi and the Attorney General. The petitions claim that the police did not take adequate measures to control the violence that erupted in Dharga Town.

- **Resettlement of the IDPs:**

  - One of the *main priorities* of the Government is the speedy *resettlement of the internally displaced* persons in the Northern and Eastern Provinces.

  - Simultaneously the government is facilitating the *return of refugees who have been living in South India* for the past 25 years. The Ministry of Resettlement extends all possible assistance together with UNHCR Sri Lanka to voluntary returnees. On arrival of the returning refugees from India, the Ministry of Resettlement and the UNHCR provide necessary assistance to them at the airport and the returnee refugee families are offered passport and air tickets free of charge and the returnees were granted transport allowances, package of non-food items and pocket allowances.

  - In addition, the government is engaged in renewed efforts to address the issue of *finding durable solutions for IDPs* and those who have returned or relocated. The Joints Needs Assessment done in collaboration with the Humanitarian Country Team identifies the remaining needs of a total of 750,000 returnees and approximately 55,000 individuals who still remain in welfare centres and with host families.

  - The UN is working with the Ministry of Resettlement to *formulate a comprehensive Resettlement Plan by the end of the year (2015).*

  - The *UN, through its Peacebuilding Fund, and United States as well* are providing immediate substantial support to returnees through several projects for, among other measures, for transitional shelters, protection of newly settled households, re-building of schools, providing basic services, mobile clinics, demining, mine risk education, etc.

- **Return of Land:**

  - *Examples*

    - Since 2009, 47,300 acres of land have been released in the Northern and Eastern Provinces by the military: 19,143 acres in Jaffna, 19, 704 acres in Kilinochchi, 2,888 acres in Mullaitivu, 2804 acres in Ampara and 1649 acres in Mannar.
- **In March 2015**, the Government has released 1000 acres in the High Security Zones in Valikkamam North.

- **Release of Sampur (in Mutur D.S. Division) High Security Zone Land for Resettlement**: An area of 5,000 acres has been under the control of the Navy as high security zone. According to the Government Census 2008, about 1,940 families lived in Sampur which comprise of 7,494 individuals. In the past, national security and development were cited as reasons for people not being allowed to return to their lands. It was proposed to construct a coal power plant (500 MW) and establish a special economic zone (US$4 billion). As a result of the HSZ, residents who were previously engaged in agriculture, fisheries, animal husbandry and livelihood were displaced. **In May 2015, the President revoked the Gazette Extraordinary which in 2012 created a special economic zone for heavy industries in Sampur and the alienated land for Board of Investment. The Government also announced that the Navy Camp in the area would be shifted to make way for resettlement.** Revoking the allotment of 818 acres of Sampur land to the Gateway Industries for economic zone by the President paved the way to the resettlement of 825 displaced families. The government has provided a resettlement allowance and the UNHCR is providing temporary shelter.

- **Strengthening Civilian Administration**:

  - **Discontinuation of the deployment of armed forces to exercise police powers**: During the previous Government, monthly Presidential orders were issued under section 12 of the Public Security Ordinance of Number 25 of 1947 empowering armed forces to exercise police powers in maintaining law and order. On 2nd March 2015, President Sirisena discontinued the practice of calling out the armed forces to exercise powers in maintaining law and order throughout the country. Military personnel are now technically confined to barracks and the civilian police force is exclusively tasked with maintaining law and order.

- **Engaging the Diaspora**:

  - **Dialogues with the diaspora (all communities)** commenced soon after the Presidential election in January with a view to obtaining their ideas, views, and assistance for the reconciliation process, including projects that directly relate to the welfare of the people in the country.

  - In line with **United Nations Regulation No. 1 of 2012**, which facilitates the implementation of **UN Security Council Resolution 1373** of 2001 within Sri Lanka, the Government, in keeping with the Regulation’s provisions, conducted a comprehensive and careful review of the 16 organizations and 424 individuals that were proscribed under Gazette Extraordinary No. 1854/41 of March 21st, 2014. Following the review, **eight organizations and 267 persons were de-proscribed** on 20 November 2015.
- The Government intends hosting a **festival** during the second half of next year, inviting all diaspora communities.

**More Open Government :**

- The **Right to Information Bill** is due to be presented to Parliament. The Bill proposes to give individuals and organisations the right to request information held by public authorities and will establish the Right to Information Commission.

- The **Government joined the Open Government Partnership** at the Conference held in Mexico in October 2015 in pursuit of the OGP goals of promoting transparency, empowering citizens, fighting corruption and harnessing technologies in strengthening governance. The Government of Sri Lanka also **endorsed the Joint Declaration of the OGP for implementation of the 2030 Agenda for Sustainable Development.** Civil society participation being a key pillar of the OGP, by joining the process, Sri Lanka recognizes the importance of the role of civil society in the process of governance, nation-building and peace-building. **Sri Lanka is the first and only country in South Asia to join the OGP.**

**Attorney General’s Department regularized :**

- Under the previous government, the AG’s Department was placed directly under the President, instead of its traditional position under the Ministry of Justice. This both compromised its independence and eroded public confidence in the Attorney-General. This was rectified by the Government by placing the Department under the Ministry of Justice as in the past.

**NGO Secretariat :**

- Under the previous Government, the NGO Secretariat was placed under the Ministry of Defence.

- This was rectified by the new Government. The NGO Secretariat is placed under the purview of the Ministry of National Dialogue.

**Detainees :**

- The new Government began releasing detainees held under the Prevention of Terrorism Act (PTA).

- Jeyakumary Balendran and 7 others were released in March 2015. Balendran had been held without charge for nearly one year by the previous Government.

- 39 out of 48 were released recently (November 2015).
- Appointment of a High Court Commissioner by the Justice Minister to expedite release of all detainees under PTA and Emergency Regulations.

**WHAT IS MOST IMPORTANT TO MAINTAIN MOMENTUM AND RETAIN THE CONFIDENCE OF THE PUBLIC IN THE REFORM AGENDA**

-What is crucial to maintain the confidence of the public in the reform agenda of the Government, is ECONOMIC development, and to ensure that the people feel an ECONOMIC PEACE DIVIDEND, quickly. This is where Sri Lanka currently needs the support of the International Community the most. All other reforms including political settlement and reconciliation could very well be jeopardized if economic benefits through the creation of employment etc., are not felt by the people quickly.

-In the economic policy statement made by the Prime Minister in Parliament on November 5th, he laid out the government’s vision and economic strategy for development, based on multi-disciplined economic strength, local competiveness, international trade and investments and a knowledge based social market economy built on social justice principles, with the aim of making Sri Lanka an open and competitive economy.

-He explained the steps that will be taken to put in place mechanisms that will seek not only to strengthen the economic sphere but also many other sectors such as social, education and health. Important areas to focus on include generating one million job opportunities; enhancing income levels; development of the rural economies; ensuring land ownership to rural and estate sectors, the middle class and government employees; and creating a wide and strong middle class; as well as ensuring sustainable development.

- The newly created Ministry of Development Strategy and International Trade will coordinate investments and economic relations. The barriers to Direct Foreign Investments including bottlenecks and delays to doing business will be removed.

- There will be reforms in the Financial and Monetary sectors and more stringent control of the budgets. In order to strengthen social sector programmes especially to ensure universal access to education and health, the Government will increase the budgetary allocations to both sectors. And a new set of laws will be put in place to combat corruption and financial crimes.

*Embassy of Sri Lanka*
*Washington D.C.*

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