



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the report submitted by Sri Lanka under article 29 (1) of the Convention*

1. The Committee on Enforced Disappearances considered the report submitted by Sri Lanka under article 29 (1) of the Convention¹ at its 548th and 549th meetings,² held on 26 September 2025. At its 556th meeting, held on 2 October 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by Sri Lanka in 2023 under article 29 (1) of the Convention, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State Party for its written replies,³ submitted in July 2025, to the list of issues prepared by the Committee.⁴

3. The Committee appreciates the constructive dialogue that it held with the high-level delegation of the State Party on the measures taken to implement the Convention and welcomes the openness with which the delegation responded to the questions posed. It thanks the State Party for the oral responses provided during the dialogue and for the additional written information provided thereafter.

B. Positive aspects

4. The Committee welcomes the State Party's ratification of or accession to all the United Nations human rights treaties and the standing invitation extended by the State Party to all the special procedures of the Human Rights Council to visit the country.

5. The Committee welcomes the progress made by the State Party in areas relevant to the Convention, including:

(a) The enactment of the Office for National Unity and Reconciliation Act, No. 1 of 2024, and the establishment of the Office for National Unity and Reconciliation, which has become operational;

(b) The enactment of the Anti-Corruption Act, No. 9 of 2023;

(c) The enactment of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023, which created the National Authority for the Protection of Victims of Crime and Witnesses;

* Adopted by the Committee at its twenty-ninth session (22 September–2 October 2025).

¹ CED/C/LKA/1.

² See CED/C/SR.548 and CED/C/SR.549.

³ CED/C/LKA/RQ/1.

⁴ CED/C/LKA/Q/1.



- (d) The formulation of the Reparations Policies and Guidelines by the Office for Reparations in 2021;
- (e) The enactment of the Office for Reparations Act, No. 34 of 2018, and the establishment of the Office for Reparations, which became operational in 2019;
- (f) The enactment of the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018;
- (g) The enactment of the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, and the establishment of the Office on Missing Persons, which became operational in 2018.

C. Principal subjects of concern and recommendations

6. The Committee is aware that the State Party has been confronted with the scourge of enforced disappearance at several periods in its history. It recognizes the efforts made by the State Party to deal with this reality and take the measures necessary to promote the right to truth, justice and reparation for victims. However, the Committee considers that the State Party still faces many obstacles and challenges in overcoming the impunity of perpetrators of enforced disappearance, as well as in the search for the disappeared persons and the effective realization of the rights of all victims. The Committee encourages the State Party to implement its recommendations, made in a constructive spirit of cooperation, with a view to ensuring that the existing legal and institutional frameworks and their practical implementation are fully consistent with the Convention.

1. General information

Applicability of the Convention

7. The Committee notes the State Party's dualistic legal system and welcomes the fact that the Convention has been incorporated into domestic legislation through the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018. It regrets, however, the lack of information about cases in which national courts have applied the Act or applied the provisions of the Convention (arts. 1, 4 and 12).

8. The Committee calls upon the State Party to ensure that the provisions of the Convention are applied by national courts and other competent authorities. It also invites the State Party to intensify its efforts to provide judges, prosecutors and lawyers with regular training on the Convention, including its scope and applicability.

Urgent action cases

9. Recalling that it has registered three requests for urgent action in relation to Sri Lanka,⁵ the Committee regrets that the information provided by the State Party does not clarify what mechanism is in place to address these cases and ensure the implementation of the related recommendations and requests for interim and protection measures (art. 30).

10. The Committee requests the State Party to implement a mechanism to handle the cases transmitted by the Committee under its urgent action procedure under article 30 of the Convention and ensure the implementation of its recommendations and requests for interim and protection measures.

Individual and inter-State communications

11. While welcoming that the State Party has recognized the Committee's competence to receive and consider inter-State communications, the Committee regrets that the State Party has not recognized the Committee's competence to receive and consider individual communications (arts. 31 and 32).

⁵ Urgent actions No. 374/2017 (closed), No. 1574/2021 (follow-up suspended until new information is received from the authors) and No. 1804/2024 (discontinued).

12. **The Committee invites the State Party to make the declaration necessary to recognize the Committee's competence to receive and consider individual communications under article 31 of the Convention, with a view to ensuring the full effectiveness of the Convention and to strengthening the protection of victims of enforced disappearance.**

National human rights institution

13. The Committee welcomes the reaccreditation of the Human Rights Commission of Sri Lanka with A status by the Global Alliance of National Human Rights Institutions in 2024 and notes its broad mandate. It notes the Commission's work in relation to enforced disappearance, including the appointment of committees of inquiry, the provision of advice regarding legislation and procedures and the receipt and investigation of complaints. It also notes that, according to the Constitution, appointments to the Commission are made by the President on the basis of the recommendations of the Constitutional Council. Nevertheless, the Committee regrets the limited information received regarding the implementation of the recommendations made by the Subcommittee on Accreditation of the Global Alliance, including those concerning the functional independence and financial autonomy of the Commission.

14. **The Committee recommends that the State Party strengthen the Human Rights Commission of Sri Lanka by implementing the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions,⁶ and ensuring that it has the financial, technical and human resources necessary to carry out its mandate effectively and independently, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

Stakeholders' involvement in the preparation of the report

15. The Committee notes that the State Party's report was compiled by the Ministry of Foreign Affairs, Foreign Employment and Tourism, in consultation with relevant ministries and government entities, including the Office on Missing Persons and the Office for Reparations. While noting that, according to the delegation, consultations with civil society organizations were carried out, the Committee regrets the lack of a standardized procedure to ensure a regular and inclusive consultation process (art. 24).

16. **The Committee recommends that the State Party ensure the inclusive participation of civil society actors, in particular victims of enforced disappearance and all organizations working on enforced disappearance and related issues, in the whole cycle of reporting to the Committee, and ensure that they are regularly consulted and informed about all matters related to the implementation of the Convention.**

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Non-derogability of the prohibition of enforced disappearance

17. The Committee notes that section 23 of the Enforced Disappearance Act provides that, in the event of any inconsistency or conflict between the Act and other written law, the Act is to prevail, and that, according to the delegation, actions under the Public Security Ordinance and the Prevention of Terrorism Act are subject to judicial oversight. However, the Committee is concerned at reports of the use of these exceptional laws by the security forces as a cover for arbitrary detention or enforced disappearance, and that the non-derogability of the prohibition of enforced disappearance is not clearly enshrined in national law (art. 1).

18. **The Committee recommends that the State Party expressly incorporate the absolute prohibition of enforced disappearance into its domestic law in accordance with article 1 (2) of the Convention and ensure that no exceptional circumstances may be**

⁶ Global Alliance of National Human Rights Institutions, report and recommendations of the forty-third session of the Subcommittee on Accreditation, pp. 35–39.

invoked to justify enforced disappearance. In this connection, the Committee invites the State Party to incorporate the prohibition of enforced disappearance into its Constitution, as it did for the prohibition of torture.

Statistical information and national register

19. The Committee notes the mandate of the Office on Missing Persons to centralize all available data on disappeared persons within its List of Complaints and Information Regarding Missing and Disappeared Persons, including the records of cases of enforced disappearance provided by several national commissions in the context of the armed conflict and its aftermath. It also notes that, according to the State Party, as at 31 December 2024, the Office on Missing Persons had received 16,966 complaints, categorized into two phases (before and after 2000), and that priority is given to the most recent disappearances. Likewise, the Committee notes that, according to section 27 of the Office on Missing Persons Act, a “missing person” refers to a person who disappeared in the context of the conflict in the Northern and Eastern Provinces or its aftermath, or in connection with political unrest or civil disturbances, or to victims of enforced disappearance. Nevertheless, the Committee is concerned that:

- (a) The State Party does not have a unique comprehensive register with clear and updated information on the number of disappeared persons;
- (b) The scope of the categories established in the List of Complaints and Information Regarding Missing and Disappeared Persons and the different forms of responsibility that the State Party bears in that regard lack clarity;
- (c) The Office on Missing Persons has made limited progress to process and use the records of the past commissions of inquiry related to alleged enforced disappearances;
- (d) The List of Complaints and Information Regarding Missing and Disappeared Persons includes little disaggregated data (arts. 1–3, 12 and 24).

20. **The Committee urges the State Party to speed up the consolidation of data into a comprehensive national register of disappeared persons accessible to any person with a legitimate interest. The register must enable the State Party to generate accurate and up-to-date statistical information on those persons, disaggregated by sex, sexual orientation, gender identity, age, nationality and ethnic, religious or geographical origin. This information should include the date of disappearance, the number of disappeared persons who have been located, whether alive or deceased, and the number of cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention or in which the person was victim of an act as defined in article 3 of the Convention.**

Offence of enforced disappearance

21. The Committee welcomes the introduction of an autonomous crime of enforced disappearance under section 3 (1) of the Enforced Disappearance Act. Nevertheless, the Committee is concerned that:

- (a) National legislation does not specify that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law;
- (b) While enforced disappearance is punishable with a maximum penalty of 20 years of imprisonment, the Act does not contain a minimum penalty or explicit mitigating or aggravating circumstances, thereby giving full discretion to the High Court to punish the offence with a sanction not reflective of its extreme gravity;
- (c) The reasoning applied for the non-application of the offences established under the Enforced Disappearance Act to recent allegations of enforced disappearance, and the criteria used by the High Court to determine the penalties to be applied, remain unclear (arts. 2, 4, 5 and 7).

22. **The Committee recommends that the State Party:**

- (a) Ensure that its national legislation explicitly recognizes that, in accordance with article 5 of the Convention, the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law;
- (b) Guarantee that the offence of enforced disappearance is punishable in practice by appropriate penalties that take into account its extreme seriousness;
- (c) Include in criminal legislation a minimum sanction for the offence that reflects its extreme gravity and the specific mitigating and aggravating circumstances provided for in article 7 (2) of the Convention.

Criminal responsibility of superiors and due obedience

23. The Committee notes that section 3 (3) of the Enforced Disappearance Act provides for superior responsibility for the offence set out in section 3 (1) and that section 4 (1) provides for the responsibility of persons who aid or abet the commission of any offence set out in section 3 or who conspire or attempt to commit any of these offences. It also notes the delegation's affirmation that, according to the jurisprudence applicable in the State Party, superior orders or instructions may not be invoked to justify an offence of enforced disappearance and cannot exempt the officers from responsibility, and the examples provided in that regard. However, the Committee is concerned that national legislation does not expressly guarantee that a person who refuses to obey an order or instruction that prescribes, authorizes or encourages enforced disappearance will not be punished (arts. 6 and 23).

24. **The Committee recommends that the State Party expressly provide in its national legislation that subordinates who refuse to obey an order to commit enforced disappearance will not be punished, in accordance with article 6 (1) (b) and (2) of the Convention.**

3. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)

Statute of limitations

25. The Committee notes that the statute of limitations for any crime other than murder or treason is 20 years from the time when the crime is committed (Code of Criminal Procedure Act, sect. 456). It also notes that, according to the State Party, the statute of limitations shall not be applicable in cases of enforced disappearance until the person is no longer deprived of liberty or until the deprivation of liberty is recognized.⁷ However, the Committee regrets the absence of specific legal provisions regulating the statute of limitations that take into account the continuous nature of the offence of enforced disappearance. Furthermore, it is concerned that legislation does not provide for a specific right of victims of enforced disappearance to an effective remedy during the term of limitation (art. 8).

26. **The Committee recommends that the State Party expressly establish in its criminal legislation that, given the continuous nature of the crime of enforced disappearance, if a statute of limitations is applied concerning criminal proceedings or the seeking by victims of an effective remedy, it should be of long duration and should commence from the moment when the offence of enforced disappearance ceases.**

Jurisdiction over enforced disappearance

27. The Committee notes that the High Court has exclusive jurisdiction when an alleged perpetrator of an enforced disappearance committed abroad is present in the territory of the State Party and is not extradited or surrendered to another State or surrendered to an international criminal tribunal, and when neither the alleged perpetrator nor the victims are Sri Lankan nationals (Enforced Disappearance Act, sect. 6 (1) and (2)). Nonetheless, the

⁷ CED/C/LKA/1, para. 84.

Committee regrets the lack of concrete examples to reflect the effective implementation of these provisions (art. 9).

28. The Committee recommends that the State Party ensure that the competence of its national courts to exercise jurisdiction over cases of enforced disappearance in accordance with the obligations arising from article 9 of the Convention is applied in practice, whenever of relevance.

Military jurisdiction

29. The Committee notes that the High Court has exclusive jurisdiction to handle cases under the Enforced Disappearance Act (sect. 6 (1)). The Committee is, however, concerned that, as stated in the State Party's report,⁸ if there was a *prima facie* case disclosed against any person from the evidence led before the Court of Inquiry appointed in 2012 to inquire into the observations made by the Lessons Learnt and Reconciliation Commission, a general court martial would be convened to try the offenders (art. 11).

30. Recalling its statement on enforced disappearances and military jurisdiction,⁹ the Committee recommends that the State Party ensure that the investigation and prosecution of cases of enforced disappearance are expressly and systematically excluded from the competence of military courts and fall within the exclusive competence of ordinary criminal courts.

Prevention of acts that may hinder the progress of investigations

31. While noting the 2025–2029 National Anti-Corruption Plan, the Committee is concerned about reports of retaliation against or pressure on judges of the Supreme Court and the Court of Appeal, including through vague removal procedures, and reports of excessive delays in trials.¹⁰ It is also concerned about allegations of the lack of independence of the public prosecution service (arts. 11 and 12).

32. The Committee endorses the recommendation of the Human Rights Committee that the State Party should ensure the independence and impartiality of the judiciary and public prosecution service, including by reviewing the procedure for the removal of judges to guarantee that it is not utilized to retaliate against or exert undue pressure on judges.¹¹

Office on Missing Persons

33. The Committee notes that the mandate of the Office on Missing Persons includes searching for and clarifying the fate and whereabouts of disappeared persons and protecting the rights of victims (Office on Missing Persons Act, sect. 10 (1)). It also takes note of the Office's strategic road map for the period 2023–2025 and the guidelines on searching, case management and tracing, adopted by the Office on Missing Persons in 2024. The Committee notes the information provided by the delegation regarding the allocation of resources to establish 75 panels to investigate complaints. Nonetheless, the Committee is concerned at:

- (a) The lack of trust in the Office on Missing Persons that appears to prevail in Sri Lankan society, and allegations related to the lack of independence of its members;
- (b) The rate of underreporting of cases and the lack of widely accessible awareness-raising campaigns on the procedure for reporting allegations of enforced disappearance to the Office on Missing Persons;
- (c) The fact that, as indicated by the delegation, the Office on Missing Persons has traced only 23 disappeared persons from the 16,966 cases received by the Office, and that the detailed results of these investigations have not been made public;

⁸ Ibid., para. 99.

⁹ A/70/56, annex III.

¹⁰ CCPR/C/LKA/CO/6, paras. 30 and 32.

¹¹ Ibid., para. 31.

(d) The severely limited human and technical resources allocated to the Office on Missing Persons, in particular for the Tracing and Investigation Unit, the Victim and Family Support Unit and the regional offices (arts. 2, 3, 12 and 24).

34. The Committee recommends that the State Party:

(a) **Guarantee that the procedures for the selection and appointment of members of the Office on Missing Persons are conducted with transparency and independence, ensuring the diversity of its staff and board membership;**

(b) **Carry out widely accessible awareness-raising campaigns throughout the territory and in all the languages of the State Party, concerning the procedure for reporting allegations of enforced disappearances to the Office on Missing Persons;**

(c) **Strengthen the Office on Missing Persons, in particular the Tracing and Investigation Unit, the Victim and Family Support Unit and the regional offices, ensuring that they have the human, technical and financial resources necessary to carry out their duties effectively;**

(d) **In the light of the Committee's Guiding Principles for the Search for Disappeared Persons,¹² establish a strategy and plan of action for the Office on Missing Persons to ensure searches and investigations in all registered cases that fall within its competence, regardless of the time and place at which and circumstances in which the disappearances occurred;**

(e) **Ensure that the Office's findings are made public periodically and without undue delay in all languages of the State Party, through comprehensive and clear accounts of actions taken, resolved cases and challenges faced.**

Searches for disappeared persons and investigation and prosecution of cases of enforced disappearances

35. The Committee notes that the Office on Missing Persons is mandated to search for “missing and disappeared persons” and that it does not have the power to conduct criminal investigations, but must collaborate with the Criminal Investigation Department of the Police, which is responsible for investigating allegations of enforced disappearances, and the Attorney General’s Department, which is competent to prosecute these cases.¹³ It also notes that, according to the State Party, the Inspector General of Police has circulated instructions regarding the recording of complaints, and that disciplinary action is taken against police officers who do not comply. The Committee also notes that the High Court has exclusive jurisdiction to handle cases under the Enforced Disappearance Act and welcomes the State Party’s plan to establish an independent public prosecutor’s office. Nevertheless, it is concerned that:

(a) The relatives of disappeared persons still face obstacles to reporting disappearances because of the reluctance of some police officers to register their cases, and because of the harassment and reprisals they have suffered in multiple cases following the presentation of their complaints;

(b) The information transmitted by the State Party does not indicate that the Office on Missing Persons has transmitted cases to the police or the prosecuting authority for investigation;

(c) There is no clarity as to when an investigation of enforced disappearance can be initiated;

(d) The investigations of recent allegations of enforced disappearance, such as in the case of Kapila Kumara de Silva, remain limited;

(e) The criminal investigation and prosecution of enforced disappearances are reportedly frequently affected by political interference, while the Attorney General’s

¹² CED/C/7.

¹³ Office on Missing Persons Act, No. 14 of 2016, sect. 12 (i).

Department reportedly suffers from conflicts of interest because of its dual mandate as counsel and defender of the State, and as prosecuting authority;¹⁴

(f) According to available data, the investigation and prosecution of alleged enforced disappearances are usually characterized by undue delays,¹⁵ and have rarely resulted in convictions, leading to a high level of impunity (arts. 12 and 24).

36. The Committee recommends that the State Party:

(a) **Ensure that everyone can file a complaint without fear of reprisals and that all allegations of enforced disappearance, regardless of the time and place at which, and circumstances in which, it is alleged to have occurred, are investigated promptly, thoroughly, effectively and impartially, even in the absence of a formal complaint, and with due diligence at all stages of the process;**

(b) **Guarantee that a differentiated approach is adopted at all phases of the search and investigation procedures to attend to the specific requirements of the victims, and carry out all investigations and prosecutions taking into consideration the patterns of enforced disappearance cases and the context in which they occurred;**

(c) **Speed up the establishment of an independent public prosecutor's office, and ensure that the alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the seriousness of the offence.**

37. The Committee notes with concern that the State Party did not provide detailed information on how the rights of victims are realized in practice, in particular their rights to participate in the search and investigation processes and to access related information. It is also concerned that the authorities in charge of these processes do not have mechanisms to ensure that the search for the disappeared person and the related criminal investigation are mutually reinforcing (arts. 12 and 24).

38. The Committee recommends that the State Party:

(a) **Guarantee that investigations continue until the fate of the disappeared person has been clarified and that the relatives of disappeared persons are regularly informed of the progress and results of the search and investigation and can participate in the proceedings if they so wish;**

(b) **Ensure effective coordination between the competent authorities in the search for disappeared persons, the investigation and the prosecution, including the Office on Missing Persons, the Criminal Investigation Department of the Police, the Attorney General's Department or the prosecuting authority that is to be set up, and the High Court, and guarantee that they have the appropriate financial, technical and human resources to duly carry out their work.**

Transitional justice

39. The Committee notes that, between the 1970s and 2009, there were widespread enforced disappearances in the State Party, carried out primarily by Sri Lankan security forces and affiliated paramilitary groups, and that at least 11 commissions of inquiry have been established to address these allegations. The Committee also notes that enforced disappearances have had an impact on the country at large, with a disproportionate impact in the Northern and Eastern Provinces, and that, during and after the armed conflict, several individuals were abducted in white vehicles, which generally were unmarked, and then disappeared, in a phenomenon known as the “white van” cases.¹⁶ It further notes the 2024 bill to establish a commission for truth, unity and reconciliation; that the Cabinet approved the formulation of a policy and action plan on reconciliation in 2025; and that the Office of

¹⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Accountability for enforced disappearances in Sri Lanka”, 17 May 2024, para. 92.

¹⁵ Ibid., para. 95.

¹⁶ Ibid., para. 27. See also the conference room paper containing the report of the OHCHR investigation on Sri Lanka, paras. 346–349 and 1122, available at <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session30/list-reports>.

the United Nations High Commissioner for Human Rights, through its Sri Lanka accountability project, has a robust repository of evidence, capturing patterns of international crimes, including enforced disappearances. Nevertheless, the Committee is concerned at:

(a) The prevalence of impunity, reflected in the lack of progress in the investigation and prosecution of most cases of enforced disappearance that occurred during the armed conflict, including those registered by the commissions of inquiry and even those in which the perpetrators have been identified;¹⁷

(b) The fact that war crimes and crimes against humanity have not been criminalized in domestic legislation;

(c) The fact that, despite the measures taken to implement the Right to Information Act, No. 12 of 2016, access to archives of the military and of law enforcement sectors, and to records in the national archives, remains limited (arts. 2, 5, 12 and 24).

40. The Committee urges the State Party:

(a) **To ensure that all cases of enforced disappearance committed in the context of the armed conflict and its aftermath are investigated and that all perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence, as part of its fight against impunity;**

(b) **In that context, to establish a strategy to ensure the effective investigation, prosecution and punishment of cases, starting with emblematic ones,¹⁸ to identify patterns and facilitate contextual analysis;**

(c) **To include war crimes and crimes against humanity in national legislation, and to consider acceding to the Rome Statute of the International Criminal Court;**

(d) **To ensure the full access of the authorities in charge of search and investigation processes to all relevant archives of the military and law enforcement sectors, as well as records in the national archives;**

(e) **To strengthen its cooperation with international bodies to achieve transitional justice and accountability,¹⁹ including by considering collaboration with the Office of the United Nations High Commissioner for Human Rights as part of its Sri Lanka accountability project.**

41. The Committee is concerned at:

(a) The lack of consultation and inclusion of victims and organizations of victims in the establishment process of the commission for truth, unity and reconciliation, as well as the alleged exclusion of victims from the north and east from these processes;

(b) The lack of implementation of the recommendations of previous mechanisms for further criminal justice investigations and prosecutions, including those of the Lessons Learnt and Reconciliation Commission and the Presidential Commission to Investigate Complaints regarding Missing Persons, and the fact that the reports of the various commissions have not been published;²⁰

(c) Land seizures in Tamil and Muslim areas and the militarization of war-affected regions,²¹ which are not conducive to trust-building (arts. 2, 12, and 24).

¹⁷ See Human Rights Commission of Sri Lanka, *Report of the Committee on Disappearances in the Jaffna Region* (2023).

¹⁸ A/HRC/57/19, paras. 44–47; A/HRC/60/21, paras. 38–44; conference room paper containing the report of the OHCHR investigation on Sri Lanka, paras. 386–531; and OHCHR, “Accountability for enforced disappearances in Sri Lanka”, paras. 28 and 98–101.

¹⁹ CCPR/C/LKA/CO/6, para. 13.

²⁰ A/HRC/48/60/Add.2, table 3, p. 21.

²¹ A/HRC/60/21, paras. 25 and 27–29.

42. **The Committee recommends that the State Party:**

- (a) **Develop a comprehensive road map for truth and justice, including a time-bound plan to ensure accountability for human rights violations committed during the conflict,²² including enforced disappearances;**
- (b) **Publish all reports of the human rights-related commissions of inquiry and implement their recommendations;**
- (c) **Implement confidence-building measures such as reducing the military presence in the Northern and Eastern Provinces as part of security sector reform.²³**

Suspension from duties

43. While noting that section 17 (1) of the Enforced Disappearance Act criminalizes interference with the conduct of an investigation and influence on the progress of an investigation, the Committee is concerned about allegations of interference in and obstruction of judicial and investigative processes by politicians and security forces, and the appointment and promotion of military personnel accused of war crimes during the conflict,²⁴ including enforced disappearances (art. 12).

44. **The Committee recommends that the State Party guarantee that those suspected of having committed or taken part in the commission of enforced disappearance are not in a position to influence the progress of an investigation, including by ensuring that they are suspended from their duties from the outset and for the duration of the investigation, without prejudice to the presumption of innocence.** The Committee endorses the recommendation of the Human Rights Committee that the State Party should ensure that there is no undue interference in, or obstruction of, the judicial or investigative processes by politicians and military personnel.²⁵ In this connection, the State Party should remove from power and refrain from appointing or promoting alleged perpetrators of human rights violations to high-level positions in the Government, the security sector, or diplomatic postings.²⁶

Protection of persons who report or participate in the investigation of enforced disappearance

45. The Committee notes that the Enforced Disappearance Act recognizes that persons participating in an investigation are to be protected from ill-treatment or intimidation as a result of the search for information concerning a person deprived of liberty. It also notes that several entities have the competence to provide protection to victims of enforced disappearance, including the National Authority for the Protection of Victims of Crime and Witnesses, the Victim and Witnesses Assistance and Protection Division of the Sri Lanka Police Department, the Victim and Witness Protection Division of the Office on Missing Persons and the Office for Reparations. However, the Committee is concerned about:

- (a) Allegations that the current system does not address the high levels of surveillance, threats and intimidation against relatives of disappeared persons, in particular women;
- (b) The lack of clarity regarding the practical implementation of the protection mechanisms, including as relates to the eligibility criteria; the procedures applied to assess the risks faced by and individual requirements of applicants; the scope of the protection measures; and the mechanisms existing for coordination among the competent authorities;
- (c) The lack of information on the level of implementation of the directives of the Inspector General of Police to safeguard relatives of disappeared persons against any form of harassment and the results of their implementation (arts. 12 and 24).

²² Ibid., para. 58.

²³ Ibid., para. 63 (a).

²⁴ CCPR/C/LKA/CO/6, para. 11.

²⁵ Ibid., para. 13 (a).

²⁶ A/HRC/60/21, para. 63 (d).

46. **The Committee recommends that the State Party:**

- (a) **Guarantee that complainants, witnesses, relatives of the disappeared person and their representatives, as well as all those participating in the investigation of cases of enforced disappearance, are effectively protected against acts of reprisal or intimidation as a consequence of the complaint or any evidence given, in compliance with article 12 (1) of the Convention;**
- (b) **Implement a mechanism for coordination among the National Authority for the Protection of Victims of Crime and Witnesses, the Victim and Witnesses Assistance and Protection Division of the Sri Lanka Police Department, the Victim and Witness Protection Division of the Office on Missing Persons and the Office for Reparations, and ensure that they have the human, financial and technical resources required to effectively protect victims of enforced disappearance and those who assist them from reprisals and harassment;**
- (c) **Clarify the eligibility criteria and procedures applied in respect of access to the protection mechanisms and develop widely accessible awareness-raising campaigns in that regard throughout the country;**
- (d) **Ensure the full implementation of the directives of the Inspector General of Police to safeguard relatives of disappeared persons against any form of harassment.**

International cooperation and mutual legal assistance

47. The Committee welcomes the fact that the Enforced Disappearance Act enables the High Court to exercise universal jurisdiction over enforced disappearance, provides for mutual legal assistance for the investigation and prosecution of enforced disappearance and recognizes the obligation to extradite or prosecute offenders of enforced disappearance (sects. 6, 9 and 12). It also notes that the State Party is a signatory to the South Asian Association for Regional Cooperation Convention on Mutual Assistance in Criminal Matters and that the Mutual Assistance in Criminal Matters Act, No. 25 of 2002, and Mutual Assistance in Criminal Matters (Amendment) Act, No. 24 of 2018, provide for cooperation in criminal cases related to enforced disappearances. While noting the information provided by the State Party concerning the signature of mutual legal assistance and bilateral extradition agreements, the Committee regrets that the State Party did not specify which of these agreements cover enforced disappearance, and did not provide any examples of cases in which they had been applied (arts. 13–15).

48. **The Committee recommends that the State Party include the offence of enforced disappearance among those subject to extradition in any existing or future extradition treaties and legal assistance agreements. Furthermore, the State Party should promote cooperation and mutual legal assistance with the competent authorities of other countries as relates to enforced disappearance to facilitate the sharing of information and evidence, the search for disappeared persons, the identification, investigation and prosecution of alleged perpetrators, and support for victims.**

4. Measures to prevent enforced disappearances (arts. 16–23)

Non-refoulement

49. The Committee notes that, under the Enforced Disappearance Act, no person may be expelled, returned, surrendered or extradited to another country where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance, and that a consistent pattern of gross or mass violations of human rights or violations of international humanitarian law is to be taken into account for determining whether there are such grounds (sect. 18). Nonetheless, the Committee is concerned about:

- (a) **The absence of clear information on the criteria and procedures applied to assess a person's risk of being subjected to enforced disappearance in the country of destination before a decision is taken on expulsion, return, surrender or extradition;**

(b) The lack of information as to whether an appeal may be lodged against a decision authorizing expulsion, return, surrender or extradition, and whether such an appeal has suspensive effect;

(c) The lack of clarity concerning the measures taken to prevent the enforced disappearance of migrants and asylum-seekers, including the 116 asylum-seekers from the Rohingya community in Myanmar who are currently in an interim care facility, taking into account the risks faced by the Rohingya community in Myanmar with respect to being subjected to enforced disappearance (art. 16).

50. The Committee recommends that the State Party ensure systematic and strict respect for the principle of non-refoulement. In that regard, the State Party should:

(a) Enact specific legislation on the rights of refugees and asylum-seekers, in conformity with international standards, including the principle of non-refoulement,²⁷ explicitly prohibiting any expulsion, return, surrender or extradition when there are substantial grounds for believing that the person concerned may be in danger of being subjected to enforced disappearance;

(b) Adopt clear criteria and procedures for assessing and verifying the risk of being subjected to enforced disappearance and, where there is such a risk, ensure that the person concerned is not expelled, returned, surrendered or extradited, and conduct an individual analysis in the case of the 116 asylum-seekers from the Rohingya community in Myanmar who arrived in the State Party in 2024;

(c) Guarantee that any decision authorizing expulsion, return, surrender or extradition can be appealed within a reasonable deadline and that such an appeal has a suspensive effect.

Enforced disappearance in the context of trafficking in persons and migration

51. The Committee notes the State Party's efforts to combat trafficking and protect victims, including the national action plan on combating trafficking in persons for the period 2023–2026, awareness-raising activities, training for police officers and village heads, and the State Party's membership of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. It also notes that, according to the delegation, the National Anti-Human Trafficking Task Force has not received any reports of disappearances in the context of trafficking or migration. Nonetheless, the Committee is concerned about the increasing prevalence of trafficking in women and girls for sexual exploitation and forced labour and about trafficking in Sri Lankan men for forced recruitment into the Russian armed forces, resulting in disappearances.²⁸ It regrets the absence of information on the measures taken to identify cases of enforced disappearance in the context of trafficking in persons and migration and on the measures taken to investigate and prosecute perpetrators of such crimes (arts. 12, 14–16 and 24).

52. Recalling its general comment No. 1 (2023) on enforced disappearance in the context of migration, the Committee recommends that the State Party:

(a) Ensure that all allegations of disappearance in the context of trafficking in persons and migration are thoroughly investigated, taking into account that the alleged acts may constitute enforced disappearance;

(b) Guarantee that those responsible are prosecuted and, if found guilty, are sentenced appropriately, and that victims are provided with reparation and appropriate protection and assistance;

(c) Strengthen international cooperation and mutual legal assistance to prevent the disappearance of persons in the context of trafficking in persons and migration, facilitate the exchange of information and evidence for search and investigation processes and provide support services to disappeared persons and their relatives.

²⁷ CCPR/C/LKA/CO/6, para. 37.

²⁸ CEDAW/C/LKA/CO/9, para. 31.

Secret detention and fundamental legal safeguards

53. The Committee notes that the Constitution (art. 13), the Code of Criminal Procedure and the Enforced Disappearance Act (sect. 15) enshrine fundamental legal safeguards for persons deprived of liberty. It also notes that the Enforced Disappearance Act explicitly prohibits secret detention, that the Human Rights Commission of Sri Lanka serves as the national preventive mechanism and that the Office on Missing Persons has the power to visit places of deprivation of liberty. The Committee further notes that, according to the State Party, the Inspector General of Police has given instructions regarding arrests and detentions; that an Assistant Superintendent of Police is assigned to supervise police stations; and that rules introduced under section 55 of the Police Ordinance enable lawyers to visit police stations. Nonetheless, it is concerned at:

- (a) Allegations of secret detentions and arrests without warrant;²⁹
- (b) Allegations that arrested or detained persons do not always enjoy all fundamental legal safeguards from the very outset of their detention, including the rights to have prompt access to a lawyer, and to be brought promptly before a judge;³⁰
- (c) The broad definition of terrorism under the Prevention of Terrorism Act and its amendment Act, No. 12 of 2022, which continues to permit prolonged pretrial detention, and reports of arbitrary detentions thereunder,³¹ as in the case of Mohamad Rusdi;
- (d) Allegations of a lack of a fully transparent consultative process to prepare the draft of new counter-terrorism legislation that, as noted by the delegation during the dialogue, is due to be adopted before the end of 2025;
- (e) The lack of legal recognition of the competence of the Human Rights Commission of Sri Lanka to conduct unannounced monitoring visits to places of deprivation of liberty (arts. 17 and 18).

54. **The Committee recommends that the State Party:**

- (a) Ensure that, at all stages of proceedings, persons deprived of their liberty are only ever held in officially recognized and supervised places of deprivation of liberty;
- (b) Guarantee that all persons, from the outset of the deprivation of liberty and regardless of the offence with which they are charged, are afforded in law and in practice all the fundamental legal safeguards provided for under article 17 of the Convention, including effective access to a lawyer and to medical examination, and can communicate without delay with their relatives or any other person of their choice and, in the case of foreign nationals, with the consular authorities of their State of nationality;
- (c) Repeal the Prevention of Terrorism Act and ensure that any new law narrows the definition of terrorism and guarantees the principles of legal certainty, predictability and proportionality, through a transparent consultative process;³²
- (d) Enshrine in legislation the competence of the Human Rights Commission of Sri Lanka to conduct unannounced visits to all places of deprivation of liberty.

55. The Committee is concerned at allegations of the inefficient functioning of the remedy of habeas corpus in the context of searches for disappeared persons, including undue delays, and transfer of cases, in particular in cases related to the north-east conflict.³³ It regrets the lack of official data on the number of investigations carried out in cases of arbitrary detention, and on the outcomes of the procedure (arts. 17 and 24).

56. **The Committee urges the State Party to review the functioning of its habeas corpus procedure provided for in article 141 of the Constitution, to ensure that it can**

²⁹ [CAT/C/LKA/CO/5](#), para. 9.

³⁰ [CCPR/C/LKA/CO/6](#), para. 28.

³¹ Ibid., paras. 16 and 28.

³² Ibid., para. 17 (a) and (b).

³³ OHCHR, “Accountability for enforced disappearances in Sri Lanka”, paras. 103–105.

serve as a prompt and effective judicial remedy to determine the whereabouts of disappeared persons.

Registers of persons deprived of liberty

57. The Committee notes that the Enforced Disappearance Act requires law enforcement authorities to compile and keep up-to-date official registers of persons deprived of liberty and includes criminal sanctions for failure to record accurate information and refusal to provide information on the deprivation of liberty of a person (sects. 15 (4) and 17 (1)). It also notes that, according to sections 16 (3) and 20 (1) of the Enforced Disappearance Act and section 25 (3) of the Right to Information Act, No. 12 of 2016, access by persons with a legitimate interest to information on persons deprived of their liberty should not be restricted and, where such information is not provided, a petition can be presented before the High Court. Nevertheless, the Committee is concerned about:

(a) The lack of information on registration procedures in other places of deprivation of liberty, such as military and immigration facilities and mental health institutions, and on the interoperability of registers of deprivation of liberty;

(b) The insufficient measures taken to ensure that registers are completed as soon as a person is deprived of liberty and are updated as necessary, including with regard to transfers from police stations to prisons (arts. 17, 18, 20 and 22).

58. The Committee recommends that the State Party:

(a) **Ensure the interoperability of the registers of all places of deprivation of liberty, guaranteeing that they all contain, as a minimum, the information required under article 17 (3) of the Convention, and that all persons deprived of liberty are registered without exception and from the outset;**

(b) **Guarantee that information in the registers is entered and updated promptly and accurately, including with regard to transfers, and is subject to periodic checks, and that, in the event of irregularities, the officers responsible are duly sanctioned;**

(c) **Ensure that any person with a legitimate interest, such as relatives of persons deprived of liberty or their representatives or counsel, has prompt access to all the information listed in article 18 (1) of the Convention, and guarantee the effective implementation of the Enforced Disappearance Act and the Right to Information Act.**

Training

59. The Committee notes the training provided to members of the armed forces and police on human rights and international humanitarian law, as well as the establishment of the Human Rights and Humanitarian Law Directorate of the Sri Lanka Army. Nonetheless, the Committee regrets the absence of specific and systematic training on the Convention and on enforced disappearance for all officials referred to in article 23 (1) of the Convention, including migration officials. It is also concerned about the limited information on the impact of the training on the work of the armed forces and the police (art. 23).

60. The Committee recommends that the State Party ensure that all law enforcement and security personnel, whether civil or military, medical personnel, public officials, including migration officials, and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, receive specific and regular training on the Convention and on enforced disappearance, including on the Committee's Guiding Principles for the Search for Disappeared Persons and the Enforced Disappearance Act, with periodic evaluation of the impact of this training. The Committee reminds the State Party that it is willing to support these efforts.

5. Measures to protect and guarantee the rights of victims of enforced disappearance (art. 24)

Definition of victim and right to receive reparation and prompt, fair and adequate compensation

61. The Committee welcomes the fact that the Enforced Disappearance Act recognizes the definition of victim and the right of victims to know the truth (sects. 14 (1) and 25), as provided for in the Convention, and that the Office for Reparations Act covers victims of enforced disappearances. It notes that, according to the information provided by the State Party, as at 30 June 2025, 4,197 families/claimants have been granted the revival payment from the Office for Reparations, out of 4,676 recommendations submitted by the Office on Missing Persons.³⁴ The Committee also notes that, according to the State Party, as at 26 September 2025, the Office for Reparations has benefited 475 victims, including 331 women, through livelihood support programmes; has assisted 4,703 families with revival payments; has provided psychosocial support to 152 victims, including 101 women; and has benefited 1,093 victims, including 785 women, through seven community infrastructure initiatives. In addition, the Committee notes that the Office for National Unity and Reconciliation is preparing a road map for national reconciliation and unity. Nonetheless, it observes with concern:

- (a) The prevailing lack of confidence in the Office for Reparations due to concerns related to institutional independence, transparency in the management of funds, ineffective communication with victims about its mandate and the scope of reparations;
- (b) The fact that the Office for Reparations still does not have sufficient resources to carry out its functions, including to implement the three policy areas of the Reparations Policies and Guidelines for which it is responsible;
- (c) The lack of precision concerning the number of victims of enforced disappearance who have received any form of reparation other than financial compensation;
- (d) The delays reported by families in receiving the one-time revival grant and its insufficient amount;
- (e) The limited information on the criteria for access to reparation in cases of enforced disappearance, while noting the State Party's affirmation that there is no time limit in this regard;
- (f) The limited number of professionals involved in the psychosocial and psychological support programme under the Office for Reparations, and the overlapping functions of the Office on Missing Persons and the Office for Reparations with regard to the provision of psychosocial support;
- (g) The insufficient coordination among the Office for Reparations, the Office on Missing Persons and the Office for National Unity and Reconciliation, which, according to the State Party, convene the unity cluster meetings once every two months;
- (h) The lack of information concerning memorialization activities beyond the International Day of the Victims of Enforced Disappearances (art. 24).

62. The Committee recommends that the State Party:

- (a) **Strengthen the Office of Reparations, ensuring its independence, transparency in the management of its funds, effective communication with victims about its mandate and that reparations are adequate in scope;**
- (b) **Implement all policy areas identified in the Reparations Policies and Guidelines of the Office for Reparations, in coordination with all competent authorities, and allocate the financial, technical and human resources necessary for the Office to carry out its mandate effectively;**

³⁴ CED/C/LKA/RQ/1, para. 76.

(c) Ensure that any individual who has suffered harm as a direct result of enforced disappearance has access to a system of full and adequate reparation that complies with article 24 (4) and (5) of the Convention, including not only compensation but also rehabilitation, satisfaction and guarantees of non-repetition, and that is adopted in full consultation with victims and is based on a differential approach, taking into account the specific needs of all the victims;

(d) Speed up the establishment of a new system to compensate victims of enforced disappearance beyond the one-time revival grant, while avoiding delays and ensuring fair compensation;

(e) Guarantee that registration procedures are clearly communicated and accessible to all victims;

(f) Ensure psychosocial and psychological support for victims of enforced disappearance, including by guaranteeing the necessary number of qualified professionals;

(g) Guarantee coordination among the Office on Missing Persons, the Office for Reparations and the Office for National Unity and Reconciliation;

(h) Establish a long-term and sustainable memory preservation programme, in consultation and coordination with victims.

Legal situation of disappeared persons whose fate has not been clarified and that of their relatives

63. The Committee notes that the Registration of Deaths (Temporary Provisions) (Amendment) Act, No. 16 of 2016, provides for the issuance of a certificate of absence for disappeared persons to allow their relatives to access welfare, property and other benefits and that the certificate of absence is valid for two years, with the possibility of renewal. It also notes that, according to the State Party,³⁵ the Office on Missing Persons referred 2,521 files to the Registrar General for Certificates of Absence and 428 files for certificates of death on the request of the families. In this connection, the Committee notes with concern that:

(a) Many victims do not register a complaint with the Office on Missing Persons and do not obtain a certificate of absence because they believe that, if they did so, the search for their loved ones would stop and the related investigation would be closed;

(b) The procedure and requirements for obtaining renewal of a certificate of absence are not clear;

(c) Some families report that they received death certificates involuntarily, others that they accepted these certificates to overcome the legal or administrative difficulties that they have to face and others still that, in some cases, they are not allowed to exchange a death certificate for a certificate of absence, as they would prefer;

(d) There have been allegations of financial payments by the State that are conditional upon acceptance of death/absence certificates;³⁶

(e) Many victims experience difficulties in obtaining recognition of the certificates of absence due to a lack of awareness among financial institutions and pension authorities (art. 24).

64. **The Committee recommends that the State Party ensure that the legal situation of disappeared persons whose fate has not been clarified and that of their relatives are regularized in accordance with article 24 (6) of the Convention, in fields such as social welfare, financial matters, family law and property rights. In this regard, the Committee encourages the State Party:**

(a) To carry out accessible awareness-raising campaigns throughout the country concerning the issuance and renewal of certificates of absence, to clarify that

³⁵ Ibid., para. 10.

³⁶ OHCHR, “Accountability for enforced disappearances in Sri Lanka”, para. 130.

such a measure does not prevent and affect the continuation of the search for the disappeared persons and the investigation of their disappearance;

(b) To ensure that death certificates are issued only when the victim's death is certain, and that those who force victims to accept death certificates are investigated and punished;

(c) To guarantee that reparations are not conditional on acceptance of a certificate of death or absence;

(d) To enhance the efforts of the Office on Missing Persons to inform public institutions, such as financial institutions and pension authorities, about the purpose, scope and validity of certificates of absence.

Situation of women who are relatives of a disappeared person

65. The Committee acknowledges the leadership of women in movements for the search, accountability and justice processes related to enforced disappearance in Sri Lanka. In this context, it regrets the social stigma faced by women who are relatives of a disappeared person, which affects their daily lives and is compounded by intersectional factors such as ethnicity and rural location. Moreover, the Committee is concerned about discriminatory legal provisions and practices against women under the State Party's jurisdiction, in particular with regard to marriage, inheritance, property rights and parental rights, and the potential negative impact of these limitations on women's enjoyment of the rights enshrined in the Convention. It is also concerned at reports of threats, intimidation and surveillance against women who are family members of disappeared persons, in particular Tamil women (art. 24).

66. The Committee recommends that the State Party ensure that all women and girls who are relatives of a disappeared person are able to exercise all the rights enshrined in the Convention, and that it create safe spaces for their participation in all the processes related to enforced disappearance. The Committee endorses the recommendation of the Committee on the Elimination of Discrimination against Women that the State Party should design and implement a comprehensive truth and reconciliation process in which the experiences and needs of women survivors are centred.³⁷

Mass graves and identification and dignified return of remains

67. The Committee notes the identification of at least 17 mass graves, including in Kokuthoduvai, Mannar, Batticaloa, Mullaittivu, Colombo Port and Chemmani. It also notes that, in Chemmani, the remains of 240 persons were located, including the remains of children, and that the public was invited to participate as observers and identify artefacts that were found during the exhumations. Furthermore, the Committee notes that, according to the information provided by the delegation, the collection of evidence found at mass grave sites is carried out under judicial oversight. Nevertheless, it is concerned about:

(a) The fact that the majority of the mass grave sites were discovered accidentally and the lack of information provided by the State Party on requests submitted by the Office on Missing Persons to the courts for exhumations to be carried out;

(b) The limited forensic capacity to exhume, collect and ensure the secure preservation of the located human remains and ensure the chain of custody;

(c) The lack of clarity of the legal and policy framework applicable to the exhumation, recovery and identification of human remains;

(d) The absence of a centralized ante-mortem/post-mortem database and of a national genetic database;

(e) The limited options given to the families of disappeared persons to participate in the exhumation processes and allegations that some officers of the Criminal Investigation

³⁷ CEDAW/C/LKA/CO/9, para. 14 (c).

Department intimidated persons involved in the excavation and exhumation in Chemmani (arts. 12, 19 and 24).

68. The Committee urges the State Party:

- (a) **To reinforce the capacity of the Office on Missing Persons to identify mass graves and to request that exhumations be carried out;**
- (b) **To develop a comprehensive strategy and plan for the search for and identification, excavation and investigation of burial sites and for the location of new ones, and to ensure their protection;**
- (c) **To strengthen the forensic capacity of all competent authorities with respect to the identification, safekeeping and dignified return of bodies and human remains to the families, including by adopting protocols for the different phases of the procedure, and providing the institutions with adequate equipment and technology;**
- (d) **To ensure that all evidence, including human remains and other forensic data, are safeguarded and documented transparently, ensuring their availability for future accountability processes;**
- (e) **To provide the competent authorities with the necessary human, technical and financial resources, including international forensic cooperation;**
- (f) **To create a centralized comprehensive ante-mortem/post-mortem-database, and to establish a genetic database to facilitate the identification of disappeared persons;**
- (g) **To ensure that relatives of disappeared persons are regularly informed of the progress, challenges and results of the process of exhumation.**

Right to form and freely participate in organizations and associations

69. The Committee notes that the Constitution enshrines the right to freedom of assembly and association (art. 14 (1) (b) and (c)) and that the Enforced Disappearance Act recognizes the right of victims of enforced disappearance to form and freely participate in organizations and associations (sect. 14 (2)). Nonetheless, it is concerned at:

- (a) Allegations of surveillance, intimidation and harassment of families of the disappeared and civil society actors, especially those working in the north and east of Sri Lanka, and reports of harassment and reprisals by State security officials against human rights defenders and families of the disappeared, including some who engaged with the United Nations;³⁸
- (b) Restrictions on non-governmental organizations, including funding restrictions and bureaucratic obstacles, such as the requirement that clearance be obtained from the Ministry of Defence for the registration of non-governmental organizations³⁹ (art. 24).

70. The Committee recommends that the State Party:

- (a) **Respect and promote the right of all persons, irrespective of their ethnic, religious or geographical origin and of the time, place and circumstances of their disappearance, to form and freely participate in organizations and associations;**
- (b) **Adopt and implement the necessary legal and reglementary framework to prevent any form of harassment, surveillance and reprisals against civil society organizations, human rights defenders, journalists, relatives of disappeared persons and other victims, including from agents of the Ministries of Defence and Public Security, and ensure accountability for these acts;**

³⁸ A/HRC/60/21, paras. 25 and 26.

³⁹ CEDAW/C/LKA/CO/9, para. 49.

(c) **Guarantee an open civic space, including by removing restrictions on non-governmental organizations, including those working on issues related to the Convention.**

6. Measures to protect children from enforced disappearance (art. 25)

Wrongful removal of children

71. While noting that the State Party criminalizes the abduction of children, the Committee regrets that domestic legislation does not prohibit the wrongful removal of children, as provided for in article 25 (1) of the Convention (art. 25).

72. **The Committee recommends that the State Party incorporate without undue delay all the acts described in article 25 (1) of the Convention into its legislation as specific offences, establishing appropriate penalties that take into account their extreme seriousness. Furthermore, the Committee calls upon the State Party to strengthen its efforts, in cooperation with the international community, to search for and identify children who may have been victims of wrongful removal within the meaning of article 25 (1) (a) of the Convention and to prosecute and punish those responsible.**

73. The Committee is concerned about the high number of children who disappeared during the conflict, including through abductions, or in the context of forced rehabilitation or forced recruitment of child soldiers,⁴⁰ as illustrated by the recent discovery of skeletal remains of children, including at the mass grave sites of Colombo Port City and Chemmani (art. 25).

74. **The Committee invites the State Party to pursue its efforts to identify the children whose remains have been located, including in the mass grave sites of Colombo Port and Chemmani, and to investigate the context of their disappearance, to ensure that the victims have access to truth, justice and reparation.**

Adoption

75. The Committee takes note of the Adoption of Children Ordinance No. 24 of 1941, as amended, and the Extraordinary Gazette notification issued in January 2025 that limits the number of adoption orders for foreign applicants to 100 for 2025. It also notes that, according to the information provided by the delegation, the Department of Probation and Child Care Services has established a unit to support the identification of the biological parents of adoptees, which has facilitated the tracing of biological families following requests received from Netherlands (Kingdom of the) and Switzerland. However, the Committee is concerned about:

(a) The limited information provided on the measures taken by the State Party to investigate the allegations of illegal intercountry adoptions originating in enforced disappearance,⁴¹ and to prosecute these crimes;

(b) The lack of legal procedures for reviewing and, where appropriate, annulling any adoption, placement or guardianship of children that originated in enforced disappearance and for restoring a child's identity in this context (arts. 14, 15 and 25).

76. The Committee recommends that the State Party:

(a) **Harmonize its Criminal Code with article 25 (4) of the Convention, taking into consideration the joint statement on illegal intercountry adoption;⁴²**

(b) **Conduct thorough and impartial investigations to determine whether children who are victims of enforced disappearance or wrongful removal may have subsequently been adopted, including abroad, and whether other offences, such as falsification, concealment or destruction of identity documents, were committed in these cases, with a view to identifying and punishing the perpetrators of such offences;**

⁴⁰ CRC/C/LKA/CO/5-6, para. 47.

⁴¹ CED/C/CHE/CO/1, para. 39.

⁴² CED/C/9.

(c) Establish specific procedures for reviewing and, where appropriate, annulling any adoption, placement or guardianship of children that originated in enforced disappearance and for restoring the identity of the child concerned, taking into account the best interests of the child;

(d) Identify the biological families and provide them with the support that they need to search for their children who are victims of enforced disappearances or forced removal and clarify in full the circumstances of their adoption;

(e) As necessary for the purpose of giving effect to these recommendations, request the cooperation of other States Parties under articles 14, 15 and 25 of the Convention.

D. Fulfilment of the rights and obligations under the Convention, dissemination and follow-up

77. The Committee wishes to recall the obligations undertaken by States when becoming Parties to the Convention and, in this connection, urges the State Party to ensure that all the measures that it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

78. The Committee also wishes to emphasize the particularly cruel effect of enforced disappearance on women and children. Women and girls who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women and girls who are relatives of a disappeared person and thus victims according to article 24 (1) of the Convention are particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisal as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State Party to ensure that gender issues and the specific needs of women and children are systematically taken into account in implementing the recommendations contained in the present concluding observations and all the rights and obligations set out in the Convention.

79. The State Party is encouraged to widely disseminate the Convention, its report submitted under article 29 (1) of the Convention, the written replies to the list of issues drawn up by the Committee and the present concluding observations, in all the languages of the State Party, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the State Party and the general public. The Committee also encourages the State Party to promote the participation of civil society, in particular organizations of victims, in the process of implementing the recommendations contained in the present concluding observations.

80. Under article 29 (3) of the Convention, the Committee requests the State Party to submit, by no later than 3 October 2028, specific and updated information on the implementation of all its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State Party to consult civil society, in particular organizations of victims, when preparing this information, on the basis of which the Committee will determine whether it will request additional information under article 29 (4) of the Convention.
