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The government continued its crackdown on dissent, targeting multiple groups. Impunity continued in a number of emblematic cases. Excessive use of force and brutality by law enforcement officers were widely reported, and there were deaths in custody. The UN Human Rights Council set up a mechanism to consolidate evidence of serious human rights violations for future prosecutions after the Sri Lankan government withdrew its support for transitional justice. Existing transitional justice mechanisms did not progress. The Prevention of Terrorism Act continued to be used to target critics from minority communities through arbitrary arrests and prolonged detention without judicial oversight. New regulations issued under the Act would effectively deny suspects a judicial hearing and force them to attend mandatory “rehabilitation”. Discrimination and marginalization of the Muslim community increased because of government policies specifically targeting them. The government failed to prioritize health workers, older populations, people with comorbidities or marginalized groups during its Covid-19 response.

Freedom of expression, association and assembly

The crackdown on dissent continued. The government targeted human rights defenders, journalists, lawyers, members of the opposition and criminal investigators and expanded its scope to include university students, academics, trade unionists and social media commentators. In May, the Secretary to the Ministry of Health issued an order threatening disciplinary action against health sector employees who spoke to the media about difficulties in tackling the Covid-19 pandemic.

There were protests over long-standing salary issues for teachers and principals. Demonstrators also called for the withdrawal of a controversial education bill; some activists were arrested, in some cases spending more than 75 days in detention.

In an online meeting organized by the Sri Lanka Judges Institute in August, judicial officers were given instructions by non-judicial officers on controlling public gatherings during the Covid-19 pandemic. The instructions followed widespread protests by trade unions, and the judicial officers reportedly felt pressured to deliver court orders preventing such protests.

The government announced law reform initiatives to regulate the work of NGOs, potentially hindering the right to freedom of association.

Right to truth, justice and reparation

In emblematic cases which implicated members of the military or government supporters, either the suspects were acquitted or the cases were withdrawn by the Attorney General. Other cases failed to progress. The trial relating to the enforced disappearance in 2010 of journalist Prageeth Eknaligoda was postponed multiple times, owing in part to Covid-19 restrictions. Suspects in the 2005 assassination of Tamil MP Joseph Pararajasingham, including those from a government-aligned political party, were acquitted and the Attorney General's Office did not indicate any interest in re-opening the investigation. Without publicly providing reasons for its decision, the Attorney General's Office decided not to proceed with charges against Wasantha Karannagoda, a former Navy commander, over his alleged role in the enforced disappearance of 11 Tamils in 2008 and 2009. The Sri Lankan Navy is alleged to have been responsible for the forcible disappearance of the so-called “Navy 11”.

The UN Human Rights Council passed resolution 46/1 with a view to advancing accountability in Sri Lanka. The resolution established an international mechanism for OHCHR to collect, consolidate, analyse and preserve information and evidence and to develop strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law.

Under the leadership of the controversial former Supreme Court judge Upali Abeyratne, the Office on Missing Persons (OMP) opened a new office in the North and announced plans to “verify” the 21,374 cases collated by its former members. By the end of the year, the OMP’s official caseload stood at 14,988, with no clear explanation for having dropped more than 6,000 missing persons cases. New members were appointed; there was lack of clarity over whether the leadership changed.

The cabinet of ministers approved policies and guidelines produced by the Office for Reparations, which related to reparations for victims of the armed conflict and civil or political unrest. The document was not made public by the end of the year. Law enforcement officers brought court orders against war-related memorialization initiatives under the guise of Covid-19 restrictions, and arrested those taking part.

Arbitrary arrests and detentions

The authorities continued to detain hundreds of Muslims arrested in connection with bombings in April 2019, under the Prevention of Terrorism Act (PTA).

Activist and lawyer Hejaaz Hizbullah, who was also arbitrarily arrested under the PTA in April 2020, remained in detention without access to bail. He was indicted in March and his trial was scheduled for 2022. Poet Ahnaf Jazeem, who had remained in prolonged detention following his arrest in May 2020 in connection with his writings, was released on bail in December. He was indicted under the PTA in November. The PTA was also used to target, arrest and arbitrarily detain numerous journalists, particularly from the North. Both Ahnaf Jazeem and Hejaaz Hizbullah were repeatedly denied due process safeguards. They were not informed of the reason for their arrest, and they were both held in prolonged administrative detention without judicial oversight to monitor their wellbeing, or access to legal counsel or family. In March, President Rajapaksa issued new regulations under the PTA which would allow for the referral of people suspected of an offence under the PTA or Emergency Regulations to a “rehabilitation” programme. The new regulations raised many human rights concerns, including the use of overly broad, subjective language to describe offences, and the concern that rehabilitation and detention under the regulations deprived suspects of due process, access to family and the ability to challenge their detention in court. Such violations would also place those arrested at risk of torture and other ill-treatment.

Excessive use of force and extrajudicial executions

Incidents of deaths in police custody and police brutality were widely reported in the media. There was no apparent criminal liability or accountability for law enforcement or government officers in such cases. Civil society recorded numerous alleged incidents during the year, including three shootings by the police, 40 incidents of police violence, 10 deaths in police custody (some attributed to suicide), at least 30 prison deaths (in some cases attributed to suicide or Covid-19), at least 16 incidents of violence by security forces, 24 incidents of violence by government officials including sexual harassment, and at least three cases of torture in prison.

The Minister for Public Security announced his intention to introduce legislation to dismiss human rights cases against police officers if they are not heard “in a timely manner”.

The Minister for Prison Management and Prisoner Rehabilitation, Lohan Ratwatte, forcibly entered a state prison in the city of Anuradhapura in September. The Minister held at gunpoint and threatened to kill Tamil prison inmates, who were incarcerated under the PTA. The incident highlighted impunity for criminal behaviour at the highest levels of government. Lohan Ratwatte had not been held to account for his actions and remained a government minister at the end of the year.

Discrimination

Sri Lanka’s minority Muslim community faced increased marginalization and discrimination as the government targeted Muslims with new policies and laws.

In March, Public Security Minister Sarath Weerasekera stated that the government was planning to ban more than 1,000 madrasas (Islamic education institutions) which were operating outside the national education policy. If authorized, the move would likely amount to discrimination on religious grounds, and may also violate the freedom to manifest one’s religion or belief through worship. In April, the cabinet approved a proposal by the same minister to ban the wearing of face veils.

In March, the Ministry of Defence stated that Islamic books brought into Sri Lanka would only be released following analysis and review by the Ministry, as an alleged “counter-terrorism measure”. The government directive discriminates solely on the grounds of religion and violates the rights to religion and belief and to seek, receive and impart information and ideas.

Ahead of sessions of the UN Human Rights Council, Sri Lankan authorities finally moved to change the policy of forced cremations of Muslim victims of Covid-19, which began in March 2020. The policy had remained in place despite WHO guidance that allowed for burial or cremation. The guidelines affected the final burial rites of the Muslim community, violating the right to freedom of religion and belief. Although the forced cremation policy was reversed, the government continued to insist on Muslim victims of Covid-19 being buried in remote areas, limiting access by family members and discriminating solely on the grounds of religious belief.

Gender-based discrimination and violence

Despite pledges made to amend the Muslim Marriage and Divorce Act of 1951, which allowed girls to be married from 12 years of age, the Act remained unchanged.

Women's rights groups sought, among other reforms, for women to be eligible to be appointed as *Quazis* (judges in the *Quazi* court, an unofficial religious mediation body); for polygamy to be abolished; and for consent to be obtained from both parties when registering a marriage, to prevent forced marriages.

LGBTIQ people and women from ethnic minorities and Indigenous communities faced increased abuse and domestic violence while forced to remain at home during Covid-19 lockdowns.

Same-sex sexual relations continued to be criminalized in Sri Lanka. In a video shared on social media, a counsellor at a police training programme was seen making malicious and discriminatory remarks about the LGBTIQ community. An NGO pressured the Court of Appeal to serve notice preventing the police from conducting trainings that marginalize and violate the rights of LGBTIQ people.

Right to health

Sri Lanka struggled to effectively respond to the surge in Covid-19 cases without a communicated national vaccination plan, and amid difficulties in procuring vaccines from manufacturers owing to vaccine hoarding by rich and powerful states. The government failed to prioritize health workers, older populations, people with comorbidities, and marginalized and minority groups.

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Austrian Red Cross
Austrian Centre for Country of Origin and
Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
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