

Sri Lanka: Resolution 30/1 Implementation Monitor

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Sri Lanka: Resolution 30/1

Implementation Monitor

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



Source: www.meydan.tv

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

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

At the 34th UNHRC session held in March 2017, the Sri Lankan government co-sponsored a fresh resolution. Resolution 34/1 reaffirms the above commitments, and requests that Sri Lanka fully implement measures identified in Resolution 30/1 that are outstanding. Subsequently, at the 40th session held in March 2019, the government co-sponsored Resolution 40/1 which reaffirms its commitments to recon-

ciliation envisaged in Resolution 30/1 and reaffirmed in Resolution 34/1. In terms of Resolution 40/1, the Office of the United Nations High Commissioner for Human Rights (OHCHR) is to present an update on Sri Lanka's progress in implementing Resolution 30/1 at the 43rd session of the UNHRC, which is to be held in February and March 2020. The OHCHR will then prepare a comprehensive report of Sri Lanka's implementation of Resolution 30/1 which will be taken up for discussion at UNHRC's 46th session.

VR released an analysis of government progress in fulfilling the 36 actionable commitments in Resolution 30/1 in June 2016, March 2017, February 2018, and March 2019. **This brief contains an updated analysis of progress since March 2019.**

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

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

The methodology involves two assessments:

1. Assessment of performance indicators:

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

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

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

The assessment of progress thereafter relies on publicly available information and evidence of steps taken towards achievement of each indicator. The assessment includes a qualitative evaluation of how complete and effective the government’s steps are in meeting performance indicators.

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

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

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

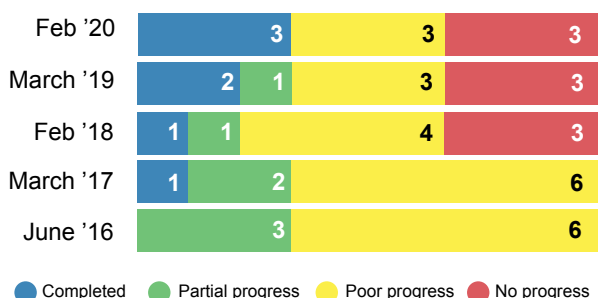
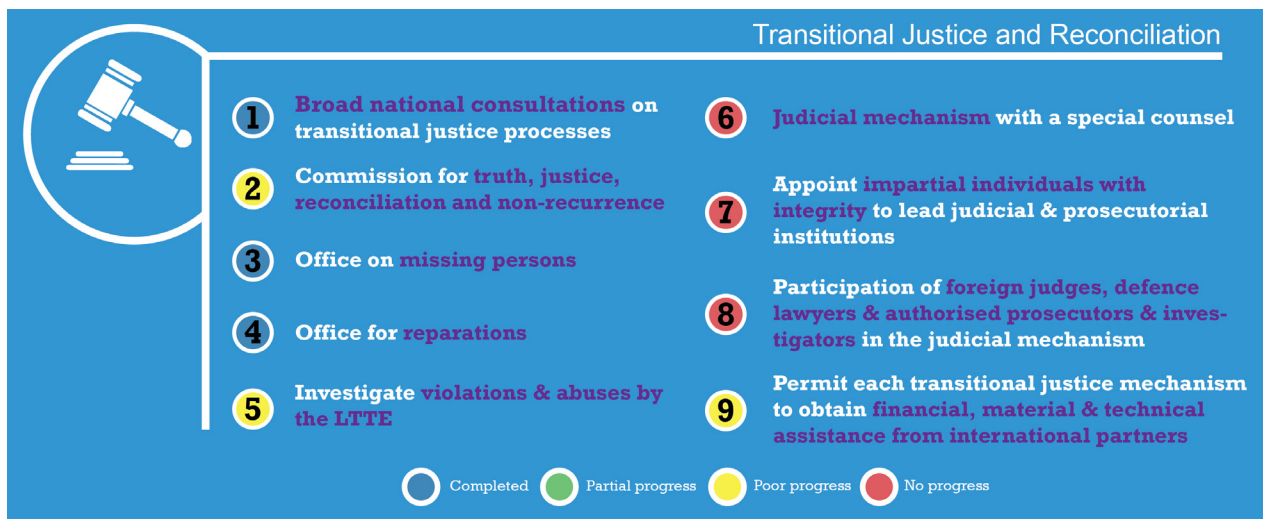
2. Assessment of implementation plans:

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

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

TRANSITIONAL JUSTICE AND RECONCILIATION

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



The Office for Reparations has become operational as the former President Maithripala Sirisena appointed five commissioners to the Office for Reparations on 1 April 2019 for a period of three years.¹ These appointments were made upon nominations by the Constitutional Council.² The 2019 budget for Sri Lanka had allocated LKR 700,000,000 to the Office for Reparations.³ The ‘Vote on Account’ for the first quarter of 2020 was presented in parliament by former Finance Minister, Mangala Samaraweera in October 2019,⁴ which allocated a total of LKR 35,820,000 for the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) under the allocation for the Office of the Prime Minister.⁵ From this sum, LKR 12,500,000 is to be allocated for the ‘Assistance for coordinating reconciliation mechanisms’. This ‘Vote on Account’ is applicable until parliamentary elections take place in 2020, following which the new parliament will present a complete budget.⁶ During the last year, the Office for Reparations conducted national consultations with individuals affected by the armed conflict to inform reparation policies.⁷ Accord-

ing to the Office for Reparations, these consultations were also a tool to raise awareness regarding the newly established office and the progress made in reparations activities.⁸ In light of these developments, this commitment saw an improvement in its implementation status since March 2019 to ‘completed’.

There were a few arrests made in relation to violations and abuses committed by the LTTE, including: (1) the indictment of Sivatheeban B. by German authorities in April 2019 for the execution of fifteen Sri Lankan soldiers;⁹ (2) the arrest and detention of three members of the Karuna Group who were linked to the murder of a police officer of the Kokkadicholai Police Station by the Criminal Investigation Department in March 2019;¹⁰ (3) the arrest of seven individuals including two politicians suspected of having links to the LTTE by the Malaysian police in October 2019;¹¹ and (4) the raiding of a safe house in Ambakulam belonging to a 36 year old alleged LTTE member who had not undergone rehabilitation.¹² Despite these arrests, there is still no institutionalised process to investigate violations and abuses committed by the LTTE, nor an established accountability mechanism. Therefore, the status of this commitment continues to remain at ‘poor progress’.

On 20 March 2019, Tilak Marapana, the former Minister of Foreign Affairs of Sri Lanka and leader of the Sri Lankan delegation to the 40th session of the Human Rights Council in Geneva stated that the

inclusion of foreign judges in Sri Lanka’s judicial processes can only take place by a two-third majority vote by parliament and the approval of the people at a referendum.¹³ The former President, Prime Minister and several other ministers have also voiced their opposition to establish a hybrid court.¹⁴ In this context, there appears to be ‘no progress’ towards establishing a judicial mechanism with a special counsel to investigate violations of human rights and international humanitarian law.

The Office on Missing Persons (OMP) has set up regional offices in Jaffna¹⁵ and Batticaloa.¹⁶ The OMP is in the process of collecting data from former commissions and divisional secretaries in order to compile a register of missing and disappeared persons.¹⁷ However, the present government announced that it would

review the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016 (OMP Act) to determine if the Act or portions of the Act should be repealed.¹⁸ The OMP in response, noted that consultations should be held with families of the missing and disappeared persons, and relevant civil society organisations prior to any review of the OMP Act.¹⁹ Such a review risks a reversal of the progress achieved thus far with respect to this commitment.

Draft legislation to set up a commission for truth, justice, reconciliation and non-recurrence was reported to have been approved by the Cabinet of Ministers in October 2018,²⁰ provided the drafters addressed Cabinet’s feedback. However, the draft legislation has not been made public yet.²¹

RIGHTS AND RULE OF LAW

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

Rights and Rule of Law

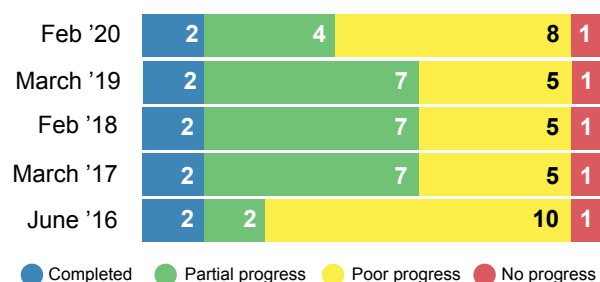
- 1 Investigate attacks on journalists, human rights defenders, religious minorities & civil society
- 2 Hold perpetrators of these attacks to account
- 3 Prevent such attacks in the future
- 4 Review & repeal the PTA
- 5 Replace PTA with legislation compliant with international best practices
- 6 Sign & ratify the International Convention for the Protection of All Persons from Enforced Disappearance
- 7 Criminalise enforced disappearances
- 8 Publish previous presidential commission reports
- 9 Review the Public Security Ordinance
- 10 Issue Certificates of Absence to families of missing persons
- 11 Preserve all records & documentation relating to human rights violations
- 12 Instructions to security forces that violations of human rights & IHL are prohibited & punishable
- 13 Address reports of sexual and gender-based violence & torture
- 14 Review witness & victim protection law
- 15 Strengthen witness & victim protection law

● Completed

○ Partial progress

○ Poor progress

○ No progress



On 2 January 2020, the Cabinet of Ministers approved a proposal to withdraw the counter-terrorism bill.²² This bill was presented in parliament in October 2018 by the previous government with the aim of repealing the Prevention of Terrorism Act (PTA). In January 2020, the cabinet spokesman stated that, ‘The PTA is back in the statute book, empowering the police and armed forces to face any threat posed to

national security from any quarter'.²³ In light of these developments to retain the PTA instead of replacing it with the proposed counter-terrorism bill, fulfilment of the commitment to review and repeal the PTA, and replace it with legislation compliant with international best practices, is reassessed as 'poor progress'.

Following the Easter Sunday Attacks in April 2019, the former president declared a state of emergency under section 5 of the Public Security Ordinance (PSO).²⁴ The state of emergency was renewed monthly,²⁵ and was rescinded on the 22 August 2019.²⁶ There has been no indication by the present government to review the PSO.

802 Certificates of Absence were issued in 2019.²⁷ Furthermore, the government allocated LKR 500 million in the 2019 budget to provide relief for families of missing persons.²⁸ A recommendation was proposed to provide a monthly stipend of LKR 6000 to support families who have received 'Certificates of Absence' until their requests are resolved by the Office for Reparations.²⁹ This recommendation was approved by the Cabinet of Ministers in September 2019.³⁰ The former chairperson of the Office on Missing Persons (OMP) confirmed that the proposed recommendation was agreed to in principle with the government.³¹ President Gotabaya Rajapaksa has meanwhile stated that 'the missing persons are actually dead, most of them had been taken by the LTTE or forcibly conscripted'.³² As such, the current president has stated that death certificates would be issued to persons who were thought to be missing after conducting the necessary investigations³³ and support would be provided to the aggrieved families.³⁴ During his first press conference pursuant to his nomination as the Sri Lanka Podujana Peramuna (SLPP) presidential candidate, Gotabaya Rajapaksa also stated that the total number of persons surrendered during the last days of the war amounted to 13,784 persons and they were rehabilitated and reintegrated into society. Rajapaksa denied that any of these persons remain missing.³⁵

A proposal was presented by former Minister of Justice and Prison Reforms, Hon. Thalatha Atukorale to replace the current Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015 with new legislation compliant with international norms and best practices on victims of crime and witnesses. This proposal was approved by Cabinet in June 2019.³⁶ As a result, fulfilment of the commitment to review the witness and victim protection law

remains at 'partial progress'.

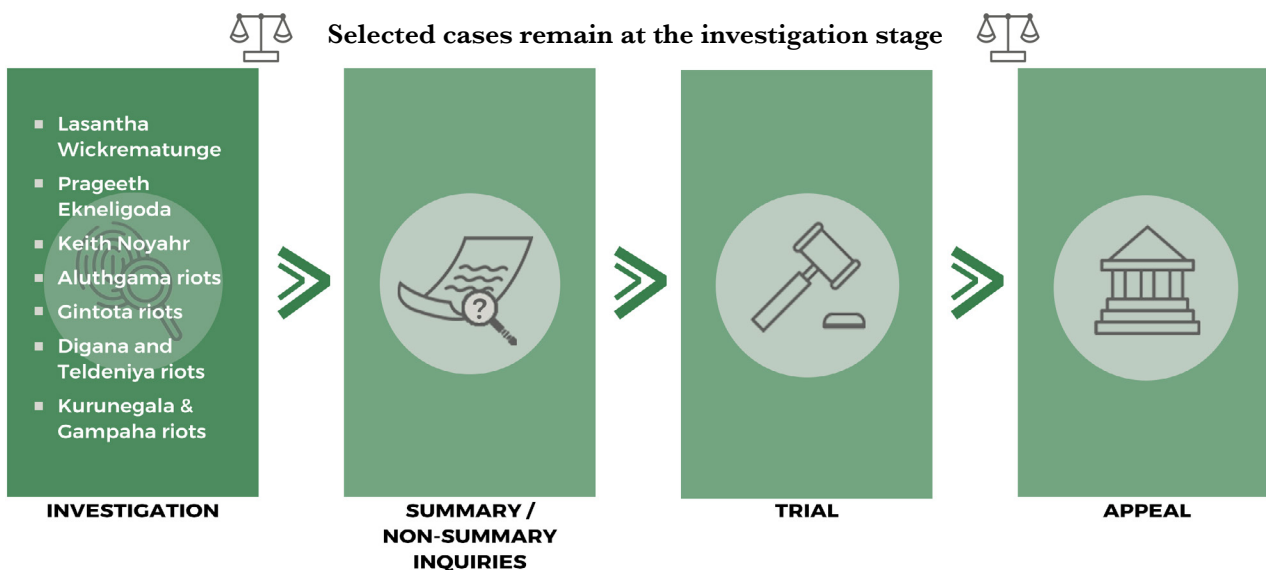
The incumbent government has made assurances that military personnel who were imprisoned by the previous government for alleged war crimes committed during the 30 year civil war against the LTTE will be released.³⁷ This promise was included in President Gotabaya Rajapaksa's election manifesto.³⁸ There is no publicly available evidence that any convicted military personnel have been released as yet. In any event, these developments risk a reversal of the progress achieved thus far with respect to the commitment to provide instructions to security forces that violations of human rights and international humanitarian law are prohibited and punishable.

In August 2019, the Attorney General's (AG) Department directed the acting Inspector General of Police (IGP) to expedite the investigations of six emblematic cases including the murder of journalist Lasantha Wickrematunge, the disappearance of journalist Prageeth Ekneligoda, and the abduction and assault of Keith Noyahr.³⁹ However, the investigative reports submitted to the AG's Department by the Criminal Investigation Department (CID) were inconclusive.⁴⁰ Furthermore, the AG expressed concerns with respect to severe delays in concluding the police investigations.⁴¹ Moreover, on 21 November 2019, soon after the presidential election, the director of the CID, Shani Abeysekera, who was involved in investigating several high-profile cases including the cases mentioned above, was transferred by the National Police Commission to serve as the Personal Assistant to the Southern Province District Inspector General.⁴² CID officer Nishantha Silva meanwhile fled the country without obtaining permission from the police department on 24 November 2019.⁴³ In this context, alongside promises made by members of the incumbent government to release 'war heroes', it appears that the fulfilment of the commitment to investigate attacks on journalists, human rights defenders, religious minorities and civil society is losing momentum. As such, we reassess the fulfilment of this commitment as 'poor progress'. (See Figure 1: Commitment to investigate attacks on journalists, human rights defenders, religious minorities and civil society).

Several other incidents of attacks, intimidation and searches against journalists between May 2019 and January 2020 have been reported.⁴⁴ For example, a journalist attached to the Lakehouse news media division was reportedly assaulted on 10 December 2019.⁴⁵ Furthermore, several cases of surveillance and intimid-

ication of human rights organisations were recorded during this period.⁴⁶ Following the Easter Sunday Attacks, anti-Muslim communal violence erupted in the Kurunegala and Gampaha districts which caused the death of at least one Muslim person and left dozens of Muslim-owned homes and businesses damaged.⁴⁷ There is no publicly available information as to whether any persons have been prosecuted for the attacks. The International Covenant on Civil and Political Rights Act, No. 56 of 2007 (ICCPR Act) has meanwhile been applied to target writers and religious minorities. Writer Shakthika Sathkumara was

arrested under the ICCPR Act for writing a fictional short story that allegedly offended Buddhism,⁴⁸ while M.R Mazahima was arrested for wearing a dress with a ship’s steering wheel printed on it. The printed symbol was said to offend Buddhism because it resembled a Buddhist symbol, the Dharmachakra.⁴⁹ In this overarching context, fulfilment of the commitments to hold to account perpetrators of attacks on journalists, human rights defenders, religious minorities, and civil society, and to prevent such attacks in the future remain at ‘poor progress’.



(Figure 1: Commitment to investigate attacks on journalists, human rights defenders, religious minorities and civil society)

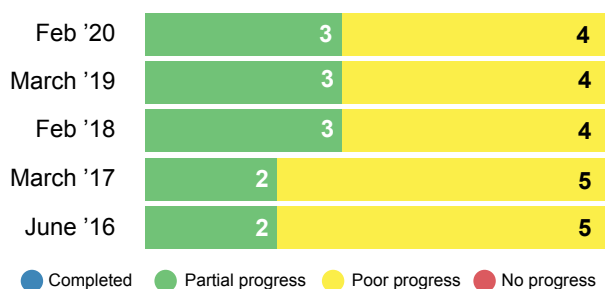
SECURITY AND DEMILITARISATION

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

Security and Demilitarisation

- 1 **Security sector reforms** e.g. processes to prevent recruitment & retention of personnel implicated in human rights & IHL violations
- 2 **Training & incentives** for the promotion & protection of human rights
- 3 **End military involvement** in civilian affairs
- 4 **Return military-occupied land** to owners
- 5 **Restore livelihoods**
- 6 **Restore normality** to civilian life
- 7 **Full participation** of populations, civil society and minorities in demilitarisation efforts

- Completed
- Partial progress
- Poor progress
- No progress



The vetting of troops for peacekeeping operations resumed on 20 December 2018 after the formulation of the Standard Operations Procedure (SOP).⁵⁰ Currently, a double vetting process by the Human Rights Commission of Sri Lanka (HRCSL) and the Office of the High Commissioner for Human Rights (OHCHR) is in effect.⁵¹ However, on 25 September 2019, United Nations Department of Peace Operations (UNDPO) unofficially suspended the deployment of 'non-essential' Sri Lankan troops for peacekeeping operations.⁵² This decision was reportedly based upon the appointment of Lieutenant General Shavendra Silva as the commander of the Sri Lankan army despite allegations that he was involved in human rights violations.⁵³ Upon clarification sought by Sri Lanka's Secretary to the Ministry of Foreign Affairs, it was confirmed that only 25% of the troops would be reduced.⁵⁴ Subsequently, in November 2019, 243 Sri Lankan officers belonging to the Combat Convoy Company (CCC), which is used to protect and secure convoys on the ground, were deployed for peacekeeping operations to Mali.⁵⁵

According to the Secretariat for Coordinating Reconciliation Mechanisms (SCRM), 47,604 acres of land were released between 2015 and March 2019. This figure includes 41,677 acres of state land and 5,927 acres of private land.⁵⁶ As at 12 March 2019, 28,910 acres (25,464 acres of state land and 3,526 acres of private land) were still occupied by the military.⁵⁷ There are no publicly available comprehensive statistics on the release of military-held land since March 2019. However, the Website of the Sri Lanka Army states that the following extents of land were released since 25 March 2019: (1) 5.5 acres in the Eastern province;⁵⁸ (2) 27.4 acres in the Palaly Cantonment;⁵⁹ (3) 23.05 acres in Kilinochchi;⁶⁰ and (4) another 150.15 acres in Kilinochchi.⁶¹ Protests demanding the release of land occupied by the military have continued. For instance, protests were held by Muslim residents of Silavathurai in the Mannar district between February and April 2019 demanding that the Navy remove its

camp which is built on 36 acres of residential land belonging to the community.⁶² Some of these protesters subsequently filed a complaint at the HRCSL alleging that they were intimidated by Naval officers belonging to the Silavathurai Navy camp.⁶³

The government made some progress in resettling displaced persons. As at 31 December 2018, the Ministry of National Policies, Economic Affairs, Resettlement & Rehabilitation, Northern Province Development and Youth Affairs reported that resettlement already occurred for the following: 167,137 families consisting of 546,100 persons in the Northern Province and 91,275 families consisting of 337,085 persons in the Eastern Province.⁶⁴ At that point of time, only 10,509 families consisting of 35,926 persons were yet to be resettled according to the government.⁶⁵ However, no further updates have been released to the public since December 2018. LKR 4,500 million was allocated in the 2019 budget for the construction of 15,000 brick and mortar houses in the Northern and Eastern provinces to assist in resettling efforts of conflict affected families.⁶⁶ Further evidence of steps taken to restore livelihoods in the North and East of Sri Lanka include: (a) the launch of the national policy on durable solutions for conflict-affected displacement in March 2019;⁶⁷ (b) the proposed allocation of LKR 750 million in the 2019 budget for projects carried out by the Office for National Unity and Reconciliation (ONUR) such as the 'Viruliya Shakthi' programme for military widows;⁶⁸ and (c) the launch of the 'Palmyra Fund'.⁶⁹ Moreover, in August 2019, the government completed the Myliddy fisheries harbour restoration project, which was aimed at restoring the livelihoods of the displaced fishing communities in the northern province.⁷⁰ In light of these developments, the status of this commitment continues to remain at 'partial progress'.

The military continues to engage in commercial businesses in the North and East. They are reportedly involved in agriculture, tourism, fishing, and other commercial ventures such as domestic airlines.⁷¹ Local communities complain of the lack of employment opportunities due to military engagement in these main livelihood areas.⁷² Following the constitutional crisis in October 2018, the police department which was previously under the Ministry of Law and Order, was brought under the purview of the Ministry of Defence.⁷³ This position has remained even after the change in presidency, as per the gazette specifying subjects and functions falling under each ministry in

December 2019.⁷⁴ Despite the lift on emergency regulations on 22 August 2019,⁷⁵ former President Maithripala Sirisena issued a proclamation under section 12 of the PSO to call out the armed forces to exercise police powers across several districts including the North and East, if the need arose.⁷⁶ Subsequently, President Gotabaya Rajapaksa reissued a special gazette calling out the armed forces to exercise police powers in every district with effect from 22 November 2019.⁷⁷ It thus appears that the line between civilian affairs and military affairs is blurred as a result of these decisions. Therefore, progress in fulfilling the commitment to end military involvement in civilian affairs remains ‘poor’.

There was a heightened security presence in the North and East following the Easter Sunday Attacks in 2019.⁷⁸ According to the UN Special Rapporteur Mr. Clément Nyaletsossi Voulé during his visit to Sri Lanka in July 2019, there appeared to be an increase in surveillance in the region.⁷⁹ He observed that this increase in surveillance along with the prevalent military presence contributes to communities remaining ‘mistrustful’ of state institutions.⁸⁰ The Special Rapporteur also reported that his visit was subjected to surveillance in Trincomalee by individuals presumed to be intelligence personnel in civilian attire.⁸¹ Meanwhile, there were reportedly eight police and military run checkpoints between Anuradhapura and the Mullivaikkal memorial grounds.⁸² Three new check-

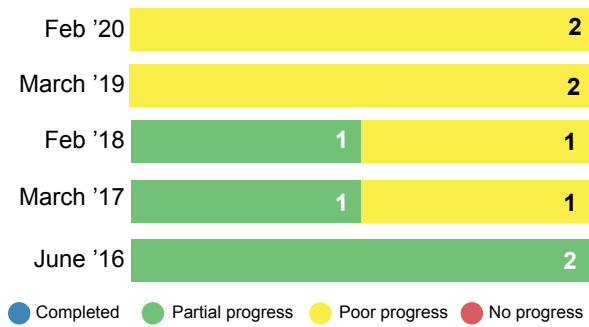
points were reportedly set up at key routes into Mullivaikkal a day before the memorial service where the names and identity card numbers of people entering Mullivaikkal were recorded at some of these checkpoints.⁸³ Tamil activists claimed that this measure led to a reduced attendance at the ten year Mullivaikkal memorial service, which is held to commemorate the lives of Tamil civilians lost during the 30 year civil war.⁸⁴ On 30 November 2019, Secretary to the Ministry of Defence, Kamal Guneratne stated that military camps in the North and East will not be removed in order to protect national security.⁸⁵ In this overarching context, there has been no change in the implementation of this commitment, and fulfilment status remains at ‘poor progress’.

Government institutions and civil society groups have taken steps to promote reconciliation and demilitarisation. For instance, ONUR signed a MOU with 22 CSOs in March 2018 to implement the ‘Heal the past, build the future’ project in 17 districts. The aim of this initiative is to train public servants and CSO representatives in reconciliation and peaceful co-existence at the grassroots level.⁸⁶ The third training of trainers’ programme for this project took place in August 2019. 60 government officers and NGO representatives from Galle, Vavuniya and Puttalam attended this training.⁸⁷ The UN Special Rapporteur Ahmed Shaheed, commended the above project implemented by ONUR.⁸⁸

POWER SHARING

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





Provincial council elections for all nine provinces are currently overdue. On 23 August 2019, former President Maithripala Sirisena, under article 129(1) of the Constitution, sought an opinion from the Supreme Court on whether provincial council elections could be held under the proportional representation system that was in operation prior to the enactment of the Provincial Councils Elections (Amendment) Act, No. 17 of 2017.⁸⁹ The five-judge bench of the Supreme Court unanimously agreed that provincial council elections cannot be conducted under the previous electoral system in the absence of the report of the delimitation review committee, on the basis that the president does not have the authority to publish the number of electorates and boundaries stated in the Delimitation Committee report.⁹⁰

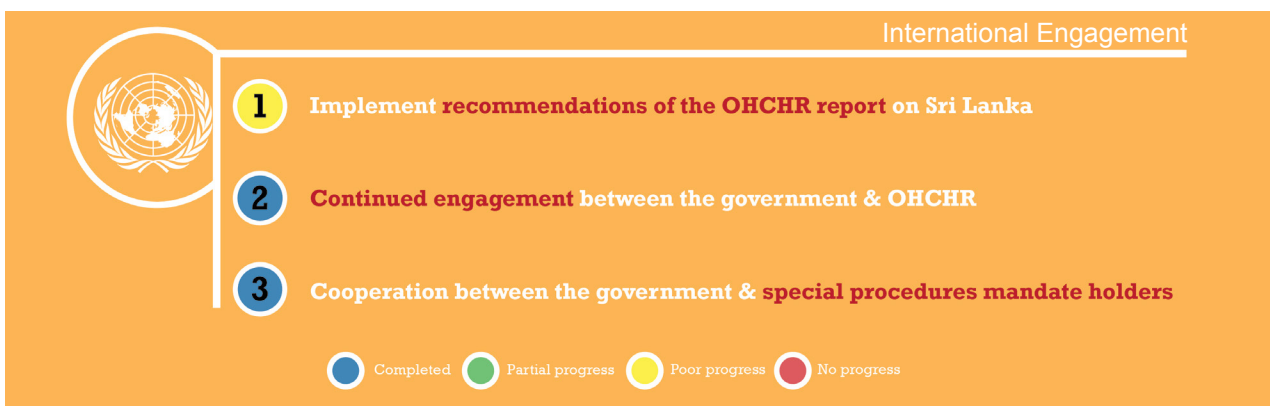
Following the presidential elections in 2019, the government announced that provincial council elections will be held after the general elections in April 2020.⁹¹ A committee to solve the current electoral crisis was appointed in order to decide how provincial council elections could be held.⁹²

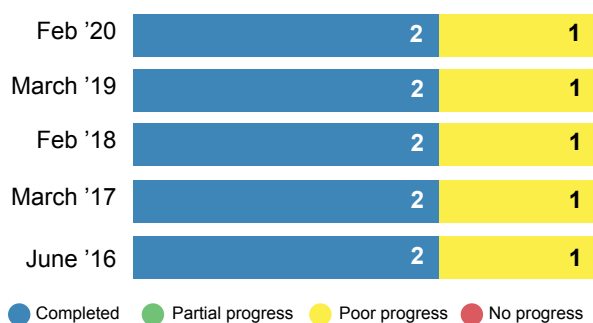
Two constitutional amendments (the 21st Amendment and the 22nd Amendment to the Constitution), which were proposed to parliament in the form of private member's bills have been gazetted.⁹³ The draft 21st Amendment proposes to introduce electoral reforms. The draft 22nd Amendment proposes to amend constitutional provisions introduced through the 19th Amendment to the Constitution. It proposes to curb the powers of the Constitutional Council and provide the president with the authority to hold the Ministry of Defence and any other ministry.⁹⁴

The Constitutional Council convened on 12 December 2019 for the first time following the election of the new president,⁹⁵ and subsequently on 23 January 2020.⁹⁶ There has been no progress in the constitutional reform process after the report prepared by the panel of experts was tabled in parliament on 11 January 2019. As a result, the fulfilment of the commitment to implement a political settlement through constitutional reform remains at 'poor progress'.

INTERNATIONAL ENGAGEMENT

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



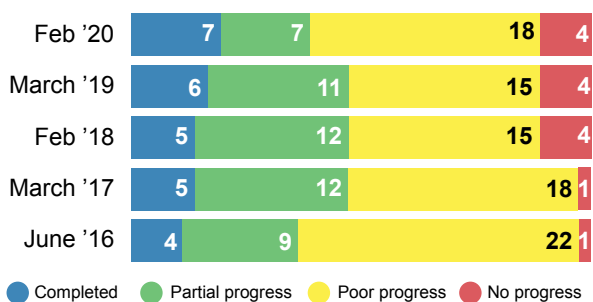


The Government of Sri Lanka extended invitations in 2018 to several UN special procedure mandate holders. These were accepted, and visits scheduled for the year 2019 were completed. For instance, the UN Special Rapporteur on Freedom of Religion or Belief,⁹⁷ the UN Special Rapporteur on Freedom of Peaceful Assembly,⁹⁸ and the UN subcommittee on Prevention of Torture visited Sri Lanka in 2019.⁹⁹

However, fulfilment of the government’s commitment in implementing the recommendations in the report of the OHCHR investigation on Sri Lanka continues to remain at ‘poor progress’. For example, despite the clause in the draft counter-terrorism bill, which pro-

vides for the IGP to compile and maintain a central database of each arrest, detention, remand, grant of bail, and prosecution,¹⁰⁰ the Cabinet approved a proposal to withdraw the proposed draft counter-terrorism bill and retain the PTA.¹⁰¹ As of January 2019, 58 individuals detained under the PTA were facing trial and three suspects were awaiting indictment.¹⁰² There has been no progress in reinforcing the forensic capacity of the judiciary¹⁰³ or carrying out a comprehensive mapping of all criminal investigations, fundamental rights petitions and habeas corpus claims relating to human rights violations. Moreover, fulfilment of the commitment to establish an *ad hoc* hybrid special court with international judges and prosecutors has seen no progress.¹⁰⁴ In October 2016, the Cabinet approved a proposal to implement a ‘National Plan for Women Headed Households’ presented by the Ministry of Women and Child Affairs.¹⁰⁵ In March 2017, the Committee on the Elimination of all forms of Discrimination against Women reported that progress in adopting and implementing the above plan appeared to be slow.¹⁰⁶ There is currently no up-to-date information on progress with respect to the implementation of this plan.

OVERALL STATUS OF IMPLEMENTATION



Since March 2019, the Sri Lankan government has fully completed only one additional commitment i.e. the commitment to establish an Office for Reparations. This brings the total number of ‘completed’ commitments (five years after Resolution 30/1 was co-sponsored) to seven out of 36 commitments.

Some ‘completed’ commitments, however, are at risk of seeing reversals in progress. For example, the ‘completed’ status of the commitment to establish and operationalise the Office on Missing Persons (OMP) is at risk of being reversed on the basis that the incumbent government has announced that it will review

the OMP Act to determine if the Act or portions of the Act should be repealed.¹⁰⁷

Moreover, three commitments saw a drop in status from ‘partial progress’ to ‘poor progress’ since March 2019. These down grades relate to: (1) the Cabinet decision to abandon the plan to repeal the PTA; (2) the Cabinet decision to abandon the plan to replace the PTA with anti-terrorism legislation in accordance with international best practices;¹⁰⁸ and (3) the ostensible loss of momentum in investigating all alleged attacks on journalists, human rights defenders, religious minority groups and civil society members. While the status of these commitments are downgraded to ‘poor progress’, it may be too early in the process to down grade the commitments to ‘no progress’, as initial work towards fulfilling these commitments remain. For example, although the proposed counter-terrorism bill has been withdrawn by Cabinet, it is too early in the process to suggest that ‘no progress’ whatsoever has been made with respect to repealing and replacing the PTA.



The commitments that remain at ‘partial progress’ since March 2019 include: (1) the resumption of livelihoods in the North and East, and (2) the return of military-held land in the North and East. The following commitments meanwhile remain at ‘poor progress’ since March 2019: (1) take steps to prevent future attacks against journalists, human rights defenders, religious minority groups and civil society members; (2) address all reports on sexual and gender-based violence and torture; and (3) introduce effective security sector reforms.











The government is still to make any progress (since 2015) in its commitment to review the Public Security Ordinance. It has also made ‘no progress’ in its three commitments relating to establishing a judicial mechanism with a special counsel, ensuring independent judicial and prosecutorial institutions led by impartial individuals of integrity, and ensuring foreign participation to investigate violations of human rights and international humanitarian law.




















Implementation Status

(June 2016 to February 2020)

Category	Commitment	Implementation Status				
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020
	Engage in broad national consultations on transitional justice mechanisms	Partial progress	Completed	Completed	Completed	Completed
	Establish an office on missing persons	Partial progress	Partial progress	Partial progress	Completed	Completed
	Establish an office for reparations	Poor progress	Poor progress	Poor progress	Partial progress	Completed
	Give each mechanism the freedom to obtain financial, material and technical assistance from international partners, including the Office of the High Commissioner	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress
	Establish a commission for truth, justice, reconciliation and non-recurrence	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Accountability and reconciliation for the violations and abuses committed by the Liberation Tigers of Tamil Eelam	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law	Poor progress	Poor progress	No progress	No progress	No progress
	Independent judicial and prosecutorial institutions led by impartial individuals of integrity	Poor progress	Poor progress	No progress	No progress	No progress
	Participation in a Sri Lankan judicial mechanism, including the special counsel's office, of Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and investigators	Poor progress	Poor progress	No progress	No progress	No progress

Category	Commitment	Implementation Status				
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020
	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay	Completed	Completed	Completed	Completed	Completed
	Criminalise enforced disappearances	Poor progress	Partial progress	Partial progress	Completed	Completed
	Release previous presidential commission reports	Completed	Completed	Completed	Partial progress*	Partial progress
	Issue certificates of absence to the families of missing persons as a temporary measure of relief	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress
	Issue instructions clearly to all branches of the security forces that violations of international human rights law and international humanitarian law are prohibited and punishable	Poor progress	Partial progress	Partial progress	Partial progress	Partial progress
	Review the updated witness and victim protection law	Poor progress	Poor progress	Partial progress	Partial progress	Partial progress
	Review and repeal the Prevention of Terrorism Act	Poor progress	Partial progress	Partial progress	Partial progress	Poor progress
	Replace it with anti-terrorism legislation in accordance with contemporary international best practices	Poor progress	Partial progress	Partial progress	Partial progress	Poor progress
	Investigate attacks on journalists, human rights defenders, members of religious minority groups and other members of civil society	Poor progress	Partial progress	Partial progress	Partial progress	Poor progress
	Take steps to prevent such attacks in the future	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress

Category	Commitment	Implementation Status				
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020
	Hold perpetrators of such attacks to account	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Develop a comprehensive plan and mechanism for preserving all existing records and documentation relating to human rights violations and abuses and violations of international humanitarian law, whether held by public or private institutions	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Address all reports of sexual and gender-based violence and torture	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Strengthen the witness and victim protection law	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Review the Public Security Ordinance	No progress	No progress	No progress	No progress	No progress
	Accelerate the return of land to its rightful civilian owners.	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress
	Resumption of livelihoods	Partial progress	Partial progress	Partial progress	Partial progress	Partial progress
	Increase training and incentives focused on the promotion and protection of human rights of all Sri Lankans	Poor progress	Poor progress	Partial progress	Partial progress	Partial progress
	End military involvement in civilian activities	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Introduce effective security sector reforms	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Restoration of normality to civilian life	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress
	Full participation of local populations, including representatives of civil society and minorities, in these efforts	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress

Category	Commitment	Implementation Status				
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020
	Ensure that all Provincial Councils are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka	Partial progress	Partial progress	Partial progress	Poor progress	Poor progress
	A political settlement by taking the necessary constitutional measures on the devolution of political authority	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress
	Continuation of engagement between the Government of Sri Lanka and the High Commissioner and the Office of the High Commissioner	Completed	Completed	Completed	Completed	Completed
	Cooperate with special procedure mandate holders	Completed	Completed	Completed	Completed	Completed
	Implement the recommendations contained in the report of the Office of the High Commissioner	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress

*VR's previous assessment of government progress in fulfilling this commitment overlooked the government's incomplete disclosure of reports by the Paranagama Commission, and that reports of some other CoIs (including the CoI into the Matale mass graves) are yet to be released publicly. The implementation status was accordingly amended in March 2019.

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