

Sri Lanka

1. Overview of the human rights and democracy situation: 2019 proved to be a challenging year for Sri Lanka in the area of human rights and democracy. Despite the progress made following the 2015 elections, progress in implementing UN Human Rights Council resolution 30/1 continued to be slow. The Easter Sunday terror attacks in April 2019 had a significant impact on the protection of human rights and democracy in Sri Lanka, as well as on the country's political trajectory. In the aftermath of the attacks, the government declared a State of Emergency and issued Emergency Regulations (ERs) to address the security situation (later lifted in August). The Emergency Regulations imposed restrictions on certain fundamental rights guaranteed by the Constitution and a number of rights stemming from other laws including the right to equality before the law and non-discrimination.

The Easter Sunday terror attacks further degraded the already-brittle relations between Sri Lanka's Sinhala majority and Muslim minority, and led to several serious incidents of anti-Muslim violence and discrimination including against Muslim refugees and asylum seekers. Tensions also increased between the Muslim community and other religious and ethnic minorities. Presidential elections were held in November 2019, in the presence of an EU Election Observation Mission, which was widely welcomed in its statements and recommendations. Former Defence Secretary Gotabaya Rajapaksa was elected, an outcome that clearly illustrated the majority-minority divide and contributed to further strengthening post-election nationalist fervour, which is likely to further impact Sri Lanka's ethno-religious minorities. A significant policy decision of the new president and his interim government is the decision to retain the Prevention of Terrorism Act (PTA) and withdraw the counter-terror legislation proposed to replace it. 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.

In April 2019, award-winning writer Shakthika Sathkumara was arrested, following complaints by Buddhist groups claiming that he defamed Buddhism in a story posted on his Facebook page. Attempts to resume executions by the previous President, bringing an end to the moratorium in place since 1976, were blocked by the country's Supreme Court in October 2019. The Court issued an interim order preventing all executions until it rules on a fundamental rights petition filed by one of the four people scheduled to hang. In July 2019, 13 military personnel suspected of killing five Tamil boys in 2006 (the Trinco 5 case) were discharged by the court due to the non-availability of sufficient evidence to continue the case in a satisfactory manner. The previous administration's commitment to reconciliation was called into question following the appointment of Lieutenant-General Shavendra Silva as Army Commander, given the allegations of grave human rights and humanitarian law violations against him. In November 2019, an incident involving a local staff member of the Swiss Embassy resulted in serious tensions between the Swiss and Sri Lankan governments. The staff member, who said she was detained, assaulted, and threatened at gunpoint to reveal embassy-related information, was arrested on charges of stoking anti-government sentiment and fabricating evidence.

The UN Subcommittee on Prevention of Torture completed its first visit to Sri Lanka in April 2019 where it examined the treatment of people deprived of their liberty and the safeguards in place for their protection against torture and ill-treatment. The Subcommittee is expected to submit a confidential report to the government containing its observations and recommendations arising from the visit. The Special Rapporteur on the rights to peaceful assembly and association, who visited the country in July 2019, was daunted by the widespread fear expressed by all sectors of society of setbacks in the democratic gains, and called on Sri Lankans to act together in favour of sustained democracy. Following his mission to Sri Lanka in August 2019, the UN Special Rapporteur on Freedom of Religion or Belief noted the serious trust deficit among ethno-religious communities. The prevalence of violence against women is high and widespread but is underreported.

2. EU action - key focus areas: The EU continued to:

- Support to the implementation of the UNHRC resolution through support to resettlement, transitional justice, non-recurrence and constitutional reform;
- Advance women's political, economic and civic rights and 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 the Easter Sunday bombings. A bilateral meeting also took place between HR/VP Federica Mogherini and the then Sri Lanka Foreign Minister on the margins of the ASEAN Regional Forum in August 2019. The HR/VP stressed the EU's solidarity with Sri Lanka following the Easter Sunday attacks and underlined the EU's readiness to help prevent and counter violent extremism. The EU counterterrorism coordinator visited Sri Lanka in July 2019 during which he met government representatives, international organisations, and civil society. A GSP+ monitoring mission which visited Sri Lanka in September 2019 focused on issues including the PTA and the implementation of the UNHRC resolution, as did the fourth meeting of the Working Group on Governance, Rule of Law and Human Rights in August 2019.

The EU delegation jointly with Member States conducted a number of meetings with government representatives, which centred on human rights and political issues including the death penalty and minority issues. The political dialogues were sometimes followed by the issuing of joint public statements.

4. EU financial engagement: The EU funds several projects aiming to support reconciliation processes, peacebuilding, transitional justice and civil society, as well as the justice system with particular emphasis on vulnerable groups.

5. Multilateral context: There was limited progress in implementing the 2015 UN Human Rights Council (UNHRC) resolution 30/1 on Promoting reconciliation, accountability, and human rights, co-sponsored by the previous administration. The resolution was extended through Human Rights Council resolution 34/1 in March 2017 and resolution 40/1 in March 2019.