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*Plenary sitting*

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**B9-0356/2021**

8.6.2021

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

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

**Sara Matthieu, Heidi Hautala, Alviina Alametsä, Hannah Neumann, Bronis Ropé, Reinhard Bütikofer, Ignazio Corrao, Francisco Guerreiro, Saskia Bricmont**  
on behalf of the Verts/ALE Group

**B9-0356/2021**

**European Parliament resolution 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 UN Human Rights Council resolution A/HRC/RES/46/1 on “Promoting reconciliation, accountability and human rights in Sri Lanka” of 23 March 2021,
  - having regard to the Report of the United Nations High Commissioner for Human Rights A/HRC/46/20 on “Promoting reconciliation, accountability and human rights in Sri Lanka” of 9 February 2021;
  - having regard to the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his “Visit to Sri Lanka” of 18 December 2018,
  - having regard to the Universal Declaration of Human Rights of 10 December 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to the Constitution and the Penal Code of Sri Lanka,
  - having regard to Rule 144 of its Rules of Procedure,
- A. whereas The Prevention of Terrorism Act (PTA) was introduced as a temporary measure in 1978 and has been in force ever since; whereas the government of Sri Lanka has repeatedly pledged to repeal the PTA; whereas the repeal of the PTA is a key condition of Sri Lanka’s status as a GSP+ beneficiary country;
- B. whereas the government of Sri Lanka has issued Regulations No. 01 of 2021 on March 9, 2021 expanding the PTA and inter alia allowing two-years of detention without trial for causing “religious, racial, or communal disharmony”;
- C. whereas the UN Special Rapporteur on human rights and counter-terrorism found that the PTA facilitates arbitrary detention and torture, especially of members of minority communities;
- D. whereas several civil society activists, lawyers, writers and poets are currently arbitrarily detained under the PTA without trial;
- E. 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 at least eight inmates at Mahara prison were killed and 71 others injured when guards opened fire to control a riot over coronavirus conditions in November 2020;

- F. whereas the Report of the United Nations High Commissioner for Human Rights of 9 February 2021 found that domestic Sri Lankan initiatives have repeatedly failed to ensure justice for victims, promote reconciliation and to pursue genuine truth-seeking or accountability processes; whereas the report also criticises the growing militarisation of key civilian functions; whereas there have been numerous senior appointments of military officials alleged to be implicated in war crimes and crimes against humanity;
  - G. whereas the UN Human Rights Council resolution A/HRC/RES/46/1 of 23 March 2021 allows the United Nations “to collect, consolidate, analyse and preserve information and evidence, and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings”;
  - H. whereas Sri Lanka is currently facing an ecological disaster with a container ship that began sinking off the Sri Lankan coast on May 2021 and the resulting plastic and chemical pollution;
1. Urges the government of Sri Lanka to repeal the PTA and the regulations of March 9 2021 extending the PTA;
  2. Calls on the government of Sri Lanka to end any misuse of counterterrorism powers disproportionately targeting religious and ethnic minorities, especially Muslims and Tamils, and members of civil society; stresses that the respect for the rights to freedom of religion is fundamental and that any excessive targeting of communities of religious minorities including Muslims, Hindus and Christians by security forces is unacceptable;
  3. 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 Abeysekara, the former director of the Criminal Investigation Department; urges the government of Sri Lanka to either bring those detained before a fair trial on valid charges or to release them unconditionally;
  4. Regrets increasing reports of harassment and intimidation of journalists and civil society activists; is appalled by reports of surveillance of human rights defenders and victims of human rights violations in light of the documentation of arbitrary visits by agents claiming to belong to security agencies;
  5. Calls on the EU Delegation in Sri Lanka and the Member States’ representations to increase their support to civil society, especially human rights defenders,

environmental defenders and journalists and, where appropriate, to facilitate the issuance of emergency visas, and provide temporary shelter in EU Member States;

6. Notes with concern that the government of Sri Lanka's recently proposed to enact a new law on disinformation amidst concerns raised by civil society organisations on 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 Sinhala and Tamil languages;
7. Is concerned that provisions in Sri Lanka's Penal Code, notably sections 365, 365A and 399, have been interpreted to criminalise individuals with diverse sexual orientations and gender identities;
8. Is alarmed by the killings of suspects in police custody as well as inmates in prison complexes; calls for an independent investigation into these incidents;
9. Calls on the government of Sri Lanka to prevent any hindrance of investigation and possible prosecution of members of the security forces accused of serious human rights abuses; insists on the investigation of allegations of grave human rights abuses and war crimes 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;
10. Calls on the government of Sri Lanka to fully cooperate with the Office of the United Nations High Commissioner for Human Rights in its efforts to document past and ongoing abuses, and to end attempts to harass, intimidate or commit reprisals against Sri Lankans, including those in Europe and elsewhere who have advocated for or cooperated with the UN evidence-gathering capacity established under Human Rights Council resolution 46/1;
11. Emphasises the importance of providing justice and reparations to victims of human rights abuses including those subjected to enforced disappearance; expresses considerable concerns about recent measures such as those introduced under the 20th amendment to the constitution that undermine the independence and credibility of the judiciary and key human rights institutions, including the Human Rights Commission of Sri Lanka and the Office of Missing Persons;
12. Stresses that workers' rights should be ensured at all times including those of garment workers in Special Trade Zones; emphasises the importance of labour rights in the context of the Covid-19 pandemic including the protection of workers from suffering deductions from their agreed pay or holiday entitlement as a result of undergoing medical treatment or quarantine measures and the importance of a strict adherence to health and safety guidelines;
13. Calls on the government of Sri Lanka to effectively implement and strengthen the National Policy on Elimination of Child Labour; calls on the government of Sri Lanka to change and align the Labour Law with all ILO Conventions, especially ILO Convention 98; calls on the government of Sri Lanka to amend the Labour Standard

and Employment Relation Manual of the Sri Lanka Board of Investments for it to be in line with international legal standards on freedom of association;

14. Expresses considerable concern about the destruction of war memorials in Sri Lanka's Northern Province and recognises the rights of all citizens of all communities to remember the dead;
15. Notes with concern that provisions of the recently passed Port City Economic Commission Bill, including limitations on the parliamentary, prudential and judicial oversight of the Commission's operations, may have a negative impact on fundamental rights; highlights that human rights are central to the EU's connectivity strategy;
16. Reminds the government of Sri Lanka that as a GSP+ beneficiary country it has the obligation to effectively implement the 27 conventions of the GSP Regulation; further reminds the government of Sri Lanka that during current discussions on the reform of the GSP system in general, all European institutions pay specific attention to the benefits granted by the GSP+ system and its desired positive impacts;
17. Expects tangible improvements from the Sri Lankan authorities on key issues identified under GSP+ monitoring such as the repeal of the PTA and other human rights obligations; calls on the Commission, in the framework of the ongoing GSP+ monitoring cycle, to define benchmarks and a time-bound roadmap for Sri Lanka to deliver on outstanding issues relative to the international conventions; calls on the Commission to lay out the consequences of a failure to comply with the benchmarks directly to the leadership of the government of Sri Lanka before launching investigations to eventually withdraw GSP+ preferences should the government of Sri Lanka not take the necessary measures to reverse the trend of increasingly serious violations based on the roadmap;
18. Calls on the Commission to urgently evaluate its funding for the United Nations Office on Drugs and Crime and INTERPOL project "Support to Sri Lanka on Counter-Terrorism" while counterterrorism in Sri Lanka remains to be used as a pretext to persecute members of ethnic and religious minorities and civil society, including human rights defenders;
19. Asks the EEAS and Commission to consider ways to support the government and the people of Sri Lanka in light of the cargo ship disaster off the coast of Sri Lanka and its long-term environmental and health consequences;
20. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the UN Human Rights Council and the Government and Parliament of Sri Lanka.