



48th Session of the Human Rights Council – Supplement to the Oral Update on Sri Lanka by the High Commissioner

Stakeholder submission by the Anglican Consultative Council

August 2021

The Anglican Consultative Council (ACC), writing at the request of the Anglican Church of Ceylon, is increasingly concerned by the deteriorating situation of human rights in Sri Lanka, particularly the persistent polarization of institutions and society, politicization of the vaccination efforts, the militarization of politics and other institutions and government crackdown on peaceful protestors. The ACC stands in solidarity with the local Church and other faith leaders that seek lasting peace and reconciliation in Sri Lanka and calls for urgent action to address these concerns.¹ On the occasion of the High Commissioner for Human Rights' oral update to the Council, we wish to submit the following concerns and recommendations:

Persistent polarization and impacts on the rights of minorities and democracy

Persistent polarization and the impact on the rights of minority groups is one of the most enduring challenges in Sri Lanka. Ethno-nationalistic sentiments that favor the majoritarian ethnicity and religion persist in rhetoric at all levels of society, marginalizing the rights of minorities. As detailed in the report on Sri Lanka of the United Nations High Commissioner for Human Rights from the 46th Session of the Human Rights Council earlier this year, “[despite the Government’s affirmation of the] rights of all Sri Lankans and the inclusion of the prohibition of discrimination in the Constitution [...] public policies appear to exclusively reflect the perceived interests of the Sinhala Buddhist majority and show minimal consideration for minority communities.”²

The protection of human rights is inextricably linked with Constitutionalism, Democracy and the Rule of Law. A new constitution (with restoration of presidential powers) has been promised, but it has been held back. Following the adoption of the 20th Amendment to the Constitution, there are concerns that there are inadequate safeguards to ensure the independence of the judiciary as well as independent public commissions such as the Human Rights Commission and the Elections Commission.³

Politicization of the vaccination efforts

The coronavirus (COVID-19) pandemic continues to pose significant challenges in the South Asian region and beyond, including Sri Lanka. In Sri Lanka, the government’s use of discriminatory rhetoric and policies that affect minority groups negatively, such as forced cremations, have resulted in a surge in hate speech against Muslims and other religious minorities during the pandemic.⁴ During the pandemic, the government has done little to address false accusations on social media that Muslims were deliberately spreading the virus and corresponding calls to boycott Muslim businesses.⁵ Many policies

¹ Resolution 16.32 of the 16th Meeting of the Anglican Consultative Council, ‘The Church of Ceylon’

² A/HRC/46/20, *Promoting reconciliation, accountability and human rights in Sri Lanka*, Report of the United Nations High Commissioner for Human Rights

³ <https://www.hrw.org/news/2021/01/13/sri-lanka-return-threats-fear#>

⁴ <https://minorityrights.org/trends2021/sri-lanka/>

⁵ <https://www.hrw.org/news/2021/01/13/sri-lanka-return-threats-fear#>

put in place were instigated despite World Health Organization guidelines and international best practice.

We acknowledge that the distribution of the vaccines is continuing at a steady pace; however, the recent politicization of vaccination efforts has fostered broader polarization in the country, with those experiencing a level of economic or political privilege obtaining the first dose whether or not they belong to certain at-risk categories.⁶ Despite the fact that the Government of Sri Lanka has agreed to distribute the vaccine in accordance with the principles of “equity and justice,”⁷ the national vaccine distribution plan has failed to be truly inclusive, incorporate measures to protect those most at-risk, and has exacerbated discrimination against marginalized groups. Relief payments have also been offered, but they have been mismanaged and politicized by the ruling party.

The use of lethal force on prisoners at the Bogambara and Mahara prisons is another example of serious human rights concerns in the context of the pandemic. The government has both a moral and legal obligation to prisoners’ rights to health and safety while they are incarcerated.⁸

Militarization of institutions and lack of accountability

As outlined in the report of the United Nations High Commissioner for Human Rights from the 46th Session earlier this year, the ongoing militarization of civilian government functions is of deep concern.⁹ Despite commitments outlined in Human Rights Council resolution 30/1 “to foster an enabling environment for transitional justice and reconciliation, such as ending military involvement in civilian activities, ensuring the accountability of military personnel and introducing security sector reforms,” military personnel continue to be appointed to government posts which has changed the culture of government and further marginalized any opposition.

Although the current administration was previously opposed to the privatization of universities, influence of military personnel has shifted their stance. The proposed Kotelawala Defence University Bill raises many concerns and the relevant stakeholders have not been adequately consulted.¹⁰ The bill proposes a parallel institutional structure outside the University Grants Commission that operates under a separate Board of Governors.¹¹ The Government is focusing on a controversial single venture that undermines the University Act and continues the disturbing trend of militarization.

Lack of accountability is widespread, and channels of any form of dissent from the ruling party stance are challenges. We are particularly concerned that while the government claims to be engaging in an

⁶ <https://www.amnesty.org/download/Documents/ASA3742622021ENGLISH.PDF>

⁷ <https://tribune.com.pk/story/2297245/six-asian-states-oppose-politicisation-of-covid-19>

⁸ <https://www.dioceseofcolombo.lk/78-site/450-human-rights-day-message-from-the-bishops-of-the-church-of-ceylon>

⁹ A/HRC/46/20, *Promoting reconciliation, accountability and human rights in Sri Lanka*, Report of the United Nations High Commissioner for Human Rights

¹⁰ <https://www.ft.lk/news/National-Christian-Council-of-Sri-Lanka-Church-Heads-issue-statement-on-multiple-issues/56-721099>

¹¹ <https://groundviews.org/2021/07/16/killing-free-education-with-the-kotelawala-national-defence-university-bill/>

investigation of the Easter Sunday attacks of 2019 and arrests are made, there is a failure to properly investigate and prosecute these crimes.¹²

Government crackdown on protestors and a shrinking space for independent voices

Demonstrations have been widespread in recent months, including protests by the fishing community demanding compensation for damages to their livelihoods resulting from an oil tanker accident, farmers calling to halt fertilizer imports, and consumers concerned about the mismanagement of common food items. The national crackdown on peaceful protestors, including illegal detainment, is of particular concern. This backlash against protestors is often justified by claiming that protestors are violating health guidelines and quarantine regulations, even though that justification has been challenged by the Bar Association of Sri Lanka.¹³ In this environment, protest from any opposition becomes branded as detrimental to the common good.

The abuse of the Prevention of Terrorism Act and the attempts to criminalize fake news have resulted in a lack of independent voices and a shrinking space for civil society.¹⁴ Dialogue is critical to ensuring accountability, reconciliation, and transitional justice in Sri Lanka and space for such dialogue must be protected not least through the assurance of the right to freedom of expression.

Recommendations

The ACC urges the Government of Sri Lanka to cooperate with the Office of the High Commission for Human Rights to pursue its objectives of reconciliation and accountability and intensify efforts towards durable and sustainable peace and the ending of violence through dialogue. It is concerning that Sri Lanka has withdrawn its co-sponsorship of the Council resolution 40/1 on Promoting reconciliation, accountability and human rights in Sri Lanka and other related resolutions, and we urge the Government to re-instate its co-sponsorship of the resolution.

In line with the concerns outlined above, we would also urge the government to support the following recommendations that were submitted at Sri Lanka's last Universal Periodic Review:

- Continue the process of constitutional reforms, including consideration of a new Bill of Rights that will, amongst others, guarantee the right to life and the right to non-discrimination on any ground¹⁵
- Take concrete measures aimed at preventing and punishing the perpetrators of hate speech and incitement of violent attacks against ethnic and religious minorities¹⁶
- Repeal the Prevention of Terrorism Act and enforce an immediate moratorium on its use; ensure that the draft Counter-Terrorism Act is compliant with international human rights standards¹⁷

¹² <https://groundviews.org/2021/04/22/a-big-lie-the-promise-of-justice-for-easter-sunday-attacks/>

¹³ <https://apnews.com/article/health-education-coronavirus-pandemic-sri-lanka-strikes-e26124643ff218d2f940f11e004d6436>

¹⁴ <https://monitor.civicus.org/updates/2021/07/13/despite-un-concerns-sri-lanka-continues-detain-critics-arrest-protesters-and-entrench-impunity/>

¹⁵ Source of position: A/HRC/37/17 - 116.13

¹⁶ Source of position: A/HRC/37/17 - 116.42

¹⁷ Source of position: A/HRC/37/17 - 117.27

- Foster reconciliation through implementation of Human Rights Council resolution 30/1, including by launching the Office of Missing Persons, ending military involvement in civilian functions¹⁸

Additionally, we urge the government to:

- Ensure that the COVID-19 vaccination program is implemented in the most coordinated and equitable manner possible with full transparency and according to best practice as outlined by the World Health Organization¹⁹

The cornerstone of any democracy must be the ability to entertain opposing views. The current approach of the government does not reflect values that contribute to a society built on universal equality and dignity. From the perspective of the Church, which is apolitical and aims to be a source of integration, this approach directly conflicts with its presence and ministry in this diverse country. The Anglican Consultative Council stands in solidarity with the local Church and wishes to amplify its calls for the government of Sri Lanka to fulfil its duties to its people and act decisively and urgently on these issues of grave concern.

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¹⁸ Source of position: A/HRC/37/17 - 117.44

¹⁹ <https://www.ft.lk/news/National-Christian-Council-of-Sri-Lanka-Church-Heads-issue-statement-on-multiple-issues/56-721099>