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B7-0578/2013

## 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 122 of the Rules of Procedure

on the situation in Sri Lanka  
(2013/2982(RSP))

**Paul Murphy, Søren Bo Søndergaard, Patrick Le Hyaric, Marie-Christine Vergiat**  
on behalf of the GUE/NGL Group

**European Parliament resolution on the situation in Sri Lanka  
(2013/2982(RSP))**

*The European Parliament,*

- having regard to the UN High Commissioner for Human Rights' report to the UN Human Rights Council of 25 September 2013,
- having regard to the High Commissioner for Human Rights, Navi Pillay's statement regarding Sri Lanka on 31 August 2013,
- having regard to the Report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka of 11 February 2013,
- having regard to the 2012 Annual report of the United Nations Working Group on Enforced or Involuntary Disappearances,
- having regard to the UN General Secretary's Internal Review Panel on UN Action in Sri Lanka of November 2012, enquiring into the failure of the international community to protect civilians from large- scale violations of humanitarian and human rights laws,
- having regard to the Declaration by the High Representative, Catherine Ashton, on behalf of the EU on the impeachment of Sri Lanka Chief Justice of 18 January 2013,
- having regard to the Human Right Watch statement “Sri Lanka: No Justice in Aid Worker Massacre” of 31 July 2013,
- having regard to the Human Rights Watch (HRW) report entitled "We will teach you a lesson" of 26 February 2013,
- having regard to Minority Rights Group International's (MRG) report, “Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka”,
- having regard to the 2008 Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment and its resolution of 4 July 2013 on arms exports: implementation of Council Common Position 2008/944/ CFSP,
- having regard to the UK government’s Department of Business, Innovation and Skills report ‘Strategic export controls: Quarterly Report July - September 2012’,
- having regard to the final report of the Commission of Inquiry on Lessons Learnt and Reconciliation of November 2011,
- having regard to David Cameron's statement to the UK House of Commons on the 18

- November 2013 regarding the Commonwealth Heads of Government Meeting (CHOGM) and visits to India, the United Arab Emirates, and the Philippines,
- having regard to its resolution of 16 February 2012 on the 19th Session of the UN Human Rights Council and in particular paragraph 22 thereof,
  - having regard to its resolution of 7 February 2013 on the 22nd session of the United Nations Human Rights Council and in particular paragraph 27 thereof,
  - having regard to Council Regulation (EC) No 732/2008 of 22 July 2008 and EU Regulation (EU) No 978/2012 of 25 October 2012 applying a scheme of generalised tariff preferences (GSP), with particular regard to the provisions for the special incentive arrangement, referred to as GSP+,
  - having regard to the final report of the Commission of Inquiry on Lessons Learnt and Reconciliation of November 2011,
  - having regard to its previous resolutions on the situation in Sri Lanka, in particular those of 12 May 2011, 22 October 2009, 12 March 2009 and of 5 February 2009,
  - having regard to Rule 122 of its Rules of Procedure,
- A. Whereas the oral report provided to the UN Human Rights Council in September 2013 by Flavia Pansieri, Deputy High Commissioner for Human Rights, on behalf of the High Commissioner for Human Rights stated that while the majority of the persons who had been internally displaced at the end of the armed conflict had now returned or been resettled, the High Commissioner had heard complaints about the continuing high levels of harassment and intimidation of human rights defenders, lawyers and journalists, and about the rule of law and democratic institutions in Sri Lanka being undermined and eroded;
  - B. Whereas following a visit to Sri Lanka, the UN High Commissioner for Human Rights Navi Pillay, at the UN Human Rights Council meeting in September 2013, criticised the Sri Lankan government's failure to investigate allegations of war crimes against military officers and government officials and stated that if no significant steps were taken by the Sri Lankan government before her full report was submitted to the UN Human Rights Council in March 2014 the international community would be forced to launch its own inquiry; whereas at the end of August, she also stated that the regime 'is showing signs of heading in an increasingly authoritarian direction';
  - C. Whereas the UN Human Rights Council has repeatedly demanded a full and transparent investigation into the claims of war crimes, whereas to this date, the Sri Lankan government has shown no meaningful signs to comply with this demand and has fallen short of implementing the limited recommendations put forward by its own Lessons Learnt and Reconciliation Commission (LLRC);
  - D. Whereas in spite of serious concerns by human rights groups, the biannual Commonwealth Heads of Government Meeting (CHOGM) was held in Colombo between 15 and 17 November 2013; whereas the Prime Ministers of Canada, India and Mauritius did not attend the CHOGM meeting in opposition to Sri Lanka's human

rights record;

- E. Whereas in the run up to the Commonwealth Heads of Government Meeting (CHOGM), a series of human rights violations were reported, while pro-government protests were allowed, anti-government protests were clamped down upon, journalists critical of the regime were intimidated and their movements restricted, visas for human rights defenders were withdrawn and death threats were issued on the radio to women's rights activist, Dr Nimalka Fernando;
- F. Whereas as a result of mounting pressure internationally, British Prime Minister, David Cameron, upon his return from the CHOGM meeting called on Sri Lanka's President Mahinda Rajapaksa to hold an independent inquiry into the allegations of war crimes in the country;
- G. Whereas the Sri Lankan Prevention of Terrorism Act allows detention without charge for up to 18 months;
- H. Whereas thousands of Tamil speaking people have been held without trial since 2009 and reports from NGOs demonstrate that the torture of Tamil speaking political prisoners is increasingly rife in Sri Lanka with some detainees dying in custody after suffering prolonged abuse;
- I. Whereas according to the United Nations Working Group on Enforced or Involuntary Disappearances in 2012, Sri Lanka has 5,676 outstanding cases of disappearances – more than any other country apart from Iraq;
- J. Whereas the Sri Lankan government has made no real progress in holding accountable those responsible for the execution of 17 aid workers in 2006 despite renewed international calls for action;
- K. Whereas there is an estimated 89,000 war widows in the former conflict areas and reports from NGOs have documented a significant increase in sexual assaults and other abuses of women, in large parts due to the heavy militarisation of Tamil areas;
- L. Whereas Sri Lanka's Chief Justice, Shirani Bandaranayake, was impeached by the Sri Lankan Parliament and removed from office by President Mahinda Rajapaksa in January 2013;
- M. Whereas despite the government's claims that managing the resettlement process has been one of their strengths in the post-war period, there are currently more than one thousand court cases filed by landowners who lost their land due to formalised land-grabbing policies;
- N. Whereas roughly 250,000 workers are employed in 14 free trade zones across Sri Lanka; the minimum salary for workers in these zones is 6,700 Sri Lankan Rupees per month (approximately €37.45), compared to 11,630 Sri Lankan Rupees (€91.50) for public sector workers; Women make up 80% of the total number of workers in Sri Lanka's free trade zones, with the majority having migrated to industrial areas from rural areas;

- O. Whereas 1,000 mainly women workers at the Ansell Lanka factory in Sri Lanka's Biyagama Export Processing Zone have been on strike since 11 October 2013 in protest against the use of strike breaking labour and the sacking of their union branch president and 10 other union members;
- P. Whereas on 28 November 2013, the Colombo District Court issued a restraining order against 16 health trade unions, including the Nursing Paramedics and Supplementary Medical Service Federation (NPSMSF) and the All Ceylon Health Service Union (ACHSU), preventing them from taking strike action until 11 December 2013;
- Q. Whereas on 1 August 2013, the Sri Lankan Army heavy-handedly dispersed 5,000 unarmed protesters in Rathupaswala, Weliveli, 20 kilometres outside Colombo who were engaged in a peaceful demonstration against the waste from a rubber-glove making plant that contaminated the groundwater supply in the area and subsequently deprived more than 10,000 families from accessing drinking water, whereas 3 people were killed and more than 30 were seriously injured as a result of the army's intervention;
- R. Whereas the EU 2008 Council Common Position on arms exports states that Member States should "prevent the export of military technology and equipment which might be used for internal repression"; whereas despite this, EU Member States - including Bulgaria, the Czech Republic, Slovakia, the UK, France, Italy, Lithuania, the Netherlands and Poland - have sold arms to the Sri Lankan government since the election of President Mahinda Rajapaksa in 2005;
- S. Whereas the British Government's own Export Controls Organisation has revealed that in the three months between July and September last year, the UK approved export licences worth £3.741 million (€4.47 million), of which just over £3 million (€3.59 million) were military items;
- T. Whereas in August 2010, the EU and its Member States decided to suspend and temporarily withdraw GSP+ benefits from Sri Lanka, in line with the European Commission's proposal of December 2009, based on an exhaustive Commission investigation which identified significant shortcomings with respect to Sri Lanka's implementation of three UN Human Rights conventions, namely in the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and the Convention of the Rights of the Child (CRC);
- U. Whereas Human Rights Watch and other NGOs have documented at least 40 cases where Tamils who were returned to Sri Lanka from EU Member States since 2011 have been tortured during interrogation by the Sri Lankan authorities;
- 1. Condemns the Sri Lankan army's brutal killings of up to 70,000, mainly Tamil-speaking, civilians in the last weeks of the civil war in Sri Lanka and supports the repeated plea for justice by victims and their families; underlines the urgent need for all perpetrators, including responsible government and military officials, to be brought to justice without further delay;

2. Supports the criticisms made by the UN High Commissioner for Human Rights in relation to the Sri Lankan government's failure to investigate the allegations of war crimes against military officers and government officials and is extremely concerned about reports of on-going and continuing impunity that prevails in Sri Lanka; shares the UN High Commissioner's concern that Sri Lanka shows ever greater signs of authoritarian rule;
3. Welcomes the UN High Commissioner for Human Rights' announcement to set up an independent international inquiry to investigate the war crimes committed in the final months of Sri Lanka's civil war should the Sri Lankan government continues to fail to take significant steps before she submits her final report to the UN Human Rights Council at the end of March 2014; calls for that investigation to be established during the March 2014 session of the UN Human Rights Council; however, is of the opinion that for such an international inquiry to be fully independent, credible and transparent, it must involve trade unions and human rights organisations and be accountable to all the conflict's victims and their families;
4. Underlines the need for such an inquiry to look into allegations of war crimes, crimes against humanity and other violations throughout the conflict, including the killings of 5 youths in Trincomalee and of 17 aid workers in Muttur in 2006;
5. Takes note of the Sri Lankan government's failure to comply with the recommendations of its own "Lessons Learnt and Reconciliation Commission" (LLRC) as well as its failure to investigate or resolve thousands of outstanding enforced disappearance cases, leaving families without answers about what happened to their loved ones;
6. Is alarmed by the reported harassment and intimidation of human rights defenders, journalists, trade union activists and people involved in the political opposition in Sri Lanka, including harassment and intimidation against people that met with the UN High Commissioner for Human Rights during her last visit and calls on the Sri Lankan government and military to refrain from such methods;
7. Expresses its deep concern about the increasing militarisation of Sri Lankan society, particularly in the north and east of the island, with the military encroaching on civilian matters such as education, agriculture, and tourism and therefore calls for an immediate end of military acquisition of land ("land grabbing") in order to prevent and end the building of permanent army camps which is seen as a possible first step towards building Sinhala dominated settlements, representing a conscious attempt by the Sri Lankan government to cut across any attempts of genuine reconciliation between the two communities;
8. Supports the call for an end to all military operations in Sri Lanka and the withdrawal of the army from the North and the East of the island; insists that the right to freedom of movement must be upheld for all citizens;
9. Is concerned about the government's interference with the independence of the judiciary which was highlighted by the impeachment of the Chief Justice, Shirani Bandaranayake, and calls for her immediate reinstatement; furthermore, underlines the

need to restore the independence of the Elections Commission, the National Human Rights Commission as well as the Police Commission;

10. Commends the work of bodies such as the Civil Monitoring Committee which continues to investigate kidnappings, disappearances and extra-judicial killings despite increasingly difficult circumstances;
11. Demands the right to freedom of speech and the media, freedom of association and the right to free and fair elections and the right of all to vote without interference to be respected and supports the right for parties that campaign for equal rights for all, regardless of nationality, religion, caste and sex to stand in the elections without fear of intimidation and harassment;
12. Demands an immediate end of arbitrary arrests and internment without trial carried out on the basis of emergency legislation and the Prevention of Terrorism Act, which is used to suppress any opposition to the government; calls for the abolition of the Prevention of Terrorism Act, the right to a fair trial and the release of all political prisoners, including the release of EU citizens of Tamil origin;
13. Is alarmed by the Colombo District Court's decision to issue a restraining order against trade unions in the health sector, preventing them from taking legitimate strike action and expresses its solidarity with trade union action planned to protest against the Court's decision;
14. Calls on the Sri Lankan government to implement the ILO Conventions on Freedom of Association and Protection of the Right to Organise (No. 87) and on the Right to Organise and Collective Bargaining (No. 98); supports the demands for full trade union rights, including the right to join and form independent trade unions, free from intimidation and state interference; supports the right of all trade unions to organise all working-class people, regardless of ethnic or religious backgrounds;
15. Concludes that the creation of free trade zones in Sri Lanka, especially in the textile and clothing sector, has had disastrous consequences for workers in Sri Lanka; is of the opinion that it is becoming increasingly apparent that the factories in these free trade areas fail to respect basic labour rights and have led to job insecurity, declining working conditions and downward pressure on wages;
16. Is of the opinion that despite the Sri Lankan government's claims about advances being made with regard to improving the social and economic situation for women, in particular for those heavily affected by the consequences of the armed conflict, extensive research shows that women are not benefiting from the so-called peace dividend, are marginalised from development programmes, and struggle to access basic goods to support their families;
17. Is appalled by the systematic sexual torture, rape, and trafficking for sex slavery of Tamil speaking women and girls living in the North and East of Sri Lanka, both during the conflict, and continuing after its brutal end in 2009; believes that the government is actively contributing to the insecurity of Tamil speaking women through the militarisation of the North and East and by maintaining a climate of impunity where human rights violations continue;

18. Is of the strong opinion that on the basis of continuing human rights violations by the Sri Lankan government, there is no ground to re-instate GSP + trade preferences to Sri Lanka;
19. Condemns those Member States that have authorised the sale of arms and military equipment to the Sri Lankan government; demands a complete end to the sales of arms and military equipment and calls on those Member States to comply with the provisions of the 2008 Council Common Position;
20. Condemns those Member States that have deported or attempted to deport Tamil speaking people and anti-government activists back to Sri Lanka; Calls for an immediate end to deportations and attempted deportations to Sri Lanka and for asylum seekers from Sri Lanka to be given permanent residency in the EU;
21. Supports the right of self-determination of the Tamil-speaking people, up to and including secession, according to their wishes, while safeguarding the rights of all minorities throughout Sri Lanka;
22. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the President, Government and Parliament of Sri Lanka.