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TEXTS ADOPTED

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**P9\_TA(2021)0290**

**The situation in Sri Lanka, in particular the arrests under the Prevention of Terrorism Act**

**European Parliament resolution of 10 June 2021 on the situation in Sri Lanka, in particular the arrests under the Prevention of Terrorism Act (2021/2748(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Sri Lanka,
  - having regard to the report of the Office of the UN High Commissioner for Human Rights of 9 February 2021 entitled ‘Promoting reconciliation, accountability and human rights in Sri Lanka’,
  - having regard to the UN Human Rights Council resolution of 23 March 2021 entitled ‘Promoting reconciliation, accountability and human rights in Sri Lanka’,
  - having regard to Regulations No. 01 of 2021 published on 12 March 2021 under Sri Lanka’s Prevention of Terrorism Act,
  - having regard to the report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism of 14 December 2018 entitled ‘Visit to Sri Lanka’,
  - having regard to the statement by Michelle Bachelet, the UN High Commissioner for Human Rights, of 24 February 2021 on Sri Lanka,
  - having regard to the final report of January 2020 of the European Union Election Observation Mission to the Sri Lanka Presidential Election of 16 November 2019,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to the EU Generalised Scheme of Preferences Plus (GSP+), the special incentive programme of which Sri Lanka is a beneficiary,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas Sri Lanka has been marred by a decades-long civil war which ended in 2009, during which serious human rights violations were committed by both sides;

- B. whereas the human rights situation in Sri Lanka has been steadily deteriorating, with the new government rapidly backtracking on the limited progress achieved under previous administrations; whereas the space in which civil society and an independent media can operate in the country is rapidly shrinking;
- C. whereas the controversial Prevention of Terrorism Act (PTA) has been in place in Sri Lanka since 1979 and grants the police broad powers to search, arrest and detain civilian suspects; whereas the wide-ranging powers provided for in the PTA have led to consistent and well-founded allegations of torture and sexual abuse, forced confessions and systematic denials of due process;
- D. whereas in her most recent report on Sri Lanka, the UN High Commissioner for Human Rights reiterated the calls for a moratorium on the use of the PTA for new arrests until it is replaced by legislation that adheres to international best practices;
- E. whereas the Government of Sri Lanka issued Regulations No. 01 of 2021 on 9 March 2021, expanding the PTA and, *inter alia*, allowing for two years of detention without trial for causing ‘religious, racial, or communal disharmony’;
- F. whereas the PTA has been systematically used for arbitrary arrests and the detention of Muslims and minority groups in Sri Lanka, including Ahnaf Jazeem, a 26-year-old Muslim teacher and poet, and Hejaaz Hizbullah, a well-known lawyer for minority rights and the rule of law;
- G. whereas on 19 May 2017 Sri Lanka regained access to generous tariff preferences under the GSP+, on the condition that it replaces its PTA and effectively implements 27 international conventions, including human rights conventions; whereas the European Union has repeatedly expressed concern over the PTA and noted Sri Lanka’s failure to repeal the act despite its commitment to doing so;
- H. whereas on 20 October 2020 the Sri Lankan Parliament passed the 20th Amendment to the Constitution, reinforcing the executive presidency;
- I. whereas nearly 12 years on from the end of the war, domestic initiatives for accountability and reconciliation have repeatedly failed to produce results, thus more deeply entrenching impunity and exacerbating victims’ distrust in the system;
- J. whereas there are clear signs of the accelerating militarisation of civilian government functions in Sri Lanka; whereas since 2020, at least 28 serving or former military and intelligence personnel were appointed to key administrative posts; whereas those appointments include at least two senior military officials who were implicated in UN reports in alleged war crimes and crimes against humanity during the final years of the conflict; whereas many suspects in police custody as well as inmates in Sri Lankan prison complexes have been killed; whereas the most recent cases include deaths in police custody in May 2021; whereas 11 inmates at Mahara prison were killed and 117 others injured when guards opened fire to control a riot over COVID-19 conditions in November 2020;
- K. whereas authorities in Sri Lanka handed down capital punishment sentences for drug-related offences in 2019, despite the existence of a moratorium on the use of capital punishment in the country since 1976;

1. Expresses deep concern over Sri Lanka's alarming path towards the recurrence of grave human rights violations as described by the most recent UN report on the country, which lists among the early warning signs the accelerating militarisation of civilian governmental functions, the reversal of important constitutional safeguards, political obstruction of accountability, exclusionary rhetoric, intimidation of civil society, and the use of anti-terrorism laws;
2. Reiterates its strong opposition to the continued application of the current PTA; calls on the Sri Lankan authorities to fulfil their pledge to review and repeal the act and replace it with anti-terrorism legislation which adheres to international best practices; further calls for the immediate suspension of the deradicalisation regulations;
3. Points out that Regulations No. 01 of 2021 do not provide for procedural guarantees for any person deprived of their liberty as laid down in Article 9 of the International Covenant on Civil and Political Rights, and that they violate Sri Lanka's own constitutional guarantees under Article 13 of the Sri Lankan Constitution; recalls that deradicalisation, rehabilitation and reintegration centres, which are regulated under similar legislation, have in the past been rife with serious human rights violations such as torture and other ill-treatment, including sexual and gender-based violence;
4. Expresses grave concern about the arbitrary arrests and detention under the PTA without due process and access to justice, including for civil society activists, lawyers, writers and poets such as Hejaaz Hizbullah and Ahnaf Jazeem; notes with concern the detention of Shani Abeysekera, the former director of the Criminal Investigation Department; urges the Government of Sri Lanka to immediately give those detained a fair trial on valid charges and, if there are no charges, to release them unconditionally;
5. Deplores the continuing discrimination against and violence towards religious and ethnic minorities and communities in Sri Lanka, including Muslims, Hindus, Tamils and Christians; calls on the Government of Sri Lanka to unequivocally condemn hate speech, incitement to violence and discrimination against religious and ethnic groups in the country, and to hold to account those who advance such divisions, including within the government and military;
6. Notes the adoption of the 20th Amendment to the Constitution and expresses serious concern about the resulting decline in judiciary independence, the reduction of parliamentary control, and the excessive accumulation of power with the presidency;
7. Notes with concern the Government of Sri Lanka's recent proposal to enact a new law on disinformation despite concerns raised by civil society organisations about the threats such a law could pose to the freedom of expression; urges online platforms to take proactive steps to moderate the circulation of hate speech and disinformation online in the Sinhalese and Tamil languages;
8. Is concerned that provisions in Sri Lanka's Penal Code, notably sections 365, 365A and 399, have been interpreted in such a way as to criminalise individuals with diverse sexual orientations and gender identities;
9. Calls on the Commission to urgently evaluate its funding for the UN Office on Drugs and Crime and INTERPOL project 'Support to Sri Lanka on Counter-Terrorism' while counterterrorism in Sri Lanka is in certain cases being used as a pretext on which to

persecute members of ethnic and religious groups and civil society, including human rights defenders; calls on the EU Delegation to Sri Lanka and the Member States' representations to increase their support to civil society, especially human rights defenders, environmental defenders and journalists;

10. Underlines the crucial importance of ensuring that the national reconciliation process is given the necessary attention and results in concrete actions, including accountability for enforced disappearances and past crimes; regrets Sri Lanka's withdrawal from the commitments it made to the UN Human Rights Council in the context of its sponsorship of resolution of 14 October 2015 entitled 'Promoting reconciliation, accountability and human rights in Sri Lanka', and encourages it to re-engage with the council, which is instrumental in restoring relations with the international community and creating a process of national reconciliation between the diverse Sinhalese, Tamil, Muslim, Hindu and Christian communities;
11. Calls on the Government of Sri Lanka to prevent any hindrance of the investigation and possible prosecution of members of the security forces accused of serious human rights abuses; insists that an investigation be carried out into allegations of grave human rights abuses and war crimes committed during the civil war by senior figures from all sides; asks the Government of Sri Lanka to end the practice of appointing current and former military commanders implicated in serious abuses to senior government positions;
12. Calls for a rigorous, impartial and complete investigation into the 2019 Easter Sunday bombings in line with international legal standards; calls, furthermore, for those against whom there is evidence of culpability to promptly be brought to trial, and for those for whom there is insufficient evidence to be released;
13. Recalls that the GSP+ scheme offers the incentive of better access to the EU market for the country's exporters, in return for further progress in fully implementing those conventions; recalls that one of Sri Lanka's key commitments was to fully align its counterterrorism legislation with international human rights conventions in order to secure a favourable trading relationship under the GSP+; recalls the consequences foreseen in the GSP Regulation<sup>1</sup> in the event of a persistent failure to adopt and enact the necessary human rights reforms, repeal abusive legislation and reverse the current trajectory of increasing violations;
14. Underlines that the GSP+ scheme offered to Sri Lanka has made a significant contribution to the country's economy, from which exports to the EU have increased to EUR 2.3 billion, making the EU Sri Lanka's second-largest export market; highlights the ongoing monitoring of Sri Lanka's eligibility for GSP+ status and stresses that the continuance of GSP+ trade preferences is not automatic; calls on the Commission and the European External Action Service (EEAS) to take into due account current events when assessing Sri Lanka's eligibility for GSP+ status; further calls on the Commission and the EEAS to use the GSP+ as a leverage to push for advancement on Sri Lanka's human rights obligations and demand the repeal or replacement of the PTA, to carefully assess whether there is sufficient reason, as a last resort, to initiate a procedure for the temporary

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<sup>1</sup> Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences, OJ L 303, 31.10.2012, p. 1.

withdrawal of Sri Lanka's GSP+ status and the benefits that come with it, and to report to Parliament on this matter as soon as possible;

15. Notes with concern the impact of the COVID-19 pandemic on the deteriorating labour rights' situation in the country; urges Sri Lanka to cooperate fully with the International Labour Organization (ILO) to strengthen the labour rights of factory workers, including health and safety conditions for garment workers in special trade zones; calls on the Government of Sri Lanka to effectively implement and strengthen the National Policy on Elimination of Child Labour; calls on the Sri Lankan authorities to adapt the Board of Investment of Sri Lanka Labour Standard and Employment Relation Manual in order to bring it in line with international standards, notably ILO Convention Nos 87 and 98;
16. Reiterates the European Union's strong opposition to the death penalty, in all cases and without exception; welcomes Sri Lanka's continued moratorium on the death penalty; urges the government to abolish the use of capital punishment in the country;
17. Welcomes the EU's past support for reconciliation efforts and underscores the EU's readiness to support Sri Lanka in this field;
18. Expresses concern about the growing role and interference of China in Sri Lanka;
19. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the Secretary-General of the UN, the UN Human Rights Council, and the Government and Parliament of Sri Lanka.