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The State of the World's Human Rights; Sri Lanka 2023

Background

The World Bank reported the number of people living below the poverty line had doubled since 2022 and was expected to increase to over 2.2 million (27.5%) in 2023. Sri Lanka received the first USD 330 million tranche of the IMF bailout in March. The second, of USD 337 million, was cleared in December to help with the economic crisis.

In its response to its UPR in March, Sri Lanka merely noted – and did not support – most recommendations made during the UPR on accountability for war-time serious violations of human rights and humanitarian law.

Economic, social and cultural rights

The economic crisis particularly affected marginalized groups who had to contend with loss of income, growing inflation and inadequate social protection measures.¹ According to the IMF Country Report released in March, only 0.6% of GDP was to be spent on social protection in 2023.

Despite the introduction of a new “Aswesuma” welfare benefit payment scheme, the narrowly targeted programme meant that only approximately 1.1 of the 2 million families living below the poverty line were eligible. The scheme risked excluding many of the people most affected by economic crisis, including those living in urban areas, working in the informal sector, on daily wage incomes, from the Malaiyaha Tamil community, others with low or precarious incomes, and those whose incomes were lost due to unemployment.

Pregnant and breastfeeding women were disproportionately impacted by the economic crisis. They faced increased food insecurity, including as a result of an inconsistent supply of government-issued maternal nutrition, food and vitamin supplements, and because essential maternal health services were severely affected.²

Freedom of expression, arbitrary arrests and detentions

The government sought to replace the draconian Prevention of Terrorism Act (PTA) with the Anti-Terrorism Act (ATA). The first bill, gazetted in March, contained overly broad, vague and subjective offences, posing high risk of arbitrary application and abuse, including new offences categorizing acts of civil disobedience as terror offences. In September, a new ATA bill was gazetted with minor changes but the legislation’s capacity to enable human rights violations remained.

The PTA remained in use throughout 2023. In August 2022, the convener of the Inter University Students Federation, Wasantha Mudalige, was arrested amid a crackdown on protesters agitating against and seeking accountability for the dire economic crisis. In January 2023, the Colombo Chief Magistrate ruled that the terrorism-related charges under the PTA could not be maintained against Wasantha Mudalige, and he was released. Despite assurances to the international community that

the PTA would be abolished, in May authorities brought PTA charges against four people in connection with the 21 April 2019 bombings. By June, all had their PTA charges dismissed, and two were charged instead under Sri Lanka's International Covenant on Civil and Political Rights Act (ICCPR Act). In November, authorities arrested nine individuals under the PTA for a commemoration vigil in the eastern town of Batticaloa. In December, poet and teacher Ahnaf Jazeem was acquitted by the Puttalam High Court, over three and a half years after he was wrongly detained under the PTA.

The ICCPR Act was weaponized once more against freedom of expression. In January, authorities arrested social media commentator Sepal Amarasinghe for comments made on YouTube deemed offensive to Buddhism. He was only released following an unconditional public apology in February. In May, authorities arrested comedian Nathasha Edirisooriya for comments made during a stand-up comedy show that were allegedly disrespectful of Buddhism. Bruno Divakara, who runs a YouTube channel that published Nathasha Edirisooriya's performance, was also arrested a few days later. They were both given bail in July; the cases against them remained pending.

In September, the government gazetted a bill to regulate online communication and safety. The OHCHR noted that "many sections of the Bill contain vaguely defined terms and definitions of offences which leave significant room for arbitrary and subjective interpretation and could potentially criminalize nearly all forms of legitimate expression, creating an environment that has a chilling effect on freedom of expression".

In December, authorities began an operation titled "Yukthiya", with the stated aim of controlling "the drug menace". The operation saw hundreds arrested daily.

Freedom of peaceful assembly

Following large-scale public protests in 2022 that ousted the ruling party elite from power, there were crackdowns on protests throughout 2023, stifling the right to peaceful assembly, including for trade unions, civil society and students' groups.

Amnesty International found that authorities had approached the judiciary to obtain pre-emptive court orders preventing protests; systematically misused weapons such as tear gas, water cannons and batons; used military to police protests; and applied excessive and unnecessary force as well as surveillance and intimidation. In February, one protester was killed and dozens injured due to the unlawful use of water cannons and tear gas by police in the capital, Colombo.

Right to truth, justice and reparations

In September, nine international human rights organizations criticized the government's flawed plans for a "Truth Commission". Given the failure of domestic commissions of inquiry to ensure accountability, some victim communities rejected the plans outright. Others highlighted the need for trust-building measures prior to the establishment of any truth commission, noting concerns around continuing surveillance and the lack of space for memorialization.³

Other domestic transitional justice mechanisms (the Office on Reparations and the Office on Missing Persons) made no notable progress over the year according to publicly available information. Many cases – exemplars of impunity for human rights violations – dragged on in the domestic court system, again with no notable progress.

The Sri Lanka Accountability Project that was established in 2021 under the OHCHR reported in June that it received a steady increase in requests from competent state authorities in several jurisdictions who have ongoing criminal justice investigations, including in relation to 10 named individuals to date. The government rejected the mechanism.

LGBTI people's rights

In March, government MP Premnath Dolawatte moved a Private Members' bill to amend the Penal Code to protect the rights of LGBTI individuals by repealing provisions criminalizing consensual same-sex relations. Following multiple legal challenges, the Supreme Court determined that the bill is in line with the constitution. However, the broad support needed for the bill to be passed into law remained elusive and the bill was not tabled in parliament by the end of the year.

Women's and girls' rights

The government made no progress to amend the Muslim Marriage and Divorce Act of 1951 which, among other issues, permits child marriage of those aged as young as 12. In June, male Muslim MPs stalled the reform process, resulting in criticism from a number of UN Special Procedures mandate holders. Their communication to the Sri Lankan government noted "if recommendations put forward by the 17 Muslim MPs were to be introduced into the Draft Bill, it would be contrary to international standards and obligations on the protection of women's rights".

The government adopted its first National Action Plan on Women, Peace and Security for the period 2023 – 2027 and announced plans to establish a National Women's Commission.
