

TAMIL CENTRE FOR HUMAN RIGHTS – TCHR

RESPONSES TO SRI LANKA'S INITIAL REPORT

E/C.12/LKA/2-4 - 27 January 2010

UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

PRE-SESSIONAL WORKING GROUP, 25-28 MAY 2010

The Tamil Centre for Human Rights – TCHR submits the following comments on the report, E/C.12/LKA/2-4, submitted by Sri Lanka to the UN Committee on Economic, Social and Cultural Rights – Working group 25-28 May 2010.

Even though we could comment on the whole report, our comments here are limited to the following paragraphs - **14, 20, 21, 25, 27, 33, 43, 44, 48, 50, 54, 64, 102, 113, 127 and 134.**

SL Report – Paragraphs,

14. A Ceasefire Agreement (CFA) was signed between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) in February 2002. Direct talks between the Government and LTTE with Norwegian facilitation began in October 2002 following the formal ceasefire. Six rounds of negotiations were held between the Government and the LTTE. The Government has remained committed to a negotiated settlement despite the LTTE's walking away from talks in April 2003.
20. In view of the above, the Government of Sri Lanka on 2 January 2008 formally notified the Royal Norwegian Government of its decision to terminate the CFA.
21. The decision of the Government to terminate the Ceasefire Agreement has been taken after very careful consideration of all relevant facts.
25. Sri Lanka reiterated its sincere commitment to a negotiated political settlement through an inclusive process which includes **all minority groups** and looked to the support of the international community, in working towards securing a sustainable peace.

TCHR –

The Norwegian-government-mediated Memorandum of Understanding (MoU), signed by the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), on 22 February 2002, includes the terms for the Ceasefire Agreement – CFA. Under the MoU, the Sri Lanka government accepted the **Liberation Tigers of Tamil Eelam (LTTE) as an equal partner.**

After the signing of the CFA, the economy took a turn for the better in the South. The concept and hope for peace, entailing a physical peace, was fulfilled.

In the North and East however, where high hopes for peace were held, a very different situation was experienced. It is true that for a while after the signing of the CFA, the aerial bombing stopped and the systematic arbitrary arrests, rapes, torture and disappearances of Tamil people decreased. The economic embargo was lifted and many including diplomats were able to visit the devastated areas in the North and East.

Nevertheless, in the North and East, there was absolutely no amelioration in living conditions. Furthermore the constant threat to the people by the Sri Lankan armed police and soldiers in parts of the North East continued.

The CFA was brought to a stale-mate because the outcome of **six rounds of peace talks**, were never implemented by the government. Following this stale-mate, many gross ceasefire violations were reported - killings, abductions and disappearances of students, journalists, educationalists and Parliamentarians.

THE NORWEGIAN AMBASSADOR MADE THE FOLLOWING STATEMENT DURING THE UN SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL ON SRI LANKA – 27 MAY 2009 :

BEATE STIRO (Norway) welcomed the decision to convene this Special Session on the human rights situation in Sri Lanka. Ever since the direct peace talks between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) ended in 2006, Norway had urged both parties to return to the negotiation table. However, it became evident **that both the LTTE and the Government** decided that their chosen path would be war. **(Excerpt)**

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9181&LangID=E>

THE NON-IMPLEMENTATION OF THE "CEASEFIRE AGREEMENT"

Many important articles in the "**Ceasefire Agreement**" should have been implemented within 30-90 days of the signing of the Agreement. For example, **(1)** article 1.8 on the disarming of Tamil Paramilitary groups **(2)** article 2.2 & 2.3 which demanded that the armed personnel vacate places of worship and school buildings situated in high security zones and make these places accessible to the public **(3)** article 2.12 stipulated that no search operations and arrests under the Prevention of Terrorism should take place. On 30-31 December 2005, to quote just one example, more than a thousand Tamil youths were arrested in Colombo.

Tamils were harassed, terrorised, arrested and detained. There were reports of Tamil women and girls raped. Many cold-blooded killings by the Sri Lanka military were reported within the High Security Zones. These killings and abductions have never been properly investigated nor have any culprits been brought to justice.

These breaches of the CFA made it crystal clear, that the government of Sri Lanka had unofficially withdrawn from the CFA **on 25 April 2006** –after which the President ordered Air, Sea, and Land attacks.

"I EMPHASIZE THAT WE MUST CONCLUDE THESE NEGOTIATIONS SOON"

PRESIDENT RAJAPAKSA AT THE 62ND SESSION OF THE UN GENERAL ASSEMBLY – 25 SEPTEMBER 2007

"Terrorism anywhere is terrorism. There is nothing good in terrorism. Sri Lanka has taken an upfront position in the global community's efforts to deal with terrorism. We have become party to 11 of 13 UN Conventions for the suppression of various acts of terrorism. We think that the Comprehensive Convention on International Terrorism, which in our view remains a priority, is only limited to endless discussion. **I emphasize that we must conclude these negotiations soon".** **(Excerpt)**
<http://www.president.gov.lk/news.asp?newsID=269>

KILLING OF POLITICAL LEADERS OF THE LTTE

The Political head, Chief negotiator, diplomat, humanitarian co-ordinator and **LTTE Political leader S P Thamilselvan was killed** along with five others in Kilinochchi by the Sri Lankan Air Force on 2 November 2007.

Thamilselvan was engaged in many political negotiations with the various governments of Sri Lanka for many years, with the unwavering intention of bringing a negotiated political solution to the people in the North and East. This killing was repeatedly accepted and described by the Sri Lankan Defence-Secretary as one of Sri Lanka's "accurate targeted killings".

On 17 May 2009, unarmed Peace Emissaries – the **Head of the Political Division of the LTTE, Mr B Nadesan; and the Head of the Peace Secretariat, Mr S. Puleedevan** – were executed in cold blood as they approached the Sri Lanka armed forces holding white flags, surrounded by many civilians.

Both these men had untiringly dedicated themselves to work towards a just peace in the island and had taken part in many peace negotiations between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam.

General Fonseka explained to the Sri Lanka's weekly newspaper the "Sunday Leader" of 13th December 2009, how on the night of 17th May 2009 desperate efforts of three senior LTTE leaders trapped in the

war zone to save their lives carrying a piece of white cloth failed as they were instead shot dead as they prepared to surrender to government forces.

INTERNATIONAL OFFER FOR A CEASEFIRE WAS REJECTED

On 29 April 2009, Foreign Minister of France Dr. Bernard Kouchner and U.K Secretary of State for Foreign and Commonwealth Affairs Mr. David Miliband held talks with President Mahinda Rajapaksa. The President rejected the call for a ceasefire and told those dignitaries that Sri Lanka is a Sovereign State which does not have to listen to any other country!

THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS (DAVID MILIBAND) - 30 APR 2009 IN THE UK PARLIAMENT

".....I returned this morning from a visit to Sri Lanka with the French Foreign Minister Bernard Kouchner. I regret very much that the Sri Lankan authorities declined to allow our Swedish counterpart, Carl Bildt, to join us. Our visit to Sri Lanka was prompted by our increasing concern and that of many international colleagues, as well as of many Members of this House, for civilians in the north of the country, and in particular for the plight of the civilian Tamil population.

"At present, the Sri Lankan Government are engaged in a war without witness in the north of the country. (Excerpt) For the full text see:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090430/debtext/90430-0006.htm>

"NO MINORITIES IN SRI LANKA" – PRESIDENT RAJAPAKSA

On 19 May 2009, President said in the parliament that, ***"....There are only two peoples in this country. One is the people that love this country. The other comprises the small groups that have no love for the land of their birth. Those who do not love the country are now a lesser group."*** He continues, "No longer are the Tamils, Muslims, Burghers, Malays ***and any others minorities.***"

On 28 September 2007, President Mahinda Rajapaksa had said in his speech to the Los Angeles World Affairs Council that, ***".....There is no ethnic conflict in Sri Lanka - as some media mistakenly highlight. Sri Lanka's security forces are fighting a terrorist group, not a particular community."***

SL Report – Paragraph,

27. **Since April 2006**, the Government of Sri Lanka has taken a number of initiatives for the realization of a negotiated settlement to resolve the national problem. Significant among them is the endeavour to develop constitutional proposals with a view to find a "home grown solution" to end decades of initial strife and enable all people to live in dignity and peace in Sri Lanka. The aim of the All Party Representative Committee (APRC) was to engage the various political parties, discuss their different approaches and through their deliberations arrive at a broad framework that would generate consensus.

TCHR –

DEVOLUTION PACKAGE DRAFTED BY THE APC

The latest "All Party Conference - APC", - drafted a devolution package and handed it over to the President on 23 January 2008. This is yet another show game, replete with delay tactics, designed for the consumption of the international community.

First, Mahinda Rajapaksa himself opposed the very provisions of the 13th amendment to the constitution in 1987, which he says, he is now going to revive. **Second**, even though known as an All Party Conference, apart from Sri Lanka Muslim Congress no other opposition party participated in the discussions or consultations. **Third**, the Tamil National Alliance – TNA which represents in the parliament, the North East, was neither invited to participate nor agreed with its proposal. **Fourth**, twenty-three years ago the Tamils rejected the 13th amendment to the constitution as it fell far short of their political aspirations. In conclusion, knowing these facts well, Sri Lanka made yet another proposal to bide time and to fool the international community.

150 YEARS AFTER UNIFICATION

In Ceylon, when the first Colonial master, the Portuguese landed in 1505, there were three Kingdoms. One of these was Tamil, and was known as the "Jaffna Kingdom", covering the area of the North and East, the Tamils' hereditary regions. The other two Kingdoms - Kotte in the South and South West and Kandy in the Centre were known as Sinhala Kingdoms. The Portuguese ruled Ceylon from 1619 to 1658; followed by the Dutch until 1795. The British took over from the Dutch and ruled until independence in February 1948. During the colonial period, all three Kingdoms were ruled separately until the British amalgamated them in 1833, under the pretext of easy administration. This is the history of the Island.

One should not forget that, exactly 150 years after the unification of the Tamil Kingdom with the other Kingdoms, the island's worst riots against the Tamils took place, in which over 5,000 Tamils were killed. In July 1983, Tamils were forced to seek protection in western countries including Australia, Canada and USA. In fact, this was encouraged by the government in power, which held the view that by reducing the Tamil population in the Island, they could achieve the suppression of the voice of the Tamils.

Sri Lanka has a history of finding excuses to avoid implementing a political solution for the Tamils.

BELOW WE QUOTE SOME PEACE TALKS AND THE DETERIORATING HUMAN RIGHTS OF THE TAMILS IN THE NORTHEAST

Peace Initiative	Period	Killings	Disappearance	Rape	Multiple Displacement
Peace pacts signed	1957-1965	505	---	135	38,000
Thimpu Talks - 1985	1965-1985	7,903	1,046	1,561	271,000
J R Jeyawardene- 1986	1985-1986	889	178	475	---
R Premadasa - 1989	1986-1989	8,118	4,084	3,507	550,250
C Kumaratunga - 1994	1989-1994	19,380	14,220	3,092	787,500
R Wickremasinghe - 2002	1994-2002	17,126	5,729	3,653	1,451,459
M Rajapaksha - 2006	2002-2006	267	35	28	9,500
M Rajapaksha -	2007-2010	Actual figure unavailable	Actual figure unavailable	Actual figure unavailable	Actual figure unavailable

POLITICAL SOLUTION IS A MYTH

The Secretariat for Coordinating the Peace Process (SCOPP) wound up its operations with effect from July 31 2009 and the All Party Representative Committee (APRC) was also asked to wind up its affairs.

ETHNIC CLEANSING

Tables are shown on language basis.

SINCE 1827 - TAMIL AND SINHALA POPULATIONS IN TRINCOMALEE DISTRICT

<u>Year</u>	<u>Tamil Speaking</u>	<u>Sinhala Speaking</u>
1827	98.45%	1.53%
1881	90.72%	4.21%
1891	91.44%	4.3%
1901	89.04%	4.22%
1911	90.54%	3.82%
1921	92.13%	4.38%
1946	75.09%	20.68%
1953	78.8%	18.22%
1963	79.25%	19.9%
1971	70.2%	28.8%
1981	65.38%	33.62%

SINCE 1827 - TAMIL AND SINHALA POPULATIONS IN BATTICALOA DISTRICT
(UNTIL 1963 IT INCLUDES AMPARAI WITHIN BATTICALOA DISTRICT)

<u>Year</u>	<u>Tamil Speaking</u>	<u>Sinhala Speaking</u>
1827	99.62%	0.00%
1881	93.27%	4.75%
1891	93.2%	5.21%
1901	92.34%	5.21%
1911	92.95%	3.74%
1921	93.12%	4.56%
1946	92.55%	5.83%
1953	87.64%	11.52%
1963*	95.6%	3.35%*
1971	94.49%	4.49%
1981	95.95%	3.21%

* Creation of Amparai district

TAMIL AND SINHALA POPULATION IN AMPARAI DISTRICT
(AMPARAI DISTRICT WAS CREATED IN 1963)

<u>Year</u>	<u>Tamil Speaking</u>	<u>Sinhala Speaking</u>
1963	70.22%	29.34%
1971	69.47%	30.18%
1981	62.03%	37.64%

In UN terms, ethnic cleansing is defined as, "a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas". (UN Doc S/1994/674, para. 130)

For further information on colonisation, please refer to the following link :

(<http://www.tchr.net/colanization.htm>)

DENIAL OF FUNDAMENTAL RIGHTS IN THE NAME OF SOVEREIGNTY AND DEMOCRACY

- (1) **The national flag** of the post independence Ceylon has only a symbol of the Sinhala Lion carrying a sword with bo-leaves at the four corners of the flag. These represent the Sinhala race, Buddhism and the lion's tail signified the eight-fold path of Buddhism. After many protests, two vertical stripes – orange and green were inserted to mark the Tamils and Muslims in the flag.
- (2) **Under the Citizenship Act** passed on 15 November 1948, nearly a million Plantation Tamils, (brought by the British from South India to work in the plantations in 1862) who had voted in the 1947 elections were deprived of their citizenship and their right to vote, reducing the proportion of Tamil representation in the Sri Lankan parliament.
- (3) Under more than 60 years of state-sponsored **Sinhala colonisation** in the Tamil homeland (North and East), Sinhala governments and their destructive agents plundered and robbed more than 50% of the ancestral land of the Tamils. This was to deliberately change the demography of the Tamil homeland. In recent days, this project has been accelerated by the government.
- (4) Sinhala was made the **official language** of the country in 1956 and made a compulsory language for the Tamils.
- (5) **Five anti-Tamil programs** (1956, 1958, 1977, 1981, and 1983), unleashed by various Sri Lankan governments, Sinhala extremist groups and thugs, ruined the socio-economic and the political rights of the Tamil people. Thousands of Tamils were massacred, burnt or hacked to death, women were raped and millions of rupees worth of properties belonging to the Tamils were looted and destroyed. Until today, no proper investigation, nor any compensation has been paid to the victims.
- (6) **In 1972**, state discrimination against Tamil students' admission to Universities reached the peak with the introduction of "**Standardisation**". University admission based on merit was abandoned deliberately to stop Tamil students entering Universities.

- (7) **In 1972**, the "**Republican Constitution**" was introduced and the Tamils lost even the minimum protection that they had had under the Soulbury constitution of 1947.
- (8) **In 1978**, another new constitution was enacted, introducing an **Executive Presidency** system and promoting Buddhism as the country's foremost religion.

Sri Lanka's Constitution of 1978 - Chapter II Buddhism , Article 9, says "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana,....."

- (9) **In July 1979**, the government enacted the draconian Prevention of Terrorism Act (**PTA**), along with the Emergency Regulations (**ER**). Emergency rule which has become the norm - for more than 39 years since independence.

Under article 2.12 of the CFA, carrying out search and arrests under the PTA were to cease. But after 6 December 2006, the Rajapaksa government re-instated the PTA.

- (10) **In June 1981 the Jaffna Public Library**, one of biggest library in South Asia, was burnt down by the Sri Lankan armed forces - **95,000 volumes** of books including numerous culturally important and irreplaceable manuscripts and the buildings were totally destroyed by arson.

A few years ago it was rebuilt and it was trumpeted to the world that a library had been built for the Tamils.

- (11) **For the last few years**, the UN Working Group on Enforced or Involuntary Disappearances figures shows that, "Sri Lanka had the **second highest number of disappearances in the world, ranking next to Iraq**". Also Sri Lanka is the only country that the UN Working Group on Enforced or Involuntary Disappearances has visited several times. So far no proper remedies have been found for these disappearances.

In 2007, Sri Lanka was ranked as the country, with the **third highest number of journalists killed** during that year, after Iraq and Somalia. (*Press Emblem Campaign monitoring system*)

- (12) Since President Rajapaksa came to power **in November 2005**, the situation dramatically changed. Rajapaksa openly declared war on **25 April 2006** ordering deliberate military attacks by Air, Sea, and Land on the Tamil population, starting in Trincomalee.

MORE THAN 39 YEARS OF STATE OF EMERGENCY RULE IN SRI LANKA

- * The Sri Lankan constitution (article 155) and the Public Security Ordinance (No 25 of 1947) empower the President to declare a state of Emergency.
- * Emergency rule in Sri Lanka has continued since 1971, except for brief intervals.
- * From independence in 1948, up to the end of June 2000, the island was under Emergency rule for **nearly 39 years out of 62 years of independence**.

31 YEARS OF PTA

In July 1979 the Prevention of Terrorism Act (PTA) was introduced in Sri Lanka. The Prevention of Terrorism (Temporary provision) Act No. 48 of 1979 gives wide powers to the police and the Minister of Defence to arrest and detain Tamils for a period of 18 months at a stretch without being produced in courts. This Act gives a free hand to the Security forces to arrest, detain, torture, rape, kill and dispose of bodies with impunity.

Since the independence (1948) of Ceylon – the ruling governments have used the "state of emergency" for nearly thirty-nine years, as one of its weapons, giving unlimited powers to its security forces. We wonder whether Sri Lanka has already entered the "Guinness book of records" for the number of times state of emergency has been declared.

Since independence, Sri Lanka has seen one Coup d'etat by the military on 27 January 1962 and two class struggles by the Sinhalese youths in the South (4 April 1971 & 1987-1989). In other words, if the declared state of emergency in Sri Lanka had been to prevent the fall of government to the

insurrectionists - Sinhalese youth in the South and Coup d'etat, it would have been only for a period of four to five years out of almost thirty-four years of emergency rule. **The remaining twenty-nine years of state of emergency have been used in Sri Lanka to suppress "the right to self-determination" of the Tamil people.** The right to self-determination is a democratic right of peoples, accepted in international law, based on the International Covenants on Human Rights.

On 11 February 2005, Mr. Selvam Adaikalanathan, Tamil National Alliance MP for Vanni, addressing the parliament during the debate on Emergency in Parliament said, "You are reintroducing Emergency Regulations (ER) to wage on the Tamil people so that you can cling on to power. The emergency is not for the south. It is for oppressing the Tamil people in the northeast with an iron fist as you did in the past. You need war to stay in power. It is the only way for you to deal with the political and economic crisis in which you are engulfed today....."

"Your designs to secure 4.5 billion dollars in aid by hoodwinking the world with phoney peace talks failed miserably. But the Tsunami disaster was a windfall for your crisis ridden government. It is filling your coffers with money to run the state and stay in power. **Clearly, you want to strengthen the army with Tsunami aid. The first thing you did after the Tsunami was to send a committee to buy arms abroad. Then you buy a warship for the Navy. You do not care for the plight of the people.** Sinhalese protested against not receiving Tsunami aid on your independence day. It shows that you are neglecting even Sinhalese who were afflicted by the disaster", Mr. Adaikalanathan said.

ELECTIONS IN SRI LANKA

So far the Tamils have voted in **fourteen general elections and six presidential elections** with the hope of living in peace and harmony with the Sinhalese. But day by day, generation by generation, the Tamils have been oppressed and ignored by the Sinhala rulers. Tamils hear only justifications of the atrocities and negative responses to their genuine grievances.

13 General Elections :

1947, 1952, 1956, 1960 March, 1960 July, 1965, 1970, 1977, 1989, 1994, 2000, 2001, 2004, 2010

5 Presidential Elections :

1982, 1988, 1994, 1999, 2005, 2010

In the July 1977 Sri Lankan General elections, the people from the North and East voted overwhelming to exercise their "Right to Self-determination" in North and East. This mandate was not only ignored by the government - the 6th amendment to the constitution was enacted, which totally rejected the right to self-determination of the Tamil people, (8th August 1983). This amendment outlawed the mandate voted by the Tamils.

60 YEARS OF DISCUSSION ON CONSTITUTIONAL AMENDMENTS

For the last sixty years, different governments in power in Sri Lanka have discussed constitutional amendments to give political rights to the Tamils. During the same period, there were two new constitutions (1972 & 1978) successfully enacted by different governments to protect the interests of Sinhala rule and Buddhism. **When these two new constitutions were enacted, the government deliberately ignored any constitutional amendments in protection of the Tamils' rights. It is a pity that these facts are not seriously considered by the international community which still believes in and is duped by government 'proposals'!**

THE FOLLOWING STATISTICS SHOWS HOW THE TAMILS ARE TREATED IN SRI LANKA BY THE RESPECTIVE GOVERNMENTS:

Universities – Staff & students	85% Sinhalese
Public service -	95% Sinhalese
Admission to Law College -	99% Sinhalese
Diplomatic Service -	95% Sinhalese
Armed forces -	99.5% Sinhalese

SL Report – Paragraph,

33. There are an estimated 1848 functioning State funded schools with over 700,000 students in the North and the East. These schools include 411 in Jaffna, 94 in Kilinochchi, 93 in Mannar, 187 in Vavuniya, 102 in Mullativu, 314 in Batticaloa, 388 in Ampara and 259 in Trincomalee. Thus 18.9 per cent of the schools administered by the Ministry of Education are located in the North and the East. The scope of the Government provision of education is apparent for instance, in the latest report of the Office of the United Nations High Commissioner for Refugees (UNHCR) on Welfare Centres in Jaffna, which indicates that 1251 of 1252 Primary Level children are in school even from these centres, and 1434 out of 1716 secondary school children.

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70 SCHOOLS DESTROYED-15000 CHILDREN UNABLE TO ATTEND SCHOOL

At least 70 schools in the Vanni region have been either destroyed or closed down. Thousands of Tamil children are unable to attend school as a result, they are held up in IDP camps.

75 SCHOOLS DEFUNCT

More than 75 schools that functioned in the Thenmaradchchi area are now defunct.

SHORTAGE OF 4,650 TAMIL TEACHERS AND MANY SCHOOLS ARE OCCUPIED BY THE ARMY

The shortage of Tamil medium teachers is 4,650
Over 74 schools in the north-east are occupied by the security forces

A further 160 schools, including 130 primary schools are unable to function because they are near military installations or lie within security zones.

POOR STATE OF EDUCATION IN NORTH EAST

According to UNICEF in 2003, over two hundred schools are non-functional in the North and East and approximately 65,000 children were not attending schools. The assessment has covered Jaffna, Kilinochchi, Vavuniya, Mullaitivu, Trincomalee, Batticaloa and Ampara in the North and East and the adjoining areas in the districts of Puttalam, Anuradhapura, Polonnaruwa and Moneragala.

11 SCHOOL CHILDREN KILLED IN A CLAYMORE ATTACK

29 January 2008 - A Claymore mine planted by the Deep Penetration Unit of Sri Lanka Army targeted a bus carrying school children in Madu killing 18 civilians, including 11 school children. The incident took place in Thadcha'naamaruthamadu near Madhu church in Mannar.

Bishop of Mannar, Rayappu Joseph on 29 January charged that **12 school girls were killed in the claymore attack by an Army Deep Penetration Unit.**

Thousands and thousands of **children in the North and East** have been affected by the war - those who have been displaced, missed their schooling, suffered malnutrition, been traumatised by bombings and shellings, lost their parents, maimed by land-mines, disabled – all are in Children's homes and receive no government help.

At the same time, more than 110,000 (*figures in 2006*) Sri Lankan army deserters have caused another problem affecting children in the South. As the government did not find suitable replacements for these army deserters, the **army started recruiting under age school children** in the South with bogus birth certificates. It is important to note that when the optional protocol on children in armed conflict was initiated, Sri Lanka was one of the countries which lobbied heavily for the recruiting age for the State to be fifteen years old.

SL Report – Paragraph,

43. The 2004 tsunami claimed 35,322 lives, displaced over 500,000 persons and damaged or destroyed 114,000 homes. It resulted in over 150,000 persons losing their livelihood. The cost of tsunami damage to the economy has been estimated at around 4.5 per cent of Gross Domestic Product (GDP) and amounted to over Rs. 100 billion (or US\$ 1 billion), including outputs from fisheries, agriculture, tourism, and small enterprises, as well as livelihoods in those sectors. In Sri Lanka, the additional poverty figure is estimated at 287,000. Around 79,000 houses have been completely destroyed and another 41,000 damaged, rendering between 500,000 to 600,000 people homeless. Although the overall impact on macroeconomic growth was not as significant as feared, the Government is still struggling to overcome the tsunami's devastating impacts. The estimated loss of output in 2005 and 2006 was US\$ 330 million and the loss of employment as much as 275,000. Though the tsunami damage was enormous, the reconstruction process presented opportunities to improve on the status quo ante. Progress on reconstruction has been slower in conflict affected areas but the Government is committed to completing all development projects. Hospitals and schools damaged during this period have been restored. Livelihood restoration has been initiated via cash grants, asset replacement and micro-finance schemes.

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The number of children in the North and East who lost both parents in the Tsunami disaster is 737.

AID HIJACKED BY POLITICAL EXTREMISTS

By Andrew Gilligan In Sri Lanka, Evening Standard

13 January 2005 - Foreign aid in parts of Sri Lanka is being hijacked by an avowedly Marxist political party which has been accused of refusing to distribute relief to non-members. In Weligama, on the stricken south coast, the Evening Standard saw how flood victims were being manipulated.

Two international aid workers, from the French charity Telecoms sans Frontier are providing free satellite phone calls for the town whose landlines were destroyed.

People eager to enquire about missing family or tell relatives they are safe, are crowding to enter the compound. But first they must show their identity cards to members of the People's Liberation Army, the JVP - extremists responsible for political murders in the Eighties and Nineties.

DEATH CERTIFICATES: BLOW TO COMPENSATION

(BBC Sinhala service – 31 January 2005)

Government will introduce new legislation setting out revised criteria to issue death certificates to thousands missing after the tsunami, a senior minister said.

The cabinet of ministers instructed justice minister to prepare the legislation as soon as possible, minister of public administration Amarasiri Dadangoda told BBC Sandeshaya.

Under present legislation in Sri Lanka a disappeared person will not be issued with a death certificate for seven years from the incident.

More than 30,000 confirmed dead and nearly half a million were made homeless in Sri Lanka after December 26 tidal waves hit the country while thousands more are missing. **(Excerpt)**

POST TSUNAMI OPERATIONAL MANAGEMENT STRUCTURE - PTOMS

In 2005, with the aim of ensuring equal distribution of Tsunami aid to the worst affected North East, an agreement known as the **Post Tsunami Operational Management Structure - PTOMS** was signed between the government of Sri Lanka and the LTTE. This was unilaterally abrogated by the government of Sri Lanka under the pretext of a Supreme Court judgement.

SL Report – Paragraph,

44. On an invitation extended by the Government of Sri Lanka, Prof. Walter Kaelin, Special Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, visited Sri Lanka from 14–22 December 2007. He expressed his appreciation for the Government's cooperation and facilitation of his visit and further stated that he was encouraged by the willingness of officials to acknowledge existing problems as well as their readiness to take up his recommendations on key issues. The Government is taking measures to implement Professor Kaelin's recommendations.
48. The Government has already taken steps to restore the livelihood of IDPs. Fishing gear is being provided to fishermen while agricultural equipment is being provided to farmers. Projects are underway to enhance the private sector participation in the development process. Bank loans are also being arranged through the Bank of Ceylon and the People's Bank. The Government is also making an assessment of damaged houses in order to pay compensation.

TCHR

The situation of the people who have been ***Internally Displaced (IDPs) for decades has not changed at all***. It remains the same during and after the CFA period as it had been during the war-time. Hundreds of thousands of displaced people still remain in temporary shelters.

Sri Lankan armed forces in the High Security Zones (HSZs) still continue to oppress and intimidate the Tamil population. Under the pretext of HSZs, which occupy many residential areas, IDPs are prevented from returning to their villages and towns to resettle.

DIVIDE AND RULE AMONG DISPLACED

“At the end of 2006, at least 520,000 people in Sri Lanka were victims of conflict-induced displacement in a country of 20 million, ***making up one of the largest displacement crises in Asia*** in absolute terms and particularly in terms of the proportion of the population displaced. Upwards of 300,000 people were displaced in the offensive from 2006 onwards, with Tamil and Muslim minorities in the districts of Batticaloa, Trincomalee and Jaffna the most affected. Despite a major return programme initiated by the government in Batticaloa and Trincomalee in recent months, the number of conflict-induced internally displaced people (IDPs) in the country is estimated still to be around 460,000” ***(26 September 2007 – Internal Displacement Monitoring Centre – IDMC)***.

SL Report – Paragraph,

50. The re-settlement process in certain areas has been slow due to LTTE landmines. Only once all the landmines are cleared and the UNDP has certified this, can the re-settlement be completed.
54. In Puttalam, of around 15,000 families, of Muslim IDPs evicted from Jaffna by the LTTE in 1991, 7885 families will be provided with new houses and assistance to repair the partly damaged houses under a World Bank assisted project. Action is being pursued to provide housing assistance to the remaining families. It is noteworthy that the Muslim community in Sri Lanka has suffered disproportionately due to the conflict. The LTTE was responsible for evicting about 90,000 Muslims from the Jaffna peninsula in 1991 who have not been able to return to their original homes since then.

There is a long history of Internally Displaced People (IDPs) in Sri Lanka – it goes back to the post independence era, around 1956.

Soon after Sinhala rule was introduced in Ceylon, (present Sri Lanka), several communal riots were carried out by the Sinhalese against the Tamils, masterminded by the respective governments of the day. The two riots in 1956 and 1958 made Tamils as refugees in the South of the island. Because the victims of these two riots, although refugees, had not crossed any internationally recognised borders, International bodies like the United Nations considered them to be Internally Displaced People (IDPs). Since 1956 there have been five communal riots carried out with a clear agenda of ethnic cleansing. Tamils were killed, raped, disappeared and billions worth of their properties were looted and destroyed.

All these riots and atrocities have been well documented by the UN and many international human rights and humanitarian organisations.

The numbers of displaced Tamils during these communal riots are as follows :

Year	No. of refugees	Year	No. of refugees
1956	3000	1958	35,000
1977	15000	1981	5000
1983	250,000		

In the North and East mainly in Amparai, Batticaloa, Trincomalee, Mannar and Jaffna – there have been **multiple** displacements of IDPs living in refugee camps for the last two decades.

FIRST RACIAL RIOT IN 1915

During the long history of the island there had never been blood stained stories among the Tamils. The very first racial riot in the island was in 1915. It was between the Sinhala Buddhists and the Muslims - 136 Muslims were killed and 205 Muslims were injured and raped. Nearly 85 mosques were damaged and more than 4,075 Muslim-owned shops were looted by the Sinhala rioters, from Central province to the Western and North Western provinces.

- ➔ **In January 1976**, in Sinhala-Muslims riots in Puttalam, a Mosque at Pottuvil (Quela Mosque) was completely destroyed and 18 Muslims who assembled in another Mosque were shot dead by the Police in Puttalam.
- ➔ **In 1982**, from 30 July to 4 August, Sinhala-Muslim riots broke out in Galle and then spread to Kandy, Mawanella and others parts, including Colombo.
- ➔ **In November 2002**, Sinhala-Muslim riots took place in Chillaw. A group of Sinhalese burnt down many houses belonging to Muslims and several people were severely injured in this incident. A Muslim refugee camp in Puttalam was also attacked and 75 Muslim families were forced to seek shelter in the nearby Mosque.
In Katugoda in Galle, a 22 year old Muslim youth was shot dead and several others were injured.

TAMILS CHASED OUT OF AMPARAI

The Muslims living in Jaffna were evacuated in 1990 by the LTTE and they were compelled to live in Puttalam. Since 1995, the LTTE were not in control of Jaffna. If this is the case, what has been lacking and who obstructed the resettlement in Jaffna of the Muslims in Puttalam? There are airports, harbours in Puttalam as well as in Jaffna and the land route, the A9 was opened.

WHY MUSLIMS WERE NOT SETTLED IN JAFFNA FOR 18 YEARS?

This is to say that the government of Sri Lanka prevented the Jaffna Muslims living in Puttalam, from being re-settled in Jaffna. For more than 20 years, the government of Sri Lanka wanted the Muslims to remain in Puttalam, without any fundamental rights, to serve a highly motivated international campaign against the LTTE, that the Muslims from Jaffna had been evacuated by the LTTE. In other words, they were using the Jaffna Muslims to justify the government Sinhalisation and ethnic cleansing of Tamils from the North East.

ATROCITIES AGAINST THE MUSLIMS IN PUTTALAM

In August 2006, a case was filed by some Sinhalese against the purchase of 30 acres of land by Muslims in Palavi, Puttalam. This case was rejected by the Court. When the Muslims who were displaced from Jaffna, were moving onto this land, a group of Sinhalese, led by a Buddhist monk, immediately chased them away violently, preventing them from settling in Palavi. On the same day they installed a statue of Buddha in that village.

Presently, Muslim farmers and fishermen in Amparai, Batticaloa and Trincomalee are facing similar problems.

AHMADIYYA MUSLIM COMMUNITY

In another divide and rule tactic practised by the Sri Lankan rulers - tensions and animosity have been created between the members of the Ahmadiyya Muslim Community and the other Muslim population, often resulting in sporadic violence and killings in Sri Lanka. This has been intensified in recent years.

In the North and East, statues of Buddha are planted everywhere, the names of Tamil villages are renamed with Sinhalese names and the Tamils and Muslims who lived for centuries in the North and East are chased away over night, while the Sinhalese are settled, according to an overt plan to change the demography of the North East.

TAMIL AND SINHALA POPULATIONS IN TRINCOMALEE DISTRICT, BATTICALOA DISTRICT* (UNTIL 1963 IT INCLUDES AMPARAI WITHIN BATTICALOA DISTRICT) & AMPARAI DISTRICT (CREATED IN 1963)

YEAR	Trincomalee District		Batticaloa District		Amparai District	
	Tamil	Sinhala	Tamil	Sinhala	Tamil	Sinhala
1827	98.45%	1.53%	99.62%	0.00%	---	---
1881	90.72%	4.21%	93.27%	4.75%	---	---
1891	91.44%	4.3%	93.2%	5.21%	---	---
1901	89.04%	4.22%	92.34%	5.21%	---	---
1911	90.54%	3.82%	92.95%	3.74%	---	---
1921	92.13%	4.38%	93.12%	4.56%	---	---
1946	75.09%	20.68%	92.55%	5.83%	---	---
1953	78.8%	18.22%	87.64%	11.52%	---	---
1963	79.25%	19.9%	95.6%*	3.35%	70.22%	29.34%
1971	70.2%	28.8%	94.49%	4.49%	69.47%	30.18%
1981	65.38%	33.62%	95.95%	3.21%	62.03%	37.64

(<http://www.tchr.net/colanization.htm>)

THE HIGH SECURITY ZONE – HSZ

The High Security Zones – HSZ are a significant challenge to the resettlement of Internally displaced persons - IDPs in the North and the East. The existence of the HSZs is also a serious violation of international humanitarian law. IDPs have the right to return to their own land and no-one should be subjected to arbitrary or unlawful interference.

In the North and East, especially in the Jaffna peninsula, large areas of land belonging to civilians including residential areas have been taken by the Security forces in the name of HSZs. There are many HSZs throughout the North and East.

About 250 square kilometres of land in the Jaffna peninsula, where more than 40,000 families lived for hundreds of years, have been taken over since 1990 in the name of HSZs.

Many of these families presently live in IDP camps, known as welfare centres in various parts of the North and East. Some have gone to western countries seeking asylum. Thousands of students have not been able to receive a proper education.

Those who are in the IDP camps are mostly farmers, fishermen, casual labourers, etc.

In May 2007, HSZs were established in many parts of Trincomalee – Sambour, Muttur, etc.

In Trincomalee more than 5000 families have been forcefully vacated from their residence and their land where they lived and did farming for hundreds of years. The land taken over by the HSZs has included Schools, Temples, Churches, Mosques and Libraries.

These HSZs have been legally challenged by Parliamentarians and NGOs in the courts but as usual the courts' decisions have been in favour of the Defence Ministry.

Until today all the HSZs remain and the people continue to live in the IDPs camps where they have lived for decades.

SL Report – Paragraph,

64. Sri Lanka has been subject to centuries of Portuguese, Dutch and British domination. The legal system of Sri Lanka has over the years developed into a rich, varied complex system comprising a mixture of Roman Dutch law which is the Common Law, the English Law which applies in commercial matters, and personal laws namely Muslim Law, Kandyan Law, and Thesavalamai Law (applicable to Jaffna Tamil community). The basis of Criminal Law and procedure is the English Law included in statutory provisions; Sri Lanka has an adversarial system of justice. The Attorney-General is the principal law officer of the State. *Sir Richard Ottley*, in 1830 answering a question addressed to him by a Royal Commission of Inquiry said that "*the laws, in the Island are multifarious*". In *Casim v. Dingihamy* (1906) 9 NLR at p. 274, Middleton PJ, it was mentioned that "*Ceylon is a polygenous country with diverse systems of law*". In any such legal system there are bound to be some disparities in the interplay of different legal principles and values.

TCHR

The judicial system in Sri Lanka is biased. More than 95% of the judges of the Supreme Court are Sinhalese.

BUDDHA STATUE IN TRINCOMALEE.

Sri Lanka's Constitution of 1978 - Chapter II Buddhism , Article 9, says "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana,....." A country which has given Buddhism the foremost place in their constitution is abusing the same.

On 15 May 2005, a statue of Buddha was erected overnight in Trincomalee, by Buddhist monks and Buddhist followers. The unauthorized erection of the statue on land belonging to the Trincomalee Urban Council was immediately challenged and the judgement of the Supreme Court in 2005, on the illegally erected **statue of Buddha** in the Eastern town of Trincomalee is a perfect example of this. It clearly shows ethnic bias.

The Sri Lanka Constitution of 1978 - Chapter VII - Article 33 grants the President of the Republic executive powers to even; **(e)** declare war and peace; and **(f)** to do all such acts and things, not being inconsistent with the provisions of the Constitution or written law, as by international law, custom or usage he is required or authorised to do.

The extreme Buddhist political party the Jathika Hela Urumaya (JHU) in Sri Lanka made up of Buddhist monks, tabled an "Anti conversions bill" in July 2004. The intention of this appeared to be to prevent Buddhists being converted as Christians. This "**Prohibition of forced Conversions Bill**" went to parliament for a second reading on Friday 6 May 2005. The parliament approved the draft and the bill was then referred to a Standing Committee.

DE-MERGER OF NORTH AND EAST

For more than a few millennia, predominantly Tamils have lived in the North and East – their hereditary land. The merger of the North Eastern province took place on 8 September 1988, **under an international agreement, signed between India and Sri Lanka on 29 July 1987**. Under this agreement, the North and East were merged by a special decree of the Executive President of Sri Lanka. The Sri Lankan constitution does not require any parliamentary endorsement to any decision made by the Executive President.

Eighteen years after this merger, after preparing the ground for this case to be heard in the Supreme Court – in 2005 the demand for the de-merging of these two provinces was filed. The Supreme Court delivered its "political decision" on this case on 16 October 2006, stating that the merger of these two provinces by the then President was invalid. The current President is deafeningly silent about the judgement of the Supreme Court.

The International community including India was not happy about this decision. Some Sinhala politicians and a few Ministers expressed their displeasure.

POST TSUNAMI OPERATIONAL MANAGEMENT STRUCTURE – PTOMS

An agreement was made between the LTTE and President Kumaratunga with the aim of ensuring equal distribution of Tsunami aid to the worst affected North East. This agreement was known as the Post Tsunami Operational Management Structure – PTOMS. It was signed by the GOSL and the LTTE on 24 June 2005.

Almost immediately a case was filed against the PTOMS. This case too, received a biased judgement from the Supreme Court. A political judgement from the Supreme Court, declared the PTOMS null and void on 15 July 2005.

SUPREME COURT REJECTED THE DECISION OF THE HUMAN RIGHTS COMMITTEE

Sri Lanka is signatory to the International Covenant on Civil and Political Rights - ICCPR. The Supreme Court ruled that Sri Lankan citizens cannot seek remedy from the UN Human Rights Committee regarding human rights violations. It declared in a case *Nallarathnam Singarasa vs The Attorney-General* – Decision of the Supreme Court 15 September 2006 – SC Spl (LA) No 182/99, that the accession to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) in 1997 **does not bind Sri Lanka and has no legal effect within the island.**

ALL THREE AND MANY OTHER CASES DENIED JUSTICE TO THE TAMILS.

INTERNATIONAL INDEPENDENT GROUP OF EMINENT PERSONS (IIGEP)

2006 October, the European Union tabled a draft resolution to the UN Human Rights Council. But until today it has never been discussed in the council. The violations increased. Due to Sri Lanka's hard lobbying, the draft resolution was left aside.

In 2006, the UN High Commissioner for Human Rights Louise Arbour, requested Sri Lanka to accept an "International human rights monitoring body" on the island. This proposal was strongly supported by many countries, INGOs and members of civil society. However Sri Lanka obdurately rejected this idea.

In November 2006, Government of Sri Lanka (GoSL) set up a Commission of Inquiry (COI) to investigate and enquire into serious violations of Human Rights, and the investigations to be monitored by a International Independent Group of Eminent Persons (IIGEP). - President Rajapaksa had invited the International Independent Group of Eminent Persons - IIGEP to "observe and ensure" the transparency of investigations held by the Commission of Inquiries on the complaints of abductions, disappearances and other serious violations of human rights arising since 1st August 2005. Also, the IIGEP was to ensure that those inquiries were conducted in accordance with basic international norms and standards.

On 22 April 2008, the IIGEP, quit Sri Lanka, citing government unwillingness to implement its recommendations to bring the probe up to international standards, lack of financial stability, government interference and slow process.

18 December 2007, REF: IIGEP-PS-004-2007 – "The above issues reinforce the IIGEP's prior assessment that the Commission of Inquiry's process falls short of international norms and standards. The Commission's work also lacks transparency. For instance, all sessions conducted by the Commission have been held to the exclusion of the public, the victims and their families and, on occasions, the IIGEP. In addition, there continues to be a lack of full and timely disclosure of information to the IIGEP. The IIGEP reiterates its concerns regarding the Commission's lack of independence, ineffective witness protection measures and shortcomings in the investigations." **(Excerpt)**

SL Report – Paragraph,

102. The Government of Sri Lanka has a number of laws on child protection and the prevention of child abuse, including having ratified the Convention on the Rights of the Child in 1991. In 2006 the Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified and the ILO Convention No. 182 (1999) on the Worst Forms of Child Labour was ratified in 2002 (additional information is provided in paragraphs 58–67 above).
113. Due to the stepping up of operations initiated by the PNB with the assistance of the other agencies, drug trafficking has been curtailed with the availability of Heroin in particular, having dropped by 50 per cent at street level.

TCHR

Sri Lanka recorded thousands of **children employed** as servants and workers in homes and hotels around the country.

According to UNICEF and ILO statistics, in the recent past there were nearly **40,000 child prostitutes** in the country while 5,000 to 30,000 Sri Lankan boys were used by Western **paedophile** sex tourists in Sri Lanka. Nearly 10,000 to 12,000 children from rural areas are trafficked and prostituted to paedophiles by organised crime groups.

Among the people in the North East drugs have been given free by the SL soldiers and criminal activities have increased in those areas. This is a government plan to ruin the Tamil culture.

Sri Lanka recorded thousands of **children employed** as servants and workers in homes and hotels around the country .

Another aspect of poverty is the incidence of child labour. Few years back the International Labour Organization (ILO) estimates **that there are between 250,000 and 500,000 child labourers in Sri Lanka**. The most common forms of child labour are domestic employment (i.e. as household servants), involuntary begging on the streets, child prostitution, working in the informal sector, in the gemstones industry and in sectors such as tourism and fishing. It has been estimated by the Government and by international organizations such as the ILO and United Nations Children's Fund that there are 30,000 child prostitutes in Sri Lanka. The problem of child labour is especially prevalent in the plantation sector. **In 1997, the total resident labour force of the plantation sector was estimated at 305,000 of which 33,000 (or 11 percent) were child labourers below 14 years of age.**

Little information exists on the trafficking of persons in Sri Lanka. However, the presence of child prostitution and illegal immigration indicates a high probability of trafficking. In the recent past, Sri Lanka has a reputation as a paedophile's paradise. In 1997, it was considered the principle source of child pornography. **Child care workers in Sri Lanka estimate that between 10,000 and 12,000 children are being prostituted, many of whom were orphaned during the 14-year civil war.** According to a 1996 study by End Child Prostitution in Asian Tourism, almost 30,000 boys are in prostitution in Sri Lanka. In addition to child prostitution, other forms of commercial sex are increasing. It is estimated that one-third of women and children in prostitution in Sri Lanka were trafficked into the country.

SL Report – Paragraph,

127. The First Republican Constitution of Sri Lanka (1972) incorporated a chapter on fundamental rights and freedoms, which enabled trade unions to function effectively. Under article 18 {(1) (f) and (g)} of the 1972 Constitution, all citizens have the right to freedom of peaceful assembly and of association, and every citizen has the right to freedom of speech and expression, including publication.

TCHR

During the 13th session of the UN Human Rights council, on Friday the 12th March 2010, nearly ten drivers, all originally from Sri Lanka, working for different Missions including the Sri Lankan Mission took photographs of the three human rights defenders who work on Sri Lanka, using their mobile phones

The photographs taken by Sri Lankan drivers were published in one of the Sinhalese newspapers* along with a full page article, stating “non-patriots, terrorists, who betray Sri Lanka”, should be kept away from the United Nations.

(* *Divaina* 21 March 2010 - <http://www.divaina.com/2010/03/21/defence.html>)

Now the intimidation and harassment has reached the door step of the UN “Human Rights Council”, casting a shadow that implies those three human rights defenders are in real danger.

On 23 March 2010, the ECOSOC NGO “IMADR” made a statement in the 13th session of the UN Human Rights Council regarding the threat to the security of the human rights defenders.

These three human rights activists have been working on the human rights violations in Sri Lanka, for a very long time.

MORE THAN 1560 HINDU TEMPLES DESTROYED

More than 1560 Hindu temples have been damaged and rendered useless while 240 Hindu temples have been totally destroyed due to ongoing war in the North and east, according to the memorandum forwarded to the director general of the UNESCO by the Hindu Religious Priest Organisation of the North East Province.

For full list of damaged and destroyed temples - http://www.tchr.net/religion_temples.htm

CHURCHES AND TEMPLES

Twenty years of bloody war in the North-East, **2076 Hindu Temples and 299 Christian churches** in the North were damaged and destroyed in Aerial bombings and shelling. (**February 2004**)

FOR FULL LIST OF DAMAGED AND DESTROYED CHURCHES –
http://www.tchr.net/religion_churches.htm

CHRISTIAN CHURCHES ATTACKED/DESTROYED/DAMAGED AND ASSAULTS BY MOBS LED BY BUDDHIST MONKS IN SRI LANKA
http://www.tchr.net/religion_churches2.htm

FOR FULL LIST OF SALIENT KILLINGS OF HUMAN RIGHTS DEFENDERS
HTTP://WWW.TCHR.NET/PRESS_REL_URG_ACT_TCHR.HTML

17 NGO WORKERS MASSACRED IN MUTTUR

5 August 2006 - Sri Lanka Army soldiers entered Muttur town and shot dead 17 Tamil workers from Action Contre la Faim – a French International NGO. The workers, trapped inside their Muttur branch office residence located close to Muttur Cultural Centre, were killed at point blank range.

According to the initial reports, four of the fifteen massacred at the residence were women workers.

Meanwhile, 29 Tamil males who were among the civilian refugees being transported by United Methodist Committee on Relief (UMCOR) towards Trincomalee town were arrested by Sri Lanka Army troopers and were transported in a tractor.

SL Report – Paragraph,

134. As indicated earlier, the Labour Laws of Sri Lanka apply in their entirety to the whole of the island. Thus, the Export Processing Zones (EPZ) are not excluded, and there is no legislation preventing the workers in the zones from being members of a trade union. However, the unionisation rate is very low. This is not an outcome attributed to the prevention of workers from joining trade unions, but to other factors such as the predominance of female employees (around 80 per cent) working in the Zones and their reluctance to join trade unions and the inability of the trade unions to penetrate into these areas. However, there are instances where some of the EPZ workers have joined trade unions and other worker organizations operating outside the Zones.

EXPORT PROCESSING ZONES (EPZ)

Sri Lanka was benefiting the European Union GSP plus (tax reduction on imports) for the last few years, the workers' conditions have never changed - many workers do not receive living wages; factories are crowded; hot with no air-conditioning even in the cutting sections; very dark and no natural light inside the factories and noisy where the sewing sections are. The workers have to deal with a lot of stress and tension to reach their targets on time. Compulsory overtime which is not paid at the legal rate, excessive fines, and sexual harassment are also commonly reported by the workers.

November 2007 - In an interview with "**MisFortune 500**", Padmini Chandrakanthi of the Women's Centre, a member of ALaRM, stated that 90% of the garment workers are women and are working for companies such as GAP, Nike, Columbia and Tommy Hilfiger. The workers do not receive living wages, and also face "unjust and poor working conditions, health problems, lack of holiday and leave and unrealistic production targets," Chandrakanthi said. (**Excerpt**)

<http://www.misfortune500.org/company/Show.aspx?articleid=97>