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Sri Lanka REPORT

March 2021

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Aim

This report is intended to raise awareness about the difficulties minorities and marginalised groups face during these times in Sri Lanka. It covers a few significant human rights events concerning minority and marginalised groups in March of 2021.

Sri Lanka

Sri Lanka, an island located in South-East Asia, is home to various and different ethnocultural groups. With the Sinhalese taking up the majority of the population (74.9%), Buddhism is the most prevalent religion. However, as mentioned previously, Sri Lanka also houses several minority groups, with the Tamils (primarily Hindu) being the largest, occupying 11.1% of the population (Census of Population and Housing of Sri Lanka, 2012)¹. Over the years, Sri Lanka has seen many conflicts, civil wars, and riots that initially began after British rule in the 1950s. These disputes mainly involved the Tamils and the Sinhalese, resulting in history and pattern of abuse, violence, and injustice between the two ethnic groups that persists to this day. Perhaps the peak of such violence was the civil war between the Liberation Tigers of Tamil Eelam (also known as the Tamil Tigers) and the Sinhalese-dominated Sri Lankan government that began in 1983 and ended 26 years later, in 2009, with the government claiming victory. Even after the bloody civil war that left more than 70,000 people dead, the tensions between the two groups have not entirely deescalated (TIME, 2009)². Even though the civil war ended 12 years ago, the violations against the minority groups in Sri Lanka persist.



Photo: CDC <https://wwwnc.cdc.gov/travel/destinations/traveler/none/sri-lanka>

¹ (2012) Census of population housing

<http://www.statistics.gov.lk/PopHouSat/CPH2011/Pages/Activities/Reports/FinalReport/Population/Table%20A3.pdf>

² (2009, December) 10. The End of Sri Lanka's Cataclysmic Civil War

Human rights events of March 2021

Cabinet Proposal to Ban the Burqa

On March 13, 2021, Sri Lanka's Minister for Public Security announced to the public that he had signed a cabinet paper seeking the approval to ban burqas (face veil) for reasons related to 'national security' (Reuters, 2021)³. The minister also stated that face-covering was a sign of 'religious extremism'. However, the government's move to ban the face veil directly discriminates, targets, and stigmatises women who choose to do so out of religious beliefs. More specifically, this means that women who will continue to follow their religious beliefs and choose to wear the burqa and the niqab will find themselves unable to access public places, work environment, and even public services (Amnesty International, 2021)⁴. The ban violates their rights to non-discrimination and goes against freedom of expression, belief, and religion. Many Sri Lankans have expressed disapproval and worry over the proposal, with some claiming that this is a way to please the Buddhist majority and create further divisions between communities (Qazi & Rutnam, 2021)⁵.



A burqa-clad Sri Lankan Muslim woman in the capital, Colombo [File: Eranga Jayawardena/AP]

Cabinet proposal to Close Madrasas

³ (2021, March) Sri Lanka to ban burqas and shut Islamic schools for 'national security', CNN, <https://edition.cnn.com/2021/03/15/asia/sri-lanka-burqa-ban-intl-hnk/index.html>

⁴ (2021, March 19) "INCREASED MARGINALIZATION, DISCRIMINATION AND TARGETING OF SRI LANKA'S MUSLIM COMMUNITY", Amnesty International, <https://www.amnesty.org/download/Documents/ASA3738662021ENGLISH.pdf>

⁵ (2021 March 14) "Racist agenda": Fear, worries over Sri Lanka's burqa ban", <https://www.aljazeera.com/news/2021/3/14/all-about-control>

Following the same rhetoric, the minister also stated plans to ban more than 1,000 Islamic schools (madrassa) that go against national education policies (Reuters, 2021)⁶. A move in this direction will only further isolate and discriminate against an already vulnerable Muslim minority, in addition to the growing Islamophobia as a result of such policies (Nazeer, 2021)⁷. Not to mention that if the ban on madrasas followed through, it would constitute discrimination based solely on religion, going against article 18 of the ICCPR that specifically mentions the right to manifest one's religion/beliefs (Amnesty International, 2021)⁸. Furthermore, Sri Lanka has an international obligation to uphold; namely, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which declares the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities (OHCHR, 1976)⁹. By banning Islamic education institutions, Sri Lanka is not fulfilling the ICCPR or the ICESAR and the mounting pressure and discrimination against the Muslim community.

Increased control over Islamic Religious Books

Beginning March 5, 2021, the Deputy Director of Customs in Sri Lanka stated that “any Islamic religious books brought into the country should be released only on approval from Ministry of Defense” (Daily Financial Times, 2021)¹⁰. This means that the authority to decide what to read and what not to read on Islam is solely vested in the Ministry of Defense, after major scrutiny and reviews of the books, as part of the ‘counter-terrorism’ wave of measures (Amnesty International, 2021)¹¹. Once again, this is categorised as discrimination based on religion and a violation of the right to seek and receive information under the freedom of religion.

The Prevention of Terrorism Act: New Regulations

⁶ (2021 March 15) *Sri Lanka to ban burqas and shut Islamic schools for 'national security'*, CNN, <https://edition.cnn.com/2021/03/15/asia/sri-lanka-burqa-ban-intl-hnk/index.html>

⁷ (2021 March 17) “Sri Lanka’s Burqa Ban Is More About Islamophobia Than National Security”, The Diplomat, <https://thediplomat.com/2021/03/sri-lankas-burqa-ban-is-more-about-islamophobia-than-national-security/>

⁸ “INCREASED MARGINALIZATION, DISCRIMINATION AND TARGETING OF SRI LANKA’S MUSLIM COMMUNITY”, Amnesty International, <https://www.amnesty.org/download/Documents/ASA3738662021ENGLISH.pdf>

⁹ (1976, January 3) “International Covenant on Economic, Social and Cultural Rights”, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

¹⁰ (2021 March 8) “MoD starts controlling Islamic thought”, <http://www.ft.lk/columns/MoD-starts-controlling-Islamic-thought/4-714344>

¹¹ “INCREASED MARGINALIZATION, DISCRIMINATION AND TARGETING OF SRI LANKA’S MUSLIM COMMUNITY”, Amnesty International, <https://www.amnesty.org/download/Documents/ASA3738662021ENGLISH.pdf>

On March 12, 2021, the Sri Lankan President issued new regulations under the abusive and highly controversial Prevention of Terrorism Act. The Prevention of Terrorism (De-radicalization from holding violent extremist religious ideology) Regulations No. 01 of 2021 will make it easier for the government to target religious minorities further and continue to violate their basic rights. More specifically, the regulation allows for authorities to detain and ‘rehabilitate’ anyone who “by words either spoken or intended to be read or by signs or by visible representations” causes the commission of violence or “religious, racial or communal disharmony or feelings of ill will or hostility between different communities or racial or religious groups.” (Human Rights Watch, 2021)¹² The suspect is not tried; instead, he faces detention in a ‘reintegration’ centre for up to one year, subject to a one-year renewal by the President. In addition, the suspect is unable to challenge their detention through legal means, going against international human rights law.

Human Rights Council strengthens Justice and Promotes Peace

On March 23, 2021, The United Nations Human Rights Council adopted resolution 46/1 that establishes an accountability process to collect, analyse, and preserve evidence of international crimes committed in Sri Lanka for use in future prosecutions (Human Rights Watch, 2021)¹³. In the resolution, the council expressed ‘deep concerns’ concerning the ‘deteriorating situation in Sri Lanka, and more specifically, towards the marginalisation of minorities (UN News, 2021)¹⁴. The resolution also called on the Sri Lankan government to seriously revise and reconsider the Prevention of Terrorism Act (PTA) that has been repeatedly accused of being a tool to discriminate against minorities in the country. This measure brings justice to the victims and families of international crimes committed in Sri Lanka.

¹² (2021 March 16) “Sri Lanka: ‘Religious Disharmony’ Order Threatens Minorities”, Human Rights Watch, <https://www.hrw.org/news/2021/03/16/sri-lanka-religious-disharmony-order-threatens-minorities>

¹³ “Sri Lanka: Landmark UN Resolution Promotes Justice”, Human Rights Watch, <https://www.hrw.org/news/2021/03/25/sri-lanka-landmark-un-resolution-promotes-justice>

¹⁴ (2021 March 23) “Human Rights Council strengthens rights office probe into Sri Lanka’s long civil war”, UN News, <https://news.un.org/en/story/2021/03/1088122>

Concluding remarks

The events of March 2021 in Sri Lanka come after a series of discriminatory and targeted series of events, policies and laws. From forced cremations to anti-Muslim violence, Sri Lanka's Muslim community has been unfairly targeted and had its rights violated. The International community must not turn a blind eye to these violations, especially since media and coverage are not widely available in Sri Lanka. Marginalised groups have suffered for over 26 years with no real long-term solutions in sight. Given that this hostility between Sinhalese and Tamils remains to this day, it is crucial to keep shedding light on patterns of abuse, violence, and discrimination.

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