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The Foreign Ministry of the Democratic Socialist Republic of Sri Lanka presents its compliments to all Diplomatic Missions resident in Colombo and has the honour to enclose herewith a briefing note in connection with the forthcoming 48th Session of the UN Human Rights Council.

The Foreign Ministry of the Democratic Socialist Republic of Sri Lanka avails itself of this opportunity to renew to all Diplomatic Missions resident in Colombo, the assurances of its highest consideration.

Colombo, 31st August 2021

All Diplomatic Missions
resident in Colombo



Progress made by the Government of Sri Lanka (GoSL)
on human rights and reconciliation

1. Sri Lanka is committed to the promotion and protection of human rights in keeping with its Constitutional mandate and the international obligations that we have voluntarily undertaken over the past decades. We will continue to cooperate with the United Nations human rights mechanisms in order to achieve sustainable peace and reconciliation.
2. We have been successful in defeating terrorism which for decades deprived the people of Sri Lanka, in particular the Tamil, Muslim and Sinhala people of the North and the East, of their basic human rights including the right to life. We have restored peace and stability in the country and we have successfully addressed a range of post-conflict reconciliation issues ranging from resettlement of IDPs, clearing millions of anti-personnel mines and unexploded ordnance, releasing land held by the military, conducting democratic elections, appointing number of presidential commissions to make recommendations regarding accountability and missing persons, rehabilitation of child soldiers and ex-LTTE combatants, supporting the large scale infrastructure development, enhancement of livelihood opportunities and recommencement of economic activity in the conflict -affected areas and restoration of land.
3. Given the challenges arising against the background of civil conflict further progress needs to be made in several post-conflict residual issues, which remain to be resolved through a domestic, democratic, inclusive approach leaving no community behind to ensure justice and reconciliation, with the help of international community. Independent institutions have been set up to look into and resolve the outstanding issues such as payment of compensation/ reparations, locate missing persons and to continue with action on accountability, national reconciliation and unity and ensuring that human rights of all people are protected. These are important aspects of dealing with the past and in building social cohesion and sustainable peace and development.
4. We are also working within the framework of SDGs in particular SDG 16 relating to promoting peace, justice and strong institutions. Sri Lanka has improved its global rank by 7 positions and is placed at 87th place out of 165 countries in 2021, according to the Sustainable Development Report 2021¹.
5. It is pertinent to mention that like many other countries in the world Sri Lanka too is fighting the COVID-19 pandemic. This pandemic has enforced severe restrictions on movement of persons and impacted the economy heavily. The Government of Sri Lanka (GoSL) is actively vaccinating eligible groups against COVID 19 and is taking steps to ensure that there is equitable access of the vaccine to all sectors of the country. Notwithstanding the challenges of the pandemic, Sri Lanka is determined and

¹ <https://www.sdgindex.org/reports/sustainable-development-report-2021/>

has made substantial progress on human rights issues through the domestic processes and mechanisms.

6. Sri Lanka's position with regard to the HRC Resolution 46/1 adopted in March 2021 is that it was presented to the HRC without the consent of Sri Lanka as the country concerned and was adopted by a divided vote. It was presented in spite of Sri Lanka's continuous engagement with the UN and the Council and the continued and tangible progress demonstrated by Sri Lanka in addressing issues related to achieving peace, reconciliation and development, including accountability, within the domestic legal framework of Sri Lanka. Sri Lanka is of the view that this Resolution will polarize Sri Lankan society and adversely affect economic development, peace and harmony at a challenging time under COVID-19 circumstances. Sri Lanka rejects the establishment of an external evidence gathering mechanism when domestic remedies have not been exhausted and processes are ongoing. The international community is well aware that without the consent and cooperation of the country concerned such external accountability mechanisms and actions are subject to politicization and therefore cannot achieve their stated human rights objectives. Furthermore, at a time when scarce financial resources are desperately needed for constructive humanitarian purposes including the COVID-19 pandemic, financial resources spent on yet another politically motivated initiative in Geneva cannot be justified. Sri Lanka does not believe that the situation in the country warrants such international attention when compared with many other situations around the world. Sri Lanka has continued to honour the commitments it made to the international community specially the UNHRC and empowered the independent institutions set up with a view to achieve lasting peace in the country.

A summary of the progress made and underway are as follows:

Office on Missing Persons (OMP)

1. The Office on Missing Persons (OMP) is in the process of verifying the figures of the missing. The objective is to conclude the verifying process as soon as possible. In the recent months the OMP has shared its database with the Office for Reparations (OR), local law enforcement authorities and the Department of Immigration and Emigration to verify the whereabouts of the persons reported as missing.
 - i. The total number of cases received by the OMP is 21,374. The data entry has been completed. Currently the translation of cases from Tamil to English/Sinhala is in process.
 - ii. Out of the 21,374 cases, 3,742 cases have been received from the security forces.² As compensation for armed forces personnel missing in action is

²² The list of missing persons by Armed Forces including Army, Navy and Air force is available at <http://www.ompsrilanka.org/missing-persons>

handled by alternate means, these disappearances cases are being removed from the OMP list. There are 2,644 identified as cases which do not fall within the purview of the Section 27 of the OMP Act. These include cases found as double entries or duplicates, cases related to natural disasters, elopement, mental disorders, missing due to personal disputes, etc. When such cases are reduced from the total list of cases, the total number of cases received by the OMP to be processed stands at 14,988.

- iii. The OMP has categorized its data of 14,988 cases into 3 phases in order to give priority to the incidents of the missing persons that have occurred more recently. The first phase or the first priority consists of cases between 2000-2021. Second phase contains cases between 1981-1999. Third phase includes cases that have occurred before 1980. Priority is given to verifying the cases belonging to the first phase. For this, the recruitment process of 11 Investigation Officials is underway. After the verification process, the number of missing persons is expected to further reduce.³
- iv. The OMP has shared 6025 files with the relevant authorities which include the recent cases (within the first phase - last 20 years). The details of the first phase will be published on OMP's website. Public will be notified through media to update or report the details of the missing persons within a period of three months.
- v. A decision was taken to refer to the OMP, the total number of unclarified cases received from the UN Working Group on Enforced or Involuntary Disappearances (WGEID) which stands at 6259 as of July 2021. Action is being taken to verify, and delete overlaps and respond to the information received on cases of alleged enforced disappearances, as a part of Sri Lanka's ongoing cooperation with the UN mechanisms.
- vi. By referring the caseload of the recent cases reported to the OMP, and also in order to expedite the case management process, the decision was taken up to open its sixth regional office in Kilinochchi in August 2021.

Office for Reparations (OR)

2. The Office for Reparations (OR) has continued to pay compensation to processed claims. In addition, the OR is carrying out other initiatives such as formulation of a Reparations policy and guidelines, enhancing awareness on reparations, adopting a victim-centric approach to identifying needs of Aggrieved Persons (APs), providing credit facilities for livelihood support and formulating a comprehensive psychosocial support programme.

³ Report of the Department of census and statistics will be also considered in the verification process.
<http://www.statistics.gov.lk/pophousat/eph2011/pages/activities/reports/final-report/finalreporte.pdf>

27 August 2021

- i. The Policies and Guidelines for the grant of reparation under the Office for Reparations Act No. 34 of 2018 was approved by the Cabinet of Ministers on 17 August 2021. This completes the statutory process and provides the basis for the programme of work of the Office for Reparations, based on the core principles in the OR Act.
- ii. A sum of Rs. 900 million has been allocated for "Recurrent Expenditure" to the OR in the 2021 Budget of which Rs. 800 million (88.9%) has been set apart for the payment of compensation. A sum of Rs. 249.8 Million has already been received by the OR.
- iii. As at 01 August 2021, the total number of applications pending with the OR stands at 11,327. Out of these, 1311 claims are related to death and injury and 10,016 claims are related to property damage.
- iv. Of the 11,327 pending claims, the number of claims pending with the OR to be processed as of August 2021 is 5,760. In respect of a further number of 5,567 claims, the OR had called on the applicants to submit missing documents to enable the OR to process the claims.
- v. The progress during 2020 and also January to August 2021 was adversely affected due to the COVID-19 pandemic. The progress up to 31 July, 2021 was as follows:
 - Compensation for death- LKR. 28,425,000 (for 283 claims)
 - Compensation for damage to Property - LKR. 219,495,814 (for 3,439 claims)
 - Compensation for injury - LKR. 2,125,000 (for 58 claims)
 - Total Sum paid as compensation in 2021 (Jan. to July 2021) - LKR. 250,045,814. (for 3,780 processed claims)
- vi. The concept of compensating victims of the ethnic violence was recognized from as far back as 1986. The total compensation payments made to victims is as follows:

| Compensation paid from 1987 to July 31, 2021 | | |
|----------------------------------------------|-----------------------|-------------------|
| Category of loss | No. of claims settled | Amount paid (LKR) |
| Death | 58,430 | 3,084,058,177 |
| Injury | 15,858 | 328,593,685 |
| Property | 54,686 | 4,747,923,135 |
| Total | 128,974 | 8,160,574,997 |

- vii. With a view to enhancing awareness with regard to the State's commitment to grant reparations and to assist aggrieved persons to bring closure to their grievances and to work towards reconciliation and unity of all Sri Lankans, the OR seeks to disseminate information via several initiatives.
- A Q&A has been published and is distributed among affected communities.
 - The OR website is being revamped to contain all relevant information.
 - Periodic awareness programmes will be conducted for identified target groups.
- viii. A scheme to provide credit facilities to aggrieved persons, from two State Banks commenced in 2006 under REPPIA and currently the programme continues with one Bank. OR assists with credit evaluation and follow up with borrowers to monitor progress of the project. A study of the reasons for default and indebtedness is also underway with the expectation of addressing further needs.
- ix. The OR has formulated a comprehensive psychosocial support programme which includes the conduct of a needs assessment, training of case managers, and post evaluation referrals to Government health workers, based on the level of need. Comprehensive training has been given to twenty-five (25) case managers in five (5) Divisional Secretariats (Kilinochchi, Matara, Batticaloa, Kurunegala and Ampara) through the engagement of experts working with OR.
- x. With the expectation of generating valuable data to take considered decisions, and also with a view to ensuring that authentic data with regard to reparations granted is stored securely to enable subsequent retrieval when necessary, the OR data base is being revamped. The completed centralized data base will provide an authentic source of all information with regard to the grant of reparations to aggrieved persons while helping the OR to digitalize the process and documentation.
- xi. Given that the ultimate objective of reparations is to inspire unity, reconciliation and prevent violence, the OR has provided leadership to work with the Office for National Unity and Reconciliation (ONUR) and the Office for Missing Persons (OMP) to coordinate and support each other's programmes towards peace building, unity and reconciliation. Regular meetings are held to discuss each other's programmes, work collectively on some activities and avoid duplication.

Office for National Unity and Reconciliation (ONUR)

3. The Office for National Unity and Reconciliation (ONUR) has continued its work under the 8 thematic areas with a view to building national unity and reconciliation and the activities carried out are as follows:

- **Education for Reconciliation**
 - Providing Trilingual and e-library facilities and establish youth library societies
 - identifying Trilingual amity schools
 - conducting Bilingual language training program (Sinhala/Tamil)
- **Higher education and research for reconciliation;**
 - Convening the 1st Annual Research Conference of ONUR
 - Conducting research and study on reconciliation
- **Arts and culture for reconciliation**
 - Celebration of selected multi-religious and cultural festivals in all island (E.g. telecasting television and radio programmes to celebrate Hajji Festival in July 2021)
- **Conflict transformation program**
 - Preparation of district level action plans implemented by trained facilitators at Divisional Secretariats. Action plans to conduct one day workshops on reconciliation have been prepared in 8 districts.
 - Capacity building (TOT) workshops for facilitators and coordinators at district and divisional levels. 17 districts have been identified and 951 one-day workshops have been planned from August – October 2021.
 - Establish Reconciliation Committees at village level
 - Implementation of early warning system
- **Media and communication for reconciliation**
 - E.g. Single episode teledrama on Esala Poya was telecasted in July 2021
- **Viruliya Shakthi (program for military widows and families)**
 - Livelihood development for Ranaviru widows and families
- **Reconciliation through economic engagement program (REEP)**

- 2 projects are under process, i.e. Project for strengthening Reconciliation Process through providing basic needs of conflict affected people and Project for providing livelihood support for most vulnerable families in the conflict affected areas- proposals have been called from the District Secretariats of North and East. For these projects, proposals have been called from the District Secretariats of North and East.
 - Psychosocial support program
 - Training of Trainers programme for capacity development of psychosocial support officers at district and divisional level
 - Monitoring and evaluation of beneficiaries
4. Of these programs, the district level reconciliation program is considered as the flagship program of ONUR. The main outcome of this program is to develop a community structure consisting of all the GN divisions in Sri Lanka. The community structure will be completed with the divisional, district and national level reconciliation committees and their operations. It has been planned to set up at least 500 GN level committees within this year. This target will in turn establish 5000 grassroot level community leaders with an active participation in the reconciliation process. This will correspond with one of the key elements of ONUR's working definition for reconciliation which is national dialogue and trust building. This is the initial step to ONUR's goal in ensuring non recurrence of violent ethnic conflicts and establish social value and responsibility within the community to maintain the reconciliation in the country.
5. Preparing a national action plan for reconciliation is the second major program of ONUR; which reaches to about 5000 participants from all 25 districts, which will be conducted online, strategically overcoming the situation which has arisen due to the COVID-19 pandemic. The national action plan will address recommendations made by the national reconciliation policy in Sri Lanka. This target will be completed within this year (August – December 2021) complying with ONUR's shared vision for national unity.
6. ONUR is also organizing its first international research conference. This will open up a new pathway for ONUR within the international academic and research community. This conference will carry out the message on national unity and reconciliation to the international community, while publicizing the national reconciliation process in Sri Lanka among the international community. The 1st Research Conference of the ONUR will be conducted on the theme of "Eliminating differences through understanding: Sustainable peace, security and reconciliation in modern society" on 30th and 31st of October 2021. Initial arrangements have been made to conduct the above conference and

international experts have been invited to attend this Conference as resource persons.

7. The ONUR was able to reach out to 1000 direct government and grassroots level stakeholders within the community during the last six months and this helped to rebuild relationships with them and make them aware about the new programs which ONUR intends to carry out. The responsiveness and dedication of government officials and grass root level community leaders can be considered as a positive impact owing to the work which was implemented by ONUR during the past five years. It highlighted the trust that the grassroot level community kept on the reconciliation process in Sri Lanka and their hopefulness for its continuation and success.
8. Due to the COVID-19 pandemic, the ONUR faced some unforeseeable delays and/or disturbances in several programs and activities planned for this year. Such programs and activities will be shifted to the following year. However, all possible events and programs will be conducted and/or carried out online.

Sustainable Development Goals (SDGs)

9. On Sustainable Development Goals (SDGs) Sri Lanka has improved its global rank by 7 positions and is placed at 87th place out of 165 countries in 2021, according to the Sustainable Development Report 2021⁴. The National steering Committee on SDGs is chaired by Hon. Prime Minister with the participation of 14 ministries. Road map and strategy for SDG implementation is being developed. SDG Council will work on strengthening the data collection, coordination and monitoring of the SDGs. The next meeting of the National Steering Committee will be convened in August 2021.
10. Given its direct relevance to human rights, a Steering Committee for SDG 16 implementation was established under the leadership of Hon. Minister of Justice with the participation of all relevant government institutions to ensure an integrated and coordinated approach to accelerate Sri Lanka's progress on SDG 16, on promoting "just, peaceful and strong institutions", which includes targets related to human rights, rule of law and access to justice. Following the first meeting of the Steering Committee held on 30 June 2021, 4 sub-Committees have been formed, consisting of key institutions, relating to crime control, corruption control, strengthening access to justice and public service delivery, to formulate and implement time-bound action plans to achieve the SDG 16 targets.

⁴ <https://www.sdindex.org/reports/sustainable-development-report-2021/>

National Human Rights Commission

11. The National Human Rights Commission (NHRCSL) has been reconstituted in accordance with the procedure mandated by the Constitution and financial provisions have been allocated to implement its statutory mandate. Budgetary allocations were requested for the Human Rights Commission of Sri Lanka (HRCSL) to establish new regional offices.

Presidential Commission of Inquiry

12. On accountability, the interim Report of the Commission of Inquiry⁵ to Investigate and Inquire into the Findings and Recommendations of the Preceding Commissions and Committees appointed to investigate into serious human rights violations of the international humanitarian law and other such serious offences, headed by Justice Nawaz was presented to H.E. the President on 21 July 2021. The Commission has been mandated to submit its final report in the next 6 months (January 2022).

Accountability

13. The Commission is empowered to examine the findings of the previous Commissions⁶ to ascertain whether there have been violations of international human rights law and international humanitarian law as found by those Commissions. If there have been such findings, the Commission is further mandated to find out whether the recommendations of the previous Commissions on accountability have been implemented and what needs to be the measures that should be adopted in the future to further the objectives of accountability.
14. It is clear that the previous Commissions such as the Lessons Learnt and Reconciliation Commission and Paranagama Commission addressed questions of accountability. It is noteworthy that even the mandates of the previous Commissions called upon the Commissioners to look at accountability. The current Commission has embarked upon, as is clearly spelt out in its interim report, an examination of the issues of accountability and spell out the measures that should be taken in the future. Sri Lanka submits that the current Commission is adequately tasked by its mandate to examine issues of accountability and spell out mechanisms to address the way forward.

⁵ The COI was appointed as per the Extraordinary Gazette 2211/55 dated 21 January 2021, <http://www.documents.gov.lk/gov/2021-01-21>

⁶ This Commission is mandated to build upon previous domestic Commissions, appointed to look into issues on accountability, including missing persons, inter alia Commission of Inquiry appointed to investigate and inquire into (16 specific cases) of violations of human rights alleged to have occurred since 1st August 2005 (the Uddegama Commission) (2006 - 2009); Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC) (2010); Presidential Commission of Inquiry to Investigate into Complaints regarding Missing Persons (Paranagama Commission) (2013); and Presidential Commission of Inquiry into Complaints of Abductions and Disappearances (2014) 11 (Second Mandate of the Paranagama Commission)

15. Sri Lanka stands ready and willing to implement the recommendations of this domestic mechanism which is clearly mandated to revisit questions of accountability that have been examined by the previous Commissions.

PTA

16. The Commission has conducted a number of hearings and has made interim recommendations⁷ as follows:
 - i. The Commission highlighted in its interim report that the PTA should be reformed in line with the laws against the prevention of terrorism in other countries. The Commission, which has paid special attention to Provisions 9, 11 and 13 of the PTA, has made three key recommendations in its interim report with regard to the implementation of the PTA in a more democratic manner. The Commission highlighted the possibility to expedite the hearing of cases of those who are being detained for a minimum of three months or longer under Provision 9 of the PTA by filing indictments against them, and to confine the detainees to their own home or the residential area under special security instead of detaining them in prisons in line with Provision 11 of the PTA.
 - ii. The Commission, in its interim report, proposed the importance of establishing an Advisory Board consisting of not less than three persons, to advise the President or the Minister in charge of Defence under Provision 13 of the PTA. H.E. the President has appointed retired Chief Justice Hon. Asoka de Silva Esquire as the Chairman of the Advisory Board in terms of Section 13 of the PTA and two other members of the Advisory Board on 24 August 2021. Any person who has been issued a Detention Order or a Restriction Order under the PTA, or any person representing him/her, can make representations to this Advisory Board. The Advisory Board may then advise the Minister on the Order issued. This Board therefore, presents an opportunity for those detained or restricted under the PTA to request a review of the Order.

Revisiting the PTA

17. A Cabinet Sub-committee, and an Officials Committee to assist the Cabinet Sub-Committee, were appointed to revisit the PTA in order to address the gaps in existing counter terrorism legislation and ensure that Sri Lanka's counter terror legislation balance measures to safeguard national security with Sri Lanka's international human rights undertakings and international best practices in this regard. The Sub-Committee which includes the Ministry of

⁷ Press Release issued by the Presidential Secretariat on 21 July 2021.

Justice, legal experts and security forces is to submit a report to the Cabinet within three months (24 September 2021). The Officials Committee has commenced its consultative work.

18. With regard to the PTA, the Government is intensifying and expanding the consultation process by including all stakeholders such as civil society, professional associations such as Bar Association of Sri Lanka and academic institutions such as faculties of law in national universities. The Government will ensure a non-partisan approach in this endeavor.

Pardons to convicted ex-LTTE cadres

19. Action was taken to grant Presidential pardons to sixteen (16) LTTE cadres convicted of serious crimes committed as members of the terrorist group and serving sentences under the PTA. Further, a legal and administrative process has also been set in motion to release detainees who have been in judicial custody for extended periods of time, under charges relating to the PTA.

Resettlement of IDPs

20. A process has been initiated to finalize the total remaining internally displaced persons (IDPs) to be resettled and to consider appropriate form of compensation (providing housing) for those whose lands have been acquired for State land.
 - i. As at 26 August 2021, a total number of 9,190 persons (3,174 families) remain to be resettled. Out of these 1,176 persons (344 families) live in welfare centres while 7,182 persons (2,615 families) live with family or friends. Action is being taken to verify the final figure of the remaining IDPs and to find solutions to their problems.
 - ii. From 2009 to August 2021, a total number of 1,46,812 houses have been built for beneficiaries in the North and the East. As of 1 August 2021, a total number of 54,017 houses are to be built for beneficiaries in the North and the East. From the 2021 budget 4112.66 million has been allocated for the infrastructure development in the North and the East.

Release of land

21. A process is already in place, led by the Ministry of Defence, in order to expedite releasing of remaining private lands occupied by the security forces, in accordance with a proper land release process, without compromising the vital national security concerns of the country.

27 August 2021

- i. Of the lands previously held by the security forces, i.e. 89.26% of State lands have been released and 92.22% of private lands, have already been released to the civilian owners by 31 December 2019.
- ii. Since 2009 to June 2021, Sri Lanka Army has released approximately 90.82% of the land acquired during the conflict period.
- iii. Sri Lanka Army has released 25.73 acres of private land between 30 June -28 July 2021.
- iv. A substantial part of land has been earmarked for the development of an international Airport in Palaly.
- v. It is also noted that 98.7% of land in the North and East which had been contaminated due to landmines and Unexploded Explosive Ordnances (UXOs) placed by the LTTT without records in civilian areas, have already been demined, thereby facilitating the process of land return and resettlement.
- vi. As at present, majority (more than 92%) of the private lands occupied by the military at the end of the conflict in year 2009 had been released to legitimate land owned civilians by the military forces through local government authorities.
- vii. The releasing of the remaining land would be considered, having regard to the strategic requirements of the security forces establishments in the North and the East subject further to the procedures established by law with regard to the vesting of land and the divesting of land in terms of the procedures established by law.
- viii. Considering all these aspects, a mechanism has been introduced and it is already in place, in view of expediting the process of releasing remaining private lands, in accordance with a proper land release process. Furthermore, a process has been initiated to consider appropriate form of compensation for the private lands which could not be released.
- ix. In addition to the above, it is noteworthy mentioning that almost all aforesaid government authorities who have been entrusted in land releasing process in the Northern and Eastern provinces are Tamil government officials.

Engagement with the civil society

22. For decades civil society has been an important partner for Sri Lanka's progress in matters related to social and human development as well as human rights issues. We have maintained an active interaction with civil society on our international human rights reporting obligations. In further pursuance of this, H.E. the President has held a consultation with a broad range of civil society (Sri Lankan Collective for Consensus) on 3 August 2021 and received their concerns with regard to ongoing issues.

International Human Rights and other Treaty obligations and engagement with the UN Special Procedures Mandate Holders

23. Sri Lanka will continue to fulfil its ongoing reporting obligations under 9 core UN Human Rights Treaties. Preparations are underway for the submission of a number of reports/reviews of these Treaties, including the review of Sri Lanka's 6th Periodic Report under the ICCPR which is tentatively scheduled to be held in March 2022 and submission of Sri Lanka's 9th Periodic Report under the CEDAW.
24. Sri Lanka has completed its process to destroy all stockpiled landmines a year ahead of the scheduled deadline as per the Anti-Personnel Mine Ban Convention marking another milestone in our efforts towards improving greater security and its humanitarian objective. This affirms GoSL's commitment not to use these indiscriminate weapons in future, and reflects the Government's confidence for a peaceful Sri Lanka, with a focus on reconciliation.
25. In addition to these measures at the national level, we have also kept true to our pledge to remain engaged with the Human Rights Council's mechanisms. Accordingly, in the past year (2020), we have expressed agreement to receive visits to Sri Lanka by two Special Procedure Mandate Holders, namely the Special Rapporteur on the Right to Education and the Special Rapporteur on Contemporary forms of slavery, including its causes and consequences. We are currently in dialogue with these mandates to finalize dates of their visits which are being impacted by the ongoing pandemic lockdown in Sri Lanka.

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