

Sri Lanka

1. Overview of the human rights and democracy situation: 2020 was a challenging year for human rights and democracy in Sri Lanka. The Parliament approved a new 20th amendment to the Constitution restoring wide-ranging powers for the executive presidency. It gives the President, among others, the power to dismiss the Prime Minister without parliamentary approval, to dissolve parliament two and a half years into term, and to make appointments to the courts, including the Supreme Court, and the independent commissions.

Independent institutions in the areas of reconciliation, accountability and human rights created by the former administration remain in place, whereas their leadership was changed through new presidential appointments. In February 2020, Sri Lanka announced its withdrawal from co-sponsoring the UNHRC resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka, noting its unconstitutional nature. Instead, a domestic mechanism to investigate past abuses was announced, although no progress so far has been noted. On 26 March, President Rajapaksa pardoned Sunil Ratnayake, a soldier sentenced to death for the killing of eight Tamil civilians in 2000. In July, former head of the Criminal Investigations Department (CID), Shani Abeysekera, who oversaw investigations of abuses committed during the previous Rajapaksa administration, was arrested for allegedly concealing evidence.

The government has announced its intention to amend the Prevention of Terrorism Act (PTA). Repealing the PTA was a commitment made by Sri Lanka to the EU in the lead up to its readmission to the Generalised Scheme of Preferences (GSP+) as well as to the UN Human Rights Council. On 14 April, Hejaaz Hizbullah, a human rights lawyer and activist, was arrested by the CID under the PTA on allegations of aiding and abetting the Easter 2019 terrorist attacks and inciting communal disharmony. Hizbullah has not been charged to date and has been denied confidential access to legal counsel. On 16 May, Muslim poet Ahnaf Jazeem was detained under the PTA for a book of poems that the CID alleges promotes extremism. He remains in detention with no access to legal counsel.

The numbers of people affected by COVID-19 remained relatively low in Sri Lanka in comparison to other countries in the region. The COVID-19 response has however exacerbated multiple social and economic issues, affecting the rights of minorities and vulnerable groups. On 11 April, the government announced that all COVID-19 victims would be cremated within 24 hours of death, although WHO guidelines recommended either burial or cremation. Muslims have repeatedly sought a policy revision, as cremation goes against Islamic tradition. The policy has been widely criticised locally and internationally, including by UN Special Rapporteurs. On 1 April, the authorities announced that anyone criticising the government's response to the pandemic would be arrested. Disinformation spread around the pandemic has led to the stigmatisation of vulnerable communities and those who contract the virus.

The pandemic has also turned the spotlight to the alarming conditions in the country's prisons, which are operating at nearly four times their capacity. On 29 November, prisoner unrest over the identification of positive cases in a major, high security prison, led to the deaths of 11 inmates, mainly due to gunshot injuries.

The NGO secretariat, which regulates civil society organisations, has been placed under the authority of the Ministry of Defence. Civil society activists and organisations have reported heightened surveillance by state intelligence services. On 2 June, President Rajapaksa established a Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society 'to curb the illegal activities of social groups which are violating the law' and the Presidential Task Force for

Archaeological Heritage Management in the Eastern Province 'to preserve Buddhist heritage'. Both taskforces are mono-ethnic, their members drawn from the Sinhala majority.

2. EU action - key focus areas: The EU continued to: support the implementation of the UN HRC resolution through support to reconciliation, resettlement, transitional justice, nonrecurrence and constitutional reform; and advance women's political, economic and civic rights and physical and psychological integrity.

3. EU bilateral political engagement: A number of political dialogues were held throughout the year with the President, Prime Minister, and other representatives of the government on issues impacting long-term peace and stability in Sri Lanka, particularly in the wake of Sri Lanka's withdrawal from the UN HRC resolution.

Due to travel restrictions, most of the engagement with the government took place virtually or locally. A GSP+ monitoring also took place remotely this year, focusing, inter alia, on PTA and reconciliation measures. The EU delegation jointly with Member States conducted a number of meetings with representatives of the new government, meetings focusing on human rights and political issues including minority issues, and informal political consultations held between the EU and Sri Lanka in Colombo in February. The meetings were sometimes followed by joint public statements.

4. EU financial engagement: The EU funds several projects which aim to support reconciliation processes, peacebuilding, transitional justice and civil society as well as the justice system with particular emphasis on vulnerable groups and promote women's rights and gender equality.

5. Multilateral context: Following Sri Lanka's announcement in February 2020 that it would no longer sponsor the resolution 30/1, the EU issued a statement expressing concern and calling for a sustainable reconciliation process, commitment to accountability, human rights, and continued engagement with the UN and international partners.