

# **Sri Lanka: Resolution 30/1 Implementation Monitor**

*Statistical and Analytical Review No. 6*

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# Sri Lanka: Resolution 30/1

## Implementation Monitor

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The Legal Research team at Verité Research prepared this brief.

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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](http://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 34<sup>th</sup> 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 40<sup>th</sup> session held in March 2019, the government co-sponsored Resolution 40/1 which reaffirms its commitments to reconciliation envisaged in Resolution 30/1 and reaffirmed in Resolution 34/1. In February 2020, the Sri Lankan government informed the Office of the High Commissioner for Human Rights (OHCHR) of its decision to withdraw from co-sponsorship of Res-

olution 40/1 of 2019, and its preceding Resolutions 34/1 of March 2017, and 30/1 of October 2015.<sup>1</sup> The Minister of Foreign Relations of Sri Lanka cited several reasons for the government's decision. These included: (1) the commitments made were 'impractical, unconstitutional and undeliverable'; (2) it damaged the reputation of Sri Lanka in the international realm; and (3) the changes made following the co-sponsorship of Resolution 30/1 'undermined the national interest and compromised national security including weakening national intelligence operations'.<sup>2</sup> The OHCHR has prepared a comprehensive report on Sri Lanka's implementation of Resolution 30/1, pursuant to Resolution 40/1, which will be taken up for discussion at the UNHRC's 46<sup>th</sup> session in February and March 2021.

Verité Research released analyses of progress in fulfilling the 36 actionable commitments in Resolution 30/1 in June 2016, March 2017, February 2018, March 2019, and February 2020. **This brief contains an updated analysis of progress since February 2020 until February 2021.**

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.\*

\*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’.

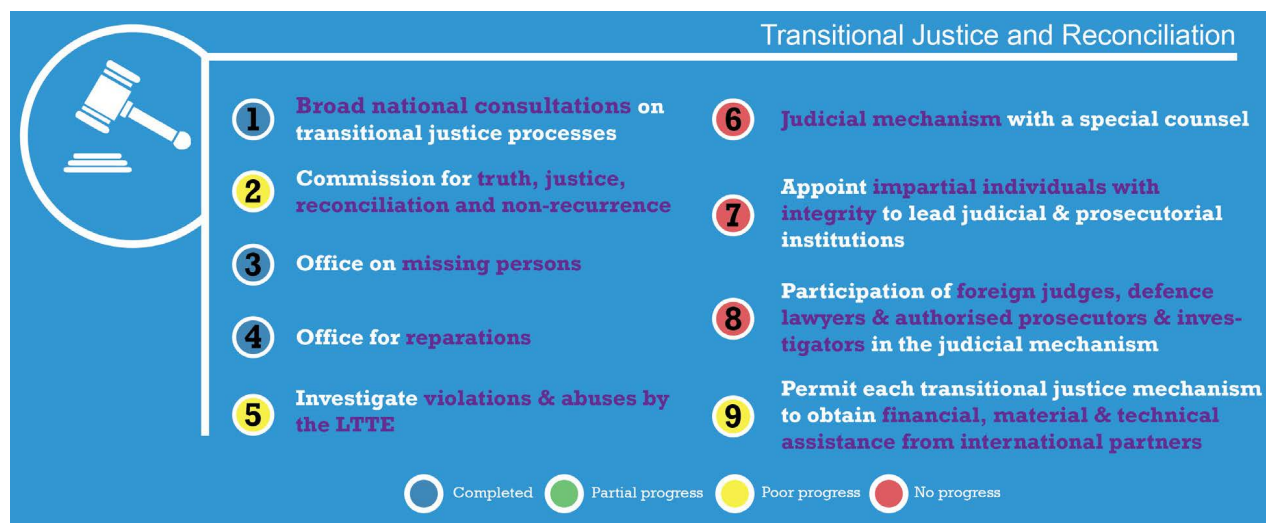
*2. Assessment of implementation plans:*

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 below 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 implementation status of the nine commitments on transitional justice and reconciliation remains the same since February 2020.

The commitments to establish the Office on Missing Persons (OMP) and Office for Reparations were completed as of March 2019 and February 2020, respectively. Both the OMP and Office for Reparations continue to be operational. As of 11 November 2019, the OMP had provided monetary support to 153 families of missing and disappeared persons, amounting to approximately Rs.11 million.<sup>3</sup> The Office for Reparations was budgeted an estimated 414,900,000 LKR for 2020 under recurrent expenditure, while capital expenditure for 2020 was budgeted an estimate of 10,500,000 LKR.<sup>4</sup> The projections under the recurrent expenditure and capital expenditure for the year 2021 was 900,000,000 LKR and

10,000,000 LKR respectively.<sup>5</sup> In April 2020, the OMP wrote to the President, Prime Minister, and Chairman of the Presidential Taskforce to directly coordinate and monitor the delivery of continuous services for the sustenance of overall community life, and to request that families of the missing and disappeared be considered and included in any planned COVID-19 aid.<sup>6</sup>

As of 30 June 2020 the OMP released a working ‘list of complaints and information regarding missing and disappeared persons’ based on complaints: (1) received by the OMP directly; (2) conveyed to the OMP by the former Ministry of National Integration and Reconciliation from District Secretariats; and (3) from lists of ‘Missing in Action personnel’ provided by the military upon request.<sup>7</sup> Since February 2020, the OMP engaged in an internal review process and invited families to validate the information concerning their missing or disappeared family members.<sup>8</sup>

Following the resignation of the former chairman of the OMP in September 2020, the president appointed retired Supreme Court justice Mr. Upali Abeyratne as the new chairman of the OMP in December 2020.<sup>9</sup> Mr. Abeyratne served as the chairman of the Presidential Commission of Inquiry on Political Victimisation, which was appointed by President Rajapaksa on 9 January 2020.<sup>10</sup> Despite the announcement in January 2020

by the incumbent government that it would review the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, to determine if clauses of the Act or the Act itself should be repealed,<sup>11</sup> there is no publicly available evidence of any developments taken in this regard. As such, the commitment to establish the OMP remains at ‘completed progress’.

In relation to commitment number (7) above: Following the 20th Amendment to the Constitution enacted in October 2020, the president is vested with complete dis-

cretion to appoint judges to the Supreme Court, Court of Appeal and the Judicial Service Commission. The president can make such appointments without requiring the approval of the Parliamentary Council.<sup>12</sup> The absence of checks and balances on the judicial appointments made by the president could risk the politicisation of the judiciary. As there have not been any substantive positive changes in this area, the commitment to appoint impartial individuals with integrity to lead judicial and prosecutorial institutions remains at ‘no progress’.

## RIGHTS AND RULE OF LAW

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



With respect to commitment number (14) above: The Minister of Justice submitted a proposal to amend provisions of section 10 of the Assistance to and Protection of Victims of Crime and Witnesses Act, No.4 of 2015, to enhance access to justice by vesting the provincial High Courts with the authority to grant bail. Additionally, an amendment was proposed to define the period of remand of a suspect as a period ‘deemed reasonable by

the court’, instead of ‘remand till the end of the trial’. On 11 January 2021, the Cabinet of Ministers approved this proposal.<sup>13</sup> Accordingly, the implementation of the commitment to review the updated victim and witness protection law remains at ‘partial progress’.

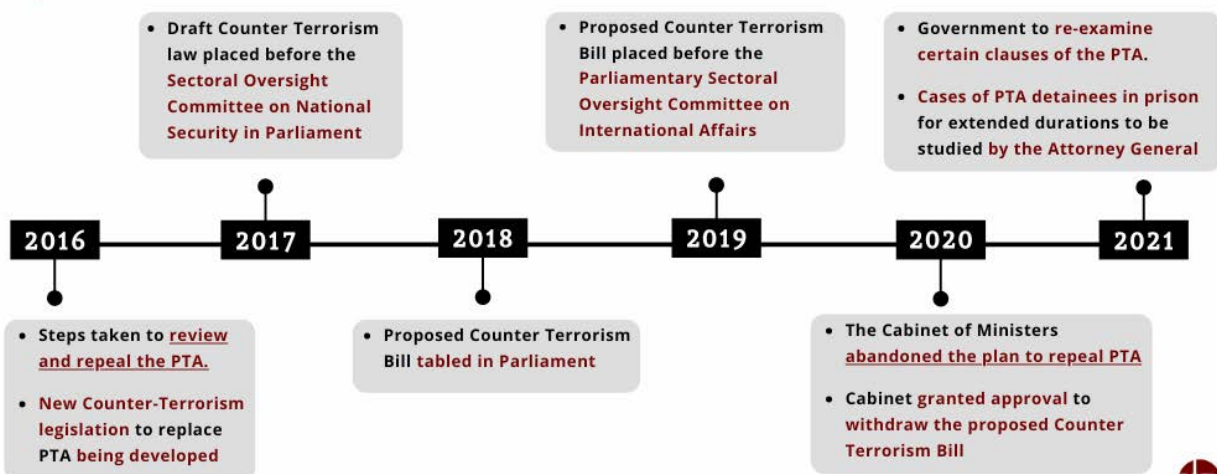
In relation to commitments (4) and (5) above: In January 2021, it was reported that the government will inform the UNHRC of its intention to reconsider certain provisions of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 (PTA), and that cases of persons detained under the PTA for long durations are being examined by the Attorney General (AG).<sup>14</sup> The government’s intention to review clauses of the PTA ‘with a view’ to make appropriate amendments was confirmed to the European Union (EU) at the 23<sup>rd</sup> meeting of the EU–Sri Lanka Joint Commission on 25 January 2021.<sup>15</sup> In February 2020, commitments (4) and (5) were downgraded to ‘poor progress’ due to the government’s decision to retain the PTA and withdraw the draft Counter Terrorism Bill.<sup>16</sup> Currently, this government is yet to take any substantial measures regarding its intention to review and amend the PTA. As such, the commitments to review and repeal the PTA and replace it with legislation compliant with international best practices remains at ‘poor progress’. In the event that the government makes amendments

to the PTA which are in compliance with international best practices, these commitments can be upgraded to ‘partial progress’. (See Figure 1: Government’s progress in implementing the commitment to review and repeal the PTA (2016 – 2021)).

In respect of the commitment to issue Certificates of Absence, on 11 September 2019, an extraordinary gazette was published extending the Registration of Deaths (Temporary Provision) Act, No. 19 of 2010 by two more years.<sup>17</sup> This measure thereby allows for the continued issuance of Certificates of Absence to families of missing persons until 9 December 2021<sup>18</sup> Thus, the fulfilment of the commitment remains at ‘partial progress’.

With respect to commitment number (11) in Rights and Rule of Law: At the 11th year commemoration of the end of the civil war in Sri Lanka held in May 2020, President Gotabaya Rajapaksa stated that he ‘will not hesitate to withdraw Sri Lanka’ from ‘international bodies and organisations’ that repeatedly make ‘baseless allegations’ against Sri Lanka and its ‘war heroes’.<sup>19</sup> At this ceremony, several military officers were promoted in rank by the president following the recommendations made by the Commander of the Army Lieutenant General Shavendra Silva. Brigadier Priyanka Fernando

## A Glance at Sri Lanka's UNHRC Resolution 30/1 Commitment to Review and Replace the Prevention of Terrorism Act (PTA)



Source: Verite Research, Sri Lanka: Resolution 30/1 Implementation Monitor, Statistical and Analytical Review No. 1 - 5.

Figure 1: Government’s progress in implementing the commitment to review and replace the PTA (2016 – 2021)



was one of the officers who was promoted to the rank of Major General.<sup>20</sup> This promotion came following the Brigadier’s conviction by the Westminster Magistrate’s Court in December 2019 for making ‘throat-slitting’ gestures at a group of Tamil civilians who were protesting outside the Sri Lankan High Commission in London in February 2018, for which he was fined.<sup>21</sup> In an address to the nation in November 2020, the president stated that the ‘era of betraying war heroes’ is now over.<sup>22</sup> Following President Gotabaya Rajapaksa’s promise in his election manifesto to release ‘war heroes’, in March 2020, the president granted a presidential pardon to former Lance Corporal Sunil Rathnayake, who was sentenced to death in June 2015 for the murder of eight civilians in Mirusuvil in 2000.<sup>23</sup> There is no publicly available evidence of any more pardons of convicted military personnel. In the previous review cycle (Review No. 5) in February 2020, the partial progress achieved in respect of commitment number (11) was assessed to be at a risk of reversal in light of President Rajapaksa’s statements to release imprisoned ‘war heroes’.<sup>24</sup> Considering the measures since February 2020, the assessment of the progress in respect of the commitment to provide instructions to security forces that violations of human rights and international humanitarian law are prohibited and punishable continues to be at a risk of reversal of the partial progress

achieved.

In relation to commitment (1); to investigate attacks on journalists, human rights defenders, religious minorities and civil society: In January 2021, the Batticaloa High Court acquitted the five suspects, including parliamentarian Sivanesathurai Chandrakanthan alias ‘Pillayan’, who were arrested for the murder of former Member of Parliament Joseph Pararajasingham in 2005.<sup>25</sup> The High Court issued this order following the AG’s decision to discontinue the case filed against the five suspects in relation to the aforementioned murder.<sup>26</sup> In June 2020, the Court of Appeal issued an interim order staying the proceedings of the Colombo High Court Trial-at-Bar, against former Navy Commander Admiral of the Fleet Wasanatha Karannagoda for the abduction and enforced disappearance of eleven civilians between 2008 and 2009.<sup>27</sup> In the previous review cycle (Review No. 5), the progress in implementing the commitment to investigate attacks on journalists, human rights defenders, religious minorities and civil society was downgraded from ‘partial progress’ to ‘poor progress’.<sup>28</sup> The drop in status was due to the government’s loss of momentum to investigate such attacks. Given the overarching context since February 2020, the progress in implementing commitment number (1) under Rights and Rule of Law continues to remain at ‘poor progress’.

## SECURITY AND DEMILITARISATION

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

Security and Demilitarisation

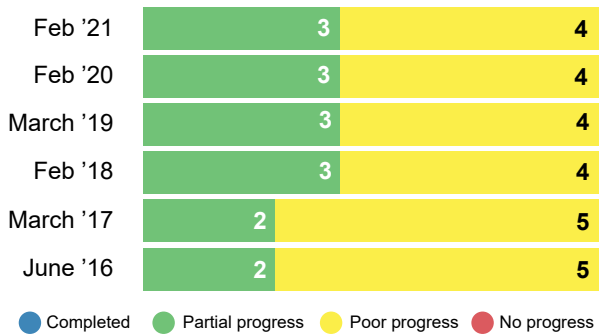
- 1 **Security sector reforms** e.g. processes to prevent recruitment & retention of personnel implicated in human rights & IHL violations
- 2 **Training & incentives** for the promotion & protection of human rights
- 3 **End military involvement** in civilian affairs
- 4 **Return military-occupied land** 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



With respect to commitment number (3) above: Following the detection and spread of COVID-19 in Sri Lanka in March 2020, the Sri Lankan military, State Intelligence Services, and police were tasked with playing a significant role in mitigating and managing the spread of COVID-19 on the island.<sup>29</sup> In March 2020, the president issued an order to set up the National Operation Centre for Prevention of COVID-19 Outbreak. The mandate of this centre is to ‘coordinate preventive and management measures to ensure that healthcare and other services are well geared to serve the general public’. Commander of the Army Lieutenant General Shavendra Silva was appointed to lead the operations of the centre.<sup>30</sup>

The Sri Lankan military is tasked with setting up and managing quarantine centres, transporting people to quarantine centres, and handling the functions of people subject to quarantine, such as providing their meals and attending to their medical needs given the COVID-19 emergency.<sup>31</sup> The military was also utilised to ‘conduct door-to-door visits’ in search of the Minnuwangoda factory workers who did not arrive at quarantine centres following a quarantine order.<sup>32</sup> In October 2020, a complaint was made to the Human Rights Commission of Sri Lanka (HRCSL) by civil society organisations (CSOs) working to protect the rights of the Free Trade Zone workers regarding the manner in which the military handled the quarantine process of 98 factory workers. The complaint alleged that the actions of the military in gathering the workers were arbitrary and illegal; the workers were allegedly subject to cruel, inhuman and degrading treatment; their movement was restricted; and alleged that their rights to equal protection of the law and freedom from discrimination based on economic and social status were violated.<sup>33</sup>

There have been various examples of military involvement in civilian affairs in 2020, specifically areas of leadership which include: (1) the appointment of military

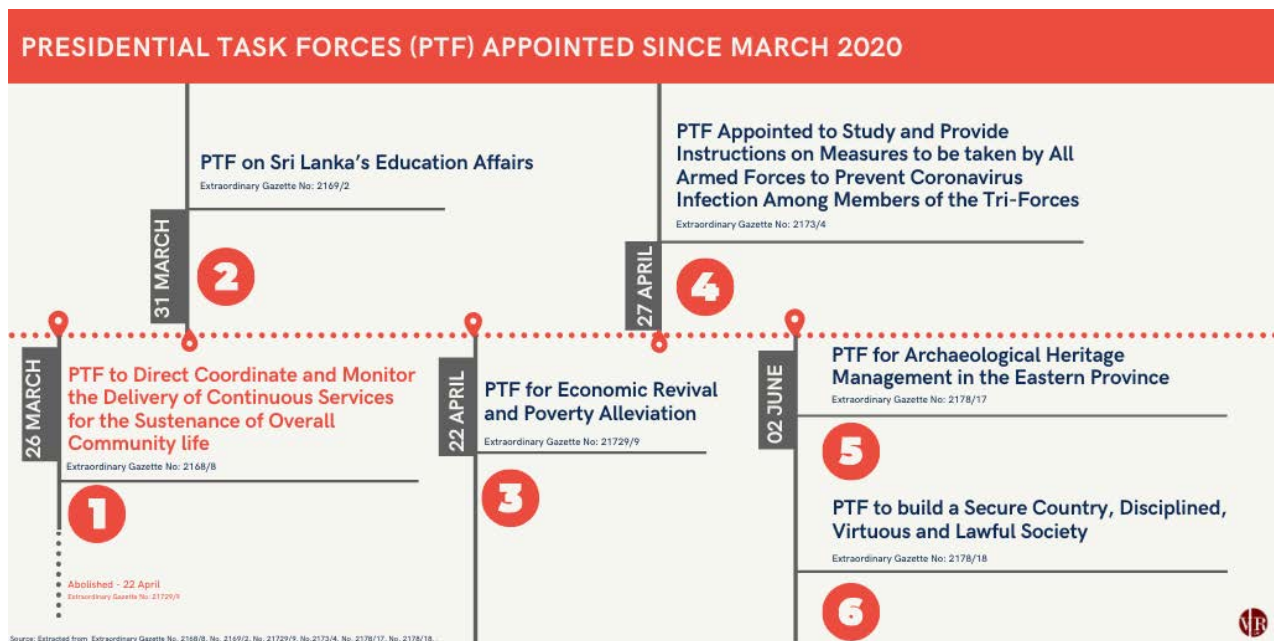


Figure 2: Presidential Task Forces appointed from March - June 2020

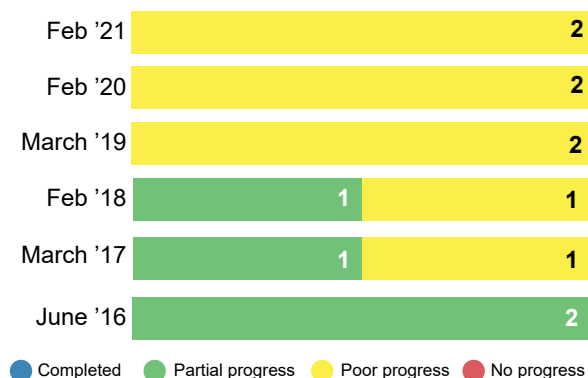
personnel to head Presidential Task Forces (PTF) such as the PTF to ‘Build a Secure Country, Disciplined, Virtuous and Lawful Society’,<sup>34</sup> and (2) the presidential appointment of several retired military officials to civilian posts and to the diplomatic service.<sup>35</sup> (See Figure 2: Presidential Task Forces appointed from March – June 2020).

In January 2021, 25 senior army officers were appointed by the Presidential Secretariat to coordinate and facilitate measures in relation to COVID-19 for all districts. These kinds of developments are difficult to assess in reference to the commitment to end military involvement in civilian life in Resolution 30/1. The previous status of implementation of this commitment has been assessed as ‘poor progress’. The measures since February 2020 are noted in this report on the basis that such developments may become problematic in the future.

In relation to the commitment to restore normality to civilian life, the Mullivaikkal monument at the University of Jaffna - which was built to remember the victims of the civil war - was demolished in early January 2021.<sup>36</sup> Following a hunger strike and protests by the students, the vice chancellor of the university agreed to reconstruct the memorial.<sup>37</sup> The right of civilians in the North and East to publicly commemorate the Tamil National Remembrance Day ‘Maaveerar Naal’ was obstructed, as courts in the area issued orders prohibiting the celebration in November 2020.<sup>38</sup> However, private commemorations at homes were allowed.<sup>39</sup> The progress in implementing the commitment to restore normality to civilian life has continued to be ‘poor’ over the last six years and remains at “poor progress” this year.

## POWER SHARING

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



In relation to the commitment to fully implement the 13th Amendment to the Constitution, the terms of all nine provincial councils had ceased by 8 October 2019.<sup>40</sup> Provincial council elections for all nine provinces are currently overdue. Previously, there were tentative plans to hold the provincial council elections shortly after the general elections in April 2020.<sup>41</sup> However, due to the health risks posed by the COVID-19 pandemic, the general elections were postponed twice before being held on 05 August 2020.<sup>42</sup> Subsequently, in December 2020, the party leaders of the ruling party, citing the

challenges created by COVID-19 and requests made by the Maha Sangha, decided to postpone the provincial council elections.<sup>43</sup> Due to the continued delay in holding provincial council elections, there is no change in the progress of the commitment to fully implement the 13th Amendment to the Constitution. As such, the status of implementation remains at 'poor progress'.

At the general elections held in 2020, the Rajapaksa-led political alliance was able to secure a two-thirds majority in parliament.<sup>44</sup> Subsequently, on 22 October 2020, the parliament enacted the 20th Amendment (20A) to the Constitution, with 156 parliamentarians voting in favour of the 20A Bill.<sup>45</sup> This new amendment effectively replaces the 19th Amendment to the Constitution. The 20A concentrates powers in the office of the executive president, while reversing several safeguards introduced through the 19A.

With respect to commitment number (1) under power-sharing, in September 2020, an expert committee comprising of nine members was appointed by the Cabinet of Ministers to draft a new Constitution to replace the current 1978 Constitution.<sup>46</sup> It is reported that the 20A was drafted and enacted to serve as an interim measure till a new constitution is introduced in 2021.<sup>47</sup> The public was invited to submit proposals for the drafting of the new Constitution.<sup>48</sup>

Depending on the reforms introduced in the new constitution, particularly in light of the changes introduced through the 20A, progress in fulfilling the commitment to reach a political settlement by taking the necessary constitutional measures on devolution of political authority may also change in the future.

## INTERNATIONAL ENGAGEMENT

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

International Engagement

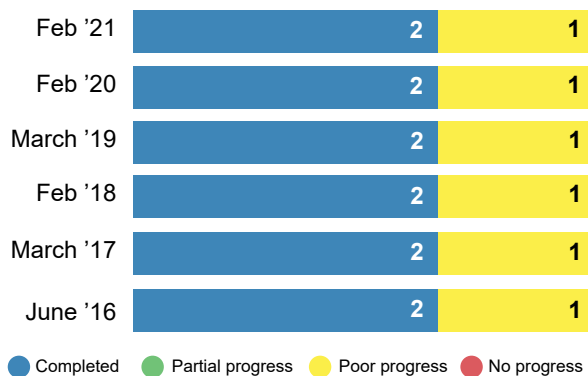
- 1 **Implement recommendations of the OHCHR report on Sri Lanka**
- 2 **Continued engagement between the government & OHCHR**
- 3 **Cooperation between the government & special procedures mandate holders**

Completed

Partial progress

Poor progress

No progress



With respect to commitments number (2) and (3) under International Engagement, there is continued engagement between the government and OHCHR, and with special procedure mandate holders. Thus, these two commitments have been completed since June 2016. The government of Sri Lanka extended standing invitations to all thematic special mandate holders in December 2015.<sup>49</sup> A visit by the Special Rapporteur on Slavery during the first half of 2021 was requested by the government on 17 August 2020.<sup>50</sup>



The government’s progress in implementing the recommendations in the OHCHR investigation report on Sri Lanka (commitment number (1) above) remains at ‘poor progress’. Highlighted below are two recommendations from the OHCHR investigation report. The recommendation to appoint members of impartiality and integrity to the HRCSL through the Constitutional Council. In October 2020, the 20A abolished the Constitutional Council (CC) and replaced it with the Parliamentary Council (PC). The PC, in contrast to the CC can only make observations in respect of the appointments by the president. However, the PC observations are not binding on the president. Thus, the president has complete discretion when appointing high ranking officials including members of the HRCSL, the OMP and the Office of Reparations.<sup>51</sup> As a result of 20A, the independence of these key institutions has the potential to be undermined without the checks and balances instituted through the CC.

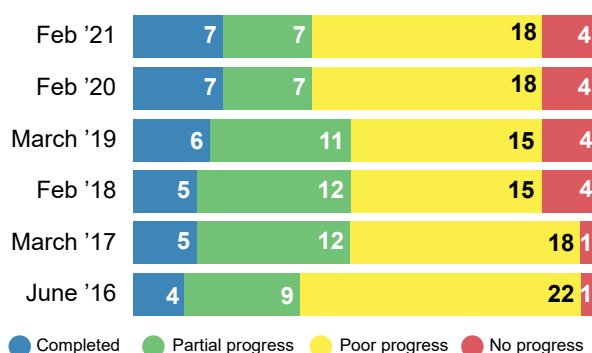
With regards to the second recommendation in the OHCHR resolution relating to reviewing all cases of those detained under the Prevention of Terrorism Act

(PTA) and either releasing or bringing them to trial: The PTA remains in force.

In April 2020, a prominent lawyer Hejaaz Hizbullah was arrested and detained for ten months, without charge, under the PTA, for his alleged involvement in the Easter Sunday Attacks.<sup>52</sup> He was produced before a Magistrate for the first time on 18 February 2021 for offences under the PTA and the International Covenant on Civil and Political Rights Act, No. 56 of 2007.<sup>53</sup> Ahnaf Jazeem, a poet from Mannar, has been held without trial under the PTA since May 2020.<sup>54</sup>

The Sri Lankan government stated that it will inform the UNHRC in February 2021 that the Attorney General is examining cases of persons detained under the PTA who have been held in detention for long periods of time.<sup>55</sup> Since no substantive actions have been taken in this regard, the fulfilment of the OHCHR recommendation to review all cases of those detained under the PTA and either release or bring them to trial, remains at ‘poor progress’.

## RESOLUTION 30/1: OVERALL STATUS OF IMPLEMENTATION



The overall status of the government’s implementation of the 36 commitments has seen no change since February 2020 (See Annex 1 for implementation status since 2016). Six years after co-sponsoring Resolution 30/1, the Sri Lankan government has fulfilled only seven out of 36 commitments on human rights, accountability and transitional justice. These commitments include:

- (1) Engage in broad national consultations on transitional justice processes;
- (2) establish the Office on Missing Persons;
- (3) establish the Office for Reparations;
- (4) sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances;
- (5) criminalise enforced disappearances;
- (6) continuation of engagement between the Government of Sri Lanka and the OHCHR; and
- (7) evidence of cooperation between the government and special procedure mandate holders.

There are seven commitments that remain partially fulfilled, including: (1) review of the witness and victim protection law; and (2) issuing of Certificates of Absence to families of missing persons.

The progress of most commitments remains at ‘poor progress’. For instance: the commitment to (1) restore normality to civilian life; (2) investigate attacks on jour-



nalists, human rights defenders, religious minorities and civil society; (3) hold perpetrators of these attacks to account; and (4) prevent such attacks in the future. Some commitments at 'poor progress', are at risk of further backsliding. For example, the commitment to end military involvement in civilian affairs is at risk of reversal as there has been various instances of military involvement in civilian affairs, specifically in areas of leadership. This has included: military leadership of various PTFs and the appointment of retired military officials to civilian and diplomatic posts.

The commitments to set up a judicial mechanism with a special counsel and foreign participation to investigate violations of human rights and international humanitarian law has remained at 'no progress' since February 2018. While the current president has vowed to protect 'war heroes' from accusations of human rights violations committed during the war, members of the Yahapalana












government were also opposed to setting up a hybrid court.<sup>56</sup> The government did not make any progress in its commitment to review the Public Security Ordinance, since 2015. As such, it has remained at 'no progress' throughout the last six years.

At the 43rd session of the UNHRC in February 2020, the government noted that it will continue efforts to promote reconciliation through a 'domestically designed process' that is consistent with the 'government's policy framework'.<sup>57</sup> The Foreign Secretary noted that this process includes setting up of a Commission of Inquiry (COI) for the purpose of reviewing previous reports on alleged human rights violations in Sri Lanka and noting the progress made in achieving the recommendations proposed, in order to provide targets to fulfil the recommendations.<sup>58</sup> The COI was appointed in January 2021.<sup>59</sup>

# Implementation Status






## (June 2016 to February 2021)

Category	Commitment	Implementation Status					
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020	Feb 2021
	Engage in broad national consultations on transitional justice mechanisms	Partial progress	Completed	Completed	Completed	Completed	Completed
	Establish an office on missing persons	Partial progress	Partial progress	Partial progress	Completed	Completed	Completed
	Establish an office for reparations	Poor progress	Poor progress	Poor progress	Partial progress	Completed	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	Poor progress
	Establish a commission for truth, justice, reconciliation and non-recurrence	Poor progress	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	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	No progress
	Independent judicial and prosecutorial institutions led by impartial individuals of integrity	Poor progress	Poor progress	No 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	No progress

Category	Commitment	Implementation Status					
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020	Feb 2021
	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay	Completed	Completed	Completed	Completed	Completed	Completed
	Criminalise enforced disappearances	Poor progress	Partial progress	Partial progress	Completed	Completed	Completed
	Release previous presidential commission reports	Completed	Completed	Completed	Partial progress*	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	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	Partial progress
	Review the updated witness and victim protection law	Poor progress	Poor progress	Partial 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	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	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	Poor progress
	Take steps to prevent such attacks in the future	Partial progress	Partial progress	Poor progress	Poor progress	Poor progress	Poor progress
	Hold perpetrators of such attacks to account	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress	Poor progress



Category	Commitment	Implementation Status					
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020	Feb 2021
	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	Poor progress
	Address all reports of sexual and gender-based violence and torture	Poor progress	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	Poor progress
	Review the Public Security Ordinance	No progress	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	Partial progress
	Resumption of livelihoods	Partial progress	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	Partial progress
	End military involvement in civilian activities	Poor progress	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	Poor progress
	Restoration of normality to civilian life	Poor progress	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	Poor progress

Category	Commitment	Implementation Status					
		June 2016	March 2017	Feb 2018	March 2019	Feb 2020	Feb 2021
	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	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	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	Completed
	Cooperate with special procedure mandate holders	Completed	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	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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A | No.5A, Police Park Place, Colombo 05  
T | +94 11 2055544  
E | [reception@veriteresearch.org](mailto:reception@veriteresearch.org)  
W | [www.veriteresearch.org](http://www.veriteresearch.org)