





Mission Report the Democratic and Socialist Republic of Sri Lanka



Mission organized by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) with the participation of the National Court of Asylum Law (CNDA) from 8 February 2025 to 23 February 2025

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Acknowledgments

The delegation thanked all the interlocutors who had kindly met it during the mission, as well as all the people who had contributed to its realization.

Preparation of the report

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The report was finalized on 11 September 2025. Subsequent events at the mission are not reflected in this report.

Warning

This report does not purport to be an exhaustive study of all phenomena related to the asylum issue, nor is it intended to provide conclusive evidence as to the basis for particular asylum applications.

That report does not reflect the position of OFPRA or that of the CNDA, but only that of the interlocutors met during that mission, who were selected with a view to cross-checking the information in accordance with the common European guidelines on fact-finding missions. To clarify, if necessary, a situation raised by one of the interlocutors, some public sources could be added. All sources mentioned in this report are referenced in footnotes and in the bibliography.

For security reasons, at their request, the names of certain interlocutors of the mission, or even their organization, are not mentioned in the report.

The translation of sources into foreign languages is provided by the DIDR.

Cover photograph: The A65 road through Puthukkudiyiruppu in Mullaitivu district.

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11/09/2025

¹ EU common guidelines on (Joint) Fact Finding Missions: a practical tool to assist member states in organizing (joint) Fact Finding Missions, 11/2010, https://www.refworld.org/policy/legalguidance/eu/2010/en/77042



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Ex-Secretariat of Truth and Reconciliation Commission (TRC): Dr. Asanga Gunawansa (Justice of Appeal in Fiji, President's Counsel FSIArb, Arbitrator, Adj. Professor - University of Moratuwa)

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Crusaders for Democracy (CFD): Sivanathan Navindra aka Venthan (leader)

Ilankai Tamil Arasu Kachchi (ITAK): Sivagnanam Shritharan (parliamentary, leader), Thambirajah Gurukularajah (former Minister of Education of the Northern Province)

Tamil Makkal Viduthalai Pulikal (TMVP): Sivanesathurai Chandrakanthan aka Pillayan (leader, former Chief Minister of Eastern Province, former Parliamentarian), Sivageetha Prabhakaran aka Padmini (former Mayor of Batticaloa)

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Hindu temple Nallai Thirugnanasampanthar Adheenam in Jaffna: Sri La Sri Somasunthara Gnanasampantha Paramachariya Swamigal (leader), Dr. Aru Thirumurugan (All Ceylon Hindu Congress)

Thapodaramaya Buddhist Temple in Kandy: Ven. Kudapeeligama Nanda Thero

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Rural Economic and Community Development Organization (RECDO, Kantale): J.M. Azhar (Chair)

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Diplomatic missions

European Union, France, Italy, Romania, Switzerland

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Table of acronyms

ACMC All Ceylon Makkal Congress
ACTC All Ceylon Tamil Congress

ARED Association for Relatives of the Enforced Disappearances

BBS Bodu Bala Sena

CFD Crusaders for Democracy

ICRC International Committee of the Red Cross

CID Criminal Investigation Department

CPA Center for Policy Alternatives
CSD Civil Security Departments

CWB Child and Women Abuse Prevention Bureau

DNA Democratic National Alliance
DPF Democratic People's Front

DTNA Democratic Tamil National Alliance
EPDP Eelam People's Democratic Party

EPRLF Eelam People's Revolutionary Liberation Front FISD Foundation For Innovative Social Development

RCMP Gender Recognition Certificate

HDO Human Development Organization

HRCSL Human Rights Commission of Sri Lanka

IDP Internally Displaced People
ITAK Ilankai Tamil Arasu Kachchi
JJB Jathika Jana Balawegaya
JSAC Jaffna Social Action Center
JVP Janatha Vimukthi Peramuna

LGBTQI+ Lesbian, gay, bisexual, transgender, queer and intersex people

LTTE Liberation Tigers of Tamil Eelam

MMDA Muslim Marriage and Divorce Act

NCW National Committee on Women

NPP National People's Power

IOM International Organization for Migration

OMP Office of Missing Persons

NGOs Non-governmental organization

PLOTE People's Liberation Organization of Tamil Eelam

UNDP United Nations Development Programme

PTA Prevention of Terrorism Act

RECDO Rural Economic and Community Development Organization

SAARC South Asian Association for Regional Cooperation

SJB Samagi Jana Balawegaya
SLFP Sri Lanka Freedom Party
SLMC Sri Lanka Muslim Congress
SLPP Sri Lanka Podujana Peramuna

SLURC Sri Lanka Unites Reconciliation Center
TELO Tamil Eelam Liberation Organization

TMK Tamil Makkal Kootani

TMVP Tamil Makkal Viduthalai Pulikal

NPT Tamil National Party

NPTF Tamil National People's Front
TPA Tamil Progressive Alliance

TPNA Tamil People's National Alliance

TRC Truth and Reconciliation Commission

UNP United National Party

Summary

The so-called Aragalaya social movement triggered in 2022 caused a deep political crisis that led to the resignation of the President of the Republic and the Prime Minister, positions occupied by two brothers of the Rajapaksa family. The interim presidency established in July 2022 was disavowed by the September 2024 presidential election, which brought to power the candidate of a very weak Marxist party, the People's Liberation Front (JVP). The November 2024 parliamentary elections secured for this new president an overwhelming majority in Parliament (70% of the seats), formed by a coalition of various social organizations, called the National People's Power (NPP), led by the JVP, which previously had only three seats. This change in the political landscape was confirmed by the local elections of May 2025, with the NPP winning 43% of the votes. These electoral victories of the NPP are essentially the result of its two main campaign themes: a fairer resolution of the economic crisis and the fight against corruption.

Despite the JVP's past Sinhalese nationalist positions, the new government has been open to ethnic and religious minorities, but has not embarked on the path of federalism demanded by the Tamil autonomist parties. He strongly opposes hate campaigns against them. The JVP, with the support of social sectors such as low and medium castes, has established itself in the Tamil communities of the North, in particular in the fishing population. The numerous and divided Tamil parties, often led by high castes, have seen their weight diminish in parliament due to their lack of interest in social issues. Ultranationalist Buddhist monk organizations have lost their political support, defeated in the recent elections, and the support of a large part of the population due to their hostile positions towards Aragalaya. As a result, violent episodes against Muslims have ceased.

The new power replaced most of the officers who were at the head of the security apparatus, including the intelligence services. The army remains plethora of personnel, while many military personnel stationed in the Northern province are engaged in lucrative activities in parallel with their duties. Practices, such as enhanced monitoring of ethnic minorities and corruption, remain widespread at the local level. However, the relationship between the police and the population has improved. The military presence is now more discreet and confined to barracks, including in the North and East. Since May 2024, the authorities have allowed commemorations of Tamils killed during the conflict, as long as the symbols of the LTTE, which is officially considered a terrorist organization, are not displayed. A few arrests were made for the latter reason. Communication difficulties between the police and Tamil-speaking populations persist despite recruitment campaigns for Tamil officers and language courses for Sinhalese police officers, as not all administrative documents are printed in all three official languages (Sinhala, Tamil, English). Diaspora Tamils can now stay in Sri Lanka undisturbed (no more arrests at Colombo International Airport or places of origin), with a few exceptions. Justice is increasingly carried out independently, and its staff are recruited from all ethnic and religious communities. The PTA antiterrorism law has not been repealed, despite election promises, and has been used for a few cases.

Certain categories of the population are subject to special surveillance by the security services: human rights defenders and activists; persons seeking responsibility from the authorities for crimes committed during the war; veterans and persons affiliated to the LTTE; persons in land disputes with the State. The movements of these people can be traced, and their neighborhoods and relatives can be questioned. Members of the intelligence services regularly go to the homes of some of them for questioning. They also monitor certain sensitive public events and financial flows from abroad. Some 15 or 20 former LTTE cadres arrested during the armed conflict are still imprisoned following convictions for terrorist acts. About 100 people are said to have been interned for their alleged ties to the LTTE. Abductions and extrajudicial executions are no longer carried out by the security services.

The divide between the North and the East, on the one hand, and the rest of the country, on the other, continues. In economic terms, since the end of the conflict, important work undertaken by successive governments has resulted in the restoration or construction of the road network, the distribution of electricity and water, various buildings, places of worship of different religions and public services. However, the industrial fabric remains weak, and production focuses on agriculture, livestock and fisheries. The new government has adopted an ambitious investment plan for the North. The lack of jobs pushes young people to migrate to Colombo and abroad. These departures have increased since the recent economic crisis and the COVID-19 pandemic. Drug trafficking and consumption have become a concern in the North. The cultural divide has not been bridged. The language barrier remains strong, and many young Tamil speakers reject Sinhalese. Basic education remains compartmentalized, as the language of learning corresponds to that spoken mostly in the public schools, while private schools teach in English.

LTTE veterans are often poor and marginalized, and are closely monitored by the security services. This monitoring does not encourage employers to recruit them and their neighborhood to attend them. Many of them, men and women, work on farms run by the army. If their salaries are competitive, they can suffer abuses and even sexual assaults. The army can also compel them to give it information about their community, which casts suspicion on them. Claims are being made by some communities to recover land occupied by the army during the conflict, or to protest against the construction of Buddhist monuments in predominantly Hindu or Muslim areas.

The Tamil diaspora encourages young people to migrate to Western countries by invoking easy life and sexual freedom. It also influences Tamil political organizations by promoting separatist and radical tendencies, such as the NPTF and the new leadership of the ITAK, through financial aid. Reconciliation processes, such as the Office for Missing Persons (OMP) and the work of the Truth and Reconciliation Commission (TRC), remain unfinished. Inter-community associations organize cultural exchanges between different ethnicities and religions.

12,000 refugees have been voluntarily repatriated from India since the end of the conflict, but 90,000 are still residing there. Refugees returning from other countries are rare. There are still a thousand displaced people, mostly Muslims. Resettlement to their homelands is difficult, as families have settled there for decades. Those who, having settled in the Vanni in particular, had to return them do not always find new land.

Violence against women is high, especially in the North and East: a quarter of them have suffered from it since the age of 15. Single mothers are very poorly perceived or even rejected by their community. While legislation had made progress in protecting women and police mechanisms had been put in place, the lack of financial resources hampered that process. There is also a lack of trained staff and structures to protect child victims of violence. Associations partly compensate for the State's shortcomings and inform the public.

The situation of sexual and gender minorities has improved in recent years, despite the maintenance of repressive legislation that is mostly used as a threat of prosecution by some police officers engaging in extortion practices. Transgender people can have their gender changed by civil status. Associations participate in the training of police officers on the specific issues of these minorities. The society remains largely homophobic; associations, influencers and the media nurture this homophobia. Families commit violence against their members belonging to these minorities.

The Tamil community of tea plantations in the centre of the country, which refer to themselves as *Malaiyaha* Tamils, regarded as 'untouchable', is the most marginalized in the country. Some fled north during pogroms against Tamils in 1983, and were later recruited by the LTTE. Their working, living and housing conditions, far below the country's average, are mostly dependent on private companies owning the plantations. These populations, especially women, can suffer abuse or even sexual violence from the supervisory staff of these plantations.

Muslims were victims of riots in 2019 and subsequently subjected to various unjustified vexatious government measures, but their situation has calmed down, despite the persistence of stereotypes maintained by some media and politicians. Despite requests from women's and children's rights defenders, reform of the Muslim-specific legislation on marriage and divorce is not planned by the government. Muslims and Christians are eagerly waiting for light to be shed on the sponsors and circumstances of the 2019 Easter attacks.

Introduction

While the number of asylum applications made by Sri Lankan nationals, which was high in the 1990s and 2000s, decreased significantly in the 2010s, it has been steadily increasing since 2021 and reached an amount of 3,568 first applications in 2023 and 2,828 in 2024, making Sri Lanka the 11th country in terms of flows of asylum seekers to France. The protection rate in 2024 was 18% at OFPRA in direct admission, and 24.5 % at the end of the appeal procedure before the National Court of Asylum Law (CNDA), i.e. a cumulative protection rate of 42.5 %.

The Office had carried out two previous fact-finding missions in that country, in 2008 and 2011. In view of the increase in asylum applications and the high level of protection, it decided to send a new mission to that country, involving the CNDA, in order to gather reliable, cross-referenced and up-to-date information on the situation prevailing there in the light of the facts relied on in support of asylum applications.

Although the armed clash between the government forces and the Liberation Tigers of Tamil Eelam (LTTE), which lasted almost three decades, ended in 2009 with the latter's defeat, most of the asylum seekers, of Tamil origin, rely on family or former links with that organization, which is prohibited in Sri Lanka,² which put them in difficulty with the Sri Lankan authorities and justify fears of persecution against them.

Moreover, a minority of asylum seekers, mainly of Sinhalese origin, invoke legal proceedings against them because of their participation in the so-called Aragalaya social movement in 2022. Others report harassment or persecution, by family or police, on account of their membership of sexual or gender minorities. Muslims refer to riots and violent conduct against their community, and the risks they face due to the climate of hostility towards their religion. Finally, some issues related to the status of women are sometimes raised before the Office.

The mission made a long journey through the country, mainly in the eastern and northern regions where the majority of the people are Tamils and where the war took place. It met a wide range of interlocutors from political parties, religious groups, universities, non-governmental organizations, national and international institutions, etc. It focused on cross-referencing the information provided by these different sources. Most of these interlocutors agreed to have their interviews recorded and quoted in the present report, which was not the case in the previous missions. The mission regrets, however, that it was not able to have in situ interviews with officials of certain sovereign institutions. Similarly, representatives of the new ruling coalition did not respond to its requests for interviews.

Compared to the findings of the previous mission, the mission's journey by land showed a considerable improvement in road infrastructure and a major reconstruction of localities destroyed during the war, particularly in the districts of Mullaitivu and Vanni. It was also able to observe a repopulation of the Muslim quarter of Jaffna, forcibly evacuated from its population in 1990 by the LTTE, despite the subsistence of a few damaged and abandoned houses. In addition, although several monuments and sacred places are still the subject of disputes, the mission encountered on its way in the northern and eastern provinces a large number of renovated buildings or new minority religious places of worship, whether Hindu, Muslim or of various Christian denominations.

In order to understand the context in which the situation is evolving, this report develops the following four angles of analysis: the reconfiguration of the political landscape, the security apparatus and its main victims, issues specific to the North and East provinces, and vulnerable population groups.

https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=OJ:L 202402055

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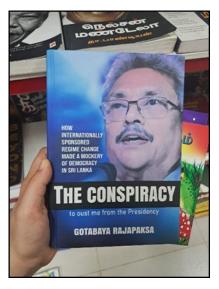
² The LTTE is also included in the list of groups and entities considered terrorist by the European Union: Council of the European Union, "Council Implementing Regulation (EU) 2024-2025 of 26 July 2024 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2024/329", 26/07/2024,

1. The reshape of the political landscape

1.1. The repression of Aragalaya and the social crisis

During 2022, a major social protest movement, called Aragalaya, led to the resignation of Prime Minister Mahinda Rajapaksa (President of the Republic from 2005 to 2015) and four ministers who were members of his family, followed by the flight abroad of his brother, Gotabaya Rajapaksa, then President of the Republic. In July 2022, Ranil Wickremesinghe, the only member of the parliament (MP) of the United National Party (UNP), was appointed interim President of the Republic by a parliament dominated by the Rajapaksa family-controlled People's Front of Sri Lanka (Sinhala: Sri Lanka Podujana Peramuna, SLPP), and its allies.4 Aragalaya, a spontaneous movement that has spread mainly through social media, had no links to the parties represented in parliament, was poorly organized and had no identifiable leaders. and has not led to an immediate change of political orientation.5

Moreover, Aragalaya has not developed in Tamil-speaking areas, such as the Eastern and Northern Provinces. Indeed, these territories had long suffered from power cuts, shortages of petrol or gas, difficulties in obtaining foreign exchange, etc., which was new



in the southern areas of the island. In addition, people in the northern and eastern provinces feared an increase in repression. While the movement mobilized large numbers of students at universities in the South, those at Jaffna University did not participate directly. 6 A member of the NGO Sri Lanka Unities told the mission that they had organized a group of 200 people to participate in the Aragalaya in Jaffna, but the lack of mutual trust between Tamils and Sinhalese quickly ended this experience.⁷



Catholic Church St Philip Neri in Pettah area of Colombo

However, the Catholic community, which, according to the Bishop of Jaffna, is the only religious community of Sinhalese and Tamils,8 has been particularly involved in Aragalaya. In particular, Catholic priests and nuns participated publicly. This movement developed particularly in the city of Negombo, where the Catholic community was founded by Tamils who adopted the Sinhalese language and culture, and it spread along the western coast of the island, where Catholics are numerous as in Chilaw and Mannar. This challenge to the Rajapaksa regime came amid strong Catholic suspicion of it. Indeed, Cardinal Malcolm Rangit, who had been a strong supporter of Mahinda Rajapaksa, led a campaign for the victims of the 2019 Easter attacks, while investigative reports questioned the government services in their triggering (see below 4.4).9

Thousands of people were arrested during Aragalava from May to September 2022, followed by more

targeted arrests. Several thousand of those arrested were released on bail, several hundred were prosecuted and some were sanctioned by the courts on a large number of charges. Indeed, the unrest caused significant material damage and sometimes victims of physical attacks, but a large number of

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 ³ Sinhalese term meaning "The Struggle".
 ⁴ DIDR, OFPRA, 18/08/2022, <u>url.</u> International Crisis Group (ICG), 17/09/2024, <u>url.</u>

⁵ ABENANTE Diego, Asia Maior, 2022, vol. XXXIII, <u>url</u>
⁶ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁷ Sri Lanka Unites Reconciliation Center (SLURC), interview.

⁸ GNANAPRAGASAM Justin B., Bishop of Jaffna, interview.

⁹ SIVAMOHAN Sumathy, University of Peradeniya, interview.

simple demonstrators who did not use violence were arrested, as well as bloggers and internet users for publications relating to the Aragalava. 10



Ranil Wickremesinghe (centre) at the Bodhi Pūja Festival in Colombo, 12 February 2025

Despite the end of this protest movement from September 2022, social tensions remained. Inflation has led to a sharp increase in poverty as wages have remained stable.11 In April 2022, the inflation rate had reached 70% and from 2019 (the year Gotabaya Rajapaksa was elected President) to 2023, the poverty rate doubled and it affected a quarter of the population. 12 Despite his efforts to reduce inflation, which did not reach 5% in September 2024, Ranil Wickremesinghe's austerity policy weighed unevenly on the population, in particular on the working and middle classes already hit by the COVID-19 crisis,¹³ notably due to the significant increase in electricity prices and taxes. 14 Moreover, while one of Aragalaya's main demands was the fight against corruption, Ranil Wickremesinghe did not prosecute the Rajapaksa family to maintain his SLPP's support in parliament, which increased the feeling of injustice among the population.¹⁵

1.2. The September 2024 presidential election

In this tense social situation, Anura Kumara Dissanayake, leader of the People's Liberation Front (Sinhala: Janatha Vimukthi Peramuna (JVP), a presidential candidate, campaigned mainly on two themes: a fairer resolution of the economic crisis and the fight against corruption. Aragalaya has shown that people want an effective change in political culture. 16 Anura Kumara Dissanayake was supported by the JVP, which had only three MPs out of 225 in parliament, and about 20 associations. parties and trade unions forming a coalition called National People's Power (NPP; Sinhala: Jathika Jana Balawegaya, JJB).17

On 21 September 2024, Anura Kumara Dissanayake was elected with 42 % of the votes and 10 % ahead of the following candidate, 18 Sajith Premadasa, of the coalition entitled Power of the United People (Sinhala: Samagi Jana Balawegaya, SJB) including the UNP, son of former President Ranasinghe Premadasa. He placed ahead of Ranil Wickremesinghe, acting president and independent candidate, obtaining only 17 % in third place, and Namal Rajapaksa of SLPP with less than 3 %.19

Only the aftermath of the Aragalaya and the alignment of the social and economic expectations of the population with the campaign themes of the JVP can explain this upheaval, because in the 2019 presidential election, won by Gotabaya Rajapaksa of the SLPP, Anura Kumara Dissanayake had obtained only 3 % of the vote and Sajith Pramadasa 42 %.20

¹⁰ DIDR, OFPRA, 11/04/2024, 13 p., <u>url</u>

¹¹ Agenzia fides, 20/09/2024, <u>url</u>

¹² CHIETIGJ BAJPAEE, Chatham House, 02/10/2024, url; International Crisis Group (ICG), 17/09/2024, url

 ¹³ International Crisis Group (ICG), 17/09/2024, url; Agenzia fides, 20/09/2024, url
 ¹⁴ CHIETIGJ BAJPAEE, Chatham House, 02/10/2024, url

¹⁵ International Crisis Group (ICG), 17/09/2024, url

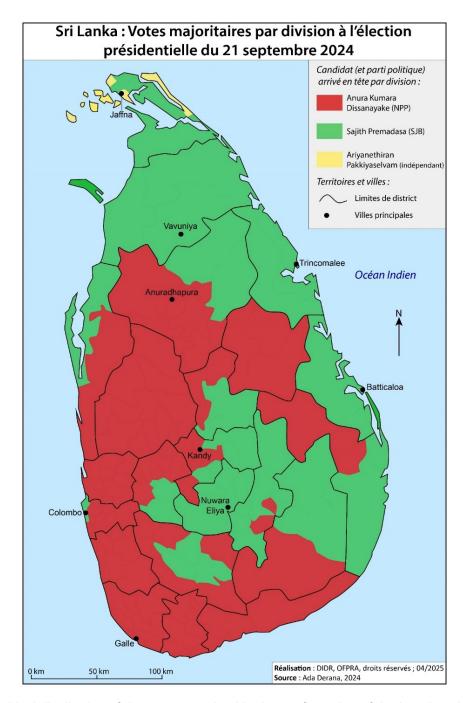
¹⁶ Center for Policy Alternatives (CPA), interview.

¹⁷ International Crisis Group (ICG), 17/09/2024, <u>url;</u> Agenzia fides, 20/09/2024, <u>url</u>

¹⁸ The rules of the presidential election allow for an election in the first round under these conditions.

¹⁹ Ceylon Today, 22/09/2024, url; Ada Derana, n.d., url

²⁰ Election Commission of Sri Lanka, Department of Elections, url. Center for Policy Alternatives (CPA), interview.



The geographical distribution of the votes remained in the configuration of the last decades according to which the UNP won the votes of ethnic and religious minorities. Indeed, the majority vote in favour of the SJB, supported by the UNP, covered overall areas populated by Tamil-speaking ethnic minorities: the north, east, north-west coast, mountain centre and agglomeration of Colombo.²¹ These minorities used to vote for Tamil or Muslim parties,²² or for the UNP in national elections. The results of the 2019 presidential election also corresponded to this geographical distribution for the same candidate Sajith Pramadasa, but in 2024, the NPP candidate globally replaced the SLPP candidate in the same territories.²³

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²¹ Electoral map in: Ada Derana, n.d., <u>url</u>

²² Muslims, though generally Tamil-speaking, are recognized as an ethnic group (referred to by the term *Sri Lankan Moor* in the last census conducted in 2012) differentiated from that of Tamils. Some Muslims, such as the Malay (descendants of Javanese) are not integrated into this group. There are also other very small Muslim communities. See: DIDR, Muslims and Religious Conflicts", OFPRA, 17/03/2015, p. 2-3, url

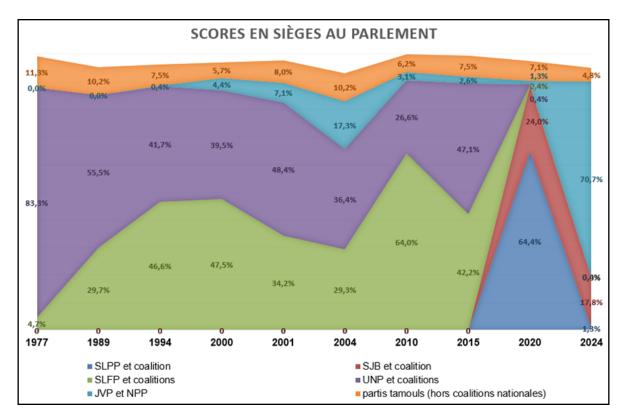
²³ Ada Derana, "Presidential Election 2019: All Island Results – Final", n.d., url

1.3. The November 2024 parliamentary elections

The November 2024 parliamentary elections that followed the presidential election gave the NPP a large unexpected victory and transformed the geographical electoral configuration. Indeed, for the first time since independence, in the Northern Province, the majority of parliamentary seats were won by a national party and not by Tamil ethnic parties. With this vote, the majority of the population, but also the minorities, expressed their frustration. For young people in particular, economic difficulties have become the main political issue, with the issues of corruption and governance, previously put aside and brought to the centre of the electoral debate by the NPP. This new perception of the political stakes represents a considerable change, introducing a form of political instability.²⁴

With the exception of the JVP, the major parties emerged weakened from these elections. They participated in the last elections by joining coalitions, as they no longer had the power to stand alone. Even the SLPP suffered a very heavy defeat, even though it had the majority in the previous term of office. The UNP has only one MP, obtained on the national list, outside constituency. The sustainability of these former major parties was put to the test again in the local elections on 6 May 2025.²⁵





²⁴ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

²⁵ Center for Policy Alternatives (CPA), interview.

²⁶ Source: Parliament of Sri Lanka, "Party Composition of the Parliament", accessed 14/04/2025, url

The change in the composition of parliament in terms of number of seats has been the following since the last three parliamentary elections:²⁷

Political party or coalition of parties	Elections of 2015	Elections of 2019	2024 elections
National People's Power, NPP and People's Liberation Front, JVP	6	3	159
Power of the United People, SJB	0	54	40
Tamil State Party, ITAK	16	10	8
New Democratic Front, NDF	0	0	5
Sri Lanka Freedom Party, SLFP, and United People's Freedom Alliance, UPFA	95	95 1	
People's Front of Sri Lanka, SLPP	0	145	3
United National Party (UNP)	106	1	1
Sri Lanka Muslim Congress, SLMC	0	1	3
All Ceylon Makkal Congress, ACMC	0	1	1
All Ceylon Tamil Congress	0	0	1
Democratic Tamil National Alliance, DTNA	0	0	1
Other	2	9	3
	225	225	225

In red: parties and coalitions leading the government.

In the local elections of 6 May 2025, the NPP confirmed its pre-eminence by winning 43 % of the vote and 265 local authorities, ahead of the SJB coalition (22 % and 14 local authorities) and the Tamil autonomist ITAK party, also known as the 'Federal Party' (3 % and 36 local authorities).²⁸

Moreover, the elections ushered in a new period with the absence of a representative of the three major families of political power. Indeed, the new president and the new Prime Minister come from modest social backgrounds unrelated to these political dynasties.



A shopping street in the center of Jaffna

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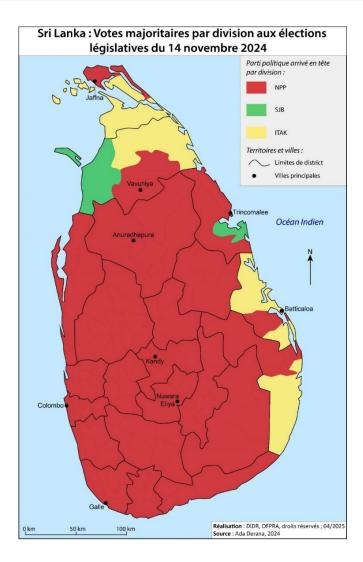
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²⁷ Source: Parliament of Sri Lanka, "Party Composition of the Parliament", accessed 14/04/2025, url

²⁸ Ada Derana, "Local Authorities Election 2025", n.d., url

The great dynasties of Sri Lankan politics at the helm of the executive since independence.²⁹

date de nomination	Premier ministre	Président		
1948	Don Stephen Senanayake			
1952	Dudley Senanayake (fils)		famille Senanayake (UNP)	
1953	John Kotalawala (neveu)			
1956	Solomon Bandaranaïke		famille Bandara	naïke (SLFP)
1960	Dudley Senanayake (fils)			
1959	Wijeyananda Dahanayake		famille Rajapak	sa (SLFP puis SLPP)
1960	Dudley Senanayake (fils)			
1960	Sirimavo Bandaranaïke (veuve)			
1965	Dudley Senanayake (fils)			
1970	Sirimavo Bandaranaïke (veuve)			
1972	Sirimavo Bandaranaïke (veuve)	William Gopallawa		
1977	Junius Richard Jayawardene (neveu par alliance)	William Gopallawa		
1978	Ranasinghe Premadasa	Junius Richard Jayawardene (neveu par alliance)		
1982	Ranasinghe Premadasa	Junius Richard Jayawardene (neveu par alliance)		
1989	D.B. Wijetunga	Ranasinghe Premadasa		
1993	Ranil Wickremesinghe (petit-neveu)	D.B. Wijetunga		
1994	Chandrika Kumaratunga (fille)	D.B. Wijetunga		
1994	Sirimavo Bandaranaïke (veuve)	Chandrika Kumaratunga (fille)		
1999	Sirimavo Bandaranaïke (veuve)	Chandrika Kumaratunga (fille)		
2000	Ratnasiri Wickremanayake	Chandrika Kumaratunga (fille)		
2001	Ranil Wickremesinghe (petit-neveu)	Chandrika Kumaratunga (fille)		
2004	Mahinda Rajapaksa	Chandrika Kumaratunga (fille)		
2005	Ratnasiri Wickremanayake	Mahinda Rajapaksa		
2010	Disanayaka Mudiyanselage Jayaratne	Mahinda Rajapaksa		
2015	Ranil Wickremesinghe (petit-neveu)	Maithripala Sirisena		
2019	Mahinda Rajapaksa	Gotabaya Rajapaksa (frère)		
2022	Dinesh Gunawardena	Ranil Wickremesinghe (petit-neveu)		
2024	Harini Amarasuriya	Anura Kumara Dissanavake		



²⁹ See in particular: MEYER Eric, Presses de Sciences Po, Critique internationale, 2006, <u>url</u>

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1.4. Questions on the new JVP guidelines

Founded in the 1960s, the JVP was a typical organization of the Marxist and nationalist Third World movement³⁰ inspired by Che Guevara. Its founder and leader, Rohana Wijeweera, studied medicine in the USSR, and was influenced by the Soviet system. Twice, in 1971 and the 1980s, the JVP attempted to overthrow the government with weapons. Now, like the Nepalese Maoist parties,³¹ **it has abandoned violence as a means of political change and has become a mainstream political party.** It accommodates the market economy, public-private partnerships and even elite private schools, while previously it proposed to nationalize the economy, especially the social sectors. Internationally, it is now open to free trade agreements and regional trade agreements, having reneged on its recommendations in favour of autarky and substitutes for imports.³²

Similarly, the JVP appears to have evolved in its relationship with ethnic and religious minorities. Previously, he had been hostile to the demands of Tamil parties and associations. For example, Anura Kumara Dissanayake, while a member of the JVP, had applied to the courts to obtain the partition of the North-East Province, which had been created by the Indian intervention in 1987 and had remained until 2006.³³ Then, in 2017 in Parliament, during the discussion of the "Office of the Missing Persons Act", he had obtained the withdrawal of section 11A which would have allowed this body to make agreements with any person or organization on the subject of missing persons. The JVP believed that international organizations could then have interfered in the internal affairs of the country.³⁴

Now, the government led by the JVP declares itself in favour of all Sri Lankans, regardless of their ethnic or religious affiliation.³⁵ In addition, it increased funding for Tamil communities in the Northern Province.³⁶ Many Tamils support the JVP, which has carried out actions in support of these communities since the 2024 elections. For example, the government has returned land occupied by the army, not as much as it promised, but the Tamils hope it will continue. They believe that it is difficult for it to suppress the economic activities of the military, who have often settled with their families in the Northern Province.³⁷

In January 2025, when he became President of the Republic, Anura Kumara Dissanayake travelled to Jaffna, where he was well received by the population.³⁸ In February 2025, Prime Minister Harini Amarasuriya (who is not a member of the JVP) toured the Northern Province.³⁹ Southern political leaders do not usually visit the province. At national level, on 4 February 2025, at the ceremony commemorating the country's independence in Colombo, for the first time, the national anthem was sung in Sinhala and Tamil, with the aim of showing that Tamil speakers also had a place recognized by the authorities. Moreover, unlike previous ceremonies, the presence of the military was significantly reduced during this commemoration.⁴⁰ Indeed, the vast majority of the military are Sinhalese.⁴¹

In November 2024, Asanga Gunawansa, then Secretary of the **Truth and Reconciliation Commission of Sri Lanka** (TRC), sent the President and the Minister of Foreign Affairs his two-volume report and a bill (see 3.5.2). To prepare this bill, the TRC met with leaders of political parties, including those of the JVP, as well as Prime Minister Harini Amarasuriya and Minister of Justice Harshana Nanayakkara. The draft law was tabled in parliament on 1st December 2024 (date of publication in the Official Journal), but MPs have not yet approved it. This project aims to prevent further community conflicts and to compensate victims in financial, educational, health, professional, etc. It also provides for community integration programmes. According to Asanga Gunawansa, three quarters of the 10,000 people interviewed by the TRC across the country approved the bill, but a minority opposed it by calling for a separate state. **The government has not yet formally decided whether to continue the truth and reconciliation process**, which is one of its campaign promises.⁴²

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³⁰ Especially against the Indian occupation from 1987 to 1990 in the north of the country.

³¹ DIDR, OFPRA, 11/01/2019, 28 p., url

³² MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

³³ Ilankai Tamil Arasu Kachchi (ITAK), interview.

³⁴ Association for Relatives of the Enforced Disappearances (ARED), interview; Daily Mirror, 22/03/2017, <u>url</u>

³⁵ GNANAPRAGASAM Justin B., Bishop of Jaffna, interview.

³⁶ GNANAPRAGASAM Justin B., Bishop of Jaffna, interview; All Ceylon Hindu Congress, interview.

³⁷ All Ceylon Hindu Congress, interview.

³⁸ Center for Policy Alternatives (CPA), interview; Human Rights Commission of Sri Lanka (HRCSL), interview.

³⁹ Ilankai Tamil Arasu Kachchi (ITAK), interview; Association for Relatives of the Enforced Disappearances (ARED), interview.

⁴⁰ Center for Policy Alternatives (CPA), interview.

⁴¹ All Ceylon Hindu Congress, interview.

⁴² GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.



Wall murals at the entrance to the Jaffna market

The Association for Relatives of the Enforced Disappearances (ARED), which represents families of missing Tamil persons, met by the mission, stated that it had not yet been received by the government, although its complaints had been communicated to it by the embassies of Switzerland, South Africa and Japan following a joint meeting it held with them in Colombo.⁴³

To find out more about these new guidelines, the mission wanted to meet with a national JVP official and a MP of the JVP. However, this request was not successful. Similarly, the mission was not received by official government bodies, unlike the previous mission in 2011, and, apart from the Kandy police station, access to sovereign sites (commissions, courts and military camps) was not authorized by the central authorities. This could reflect the **sense of uncertainty and expectation** expressed by almost all interlocutors **on the medium-term policy of the new political majority.**

1.5. Weakening of Tamil autonomist or separatist parties

1.5.1. Tamil parties neglect economic and social issues

In the parliamentary elections, a large proportion of Tamil speakers in the northern and eastern provinces paradoxically voted for the NPP, a coalition led by the JVP, a party hitherto known for its hostility to ethnically based federalism. The population actually found that the Tamil parties did not improve their situation when they governed the Northern Province from 2013 to 2018. These parties blamed national governments for the backwardness of economic development, but proved equally incompetent. This lack of concrete results has called into question the separatist ideology within the population. 44

In particular, young people increasingly disbelieve in the arguments of separatists such as the Liberation Tigers of Tamil Eelam (LTTE) who claim that no economic development for Tamil areas is possible in a unitary Sri Lankan state. Today, they want this issue to be solved in the present time and not in a hypothetical future. Indeed, since the COVID-19 crisis, the population, especially young people, no

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⁴³ Association for Relatives of the Enforced Disappearances (ARED), interview.

⁴⁴ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview; GNANAPRAGASAM Justin B., Bishop of Jaffna, interview.

longer wants to wait for the distant and uncertain prospect of a separate Tamil economy, which would be supposedly better.⁴⁵

The Tamil parties have disappointed their traditional voters by not responding to their economic difficulties. However, the new President of the Republic, Anura Kumara Dissanayake, has seduced a large part of it because of his very modest origin and family history, in particular the disappearance of his brother abducted by the State, elements that have a favourable echo among minorities. For the first time in decades, the popularity of a political leader transcends ethnic divides.⁴⁶

Sivanesathurai Chandrakanthan aka Pillayan, leader of the Liberation Tigers of the Tamil People (*Tamil Makkal Viduthalai Pulikal*, TMVP)⁴⁷, former Chief Minister of the Eastern Province and former MP, told the mission that indeed, conflicts between ethnic communities have now faded, that Tamils are no longer threatened, that most former LTTE cadres and members live in Sri Lanka with their families, and that the main problem is economic. According to him, a large number of young men are seeking to leave the country, because they do not have the financial means to pay the dowry to get married. Indeed, the maximum monthly salary they can earn is around 100 000 rupees (294 €), which is now insufficient to live decently.⁴⁸

Sociologist Dhammika Herath agrees, stating to the mission that **for about three or four years there has been no more massive persecution based on the previous ethnic conflict,** although there have been a few individual cases, and under the NPP government it is unlikely that this type of persecution will recur. Only a few former LTTE cadres who have committed crimes are still imprisoned (about 15, according to the party founded by former members of the LTTE Crusaders for Democracy, CFD). ⁴⁹ The others have been released, can live in the country (the CFDs told the mission that the last LTTE held in rehabilitation centres were released in 2018), ⁵⁰ and would not be arrested without new evidences. ⁵¹

Moreover, all the traditional Tamil parties, numerous, are dominated by the upper caste, while the armed autonomist and separatist groups were mainly made up of members of the lower castes. As a result, these parties have never chosen a member of the fishing community (median caste) to become a MP. Therefore, in the 2024 elections, many members of this community voted for the NPP. And, surely in connection with this vote, in the NPP government, the Minister of Fisheries, Ramalingam Chandrasekar, is a Tamil, which is important for these Tamil fishermen, even though he comes from the mountains in the centre of the country. In addition, the Tamils of the tea plantations in the centre of the country are regarded as untouchables or members of the lower castes by the Northern Tamils (see 4.3 below).

The caste issue has played an important role in Sri Lankan politics for a long time. Indeed, after the war, the JVP opened an office in Jaffna and maintained good relations with local communities, especially the fishing community. However, from the outset, the JVP was made up of members of the lower Sinhalese castes, and can therefore understand the resentments of the marginalized castes of the North. The separatist narrative is nurtured by members of the upper castes, but it has lost its influence at the rural level. Just before the presidential election, the JVP candidate and current president, Anura Kumara Dissanayake, held a meeting in Gurunagar, a district of the fishing community on the outskirts of Jaffna. This meeting brought together the most participants since the 1970s in Jaffna and, moreover, in solidarity with a political leader from the South, which had never been seen before.⁵⁴

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⁴⁵ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁴⁶ Center for Policy Alternatives (CPA), interview.

⁴⁷ According to the Human Rights Commission of Sri Lanka (HRCSL), met by the mission, the TMVP are a source of fear of persecution for the people of the East as a result of their violent practices (see Part 2).

⁴⁸ SIVANESATHURAI CHANDRAKANTHAN aka PILLAYAN, Tamil Makkal Viduthalai Pulikal (TMVP), interview. He was arrested by the CID on 9 April 2025; On 12 April 2025, a 90-day detention order under the PTA was issued against him as part of an investigation into the kidnapping and disappearance of a university official in 2006. Source: Ada Derana, 12/04/2025, url

⁴⁹ Crusaders for Democracy (CFD), interview.

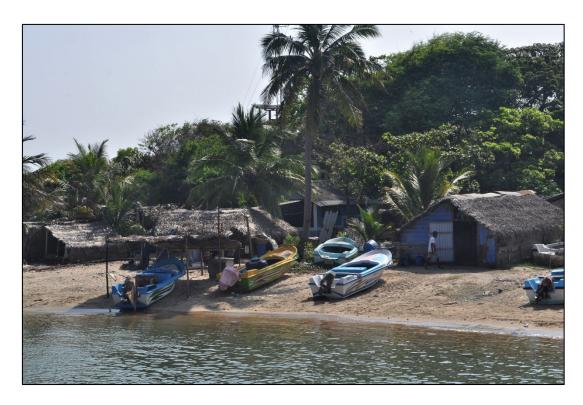
⁵⁰ Crusaders for Democracy (CFD), interview.

⁵¹ HERATH Dhammika, University of Peradeniya, interview.

⁵² MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview; Transparency International, interview.

⁵³ TUDOR SILVA Kalinga, University of Peradeniya, interview.

⁵⁴ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.



Fishing village in the district of Trincomalee

Annalingam Annarasa, Jaffna District Representative of the Fishermen Union Federation North, told the mission that **Jaffna fishermen**, **around 50,000 people with their families**, **voted en masse for the NPP**. He clarified that the Tamil parties do not support their claims against the trawlers of Indian and Chinese companies that illegally overfish, nor against the large shrimp farms of a Chinese company that destroy the marine ecosystem near Mannar. He clarified that these practices are foreign to traditional Sri Lankan artisanal fishermen, and that **Tamil parties turn away and do not defend fishermen because of caste prejudices**. ⁵⁵

This loss of influence of the separatist ideology is also noticeable at **Jaffna University**. Indeed, the student unions, which were closely subordinated to the separatists during the war, are still indirectly controlled by the Tamil parties. However, now only the 'faculty of the arts' (humanities, economics, literature, law, etc.) imposes teaching only in Tamil, with the exception of law taught in English, whereas the other faculties authorize English. Indeed, universities recruit students on merit on a national basis, so that many Sinhalese students who do not understand Tamil study in Jaffna. In the faculties of medicine, management, science and engineering at the University of Jaffna, Sinhalese students outnumber Tamil students. Students in these faculties do not seem to be invested in student political affairs.⁵⁶

1.5.2. The electoral backsliding of the Tamil parties in the parliamentary elections

In this context, the defeat of the Tamil parties against the NPP was particularly impressive in the Jaffna district, at the heart of the separatist imagination of the diaspora: **The NPP won three out of five constituencies in the November 2024 parliamentary elections. These three members of the NPP are themselves Tamil.** ⁵⁷ Of the other two MPs in this district, one is independent, leaving only one seat for the Tamil parties. ⁵⁸

The **Tamil opposition MPs at** national level are: eight from the Tamil Federal State Party (Tamil: *Ilankai Tamil Arasu Kachchi, ITAK*), including Sivagnanam Shritharan, leader of ITAK, elected in Jaffna (and

⁵⁵ Fishermen Union Federation North, interview.

 $^{^{\}rm 56}$ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁵⁷ Ilankai Tamil Arasu Kachchi (ITAK), interview.

⁵⁸ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

Kilinochchi); Gajendrakumar Ponnambalam, leader of the All Ceylon Tamil Congress (ACTC) elected in Jaffna on the Tamil National People's Front (**TNPF**) list; Selvam Adaikalanathan, leader of the Tamil Eelam Liberation Organization (TELO), elected in the Vanni district on the list of the Democratic Tamil National Alliance (**DTNA**).⁵⁹

In the district of Trincomalee, where the population is divided between Muslims (42 %), Tamils (36 %) and Sinhalese (26 %), the NPP won two seats of MPs (42 % of the votes), i.e. half of the seats, the ITAK only one and the SJB only one. A large number of Muslims voted for the NPP, partly because of anti-corruption promises. This result was unexpected in a district where the majority of the votes benefited the Tamil and Muslim parties.⁶⁰

The Tamil political parties are very numerous⁶¹ and divided. Thus, the Tamil National Alliance (TNA) coalition broke out with the departure of its main party, ITAK, in 2023 in preparation for the local elections (held on 6 May 2025).⁶²

According to ITAK officials met by the mission in Kilinochchi, the JVP recently established itself in the Northern Province by contacting its supporters in the 1970s. They moved from village to village to form support groups addressing issues



Posters of the Democratic National Alliance (DNA) candidate for the November 2024 legislative election in Jaffna

of daily life and unemployment. When the Prime Minister visited the province in February 2025, she was received in the villages by these groups who had cooked to welcome her.⁶³

In response to the JVP's militant rise in Tamil communities, ITAK is claiming 3,000 members in Kilinochchi District. However, the conditions of membership appear to be not very strict. Anyone who is at least 18 years of age can join by filling out a form and paying a contribution of 100 rupees ('local membership', approximately \in 0.3) or 1,000 rupees (approximately \in 3) for lifetime validity. In addition, the party would issue membership cards, but during its visit to the ITAK office in Kilinochchi, its representatives could not present them to the mission. 64

ITAK has also experienced an internal crisis since the ouster of its former leader, lawyer Mathiaparanan Abraham Sumanthiran in January 2024. He was replaced by Sivagnanam Shritharan, who was elected as a MP in November 2024, and whom the mission interviewed in Kilinochchi. M. A. Sumanthiran, who had been a MP for Jaffna since 2015, was not re-elected in November 2024. His ouster is linked to a campaign of radical separatist activists from the Tamil diaspora (see 3.4.4 below). It mainly financially supports the NPTF led by the ACTC's leader, the lawyer Gajendrakumar Ponnambalam⁶⁵, because the NPTF is more radical than the ITAK. He was elected as a



ITAK officials, including Sivagnanam Shritharan (right), at the ITAK premises in Kilinochchi

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⁵⁹ Ilankai Tamil Arasu Kachchi (ITAK), interview; Crusaders for Democracy (CFD), interview. The DTNA includes: three parties from the TNA, namely the Eelam People's Revolutionary Liberation Front (EPRLF) – Suresh faction, the Tamil Eelam Liberation Organization (TELO), the People's Liberation Organization of Tamil Eelam (PLOTE), joined by the Crusaders for Democracy (CFD) and the Tamil National Party (TNP).

⁶⁰ Green Care Sri Lanka, interview.

⁶¹ Not all of them are mentioned in this report, such as Mano Ganesan's Democratic People's Front (DPF), the National Union Workers, the Upcountry People's Front, the Tamil Progressive Alliance (TPA), the Tamil People's National Alliance (TNPA), the Padmanaba fraction of the Eelam People's Revolutionary Liberation Front (EPRLF), the Eelam People's Democratic Party (EPDP).

⁶² Ilankai Tamil Arasu Kachchi (ITAK), interview.

⁶³ Ilankai Tamil Arasu Kachchi (ITAK), interview.

⁶⁴ Ilankai Tamil Arasu Kachchi (ITAK), interview.

⁶⁵ Elected MP for Jaffna District in 2001, 2004, 2020 and 2024.

MP in Jaffna in November 2024.⁶⁶ The TMVP party, hated by the Tamil diaspora organizations close to the LTTE who accuse it of having prevented the advent of a separate Tamil state (*Tamil Eelam*), supported the candidacy of Ranil Wickremesinghe in 2024, and was accused by the NPP of having participated in the 2019 Easter attacks by manipulating an Islamist group, which caused it to lose many voters ⁶⁷

In the local elections of 6 May 2025, the Tamil parties nevertheless regained the advantage in certain districts with a large Tamil population in the northern and eastern provinces:⁶⁸

Party or dis	strict	Jaffna	Kilinochchi	Mullaitivu	Mannar	Vavuniya	Batticaloa	Trincomalee
NPP		20 %	18 %	18 %	21 %	22 %	19 %	24 %
SJB		1 %	4 %	9 %	21 %	13 %	7 %	16 %
SLPP		-	-	-	10 %	-	-	-
ITAK (Tamil)		32 %	49 %	38 %	16 %	17 %	32 %	15 %
DTNA (Tamil)		13 %	15 %	14 %	15 %	11 %	2 %	5 %
ACTC (Tamil)		18 %	6 %	3 %	3 %	5 %	1 %	-
EPDP (Tamil)		7 %	3 %	-	-	-	-	-
TMK (Tamil)		4 %	-	-	2 %	-	-	-
TMVP (Tamil)		-	-	-	-	-	14 %	-
SLMC (Muslim)		-	-	-	6 %	-	11 %	13 %
ACMC (Muslim)		-	-	-	-	-	-	12 %

In total, the Tamil parties won by district as a percentage of the votes: Jaffna, 74 %; Kilinochchi, 73 %; Mullaitivu, 55 %; Mannar, 36 %; Vavuniya, 33 %; Batticaloa, 49 %; Trincomalee, 20 %.

1.6. The decline of the Sinhalese Buddhist extremist violence

After the defeat of the LTTE, Muslims became the new target of the extremist Buddhist and ultranationalist organizations, which called for acts of physical violence against them, with the complicity of politicians and some media outlets written in Sinhalese.⁶⁹ In 2012, several Buddhist monks, including **Galagoda Aththe Gnanasara**, founded the **Buddhist Power Force** (Sinhala: *Bodu Bala Sena*, BBS) to **threaten Muslims** as the LTTE problem was resolved. They were particularly targeted because they are traders and in business, but also for ethno-religious reasons. Many non-Muslims believe that Muslims take their money from them and exploit them. Other extremist Buddhist organizations subsequently emerged, such as the Sinhalese Echo (*Sinhala Ravaya*), the Ravana Force (*Ravana Balayaka*), *Sinhale* and *Mahason Balaya*.⁷⁰ In many films, Muslims have been demonized, far more so than LTTE Tamils portrayed as romantic heroes, which did not incite hatred. In 2018, near Kandy in Digana, riots targeted Muslims who did not respond, and after **the 2019 Easter attacks**, **a wave of violence in several localities broke out against them** (see 4.4 below).⁷¹

According to lawyer and researcher Bhavani Fonseka: "In the last four years, there has been a concerted effort by state actors, politicians, [Buddhist] clergy and the media to incite violence against minorities, especially Muslims, and this has not disappeared." She explains the springs of this **hate campaign:** Muslims would lead a conspiracy by their economic success and population growth. Extremist Sinhalese

⁶⁶ SIVAMOHAN Sumathy, University of Peradeniya, interview.

⁶⁷ Tamil Makkal Viduthalai Pulikal (TMVP), interview.

⁶⁸ Ada Derana, "Local Authorities Election 2025", n.d., url

⁶⁹ Center for Policy Alternatives (CPA), interview.

⁷⁰ TUDOR SILVA Kalinga, University of Peradeniya, interview.

⁷¹ SIVAMOHAN Sumathy, University of Peradeniya, interview.

⁷² Center for Policy Alternatives (CPA), interview.

ultranationalist groups, Buddhist clergy and some politicians accuse Muslims of wanting to control the economy, take jobs and replace the majority community, the Buddhist Sinhala.⁷³

Traditionally, **politicians seek the patronage of influential Buddhist monks by** associating with a temple or a monk, and in return, monks get funds for their temple. Monks are often courted by politicians because they have a great influence on villagers and can encourage them to vote for a candidate or party. Buddhist monks share their votes among several political parties, but most of them supported the Rajapaksa. A small minority of racist fundamentalist monks, led by Galagoda Aththe Gnanasara, ⁷⁴ established themselves as 'guardians of Buddhism', and declared that the other 20,000 monks were not really. ⁷⁵



Muslim Bicycle Schoolgirls in Pulmoddai in Trincomalee District

During the *Aragalaya*, highly politicized temples and fundamentalist monks were used by the regime to denigrate protesters presented as being instrumentalized by Western powers. However, many worshippers moved away from these temples that supported the discredited Rajapaksa regime. **During**

Group of Buddhist monks at the Bodhi Pūja festival on 12 February 2024 in Colombo

the election campaigns in 2024, a large part of the monks, from families experiencing economic and social difficulties, supported the NPP.⁷⁶

Despite the support of many monks, the current government has stated that it will not use monks in its political campaigns. Moreover, that government refuses to carry out racist hate campaigns or campaigns against a particular religion. Because of this secular stance, the opposition is now campaigning against it by proclaiming that he is against religion, as he would be communist and supported by foreign powers. But in fact, the population sees above all that it has engaged in the fight against corruption, and that crimes committed in the past will be made public and tried.⁷⁷

The main reason for the decline in violence against Muslim and Christian minorities is the loss of political support for extremist Buddhist

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⁷³ Center for Policy Alternatives (CPA), interview.

⁷⁴ Galagoda Aththe Gnanasara was sentenced to 9 months in prison on 9 January 2025 for his defamatory remarks about Islam, and was released on bail on 25 February 2025 (source: Sri Lanka Mirror, 25/02/2025, url).

⁷⁵ KUDAPEELIGAMA NANDA THERO, venerable of the Thapodaramaya Buddhist temple of Kandy, interview.

⁷⁶ KUDAPEELIGAMA NANDA THERO, venerable of the Thapodaramaya Buddhist temple of Kandy, interview.

⁷⁷ KUDAPEELIGAMA NANDA THERO, venerable of the Thapodaramaya Buddhist temple of Kandy, interview.

and ultranationalist groups since the fall of the Rajapaksa and the economic crisis that changed the course of politics. The electoral defeats of political parties with a narrative of division along ethnic and religious lines are an indicator of this. Since the 2019 riots, there have been no more episodes of heightened violence against Muslims, and extremist Buddhist monks are no longer carrying out demonstrations that degenerate into shop and mosque fires. The conflicts are now highly localized and related to land disputes or ancient religious sites claimed by the army-backed Buddhist clergy, who forbid access to them.⁷⁸



Above: the D.S. Senanayake shopping street in Kandy where anti-Muslim riots took place in 2019; Opposite: Venerable Kudapeeligama Nanda Thero in the Thapodaramaya Temple of Kandy



⁷⁸ Center for Policy Alternatives (CPA), interview.

2. Maintaining a strong security apparatus

More than 15 years after the end of the armed conflict against the LTTE and despite the particularly degraded situation of its public finances, the State has not made a significant reduction in the number of police and military personnel. In addition, the army remains very present in Tamil-speaking areas. Across the national territory, certain population groups remain subject to generalized surveillance. However, **the violent practices of the security apparatus** (kidnappings, arbitrary detentions, torture, extrajudicial executions, etc.) **appear to be in sharp decline.**

2.1. The security apparatus and the new power

2.1.1. Constraints on the NPP

While the JVP had conducted two insurgency campaigns in 1971 and then in 1987, the NPP coalition it formed around him in preparation for the presidential and parliamentary elections in autumn 2024 received significant electoral support from former law enforcement officers, including retired law enforcement officers, who have joined its ranks since 2022. While these rallies are partly the result of disciplinary or wage disputes with the former government under the interim presidency of Ranil Wickremesinghe, they also reflect the trust placed in the NPP coalition to restore the rule of law and combat nepotism.

This support limits the new government's room for maneuver in terms of reforming the security apparatus, especially since members of the security forces are still widely perceived, as winners of the civil war, as belonging to a privileged class. Moreover, any reduction in the budgets of the army and the police is likely to fuel the nationalist discourses of some political parties.⁸²

The duration of the internal armed conflict, which spanned almost three decades, did not favour a massive and rapid reduction in the number of troops, which was conditional on the stabilization and lasting pacification of inter-community conflicts.⁸³

The constraints on the new ruling coalition are also social. Indeed, a massive demobilization of police and military personnel, recruited mainly from the population of Sinhalese origin, cannot be accompanied, in the current economic context, by a guarantee of the return to employment of demobilized agents. Moreover, in the Northern Province, where three quarters of the national army is stationed, many military personnel, still in service, are currently engaged in various lucrative economic activities which they do not wish to give up. In addition, many of them settled there with their families.

The number of police and army personnel remains high: 60-70,000 police officers and nearly 300,000 military troops, all weapons combined.⁸⁸ According to data consulted by Major General Boniface Perera, Doctor of Economics, in 2025, the strength of the army, navy, aviation and paramilitary units (such as the Home Guards) reached 350,000. However, President Anura Kumara Dissanayake told parliament that the army should be gradually reduced to 100,000, the navy to 40,000 and the aviation to 18,000.⁸⁹

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⁷⁹ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁸⁰ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁸¹ Daily FT, 10/06/2024, <u>url</u>

⁸² MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁸³ ASANGA GUNAWANSA, former Secretary of the Truth and Reconciliation Commission, interview.

⁸⁴ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁸⁵ Ilankai Tamil Arasu Kachchi (ITAK), interview.

⁸⁶ All Ceylon Hindu Congress, interview.

⁸⁷ Ilankai Tamil Arasu Kachchi (ITAK), interview.

⁸⁸ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁸⁹ PERERA Boniface, Daily Mirror, 07/03/2025, url

2.1.2. The NPP's first decisions on the security apparatus

Despite these severe constraints on the new government, recruitment of police and military personnel is virtually frozen, and is limited to hiring people with specific technical skills.90

For the first time since the end of the armed conflict, the first draft budget presented by the new government on 17 February 2025 includes a reduction in personnel expenditure under the Ministry of Defence. The overall appropriations of this Ministry, although increasing, are now relegated to the 4th level of government priorities. 91 These budgetary choices are seen as the beginning of deeper orientations to accelerate the movement to reduce the physical presence of the army on the ground.92

In addition, they were preceded by a wave of replacements for the highest positions in many **security institutions.** 93 However, several of the mission's interlocutors regretted that those appointments of 'new heads', 94 carrying a 'new way of thinking', had not yet resulted in a significant change in the behaviour of the actors on the ground. 95 The usual practices of population surveillance therefore continue to prevail at local level, 96 particularly in the Northern Province, where human rights defenders and those seeking accountability for crimes committed during the civil war are still monitored and visited by security officials.97

2.1.3. Barriers to change

The intimidating behaviour of intelligence officials in the 15 years following the end of the civil war did not disappear in the weeks following the inauguration of the new President of the Republic.98 In the district of Jaffna, in particular, one association referred to complaints against local police officers, mainly Sinhalese, for their differential treatment of persons on the basis of their ethnic origin. 99 Other local interlocutors, however, reported an improvement over the past decade in the relationship between the police and the Tamil population, 100 and a much less visible military presence than in the past. 101

With a few exceptions, 102 most of the mission's interlocutors gave the benefit of the doubt to the new government, due to its recent inauguration, and credited it with the positive signals already sent to the Muslim and Tamil minorities. Several arrests already made reflect the intention of the new authorities to concretely implement their will not to accept any hate speech targeting minority communities. 103 The arrest and sentencing of Galagoda Aththe Gnanasara, a Buddhist monk, leader of the BBS, author of particularly virulent and hostile remarks against the Muslim community and close to former President Gotabaya Rajapaksa, are emblematic of this new political orientation. 104

The instructions given by the new government ahead of the commemoration on 27 November 2024 of the memory of the Tamil fighters killed during the conflict (Maveerar Naal) to allow the Tamil population to gather and celebrate its martyrs peacefully, as long as ostentatious signs of support for the LTTE were not displayed, were also seen as a positive signal. 105 These instructions have been largely

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⁹⁰ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁹¹ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁹² MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

⁹³ Center for Policy Alternatives (CPA), interview.

⁹⁴ Center for Policy Alternatives (CPA), interview.

⁹⁵ Center for Policy Alternatives (CPA), interview; Adayaalam Centre for Policy Research, interview; Jaffna Social Action Center, interview; Human Rights Commission of Sri Lanka (HRCSL), interview.

⁹⁶ Center for Policy Alternatives (CPA), interview.

⁹⁷ Center for Policy Alternatives (CPA), interview.

⁹⁸ Adayaalam Centre for Policy Research, interview.

⁹⁹ Jaffna Social Action Center, interview.

¹⁰⁰ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

¹⁰¹ SUMATHY SIVAMOHAN, University of Peradeniya, interview; MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview

¹⁰² See in particular: Adayaalam Centre for Policy Research, 02/2025, url.

¹⁰³ International Organization, interview.

¹⁰⁴ KUDAPEELIGAMA NANDA THERO, Thapodaramaya Buddhist temple in Kandy, interview; British Broadcasting Company

⁽BBC), 10/01/2025, <u>url</u>

105 International Organization, interview, also reporting difficulties encountered in 2022 by some families whose children had attended the commemorations, dressed in LTTE uniforms.

complied with and the presence of law enforcement on the ground has been significantly reduced compared to previous years, with the army, in particular, being absent from commemoration sites. 106

Three arrests were recorded on that occasion and are linked to the publication on social media of photographs or videos of former LTTE leaders. ¹⁰⁷ While those arrested were promptly released following investigations, ¹⁰⁸ the very fact that they were arrested on those grounds under the **Prevention of Terrorism Act (PTA)** raises concerns about the willingness of the new authorities to actively monitor social media posts and to maintain pressure on the Tamil population by curbing their claims. ¹⁰⁹ Moreover, the use of this law, while during the election campaign the NPP had promised to repeal it, was perceived as a negative signal by various human rights organizations who feared that it could be used by the new government. ¹¹⁰

The willingness shown by the new power to fight endemic corruption has not yet translated into major changes on the ground.¹¹¹ But it seems that the public supports the first concrete anti-corruption measures announced,¹¹² in particular the plans to digitalize road and transport fines, which restrict the possibility for police officers to extort cash from offenders in return for not issuing a fine.¹¹³

In addition, some police officers who were corrupt or involved in illegal activities fled the country after the inauguration of the new government, but were arrested in Dubai, with the cooperation of the local police, and returned to Sri Lanka. According to the Bishop of Jaffna, extortion practices by law enforcement officers appear to have decreased since the political changes of autumn 2024. 115

2.2. The different components of the security apparatus

2.2.1. The police

General findings

The police, composed of uniformed officers, are **very present and visible in the public space** and, in urban centres, police canteens are erected in each neighbourhood, as the mission has seen *de visu*.

For some isolated populations living far from urban centres, however, it may be difficult to access the nearest police station, where it is several kilometres away and the persons concerned do not have the financial means to go there.¹¹⁶

Moreover, communication difficulties with Tamil-speaking populations remain significant in the northern and eastern provinces, 117 where 90 % of police officers are said to be Sinhalese. 118

Tamil-speaking persons who try to communicate in English with the police officers are harmed, criticizing them for not being able to speak in Sinhala.¹¹⁹ However, there has been some progress: **Recruitment campaigns for Tamil-speaking police officers continue.**¹²⁰

In principle, police stations are required to provide an interpreting service that allows citizens of all communities to lodge complaints. In practice, this is rarely applied. 121 As a result of this lack of Tamil-speaking police officers, Sinhalese police officers posted in the North and East are taking Tamil language courses and some are now able to converse in Tamil with citizens. But they often do not know

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¹⁰⁶ Adayaalam Centre for Policy Research, interview.

¹⁰⁷ Adayaalam Centre for Policy Research, interview; Adayaalam Centre for Policy Research, 02/2025, p.24, <u>url;</u> The Morning, 01/12/2024, <u>url.</u>

¹⁰⁸ Adayaalam Centre for Policy Research, interview.

¹⁰⁹ Adayaalam Centre for Policy Research, interview.

¹¹⁰ International organisation, interview, Center for Policy Alternatives (CPA), interview.

¹¹¹ Center for Policy Alternatives (CPA), interview.

¹¹² KUDAPEELIGAMA NANDA THERO, Thapodaramaya Buddhist temple in Kandy, interview.

¹¹³ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

¹¹⁴ THUSHARA KAMALRATHNE, University of Peradeniya, interview.

¹¹⁵ JUSTIN B. GNANAPRAGASAM, Bishop of Jaffna, interview.

¹¹⁶ International Organization, interview.

¹¹⁷ Equité, interview; All Ceylon Hindu Congress, interview; Sri Lanka Unites Reconciliation Center (SLURC), interview.

¹¹⁸ All Ceylon Hindu Congress, interview; SABHARATNAM SIVAYOGANATHAN aka SEELAN, Transparency International, interview.

¹¹⁹ All Ceylon Hindu Congress, interview.

¹²⁰ International Organization, interview.

¹²¹ Kandy's Commissariat, interview; Green Care Sri Lanka, interview; All Ceylon Hindu Congress, interview; Jaffna Social Action Center (JSAC), interview.

how to write it, so they write complaints in Sinhala and ask Tamils and Muslims to sign them, even though they cannot read them. 122

Recently, the use of instant translation software or applications has tended to develop in northern police stations, which also tends to improve the situation of Tamil-speaking populations in their interactions with law enforcement. 123





In Jaffna: police check (opposite) and police sentry box (above)

These improvements remain insufficient for some of the Mission's interlocutors. 124 Translations carried out in police stations are, in particular, considered to be imperfect and incomplete, and liable to penalize the complainant when his case is examined by the courts. 125

In addition, **extortion and corruption practices persist** in particular against vulnerable populations, like members of the LGBTQI+ community (see below 4.2.2). ¹²⁶ These extortion phenomena also target people with a good financial situation, who may be blackmailed based on false accusations of links with the LTTE. ¹²⁷

According to the representative of an NGO defending the rights of LGBTQI+ people, police officers are required to detect and report ten offences daily, which may force them to target vulnerable populations, falsely imputing them with criminal acts, such as possession and trafficking of narcotics. 128 However, according to the head of Kandy's police station, none of the officers assigned to it is required to establish a minimum number of infringements on a daily basis. 129

Finally, criticism was levelled at the lack of responsiveness of police forces for certain offences, including night robberies, with police patrols often only appearing the next morning. Similarly, the police are

¹²² Transparency International, interview; MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

¹²³ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

¹²⁴ Jaffna Social Action Center, interview.

¹²⁵ Jaffna Social Action Center, interview.

¹²⁶ Equité, interview.

¹²⁷ Transparency International, interview.

¹²⁸ Equité, interview.

¹²⁹ SAMPATH AW.P.R., Kandy police station, interview.

¹³⁰ Jaffna Social Action Center, interview.

criticized for their slowness in registering simple complaints, with a simple declaration of loss of identity papers taking up to five hours to register.¹³¹





Kandy police training for the parade

Focus on Kandy Police Station

The mission was able to visit the premises of the Kandy Police Station and meet with its Chief, A.W.P.R. Sampath, Head Quarter Chief Inspector of Police. The following information is derived from this visit and interview.

The police station, for all categories of staff, has approximately 900 agents, including 130 police officers assigned to road traffic, 100 officers assigned to criminal cases, 52 officers assigned to the community police, 10 officers assigned to the environmental police, 50 officers assigned to violence against women and children, 50 officers assigned to the tourist police and 30 intelligence officers. **These staff include Tamil-speaking agents.**

Almost all of the agents are from the town of Kandy, or its surroundings. Recruitment candidates submit their application files to police headquarters, and are then interviewed, before taking physical tests. Successful candidates undergo initial training for a period of six months, before entering the probationary period for a period of three years. If they are satisfied, they are established at the end of the traineeship.

Specific training is provided to deserving permanent officers who wish to join the Scenes of Crime Officers (SOCO). **Staff assigned to the unit in charge of violence against women and children also receive specific training,** involving specialized NGOs on these issues.

In the event of an offence falling within their territorial jurisdiction, police officers are entitled to continue their investigations throughout the national territory, provided that they inform the local police authorities.

Community police officers visit the 48 territorial divisions under the jurisdiction of the central police station on a daily basis, in contact with the population and local focal points. They collect information on disturbances of public order and are competent to deal with less serious offences, such as cases of drunkenness on public roads, as well as land or neighbourhood conflicts.

The 30 officers assigned to intelligence activities do not wear police uniforms and are not entitled to perform the usual acts of other police officers at the police station. Their sole prerogative is to collect information relevant to law enforcement and to pass it on to the active police authorities. According to A.W.P.R. Sampath, they operate independently of the Criminal Investigation Department (CID), which has no premises in Kandy's police station and whose agents operate primarily from Colombo. CID officers in Kandy, or elsewhere, do not report their activities to the local police chief.

The Environmental Police Unit is responsible for enforcing environmental protection laws, including waste sorting and preserving springs and rivers from pollution. Its small staff and the impossibility of

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¹³¹ Jaffna Social Action Center, interview.

following each of the citizens' movements make its task all the more difficult as the saturation of the city centre's capacities leads many citizens to go wildly dumping their waste on the outskirts of the city.

Tourist police officers are tasked with protecting foreign tourists visiting the city. Recruited according to their language skills, they usually speak German or English. Their main task is to monitor hotels and places of visit frequented by foreign tourists on a daily basis, in order to protect them from theft or attacks they may suffer. They also have exclusive jurisdiction to collect complaints filed by these tourists.

According to A.W.P.R. Sampath, the officers of the police station, who all live there, are well perceived by the local population and enjoy their trust. Community police officers, in particular, are well known to the populations under their jurisdiction. They take part, in a private capacity, in the main local events (weddings, funerals, etc.), which helps to strengthen the institution's links with the inhabitants. The same applies to Tamil-speaking populations, who, according to the Kandy Police Commissioner, do not complain about comprehension or communication problems when they go to the police station.

A police officer who behaves unlawfully or inappropriately is subject to disciplinary investigation, followed by prosecution, which may be disciplinary or civil.

Protests must be declared in advance to the police, who have the power to authorize them or not. If a demonstration is held without having been declared or authorized, the police intervene only in the event of violent overflows, and bring the perpetrators of violence to justice. The same applies if an authorized demonstration degenerates. In addition, the police can film the demonstrations, especially in the event of an overflow, and then provide this evidence to the court.

According to A.W.P.R. Sampath, the main problem of public order raised at the police station is the regulation of road traffic, the streets of the city, often narrow, being clogged by the passage of more than 10 000 vehicles per day, including school buses serving the 42 schools in the municipality.

Theft ranks first among the most serious crimes. Despite logistical difficulties due to the availability of service vehicles, the police station would be able to resolve 98% of the cases of theft of which it was informed.

Violence against women and children is said to account for about 10% of complaints registered at the police station.

When they receive a complaint, police officers carry out the initial investigations. In case of violent crime, they can call on the forensic and intelligence units and mobilize all their technical resources (fingerprints, dogs, IT, etc.). The investigation may be supervised by the court with territorial jurisdiction, with which the police station has good relations.

In cases of *flagrante delicto*, police officers may detain the suspect only in cases of serious crime (theft, rape, murder). Within 24 hours of arrest, the suspect shall be brought before a judge, who may order an extension of custody for a further three days. During police custody, the suspect may not receive visits other than those of his relatives and his lawyer and only after having been identified by the victim.

At the Kandy police station:

















2.2.2 The army

Contrary to previous missions organized by Ofpra to Sri Lanka in 2008 and 2011, the present mission noted a **sharp decline in the physical presence of soldiers on the streets of the towns and rural areas crossed**, as no patrols of the armed forces were crossed during the movements carried out.

This is consistent with what was reported to the mission, according to which checkpoints, once ubiquitous in the North and East, have almost disappeared, 132 as has the presence of armed military personnel in public spaces. 133

However, along with students and police, the military form the largest Sinhalese community in Tamil-speaking areas. ¹³⁴ Aru Thimmurugan of the All Ceylon Hindu Congress told the mission: 'Most of the soldiers I met were Sinhalese. I have never met a Tamil soldier in my life.' ¹³⁵

Moreover, the army still occupies large proportions of the territory in the northern and eastern provinces, and remains located on land claimed by the Tamil population. ¹³⁶ Despite the government's declarations of intent, land restitution operations are reportedly rare and slow, ¹³⁷ including in the Eastern Province, ¹³⁸ even though a particularly knowledgeable interlocutor told the mission that **the army now occupies only 17** % **of the land seized during the conflict.** ¹³⁹ The construction of Buddhist temples on these grounds, especially in the vicinity of Palali, Kilinochchi and Batticaloa, is hotly contested by local populations. ¹⁴⁰

Within the military camps, there are no longer any persons detained, with the sole exception of illegal migrants ('immigration detainees'), including around 100 Rohingya from Burma, who are placed there only because of the saturation of other detention centres for persons in an irregular situation.¹⁴¹

The rehabilitation centres (PARC) opened at the end of the conflict and managed by the army are now all closed; the only rehabilitation centres currently in operation are dedicated to drug users.¹⁴²

The army remains responsible for demining former conflict areas, which have not yet been fully demined: in the Trincomalee region, for example, only 80 % of demining operations are completed. 143 To carry out this mission, the army continues to employ, for remuneration, former LTTE cadres and combatants. 144

In the Northern Province, the army has also developed many lucrative economic activities, including hotels, restaurants, childcare facilities, ¹⁴⁵ food stalls and meeting houses, close to military camps. ¹⁴⁶ These establishments can be located on



Area under demining the Vanni

Tamil memorial sites, such as in the village of Elangulam, where the military established a restaurant on the site of a cemetery housing the remains of former LTTE members.¹⁴⁷

However, the economic activities operated by the army are much less developed in the Eastern Province: 148 In the Trincomalee region, for example, the military manages only a few small hotels. 149

¹³² Jaffna Social Action Center, interview.

¹³³ Jaffna Social Action Center, interview.

¹³⁴ SUMATHY SIVAMOHAN, University of Peradeniya, interview.

¹³⁵ All Ceylon Hindu Congress, interview.

¹³⁶ All Ceylon Hindu Congress, interview.

¹³⁷ All Ceylon Hindu Congress, interview; MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

¹³⁸ Rural Economic and Community Development Organization (RECDO), interview.

¹³⁹ ASANGA GUNAWANSA, former Secretary of the Truth and Reconciliation Commission, interview.

¹⁴⁰ All Ceylon Hindu Congress, interview.

¹⁴¹ International organizations, interviews.

¹⁴² International Organization, interview.

¹⁴³ Rural Economic and Community Development Organization (RECDO), interview.

¹⁴⁴ SUMATHY SIVAMOHAN, University of Peradeniya, interview.

¹⁴⁵ Adayaalam Centre for Policy Research, interview.

¹⁴⁶ Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁴⁷ Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁴⁸ Rural Economic and Community Development Organization (RECDO), interview.

¹⁴⁹ Rural Economic and Community Development Organization (RECDO), interview.





Entry of military camps: Kilinochchi (left) and Trincomalee (right)

The army also operates numerous agricultural farms, ¹⁵⁰ known as the Civil and Security Defense Farms (CSD) in which it employs disadvantaged young Tamil women, as well as desocialized LTTE veterans. 151 These establishments, although present throughout the national territory, are mainly located in the northern and eastern provinces. 152

While in the immediate post-war period the military was suspected of being involved in illegal activities, such as money laundering or human trafficking, these activities decreased significantly, 153 But further charges are made against the army, which is allegedly involved in drug trafficking. This traffic has grown exponentially in the Jaffna peninsula¹⁵⁴ and is today, according to most of the mission's interlocutors, the source of the main public order problems affecting the region. According to the leaders of two Hindu and Tamil organizations, this involvement would respond to a plan developed after the end

of the conflict to control and harm Tamil youth. 155 The police forces would be little mobilized to fight against this trafficking, despite the mobilization of the local population. 156

Finally, the ostentatious architecture of the barracks, military camps and victory monuments in the northern and eastern provinces is poorly experienced by local populations, who see it as a form of symbolic violence. 157 The same applies to demonstrations celebrating the army's victory against the LTTE or the memory of soldiers killed in action. 158 Nevertheless, the commemorations of the country's independence, held on 4 February 2025, were marked by a massive reduction in the military presence, 159 and on 18 May 2024, marking the defeat of the LTTE, counterdemonstrations were held smoothly in the Northern Province to denounce the crimes committed during the civil war. 160



Monument commemorating the victory of the army over the LTTE, at the entrance to the city of Puthukkudiyiruppu

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¹⁵⁰ All Ceylon Hindu Congress, interview.

¹⁵¹ SUMATHY SIVAMOHAN, University of Peradeniya (Kandy), interview; Adayaalam Centre for Policy Research, interview.

¹⁵² Adayaalam Centre for Policy Research, interview.

MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.
 All Ceylon Hindu Congress, interview; Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁵⁵ All Ceylon Hindu Congress, interview, Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁵⁶ Sri Lanka Unites Reconciliation Center (SLURC), interview.

¹⁵⁷ Sri Lanka Unites Reconciliation Center (SLURC), interview.

¹⁵⁸ Sri Lanka Unites Reconciliation Center (SLURC), interview.

¹⁵⁹ Center for Policy Alternatives (CPA), interview.

¹⁶⁰ Center for Policy Alternatives (CPA), interview.

2.2.3 Intelligence services

General findings

Presumed to have replaced the former armed patrols, ¹⁶¹ the agents of the intelligence services operate in civilian uniform, and are therefore invisible in public space. Their presence in the Northern Province, in particular, however, remains strongly felt by local populations, who consider themselves under constant surveillance, to the point that it would still be dangerous today to express themselves freely in public space. ¹⁶²

Local people, especially in Jaffna, believe that those who make arrests in civilian clothes all belong to the **Criminal Investigation Department (CID)**, even though they may be agents belonging to other services, or even actors with no links to the authorities. When arrests are carried out by officers in civilian uniform, they are generally carried out without a warrant and without the perpetrators of the arrest specifying who they are or for what reason they intervene. 164

In the Northern Province, officers of the CID and the **Terrorism Investigation Division (TID)** usually have their offices on the premises or in an annex of the main police station. ¹⁶⁵ The buildings they occupy are normally known and identified by local people, who avoid approaching them. ¹⁶⁶ In principle, interrogations take place in places that are closed to the public and separate from police stations. ¹⁶⁷ More violent interrogations sometimes take place in isolated houses but can also take place in the city, in anonymous and modern office buildings. ¹⁶⁸

At central level, the same building in Colombo once housed the CID and the TID, the first occupying the 4th floor of the building and the second the 6th. ¹⁶⁹ Although these services have recently moved into new premises, the population has retained the habit of designating the CID as the '4th **floor'.** ¹⁷⁰ It seems, however, that no one was detained on this 4th floor, which was only an interrogation space. ¹⁷¹

Checks at Bandaranaike International Airport

According to the representative of the All Ceylon Hindu Congress, members of the diaspora returning to the country are no longer worried, especially since the inauguration of the new government. According to the Bishop of Jaffna, Catholics from Jaffna living abroad are not worried or even interrogated at Bandaranaike International Airport when they return home today. 173

However, a case of arrest in December 2024, involving a Tamil spokesperson from the Netherlands suspected of reporting funds for the resurgence of the LTTE, was reported to the mission.¹⁷⁴

Checks at Bandaranaike International Airport targeting returning Sri Lankan exiles included, in the first years after the end of the conflict, three levels of checks, and gave rise to thorough security checks, leading to the persons concerned being kept in the airport compound for an average of 7 to 8 hours, sometimes up to 60 hours. ¹⁷⁵ Control levels were then reduced to two and then to one since the COVID-19 outbreak, so that the few people who are now subject to a screening procedure can leave the airport in less than an hour. ¹⁷⁶ Between 2015 and 2020, arrests of returning Sri Lankan nationals did not exceed six to seven cases, and in the last five years no new arrests were recorded either at the airport or after the return to the place of origin. ¹⁷⁷ There has also been a significant reduction in the intensity of

¹⁶¹ Jaffna Social Action Center, interview.

¹⁶² Jaffna Social Action Center, interview.

¹⁶³ Adayaalam Centre for Policy Research, interview.

¹⁶⁴ Adayaalam Centre for Policy Research, interview.

Adayaalam Centre for Policy Research, interview.Adayaalam Centre for Policy Research, interview.

¹⁶⁷ Transparency International, interview.

¹⁶⁸ Adayaalam Centre for Policy Research, interview.

¹⁶⁹ International Organization, interview.

¹⁷⁰ International Organization, interview.

¹⁷¹ International Organization, interview.

¹⁷² All Ceylon Hindu Congress, interview.

¹⁷³ JUSTIN B. GNANAPRAGASAM, Bishop of Jaffna, interview.

¹⁷⁴ Sri Lanka Unites Reconciliation Center (SLURC), interview; Association for Relatives of the Enforced Disappearances (ARED), interview.

¹⁷⁵ International Organization, interview.

¹⁷⁶ International Organization, interview.

¹⁷⁷ International Organization, interview.

their monitoring. 178 Those checks appear, moreover, to be incomplete and random, since the mission was informed that individuals with a problematic past had been able to return to Sri Lanka without being questioned on arrival at the international airport. 179

The judicial authority 2.2.4

The first appointments or promotions of magistrates made by the new authority concerned candidates who were recognized for their professional experience and expertise and not for their servility to the executive. 180 Most magistrates known to support the former government or suspected of being corrupt have retired or failed to secure the expected promotions. 181 These are all signs that the new government intends to promote the independence of the judiciary from the executive. 182

This movement is a continuation of the manifestations of independence of the judicial authority observed over the past five years, since the judiciary, despite having been highly politicized for decades, has shown its desire to free itself by censoring, on several occasions and in particular at the time of the Aragalaya, acts of the executive tainted by excesses of power (overreach). 183

This development remains fragile, however, 184 and while interference by the central government has always been rare in minor ordinary cases brought before the courts of first instance, 185 there are still strong suspicions that the judiciary is independent of the executive in cases of a political nature or involving State ownership in certain areas, in which judges are exposed to various pressures. 186 The high-profile defection 187 of Judge T. Saravanaraja from Mullaitivu district, who resigned from office and left the country following pressure and threats after he ruled on two cases concerning one religious site in Kurunthurmalai claimed by Buddhists, and the other a commemoration in honour of the LTTE 'martyr' Thileepan, has been repeatedly referred to as emblematic of the weakness of the judicial authority visà-vis the executive. 188

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¹⁷⁸ International Organization, interview.

¹⁷⁹ Adayaalam Centre for Policy Research, interview.

¹⁸⁰ Center for Policy Alternatives (CPA), interview.

¹⁸¹ Center for Policy Alternatives (CPA), interview.

¹⁸² Center for Policy Alternatives (CPA), interview.

¹⁸³ Center for Policy Alternatives (CPA), interview.

¹⁸⁴ Center for Policy Alternatives (CPA), interview.

¹⁸⁵ Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁸⁶ Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁸⁷ The Hindu, 29/09/2023, <u>url</u>.

¹⁸⁸ Ilankai Tamil Arasu Kachchi (ITAK), interview; Sri Lanka Unites Reconciliation Center (SLURC), interview.

Various courts in Kilinochchi, Jaffna and Kayts:









However, the judiciary is representative of Sri Lankan society and includes members of Tamil and Muslim minorities, including in the Northern Province. According to the head of ITAK, however, they remain constrained in their career development and do not take on the highest responsibilities.

In terms of accessibility to justice, there is no **real difficulty in obtaining legal aid and the assistance of a lawyer.**¹⁹¹ However, it was stated that summonses to the court are normally in Sinhala, which may be a source of misunderstanding for summoned individuals who read only Tamil.¹⁹²

Alternative dispute resolution systems also exist, for minor disputes (in particular where the financial stake is less than Rs 10 000¹⁹³), which can be resolved at the level of local communities, outside the judicial system, both in the Muslim community¹⁹⁴ and in the Sinhalese community.¹⁹⁵ In the latter

¹⁸⁹ Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁹⁰ Ilankai Tamil Arasu Kachchi (ITAK), interview.

¹⁹¹ International Organization, interview.

¹⁹² Transparency International, interview.

¹⁹³ THUSHARA KAMALRATHNE, University of Peradeniya, interview.

¹⁹⁴ KALINGA TUDOR SILVA, University of Peradeniya, interview.

¹⁹⁵ THUSHARA KAMALRATHNE, University of Peradeniya, interview.

community, mediation councils can be organized locally, under the patronage of local notables. 196 It is customary to carry out such mediation before bringing the dispute to justice, but complainants who fear gossip within the community, or who have insufficient trust in local notables, can bring the matter directly before the competent court. 197

2.3 Categories of persons supervised

Some categories of people formerly under surveillance, such as fishermen on the Jaffna peninsula, are no longer under surveillance. 198 However, this population complains about the lack of action by the authorities to combat the intrusions of Indian and Chinese fishing vessels into Sri Lankan territorial waters, and that the almost 500 complaints lodged on this subject are not being dealt with. 199 Demonstrations organized to denounce such intrusions are not, however, 200 punished, although some organizers may have been referred to the competent courts.²⁰¹

The Human Rights Commission of Sri Lanka (HCRSL) identifies the following four categories of individuals who appear to be most likely to attract the attention of the security apparatus and be placed under surveillance.

2.3.1 **Human rights defenders and activists**

Whether acting individually or under the banner of an association, as activists or as journalists, persons promoting the defence of human rights are likely to be placed under the surveillance of the intelligence services, in particular the CID.

The most recent example brought to the attention of HRCSL concerns the organization, on 9 January 2025, of a demonstration in Mullaitivu aimed at denouncing the government's plan to return a group of Rohingya asylum seekers to Burma.²⁰² According to HRCSL, two of the organizers of the demonstration were summoned for questioning by the CID in retaliation.²⁰³

According to the same interlocutor, the HRCSL remains constantly seized of reports or complaints of the same nature, from human rights defenders active in the Northern and Eastern Provinces but also, more generally, throughout the national territory. This situation is not limited to Tamil ethnic activists and concerns any human rights defender, regardless of their ethnic origin or religion.²⁰⁴

According to the HRCSL, this category of persons is arguably the one most exposed to intimidation and reprisals, especially since there is no real hierarchy between the various causes defended in the actions of the security apparatus. While openly exposing human rights violations attributed to the public authorities is obviously risky, mere criticism of a local economic project on the grounds that it harms the environment, as has been the case in Mannar for some years, 205 may be sufficient to justify surveillance measures and interrogations by the CID.²⁰⁶

According to an international NGO, many investigative journalists have fled the country because of the threats they have faced.²⁰⁷ Moreover, the profession of journalist remains marked by the murder of journalist Lasantha Wickrematunge on 8 January 2009. The investigation into his death is still ongoing.²⁰⁸ Since 1990, 57 journalists, including 42 Tamil journalists, have been reported missing.²⁰⁹

In addition, associations or organizations working in defence of human rights have in the past been under intense pressure from the Ministry of Defence and the intelligence services to register as non-

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¹⁹⁶ H.D.P. PREMARATHNE, University of Peradeniya, interview.

¹⁹⁷ H.D.P. PREMARATHNE, University of Peradeniya, interview.

¹⁹⁸ JUSTIN B. GNANAPRAGASAM, Bishop of Jaffna, interview; Fishermen Union Federation North, interview.

¹⁹⁹ Fishermen Union Federation North, interview.

²⁰⁰ Fishermen Union Federation North, interview.

²⁰¹ Fishermen Union Federation North, interview.

Ceylon Today, 10/01/2025, url; Tamil Guardian, 09/01/2025, url; Daily FT, 10/01/2025, url.
 Human Rights Commission of Sri Lanka (HCRSL), interview

²⁰⁴ Human Rights Commission of Sri Lanka (HCRSL), interview

²⁰⁵ Tamil Guardian, 22/01/2025, url.

²⁰⁶ Human Rights Commission of Sri Lanka (HCRSL), interview

²⁰⁷ Transparency International, interview

²⁰⁸ Transparency International, interview.

²⁰⁹ Transparency International, interview.

governmental organizations, so that their activities can be monitored under the NGO Act. 210 Organizations that did not comply faced banking difficulties, with funds being blocked by their respective banks until they explained where they came from and where they were going.²¹¹

This puts human rights defenders under constant surveillance by the police and intelligence services.²¹² They frequently receive threatening phone calls and are regularly summoned to explain their activities and travel. 213

2.3.2 People seeking accountability for war crimes

According to the HRCSL, whose assessment is shared on this point by several of the mission's other interlocutors,²¹⁴ the relatives or associations of relatives of persons missing during the conflict who carry out actions and campaigns to obtain information on their fate or to hold the authorities accountable for their war crimes constitute another category of persons who may be placed under surveillance and concerned by the security apparatus.

According to the HRCSL, this risk is all the greater if the persons in question make direct accusations against the army in general, or against certain military personnel in particular. The same applies to those who do not attack the national army, but demand accountability for the actions of the 'Karuna' faction which seceded from the LTTE in the Eastern Province in 2004, which subsequently became the organization of the TMVP.²¹⁵ According to a mission interlocutor, a gang, known as the Tripoli gang, threatens activists in the eastern province and is close to Sivanesathurai Chandrakanthan aka Pillayan, leader of the TMVP, who orders some of these actions.²¹⁶ When guestioned in that regard by the mission, he stated that he was unaware of the existence of that group and presented that information as fabricated by his political opponents, with the aim of harming him. 217

HRCSL points out that these risks are not confined to the Northern and Eastern Provinces, and that similar incidents have recently been reported in the Southern Province, in particular in the locality of Marthaka.

It does not exclude that persons of Sinhalese origin who actively advocate for the repression of crimes committed by the army during the conflict may also be exposed to the same treatment.²¹⁸

Moreover, while disappearances are becoming very rare, the actors involved in documenting war crimes and gathering evidence of abuses committed during the conflict are still very cautious about their activities and the dissemination of their work.²¹⁹

The only recent cases of disappearance reported to the mission concerned some 400 Sri Lankan nationals who had left to fight in Ukraine, but the new government would be mobilized to find them.²²⁰

2.3.3 LTTE veterans and affiliates

According to HRCSL, LTTE ex-combatants who have been released after serving a prison sentence or after being rehabilitated remain subject to constant and strict surveillance measures and are likely to be arrested at the slightest misstep.

These surveillance measures are less severe with regard to the relatives of these former combatants, as well as with regard to persons who had been forced to assist the LTTE during the final phase of the conflict, but the cases of disappearances of persons belonging to these latter categories have not been fully clarified, which remains a source of concern for the populations of the Northern Province. However, they appear to be more likely to be intimidated because they are an easy target for law enforcement.

²¹⁰ Adayaalam Centre for Policy Research, interview.

²¹¹ Adayaalam Centre for Policy Research, interview.

²¹² Transparency International, interview.

²¹³ Transparency International, interview.
²¹⁴ Adayaalam Centre for Policy Research, interview; Association for Relatives of the Enforced Disappearances (ARED), interview.

²¹⁵ OFPRA, DIDR, 21/12/2020, url

²¹⁶ International Organization, interview.

²¹⁷ SIVANESATHURAI CHANDRAKANTHAN aka PILLAYAN, TMVP, interview.

²¹⁸ Human Rights Commission of Sri Lanka (HCRSL), interview.

²¹⁹ Adayaalam Centre for Policy Research, interview.

²²⁰ International organisation, interview; DIDR, OFPRA, 18/11/2024, url.

In addition, it is possible that LTTE fighters, or persons affiliated with LTTE, may have escaped the rehabilitation process, including through corruption. Those persons are still likely to be identified as such, but the risk that they will be arrested on that ground has significantly decreased.²²¹

The existence of links with the LTTE may thus remain a source of problems, and the mere imputation, in particular by way of denunciation, of such links is likely to expose the persons concerned to multiple interrogations. 222 However, several former LTTE cadres or fighters live in Sri Lanka, with their families, undisturbed,²²³ and systemic persecution of LTTE veterans or supporters has disappeared in the last four years.²²⁴ While some individuals remain susceptible to concern, the likelihood of a rehabilitated person being prosecuted today is presented as very low, as it is subject to the emergence of new evidence, 15 years after the end of the conflict. A sociologist at the University of Peradeniya even estimates that there is almost no likelihood of the new government engaging in conflict-related persecution.²²⁵

If former LTTE cadres or fighters are still detained to this day, it is in execution of the sentences handed down against them for crimes committed during the conflict. 226 Nevertheless, LTTE ex-combatants, in particular those who were maimed during the conflict, are the first to be charged with certain crimes and misdemeanours whose perpetrators are not immediately identified, even when they are ordinary crimes.227

Researchers from the NGO Adayaalam Centre for Policy Research, however, fear being accused of terrorism simply because they are in contact with dozens of LTTE ex-combatants in the course of their work.²²⁸

2.3.4 People in land conflict with the State

The fourth category highlighted by the HRCSL is the one that currently presents the least risk in terms of State pressure. It is constituted by persons claiming ownership of land always occupied by the armed forces or, more generally, always subject to the regime of public property. This concerns in particular 17% of the land taken over by the authorities in the Northern and Eastern Provinces at the time of the conflict and which has still not been returned to the local population.

According to the HRCSL, persons who, with the help of specialized lawyers, have initiated legal proceedings against the State in order to demand the restitution of land which they consider to be their property, are exposed to various pressures or intimidations with a view to having them withdraw their claims.

While cases of the active plundering of land belonging to Muslim and Tamil minorities in the Northern Province ceased with the arrival of the new government, the issue of the return of land still occupied by the army remains particularly sensitive. The new authorities have not yet provided clear guidance on how they intend to deal with it, 229 although some land restitutions took place in Jaffna in November 2024, just before the parliamentary elections.²³⁰

Those criticizing the maintenance of the army on private land, or claiming ownership of land still occupied by the security forces, are identified and monitored, before being questioned and intimidated. Their homes can be searched. Such cases were reported in Mullaitivu in January 2025.²³¹

These four groups identified by HRCSL are not exhaustive and do not exclude other grounds for persecution or targeting by the authorities.

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²²¹ International Organization, interview.

²²² International Organization, interview.

²²³ SIVANESATHURAI CHANDRAKANTHAN aka PILLAYAN, TMVP, interview.

²²⁴ DHAMMIKA HERATH, University of Peradeniya, interview.²²⁵ DHAMMIKA HERATH, University of Peradeniya, interview.

²²⁶ DHAMMIKA HERATH, University of Peradeniya, interview.

²²⁷ Adayaalam Centre for Policy Research, interview.

²²⁸ Adayaalam Centre for Policy Research, interview.

²²⁹ Center for Policy Alternatives (CPA), interview.

²³⁰ Center for Policy Alternatives (CPA), interview; Human Rights Commission of Sri Lanka (HRCSL), interview.

²³¹ Sri Lanka Unites Reconciliation Center (SLURC), interview.

2.4 Modes of action of the security apparatus

2.4.1 Persistence of widespread surveillance of the population

Many of the mission's interlocutors insisted on the persistence, in the security apparatus, and despite the political changes that took place in autumn 2024, of a culture of generalized surveillance of the population, in the Eastern and Northern Provinces,²³² but also, more broadly, throughout the national territory.²³³ All persons whose activities are likely to attract the attention of this apparatus consider themselves constantly monitored or monitored.²³⁴

Every organization and every citizen would be listed, and every file, regularly updated, can be brought out and opposed if the organization or person concerned engages in activities that displease the government.²³⁵

The movements of the persons under surveillance are so monitored that their presence in an area different from their usual areas of action leads to the demonstration of the local intelligence services, which come to them to question them about the reasons for their visit. The demonstrations are marked by a strong presence of law enforcement and intelligence services, which follow the leaders and activists and question the participants, which is enough to worry them.²³⁶

Surveillance extends to individuals or communities with whom NGOs interact, with visits by NGOs usually followed by visits by intelligence services asking the persons visited about the content of the exchanges they have had with those organizations.²³⁷

In practice, CID staff regularly visit the premises of local organizations and attend community events, questioning participants. These practices are so widespread and integrated by local populations that they are part of their daily lives, 238 to the point that the people concerned have lost the reflex even to complain to human rights organizations.²³⁹ The individuals concerned thus expect to receive a weekly visit from the intelligence services and those organizing a demonstration or commemoration know that those services will be present to observe those events.²⁴⁰ However, this constant monitoring can affect the mental health of former LTTE members, who find themselves anxious or mentally severely affected.²⁴¹

In most cases, the authorities stick to these visible surveillance measures, demonstrating their control over the population, without seeking to arrest activists or protesters.²⁴²

The prevalence of surveillance devices is such that fear of being photographed and identified by intelligence services can deter activists, especially those belonging to the LGBTQI+ community, from reaching out to populations.²⁴³

It also explains the persistence of suspicions about certain categories of people, such as Sinhalese students studying at the University of Jaffna, working as informers for law enforcement, even though the army's control over the university's activities has been significantly reduced.²⁴⁴

Criticism has also been expressed regarding the implementation of the NGO Act, which allows the government to access all information, including financial information, relating to the functioning of registered non-governmental organizations and which is presented as particularly intrusive.²⁴⁵ While its implementation remains very incomplete, its combination with the PTA and the Online Safety Act (promulgated on 1st February 2024246 and not yet implemented247) poses a serious threat to civil

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²³² Adayaalam Centre for Policy Research, interview.

²³³ Center for Policy Alternatives (CPA), interview.

²³⁴ Jaffna Social Action Center, interview; Crusaders for Democracy, interview; Association for Relatives of the Enforced Disappearances (ARED), interview.

235 Adayaalam Centre for Policy Research, interview.

²³⁶ Association for Relatives of the Enforced Disappearances (ARED), interview.

²³⁷ Jaffna Social Action Center, interview.

²³⁸ Center for Policy Alternatives (CPA), interview.

²³⁹ Adayaalam Centre for Policy Research, interview.

²⁴⁰ Center for Policy Alternatives (CPA), interview.

²⁴¹ Crusaders for Democracy, interview.

²⁴² Center for Policy Alternatives (CPA), interview.

²⁴³ Equité, interview.

²⁴⁴ SUMATHY SIVAMOHAN, University of Peradeniya, interview.

²⁴⁵ International Organization, interview.

²⁴⁶ Parliament of Sri Lanka, <u>url</u>.

²⁴⁷ Center for Policy Alternatives (CPA), interview.

society,²⁴⁸ as well as to freedom of the press and freedom of expression.²⁴⁹ Cases were reported of people arrested and questioned within 24 hours of publications on social media that were hostile to the government or the State. For the same reasons, three Tamil YouTubers were also arrested and interrogated.²⁵⁰

As regards **financial flows from abroad**, although doubts are raised as to whether the rules governing them are still strictly implemented today, ²⁵¹ the supervision and control to which they are subject remains a matter of concern for several of the mission's interlocutors. The bank accounts of activists and human rights defenders are monitored, and any suspicious financial flows can let them summoned and questioned. ²⁵² The founder of an association for the defence of the families of missing persons explained to the mission that, following a demonstration held in Kilinochchi in December 2024, she was summoned by the CID and questioned for five hours about transfers from the United Kingdom, France and Switzerland, where her son, sister and brother reside respectively. At the end of that interrogation, the investigator informed her that he was convinced of her innocence and that he wished to close her case definitively. Shortly thereafter, however, the purchasers of two of the houses sold by this person were in turn questioned by the CID, on suspicion of having contributed to the financing of the demonstration. ²⁵³

That monitoring of financial flows from abroad is based on a **simple government circular addressed to banking institutions** empowering them to withhold funds as long as suspicions of money laundering or terrorist financing have not been resolved.²⁵⁴ If only large transfers are systematically investigated, the particular profile of a beneficiary may justify being questioned about receiving payments as low as US\$ 1,000 or even US\$ 500. However, **processes for circumventing this regulation** have recently developed, outside traditional banking channels.²⁵⁵

2.4.2 Harassment, intimidation and home visits

The surveillance of the population is accompanied by less and less **harassment** practices, particularly telephone harassment, which are now residual.²⁵⁶ However, when an event is announced, potential participants can receive phone calls advising them not to attend and to stay at home. Similarly, when an event is announced, their organizers can receive phone calls and be asked about their logistical and financial support.²⁵⁷

Threats from the security apparatus, when made, are not necessarily verbal or direct: they often take the form of questions asked to the persons under surveillance or their relatives, concerning their movements, the identity of the persons they receive, the subject of a particular demonstration, etc. ²⁵⁸ This makes it very difficult for an isolated person, asserting his or her rights without the support of an organization, to resist intimidation by the security apparatus. ²⁵⁹

Those **intimidations may target the relatives of a person under surveillance,** but they are not indiscriminate, and are implemented only against certain particularly targeted individuals, whom the security apparatus seeks to break psychologically by attacking family members first. In order to silence the claims of some residents of the Northern Province, the CID may contact their relatives exiled abroad in an attempt to stop their activities.²⁶⁰

Home visits remain regular: they are aimed in particular at certain human rights or political organizations, which can be visited on a monthly basis.²⁶¹ Sivanathan Navindra aka Venthan, leader of the political party Crusaders for Democracy and former bodyguard of Velupillai Prabhakaran, the dead

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²⁴⁸ International Organization, interview.

²⁴⁹ Center for Policy Alternatives (CPA), interview.

²⁵⁰ Sri Lanka Unites Reconciliation Center (SLURC), interview.

²⁵¹ THUSHARA KAMALRATHNE, University of Peradeniya, interview.

²⁵² Adayaalam Centre for Policy Research, interview; Association for Relatives of the Enforced Disappearances (ARED, Kilinochchi), interview.

²⁵³ Association for Relatives of the Enforced Disappearances (ARED), interview.

²⁵⁴ Adayaalam Centre for Policy Research, interview.

²⁵⁵ KALINGA TUDOR SILVA, University of Peradeniya, interview.

²⁵⁶ Jaffna Social Action Center, interview.

²⁵⁷ Association for Relatives of the Enforced Disappearances (ARED), interview.

²⁵⁸ Association for Relatives of the Enforced Disappearances (ARED), interview.

²⁵⁹ Adayaalam Centre for Policy Research, interview.

²⁶⁰ Adayaalam Centre for Policy Research, interview.

²⁶¹ Adayaalam Centre for Policy Research, interview.

leader of the LTTE, told the mission that he received about twice a month, and for years the visit of the police or the army. During these visits, government officials merely ask a few questions, without searching the home or taking the person to government premises for questioning or arrest. The very fact that law enforcement officers come to a person's home is frowned upon by the neighbourhood, and the person may be ostracized for this reason. Visits by the security forces also take place at the place of work of these persons, which may lead to their dismissal.²⁶²

Finally, under the 'Clean Sri Lanka' programme, ²⁶³ aimed at preserving the environment and the spread of mosquito-borne diseases, the police were able to carry out house visits without a warrant. ²⁶⁴

2.4.3. Arrests and detentions

Despite its electoral promises, the new government has not yet repealed the PTA emergency law, which remains in force and enforced. ²⁶⁵ Thus, in October 2024, in the so-called Arugam Bay case concerning threats and tensions with Israeli nationals, four persons of Tamil or Muslim origin were arrested under the PTA. ²⁶⁶ The PTA is also used to punish offences related to organized crime, including drug trafficking. ²⁶⁷ Until recently, investigations have been carried out on its basis in the event of receipt from abroad of funds amounting to more than 30 million rupees (€ 85,297), for fear that these sums may come from former LTTE executives based outside the country. ²⁶⁸

The number of people detained under the PTA in response to the April 2019 Easter attacks is now less than 50, for several hundred people initially arrested.²⁶⁹ The number of persons who were detained in execution of the PTA, as part of their participation in the Aragalaya movement, is estimated to be in the order of 2 to 3²⁷⁰, but all of them were released as early as September 2022.²⁷¹ **The total number of persons prosecuted or detained under the PTA is around 100.**²⁷²

Thus, neither the PTA nor the NGO Act are massively used to justify arrests, ²⁷³ even though they apply mainly to Tamil or Muslim citizens. ²⁷⁴

In the past, the authorities have been able to carry out 'cluster arrests', consisting in the indiscriminate arrest of a dozen persons who are professionally, friendly or family-related to a person suspected of having committed an offence. The innocent persons arrested in this context were quickly released, without further concern from the authorities, but in their neighbourhood and community they could be ostracized for this reason, as the majority of the population did not wish to be considered as being in contact with a person targeted by the CID. The context was a person targeted by the CID.

Moreover, according to a representative of the All Ceylon Hindu Congress, many young men, arrested during the armed conflict on political grounds, remain in detention.²⁷⁷ **There are between 15**²⁷⁸ **and 19**²⁷⁹ **former LTTE cadres in detention.** They were once separated from other detainees, but they now remain in institutions that are not high-security prisons. Furthermore, **the number of persons currently in detention because of their actual or imputed links with the LTTE is less than 100.** The number of cases of persons arrested on suspicion of working for the resurgence of LTTE is limited to two or three cases of persons returning from India.²⁸⁰

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<sup>262</sup> SIVANATHAN NAVINDRA aka VENTHAN, Crusaders for Democracy, interview.
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²⁶³ https://cleansrilanka.gov.lk

²⁶⁴ Equité, interview.

²⁶⁵ Center for Policy Alternatives (CPA), interview.

²⁶⁶ International organisation, interview, Center for Policy Alternatives (CPA), interview.

²⁶⁷ International Organization, interview.

²⁶⁸ Ilankai Tamil Arasu Kachchi (ITAK), interview.

²⁶⁹ International Organization, interview.

²⁷⁰ International Organization, interview.

²⁷¹ Center for Policy Alternatives (CPA), interview.

²⁷² Center for Policy Alternatives (CPA), interview.

²⁷³ International Organization, interview.

²⁷⁴ Ilankai Tamil Arasu Kachchi (ITAK), interview; Sri Lanka Unites Reconciliation Center (SLURC), interview.

²⁷⁵ Adayaalam Centre for Policy Research, interview.

²⁷⁶ Adayaalam Centre for Policy Research, interview.

²⁷⁷ All Ceylon Hindu Congress, interview.

²⁷⁸ Crusaders for Democracy, interview.

²⁷⁹ Ilankai Tamil Arasu Kachchi (ITAK), interview.

²⁸⁰ International Organization, interview.

While several releases have taken place over the past two years, petition campaigns are still being carried out in the Eastern and Northern Provinces to secure the release of political prisoners still held for security reasons.²⁸¹ Those released in this context remain under surveillance and subject to home visits, and their neighbours are regularly questioned about them. They are still perceived as capable of resuming the armed struggle at any time, even though they are clearly unfit to fight.²⁸²

Arrests targeting Tamil youth are becoming increasingly rare, with the level of active and visible activism among young people in the Eastern and Northern Provinces being relatively low, either because economic contingencies outweigh political battles or because the experience of their elders has taught them to be cautious.²⁸³

The P2P march, which took place in February 2021,²⁸⁴ was particularly monitored, as the intelligence services took numerous photographs of the processions and kept video surveillance recordings, but no arrests were made during the demonstration. Nevertheless, some 40 people were arrested in the days that followed, and then released.²⁸⁵ No suspicious disappearances appear to be related to this event.²⁸⁶

In terms of the modus operandi of the intelligence services, abductions in 'white vans', or of another colour, are not a myth: this practice did indeed exist.²⁸⁷ Initially used by the intelligence services, this method of kidnapping, aimed at terrorizing certain sectors of the population, was also implemented by other non-state actors. 288 But it is no longer used by the intelligence services. 289 In the Northern Province, in particular, only two to three cases of suspicious disappearances have been recorded in the past five years.290

As regards the prison population, prison conditions have improved significantly and the number of persons detained for political reasons is very low, with two thirds of those currently in prison being detained for offences related to the use of and trafficking in narcotic drugs.²⁹¹

Finally, extrajudicial executions, common during the civil war and in the first years after the end of the conflict, have become exceptional, but they remain part of the collective memory and inhibit the demands of minority populations.²⁹²



Security forces post at the entrance to the Vadduvakal bridge in Mullaitivu district

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²⁸¹ International organisation, interview; Tamil Guardian, 09/01/2025, url.

²⁸² Adayaalam Centre for Policy Research, interview.

²⁸³ Sri Lanka Unites Reconciliation Center (SLURC), interview.

²⁸⁴ DIDR, OFPRA, 23/02/2022, <u>url</u>

²⁸⁵ Transparency International, interview. ²⁸⁶ Green Care Sri Lanka, interview.

²⁸⁷ International Organization, interview.

²⁸⁸ International Organization, interview. ²⁸⁹ International Organization, interview.

²⁹⁰ Association for Relatives of the Enforced Disappearances (ARED), interview.

²⁹¹ Human Rights Commission of Sri Lanka (HRCSL), interview.

²⁹² Jaffna Social Action Center (JSAC), interview.

3. The particularities of the Northern and Eastern provinces

Since the election of a new government in autumn 2024, several signals have been sent for increased recognition of minorities, notably Tamil and Muslim. The mission documented the current and particular situation in the Northern and Eastern Provinces, which have long been affected by civil war, economic marginalization and security surveillance dynamics.

A contrasting picture emerges: While significant progress has been made in some areas (reconstruction of infrastructure, symbolic linguistic recognition), deep inequalities persist, notably in the areas of justice, access to rights and national reconciliation.

3.1. Visible divides between the Northern and Eastern Provinces and the rest of the country

On 4 February 2025, on the occasion of Sri Lanka's Independence Day, the national anthem was sung for the first time in Sinhala and Tamil. With this symbolic gesture, the new government wanted to send a strong message, saying that the Tamil community had its place in the Sri Lankan nation. President Dissanayake also expressed his commitment to minorities and, to illustrate his remarks, visited the Northern Province in January 2025. These initiatives mark a break with the practices of its predecessors and aim to highlight long-marginalized regions and populations. In February 2025, Prime Minister Harini Amarasuriya also came to the North, but Aru Thimmurugan of the All Ceylon Hindu Congress regrets that the public did not have the opportunity to meet and discuss with her. Province in Kilinochchi, on the initiative of local JVP groups, she was received in different villages by the population who cooked for her and welcomed her.

3.1.1. Unattractive provinces affected by lack of jobs

There is still a clear divide between these Northern and Eastern Provinces and the rest of the country. Travelling through the territory, in particular from Trincomalee to Mullaitivu, then through the Vanni to the Jaffna peninsula, the mission noticed landscapes without reliefs, made up of bush, forests, swamps and dry land where extensive rice cultivation and cattle farming are mainly practised. Villages and dwellings are few and scattered. This difference can be explained by several factors: a drier climate, the aftermath of the civil war (the Vanni having been occupied by the LTTE for some 20 years and the



Drying paddy on a road in the district of Mullaitivu in the Northern Province

Jaffna Peninsula then being cut off from the rest of the country), the 2004 tsunami, but also a historic lack of public and private investment in these regions. During the mission, very few national industries or enterprises were identified in these areas, where the local economy is mainly based on **fisheries and agriculture**. In addition, the expulsion of tens of thousands of Muslims from Jaffna by the LTTE in 1990 extinguished part of the commercial activities of that city, which was the link between the island and the Indian subcontinent.

Currently, falling world commodity prices are hitting exports, such as those of coconuts and paddy in the North.²⁹⁷ In the East, markets and the energy sector are controlled by multinational companies, especially Chinese and Indian ones, which penalizes local companies and small producers.²⁹⁸

²⁹³ Transparency International, interview; Center for Policy Alternatives (CPA), interview.

²⁹⁴ Center for Policy Alternatives (CPA), interview.

²⁹⁵ All Ceylon Hindu Congress, interview.

²⁹⁶ Ilankai Tamil Arasu Kachchi (ITAK), interview.

²⁹⁷ All Ceylon Hindu Congress, interview.

²⁹⁸ Transparency International, interview; Green Care Sri Lanka, interview.

In the Northern and Eastern Provinces, many families live exclusively from fishing, often in precarious conditions. Fishermen's unions denounce the government's lack of support against illegal fishing in Sri Lankan waters by Chinese and Indian trawlers.²⁹⁹

Even before the conflict, **significant economic disparities** already existed. Successive governments have never really sought to develop the North and East of the country, with some attributing this to the authorities' continued distrust of the Tamil community, which has hampered public investment. Moreover, even today, part of the population of these regions tends to claim their rights as an ethnic minority first before making demands for economic development. 301

However, according to Muttukrishna Sarvanathan, professor of economics at the University of Jaffna, the government of President Mahinda Rajapaksa invested heavily in the North, after the end of the civil war, between 2009 and 2014, in industries and infrastructure, such as roads, telecommunications and energy. It was a political strategy to reconnect the people of this region to the rest of the country, but the cultural gap remained.³⁰² The present mission was thus able to observe a very large difference with the state of disrepair observed in 2011 in the Vanni by the previous OFPRA mission.³⁰³





The A9 road through Kilinochchi in 2011 (left, photo. OFPRA, DR) and 2025 (right)

The budget adopted in February 2025 by the new government devotes significant funds to the **North region.** It provides for a project to set up a chemical plant in Parantan, where there was one before the war. The government also promised to renovate roads in rural areas.³⁰⁴

However, the lack of economic opportunities remains particularly acute in the North and East: few job vacancies, almost no industries and little investment. This situation pushes young Tamils to migrate to Colombo in the hope of finding work there. However, once there, jobs are often given priority to members of the Sinhalese majority, due to the need to speak Sinhalese to occupy them.³⁰⁵

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²⁹⁹ Fishermen Union Federation North, interview.

³⁰⁰ All Ceylon Hindu Congress, interview.

³⁰¹ Transparency International, interview.

³⁰² MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

³⁰³ OFPRA, 09/2011, <u>url</u>

³⁰⁴ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

³⁰⁵ Sri Lanka Unites Reconciliation Center (SLÚRC), interview; Rural Economic and Community Development Organization (RECDO), interview, All Ceylon Hindu Congress, interview.

In the north of the district of Trincomalee:









In the district of Mullaitivu:



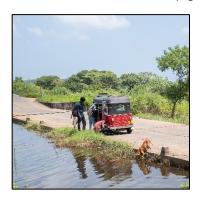






In the district of Mullaitivu (left) and in the north of the district of Trincomalee (right):





In the district of Jaffna:













3.1.2. The hope of migration

According to Sivanesathurai Chandrakanthan aka Pillayan, former Chief Minister of the Eastern Province, the economic crisis is leading many Sri Lankans - Tamils and Sinhalese combined - to leave the country. According to him, the government, in great difficulty, is not in a position to implement genuine economic support or recovery programmes. He noted that many people were moving to Europe, where they hoped to find better living conditions and send funds to their relatives who remained in Sri Lanka.306

According to Muttukrishna Sarvanathan, from 2010 to 2019, emigration decreased significantly, but the economic crisis exacerbated by the COVID-19 lockdown period caused an increase in legal and illegal departures abroad. Many people try to obtain student visas with the help of education staff who give them fake diplomas, or others make asylum applications. In addition, many young people who had been monitored by the police during the Aragalaya have left. Illegal smuggling of migrants takes place mainly by boat, departing from the Northern Province or Negombo. Some former members of the LTTE who are familiar with navigation at sea may conduct these operations. Their main destination is Australia, sometimes even Canada. Others travel to South Korea or Japan, and now also to Malaysia and Singapore with visiting or tourism visas, and then try to reach Australia or New Zealand. In addition, the Romanian government has set up a quota of 20 000 jobs open to Sri Lankans, who can then travel illegally from Romania to other European countries, including the United Kingdom. Those who go to the Middle East go



Travel agency in Jaffna

through specialized agencies since the 1980s, especially Sinhalese housekeepers. Some have special qualifications, and can leave legally, such as anesthesiologists recruited by the British health services during the COVID-19 pandemic or electricians in the Middle East. Muslim students, especially in medicine and engineering, travel mainly to Pakistan and India, thanks to scholarships. 307

3.1.3. The increase in illegal activities

The current economic crisis has accentuated the social fragility of these provinces, leading to a worsening of the security situation and an increase in illicit activities, in particular drug trafficking and consumption. While smuggling activities have decreased, drug trafficking, mainly cannabis, exists between India and the nearby coasts of Sri Lanka, such as Point Pedro. 308

In Kilinochchi, the drug problem is of particular concern. It is often argued that such trafficking benefits from the passive – or even active – complicity of certain politicians and members of the security forces, with the implicit aim of preventing any emancipation of the populations of the North. Even though, according to a youth association called Sri Lanka Units Reconciliation Center, checkpoints remain in these areas, the circulation of narcotics remains largely uncontrolled, suggesting a form of tolerance by the authorities in the Northern Province.309

Local citizens' initiatives have emerged to denounce and try to stem this situation: associations and activists organized demonstrations and called on the authorities to demand concrete action. However,

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³⁰⁶ SIVANESATHURAI CHANDRAKANTHAN aka PILLAYAN, interview.

³⁰⁷ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

³⁰⁸ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview; Jaffna Social Action Center (JSAC), interview; International

Organization, interview.

309 Sri Lanka Unites Reconciliation Center (SLURC), interview; All Ceylon Hindu Congress, interview; Ilankai Tamil Arasu Kachchi (ITAK), interview.

these steps remain unanswered. In addition, in some cases, informants who helped law enforcement identify traffickers were quickly spotted and threatened by criminal networks. 310

3.1.4. Unfinished trilingualism

Linguistically, although Tamil is officially recognized as one of the two official national languages together with Sinhala and English, almost all administrative documents, including judicial documents, are written in Sinhala. Interpreting services, especially in police stations, are still largely **insufficient.** There is also a problem of recruiting Tamil speakers, Tamils or Muslims, into State bodies. During the visit to the Kandy police station, it was confirmed that, although an interpreting service is theoretically available for Tamil speakers, complaints and other official documents continue to be drafted only in Sinhala. Thus, Tamil-speaking people are regularly forced to sign documents that they cannot read or understand.311

Sinhalese hospital staff, doctors and nurses, who refused to be assigned to the North because of the war, came in greater numbers, but had to learn Tamil to communicate with their patients.³¹²

The same problem can be found in microfinance projects designed to promote empowerment, particularly of women: the contracts are written in Sinhala, which prevents some of the beneficiaries from understanding the terms of the contracts.313

In addition to this blatant lack of State investment, bilingual learning also faces an identity challenge and a rejection of Sinhala by the Tamil-speaking populations of the North and East, for whom learning this language can sometimes be perceived as a form of assimilation or even renunciation of identity.314

Moreover, the education system is compartmentalized. In public schools, the language of instruction depends on the linguistic majority of the local population; thus, in areas populated mainly by Tamil speakers (Tamils and Muslims), teaching takes place in Tamil, including for the minority of Sinhalese pupils such as Kantale, and in Sinhala in areas with a Sinhalese majority. In private schools, English predominates.315

At Jaffna University, some disciplines, such as law, are taught in English. In recent years, there has been an



Jaffna University entrance

increase in the number of Sinhalese, Muslim and Tamil students from the southern mountains enrolled in these English-language courses, which has led to opposition, particularly among the teaching staff, which includes Tamil nationalist members close to the diaspora who wish to maintain education solely in the Tamil language. However, proficiency in English offers much wider employment opportunities, especially in other provinces and abroad. In addition, students now use machine translation software. 316

In Colombo, street names and signs are posted in all three official languages. This trilingualism is also visible in the Vanni countryside.

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³¹⁰ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³¹¹ Kandy's Commissariat, interview; Green Care Sri Lanka, interview; All Ceylon Hindu Congress, interview.

³¹² MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview, Jaffna Social Action Center (JSAC), interview.

³¹³ Transparency International, interview.

³¹⁴ Rural Economic and Community Development Organization (RECDO), interview.

³¹⁵ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview.

³¹⁶ MUTTUKRISHNA SARVANATHAN, University of Jaffna, interview; SIVAMOHAN Sumathy, University of Peradeniya, interview.





Trilingual signs in the centre of Colombo (left) and on an unpaved country road in the Vanni (right)

3.2. The situation of former LTTE members and their relatives

3.2.1. Close monitoring of LTTE ex-combatants

According to the Crusaders for Democracy party, founded by former LTTE members, **15 LTTE excombatants are still detained to date,** while the last rehabilitation centre, located in Vavuniya, released the last LTTE detainees in 2018.³¹⁷ **A small group of people accused of carrying out post-war activities related to the LTTE are also still in detention.**³¹⁸ Some recent arrests may target individuals suspected of trying to revive the movement, including through social actions in favour of northern and eastern populations and victims of the war. Members of the Tamil diaspora living in Sri Lanka may also be accused of wanting to rebuild the LTTE movement, particularly from India.³¹⁹

Following the armed conflict that lasted more than 30 years, the former LTTE and their families were placed under close surveillance by the authorities. **Sixteen years after the end of the war, many of them claim to be subject to continued attention and harassment by the security services.** For fear of attracting the attention of the authorities, some families refuse to have the authorities register the disappearance of a relative who belonged to the LTTE. Indeed, it is still possible today to be harassed or arrested because of family ties with former members of that separatist movement. Moreover, activists with relatives formerly involved in the LTTE are more likely to be monitored or threatened. Pamilies may be summoned regularly or be the subject of intrusive phone calls asking them to explain their movements, with the authorities even questioning neighbours or relatives in order to gather information. These people may lose their status in society due to the many police summonses they have to respond to or visits by the authorities to their workplace or home. The recently released LTTE are also closely monitored by the security services, who visit them at home. Path Crusaders for Democracy facility in Mullaitivu was closed in 2019 following relentless visits by the authorities.

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³¹⁷ Crusaders for Democracy, interview. According to Adayaalam Centre for Policy Research, these rehabilitation camps were then used to intern drug addicts and about 2,000 Muslim suspects after the 2019 Easter attacks.

³¹⁸ International Organization, interview.

³¹⁹ International Organization, interview.

³²⁰ Crusaders for Democracy, interview; Association for Relatives of the Enforced Disappearances (ARED), interview; Human Rights Commission of Sri Lanka (HRCSL), interview.

³²¹ International organisation, interview; Association for Relatives of the Enforced Disappearances (ARED), interview; Transparency International, interview.

³²² Association for Relatives of the Enforced Disappearances (ARED), interview.

³²³ Transparency International, interview, Adayaalam Centre for Policy Research, interview.

³²⁴ Adayaalam Centre for Policy Research, interview.

³²⁵ Crusaders for Democracy, interview.

3.2.2. Monitoring of public activities related to the memory of the war

The security apparatus maintains a constant presence and form of pressure in the North. Officers of the Criminal Investigation Department (CID) regularly attend public events, interviewing protesters, LTTE veterans and their families. Sometimes family members in the diaspora are contacted by telephone by the CID to convince them to stop their political activities. Although the new government has authorized commemoration ceremonies for war victims, any explicit support for the LTTE organization, officially classified as terrorist, remains formally prohibited. 326

In May 2024, commemorations were held in the North shortly before the elections. However, tensions have erupted due to the presence of a banner proclaiming: "Commemorate the Genocide". 327 While no arrests were recorded, several participants were questioned. 328

In November 2024, the new government authorized commemorative ceremonies called 'Maveerar Naal'. However, the security services remained very present at this event held on November 27, observing and identifying the participants.³²⁹ While interlocutors deplored the impossibility of lighting lanterns in areas under military control330 and the retention, at several sites, of intelligence officers in civilian uniform, monitoring operations and interviewing some of the participants, 331 no significant incidents were reported to the mission and the number of arrests carried out in this context and brought to its attention was particularly low.332

3.2.3. Social Precarity of LTTE veterans

Former members of the rehabilitated LTTE often live on the margins of society and in poverty.³³³ It is extremely difficult for them to find stable employment or housing. Indeed, because of the supervision they are still subject to today, bosses are reluctant to hire them. When an LTTE veteran is hired, the authorities, in particular the CID, sometimes go to his place of work to question him or his employer and dissuade him from hiring that person, which often results in his dismissal.334 LTTE veterans, especially those with disabilities, are the most marginalized and do not receive any public support. 335 They sometimes have no access to care, as their injuries and veterans' faces are easily spotted by health workers who dismiss them or question them about their past. 336

In addition, security guards can exploit an individual's former connection with the LTTE organization to extort money from them.³³⁷ Similarly, when crimes or misdemeanours are committed, former members of the LTTE are often among the first persons summoned or suspected, whether directly concerned or not. The mere fact of having a past connection with the LTTE is sometimes sufficient to justify such harassment, including from their family members. 338

Sometimes their families and village communities reject them for not having to be harassed by the authorities, distrust them or consider them to be informants of the security services. 339 In addition, some people in these communities make fun of their current situation by comparing it to that of the LTTE governance period. Former combatants who had joined the armed separatists to escape an arranged marriage, defying traditional social norms and then having great politico-military power over the villagers, are particularly targeted by these taunts.³⁴⁰

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³²⁶ Adayaalam Centre for Policy Research, interview.

³²⁷ Transparency International, interview; Center for Policy Alternatives (CPA), interview.

³²⁸ Center for Policy Alternatives (CPA), interview.

³²⁹ Adayaalam Centre for Policy Research, interview; Crusaders for Democracy, interview.

³³⁰ Ilankai Tamil Arasu Kachchi (ITAK), interview.

³³¹ Adayaalam Centre for Policy Research, interview; Crusaders for Democracy, interview.

³³² No arrests according to the Center for Policy Alternatives (CPA) and an international organisation, interviews; three arrests recorded by the Adayaalam Centre for Policy Research, interview, an arrest in Muttur, Batticaloa district, referred to by Green Care Sri Lanka, interview.

³³³ Transparency International, interview.
334 Crusaders for Democracy, interview; Adayaalam Centre for Policy Research, interview.

³³⁵ Adayaalam Centre for Policy Research, interview.

³³⁶ Adayaalam Centre for Policy Research, interview; Transparency International, interview.

³³⁷ Transparency International, interview.

³³⁸ Human Rights Commission of Sri Lanka,interview; Adayaalam Centre for Policy Research, interview.

³³⁹ SIVAMOHAN Sumathy, University of Peradeniya, interview, Adayaalam Centre for Policy Research, interview.

³⁴⁰ Adayaalam Centre for Policy Research, interview.

These LTTE veterans have struggled to find stable and sustainable employment since the end of the war and their rehabilitation. Many of them work in government structures. This is the case, for example, with the **Civil Security Departments (CSDs)**, most often **military-run farms**, which predominantly employ former members of the LTTE.³⁴¹ Some of them have also been assigned to demining work.³⁴² Although these are not rehabilitation camps or forced labour, and wages are relatively competitive for the region, cases of abuse, sexual assault, surveillance and pressure have been reported. Moreover, in return for this job, employees are also encouraged to provide information about their home community. This puts them in an ambivalent position: although reintegrated into paid employment, they are nevertheless often regarded as army collaborators by the local population and are then subject to mistrust and suspicion. This suspicion is also present between CSD workers.³⁴³

Some interlocutors met by the mission, however, have a more positive but less shared discourse. For example, Sivanesathurai Chandrakanthan aka Pillayan, leader of the *Tamil Makkal Viduthalai Pulikal* (TMVP) party and LTTE fighter from 1991 to 2004, says that LTTE veterans no longer face major difficulties and are well integrated into society.³⁴⁴

The Adayaalam Centre for Policy Research has prepared a report on the situation of LTTE excombatants. For fear of retaliation, this report was not made public, and was only transmitted to international organizations and the UN. This body has, in the past, been monitored by CID and TID, because of its work on the marginalization of the Tamil community. His bank accounts have been subject to repeated checks, and explanations have been required by the authorities for any funding from abroad.³⁴⁵

3.3. Spoliation and occupation of Tamil and Muslim lands

3.3.1. Unfinished restitution of occupied land

A central issue in the Northern and Eastern Provinces remains the dispossession and occupation of land belonging to members of the Tamil and Muslim communities by the authorities. Although no new cases of dispossession have been officially identified since the regime change in 2024, many lands remain occupied by the authorities. ³⁴⁶ For example, 29 % of Kilinochchi's urban area is still under military control. ³⁴⁷

According to Asanga Gunawansa, **83** % of the lands occupied by the government during the war was returned to its owners, leaving 17 % currently occupied by the army and police.³⁴⁸ The State returned part of the agricultural lands previously classified as high-security areas to allow some farmers to resume their activities.³⁴⁹ In November 2024, while some lands were handed over to the civilian population in Jaffna, the lands occupied by military infrastructure remain under military control.³⁵⁰

There is also a cadastre problem, as these northern lands belonged to the government during colonial times and were used by village communities to carry out mainly agricultural activities.³⁵¹ Thus, people claiming land, especially people displaced during the war, sometimes do not have documents that can prove that they are the owners.³⁵²

These occupations are regularly denounced by local organizations and activists, who organize demonstrations to demand the restitution of lands. These actions are closely monitored by the security services, and activists are quickly identified.³⁵³

³⁴¹ Adayaalam Centre for Policy Research, interview; Crusaders for Democracy, interview.

³⁴² SIVAMOHAN Sumathy, University of Peradeniya, interview.

³⁴³ Adayaalam Centre for Policy Research, interview; Adayaalam Centre for Policy Research, 09/2017, <u>url;</u> Crusaders for Democracy, interview; SUMATHY SIVAMOHAN, University of Peradeniya (Kandy), interview.

³⁴⁴ Sivanesathurai Chandrakanthan aka Pillayan, interview.³⁴⁵ Adayaalam Centre for Policy Research, interview.

³⁴⁶ Transparency International, interview.

³⁴⁷ Ilankai Tamil Arasu Kachchi (ITAK), interview.

³⁴⁸ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

³⁴⁹ Human Rights Commission of Sri Lanka (HRCSL), interview; Transparency International, interview.

³⁵⁰ Center for Policy Alternatives (CPA), interview.

³⁵¹ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

³⁵² Jaffna Social Action Center (JSAC), interview.

³⁵³ Sri Lanka Unites Reconciliation Center (SLURC), interview.

The issue of occupied lands is also denounced by some as the legacy of a so-called colonial policy of the previous governments of Sri Lanka by promoting the settlement of Sinhalese in territories inhabited by Tamils, in particular for electoral issues.³⁵⁴

3.3.2. Confiscation of lands for religious or ecological reasons

By the end of the war, local people were less sensitive to the construction of Buddhist temples in their areas, preoccupied above all with resettlement, rebuilding cities and returning to normal life. Today, however, this issue has become a major source of tension and a tool for political pressure. A deliberate desire by the authorities to revive or erect Buddhist sites in predominantly Tamil or Muslim areas fuels communal divisions and inter-religious tensions.³⁵⁵

Before the new government came to power, the Buddhist clergy, with the support of the old regime and the army, took over Tamil and Muslim lands to build Buddhist temples. These constructions sometimes aim to establish Buddhist areas in historically Hindu or Muslim regions.³⁵⁶ **Several State bodies are mobilized for this purpose: the Department of Archaeology, the Department of Forests, the Department of Wildlife and the Department of Coastal Conservation.** These institutions delineate, classify and reallocate lands under the guise of nature conservation or archaeological research.³⁵⁷

For example, the Forest and Wildlife Departments identify areas where families lived before being displaced during the conflict as unoccupied lands. Based on satellite images, these departments claim that these lands are now green spaces to be protected, although ruins of schools, houses or infrastructure testify to previous human occupation. **This allows the state to integrate them into protected areas or claim them as State lands.**³⁵⁸ In addition, the Department of Archaeology conducts excavations and claims to discover remains related to Buddhist history, thus justifying the classification of the areas as Buddhist religious sites.³⁵⁹

Several interlocutors met during the mission referred to the case of Thaiyiddi, where a Buddhist temple was built in a non-Buddhist area near Kankesanthurai. Initially, during the conflict, a military camp was established in this area and a small temple was built by the Sinhalese soldiers. Since then, this Buddhist space has been extended and made permanent. 360

Similarly, in January 2025, residents of Mullaitivu protested against the occupation of plots of land by the authorities. The CID then photographed and filmed the protesters. Shortly thereafter, several of them were subjected to police house visits, interrogated and threatened in order to deter them from further mobilization.³⁶¹ In some cases, people visible in these protest movements may be falsely accused, including of possession of narcotics, for the sole purpose of criminalizing and harming them.³⁶²

In Kurunthurmalai, Mullaitivu district, the courts had banned the construction of a Buddhist temple on a piece of land. However, within 90 days of the judgment, the temple was still built. An appeal



Buddhist space in Veli Oya (or Manal Aru)

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³⁵⁴ Transparency International, interview; Green Care Sri Lanka, interview.

³⁵⁵ All Ceylon Hindu Congress, interview; Jaffna Social Action Center (JSAC), interview.

³⁵⁶ All Ceylon Hindu Congress, interview.

³⁵⁷ Transparency International, interview.

³⁵⁸ Transparency International, interview.

³⁵⁹ Human Rights Commission of Sri Lanka (HRCSL), interview.

³⁶⁰ Transparency International, interview; Center for Policy Alternatives (CPA), 08/2024, p.27, <u>url</u>

³⁶¹ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³⁶² International Organization, interview.

was then registered and a new hearing was held. Judge T. Saravanaraja went to the site and visited the temple in question. Shortly thereafter, the latter left the country, leaving the temple erected despite the previous ban, further increasing the loss of confidence of local populations in the judicial system.³⁶³

3.4. The Tamil diaspora

3.4.1. Financial transfers

The Sri Lankan diaspora, particularly the Tamil diaspora, is very present in France, especially in Ile-de-France, where it is a well-established community, with close ties to Sri Lanka and the Tamil culture. This diaspora plays an important role in supporting the relatives who remained in Sri Lanka. Funds are regularly sent there, helping to rebuild (or build) Hindu temples and helping war-affected families. However, these financial transfers are monitored by the Sri Lankan authorities. On several occasions, the government has tried to control these flows by imposing their exclusive passage through the Central Bank of Sri Lanka. 364 According to ITAK, such checks are carried out if the amounts of money received from abroad are significant. 365 Where a transfer is deemed to be too frequent or too large, the Central Bank shall be authorized to convene and interview the beneficiaries. To circumvent these controls, the diaspora has set up parallel systems of money transfer, using informal networks, including through merchants and jewelers, thus avoiding going through banking channels. 366

On the other hand, in addition to these private aids, which are very often sent to families, the Tamil diaspora invests little in the Northern and Eastern Provinces, outside the temples. It focuses more on real estate in Colombo, particularly in the form of second homes, rather than making sustainable economic investments in historically Tamil areas.³⁶⁷ The diaspora does not want to invest in plant projects in the North until the economic situation improves. In addition, the government must give permission to invest, but it remains suspicious of the intentions of the diaspora that financially supported the LTTE.³⁶⁸

3.4.2. Attractiveness for young people left behind

In addition, the diaspora plays an attractive role with Sri Lankans who remain in the country. It organizes **community marriages arranged on the basis** of religious and caste affiliation, ³⁶⁹ in particular with Tamils from Sri Lanka *via* Tamil Nadu where these marriages are registered. However, the divorce rate resulting from these marriages is high, at least in the Paris region, as many women managed to escape traditional patterns, including violence, which would have been more difficult in Sri Lanka. **The diaspora also encourages many young people to learn English or French, rather than Sinhala,** which is however essential for working in Colombo or southern Sri Lanka. Through the dissemination of videos on YouTube, members of the diaspora present attractively the living conditions and settlement opportunities in Western countries, facilitated by the presence of a community support network, and provide information on the conditions of migration routes to Europe.³⁷⁰

In addition, some Sri Lankans who have recently arrived in a Western country also contribute to this attraction **by posting attractive images on social media** (cars, houses, restaurants, food, etc.), and by invoking sexual freedom and the absence of taboos for marriage. Sri Lanka's political and economic instability compared to the supposed stability of Western countries also prompts parents to send their children to study abroad,³⁷¹ when in reality life is often difficult for them, such as in Naples and Paris,

³⁶³ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³⁶⁴ TUDOR SILVA Kalinga and KAMALRATHNE Thushara, University of Peradeniya, interview.

³⁶⁵ Ilankai Tamil Arasu Kachchi (ITAK), interview.

³⁶⁶ Adayaalam Centre for Policy Research, interview; Association For Relatives of the Enforced Disappearances (ARED), interview.

³⁶⁷ SIVAMOHAN Sumathy, University of Peradeniya, interview.

³⁶⁸ All Ceylon Hindu Congress, interview.

³⁶⁹ According to Professor Kalinga Tudor Silva, this option is preferential because an intercaste marriage leads to an uncertain future for children, who cannot be attached to a caste and therefore are deprived of social identity, and are excluded from the family and social ties in the community. Religion (Hindu or Christian) also intervenes in the choice of spouse.

³⁷⁰ TÚDOR SILVA Kalinga and H.D.P. PREMARATHNE, University of Peradeniya, interview.

³⁷¹ KAMALRATHNE Thushara, University of Peradeniya, interview.

where they work day and night in restaurants to send money to their families, or sometimes live on expedients and charity.³⁷²



High influx of Tamil diaspora and a few pro-LTTE items on sale at Ganesh Festival in the area of La Chapelle in Paris on 31 August 2025

3.4.3. Suspicion of the authorities with regard to the diaspora

The Sri Lankan authorities remain suspicious of this diaspora. Before the COVID-19 pandemic, Sri Lankans abroad could be detained at the airport, questioned or even accused of links with the LTTE.³⁷³

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³⁷² H.D.P. PREMARATHNE, University of Peradeniya, interview.

³⁷³ Transparency International, interview.

According to an international organization, between 2015 and 2020, only six or seven people from the diaspora were arrested and detained upon arrival at Colombo International Airport, most of whom were released, and no cases have been reported to him in about five years.³⁷⁴

However, the Association for Relatives of the Enforced Disappearances (ARED) has been aware of the arrest of two members of the diaspora at Colombo International Airport since the election of the new President in autumn 2024.³⁷⁵ In December 2024, a Tamil returning from abroad was arrested in Colombo and accused of wanting to raise funds for the LTTE.³⁷⁶ In addition, some members of the diaspora were arrested and interrogated by the security forces during their stay in their locality of origin.³⁷⁷ **These practices give rise to a persistent fear among part of the diaspora of returning to the country.**³⁷⁸

3.4.4. Influence of the diaspora on Tamil political life

Some interlocutors noted a certain disconnect between the feeling of the diaspora and the current realities in Sri Lanka. Having left the country for several years or coming from the second generation, some sectors of the diaspora continue to idealize the conflict and glorify the LTTE movement, while part of the Tamil populations in the North and East now want to turn the page and move towards reconstruction.³⁷⁹

In the past, funds sent from abroad have been used to finance destabilizing actions in Jaffna, including the remuneration of troublemakers. Some former LTTE fighters, who thus became financially dependent on the diaspora, were involved in these actions and were arrested.³⁸⁰

The diaspora has repeatedly tried to **influence the election results,** making its support conditional on radical separatist political positions. For example, M. A. Sumanthiran, who had been a MP for Jaffna since 2015, was not re-elected in November 2024, as he was replaced as head of the ITAK and in that constituency by Sivagnanam Shritharan, a Kilinochchi notable with a more radical speech, interviewed by the mission. His ouster is linked to a campaign by radical separatist activists in the Tamil diaspora, who accused him of negotiating with the government and publicly criticizing the deportation of tens of thousands of Muslims from Jaffna by the LTTE in 1990. Two influential diaspora groups have played a role in this political change: the **Global Tamil Forum (GTF)** and the British Tamil Forum, whose positions have sometimes had a direct impact on political balances in Sri Lanka.³⁸¹

3.5. The key issue of reconciliation

Since the end of the conflict, and although sixteen years have passed, reconciliation remains a central issue in political and associative discourses in Sri Lanka. Since 2009, peace has officially returned to the country. Reconstruction efforts have been undertaken, and infrastructure in the Northern and Eastern Provinces has developed. **However, reconciliation remains unfinished.** The Sinhalese and Tamil communities still have difficulty communicating and trusting each other. Important work remains to be done, especially with the younger generations, to try to unify the Sri Lankan people on a lasting basis. 382

Several unfinished attempts to establish restorative justice mechanisms have been made by the government over the years, but have not been fully successful. For example, in Kilinochchi, an exhibition hall was funded by an ITAK member to promote peace and reconciliation. Some politicians thus show their willingness to support "peace building", but these initiatives often remain symbolic.³⁸³ Despite significant progress at institutional level, the reconciliation process remains unfinished. Progress can be seen at a macro level, but on the ground, the fractures remain deep.³⁸⁴

³⁷⁴ International Organization, interview.

³⁷⁵ Association for Relatives of the Enforced Disappearances (ARED), interview.

³⁷⁶ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³⁷⁷ International Organization, interview.

³⁷⁸ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³⁷⁹ SIVAMOHAN Sumathy, University of Peradeniya, interview.

³⁸⁰ SIVAMOHAN Sumathy, University of Peradeniya, interview.

³⁸¹ SIVAMOHAN Sumathy, University of Peradeniya, interview; JEYARAJ D.B.S., Daily Mirror, 07/07/2025, <u>url</u>

³⁸² GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

³⁸³ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³⁸⁴ Human Rights Commission of Sri Lanka, interview.

3.5.1. The Office of Missing Persons

In 2017, the International Committee of the Red Cross (ICRC) launched a mission to support the Sri Lankan authorities, which then established the Office of Missing Persons (**OMP**). Its purpose is to record and investigate conflict-related disappearances. Supported by the UN and the ICRC, the OMP is tasked with reviewing cases already identified while welcoming new reports. Any Sri Lankan national can contact the OMP directly to report the disappearance of a relative. At the same time, the OMP is working on old lists, re-contacting the families concerned and updating the status of the files.³⁸⁵

The effectiveness of the OMP appears to have improved since its inception, but the process remains slow, given the considerable number of disappearances that have not yet been clarified. This office suffers from a lack of human and logistical resources, hampering field investigations. Moreover, as a result of its creation by the authorities, **the OMP does not enjoy the trust of the Tamil community.** The lack of concrete results fuels family skepticism. In addition, the OMP does not conduct criminal investigations, but merely forwards the files to the Prosecutor General when deemed necessary. One of the recurrent criticisms of it is **the insufficient involvement of families in the process.** They are rarely consulted to express their needs and expectations, such as knowing the date and place of death, or whether there is a body. ARED expressed its distrust of the State and the OMP, with which it had however collaborated at the outset. Today, it turns exclusively to the international community, including the United Nations. In the process of the state and the OMP, with which it had however collaborated at the outset. Today, it turns exclusively to the international community, including the United Nations.

The new government has said that it wants to bring the perpetrators of war crimes to justice. However, no concrete action has been taken. The authorities invoke the ineffectiveness of the judicial system in dealing with these cases. According to Sabhratnam Sivayoganathan aka Seelan, president of a consortium of Batticaloa NGOs, as long as the government does not fully assume its responsibility in the search for justice, the recognition of minority rights and the reconciliation of communities, the country risks remaining trapped in its divisions.³⁸⁸

According to ARED, victims want those responsible to be identified, tried and convicted. However, the military officers stationed at the four Mullivaikal checkpoints at the end of the war – hotspots for population sorting and arrests – still hold positions in the army or in diplomacy, without the authorities having asked them to account for the hundreds of disappearances around these sites.³⁸⁹

3.5.2. The Truth and Reconciliation Commission

In 2023, the interim government also launched a project to establish a permanent Truth Commission. A temporary Truth and Reconciliation Commission of Sri Lanka (TRC) was set up, accompanied by a working group to study the consequences of the civil war and propose initiatives to promote reconciliation and prevent a new conflict. After studying historical reports, visiting the nine provinces and twenty of the 24 districts of the country, and organizing consultations with 10,000 people representing all the actors of the conflict and the victims of all ethnic and religious communities (Tamils, Muslims, Sinhalese, demobilized or serving soldiers, religious leaders, political leaders, official figures, NGOs, international organizations, foreign diplomatic representations, etc.), it drafted a two-volume report. The Commission, led by judge officiating in Fidji, Asanga Gunawansa, also studied similar institutions that had been established in other countries, such as South Africa and Cambodia.³⁹⁰

The report, addressed to the interim government, recognized that all communities had suffered, not just Tamils, and that responsibility was shared as a prerequisite for the foundation of reconciliation. It also called for the State to publicly acknowledge the facts and apologize on behalf of the nation.³⁹¹ Asanga Gunawansa, met by the mission, stressed the importance of compensating victims – through financial, educational, health and professional compensation – and the need to look to the future to avoid the recurrence of inter-communal violence.³⁹²

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³⁸⁵ International Organisation, interview. OMP website: http://www.omp.gov.lk/home

³⁸⁶ International Organization, interview.

³⁸⁷ Association for Relatives of the Enforced Disappearances (ARED), interview.

³⁸⁸ Transparency International, interview.

³⁸⁹ Association for Relatives of the Enforced Disappearances (ARED), interview.

³⁹⁰ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

³⁹¹ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

³⁹² GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

Nevertheless, the reconciliation process seems to be fraught with a profound discrepancy between the expectations of the Tamil and Sinhalese communities. On the one hand, Tamils demand justice, recognition and truth; on the other hand, many Sinhalese aspire to turn the page without going back on responsibilities. For example, after the war, financial compensation had been offered to the victims, but many refused these symbolic reparations, saying that they wanted first and foremost to know the fate of their missing relatives.³⁹³



Group of Muslims (in the foreground) and Tamil dancers (in the background) at the Bodhi Pūja Buddhist festival on 12 February 2024 in Colombo

The leader of ITAK, met by the mission, stressed that, unlike the South African case where the aggrieved group represented the majority of the population, in Sri Lanka, the Sinhalese make up more than 70% of the population. In his view, it is therefore the Sinhalese who should be at the forefront of the reconciliation process, while the Tamils should be able to play a key role, particularly in the administration of justice for war crimes.³⁹⁴

However, according to Asanga Gunawansa, if Tamils are demanding that soldiers should be punished for discriminating against and killing members of their community, then former LTTE members who have gone through the rehabilitation process and been released should also be brought before the TRC, because of the massacres, deportations and attacks committed by that organization. In addition, many crimes have been perpetrated by masked, therefore hard-to-identify, Tamil pro-government paramilitary groups.³⁹⁵

Although the temporary committee drafted a bill in November 2024 to institutionalize a standing truth commission, it remains pending. The text, transmitted to Parliament through the Ministry of Foreign Affairs, was put on hold following the change of government. Following the completion of its mission, the TRC Secretariat, composed of a dozen people, was dissolved and its website containing its report was closed. The government has not yet formally decided whether to continue the truth and reconciliation process. However, the pilot of the former TRC, Asanga Gunawansa, remains optimistic about the development of this project.³⁹⁶

3.5.3. Associative initiatives

At the same time, local and associative initiatives are emerging to promote reconciliation, in particular by bringing closer young people from different communities, ethnicities and religions. For example, the Sri Lanka Units Reconciliation Center organizes events, conferences and awareness-raising

³⁹³ Association for Relatives of the Enforced Disappearances, interview.

³⁹⁴ Ilankai Tamil Arasu Kachchi (ITAK), interview.

³⁹⁵ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

³⁹⁶ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview.

programmes on national unity. This organization coordinates school championships at national level and arranges cultural exchanges between schools in the North and the South.³⁹⁷

3.6. Displaced persons, refugees and resettlements

Even today, the issue of IDPs remains a major post-war issue. Although they have, in principle, the possibility to return to their region of origin, the concrete conditions for their resettlement often remain precarious. While some have been able to obtain land, their difficult economic situation does not always allow them to build a decent home. Moreover, these displaced populations face a certain hostility, not from the local population, but from the administration, whose approaches remain unwelcoming and sometimes dissuasive.³⁹⁸

Around a thousand people, mainly Muslims, 500 of whom live in Puttalam, still live in a situation of internal displacement, without having been able to resettle in their place of origin. Displaced communities in Puttalam were unable to settle in the Wilpattu National Forest Protected Park where their former lands were located.³⁹⁹

Some lands regarded as Tamil or Muslim by the majority of the inhabitants of the East and North are now occupied by Sinhalese 'settler' farmers, some of whom have been settled since the 1956 irrigation scheme in the North-East and East (Velli Oya, Ampara and Kinniya regions). ⁴⁰⁰ In addition, Muslims were deprived of their lands by the LTTE, which distributed them to Tamil families. ⁴⁰¹ Tamils from tea plantations in the center of the country, called *Malaiyaha* Tamils (see *infra* 4.3.), came to the Vanni to flee the anti-Tamil riots of 1983. Subsequently, they received pieces of land allotted by the LTTE who controlled this area and enlisted them in their ranks. Then, after the defeat of the LTTE in 2009, these *Malaiyaha* Tamils of the Vanni had to return the lands on which they had settled. As the new occupants have built their lives, founded their families and developed their professional activities on these lands, their restitution to the former owners after several decades can be complex, as the evicted persons, notably the *Malaiyaha* Tamils, often do not own any other land. ⁴⁰²

The Office of the United Nations High Commissioner for Refugees (UNHCR) coordinated until 2022, and then with the International Organization for Migration (IOM) until 2024, **the repatriation of Sri Lankan refugees settled mainly in India.** A few returned from Malaysia and Singapore. In 2024, 290 people returned from India to resettle in Sri Lanka. As part of this post-conflict programme, UNHCR had offices in Chennai and Jaffna. Since the end of the conflict, **around 12,000 people have returned from India**, while around 90,000 still reside there, including 60,000 in refugee camps.⁴⁰³





Houses of Sinhalese farmers in the Veli Oya (aka Manal Aru) region

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³⁹⁷ Sri Lanka Unites Reconciliation Center (SLURC), interview.

³⁹⁸ SIVAMOHAN Sumathy, University of Peradeniya, interview.

³⁹⁹ SIVAMOHAN Sumathy, University of Peradeniya, interview.

⁴⁰⁰ Transparency International, interview; SIVAMOHAN Sumathy, University of Peradeniya, interview.

⁴⁰¹ GUNAWANSA Asanga, ex-Secretariat of Truth and Reconciliation Commission, interview; SIVAMOHAN Sumathy, University of Peradeniya, interview.

⁴⁰² SIVAMOHAN Sumathy, University of Peradeniya, interview.

⁴⁰³ International Organization, interview.

Before the COVID-19 pandemic, repatriated refugees were questioned at length at the airport: the police asked them for information on their years of exile, the reasons for their return or the persons with whom they had maintained ties in Sri Lanka. Since the COVID-19 pandemic, these formalities have been greatly simplified and the process has become faster. **Monitoring of repatriated refugees has decreased considerably.**⁴⁰⁴

These returns are motivated by various factors: elderly people wishing to end their lives in their home country; individuals seeking a Sri Lankan passport to go abroad; cases of land restitution; family reunifications. While security was the main concern immediately after the end of the conflict, repatriated refugees now identify three major challenges upon their return: access to livelihoods, housing and lack of government support. Their reintegration is organized by IOM and the United Nations Development Programme (UNDP), in conjunction with Sri Lankan administrations. They receive a one-off allowance of around 100 000 rupees (€ 287) per person.⁴⁰⁵



The Jaffna-Point Pedro Road in the Nallur area of Jaffna

⁴⁰⁴ International Organization, interview.

⁴⁰⁵ International Organization, interview.

Some cult buildings in the Northern and Eastern Provinces:





Catholic Church (left) and Hindu Temple (right) on Kayts Island





Buddhist Dagoba in Trincomalee (left) and Catholic Church in Mullaitivu (right)





Mosque in Pulmoddai (left) and Hindu temple in Vadduvakal (right)

4. Vulnerable population groups

4.1. Women

4.1.1. The legal framework for the protection of women's rights

Sri Lanka has ratified the main international treaties on human rights and combating sexual and gender-based violence (SGBV), including:

- The International Covenant on Civil and Political Rights (ICCPR), 406
- The International Covenant on Economic, Social and Cultural Rights (ICESCR),⁴⁰⁷
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 408
- The Convention against Torture (CAT),⁴⁰⁹
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),410
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,⁴¹¹
- The Convention on the Rights of the Child.⁴¹²

The Constitution, adopted in 1978, guarantees, in Article 12, the equality of all before the law and the right to equal protection of the law. It also prohibits discrimination based on, *inter alia*, sex.⁴¹³

In 1993, the country adopted a 'Women's Charter', expressing the State's commitment to eliminate all forms of discrimination against women. The National Committee on Women (NCW) is the body overseeing the implementation of the Charter. Its mandate is divided into three main categories: receive, review and deal with complaints of sex discrimination, promote research on gender issues and advise the Minister for Women's Affairs.⁴¹⁴

In addition, amendments to the Criminal Code in 1995, 1998 and 2006 redefined sexual offences and offences that resulted in serious physical harm, increased penalties for rape and committed incest [Article 364(a)], serious sexual abuse, sexual harassment and sexual exploitation of crimes.⁴¹⁵

The definition of rape in the Criminal Code has been widely criticized for its restrictive nature. It explicitly refers to the man as the aggressor and the woman as the victim, without considering other configurations. Moreover, the Criminal Code only mentions vaginal penetration, thus excluding other forms of oral or anal sexual acts. ⁴¹⁶ Lastly, **marital rape is not recognized in the Criminal Code** unless it is a couple whose divorce has been pronounced by the courts (Article 363a). ⁴¹⁷

Sri Lanka also has laws against gender-based violence, including:

The Prevention of Domestic Violence Act (PDVA), 2005:⁴¹⁸ it defines and details procedures in cases of domestic violence. It does not create a new offence, it is the provisions of the Penal Code that must be applied.⁴¹⁹ However, it allows victims to apply to the court of first instance for a protection order and to take related steps to prevent further violence. The PDVA aims to ensure the victim's safety by providing a civil remedy, while preserving the right to initiate separate civil or criminal proceedings, where appropriate.⁴²⁰

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406 Office of the United Nations High Commissioner for Human Rights (OHCHR), 16/12/1966 (1), url
407 Office of the United Nations High Commissioner for Human Rights (OHCHR), 16/12/1966 (2), url
408 Office of the United Nations High Commissioner for Human Rights (OHCHR), 21/12/1965, url
409 Office of the United Nations High Commissioner for Human Rights (OHCHR), 10/12/1984, url
410 Office of the United Nations High Commissioner for Human Rights (OHCHR), 18/12/1979, url
411 Office of the United Nations High Commissioner for Human Rights (OHCHR), 06/10/1999, url
412 Office of the United Nations High Commissioner for Human Rights (OHCHR), 20/11/1989, url
413 Sri Lanka, Constitution, 07/09/1978, amended on 31/10/2022, url
414 Sri Lanka, Ministry of Women, Children and Social Empowerment, 12/03/2023, p.2, url
415 Sri Lanka, Penal Code, 1883, url
416 CPA, 11/2020, p.6, url
417 Sri Lanka, Penal Code, 1883, url
418 Sri Lanka, Parliament, 03/10/2005, url
419 CPA, 11/2020, p.13, url
420 Baker McKenzie's Resource Hub, n.d., url
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- **The Children and Young Persons Ordinance** 1939: it aims to protect girls and young women from abuse, early marriage and sexual exploitation.⁴²¹
- The Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act, 2005:⁴²² it criminalizes trafficking for the purpose of sexual exploitation, of which girls and women are the main victims.
- **Assistance to and Protection of Victims of Crime and Witnesses Act** 2015:⁴²³ the main objective of this law is to defend and enforce the rights of victims of crime and witnesses.⁴²⁴ The law includes measures to protect women from physical, psychological and emotional abuse, particularly in the context of domestic violence, through legal assistance protocols or psychological and social care.

4.1.2. Place in society and prevalence of violence against women

In 2023, women accounted for about 51.6 % of the population, a proportion that has been stable for several years. In 2019, 1.15 million households were headed by women in rural areas of the country.

Several associations met during the mission highlighted the patriarchal structure of Sri Lankan society and how it affects women's daily lives. Many topics related to women and/or their intimacy are thus considered taboo: rules, sexual and reproductive health, sexual violence or domestic violence. Society also tends to excuse, minimize, or even deny the violence of men.⁴²⁷ Some see sexual violence as the fulfillment of a divine will. As a result of these same jurisdictions, victims are often held responsible for the attacks they may have suffered, prompting them to keep them secret.⁴²⁸

According to a 2016 government survey of 18,302 women, 17 % of women aged 15-49 who were married or had been married had experienced partner violence. According to the Jaffna Social Action Center (JSAC), one in four Sri Lankans has experienced sexual and/or physical violence from the age of 15, and the number of women victims of violence has increased by 34 % since the COVID-19 outbreak. The prevalence of domestic violence is also higher in the Northern and Eastern Provinces. In addition, according to 2019 estimates, 95 % of women had already experienced sexual harassment on public transport.

While the female population is better informed about their rights than in the past, the mission's interlocutors have not seen any improvement in the area of domestic violence. Society remains patriarchal, and ways of thinking are slowly evolving.⁴³³ The associations met during the mission therefore consider that the problem is not so much the legislative framework as the insufficient implementation of the texts and the lack of financial resources.⁴³⁴

While the Marriage Registration Ordinance sets the minimum age for marriage at 18, data from 2016 indicate that 1 % of girls were married before the age of 15 and 10 % before the age of 18. 435 Muslims, whose personal status is governed by the Muslim Marriage and Divorce Act (MMDA), may be married from the age of 12 (see below, 4.4.2.). 436 Moreover, the rate of teenage pregnancies reaches 3.8 % at

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<sup>421</sup> Sri Lanka, Parliament, 1939, url
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⁴²² Sri Lanka, Parliament, 20/09/2005, url

⁴²³ Sri Lanka, Parliament, 07/03/2015, url

⁴²⁴ Baker McKenzie's Resource Hub, n.d., <u>url</u>

⁴²⁵ World Bank, 2023, url

⁴²⁶ Jaffna Social Action Center, interview.

Foundation For Innovative Social Development (FISD), interview; Jaffna Social Action Center (JSAC), interview.

⁴²⁸ Foundation For Innovative Social Development (FISD), interview.

⁴²⁹ Sri Lanka, Census and Statistics Department, 2016, p.198, url

⁴³⁰ Jaffna Social Action Center (JSAC), interview.

⁴³¹ Sri Lanka, Census and Statistics Department, 2016, p.198, url

⁴³² Foundation For Innovative Social Development (FISD), interview; UNFPA, 01/03/2019, url

⁴³³ Foundation For Innovative Social Development (FISD), interview.

⁴³⁴ Foundation For Innovative Social Development (FISD), interview; Sri Lanka Unites Reconciliation Center (SLURC), interview

⁴³⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), 23/05/2003, <u>url;</u> Sri Lanka, Parliament, 1951, <u>url</u>

⁴³⁶ Sri Lanka, Parliament, 1975, url; Sri Lanka, Parliament, 1951, url

national level but, according to the JSAC, is higher in the North and East. Teenage pregnancies account for, for example, 9 % of total pregnancies in Trincomalee and 7.7% of pregnancies in Kilinochchi.⁴³⁷

Single mothers are extremely misperceived, and are rejected and stigmatized by their community. The prevalence of female genital mutilation is very low and concerns only one minority religious group, Shia Ismailis called Dawoodi Bohra. 439



Group of women in Kandy

Older women, especially Tamil women, find themselves at the intersection of several forms of violence. Widows are generally unable to support themselves and therefore depend on 90 % of their children. Women whose offspring emigrated or died during the conflict are therefore unsupported and very isolated. Moreover, there is no government programme dedicated to widowed and elderly women. Only 255 care homes exist for all older people at national level. Two belong to the central government and three to the provincial councils, the others being managed by private organizations. ⁴⁴⁰ Kumari Thoradeniya, professor of sociology at the University of Peradeniya, estimates that 75 % of older people are in a vulnerable situation. In particular, people who speak only Tamil may encounter additional difficulties in accessing administrations or associations if these structures speak only Sinhala.

Finally, women suffer from persistent under-representation in politics. Despite an imposed quota of 25 % of women candidates in provincial elections, few manage to engage in politics, especially over time. In particular, they are prevented from doing so by their families or even by the party in which they seek to become involved, which may refuse their candidacy. In addition, according to the Rural and Economic and Community Development Organization (RECDO), while some political parties do nominate women, men vote for male candidates. At the end of the votes, women are declared losers and men on the same electoral lists are appointed. According to that organization, that finding applies to the whole of the island. According to the island.

4.1.3. Action by the authorities to address violence against women

The budget allocated to combating violence against women has been declining for several years. The new government announced a budget for the Ministry of Women, Child Affairs and Social Empowerment for 2025 of Rs 14.134 billion (41.6 millions €), a decrease of 26 % compared to 2024.⁴⁴⁴ The President

⁴³⁷ Jaffna Social Action Center, interview.

⁴³⁸ Human Development Organization (HDO), interview; KAMALRATHNE Thushara, University of Peradeniya, interview.

⁴³⁹ Foundation For Innovative Social Development (FISD), interview. For more information, see: DIDR, Ofpra, 25/11/2021, <u>url</u>

⁴⁴⁰ THORADENIYA Kumari, University of Peradeniya, interview; LTC Covid, 06/09/2021, <u>url</u>

⁴⁴¹ THORADENIYA Kumari, University of Peradeniya, interview.

⁴⁴² Sri Lanka Unites Reconciliation Center (SLURC), interview.

⁴⁴³ Rural And Economic And Community Development Organization (RECDO), interview.

⁴⁴⁴ Foundation For Innovative Social Development, interview; Sri Lanka, Public Finance, 27/12/2024, url; Sri Lanka, Public Finance, 19/02/2025, url; LankaXpress, 10/01/2025, url

specified that, of this amount, 120 million rupees (348,387 €) would be devoted to the prevention of violence against women and children. Budget 2025 provides for the continuation of the existing network in the implementation of women's programmes, without any reinforcement of these schemes.445 However, there is nothing in the budget to improve medical care for women in rural areas or the financing of family planning services. 446

Successive governments have promoted the creation of specialized structures for women victims of violence. In addition to a ministry dedicated to women and children with the task of formulating and implementing policies, projects and programmes to provide and improve legal, institutional and human resources services for the economic empowerment and social protection of women and children, taking into account national priorities and requirements as well as international standards',447 the main structures are:

Child and Women Abuse **Prevention Bureau**

To improve care for victims of gender-based violence or domestic violence, specialized police services were set up in all districts of the country as the Child and Women Abuse Prevention Bureau (CWB) from 1993.448 These services include Children & Women Units which, in 2020, were present in 481 police stations.449 79% of the officers in these units are women.450 In 2024, 605 police stations had a dedicated room for this unit.451

One of the tasks of the Children & Women Units is to investigate crimes against children and women who are (or are likely to be) victims of sexual or domestic violence, forced labour and other acts of cruelty.452



Child and Women Abuse Prevention Bureau, Kandy Police Station

Emergency telephone line

In addition to the 118 hotline, 453 a dedicated women's hotline was set up in 2016, which can be reached at the 1938 hotline across the country. This line is initially only open for eight hours per day. 454 As of November 2021, the line becomes accessible every day, 24 hours a day, in Tamil, Sinhala and English. The line directs women victims to psychosocial, legal and accommodation services. It also makes it possible to put them in contact with victim support associations. 455

Another line dedicated to women and children victims of violence is set up in January 2024 with the number 109, attached to the CWB. 456 The special unit attached to it is operational 24 hours a day. In two months, more than 1,000 complaints were received through this channel.⁴⁵⁷ An e-mail address

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445 News.lk, 17/02/2025, url
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⁴⁴⁶ Ground Views, 03/06/2025, <u>url</u>

⁴⁴⁷ Sri Lanka, Ministry of Women, Children and Social Empowerment, n.d., url

This office had existed since 1979 under other names. United Nations Development Programme (UNDP), 24/11/2020, p.35,

url
449 United Nations Development Programme (UNDP), 24/11/2020, p.37, url

⁴⁵⁰ United Nations Development Programme (UNDP), 24/11/2020, p.49, url

⁴⁵¹ Daily Mirror, 13/11/2024, url

⁴⁵² Sri Lanka Police, n.d. (1), <u>url;</u> Sri Lanka Police, n.d. (2), <u>url</u>

⁴⁵³ Sri Lanka, Ministry of Public Security, n.d., url

⁴⁵⁴ South Asian Association for Regional Cooperation (SAARC), n.d.(1), <u>url;</u> Roar Media, 17/06/2019, <u>url</u>

⁴⁵⁵ South Asian Association for Regional Cooperation (SAARC), n.d.(2), url; United Nations Population Fund, 25/11/2020, url

⁴⁵⁶ Daily Mirror, 04/01/2024, <u>url</u>

⁴⁵⁷ Ada Derana, 25/03/2024, url

(cwb.online@police.gov.lkmailto:cwb.online@police.gov.lk) and a telephone number (011 2444444) are also available for lodging complaints, in particular for children who cannot go to a police station.⁴⁵⁸

Shelters for women victims of violence

The government has set up shelters across the country. At the end of 2024, there were 10 or 11 of them. These shelters are located in Colombo, Jaffna, Mullaitivu, Batticaloa, Matara, Gampaha, Anuradhapura, Monaragala and Ratnapura. There are other shelters run by associations.

A woman can only be accommodated in one of these facilities if she has a court decision and a letter of recommendation from the police or a hospital. She can stay there for six months, but can only be accompanied by her children for one month. Transgender women are not admitted to these shelters. These are also criticized for their lack of follow-up and effectiveness in caring for victims.

4.1.4. Criticisms and limits to action

The associations met made a harsh judgement on these initiatives aimed at women victims of violence. They highlighted the **lack of resources allocated to combating violence against women.** This lack of funding has a direct impact on the quality of care provided to victims. The government is trying to set up temporary shelters or shelters close to the CWB, so that photographs are taken and DNA samples are taken from the beginning of the care of the victims. One of these shelters was set up in Colombo in 2024, but it seems that it, like others, has many shortcomings in the care of victims. Thus, when one of them shows up in the evening or at night, no competent person is present to take samples, which implies loss of material evidence during the night for either her or her child.⁴⁶⁵

The associations met also expect better training of officers working in specialized police units. They point out that police officers, including women, often perpetuate gender stereotypes and therefore do not provide a safe environment for victims to complain. Similarly, it can also be difficult for women to trust police forces. Indeed, they are sometimes arrested in place of their husbands wanted by the police, in order to pressure or create an example for the population. Because of the prevalence of corruption (see 2.1.3 above), individuals who are the subject of complaints may pay bribes to police officers to eliminate such complaints. These practices fuel public mistrust of law enforcement. For example, in 2016, 28 % of women who experienced domestic violence sought help from family, friends or neighbours. Only 18 % turned to the police.

The police force is also accused of numerous shortcomings. The Foundation for Innovative Social Development (FISD) thus denounces the fact that 'officers do not even bother to write complaints'. ⁴⁷⁰ The association also denounces serious problems of communication and coordination between the various government departments and a lack of joint work between associations and government departments. Faced with this situation, the FISD has indicated that the police forces wish to set up a database common to all actors in the fight against violence against women, but few funds are allocated to this project. ⁴⁷¹

A final blind spot in social policy is, according to the FISD, child protection. The organization thus denounces the **lack of qualified staff and dedicated structures to welcome and protect children from the violence** to which they may be subjected.⁴⁷² In many cases, women go to work abroad,

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<sup>458</sup> Ada Derana, 25/03/2024, <u>url</u>
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⁴⁵⁹ The Morning, 19/12/2024, <u>url.</u> Commonwealth of Australia, Department of Foreign Affairs and Trade (DFAT), 02/05/2024, p.46,

<u>url</u>
⁴⁶⁰ Commonwealth of Australia, Department of Foreign Affairs and Trade (DFAT), 02/05/2024, p.46, <u>url;</u> Foundation For Innovative Social Development (FISD), interview.

⁴⁶¹ Foundation For Innovative Social Development (FISD), interview.

⁴⁶² Commonwealth of Australia, Department of Foreign Affairs and Trade (DFAT), 02/05/2024, p.46, url

⁴⁶³ Commonwealth of Australia, Department of Foreign Affairs and Trade (DFAT), 02/05/2024, p.52, <u>url</u>

⁴⁶⁴ Foundation For Innovative Social Development (FISD), interview.

⁴⁶⁵ Foundation For Innovative Social Development (FISD), interview.

⁴⁶⁶ Foundation For Innovative Social Development (FISD), interview; Sri Lanka Unites Reconciliation Center (SLURC), interview.

⁴⁶⁷ Foundation For Innovative Social Development (FISD), interview.

⁴⁶⁸ Foundation For Innovative Social Development (FISD), interview.

⁴⁶⁹ Sri Lanka, Census and Statistics Department, 2016, p.202, <u>url</u>

⁴⁷⁰ Foundation For Innovative Social Development (FISD), interview.

Foundation For Innovative Social Development (FISD), interview.
 Foundation For Innovative Social Development (FISD), interview.

particularly in the Middle East, to support their families. They then entrust their children to their father or grandparents. It is not uncommon for these children to be exploited or abused by their fathers. Moreover, many of these women who work in the Middle East are victims of violence. Since the majority of them entered the territory irregularly, they cannot seek protection from the authorities. Some of them therefore die as a result of the violence suffered or commit suicide.⁴⁷³

4.1.5. The role of associations

Faced with the needs of society, many associations seek to remedy the State's shortcomings. Thus, the Jaffna Social Action Center (JASC), met during the mission, set up its own shelters. Located in the North and East of the country, they welcome women, girls, children, and all victims of violence. FISD has its own hotline and helpline for women victims of violence. It also plays an important role in the training of police officers, especially those specializing in the care of women and children.

Some associations also set up support programmes for isolated women in order to



Jaffna Social Action Center (JSAC) sign in Jaffna

promote their integration into working life, but also to provide them with the means for their independence and to meet their basic needs. Indeed, in cases of domestic violence, it is more difficult for a woman to leave her spouse if she is without resources. Promoting their entry into the labour market is thus one of the means used by associations.⁴⁷⁶

Finally, associations run numerous **education and awareness-raising programmes on violence against women, particularly for men and children.** Thus, according to a study conducted by the JASC in Mannar district, 90 % of children, boys and girls, consider it normal for a woman to be beaten by her husband and do not intend to deviate from this pattern once they are adults. The associations also intervene in front of children and adolescents to educate them and try to avoid the repetition of these violent behaviours.⁴⁷⁷ **With the help of the government, information campaigns, including on sexual and reproductive health, are being carried out.**⁴⁷⁸

4.2. Sexual and gender minorities

The mission met in Colombo and the North with several associations working in support of lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+)⁴⁷⁹ people.

4.2.1. The legal framework concerning sexual and gender minorities

Article 365 of the Criminal Code criminalizes 'carnal intercourse against the order of nature' and provides for a maximum term of imprisonment of 10 years. That provision is reinforced by subparagraph (a) of that article, which prohibits what is described as 'act of gross indecency' in private or in public between two persons. Such contempt shall be punishable by a fine or a maximum term of imprisonment of two years.⁴⁸⁰

⁴⁷³ Foundation For Innovative Social Development (FISD), interview.

⁴⁷⁴ Jaffna Social Action Center (JSAC), interview.

⁴⁷⁵ Foundation For Innovative Social Development (FISD), interview.

⁴⁷⁶ Jaffna Social Action Center (JSAC), interview; GNANAPRAGASAM Justin B., Bishop of Jaffna, interview.

⁴⁷⁷ Foundation For Innovative Social Development (FISD), interview; Jaffna Social Action Center (JSAC), interview; Human Development Organization (HDO), interview.

⁴⁷⁸ Human Development Organization (HDO), interview; Foundation For Innovative Social Development (FISD), interview; Jaffna Social Action Center (JSAC), interview.

⁴⁷⁹ Acronym used by those Sri Lankan associations.

⁴⁸⁰ Sri Lanka, 1883, url

At the same time, **Article 399** on 'cheating the public by impersonation' **is also used by law enforcement authorities to arrest and detain transgender, gay and lesbian persons** whose physical appearance is found to be inconsistent with their biological sexual identity.⁴⁸¹ A number of lesbian and transgender persons have thus been prosecuted in the courts under Article 399 for 'disguising themselves as men'.⁴⁸²

In addition, inherited from British colonial legislation, the **Vagrancy Ordinance of 1842** allows the authorities to arrest and detain persons of 'indecent' appearance or attitude in public space.⁴⁸³ In practice, this legislative provision is used to detain individuals whose physical appearance is considered not to be in line with their assigned identity at birth and specifically targets lesbian women, transgender persons as well as the *Nachchi* community.⁴⁸⁴

The law is often abused to sanction suspicions of indecency rather than proven offences. Thus, in 2020, three men were arrested by the police while in the same hotel room and were accused of having had same-sex relations on denunciation by hotel staff.⁴⁸⁵ In this case, the police presented an unopened pack of condoms as evidence. A year later, the prosecutor cancelled the prosecution.⁴⁸⁶

The Equal Ground and Equité organizations, met during the mission, stressed the colonial roots of this legislative framework which does not take into account Sri Lankan history and certain aspects of culture of which LGBTQI+ people are an integral part.⁴⁸⁷

Despite the legislative framework presented above and used to repress LGBTQI+ people, **it is possible, from the age of 18, to change one's gender in civil status since 2016.** This requires first obtaining a Gender Recognition Certificate (GRC, see Annex 1) from a psychiatrist. The average time to obtain this type of consultation would be two years, and it is only available in nine hospitals, with only two slots per day. Consultations are possible in the private sector, but they are then charged between 20,000 and 25,000 rupees (between 58 and 73 euros), which *de facto* reserves them for people with financial means. Once the certificate has been obtained, it is necessary to go to the Divisional Secretariat in order to request a change of identity card.⁴⁸⁸

This step is also difficult because it requires you to go to the divisional secretariat of your place of birth. The person applying for a gender change in the civil status then runs the risk of seeing the information ripped off and being confronted with violent behaviour. In some of these services, registrars thus ask to see the genitals of the person, even though no operation is required. This person must also go to the *Grama Niladhari*.⁴⁸⁹ In order to change his birth certificate, it is sometimes asked to provide those of the parents, which can be difficult to obtain in the event of a family break-up and adds an additional waiting period. In addition, some officers do not issue a new birth certificate but simply amend the previous one, thus revealing the change. In addition, the name of birth always appears on the birth certificates: the new name is only indicated on the back of the document in the section 13.⁴⁹⁰ Finally, during elections, some people have to return to their villages in order to be able to vote, which can confront them with different forms of violence from people they have fled because of their sexual and/or gender identity.⁴⁹¹

The Sinhalese term "nachchi" is used by the eponymous community to describe a non-heteronormative indigenous gender identity. This community sees itself as people with a male body who "have embraced female subjectivity without wanting to abandon essential aspects of their 'masculinity', and who are also steadfast in their ardent sexual desire for men" according to sociologists Andrea Nichols and Jody Miller.

Nachchis participate in wedding ceremonies as dancers, hairdressers, make-up artists and cooks, perahera (tooth festival) as dancers, funeral events as cooks, and celebrations of the Sinhalese and Tamil New Year as cooks and traditional drummers (rabana). Some members of the community also prostitute themselves. MILLER J. and NICHOLS A., "Identity, sexuality and commercial sex among Sri Lankan nachchis. Sexualities", 15(5-6), p.554-569, 2012, url; LankaNews, 02/06/2024, url; LankaNews, 02/12/2020, url; Outright International, 06/05/2016, p. 226, url; The Sun, 09/06/2025, url

⁴⁸¹ Sri Lanka, 1883, <u>url</u>

⁴⁸² International Gay and Lesbian Human Rights Commission (IGLHRC), 10/2024,p.3, url

⁴⁸³ Sri Lanka, 1842, <u>url</u>

⁴⁸⁴ Equité, interview.

⁴⁸⁵ Equal Ground, interview.

⁴⁸⁶ Daily Mirror, 10/12/2021, <u>url</u>

⁴⁸⁷ Equal Ground, interview; Equité, interview.

⁴⁸⁸ Equité, interview.

⁴⁸⁹ Local official responsible for implementing government policy at village or community level.

⁴⁹⁰ Jaffna Transgender Network, interview; Equité, interview; Human Rights Commission of Sri Lanka (HRCSL), interview

⁴⁹¹ Equal Ground, interview.

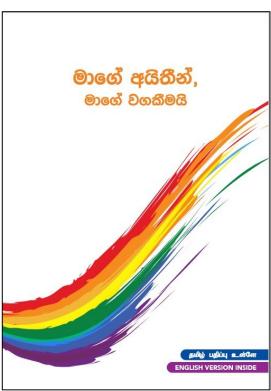
In 2023, the Supreme Court ruled that the so-called Penal Code (Amendment) Bill 2023 proposing the repeal of provisions criminalizing sexual orientation was not contrary to the Constitution, paving the way for legislative change. However, this opinion has not yet been followed by the adoption of a new law on this subject. Furthermore, in June 2024, the Supreme Court ruled that the Gender Equality Bill could not be passed, as it would set a precedent that could lead to the decriminalization of homosexuality and the opening of the marriage procedure to all. The President of the Court, P. Padman Surasena, stated as follows: "it is clear that once this bill is adopted, any interested party will be able to claim the legality of same-sex marriage", and that decriminalization and the opening of marriage would have "significant cultural and moral implications". While interim President Ranil Wickremesinghe then criticized the Court's decision, the draft law now appears to have been abandoned.

4.2.2. Security and attitude of the authorities

Despite the formal criminalization of homosexual acts, Equal Ground has highlighted **an improvement in the behaviour of the police force for several years**, due to the application of new guidelines and recommendations in the reception of LGBTQI+ people. 494 Training called the 'Dignity and Diversity Program' is thus regularly provided by associations to improve the reception and care of victims in general, gradually integrating LGBTQI+ issues. 495

However, the police (police and army) remain the agents of the first persecuting community.496 Thus, many people are arrested on the mere suspicion of being homosexual or transgender, although few cases are subsequently brought before the judge. The persons concerned are generally arrested and then released, in particular if they receive legal aid.497 While many arrests are therefore not followed by convictions, those persons are nevertheless targeted, extorted at the place of arrest or at the police station, detained for several hours and frequently sexually assaulted durina incarceration. Nights at the police station are thus considered particularly dangerous, with some officers using the absence of their colleagues to assault detainees.498 These practices target members of the LGBTQI+ community, regardless of gender, as well as cisgender women.499

LGBTQI+ people face many other risks as soon as they are arrested. Excavations and examinations of the anal parts are carried out in particular by the police forces. In addition, the choice of cell where transgender persons are held, whether in prison or at the police station, is made according to the sex assigned to them at birth. All of these practices expose them to physical and sexual violence by police officers, prison officers and other detainees.⁵⁰⁰



'My Rights, My Responsibility', pamphlet in Sinhalese by the NGO Equal Ground, url

According to Equité, since a police officer must perform a minimum number of acts during the day, he or she will be tempted to voluntarily target people whom he or she assumes to be members of the LGBTQI+ community and/or prostitutes. Indeed, many people in this community, especially transgender

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⁴⁹² Equal Ground, interview; International Commission of Jurists (ICJ), 11/05/2023, url

⁴⁹³ Legal World, 18/06/2024, <u>url; NDTV World, 18/06/2024 url;</u> Equal Ground, interview.

⁴⁹⁴ Equal Ground, interview.

⁴⁹⁵ Equité, interview.

⁴⁹⁶ Equal Ground, interview; Equité, interview.

⁴⁹⁷ Equal Ground, interview.

⁴⁹⁸ Equité, interview.

⁴⁹⁹ Equal Ground, interview.

⁵⁰⁰ Equité, interview, Equal Ground, interview.

people, turn to prostitution to survive, making them all the more vulnerable. As a result of these police practices, few people who are victims of homophobia or sexual assault dare to file a complaint. They fear that they will again be subjected to violence by the authorities or that their complaint will not be registered and dealt with.⁵⁰¹ Another form of targeting has also developed in recent years through dating apps. Police, military or even civilians create fake profiles to attract LGBTQI+ people to a meeting place. Once there, they threaten to report them to their families if they are not given money. These extortions are also sometimes accompanied by sexual assaults. Faced with this kind of situation, it is again almost impossible for the victims to go to the police station.⁵⁰²

The military is considered even more dangerous than the police for LGBTQI+ people due to homophobia and violent and exacerbated masculinity. Numerous cases of rape of men and women have been reported, and members of the associations refuse to go to the barracks for training, for fear of being subsequently assaulted.⁵⁰³

Finally, the government has not set up any shelter dedicated to LGBTQI+ people, while women's shelters do not accept transgender women. The only shelter dedicated to lesbian, bisexual and transgender (LBT) women is managed by Equité.⁵⁰⁴ Moreover, while the law expressly recognizes and punishes violence against women, it does not protect against homophobia and other forms of violence against LGBTQI+ people.⁵⁰⁵

4.2.3. Attitude of society

Despite some progress, **Sri Lankan society is still largely homophobic** and many stereotypes (according to which LGBTQI+ people are perverse and deviant people, pedophiles or pedocriminals) are deeply rooted. Harassment and violence are thus manifested at all ages and at all levels of society, from school to the world of work. For example, a **committee of mothers of LGBTQI+ people**, **the Mother's Movement, was set up to denounce the supposed 'corruption' of the LGBTQI+ community**, which seeks to 'convert' their children. The committee organized several demonstrations in the country, including in front of the US Embassy, calling on President Donald Trump to end financial support for inclusion programmes, so that Sri Lanka would be 'cleared of the LGBT agenda'. **507 Social networks and some media also feed and spread this homophobia. 508**

Families themselves are perpetrators of violence. Many refuse to accept their children's gender identity or sexual orientation and use force and violence to lock them up until they 'change'. Others reject and drive them out of their homes, blackmail them into suicide, even report their own children to the police, etc. Many LGBTQI+ people, particularly lesbian and rural women, are also **forcibly married** and thus exposed to marital rape, which is also not recognized by the Criminal Code. ⁵⁰⁹ According to the representative of Equité, families tend to be more accepting of transgender women. ⁵¹⁰ To meet the expectations of their families, some homosexuals decide to marry and have children. According to Equité, the rejection of LGBTQI+ people is linked in particular to their supposed inability to reproduce, particularly in the North and East, where, as a result of the civil war and the thousands of deaths it has caused, families are eagerly awaiting the birth of new generations. ⁵¹¹ As evidence that the family remains a place of violence as mentioned above, it is not uncommon for LGBTQI+ people to have to pay money to individuals who threaten to reveal their sexual orientation to their relatives. ⁵¹²

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<sup>501</sup> Equité, interview; Equal Ground, interview.
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⁵⁰² Equité, interview.

⁵⁰³ Equité, interview.

⁵⁰⁴ Equité, interview, KIOS Foundation, 27/06/2024, url

⁵⁰⁵ Jaffna Transgender Network, interview.

⁵⁰⁶ Equité, interview; Equal Ground, interview.

⁵⁰⁷ Equité, interview; Equal Ground, interview; Daily FT, 25/01/2025, <u>url;</u> Daily Mirror, 21/01/2025, <u>url;</u> Daily Mirror, 21/01/2025,

url
508 Equal Ground, interview.

⁵⁰⁹ Equité, interview; Equal Ground, interview; Jaffna Transgender Network, interview; Human Rights Commission of Sri Lanka (HRCSL), interview.

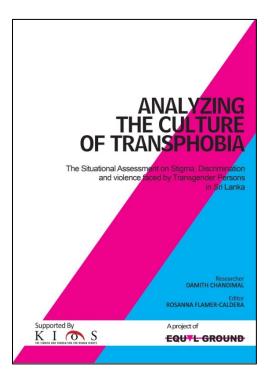
⁵¹⁰ Equité, interview.

⁵¹¹ Equité, interview.

⁵¹² Equité, interview.

Colombo is a haven for many LGBTQI+ people fleeing their region of origin to escape stigma. While there are no places dedicated to the community, such as bars, some neighbourhoods are considered safer than others, especially those frequented by tourists. ⁵¹³ Despite this relative openness in Colombo, these people also face difficulties in social inclusion, particularly in the labour market. As a result, many people, especially transgender people, turn to prostitution, often in dangerous conditions, to try to survive. ⁵¹⁴ Thus, transgender prostituted women settled in Peliyagoda, around the New Kelani River Bridge, where customers, mostly workers, know how to find them. ⁵¹⁵

LGBTQI+ people have little access to health services for fear of stigma and discrimination. Indeed, men who have sex with men are accused of being the first spreaders of the human immunodeficiency virus (HIV) - although this is not proven. This makes it difficult for people living with HIV or at risk of infection to access triple therapy. If government hospitals provide this treatment free of charge, the waiting list is such that patients are always at risk of treatment interruption. Examinations to identify possible HIV-associated kidney disorders are also subject to a general waiting list and the risks of stigma are extremely high. Caregivers also refuse to take care of those affected, recommending instead that they go to



Research conducted by the NGO Equal Ground on transphobia in Sri Lanka, url

the temple and lead a "better life." Many people prefer to give up care, even if it means dying, for fear of the stigma reserved for them.⁵¹⁶

Transgender people face specific challenges in accessing care. Access to sexual reassignment surgery is therefore very difficult to obtain. Many candidates then travel abroad, such as to India or Thailand. Back in Sri Lanka, they may face difficulties in obtaining post-operative care and medical follow-up as hospitals are in a very difficult economic situation and are not considered priority patients. On the other hand, many doctors do not know or do not know the specific needs of these people. Similarly, access to hormones is very expensive, leading some people to misuse certain medicines, such as the contraceptive pills. Some people stop treatment unsupervised or only observe it discontinuously.⁵¹⁷

4.2.4. Aid provided by associations

Faced with this situation, the associations seek to meet the needs of the community and advance their rights, but also to "win the hearts and minds of Sri Lankans, to ensure that they cherish their family members, that they fight on their behalf [...]".⁵¹⁸

They are thus advocating for the decriminalization of same-sex relations and therefore for the repeal of Articles 365, 365(a) and 399 of the Criminal Code and the 1842 Ordinance. The revision of 'discriminatory laws, including Articles 365 and 365(a) of the Criminal Code, which oppress women, children and other marginalized groups' has, moreover, been a campaign promise by President Dissanayake, but no announcement has yet been made to that effect.⁵¹⁹

Actions were also taken in court, notably in 2018, before the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) to challenge Articles 365 and 365(a) of the Criminal

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⁵¹³ Equité, interview; Equal Ground, interview; Jaffna Transgender Network, interview.

⁵¹⁴ Equité, interview; Equal Ground, interview; Jaffna Transgender Network, interview.

⁵¹⁵ Equité, interview.

⁵¹⁶ Jaffna Transgender Network, interview; Equité, interview.

⁵¹⁷ Jaffna Transgender Network, interview.

⁵¹⁸ Equal Ground, interview.

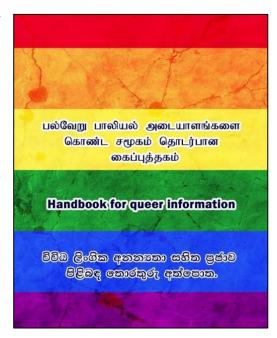
⁵¹⁹ Equité, interview; Equal Ground, interview; National People's Power (NPP), 08/2024, p.45, url

Code. In 2021, an action was brought before the Court of Appeal of Sri Lanka against the National Police. It resulted in the development of guidelines for all police stations to better address LGBTQI+ issues. Finally, in 2022, when considering a bill to amend Articles 365 and 365(a) of the Criminal Code (see above), associations mobilized to support the progress of this project.⁵²⁰

Educational resources have also been made available to law enforcement, media and businesses to promote the inclusion and equal treatment of LGBTQI+ people. These associations also offer training to raise the awareness of these trades. ⁵²¹ The Human Rights Commission also participates in this work. ⁵²²

Several helplines have been set up to provide advice, legal assistance and, where appropriate, referrals to other associations. Associations can also be contacted *via* their social networks or WhatsApp messaging.⁵²³

Finally, in contrast to a part of society that perceives gender identity and sexual orientation issues as imposed by the West, the associations recall that these identities are part of Sri Lanka's history and are evoked by the country's main religions, Hinduism and Buddhism.⁵²⁴



Publication of the NGO Equité, existing in Tamil and Sinhala, <u>url</u>

4.2.5. Additional remarks

The LGBTQI+ community has developed **its own language**, which only its members master. This makes it possible for them to identify and protect themselves.⁵²⁵

There is no recognition or claim of a third kind. 526

Unlike other countries in the Indian subcontinent, the term 'hijras' is not used in Sri Lanka. Trans and queer realities take other forms, with terms and dynamics specific to the Sri Lankan context, notably with the *nachchi* group.⁵²⁷

4.3. Tamils of tea plantations

4.3.1. General situation

The *Malaiyaha* Tamils, commonly referred to as 'plantation Tamils', were originally a community of Indians brought to Sri Lanka by the British colonizing power to work on tea plantations.⁵²⁸ In 2012, they represented 4.2 % of the Sri Lankan population, or 842,323 persons.⁵²⁹ It is possible, however, that this figure is underestimated and that a number of them declared themselves as 'Sri Lankan Tamils' during the census instead of 'Indian Tamils' according to the official census categories.⁵³⁰

Malaiyaha Tamils speak Tamil, but with variations in vocabulary and accent that differentiate them from Tamils in the rest of the country. 531 According to various actors met during the mission, they form the most marginalized community in the country. This is due in particular to the fact that the majority

⁵²⁰ Equal Ground, interview.

⁵²¹ Equité, interview; Equal Ground, interview; National People's Power (NPP), 08/2024, url; Equité, 05/2025, url

⁵²² Human Rights Commission Of Sri Lanka, 04/2024, <u>url</u>

⁵²³ Equité, interview; Equal Ground, interview.

⁵²⁴ Equité, interview; Equal Ground, interview.

⁵²⁵ Equité, interview.

⁵²⁶ Equal Ground, interview; Equité, interview; Jaffna Transgender Network, interview.

⁵²⁷ Equal Ground, interview, LankaNews, 02/06/2024, url; LankaNews, 02/12/2020, url

⁵²⁸ Human Development Organization (HDO), interview.

⁵²⁹ Sri Lanka, 2012, <u>url</u>

⁵³⁰ The Sunday Times, 23/09/2012, <u>url</u>

⁵³¹ Human Development Organization (HDO), interview.

of Malaiyaha Tamils are Dalits, i.e. 'non-caste' persons considered to be 'untouchable', which leads them to engage in arduous occupations often considered to be 'unclean'. 532 In addition. Malaiyaha Tamils have one of the lowest levels of education in the country, with many dropping out of high school to work.533

When the country became independent in 1948, Tamil plantation workers were legally designated as 'temporary immigrants'. Nationality laws passed in 1948 and 1949 denied them citizenship and the right to vote.534

The Sirimavo-Shastri Pact, signed in 1964 between Sri Lanka and India, authorized the forcible repatriation of 461,442 persons considered to be Indian nationals, although they had always lived in Sri Lanka. This repatriation process ended in 1983.535 In 1986, the Parliament of Sri Lanka passed Act No. 5 on the Granting of Nationality to Stateless Persons. Under the Act, 469,000 people could obtain Sri Lankan citizenship by registration within 18 months of its enactment. It was supplemented in 1988 by special provisions. 536 India, for its part, had to grant citizenship to 506 000 persons within six to eight months of the date of enactment of that law. However, in 1988, India had granted citizenship to only 422,000 persons, who had applied to the Indian High Commission (Embassy). In Sri Lanka, of the 469,000 planned, only 236,000 were granted citizenship.⁵³⁷ In 2003, a law was passed to grant citizenship to 168,141 Tamils from plantations still stateless. 538

Since independence, the Malaiyaha Tamils have been affected by several waves of violence and displacement. In 1983, anti-Tamil pogroms, including Black July, killed 400 to 3,000 people, particularly among plantation workers in the south. 539 Many survivors have fled north, east or abroad, including to India. 540 During the civil war, some joined the LTTE in Vanni 541, sometimes receiving lands which they later lost at the end of the conflict. However, it is possible that some of them have been re-acquired other lands by the Sri Lankan State. 542

In addition, the Malaiyaha Tamils have also engaged in a struggle to change the way they are identified, whether by the public administration or in the context of their daily lives. First referred to as 'Non-Ceylonian Indians', then 'Indian foreigners', they have been referred to as 'Indian Tamils' since 1971.⁵⁴³ From now on, the members of the new generations ask to be designated as *Malaiyaha* Tamils and claim the official recognition of this name by the government.⁵⁴⁴ During the 2024 presidential campaign, Anura Kumara Dissanayake assured that he would recognize this group under it, and dedicated a manifesto to the policy he wanted to implement for this community. 545

In the last elections, six people (three women and three men) from the plantations were elected as deputies. This is the first time that Malaiyaha Tamil women have entered Parliament.⁵⁴⁶ The new Minister of Fisheries and Aquatic and Ocean Resources, Ramalingam Chandrasekar, is Malaiyaha Tamil. 547

⁵³² Human Development Organization (HDO), interview; Geo Confluences, 2015, url; CHANDRABOSE A.S., SIVAPRAGASAM P.P., 2015, p.13.

⁵³³ Human Development Organization (HDO), interview; TUDOR SILVA Kalinga, University of Peradeniya, interview.

For more information on how schools work on plantations, see CHANDRABOSE A.S. and SIVAPRAGASAM P.P., Human Development Organization (HDO) and CCFD, 2015, pp. 30-35.

THANGAM M.S., 04/2023, url; Human Rights Commission Of Sri Lanka (HRCSL), interview.
 Human Development Organization (HDO), interview; The New Indian Express, 22/12/2021, url; Deccan Herald, 19/04/2025, url; The Hindu, 04/12/2021, url; American Institute for Sri Lankan Studies (AISLS), n.d., url

⁵³⁶ Sri Lanka, Parliament, 1986, <u>url;</u> Sri Lanka, Parliament, 1988, <u>url</u>

⁵³⁷ M.S. THANGAM, 04/2023, p. 520, url

⁵³⁸ Human Development Organization (HDO), interview; Tamil Center for Human Rights (TCHR), n.d.,<u>url.</u> Sri Lanka, Parliament, 18/08/2003, url; Tamil Net, 07/10/2003, url,

⁵³⁹ Human Development Organization (HDO), interview; SILVA Kalinga Tudor, Kandy University, interview; PAVEY E., 13/05/2008, url; Daily FT, 25/07/2023, url

⁵⁴⁰ TUDOR SILVA Kalinga, University of Peradeniya, interview; BBC, 23/07/2003, url; Ceylon Today, 18/01/2025, url; Office of the United Nations High Commissioner for Refugees (UNHCR), 07/10/2004, url

⁵⁴¹ PREMARATHNE H.D.P., University of Peradeniya, interview.

⁵⁴² SUMATHY Sivamohan, University of Peradeniya, interview.

MANULA K., SENEVIRATHNE S., QUAYLE A., WEST A., 10/03/2025, url

⁵⁴⁴ Human Development Organization (HDO), interview; Daily Mirror, 26/02/2025, url

⁵⁴⁵ Human Development Organization (HDO), interview; The Hindu, 17/11/2024, <u>url;</u> National People's Power (NPP), 2024, <u>url</u> ⁵⁴⁶ Human Development Organization (HDO), interview; Committee for the Abolition of Illegitimate Debts (CADTM), 25/11/2024,

<u>url;</u> The Hindu, 17/11/2024, <u>url</u>
547 Tamil Guardian, 19/1/2024, <u>url</u>

4.3.2. Living conditions and human rights violations

For decades, *Malaiyaha* Tamils activists have denounced their working and housing conditions on the plantations, but also the state's inaction on access to education and health in their region.⁵⁴⁸

The plantations are owned by international companies, through subsidiaries registered in Sri Lanka, or by the government.⁵⁴⁹

Working conditions and remuneration

People working in tea plantations must pick a minimum amount of tea leaves per day to receive their salary, calculated on a daily basis. HDO informed the mission that plantation employees were required to collect between 20 kg and 25 kg of tea leaves per day to receive their full salary. That target is even 30 kg in the case of women. If a person cannot perform his/her work for any reason, he/she will not be remunerated and will not receive any compensation, even in the event of illness.

Women – who make up the majority of the plantation workforce – often work six consecutive hours, without breaks, from 8 a.m. to 2 p.m. and then resume until 5 p.m. 552 Men work from 8 a.m. to 1 p.m. but receive the same salary as they do. 553 Some men take advantage of this extra time to carry out another activity, for example as occasional horticultural workers on plantations. 554

The owners of the plantations neglect the working conditions, not installing sanitary facilities or drinking water. Workers are also exposed to the risks caused by the weather. 555



Offices of the Human Development Organization and the Workers' Solidarity Union in Kandy

• Living conditions and accommodation

The system governing housing on plantations is inherited from the colonial system. It has identical barracks of approximately 18 m², called 'line rooms', in which one or more families live together. According to the mission's interlocutors and the public sources consulted, between 777,000 and 960,000 people live on the plantations, more than two thirds of whom live in line rooms. The majority of these habitats are dilapidated, with no running water or ventilation. In addition, about 13,000 families live in temporary settlements. While a few *Malaiyaha* Tamils own the line room they occupy, the vast majority of these homes belong to plantation operators. Finally, around 10 % of people working in plantations were able to become owners of a residence built outside the estates, thanks to funds provided by India. 556

Health and access to care

Since plantations are mainly owned by private companies, people who work and live there have limited access to public services, which are also in competition with certain initiatives by private employers. 557

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⁵⁴⁸ Human Development Organization (HDO), interview.

⁵⁴⁹ Human Development Organization (HDO), interview.

⁵⁵⁰ Human Development Organization (HDO), interview.

⁵⁵¹ Human Development Organization (HDO), interview.

⁵⁵² Human Development Organization (HDO), interview; The Morning, 24/02/2023, url

⁵⁵³ The Morning, 24/02/2023, <u>url</u>

⁵⁵⁴ The Morning, 24/02/2023, <u>url</u>

⁵⁵⁵ Human Development Organization (HDO), interview; The Morning, 24/02/2023, <u>url;</u> The Guardian, 22/05/2023, <u>url</u>

⁵⁵⁶ Sri Lanka Brief, 24/02/2023, url; High Commission of India, n.d. url; United Nations Human Settlements Programme (UN-Habitat), 12/08/2018, url; United Nations Human Settlements Programme (UN-Habitat), n.d., url; High Commission of India, 10/07/2015, url; Sri Lanka Brief, 24/02/2023, url

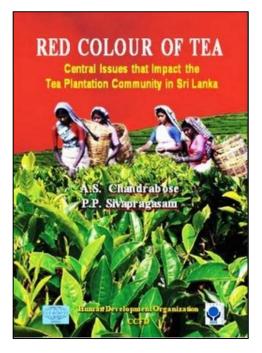
⁵⁵⁷ Human Development Organization (HDO), interview.

This is particularly true for **medical care**, **which is difficult to access and of poor quality**. Employees have access to medical assistance offered by private companies, called Estate Medical Assistance (EMA). Employees of these structures are often low-skilled and do not hold the degree required of public service doctors, the Bachelor of Medicine, Bachelor of Surgery (MBBS).⁵⁵⁸

However, the issue of access to care is crucial for many plantation workers. Their exposure to phytosanitary products used in tea cultivation promotes the occurrence of cancers, chronic diseases, kidney problems or miscarriages. The unsanitary nature of the lines rooms also promotes the development of respiratory or dermatological diseases.

Child labour

The minimum legal age for working on plantations is 16 years. However, due to low wages, many children are forced to work there in order to contribute to their family's income and thus drop out of school. For example, many women employed on plantations started working there as early as the age of 14 or 15.⁵⁶¹ While the share of children in the plantation workforce was declining before the COVID-19 outbreak, the economic crisis has since reversed this trend. In other cases, children are sent to the city to work as domestic servants with private individuals or in hotels.⁵⁶²



HDO publication on the working and living conditions of Malaiyaha Tamils

Situation of women

In addition to differences in pay and working hours, *Malaiyaha* Tamils women are subject to other forms of violence and discrimination. Supervisors, known as *kankanis*, frequently mistreat their workers, particularly their female workers, who may be subjected to physical and sexual violence.⁵⁶³

In addition to working in the fields, women are also responsible for domestic work and raising children. Furthermore, due to the social taboo surrounding these issues and the lack of access to care facilities, women are poorly informed about sexual and reproductive health, making them more vulnerable to sexual abuse, including intra-family abuse, as well as teenage pregnancies.⁵⁶⁴

As a result of these living conditions, many women go to work in urban centres or abroad, particularly in the Persian Gulf countries, in the hope of earning a better living and being able to provide for their families. Again, violence is widespread and many women are victims of rape and sometimes become pregnant. However, single mothers are generally rejected by their families, which makes their situation even more precarious. However, the stigma of single mothers can also be seen in other communities. ⁵⁶⁵

Many cases of forced sterilization have been documented on plantations. For example, 32 % of women who used family planning were sterilized without prior and clear information. This lack of information has been reinforced by the fact that practitioners have spoken to them in Sinhala, a language that most *Malaiyaha* Tamils do not master. Moreover, more than a quarter of the sterilized women indicated that they had accepted the procedure under pressure from their husbands or plantation social workers, fearing that they would lose their jobs if they were refused. 566 Some political groups have

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⁵⁵⁸ Human Development Organization (HDO), interview.

⁵⁵⁹ Human Development Organization (HDO), interview.

⁵⁶⁰ Human Development Organization (HDO), 2017, p. 19.

⁵⁶¹ Human Development Organization (HDO), interview; The Borgen Project, 22/08/2021, <u>url</u>

⁵⁶² Human Development Organization (HDO), interview.

⁵⁶³ Human Development Organization (HDO), interview; CHANDRABOSE A.S. and SIVAPRAGASAM P.P. 2015, p. 36; The Morning, 24/02/2023, url

⁵⁶⁴ Human Development Organization (HDO), interview.

⁵⁶⁵ Human Development Organization (HDO), interview.

⁵⁶⁶ CHANDRABOSE A.S., SIVAPRAGASAM P.P., 2015, pp.36-37.

also accused the government of resorting to sterilizations through family planning in order to coercively reduce the plantation population. ⁵⁶⁷

4.4. Muslims

The four main religious groups are, in descending order: Buddhists, who make up the majority of the population (70.1 %), followed by Hindus (12.6 %), Muslims (9.7 %)⁵⁶⁸ and Christians (7.6 %). While the Constitution guarantees that 'everyone has the right to freedom of thought, conscience and religion, including the freedom to have or adopt a religion or belief of his or her choice' and that 'no citizen shall be discriminated against on the basis of race, religion, language, caste, sex, political opinion, place of birth ...',⁵⁶⁹ it states that 'the **Republic of Sri Lanka gives Buddhism the most prominent place** and, accordingly, it is the duty of the State to protect and encourage *Buddha Sasana*,⁵⁷⁰ while guaranteeing to all religions the rights granted by Articles 10 and 14(1)(e)'.⁵⁷¹

Muslims are subdivided into different communities based on their origin, the main ones being 'Sri Lankan Muslims' (*Sri Lankan Moors*), 'Indian Muslims' and Malays. There are also smaller groups, such as the Bohras and Kolas.⁵⁷²

4.4.1. Security situation and attitude of the authorities

On 21 April 2019, the National *Tawhid Jamaat* (NTJ), a Sri Lankan Islamist group affiliated with ISIS, carried out several simultaneous attacks on Christian places of worship and luxury hotels in Colombo, Negombo, Batticaloa, Dehiwala and Dematagoda, killing 257 people and injuring more than 500.⁵⁷³

The security forces then carried out numerous operations in mosques and madrasas and carried out many arrests. The use of sniffer dogs inside mosques, even though these animals are considered unclean, has been very badly perceived by the Muslim population, as has the confiscation of religious books written in Arabic, including the Koran. Some mosques have also been monitored by local self-defence committees.⁵⁷⁴

Following these attacks, anti-Muslim riots broke out in the country and continued for several days. For example, in Negombo, a host of rioters has attacked the homes of Pakistani and Afghan refugees (mostly Ahmadis and Christians). Then, on May 5, in the same city, clashes erupted between Muslims and Catholics, the latter ransacking houses and shops belonging to the former. On 12 and 13 May, members of nationalist Buddhist organizations and ordinary citizens with no known affiliation launched attacks on mosques, houses and shops belonging to Muslims in the districts of Puttalam, Kurunagala and Gampaha, with the tolerance or even participation of the security forces and elected representatives of the People's Front of Sri Lanka (*Sri Lanka Podujana Peramuna*, SLPP). A Muslim man is also lynched in Puttalam district.⁵⁷⁵

One of the reasons for this explosion of violence against Muslims is the **popularity of conspiracy theories and racist stereotypes in Sri Lankan society** (see 1.6 above).⁵⁷⁶ For example, many Sinhalese people are resentful of Muslim shopkeepers who own their shops and who accuse them of stealing their customers and their work.⁵⁷⁷ The supposed birth rate of Muslim families makes some fear that this community will one day become the majority.⁵⁷⁸ Similarly, in May 2019, a Muslim doctor, Shegu Shihabdeen Mohamed Shafi, was accused of conducting a forced sterilization campaign on at least 4,000 Sinhalese Buddhist women. Although these accusations later turned out to be quite fallacious,

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TUDOR SILVA Kalinga, University of Peradeniya, interview.
Lanka Statistics, 2023, url
Sri Lanka, Constitution, 07/09/1978, amended on 31/10/2022, url
In Pali: religion of the Buddha.
Sri Lanka, Constitution, 07/09/1978, amended on 31/10/2022, url
Sri Lanka, Constitution, 07/09/1978, amended on 31/10/2022, url
Kir Lanka, Constitution, 07/09/1978, amended on 31/10/2022, url
Winority Rights Group International, 03/2018, url; DIDR, 17/03/2015, url
The Guardian, 21/04/2019, url; BBC, 21/04/2019, url; La Croix 19/04/2025, url
United Nations (UN), Human Rights Council, 28/02/2020, p.6, url; International Crisis Group (ICG), 27/09/2019, p.21-22, url; United Nations (UN), Human Rights Council, 28/02/2020, p.6, url; Le Monde, 14/05/2019, url
United Nations (UN), Human Rights Council, 28/02/2020, p.6, url; Le Monde, 14/05/2019, url
United Nations (UN), Human Rights Council, 28/02/2020, p.6, url; Le Monde, 14/05/2019, url
SILVA Kalinga Tudor, Kandy University, interview; Center for Policy Alternatives, interview.
PREMARATHNE H.D.P., University of Peradeniya, interview; Center for Policy Alternatives, interview.
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DIDR – OFPRA 11/09/2025 they caused a great stir in the country and were instrumentalized by nationalist Buddhist groups. 579 Some police officers also threatened Muslims with accusing them of involvement in the Easter attacks if they did not agree to pay them the required bribe.580

Subsequently, the authorities also took certain measures considered discriminatory against the Muslim population. As part of the fight against COVID-19, in April 2020, the government imposed cremation on



Azraudeen School in the Muslim Quarter of Jaffna

people who died from the virus, on the grounds that it would prevent its spread. This obligation contravened Muslim practices, which prescribe the burial of the remains. Moreover, the effectiveness of cremation against the virus has not been scientifically proven.⁵⁸¹ These bans have given rise to numerous protests and demonstrations.⁵⁸² The government reversed the ban a year later, but imposed that COVID-19 deaths be buried only at a site on the island of Iranaitivu in the Gulf of Mannar. In March 2022, the Ministry of Health re-authorized burials in the cemetery chosen by relatives.583

In March 2021, the Ministry of Defence banned the import of Islamic religious books, with the exception of those approved by its cabinet, in what it described as an 'anti-terrorism' measure. The Koran is one of the books subject to import restrictions.⁵⁸⁴ In February 2025, Deputy Defense Minister Aruna Jayasekara told parliament that books about all religions, including Buddhism and Hinduism, were targeted by these controls "in order to prevent extremism and terrorism."585 A political party met by the mission also denounced the unjustified restrictions invoked by the authorities to make the construction of mosques almost impossible.586

Finally, for the first time since the country's independence, the government appointed in September 2024 does not include any Muslim ministers. 587

4.4.2. Attitude of the population

While relations between the different communities have subsided since 2019, tensions persist, as does a climate of mistrust towards Muslims among part of the Sri Lankan population. This climate is also maintained by some media outlets and political figures who speak violently against the Muslim population, including on social media. Some of the mission's interlocutors noted that anti-Muslim discourses replaced anti-LTTE discourses at the end of the war and expressed fears of renewed violence against the community.588

These abuses have also fueled suspicion among some Muslims. Thus, during the COVID-19 vaccination campaigns, the rumour that it was a strategy to reduce fertility through the vaccine spread to part of the

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⁵⁷⁹ TUDOR SILVA Kalinga, University of Peradeniya, interview; Economy Next, 13/06/2022, url; Reuters, 12/07/2019, url; EuroNews, 06/06/2019, url; International Crisis Group (ICG), 27/09/2019, p.23, url; Economy Next , 13/0/2022, url

³⁰ Human Rights Commission Of Sri Lanka (UNHCR), interview; Al Jazeera, 12/04/2021, <u>url</u>

⁵⁸¹ Amnesty International, 03/04/2020, url

⁵⁸² Journal de Montréal, 26/02/2021, url

⁵⁸³ Courier International, 04/03/2021, <u>url;</u> France24, 03/03/2022, <u>url;</u> Tamil Guardian, 04/03/2022, <u>url</u>

Tamil Guardian, 06/03/2021, url: United States of America, United States Department of State (USDOS), 05/04/2024, p.18, url: United States of America, United States Commission on International Religious Freedom, 10/2021, p.5, url
585 Political party, interview; Ceylon Today, 07/02/2025, url

⁵⁸⁶ Political party, interview.

⁵⁸⁷ Political party, interview; Lanka News, 05/12/2024, <u>url;</u> Daily Mirror, 20/11/2024, <u>url</u>

⁵⁸⁸ Center for Policy Alternatives (CPA), interview; SUMATHY Sivamohan, University of Peradeniya, interview.

community.⁵⁸⁹ Similarly, the government's policy concerning disputes over religious lands and monuments fosters this mistrust of the State (see 3.3 above).⁵⁹⁰

Non-Muslims' view of Muslims remains tainted by stereotypes. Many are convinced that Muslim women wear the veil only under the coercion of men in their families. In this regard, RECDO reported to the mission that some Muslim women had been refused a job because they wore a veil.⁵⁹¹ Muslim women are also harassed, especially in the streets, as they are identified by wearing the veil.⁵⁹²

In the North, in 1990, Muslims were expelled from Jaffna and four other districts, and the neighbourhood where they lived was subsequently bombed during fighting between the LTTE and the army in 1995, among others. ⁵⁹³ For several years, several thousand of these displaced persons or their descendants have returned to settle in this district, where ruined houses, bearing the marks of the bombings, adjoin houses sometimes renovated, or even newly built houses, while small shops gradually reopen, although they do not belong to the inhabitants. ⁵⁹⁴ The Muslims of Jaffna, who, before their expulsion, were mainly traders, have also been engaged since the end of the war in the recovery of metallic debris. ⁵⁹⁵ This return of Muslims is also observed among the student population of Jaffna. ⁵⁹⁶

Some of the Muslims have been identified as internally displaced people (IDPs). It seems that by 2025, a thousand Muslim people are still IDPs, 500 of whom are in Puttalam, where camps had been set up. While it is now possible for those persons to return to their place of origin, their economic situation makes resettlement very difficult. Moreover, they may be subject to some hostility on the part of the population of their place of origin, which may have undergone profound transformations since the end of the conflict in 2009. These difficulties are also very marked at the administrative level. Many people who tried to resettle in the North returned to Puttalam, feeling unwelcomed and facing significant material difficulties, especially for the poorest.⁵⁹⁷





Houses damaged by fighting in the Muslim area of Jaffna

For more than 40 years, Muslim women have been fighting for amendments to the Muslim Marriage and Divorce Act (MMDA), which has governed Muslim marriage and divorce proceedings since 1951. This special legislation allows child marriage from the age of 12 when it has been approved by a *qadi* (Muslim judge).

Critics also deplore the fact that it does not provide for the compulsory collection of the bride's consent before her marriage, that it imposes different conditions on men and women in matters of divorce and

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⁵⁸⁹ KAMALRATHNE Thushara, University of Peradeniya, interview.

⁵⁹⁰ Center For Policy Alternatives (CPA), interview; Human Rights Commission Of Sri Lanka (UNHCR), interview.

⁵⁹¹ Rural And Economic And Community Development Organization (RECDO), interview.

⁵⁹² Sri Lanka Unites Reconciliation Center (SLURC), interview.

⁵⁹³ Jaffna Social Action Center, interview; GNANAPRAGASAM Justin B., Bishop of Jaffna, interview; Rural And Economic And Community Development Organization (RECDO), interview.

⁵⁹⁴ Observations by the members of the mission; Sri La Sri Somasunthara Gnanasampantha Paramachariya Swamigal, interview; GNANAPRAGASAM Justin B., Bishop of Jaffna, interview; SUMATHY Sivamohan, University of Peradeniya, interview.

⁵⁹⁵ SUMATHY Sivamohan, University of Peradeniya, interview.

⁵⁹⁶ SARVANANTHAN Muttukrishna Dr, interview; SUMATHY Sivamohan, University of Peradeniya, interview.

⁵⁹⁷ SUMATHY Sivamohan, University of Peradeniya, interview; GNANAPRAGASAM Justin B., Bishop of Jaffna, interview; Political party, interview; Religion Unplugged, 11/02/2025, url

that it authorizes polygamy, without even requiring the consent of the first wife. ⁵⁹⁸ Although MMDA reform committees have been set up since 1970, no legislative amendments have yet been adopted. ⁵⁹⁹ **This desire for reform, although carried by Muslim organizations, is perceived by part of the community as an intrusion into the field of Islamic law.** ⁶⁰⁰ In November 2024, despite repeated requests from women's and children's rights defenders, Foreign Minister Vijitha Herath said that a reform of the MMDA was not on the agenda. ⁶⁰¹

Several interlocutors of the mission considered that, at present, **interfaith dialogue and the daily interactions of followers of different religions are largely calmed,** although some extremist Buddhists continue to speak violently against Muslims. The various religious communities are eagerly waiting for the light to be shed on the 2019 Easter attacks, in particular on the supposed involvement of the authorities. Indeed, statements made in recent years claim that the Rajapaksa government, or at least its intelligence services, are responsible for or have contributed to these attacks. This episode has strained relations between Christians and Muslims, but also the relations of these communities with the government.

⁵⁹⁸ Equal Ground, interview; Muslim Personal Law Reform Action Group (MPLRAG), n.d., url; DANIEL S., 25/09/2016, url

⁵⁹⁹ Muslim Personal Law Reform Action Group (MPLRAG), n.d., <u>url</u>

⁶⁰⁰ Political party, interview; Ground Views, 13/12/2024, url

⁶⁰¹ Daily FT, 09/11/2024, <u>url;</u> Sri Lanka Brief, 07/11/2024, <u>url;</u> Muslim Personal Law Reform Action Group (MPLRAG), 07/11/2024,

<u>url</u> ⁶⁰² GNANAPRAGASAM Justin B., Bishop of Jaffna, interview; Sri La Sri Somasunthara Gnanasampantha Paramachariya Swamigal, interview; Venerable Kudapeeligama Nanda Thero, interview.

⁶⁰³ GNANAPRAGASAM Justin B., Bishop of Jaffna, interview; Political party, interview; Sri La Sri Somasunthara Gnanasampantha Paramachariya Swamigal, interview.

Conclusion

Since the end of the armed conflict between the LTTE separatists and the state in 2009, Sri Lanka has experienced periods of uncommon political and social instability since independence. The violent intercommunal conflict between Sinhalese and Tamils that has persisted in the country since the 1980s has been stifled, while Muslim communities have been the subject of hate campaigns and even acts of violence by ultra-nationalist groups, sometimes tolerated by the authorities. The new government, which emerged from the presidential elections in September 2024 and the parliamentary elections in November 2024, spoke out against these actions, and signalizes openness towards ethnic and religious minorities, without, however, embarking on a clear process of national reconciliation. Concrete and sustainable developments showing this change of course are long overdue, and could be delayed by a dilemma within the new central political authorities. Indeed, past positions hostile to the Tamil autonomists of the now dominant party, the JVP, seem far removed from the current orientations displayed by the NPP government and the President of the Republic towards ethnic minorities and not compatible with its recent anchoring in certain social sectors of the Tamil population. This new power must also deal with a plethoric army with a significant aura in the Sinhalese and Buddhist population, which fears to be influenced by the Tamil and Hindu world of Southern India, which, according to the latter, is embodied in the autonomist claims of the Tamil parties in Sri Lanka.

Despite this uncertain situation, significant progress towards easing inter-community tensions has been made since OFPRA's last mission in 2011. The Northern Province is undergoing an increasing development in terms of public infrastructure, erasing the material after-effects of the war, and the new government is committed to developing major economic projects there. The army is now confined to its barracks. State agents posted to this Tamil-speaking province, such as police officers and staff of health facilities, mostly Sinhalese, learn Tamil. Traffic lanes are no longer cut off by military or police checkpoints. More generally, extreme police violence, arbitrary arrests and politically motivated disappearances have become rare. Sri Lankan exiles can now return or stay in the country without being arrested and detained upon arrival. Tamils can commemorate their war dead without being arrested. Only persons publicly referring to the iconography of the LTTE are now liable to be arrested, since that organization falls within the scope of the counter-terrorism legislation.

However, in the Northern and Eastern provinces, which were the scene of the war between the LTTE, on the one hand, and the armed forces and their proxy militias, on the other, surveillance by the security apparatus of former separatist fighters, activists from various human rights organizations and journalists remains burdensome. This surveillance ranges from regular home visits to interrogations of protesters on the ground or in the neighbourhood, or even monitoring the movements of those under surveillance. The financial accounts of monitored organizations and individuals are scrutinized by authorities who fear the resumption of funding for separatist groups by the Tamil diaspora. As a result, an insidious atmosphere of fear has spread among Tamil-speaking populations, including youth organizations advocating reconciliation between the different communities, which is likely to curb overly demanding actions such as during the so-called *Aragalaya* revolt. They are nevertheless used there, especially against the construction of Buddhist monuments in areas with a majority Hindu or Muslim population, or for the restitution of lands seized by the army during the war.

Moreover, while the situation of sexual and gender minorities has improved in recent years, the repressive provisions of the Criminal Code, which are poorly enforced, continue to allow for extortion or even sexual violence by some police officers. Also, LGBTQI+ rights support organizations are now associated with police force awareness programs on their own issues. However, associations and influencers can conduct street and social media campaigns against LGBTQI+ people. Finally, although police mechanisms have been introduced specifically for women, the prevalence of violence against them has increased sharply since the COVID-19 pandemic. A quarter of them have suffered from it since the age of 15, and this proportion is higher in the Northern and Eastern Provinces, where the population is still suffering from the traumas of the war. Few financial resources are yet allocated by the public authorities to curb this scourge.

Annex 1

General Circular No: 01 - 34/2016

My Number: DMH/A/18/2016 Ministry of Health, Nutrition and Indigenous Medicine 385, Ven. Baddegama Wimalawansa Thero Mawatha Colombo 10. (b.06.2016.

All:

Provincial Health Secretaries,
Provincial Directors of Health Services,
Regional Directors of Health Services,
Directors of Teaching Hospitals,
Medical Superintendents of Hospitals,
Heads of Specialized Campaigns,
Heads of Health Institutions,
Deans of Medical Faculties,

Issuing of Gender Recognition Certificate for Transgender Community

Transgender is an umbrella term for all people whose internal sense of their gender (their gender identity) is different from the sex they were assigned at birth. For example, a transgender woman is someone assigned male at birth wha identifies as female (WHO 2015).

Transgender people are often socially, economically, politically and legally marginalized. Discrimination and vulnerable to harassment, violence and sexual assault and discrimination in access to public spaces like restaurants, cinemas, public toilets are common. Therefore amending the sex designation on a birth certificate is an extremely impartant step for a transgender person, to accurately reflect on this legal document the sex with which the individual identifies, and as required proof of sex to obtain other identity and legal documents.

Considering above facts, Ministry of Health, Nutrition and Indigenous Medicine has decided to establish services for transgender communities in every institution, with capacity of specialist psychiatric care (Consultant Psychiatrist).

When a person requests service, the responsible consultant psychiatrist will provide the care which includes assessment, counseling and issuing a **Gender Recognition Certificate (GRC)** to assist with the process of changing the sex on a birth certificate. The certificate could be issued only to those above 16 years of age and it will indicate the desired gender as to be shown in birth certificate. This document has to be certified by a Consultant Psychiatrist and then the Head of the Institution working under the Ministry of Health.

When a person in the private sector requests it, he should be referred to the closet government hospital with a Consultant Psychiatrist to obtain the certificate.

A system is established on Transgender information management; maintain a register at the institution for effective monitoring of the services. The Directorate of Mental Health is currently taking steps to set up process for transgender information management. Two main documents need to be maintained.

- Transgender Notification Register (TNR); When a person is issued **GRC**, information such as name, date of birth, birth sex, desired gender, National Identity Card number, bed-head ticket/clinic number should be entered in the TNR. Register will be maintained in the Psychiatric unit of the institution
- Gender Recognition Certificate will be prepared in triplicate with one to be issued to the person concerned, the second to be retained at the hospital and third to the Directorate of Mental Health, Ministry of Health.

Kindly make arrangements to make aware all the Consultant Psychiatrists and other relevant officers in your institution on the above to stream line services for transgender persons and issuing the **Gender Recognition Certificate**. A copy of the certificate and sample of the register is attached herewith for your information. More details can be obtained from the Directorate of Mental Health, Ministry of Health, Nutrition and Indigenous Medicine.

Director General of Health Services

Ministry of Health, Nutration L Indigenous Medicine
"Suwashripaya",

385, Rev. Baddegama Yamalawara Thero Mawatha,

Coscho 10.

Dr. P.G. Mahipala

Director General of Health Services

Cc:

Secretary/Ministry of Health, Nutrition and indigenous Medicine

Deputy Director General (MS) I

Deputy Director General (MS) II

Deputy Director General (NCD)

Director/Mental Health

President/Sri Lanka College of Psychiatrists

H 1257

Gender Recognition Certificate Ministry of Health- Sri Lanka

This certificate is issued for the purpose of change the gender and name on Birth Certificate by the Section 27 and 52(1) of Birth and Death Registration Ordinance

			W.							
	A)	General Information								
	1.	Name in Full:								
	2.	Name of the Father:								
	3.	Name of the Mother:								
	4.	Home Address:								
	5.	National Identity Card number:								
	6.									
	7.	Date of Birth:	Birth Place:							
	8.	Registered No:	Date:							
12	B)	Declaration of Gender								
[Full name] of										

	I hereby certify that the afore mentioned person underwent the gender transformation process according to the internationally recognized and accepted standards of care published by the World Professionals Association for Transgender Health (WPATH) and completed the social gender role transition as required. I further declare that the afore mentioned person changed the gender from									
	certificate as mentioned below.									
	New name:									
	New gender:									
	Name:									
	Signature:									
	(Consultant psychiatrist)	(Head of the Institution)								
•										
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