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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Statement No: HRC/S/i/E/20/06/24

Statement of the Human Rights Commission of Sri Lanka on World Refugee Day 2024

The Human Rights Commission of Sri Lanka (HRCSL) wishes to recognise and honour refugees around the world. Human rights aim to protect the most vulnerable in any society. Refugees who are compelled to flee their home country to escape violent conflict or persecution on the basis of their identity remain some of the most vulnerable groups in the world today. Many refugees embark on courageous, yet life-threatening journeys across borders, and endure harsh, and even cruel, inhuman, and degrading conditions during their transit to host countries. Many refugees today remain stateless or face serious risks of becoming stateless.

In Sri Lanka, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of 31 January 2024, there are 311 registered refugees and 180 registered asylum-seekers. Among these persons are 105 Rohingya refugees, and many asylum-seekers from the Ahmadiyya community. It is estimated that a majority of the registered refugees in Sri Lanka would eventually be resettled in third countries this year.

The HRCSL is informed that UNHCR is scheduled to close its operations in Sri Lanka in 2024. In this context, UNHCR has announced that 176 asylum-seekers who are registered with UNHCR Sri Lanka will not be considered for third country resettlement by UNHCR and are likely to remain in Sri Lanka beyond December 2024. UNHCR has also clarified that, since 31 December 2023, following an eleven-month lead period of advance information, it has discontinued the provision of monthly subsistence allowance and education assistance to refugees and asylum-seekers.

The HRCSL is of the view that the continued protection and promotion of the human rights of the remaining refugees, registered asylum-seekers, and those who have sought asylum but have not been formally registered, now require the close attention of duty-bearers including the Sri Lankan State. In particular, the rights of such persons to an adequate standard of living, to healthcare and education, and to engage in a lawful occupation need to be protected and promoted.

The HRCSL recalls the principle of *non-refoulement*, which remains an essential norm under international human rights, humanitarian, and customary law, and which prohibits States from transferring or removing individuals from their jurisdiction when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return. Sri Lanka is party to a number of international human rights treaties that legally bind it to abide by the principle of *non-refoulement* and to refrain from repatriating those who are at risk of persecution, torture, ill-treatment or other serious human rights violations upon their return. The Commission also recalls that Sri Lanka's domestic law recognises this principle. For example, section 18(1) of the International Convention for the Protection

of All Persons from Enforced Disappearance Act, No. 5 of 2018 provides: ‘No person shall be expelled, returned, surrendered or extradited to another State where there are substantial grounds for believing that such person would be in danger of being subjected to enforced disappearance.’

In this overarching context, the HRCSL calls upon the Government of Sri Lanka, with the support of local and international institutions with relevant mandates and expertise, to formulate a comprehensive policy to ensure the protection and promotion of the human rights of all refugees and asylum-seekers in Sri Lanka. The HRCSL is prepared to actively participate in the preparation and implementation of such a policy. It also calls upon the government to consider accession to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol in recognition of its commitment to the protection and promotion of the human rights of all persons, regardless of national origin.

Chairman
Human Rights Commission of Sri Lanka
Colombo.

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