

FROM BAD TO WORSE:

**RIGHTS UNDER ATTACK DURING
SRI LANKA'S ECONOMIC CRISIS**



**RESEARCH
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1. SUMMARY

People in Sri Lanka are facing a catastrophic economic crisis. They are experiencing severe shortages in essential medicines, cooking gas and food items, with fuel shortages prompting power outages of up to 13 hours a day while sky-high inflation has sharply increased the cost of living. The rights to education, health and adequate standard of living are all affected, forcing thousands out on to the streets in protest, demanding the resignation of the president and the prime minister. In response to growing discontentment, the Sri Lankan government has used unlawful force against protesters and journalists, stifled dissent and freedom of expression through arbitrary arrests, detention and torture, placed restrictions on movement under a pretext of public security, and facilitated a social media outage hindering the right to seek, receive and impart information.

The Sri Lankan government must protect the human rights of everyone and ensure an enabling environment for peacefully expressing dissent. In line with obligations around international cooperation and assistance, the international community must support Sri Lanka to recover from the current economic crisis, keeping in mind that marginalised groups are at grave risk. The international community must also ensure that economic and social rights are not adversely affected further by austerity measures. Any decision taken in this context must not further entrench or further worsen the human rights situation.

This brief looks at the imminent economic and social rights at risk and the immediate violations of civil and political rights during the present crisis and does not delve into the larger issues around the general status of human rights in the country, the rule of law and the role of independent institutions.

2. ECONOMIC AND SOCIAL RIGHTS AT RISK

Sri Lanka is facing a balance of payment crisis and a severe foreign exchange shortage¹ compounded by Covid-19 lockdowns,² pre-pandemic tax cuts and loss of access to international capital markets.³ As it stands, foreign exchange reserves are critically low,⁴ making the import of essential medicines, food items, cooking gas and fuel, immensely difficult.⁵ This is affecting all major sectors including education, health and

¹ *Explaining Sri Lanka's economic crisis*, The Hindu, 31 March 2022, <https://www.thehindu.com/opinion/op-ed/explaining-sri-lankas-economic-crisis/article65275579.ece>

² *Explained: Why Sri Lanka is facing its worst economic crisis*, The Time of India, 30 March 2022, <https://timesofindia.indiatimes.com/business/international-business/explained-why-sri-lanka-is-facing-its-worst-economic-crisis-in-decades/articleshow/90525349.cms>

³ *Timeline: Sri Lanka's economic crisis was in the making from November 2019*, Firstpost, 4 April 2022, <https://www.firstpost.com/world/timeline-sri-lankas-economic-crisis-was-in-the-making-from-november-2019-10515461.html>

⁴ *Sri Lanka reserves drop to \$1.93 bn in March, \$8.6 bn due in payments this year*, Hindustan Times, 7 April 2022, <https://www.hindustantimes.com/world-news/sri-lanka-news-sri-lanka-reserves-drop-1-93-billion-in-march-101649331924641.html#:~:text=Sri%20Lanka%20had%20about%20%24.3%20billion%20of%20foreign%20reserves%20in%20February.&text=The%20country%20also%20faces%20a,combined%20amount%20to%20%2478.2%20million.>

⁵ *Knee-Deep in Debt, Food Shortages, Depleting Foreign Reserves: How Did Sri Lanka Get Here?*, The Wire, 1 April 2022 <https://thewire.in/south-asia/knee-deep-in-debt-food-shortages-depleting-foreign-reserves-how-did-sri-lanka-get-here>

livelihoods. At least five individuals have died while staying in line for essentials⁶ and to date, a total of 75 individuals have reached Tamil Nadu in India seeking economic refuge.⁷

In March, school examinations have had to be postponed indefinitely⁸ due to shortages of paper. The government has also finally admitted in April that there will be a significant shortage of medicines in the next three months⁹ since Sri Lanka imports nearly 85% of its pharmaceuticals using foreign currency, and at least 5% of drugs were out of stock by April with the situation likely set to worsen¹⁰. Furthermore, a chemical fertilizer ban one year ago in April 2021¹¹ has affected domestic food production. In just half a year, domestic rice production fell by 20%¹² and tea production dropped by 40%.¹³ According to some estimates released in 2021, rice production would fall by 30-35%, tea by about 50%, maize by 50%, potato by 30-50%, sugarcane by 30-40%, and cinnamon by 25%, amongst many others.¹⁴ The situation has raised concerns around starvation due to food shortages.¹⁵ Farmers whose livelihoods have been affected by the lower yields, high cultivation costs, whose own food security has been affected,¹⁶ have come out to the streets in protest.¹⁷ Skyrocketing inflation recorded at 21.5% (food inflation stood at 29.5%) in March,¹⁸ has made even available food stocks unaffordable for economically vulnerable groups especially.¹⁹ According to the World Bank's Regional Economic Update for Spring, Sri Lanka's poverty rate will increase to 11% in 2022 compared to 10% in 2019.²⁰ Furthermore, there are allegations that high-level corruption over decades²¹ is impacting the availability, quality and accessibility of essential goods and services.

Sri Lanka has ratified the International Covenant on Economic, Social and Cultural Rights, and has an obligation both individually and through international assistance and cooperation, to guarantee economic and social rights. These rights include the rights to health, education, social security, adequate food, and an adequate standard of living.

⁶ *Fifth fuel queue death reported in cash-strapped Sri Lanka*, Economynext, 28 March 2022, <https://economynext.com/fifth-fuel-queue-death-reported-in-cash-strapped-sri-lanka-92160/#janashakthi-insurance>

⁷ *A total of 75 Sri Lanka nationals have taken refuge since March 2022*, News Cutter, 25 April 2022, <https://www.newscutter.lk/sri-lanka-news/news/a-total-of-75-sri-lanka-nationals-have-taken-refuge-since-march-2022-25042022-32701/>

⁸ *Sri Lanka cancels school exams over paper shortage as financial crisis bites*, The Guardian, 20 March 2022, <https://www.theguardian.com/world/2022/mar/20/sri-lanka-cancels-school-exams-over-paper-shortage-as-financial-crisis-bites>

⁹ *Sri Lanka's new Health Minister admits shortage*, News First, 19 April 2022, <https://www.newsfirst.lk/2022/04/19/sri-lankas-new-health-minister-admits-shortage/>

¹⁰ *Sri Lanka faces medical emergency as economic crisis hits drug supplies*, The Guardian, 5 April 2022, <https://www.theguardian.com/world/2022/apr/05/sri-lanka-faces-medical-emergency-economic-crisis-drug-supplies>

¹¹ *Fertiliser ban decimates Sri Lankan crops as government popularity ebbs*, Reuters, 3 March 2022, <https://www.reuters.com/markets/commodities/fertiliser-ban-decimates-sri-lankan-crops-government-popularity-ebbs-2022-03-03/>

¹² *In Sri Lanka, Organic Farming Went Catastrophically Wrong*, Foreign Policy, 5 March 2022, <https://foreignpolicy.com/2022/03/05/sri-lanka-organic-farming-crisis/>

¹³ *Sri Lanka's Plunge into Organic Farming Brings Disaster*, The New York Times, 7 December 2021, <https://www.nytimes.com/2021/12/07/world/asia/sri-lanka-organic-farming-fertilizer.html>

¹⁴ *Reforming Fertilizer Import Policies for Sustainable Intensification of Agricultural Systems in Sri Lanka: Is there a Policy Failure?* Innovation Lab for Food Security Policy Research, Capacity and Influence, 27 August 2021, https://www.canr.msu.edu/prci/publications/Policy-Research-Notes/PRCI_PRN_3.pdf

¹⁵ *Sri Lanka facing imminent threat of starvation, senior politician warns*, The Guardian, 6 April 2022, <https://www.theguardian.com/world/2022/apr/06/sri-lanka-facing-imminent-threat-of-starvation-senior-politician-warns>

¹⁶ *'It will be hard to find a farmer left': Sri Lanka reels from rash fertiliser ban*, The Guardian, 20 April 2022, <https://www.theguardian.com/world/2022/apr/20/sri-lanka-fertiliser-ban-president-rajapaksa-farmers-harvests-collapse>

¹⁷ *Sri Lanka farmers protest over ban causing fertiliser shortage*, Al Jazeera, 28 October 2021, <https://www.youtube.com/watch?v=bnnysACScA>

¹⁸ *News Release: The National Consumer Price Index: March 2022*, Department of Census and Statistics, 21 April 2022, http://www.statistics.gov.lk/InflationAndPrices/StaticInformation/MonthlyNCPI/NCPI_20220421E

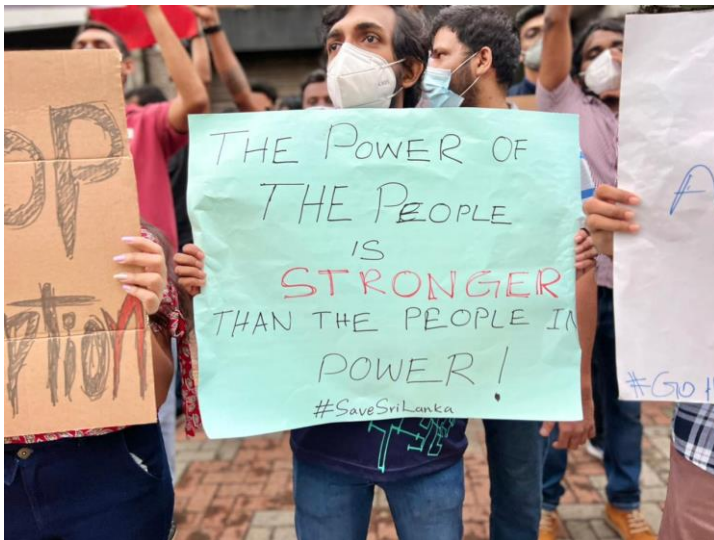
¹⁹ *Sri Lanka farmers protest over ban causing fertiliser shortage*, Al Jazeera, 28 October 2021, <https://www.youtube.com/watch?v=bnnysACScA>

²⁰ *Reshaping Norms: A New Way Forward. South Asia Economic Focus*, Spring 2022, World Bank, 2022, <https://openknowledge.worldbank.org/handle/10986/37121>

²¹ See for e.g., *Corruption charges dropped as Gotabaya Rajapaksa has immunity as new Sri Lanka President*, The Straits Times, 21 November 2019, <https://www.straitstimes.com/asia/south-asia/corruption-charges-dropped-against-immune-new-sri-lanka-president-gotabaya-rajapaksa>

Sri Lanka's high debt burden that stood at 119% of the GDP in 2021²² has impacted the government's ability to spend on measures to guarantee people's economic and social rights. In August 2021, the President declared a food emergency²³ as the forex crisis began worsening.²⁴ As a result, the government has decided to default on external debt payments²⁵ to preserve the dwindling foreign exchange for essential imports. The governments of India,²⁶ China²⁷ and others²⁸ have stepped up with credit lines, currency swaps and further loans against a backdrop of an ever-increasing debt burden.

In mid-April, the Sri Lankan government began talks with the International Monetary Fund (IMF)²⁹ for financial assistance. However, many fear the impact of austerity measures the government has already embarked on to prime itself for IMF support,³⁰ on marginalised groups. These include the IMF's recommendations in its 2021 Article IV consultation report including reforms to strengthen Value Added Taxes (VAT) and income taxes, and fiscal consolidation.³¹ Late April, the Finance Minister announced that the government has no choice but to increase the sales tax.³² Increased indirect taxation, especially VAT may



An IT industry protest in Colombo demanding the President's resignation. © Thyagi Ruwanpathirana/Amnesty International

²² *Staff Report for the 2021 Article IV Consultation*, The International Monetary Fund, 23 February 2022, <https://www.imf.org/en/Publications/CR/Issues/2022/03/25/Sri-Lanka-2021-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-515737>

²³ Extraordinary Gazette No. 2243/1 issued on 30 August 2021 available at http://documents.gov.lk/files/egz/2021/8/2243-01_E.pdf

²⁴ *Sri Lanka declares food emergency as forex crisis worsens*, Al Jazeera, 31 August 2021, <https://www.aljazeera.com/news/2021/8/31/sri-lanka-food-prices-emergency-forex-crisis>

²⁵ *Sri Lanka announces \$51-billion debt default to combat crisis*, The Hindu, 12 April 2022, <https://www.thehindu.com/news/international/sri-lanka-opts-for-pre-emptive-debt-default-to-combat-crisis/article65314691.ece>

²⁶ *India extends additional \$500 million credit line to Sri Lanka for purchasing fuel*, The Economic Times, 23 April 2022, <https://economictimes.indiatimes.com/news/india/india-extends-additional-500-million-credit-line-to-sri-lanka-for-purchasing-fuel/articleshow/91024342.cms>

²⁷ *China considering \$2.5 billion in loans, credit to Sri Lanka*, The Times of India, 21 March 2022, <https://timesofindia.indiatimes.com/business/international-business/china-considering-2-5-billion-in-loans-credit-to-sri-lanka/articleshow/90353679.cms>

²⁸ For e.g., see *Bangladesh clears currency swap facility to boost Sri Lanka's depleting foreign reserves*, The Hindu, 26 May 2021, <https://www.thehindu.com/news/international/bangladesh-clears-currency-swap-facility-to-boost-sri-lankas-depleting-foreign-reserves/article34651289.ece>

²⁹ *Sri Lanka Begins IMF Talks in Washington*, Foreign Policy, 18 April 2022, <https://foreignpolicy.com/2022/04/18/sri-lanka-begins-imf-talks-in-washington/>

³⁰ *Sri Lanka fuel prices up ahead of IMF talks*, The Economic Times, 18 April 2022, <https://economictimes.indiatimes.com/news/international/world-news/sri-lanka-fuel-prices-up-ahead-of-imf-talks/articleshow/90904849.cms?from=mdr>

³¹ *Staff Report for the 2021 Article IV Consultation*, The International Monetary Fund, 23 February 2022, <https://www.imf.org/en/Publications/CR/Issues/2022/03/25/Sri-Lanka-2021-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-515737>

³² *No choice but to raise sales tax: Sri Lanka finance chief Ali Sabry*, BBC, 29 April 2022, <https://www.bbc.com/news/business-61267369>

impact people living in poverty, and people with lower incomes more.³³ The IMF has recommended that “social safety nets should be strengthened, by increasing spending, widening coverage, and improving targeting, to mitigate the adverse impacts of macroeconomic adjustment on vulnerable groups,”³⁴ however to date, the only proposals approved by the cabinet have been to provide ad-hoc handouts for a period of three months for low-income families entitled to the ‘Samurghi’ welfare scheme, the elderly, kidney patients, and for persons with disabilities.³⁵

Austerity measures introduced in the context of economic crises have seriously impacted economic and social rights protections in several countries including in Greece³⁶ and Spain³⁷, for e.g., by making healthcare less accessible and affordable, having particular and disproportionate impact on those with lower incomes, and particularly on the elderly, those needing mental health care and treatment, those with disabilities, and with chronic health conditions. Lessons must be learnt to avoid similar repercussions of austerity measures in Sri Lanka. Any measures introduced in Sri Lanka must be based on a human rights assessment, should be open for public scrutiny and feedback in an inclusive and participatory process, and all alternatives must be explored before they are introduced. Austerity measures must not disproportionately impact the marginalized groups and must be strictly temporary.

3. VIOLATIONS OF CIVIL AND POLITICAL RIGHTS

In the context of growing economic dissatisfaction, thousands of people in Sri Lanka have taken to the streets in protest, in a show of resistance³⁸ using creative slogans, art, theatre, dance, music, technology, displaying their demands that include accountability for wide-ranging human rights violations, inter- ethnic, religious unity and harmony.³⁹ According to the information collected by Amnesty International, the protests have been largely peaceful; however, in several instances, the Sri Lankan authorities have unlawfully restricted their right to freedom of peaceful assembly.

On 31 March, thousands of protestors gathered outside the President’s residence to agitate against the escalating economic crisis in the country. Peaceful protests have been witnessed around the country for weeks; however, a largely peaceful protest on the evening of 31 March escalated quickly with a bus being set on fire by a few unidentified persons after the police began using tear gas and water cannons to disperse protestors⁴⁰. More than 50 persons, including journalists covering the incident, were arrested. Many of them alleged having been subject to torture and other ill treatment in police custody. The protestors also complained that police had recorded their statements without giving them access to lawyers. Amnesty

³³ “Indirect taxes, such as those based on consumption (such as value-added or sales taxes) are typically regressive, because they generally constitute a larger proportion of the income of people living in poverty.” Report of the UN Special Rapporteur on extreme poverty and human rights, A/HRC/26/28, 22 May 2014

³⁴ *Staff Report for the 2021 Article IV Consultation*, The International Monetary Fund, 23 February 2022, <https://www.imf.org/en/Publications/CR/Issues/2022/03/25/Sri-Lanka-2021-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-515737>

³⁵ *Economic Crisis: Relief allowances announced for low-income families*, Newswire, 3 May 2022, <https://www.newswire.lk/2022/05/03/economic-crisis-r-for-low-income-families/>

³⁶ *Eurozone governments need to recognise that Greece’s debt is a human rights issue*, Amnesty International, 27 June 2018, <https://www.amnesty.org/en/latest/news/2018/06/eurozone-governments-need-to-recognise-that-greeces-debt-is-a-human-rights-issue/>

³⁷ *Spain: Wrong prescription: The impact of austerity measures on the right to health in Spain*, Amnesty International, 24 April 2018, <https://www.amnesty.org/en/documents/eur41/8136/2018/en/>

³⁸ *Sri Lanka protesters surround PM residence; Galle Face agitation enters 16th day*, The Times of India, 24 April 2022, <https://timesofindia.indiatimes.com/world/south-asia/sri-lanka-protesters-surround-pm-residence-galle-face-agitation-enters-16th-day/articleshow/91053461.cms>

³⁹ *‘Occupy Galle Face’: A tent city of resistance beside Colombo’s seat of power*, The Hindu, 12 April 2022, <https://www.thehindu.com/news/international/occupy-galle-face-a-tent-city-of-resistance-beside-colombos-seat-of-power/article65313735.ece>

⁴⁰ *Sri Lanka: UN experts condemn crackdown on protests*, UN Special Procedures, 8 April 2022, <https://www.ohchr.org/en/press-releases/2022/04/sri-lanka-un-experts-condemn-crackdown-protests>

released a statement⁴¹ urging the Sri Lankan authorities to refrain from arresting people simply for exercising their right to peaceful protest and follow due process safeguards such as prompt access to legal counsel.



*Protesters hold up placards in front of the Presidential Secretariat in Colombo.
© Thyagi Ruwanpathirana/Amnesty International*

Under the pretext of public security, protection of public order and the maintenance of essential services, the President declared a state of emergency in the country with effect from 1 April.⁴² This was followed by country-wide curfews⁴³ restricting people's rights to freedom of movement and to freedom of peaceful assembly, and a social media blackout⁴⁴ on 3 April resulting in restrictions on the right to freedom of expression. Under international law, states can derogate from certain obligations only in times of an officially proclaimed state of emergency which threatens the life of the nation, and only to the extent strictly required by the exigencies of the situation. According to the information available to Amnesty International, the restrictions imposed by the authorities on the rights to freedom of peaceful assembly, freedom of expression and freedom of movement were not strictly required by the exigencies of the situation.

On 1 April, social media and youth activist Anuruddha Bandara was allegedly picked up at his home in Gampola by a group of men claiming to be from the police in an abduction-style arrest.⁴⁵ The next day he was found at the Modara police station, around 130km away from his home.⁴⁶ He is being charged under draconian provisions of the Penal Code for "exciting feelings of disaffection to the President of the Government".⁴⁷

⁴¹ *Sri Lanka: Authorities must respect peoples' right to protest*, Amnesty International, 1 April 2022, <https://www.amnesty.org/en/latest/news/2022/04/sri-lanka-authorities-must-respect-peoples-right-to-protest/>

⁴² Extraordinary Gazette No. 2273/86 issued on 1 April 2022 available at http://documents.gov.lk/files/egz/2022/4/2273-86_E.pdf

⁴³ *Sri Lanka imposes curfew until April 4 morning*, The Hindu, 2 April 2022, <https://www.thehindu.com/news/international/sri-lanka-imposes-36-hour-curfew-until-6-am-on-april-4/article65284341.ece>

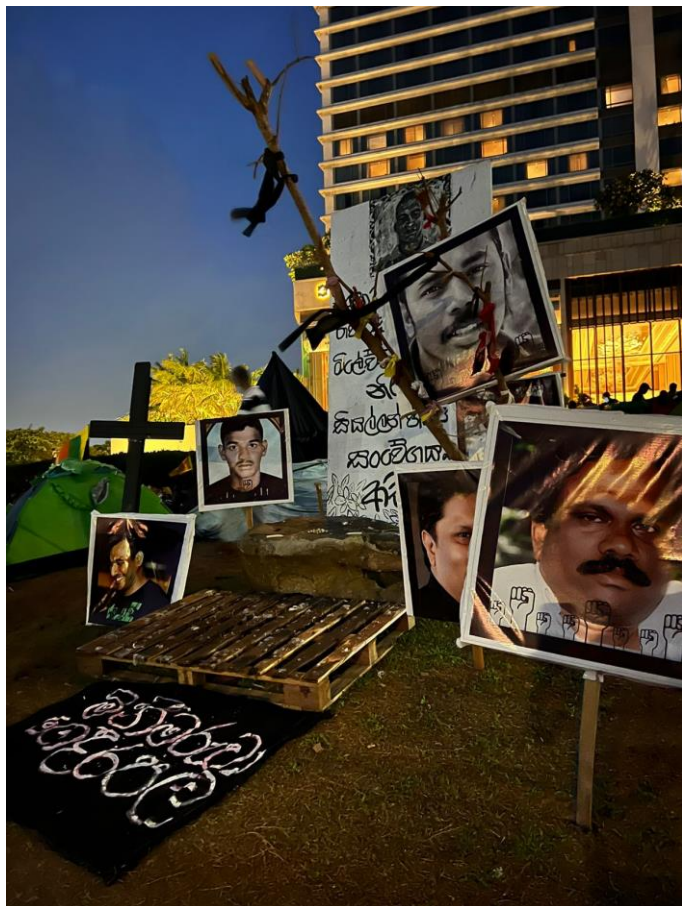
⁴⁴ *Sri Lanka imposes nationwide social media blackout: Internet observatory*, Business Standard, 3 April 2022, https://www.business-standard.com/article/international/sri-lanka-imposes-nationwide-social-media-blackout-internet-observatory-122040300081_1.html

⁴⁵ *Go Home Gota' FB admin and social media activist Anuruddha Bandara granted bail*, Daily Mirror, 3 April 2022, https://www.dailymirror.lk/breaking_news/Go-Home-Gota-FB-admin-and-social-media-activist-Anuruddha-Bandara-granted-bail/108-234370

⁴⁶ *Go Home Gota' FB admin and social media activist Anuruddha Bandara granted bail*, Daily Mirror, 3 April 2022, https://www.dailymirror.lk/breaking_news/Go-Home-Gota-FB-admin-and-social-media-activist-Anuruddha-Bandara-granted-bail/108-234370

⁴⁷ *Activist Thisara Anuruddha Bandara detained at Modara Police*, News First, 2 April 2022, <https://www.newsfirst.lk/2022/04/02/activist-thisara-anuruddha-bandara-detained-at-modara-police/>

On 19 April, police opened fire at protestors in Rambukkana, killing one individual and injuring at least 12 others – some of whom were critically injured.⁴⁸ According to the National Child Protection Authority, at least one minor was also shot at during the incident.⁴⁹ It had been revealed in court that the individual killed, Chaminda Lakshan, had in fact died due to gunshot injuries,⁵⁰ confirming that lethal force was used. At least eight law enforcement officials were also injured in the clashes that ensued.⁵¹ The protestors were agitating against the price hike and shortage of fuel, allegedly by blocking a railway track with a fuel bowser. The police claimed that protestors were attempting to set fire to the bowser carrying fuel as reason for opening fire,⁵² however photos later emerged of a man who was allegedly trying to set fire to the bowser as someone who was standing with the police.⁵³ He was arrested days later.⁵⁴ Video footage of the incident⁵⁵ also show the police firing teargas to disperse the protestors before chasing some of them down smaller roads and firing live ammunition. Authorities revealed that 35 rounds of live ammunition had been fired using four T-56 weapons.⁵⁶ Eyewitnesses revealed to a Magistrate that they witnessed a group of police officers setting fire to another vehicle in the vicinity, while photos surfaced showing the police attacking motorcycles parked on the sides of the road.⁵⁷ The police was further accused of altering a 'B' report to the court⁵⁸ and intimidating witnesses in the area.⁵⁹ The police's actions surface human rights concerns, including



A make-shift shrine for those alleged to have been murdered under the Rajapaksa regime, at the 'Gotagama' protest site in Colombo. © Thyagi Ruwanpathirana/Amnesty International

⁴⁸ *Sri Lanka crisis: One killed after police fire live bullets at protestors*, BBC, 20 April 2022, <https://www.bbc.com/news/world-asia-61151037>

⁴⁹ *NCPA probes into children injured in Rambukkana shooting*, The Morning, 28 April 2022, <https://www.themorning.lk/ncpa-probes-into-children-injured-in-rambukkana-shooting/>

⁵⁰ *#Rambukkana Shooting: Court orders to arrest SSP who ordered to open fire, & cops who followed the order*, News First, 27 April 2022, <https://www.newsfirst.lk/2022/04/27/rambukkana-shooting-court-orders-to-arrest-ssp-who-ordered-to-open-fire-cops-who-followed-the-order/>

⁵¹ *Rambukkana protest: One dead in police shooting, at least 24 injured*, Ada Derana, 19 April 2022, <http://www.adaderana.lk/news/81923/rambukkana-protest-one-dead-in-police-shooting-at-least-24-injured>

⁵² *Rambukkana shooting: IGP's statement*, Newswire, 19 April 2022, <https://www.newswire.lk/2022/04/19/rambukkana-shooting-igps-statement/>

⁵³ See for e.g., <https://twitter.com/Nikshazz/status/1517312097751015424?s=20&t=3m7nXX0nY8cyLPJwNmSWg>

⁵⁴ *Rambukkana fracas: Man arrested for attempted arson on bowser*, Daily News, 25 April 2022, <https://www.dailynews.lk/2022/04/25/law-order/277617/rambukkana-fracas-man-arrested-attempted-arson-bowser>

⁵⁵ *WATCH: NewsFirst report on what happened in Rambukkana*, Newswire, 21 April 2022, <https://www.newswire.lk/2022/04/21/watch-newsfirst-report-on-what-happened-in-rambukkana/>

⁵⁶ *Police team probing Rambukkana incident says T-56 rifles and 35 rounds of ammunition used*, The Morning, 22 April 2022, <https://www.themorning.lk/police-team-probing-rambukkana-incident-says-t-56-rifles-and-35-rounds-of-ammunition-used/>

⁵⁷ See for e.g., <https://twitter.com/itzJambale/status/1517346035093639169?s=20&t=3m7nXX0nY8cyLPJwNmSWg>

⁵⁸ *Rambukkana court update: Police accused of altering 'B' report*, Newswire, 21 April 2022, <https://www.newswire.lk/2022/04/21/rambukkana-court-update-police-accused-of-altering-b-report/>

⁵⁹ *Sri Lanka Rambukkana police shooting witnesses fear police intimidation: Bar Association*, Economynext, 21 April 2022, <https://economynext.com/sri-lanka-rambukkana-police-shooting-witnesses-fear-police-intimidation-bar-association-93246/>

what the legitimate law enforcement goal was and why they used lethal force against persons who did not pose a risk of causing death or serious injury to others. As such, the use of lethal force in this instance appears unlawful. Amnesty International called for a prompt, impartial and effective inquiry into the incident with a view of holding perpetrators to account.⁶⁰ The Criminal Investigations Department of the police has taken over the inquiry and has begun re-recording witness statements.⁶¹ The Human Right Commission of Sri Lanka opened its own investigation.⁶² The Kegalle Magistrate’s Court has also ordered the Inspector General of Police to arrest and take to court all law enforcement officials who were involved in the shooting incident on 19 April in Rambukkana.⁶³ Accordingly, a Senior Superintendent and three Police Constables have been arrested in connection to the shootings so far.⁶⁴

On 24 April, the police restricted people’s freedom of movement by blocking roads⁶⁵ in an attempt to prevent



*Protesters at 'Gotagama' protest site in Colombo calling for accountability and justice for the forcibly disappeared.
© Thyagi Ruwanpathirana/Amnesty International*

university student protesters from joining a two-week strong agitation site in front of the Presidential Secretariat, calling for the resignations of the President and the Prime Minister and for system change. Some of the barricades placed at various places around the President’s office had large spikes attached to them with a tarp covering the spikes.⁶⁶ Anyone who attempted to topple the barricades or would be pushed against the barricades due to the large crowd that joined the protest, risked serious injury.

On 4 May, the Police unlawfully arrested at least 12 protesters peacefully holding up placards in the vicinity of the parliament, urging MPs to vote in favour of a No Confidence Motion against the President and the Prime Minister.⁶⁷ The same day, the Finance Minister had revealed in parliament that Sri Lanka’s usable foreign reserves are less than USD 50 million and that the tax revenue had decreased from 24% to 8.6% after direct tax cuts.⁶⁸ Although the protesters were released on bail later the same day,⁶⁹ charges against them have not been dropped, despite there being no court order barring protests near the parliament. Amnesty International reiterated that the

protesters have the right to express themselves and speak with their MPs, and that the charges against all the protesters must be dropped as they were unlawfully detained solely for peacefully exercising their human

⁶⁰ Amnesty International South Asia on Twitter, 19 April 2022, https://twitter.com/amnestysasia/status/1516423987462610955?s=20&t=j7j_CZItJal2yI9U5MyKdA
⁶¹ CID to record Rambukkana statements again, The Morning, 26 April 2022, <https://www.themorning.lk/cid-to-record-rambukkana-statements-again/>
⁶² Human Rights Commission sends inquiry team to Rambukkana, Newsfirst, 20 April 2022, <https://www.newsfirst.lk/2022/04/20/human-rights-commission-sends-inquiry-team-to-rambukkana/>
⁶³ Rambukkana Incident: Court issues arrest orders, Newswire, 27 April 2022, <https://www.newswire.lk/2022/04/27/rambukkana-incident-court-issues-arrest-orders/>
⁶⁴ Four police officers including former Kegalle SSP arrested over Rambukkana shooting, Daily Mirror, 28 April 2022, https://www.dailymirror.lk/top_story/Four-police-officers-including-former-Kegalle-SSP-arrested-over-Rambukkana-shooting/155-235913
⁶⁵ IUSF protest enters Galle Face despite barricades, The Morning, 25 April 2022, <https://www.themorning.lk/iusf-protest-enters-galle-face-despite-barricades/>
⁶⁶ Spikes on Barricades? Sri Lankan authorities position lethal barricades around President’s Office, News First, 24 April 2022, <https://www.newsfirst.lk/2022/04/24/spikes-on-barricades-sri-lankan-authorities-position-lethal-barricades-around-presidents-office/>
⁶⁷ Newsfirst videoclip of the incident available at: https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-AN_GKOT-GK1C&ref=watch_permalink&v=545382906988352
⁶⁸ 13 key points from Finance Minister’s Parliament speech, Newswire, 4 May 2022, <https://www.newswire.lk/2022/05/04/13-key-points-from-finance-ministers-parliament-speech/>
⁶⁹ Protesters arrested near Parliament granted bail, Colombo Gazette, 4 May 2022, <https://colombogazette.com/2022/05/04/protesters-arrested-near-parliament-granted-bail/>

rights.⁷⁰ Amnesty International also urged that protesters must have access to counsel and must not be ill-treated while in custody.⁷¹

Reports of authorities restricting the people's right to protest have been reported from many parts of the country, by dismantling temporary structures at protest sites, for e.g., in the southern town of Galle,⁷² by intimidation of journalists and protesters for e.g., in the eastern town of Batticaloa,⁷³ and by getting a court order against a Tamil MP from protesting.⁷⁴

4. RECOMMENDATIONS

The crisis in Sri Lanka is a prime example of the interdependence and interrelatedness between economic and social rights and civil political rights, and as such, human rights must be at the heart of discussions on Sri Lanka's economic future. Any decision taken in the present context should not further entrench or further worsen the human rights situation.

4.1 RECOMMENDATIONS TO THE SRI LANKAN GOVERNMENT

The Sri Lankan government has an international obligation to guarantee economic and social rights. To this end,

- It must urgently fund and expand social security systems, and ensure that all people, including marginalised groups, are protected from the impacts of the crisis;
- Any proposals to provide 'emergency relief' during this time must be adequately financed, designed to ensure that all persons can access an adequate standard of living, and must be equally available to all people who need it;
- If the government is not able to put in place all necessary measures to guarantee people's economic and social rights during this time, it should request international cooperation and assistance to make this possible;

The Sri Lankan government must ensure that any austerity measures introduced are consistent with human rights standards, and safeguard people's rights to food, health, education, and social security. In particular, the government should,

- Ensure that any austerity measures are not discriminatory, and do not disproportionately impact certain groups;
- Conduct a human rights impact assessment before any austerity measures are introduced and ensure genuine consultation and participation with affected groups in how these measures are developed and implemented;
- Urgently explore options for how revenues can be increased, and how the maximum available resources can be accessed in order to fulfil human rights obligations, without comprising people's economic and social rights, for example, through progressive tax measures;

⁷⁰ *Sri Lanka: Drop all charges against peaceful protesters*, Amnesty International, 4 May 2022, <https://www.amnesty.org/en/latest/news/2022/05/sri-lanka-drop-all-charges-against-peaceful-protesters/>

⁷¹ *Sri Lanka: Drop all charges against peaceful protesters*, Amnesty International, 4 May 2022, <https://www.amnesty.org/en/latest/news/2022/05/sri-lanka-drop-all-charges-against-peaceful-protesters/>

⁷² *'GotaGoGama Galle' dismantled and set up again*, The Morning, 17 April 2022, <https://www.themorning.lk/gotagogama-galle-dismantled-and-set-up-again/>

⁷³ See for e.g., <https://twitter.com/JDSLanka/status/1517056836100313090?s=20&t=3m7nXX0nY8cyLPJvwNmSWg>

⁷⁴ *Court order against MP Shanakiyan*, Newswire, 28 April 2022, <https://www.newswire.lk/2022/04/28/court-order-against-mp-shanakiyan/>

- Consider all possible alternative fiscal measures based on a human rights and social impact assessment before increasing indirect taxes such as a sales tax;
- The Sri Lankan authorities must refrain from arbitrarily arresting people for simply exercising their rights to freedom of expression and peaceful assembly;
- They must respect the rights of people in custody, including their right to legal counsel before trial, humane detention conditions and freedom from torture and ill-treatment;
- The use of force must be subject to the strict application of the principle of necessity and proportionality; the use of lethal force must only be allowed where necessary for the purpose of preventing death or serious injury;
- The authorities must uphold human rights to freedom of movement, liberty and security of person;
- The Sri Lankan government should ensure that the hearings and judgment related to the Rambukkana police shootings are open to the public and that international observers can attend them;
- Investigate all allegations of corruption that have led and contributed to the current crisis, and hold those responsible to account.

4.2 RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY

- The international community must step in where possible to support Sri Lanka with necessary financial and technical assistance, such as debt relief and aid, to ensure the economic crisis does not deteriorate into a humanitarian crisis;
- The international community must ensure that the terms of financial assistance and support do not compromise Sri Lanka's ability to allocate the necessary financial and other resources to guarantee economic, social and cultural rights;
- International donors and financial institutions should assess the human rights impact of any future agreements to ease Sri Lanka's economic situation and prioritise the protection of the rule of law and the protection and promotion of all human rights – economic, social and cultural rights as well as civil, political rights, in their negotiations with the government of Sri Lanka.

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