

スリランカ

2020 年 4 月 30 日ドラフト作成

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1. 一般情報

(1) 地理・人口等

ア 外務省「[スリランカ基礎データ](#)」(2019年5月27日)

- | | |
|------|--|
| 4 民族 | シンハラ人 (74.9%), タミル人 (15.3%), スリランカ・ムーア人 (9.3%)
(一部地域を除く値) |
| 5 言語 | 公用語 (シンハラ語, タミル語), 連結語 (英語) |
| 6 宗教 | 仏教徒 (70.1%), ヒンドゥ教徒 (12.6%), イスラム教徒 (9.7%), キリスト教徒 (7.6%) (一部地域を除く値) |

イ ●英国内務省「[国別政策及び情報ノート スリランカ：宗教的マイノリティ集団、第 1.0 版](#)」(2018年3月)

<p>2.2.1 Sri Lanka is a majority-Buddhist country. Religious minorities, mainly Hindus, Muslims and Christians, account for a little over 30% of the population (about 7 million people). The largest religious minority group are Hindus (15% of the population), who are mainly Tamils and are strongly present in the Northern, Eastern, Central, Sabragamuwa and Uva provinces; Muslims (8% of the population) are mainly present in Ampara, Batticaloa and Trincomalee in the east, and Mannar and Puttalam in the west; and Christians (8% of the population) are mainly present in Eastern, Northern, North-western and Western provinces (see Religious demography).</p>
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(2) 内政

ア 日本貿易振興機構 (ジェトロ)「[スリランカで新内閣発足、大統領の兄弟 2 人が入閣、少数派タミルからは 2 人任命](#)」(2019年12月9日)

<p>スリランカでは、11月22日に首相以外の計15人の閣僚が組閣され、新内閣が発足した(表参照)。11月16日に実施された大統領選挙で大統領に選出されたゴダバヤ・ラージャパクサ氏は、21日に兄のマヒンダ元大統領を首相に任命し、スリランカ史上初の大統領と首相が兄弟という政権が発足している(2019年11月28日記事参照)。新内閣では、マヒンダ首相が、財務・経済開発相のほか2つの閣</p>

僚を兼任、その他の大統領の兄弟では兄のチャマル氏が国内交易・食糧安全保障・消費者福祉相ほか 1 つの閣僚を兼任するかたちで入閣しており、ラージャパクサ一族による権力支配の復活が懸念される。

イ ●CIA [「World Factbook -Sri Lanka」](#) (2020 年 2 月 17 日閲覧)

行政府：

国家元首：President Gotabaya RAJAPAKSA (since 18 November 2019); note - the president is both chief of state and head of government; Prime Minister Mahinda RAJAPAKSA (since 21 November 2019)

...

選挙結果：Gotabaya RAJAPAKSA elected president; percent of vote - Gotabaya RAJAPAKSA (SLPP) 52.2%, Sajith PREMADASA (UNP) 42%, other 5.8%

立法府：

説明：unicameral Parliament (225 seats; 196 members directly elected in multi-seat constituencies by proportional representation vote using a preferential method in which voters select 3 candidates in order of preference; remaining 29 seats allocated to other political parties and groups in proportion to share of national vote; members serve 5-year terms)

選挙：last held on 17 August 2015 (next to be held by August 2020)

選挙結果：percent of vote by coalition/party - UNFGG 45.7%, UPFA 42.4%, JVP 4.9%, TNA 4.6%, SLMC 0.4%, EPDP 0.3% other 1.7%; seats by coalition/party UNFGG 106, UPFA 95, TNA 16, JVP 6, SLMC 1, EPDP 1; composition - men 214, women 11, percent of women 4.9%

ウ 外務省 [「スリランカ基礎データ」](#) (2019 年 5 月 27 日)

スリランカでは、1983 年以降 25 年以上に亘り、スリランカ北・東部を中心に居住する少数派タミル人の反政府武装勢力である「タミル・イーラム解放の虎 (LTTE)」が、北・東部の分離独立を目指して活動し、政府側との間で内戦状態であったが、2009 年 5 月に政府軍が LTTE を制圧し内戦が終結した。

内戦終結後、ラージャパクサ大統領は任期を 2 年残し、大統領選挙の繰り上げ実施を決定。2010 年 1 月に大統領選挙が実施され、同大統領が再選された。その後、同年 4 月に総選挙が実施され、同大統領率いるスリランカ自由党 (SLFP) を中核とする与党統一人民自由連合 (UPFA) が過半数を大きく上回る 144 議席を獲得して、引き続き政権運営にあたることとなった。2010 年 11 月、ラージャパクサ大統領は 2 期目の任期を開始した。

2014 年、再びラージャパクサ大統領は大統領選挙の繰り上げ実施を決定。2015 年 1 月に大統領選挙が実施され、前保健相でもあるシリセーナ野党統一候補がラージャパクサ大統領を破り当選。シリセーナ大統領は、統一国民党 (UNP) と政権樹立。ウィクラマシンハ UNP 総裁が首相就任。2015 年 8 月、総選挙が実施され UNP 勝利。単独過半数には達さなかったが、第二党のスリランカ自由党 (SLFP) と大連立形成。ウィクラマシンハ首相再任。

2. 人権状況等

(1) 全般的な人権状況

ア ●HRW 「ワールドレポート 2020 - スリランカ」 (2020 年 1 月 14 日)

On April 21, Easter Sunday, Islamist suicide bombers attacked churches and hotels in Colombo and two other cities, killing over 250 women, men, and children and injuring hundreds more. For the following four months, the government imposed a state of emergency. Hundreds were [detained](#) without charge under the Prevention of Terrorism Act. Anti-Muslim mobs, sometimes linked to nationalist politicians, and incited by extremist Buddhist monks, attacked Muslim property. Mainstream and social media vilified Sri Lankan Muslims and asylum-seekers, putting them at risk of assault.

In November, Gotabaya Rajapaksa was elected president. As defence secretary in the administration of his brother, Mahinda Rajapaksa from 2005-2015, he was accused of numerous crimes, including attacks on journalists and activists, and implicated in alleged war crimes and crimes against humanity.

イ ●米国国務省 「人権状況報告 2019 年 - スリランカ」 (2020 年 3 月 11 日)

On April 21, suicide bombs killed 258 individuals. The attacks were the responsibility of the National Thowheed Jamath (NTJ), members of which had sworn allegiance to the Islamic State. The following day the government declared an emergency under the Public Security Ordinance, deployed the armed forces domestically, and gave them arrest authority. During the emergency the government banned three Islamist organizations: the NTJ, Jamathe Millathe Ibrahim, and Vilayath As Seylani. The three Islamist groups remained banned after the emergency expired on August 22. President Maithripala Sirisena subsequently ordered the military to remain deployed across the country after the expiration of the emergency, although no longer with arrest authority. President Rajapaksa in turn extended the order on November 22.

Significant human rights issues included: unlawful killings by the government; torture by government agents; sexual abuse; arbitrary detention by government entities; restrictions on freedom of expression, including unjustified arrests of journalists and authors, and limited social media blocking; widespread corruption; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and the criminalization of same-sex sexual

conduct.

Often police reportedly harassed civilians, often with impunity, although the government took steps to investigate and prosecute some officials who committed human rights abuses. The government did not implement a mechanism to hold accountable military and security personnel accused of atrocities during the 1983 to 2009 civil war as called for in 2015 by UN Human Rights Council (UNHRC) Resolution 30/1.

(2) 北部・東部の状況

ア ●HRW「[ワールドレポート 2020 - スリランカ](#)」(2020 年 1 月 14 日)

Tamils, particularly in the [Northern Province](#), [continued](#) to face harassment and intrusive surveillance.

...

Human Rights Defenders

Activists and civil society members, particularly in the north and east of the country, were increasingly subjected to [surveillance and harassment](#). [The UN special rapporteur](#) on freedom of peaceful assembly and association, Clément Nyaletsossi [Voulé](#), reported undue rights constraints.

Some families of people forcibly disappeared during the war reported intimidation by soldiers. The army also disrupted Tamil memorial events. [In May](#), families of the disappeared from Ampara were at a remembrance ceremony when soldiers arrived and destroyed or removed banners and decorations, and threatened to arrest the participants.

Voulé reported concerns that, [particularly in the north and the east](#), associations proposing to work on subjects including LGBTI rights, disappearances, land rights, and post-conflict reconciliation, were denied registration, and were subject to surveillance and intimidation. Activists said that these problems increased after the Easter Sunday attacks.

イ ●DFAT「[DFAT 出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

Security situation in the north and east

2.64 The government no longer restricts travel to the north and east. It removed security checkpoints on major roads in 2015, although some were re-established following the 2019 Easter Sunday terrorist attacks. DFAT understands that some security checkpoints re-established in the north since 21 April 2019 have since been removed.

2.65 The military maintains a significant presence in the north, including approximately 30,000 personnel in the Jaffna Peninsula (some NGOs cite higher numbers). Most military personnel are confined to the Security Forces Cantonment on Jaffna Peninsula and smaller surrounding military camps. Military involvement in civilian life has decreased, although military involvement in some civilian activities, particularly the economy, continues in the

Northern Province (see Economic conditions in the north and east).…

2.66 The military appropriated substantial amounts of private- and state-held land in the Northern and Eastern provinces during and after the civil war in order to establish bases and associated buffer zones (known as ‘High Security Zones’). As part of the government’s transitional justice efforts, President Sirisena pledged to return all land appropriated by the military in the north and east by the end of 2018. While there has been significant progress on land return, Sirisena’s pledge had not been met at the time of publication. According to the Sri Lankan Government, as of 2 April 2019, 89,263 acres (or more than 75 per cent) of land held by the military had been released, including 5,797 acres in 2018.

3. 政治組織等、政治活動／政府批判（労働運動含む）の取扱い

(1) 政府批判者の取扱い

ア ●DFAT「[出身国情報報告 スリランカ](#)」（2019年11月4日）

3.108 A broad range of NGOs and civil society groups are active in Sri Lanka. NGOs are required to register with the National Secretariat for NGOs. Some 1,500 NGOs were registered at the national level in 2019. DFAT assesses that, under the previous Rajapaksa Government, NGOs and their staff, especially those working on human rights issues, risked official harassment, including arrest or abduction, while performing their duties. Sri Lanka’s state-run media regularly accused NGOs and civil society activists of being traitors, LTTE sympathisers or supporters, or of being backed by ‘foreign’ or ‘Western’ powers. NGO and civil society workers reported threats (including death threats) and intimidation. Authorities detained and questioned NGO workers, searched their offices and equipment, and seized documents.…

3.109 The current government has publicly committed to allow freedom of speech and end surveillance of NGO workers and human rights defenders. NGOs operate relatively freely, although activists working on sensitive issues – including corruption, war-era human rights violations and missing persons – continue to report (predominantly low-level) surveillance, harassment and intimidation by security forces, particularly in, but not limited to, the north and east. In July 2018, human rights defenders Srishobana Yogalingam and Amitha Priyanthi were assaulted in separate incidents in Jaffna (Northern Province).…

(2) 政治組織

① UNP（統一国民党）

ア ●Verité Research「[Mapping Sri Lanka's Political Parties: Actors and Evolutions](#)」（2017年11月）

The UNP was founded as a non-communal party with a pro-western anti-communist

ideology.³ According to the party founder, D.S. Senanayake, the key objectives of the UNP was to provide 1) freedom from poverty, 2) freedom from diseases, 3) freedom from ignorance, 4) freedom from unemployment, and 5) freedom from the fetters of imperialism.⁴ The UNP's initial economic position was in favour of a mixed economy, in which the state played a significant yet non-dominant role in economic management. Senanayake paid particular attention to developing the agricultural sector.⁵ The UNP was also in favour of welfare initiatives such as free education and free healthcare.

...

② SLFP (スリランカ自由党) および UPFA (統一人民自由連合)

ア ●Verité Research [「Mapping Sri Lanka's Political Parties: Actors and Evolutions」](#) (2017 年 11 月)

The SLFP was established in September 1951 under the leadership of S.W.R.D. Bandaranaike.²⁸...

...

At the time of party formation, S.W.R.D. Bandaranaike proclaimed the party as democratic and socialist. He appealed to the clergy, ayurvedic doctors, teachers, farmers, and the workers (together known as the Pancha Maha Balawega) to join in the party's struggle for a socialist state....

...

③ JVP (ディサナヤケ人民解放戦線)

ア ●Verité Research [「Mapping Sri Lanka's Political Parties: Actors and Evolutions」](#) (2017 年 11 月)

The JVP was established as a communist (Marxist-Leninist) party, assuming a far-left economic position. Its support base has historically been the working (proletarian) class....

...

④ ラジャパクサ元大統領と関連団体

ア 在スリランカ日本国大使館 [「スリランカ情勢 \(2018 年 10 月\)」](#) (2018 年 11 月 19 日)

(1) ラージャパクサ前大統領への SLPP リーダー就任要請

ア 10 月 1 日, SLPP は党の党首を正式にラージャパクサ前大統領に依頼する旨述べ, पीリス SLPP 議長は, SLPP は全国会議開催の準備をしていると発言した。(10 月 2 日付デイリーミラー紙)

イ 10 月 2 日、ラージャパクサ前大統領は、記者の取材に対し SLPP の党首になることを受け入れる準備はできていると述べた。ピーリス SLPP 党首は、11 月に開催される SLPP 結党記念式典にて正式に依頼すると発言した。(10 月 4 日デイリーミラー紙)

⑤ タミル人の政党

ア 在スリランカ日本国大使館「[スリランカ情勢 \(2018 年 10 月\)](#)」(2018 年 11 月 19 日)

(12) タミル政党の動向

ア 13 日、ウィグネーシュワラン北部州知事は北部州議会関係者及び市民社会との会合において、タミル国民連合 (TNA) は次期予算審議に際し、予算に賛成する代わりにテロ防止法 (PTA) に基づき拘束されている囚人の釈放を条件付けるべきとの見解を表明。スマンティラン TNA 議員は、TNA の多くの議員は予算案に反対であるものの、17 日に行われるシリセーナ大統領との会談を踏まえ対応を検討することになる旨述べた。(15 日、17 日付デイリーミラー)

イ アーナンディ・サシダラン北部州女性問題・リハビリ担当大臣は、TNA から離脱し、タミル・イーラム自治機関 (Self-Governance Organisation) という政党を立ち上げ、次期州議会選挙に臨む旨述べた。(17 日付、アイランド紙)

(3) 政党間の暴力

ア 鈴木晋介「[スリランカにおける村の政党政治とその変化—内制的文脈の理解に向けて](#)」『現代インド研究』5 号 (2015 年)

スリランカの民主主義 1) を特色づけてきたものに、二大政党制と福祉国家主義 (welfarism) がある。「統一国民党」(United National Party: UNP) と「スリランカ自由党」(Sri Lanka Freedom Party: SLFP) という二大政党による政権交代の図式は 1950 年代に始まり今日にまで至っているが、この過程で両党が共に注力してきたのが、食糧給付や教育・医療の無償化をはじめとする社会福祉政策だった。

二大政党制と福祉国家主義、この二つが結びついたとき、スリランカ政治の末端の村々にひとつの副産物がもたらされたこともまたよく知られている。福祉国家主義の構成する「資源の与え手 (= 国家)」と「受け手 (= 国民)」の構図が、パトロネージ的政治実践を介して、支持政党ごとの党派的分断を村落社会に引き起こしてきたのである。…

…

…単純に図式化すれば、「政府→与党地方議員→村の与党支持者リーダー→村の支持者」というパトロネージの流れを UNP、SLFP 双方が強固に確立し、これが村の分断を引き起こしていったということである [cf. Jayanthi 1992]。

(4) 元 LTTE 構成員の取扱い

ア ●DFAT 「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

3.57 7 While the LTTE was comprehensively defeated, Sri Lankan authorities remain sensitive to its potential re-emergence. According to expert testimony provided to a 2013 hearing of the UK's Upper Tribunal on Immigration and Asylum, Sri Lankan authorities collect and maintain sophisticated intelligence on former LTTE members and supporters, including 'stop' and 'watch' electronic databases. DFAT understands these databases remain active. 'Stop' lists include names of those individuals that have an extant court order, arrest warrant or order to impound their Sri Lankan passport. 'Watch' lists include names of those individuals that the Sri Lankan security services consider to be of interest, including for suspected separatist or criminal activities. The UK Home Office reported in June 2017 that the 'watch list' comprised minor offenders and former LTTE cadres. DFAT assesses those on a watch list are likely to be monitored.

3.58 Former LTTE members face no legal barriers to participating in public life, including politics. In the August 2015 parliamentary elections, the TNA did not allow ex-LTTE members to run on their ticket, but ex-combatants established the Crusaders for Democracy party and ran for election. While they did not win any seats, their participation demonstrated the openness of the electoral process.

...

3.62 According to Sri Lankan Government statistics from March 2019, 12,191 former LTTE members (including 2,265 women) had completed rehabilitation. At the time of publication, only one rehabilitation centre for former LTTE members remained operational (Poonhottam Rehabilitation Centre in Vavuniya, Northern Province). DFAT understands this centre currently houses one former LTTE member. ...

...

3.67 Local sources estimate that between 4,000 and 6,000 former LTTE members are undisclosed and non-rehabilitated, some of whom would now be living overseas. Military sources believe the number of undisclosed and non-rehabilitated former LTTE members within Sri Lanka is low, including approximately 280 individuals in Jaffna (Northern Province). Former LTTE members are reluctant to identify for fear of rehabilitation or prosecution. One source claimed the authorities were not actively looking for nonrehabilitated former LTTE members. At the time of publication, DFAT was not aware of rehabilitation being imposed on any former LTTE members who have returned from Australia. DFAT assesses that a non-rehabilitated returnee with links to the LTTE, particularly high-level links, could be subjected to a rehabilitation process should they return to Sri Lanka.

...

(5) LTTE との関与を疑われるタミル人

ア ●英国内務省「[Report of a Home Office fact-finding mission to Sri Lanka](#)」v
(2020 年 1 月)

Returnees are likely to be questioned by immigration officials especially where they arrive on an emergency travel document. They are not arrested but may face questioning about how they left Sri Lanka and whether they were aided by smugglers. If the person is found to have links to the LTTE or if wanted for previous crimes committed in Sri Lanka may face further questioning by the CID based at the airport. This process can take a long time as checks need to be made with the persons local police and there is no central police database.

イ ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)**Low-profile former LTTE members**

3.74 ‘Low-profile’ former LTTE members include former combatants, those employed in administrative or other roles, and those who may have provided a high level of non-military support to the LTTE during the war. DFAT assesses that, although the great majority of low-profile former LTTE members have been released following their rehabilitation, any low-profile former LTTE members who came to the attention of the Sri Lankan authorities, particularly if suspected of having a combat function during the war, would likely be detained and may be sent to the remaining rehabilitation centre. Following their release from rehabilitation, a low-profile former LTTE member might be monitored but would generally not be prosecuted.

Monitoring of former LTTE members

3.75 Some Tamils with imputed LTTE links (including those who fought for the LTTE or were part of its civilian administration) continue to report police monitoring and harassment. Multiple sources in the north told DFAT that former LTTE members, including those considered low-profile, are monitored to guard against the LTTE’s re-emergence, although monitoring today is less extensive and takes a more subtle form. A source that DFAT considers credible claimed the extent of monitoring depends on one’s former seniority within the LTTE; ongoing involvement with politically-sensitive issues, including protests relating to disappeared persons; and links to the Tamil diaspora, particularly elements of the diaspora considered radical by the Sri Lankan Government. Former LTTE members that fit this profile are more likely to be monitored by the authorities. In contrast, those who maintain a low-profile are considered less vulnerable to monitoring.

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(6) 在外のタミル人運動家

ア ●英国内務省「[Report of a Home Office fact-finding mission to Sri Lanka](#)」 v (2020 年 1 月)

Tamil Diaspora groups are important within Sri Lanka in so much as they often send remittances home, but they do not have a specific political platform or representatives within the country. It is likely that some monitoring of political diaspora groups occurs outside of Sri Lanka although this was likely to be of the more prominent members. Several sources stated that they were aware of members of such diaspora groups returning to Sri Lanka and facing no issues on return.

The Transnational Government of Tamil Eelam (TGTE) are a proscribed group in Sri Lanka due to their links with the LTTE and because they are seen as pursuing an independent Tamil homeland. The TGTE advocate for a separate Tamil state but do not have widespread support within Sri Lanka, as most Tamils have more pressing concerns such as housing, employment, return of land and accessing information about relatives who disappeared during the war. It's possible that high profile members of the Tamil diaspora may face risk on return although the Attorney General's Department stated that they would only be at risk if they had committed a crime within Sri Lanka and members of the Criminal Investigation Department (CID) stated that mere membership of a proscribed group would not be enough to make a person of interest.

イ ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

3.80 Some Tamil diaspora groups continue to hold public demonstrations in their countries of residence for an independent Tamil state. High-profile leaders of pro-LTTE diaspora groups, particularly diaspora groups banned under Sri Lankan law, may come to the attention of Sri Lankan authorities because of their participation in such demonstrations. The Sri Lankan Government continues to assess that elements of the Tamil diaspora remain committed to a separate Tamil state.

4. ジェンダー、DV および子ども

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

3.120 The constitution guarantees that no citizen shall be discriminated against on the grounds of sex. Sri Lanka is a party to the Convention on the Elimination of All Forms of Discrimination against Women DFAT Country Information Report Sri Lanka 45 (CEDAW) and its Optional Protocol....

3.121 Sri Lanka has the best social indicators for women in South Asia, including low rates of maternal mortality and high rates of educational attainment, although these have not translated into greater political or economic participation....

...

3.123 Violence against women is prevalent in Sri Lanka. Local sources told DFAT that violence against women occurs throughout the country, across all ethnic groups and social strata. Violence against women is most common in domestic settings. Recent survey data by the UNFPA indicate that 28 per cent of women had experienced some form of physical or sexual violence in their lifetime and 18 per cent had experienced intimate partner violence within the last 12 months. According to Sri Lankan Government statistics from 2016, 17 per cent of married women had experienced intimate-partner violence. Kilinochchi (Northern Province) and Batticaloa (Eastern Province) had the highest rate of intimate-partner violence (50 per cent). Among women who suffered intimate-partner violence, only 18 per cent sought help from the police. The UNFPA, in February 2018, reported that more than one-third of female homicides in Sri Lanka were related to intimate-partner violence.

...

3.137 Female-headed households are vulnerable to poverty, gender-based violence and sexual exploitation, and face obstacles to accessing services and employment opportunities.

...

...

5. LGBT

(1) 法制度的な枠組み、政府当局による取扱い

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

3.146 Freedom of sexual orientation is not protected under the constitution and same-sex intercourse is a criminal offence, even when consensual in nature....

...

3.148 Sections 365 and 365 (a) of the Penal Code make it a criminal offence to engage, respectively, in ‘carnal intercourse against the order of nature’ and ‘acts of gross indecency’. These are commonly understood to apply to sexual acts between same-sex individuals and can attract sentences of up to 10 years’ prison and a fine. Police have arrested individuals under these sections but no prosecutions have occurred in recent times. According to local

LGBTI sources, police use sections 365 and 365 (a) of the Penal Code or the Vagrants Ordinance (which empowers authorities to detain people considered to be loitering in public) to threaten, harass, extort money and sexual favours, and arbitrarily arrest and detain LGBTI individuals. Transgender individuals, particularly individuals who are biologically male but have transitioned to female, by virtue of being more visibly identifiable, are considered particularly vulnerable. Equal Ground, in its 2017 mapping study, found that 46.7 per cent of LGBTI people experienced police harassment. LGBTI victims of abuse and harassment, including by the police, are generally unwilling to file complaints due to safety concerns and a reluctance to bring attention to their sexual orientation, meaning their incidence goes largely unreported.

...

イ ●米国国務省「[人権状況報告 2018 年 - スリランカ](#)」(2019 年 3 月 13 日)

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct between adults. Although prosecutions were rare, human rights organizations reported police used the threat of arrest to assault, harass, and sexually and monetarily extort LGBTI individuals. Those convicted of engaging in same-sex sexual activity in private or in public face 10 years' imprisonment. Antidiscrimination laws do not prohibit discrimination based on sexual orientation and gender identity

...

ウ ●英国内務省「[国別政策及び情報ノート スリランカ：性的指向およびジェンダー・アイデンティティと表現、第 3.0 版](#)」(2018 年 10 月)

2.4.7 Although consensual same-sex sexual activity is criminalised in Sri Lanka, sources report that cases are rarely prosecuted. No laws specifically criminalise transgender or intersex people in Sri Lanka. However, there are reports of the police using other laws to criminalise and harass LGBTI persons, particularly transgender women and men who have sex with men involved in sex work (see Legal context and State attitudes and treatment).

2.4.8 Transgender women and women of lower economic status report that police have sometimes used the Vagrants Ordinance of the Sri Lanka Penal Code (that prohibits loitering in public) to detain them (see Legal rights and State attitudes and treatment – Arrests and detention).

(2) 社会における取扱い

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

3.151 According to local sources, the LGBTI community faces threats, harassment and forced heterosexual marriage from family and members of the community. Some middle and upper class, educated and urban Sri Lankans are open about their sexuality within their family and community circles; however, risks are higher for lesbian and bisexual rural women due to more traditional familial expectations and values. DFAT considers reports of violence in the home and public spaces to be credible, and many LGBTI individuals – especially Muslims – hide their identity to avoid harassment. Local sources told DFAT that some families pressure LGBTI individuals to seek treatment to ‘cure’ their homosexuality at dedicated profit-making centres or through witchcraft. …

3.152 According to local LGBTI sources, homosexual women face added difficulties in being open about their sexuality. Sources told DFAT that being a woman in Sri Lanka, as a patriarchal society, was challenging in itself, and the challenge of being a homosexual woman was greater still. Homosexual women are reportedly pressured into heterosexual marriage and face harassment in public, including on public transport.

…

イ ●米国国務省「[人権状況報告 2018 年 - スリランカ](#)」(2019 年 3 月 13 日)

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

…

Transgender persons continued to face societal discrimination, including arbitrary detention, mistreatment, and discrimination accessing employment, housing, and health care.

ウ ●英国内務省「[国別政策及び情報ノート スリランカ：性的指向およびジェンダー・アイデンティティと表現、第 3.0 版](#)」(2018 年 10 月)

2.4.14 LGBTI persons frequently face discrimination in accessing employment, housing and health services. Sexual harassment at work and hate speech and vilification of LGBTI communities by media and public officials is reported to be common (see Access to services and Public statements by government officials).

2.4.15 There are also reports that some LGBTI persons experience sexual, emotional and physical violence, particularly in the home environment but also in public spaces. The level of harassment may differ from urban to rural areas (see Societal attitudes and treatment).

6. 汚職、非国家主体による犯罪、国家による被害者の保護

(1) 当局者・非国家主体による犯罪等

ア 外務省海外安全ホームページ「[スリランカの危険情報\(危険レベル引き下げ\)](#)」
(2019 年 6 月 25 日)

1 概況

(1) テロ情勢

ア 2019 年 4 月 21 日 (日) 午前, コロンボ県コロンボ市 (聖アンソニー教会), ガンパハ県ネゴンボ市 (聖セバスティアン教会), バティカロア県プリヤンティヴ村 (シオン教会) の 3 つの教会と, コロンボ市内のホテル 3 か所 (シャングリラ, シナモン・グランド, キングスベリー) の計 6 か所にてほぼ同時に爆破テロが発生しました。また, 同日午後には, コロンボ県デヒワラ動物園周辺のゲストハウス及びコロンボ市東部デマタゴダ地区の 2 か所で新たな爆発が発生しました。これら一連の爆発により, スリランカ政府による発表によれば, 5 月末時点で 258 名が死亡, また約 500 名が負傷しました。邦人も, 1 名が死亡し, 複数名が負傷しています。

イ 同時爆破テロ事件については, 国内のイスラム過激派組織 (NTJ (ナショナル・タウヒード・ジャマート) や JMI (ジャマティ・ミラットウ・イブラム)) から派生したグループによる犯行であり, 国際テロ組織 ISIL (イラク・レバントのイスラム国) の影響も受けていたとされています。

ウ 同時爆破テロ事件の後, 治安当局による大規模かつ集中的な捜査・警備強化もあり, 治安状況は安定化していますが, 引き続きテロ発生の可能性は排除できない状況です。

…

(2) 一般治安情勢

…

イ 2009 年 5 月に政府軍とタミル人反政府組織「タミル・イーラム解放の虎」(LTTE) との紛争が終結して以降も, 民族や宗教, コミュニティ間の対立が一部に見られます。2018 年 3 月には仏教徒とイスラム教徒との間の緊張に端を発し非常事態宣言が発出された例もありました。また, 2019 年 4 月 21 日に発生した同時爆破テロ事件を受け, この事件の実行犯がイスラム教徒であったことから, 事件後にモスクやイスラム教徒の商店等に対する放火・襲撃事件が発生しており, さらなる宗教・コミュニティ間対立の懸念があります。

2 地域別情勢

…

(1) スリランカ全土

…

エ また, 2019 年 4 月 21 日に発生した同時爆破テロ事件を受け, 同事件の実行犯がイスラム過激派組織の思想の影響を受けた者であったとの見方が有力であることから, 事件後にモスクやイスラム教徒の商店等に対する放火・襲撃事件が発生し

ており、さらなる宗教・コミュニティ間対立の懸念がありますので、最新情報の収集に努めてください。

(2) 北西部州

2019 年 4 月 21 日に発生した同時爆破テロ事件後の 5 月中旬、特にこの地域を中心に宗教・コミュニティ間の対立に起因する暴動等が発生しました。この地域のモスク、仏教寺院、教会等に近づく際には十分注意してください。

(3) 北部州（国道 A 9 号線から東のムライティブ県内）

政府軍とタミル人反政府組織「タミル・イーラム解放の虎」(LTTE)との紛争が終結して以降、治安情勢は大幅に改善されてきました。

...

(4) 北部州（上記以外）、東部州及び北中央州

ア 2019 年 4 月 21 日の同時爆破テロ事件の際には、東部州バティカロア県プリヤンティヴ村（シオン教会）においても爆破テロ事件が発生しています。

...

ウ また、これらの地域では、軍や警察による道路封鎖や検問が行われている場合があります。ジャフナ地方では AVA と呼ばれる主に若者のギャンググループがひったくりや強盗などを敢行していますので、安全な滞在先、移動手段を選択するようにしてください。

イ ●DFAT「[出身国情報報告 スリランカ](#)」(2018 年 5 月 23 日)

2.33 Crime rates across Sri Lanka vary but are highest in Colombo District. The incidence of homicide has fallen sharply in recent years and is now comparable with other South Asian countries. UNODC estimated a murder rate of 2.9 per 100,000 in 2013. DFAT is aware of increased reports of gender-based violence in the north and east in recent years (see Conditions for women in the north and east).

2.34 Elections have historically been volatile periods in Sri Lanka. Violent incidents spiked in the weeks preceding the 2015 parliamentary elections, but reports of political violence have declined since the 2015 election. Independent election monitors recorded fewer violent incidents in the February 2018 local government elections, compared to previous elections.

4.3 ...In May 2016, police arrested former Senior Deputy Inspector-General of Police, Anura Senanayake, and Inspector Sumith Perera for allegedly concealing evidence relating to the 2010 murder of rugby player Wasim Thajudeen, which some observers suspect was ordered by members of Mahinda Rajapaksa's Government. In 2017, Senanayake and Perera were granted bail. In October 2016, a magistrate court ruled that the 2013 killing of three protesters demanding clean drinking water in Rathupaswala (Western Province) was a

crime. Three army personnel were remanded in custody in connection to this incident. In December 2016, the courts acquitted five of the six persons (including three former naval officers) accused of the 2006 killing of TNA parliamentarian and human rights advocate Nadaraja Raviraj.

4.4 In 2015, five police officers, including a Deputy Inspector General, Vaas Gunawardena, were charged with the 2013 murder of a wealthy businessman in Gampaha District (Western Province). The murder was allegedly carried out on the orders of a rival businessman. In January 2019, two businessmen, Manjula Asela and Rasheen Chinthaka, were reportedly abducted and killed by local police in Galle (Southern Province). Four police officers, including the officer-in-charge of the Southern Province Special Investigations Unit, were arrested in relation to the matter. A motive for the killings is not known. Investigations were ongoing at the time of publication.

(2) 治安当局による犯罪の取り締まり

ア ●米国国務省「[人権状況報告 2018 年 - スリランカ](#)」(2019 年 3 月 13 日)

ROLE OF THE POLICE AND SECURITY APPARATUS

...

In March widespread anti-Muslim violence erupted in the central Buddhist region of Kandy District, resulting in hundreds of Muslim homes, business, and mosques being destroyed or damaged, in addition to the deaths of four individuals and the injury of 28 others. Observers and victims of the violence reported some members of the police and Special Task Force either took no action to quell the violence or actively participated.

イ 在スリランカ日本国大使館「[スリランカ情勢 \(2018 年 10 月\)](#)」(2018 年 11 月 19 日)

(7) AAVA メンバーの逮捕

9 日, ジャフナ警察は北部州で活動を展開している犯罪組織 AAVA や暴力団活動に関与する嫌疑者を逮捕する特別捜査を実施。約 300 名の警察が配置され, 3 名を逮捕。(10 日付デイリーニュース紙)

7. 兵役、強制徴集 (非国家主体の)

ア ●CIA「[World Factbook -Sri Lanka](#)」(2020 年 2 月 17 日閲覧)

Military service age and obligation:

18-22 years of age for voluntary military service; no conscription (2019)

8. 司法制度・刑事手続

ア ●米国国務省「[人権状況報告 2018 年 - スリランカ](#)」(2019 年 3 月 13 日)

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

…Police reportedly tortured and sexually abused citizens, often to extract confessions for alleged crimes. The Prevention of Terrorism Act (PTA) allows courts to admit as evidence any statements made by the accused at any time and provides no exception for confessions extracted by torture. In February 2017 the government announced it suspended making arrests under the PTA due to widespread concerns about several of its provisions; however, the government made at least four arrests under the PTA during the year. An estimated 70 to 130 individuals remained in detention from prior PTA arrests.

9. 警察および治安部隊による人権侵害（刑務所等の状況含む）

ア ●英国内務省「[Report of a Home Office fact-finding mission to Sri Lanka](#)」 v (2020 年 1 月)

So-called ‘White Van’ abductions have not occurred in recent years, and whilst beatings and mistreatment is alleged to occur in police detention contacts felt that this is not to the same brutality as the past. Where someone is arrested under the Prevention of Terrorism Act (PTA) the authorities are required to notify the Human Rights Commission. The families of those arrested should be issued with an arrest receipt stating the reason for arrest and the details of the officer and police station.

イ ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

4.8 Systematic abductions using white vans, often leading to enforced disappearances, occurred during the war and in the period after. The term ‘white van abductions’ describes instances where individuals were abducted by unknown perpetrators in unmarked vehicles and were mostly never seen again. DFAT assesses that reports of a small number of abductions involving white vans in 2016 and 2017 likely referred to incidents where police did not follow protocol during arrest. DFAT understands that such disappearances are no longer common.

ウ ●米国国務省「[人権状況報告 2018 年 - スリランカ](#)」(2019 年 3 月 13 日)

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

…

The Human Rights Commission of Sri Lanka (HRCSL) reported that torture committed

by police forces was routine and continued throughout the country, and that it received 193 allegations of physical and mental torture by state actors as of June. It stated that many reports of torture referred to police officers allegedly “roughing up” suspects to extract a confession or otherwise elicit evidence to use against the accused.

Interviews by human rights organizations found that torture by police remained endemic throughout the country. As in previous years, suspects arrested under the PTA since the civil war ended in 2009 gave accounts of torture and mistreatment, forced confessions, and denial of basic rights such as access to lawyers or family members. Some released former combatants reported torture or mistreatment, including sexual abuse by state officials while in rehabilitation centers and after their release. Excessive use of force against civilians by police and security officials also remained a concern.

There were also reports of sexual abuse committed by government and security sector officials against wives who came forward seeking information about their missing husbands or against war widows who attempted to claim government benefits based on their deceased husbands’ military service.

Prison and Detention Center Conditions

Prison conditions were poor due to old infrastructure, overcrowding, and a shortage of sanitary facilities.

...

10. 報道の自由

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019年11月4日)

3.112 The constitution guarantees freedom of speech and expression. Sri Lanka ranked 126th out of 180 countries in Reporters Without Borders’ Press Freedom Index for 2019, up five places from a year earlier. In 2015, Sri Lanka ranked 165th. Formal censorship of national security and defence reporting was relaxed after the end of the war. Internet freedom has improved with the removal of blocks on many websites, although in November 2017 the Telecommunications Regulatory Authority restricted access to a diaspora website critical of President Sirisena (the website remained blocked throughout 2018). There are unverified reports that other websites have also been blocked. Social media platforms Facebook, WhatsApp, Instagram and Viber were temporarily suspended across Sri Lanka immediately following the Easter Sunday attacks in April 2019, and again in May, during associated inter-communal unrest, to prevent the spread of misinformation. Some social media platforms were likewise temporarily blocked or limited following communal unrest in March 2018, to restrict the spread of hate speech (see Muslims). On 6 June 2019, cabinet approved a proposal to criminalise fake news

dissemination that hinders communal harmony or state security.

3.113 Since the change of government in 2015, internet bloggers have operated freely in Sri Lanka. Bloggers, particularly those engaged on sensitive issues associated with the war, may be monitored by the authorities, but are not the subject of physical violence. DFAT is not aware of recent instances of bloggers who are critical of the government or the military being targeted because of their views.

3.114 DFAT understands some journalists faced threats and intimidation by Rajapaksa-aligned elements in 2018...

3.115 On 1 April 2019, a local writer and poet, Shakthika Sathkumara, was charged under the Penal Code and the International Covenant on Civil and Political Rights Act (2007) for inciting racial hatred. The arrest followed the publication by Sathkumara of a short story on homosexuality and child abuse at a Buddhist temple...

イ ●米国国務省「[人権状況報告 2018 年 - スリランカ](#)」(2019 年 3 月 13 日)

Press and Media Freedom: Independent media were active and expressed a wide variety of views. Journalists in the Tamil-majority north, however, reported harassment, intimidation, and interference from the security sector when reporting on sensitive issues related to the civil war or its aftermath. They reported the military contacted them to request copies of photographs, lists of attendees at events, and names of sources from articles. They also reported the military directly requested that journalists refrain from reporting on sensitive events, such as Tamil war memorials or land occupation protests, and that they feared repercussions if they did not cooperate.

In October, after former President Mahinda Rajapaksa was appointed prime minister in a move challenged in court as unconstitutional, some of Rajapaksa's supporters took control of state media outlets. The International Federation of Journalists reported serious concern about harassment of journalists at state media institutions, and in some cases mobs loyal to Rajapaksa entered facilities and threatened employees and forced them to leave the premises. In another case the bodyguard of a minister loyal to ousted Prime Minister Ranil Wickremesinghe opened fire into a crowd of protesters outside a state media outlet, killing a Rajapaksa supporter.

ウ ●英国内務省「[国別政策及び情報ノート スリランカ：ジャーナリスト・報道関係者・人権活動家、第 3.0 版](#)」refworld (2017 年 7 月)

2.2.4 The law allows for freedom of speech, expression, association and peaceful assembly and these are generally respected under the current government. However, these legal rights are in some respects limited by other laws and regulations in place, such as the 1979 Prevention of Terrorism Act, which contains broad restrictions, such as a prohibition

on bringing the government into contempt (see Legal rights).

2.2.5 The level of censorship has relaxed since the end of the conflict in 2009. Journalists are free to criticise the government, although some believe they continue to be monitored by the authorities and/or practice self-censorship. The number of verbal and physical attacks on journalists is reported to have significantly reduced although a few isolated incidents continue to be reported. The current government has pledged to investigate journalists killed or disappeared during the conflict (see Censorship and Journalists).

2.2.6 Furthermore, under the Sirisena government, internet freedom has significantly improved and there are no reports of the authorities monitoring online activity (see Internet access, content and blocking). Therefore a person is unlikely to be at risk from speaking freely online.

2.2.7 Members of the media, human rights activists and civil society are able to operate freely but there have been some reports of harassment and monitoring by security forces against those participating in protests or demonstrations, particularly student or civil society activists (see Civil society/human rights activists).

11. 宗教の自由

(1) 宗教の自由に関する法制度的な枠組み及び当局による取扱い

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019年11月4日)

3.22 The constitution provides for freedom of religion, including the freedom to change religion. The constitution also provides for freedom of public and private worship. However, Article 9 of the Constitution grants Buddhism a ‘foremost place’ and obligates the state to ‘protect and foster’ Buddhism while protecting the rights of religious minorities. In 2003, the Supreme Court ruled that the state was constitutionally required to protect only Buddhism. The constitutional reform process has included discussion on amending Article 9, although DFAT assesses that any attempt to remove Buddhism’s special constitutional status would be politically controversial, meet significant pushback from the Sinhalese community and likely fail. Acts intended to insult religion are punishable by a fine and/or a maximum of one-year imprisonment. This is applicable to all religions, not just Buddhism. Attacking places of worship or religious objects is punishable with a fine and/or a maximum of two years’ imprisonment. Similarly, this applies to all religions.

...

3.24 The former Rajapaksa Government sanctioned religious discrimination, including by supporting the extremist Buddhist group Bodu Bala Sena (BBS, Buddhist Power Force in English), and has continued to do so in opposition. In 2013, then-Defence Secretary Gotabaya Rajapaksa was the keynote speaker at the inauguration of a BBS academy in Galle. Incidents targeting religious minorities were reported throughout 2018 and 2019....

イ ●英国内務省「[国別政策及び情報ノート スリランカ：宗教的マイノリティ集団、第 1.0 版](#)」（2018 年 3 月）

2.2.3 There are some restrictions on freedom of belief and incidents of discrimination and harassment against religious minorities. However, religious minorities participate in political life and are represented in Government (see State treatment).

2.2.4 Incidents of intimidation and violence against religious minorities by state officials do occur, although are rare (see Overview of recent incidents against religious minorities and State treatment).

(2) イスラム教徒

① 2019 年 4 月の爆弾テロ事件後の状況

ア 外務省海外安全ホームページ「[スリランカの危険情報\(危険レベル引き下げ\)](#)」（2019 年 6 月 25 日）

(1) スリランカ全土

...

エ また、2019 年 4 月 21 日に発生した同時爆破テロ事件を受け、同事件の実行犯がイスラム過激派組織の思想の影響を受けた者であったとの見方が有力であることから、事件後にモスクやイスラム教徒の商店等に対する放火・襲撃事件が発生しており、さらなる宗教・コミュニティ間対立の懸念がありますので、最新情報の収集に努めてください。

(2) 北西部州

2019 年 4 月 21 日に発生した同時爆破テロ事件後の 5 月中旬、特にこの地域を中心に宗教・コミュニティ間の対立に起因する暴動等が発生しました。この地域のモスク、仏教寺院、教会等に近づく際には十分注意してください。

イ ●HRW「[ワールドレポート 2020 - スリランカ](#)」（2020 年 1 月 14 日）

In the aftermath of the Easter Sunday bombings, [anti-Muslim mobs](#) killed one person and caused extensive damage to homes and businesses. About 1,100 Muslim [refugees](#) and asylum seekers, including members of the persecuted Ahmadiyya religious community from Pakistan, were subjected to harassment and threats, forcing them to take shelter in crowded and unsanitary temporary refuges.

In May, President Sirisena pardoned [Gnanasara Thero](#), a prominent monk and leader of a militant anti-Muslim organization, who was serving a jail sentence for contempt of court.

ウ ●DFAT「[出身国情報報告 スリランカ](#)」（2019 年 11 月 4 日）

Easter Sunday terrorist attacks and aftermath of anti-Muslim violence

3.31 Anti-Muslim sentiment in Sri Lanka has increased following the 2019 Easter Sunday terrorist attacks. DFAT is aware of reports of Muslims being subjected to discrimination on the basis of their religion since 21 April 2019, including within the context of Emergency Regulations promulgated following the attacks. Under these regulations, clothing that covered the face and prevented identification was banned in public places. While it did not refer explicitly to Muslim female garb such as the burqa and niqab (which cover the face), the ban was interpreted as a clear reference to this type of dress. Following reports that some shops, hospitals, courts and universities were banning women wearing the hijab from entering their premises, on 13 May the government issued a gazette clarifying that the ban did not extend to the hijab (which does not obscure the face). The Emergency Regulations lapsed on 22 August 2019. Though there are no longer legal restrictions on face coverings, there have been reports of women wearing the niqab continuing to be detained by the authorities.

3.32 Local sources told DFAT that, since the attacks, Muslim shop owners, stallholders, mobile vendors and daily labourers in the Eastern Province have been obstructed from carrying out their daily business, leaflets have been distributed promoting boycotts of Muslim businesses, and some Muslims have been denied access to shops and transport. DFAT has also heard anecdotally that some Muslim men in the north and east have been refused night travel passes, which has prevented them from fishing. On 24 May, Dr. Mohamed Shafi, a Muslim doctor in Kurunegala (North Western Province), was detained on allegations he sterilised thousands of Sinhalese women without their consent. The arrest followed a front-page story in a nationalist newspaper claiming an unidentified doctor had sterilised 4,000 women after performing caesarian sections. Dr Shafi was released on bail on 25 July after police found no substantial evidence against him.

...

3.35 The Muslim community has been the subject of reprisal attacks, including physical assault and property damage, since 21 April 2019. Known reprisals have occurred in the Western (Negombo, Gampaha, Kalutara), North Western (Puttalam, Chilaw, Kurunegala) and Northern (Mannar) provinces. In the most serious incident, on 12-13 May, scores of Muslim-owned businesses, mosques, houses and vehicles were targeted by Sinhalese mobs in several towns and cities across North Western Province, including Chilaw, Puttalam and Kurunegala. Many properties were torched and destroyed or badly damaged (450 in Kurunegala District alone, according to local contacts). One Muslim businessman was killed. The government declared a countrywide curfew and blocked social media in response to the unrest, to prevent the circulation of videos and posts inciting violence against Muslims. More than 100 people were arrested in connection with the violence, including high-profile Sinhalese Buddhist nationalist Amith Weerasinghe...

エ ●HRW [「Sri Lanka: Muslims Face Threats, Attacks - Authorities Should Act Against Incitement by Buddhist Nationalists」](#) (2019 年 7 月 3 日)

Since the Easter Sunday bombings in April 2019 that killed over 250 people, which was claimed by Islamist militants, Sri Lankan Muslims have faced an upsurge in violations of their basic rights and assaults and other abuses from Buddhist nationalists. Sri Lankan officials and politicians should stop endorsing, ignoring, or exploiting hate speech and mob violence directed at Muslims by members of the Buddhist clergy and other powerful figures.

...

Since the bombings, the authorities have arbitrarily arrested and detained hundreds of people under counterterrorism and emergency laws. According to lawyers and activists, the vast majority of arrests are under the Prevention of Terrorism Act (PTA), a long-abused law that the government pledged to the United Nations Human Rights Council to repeal. Lawyers said their clients had often been arrested without any credible evidence of terrorist involvement, for reasons including having the Quran or other Arabic literature in their possession during searches.

② 2019 年 4 月の爆弾テロ事件前の状況

ア ●英国内務省 [「国別政策及び情報ノート スリランカ：宗教的マイノリティ集団、第 1.0 版」](#) (2018 年 3 月)

2.2.7 Most violence against religious minorities is perpetrated by hardline Sinhalese Buddhist nationalist groups, but they represent a minority of Buddhists and in general there is peaceful coexistence between religions. Large-scale violence occasionally flares up, most recently in March 2018. However, this was the first such reported incident targeting a religious group since the Aluthgama riots of June 2014, when groups apparently inspired by Bodu Bala Sena, a Sinhalese Buddhist nationalist group, attacked Muslim homes and properties, killing four and injuring 80 people (see Non-state and societal treatment).

...

7.2.3 The MRGI report commented that Muslims

‘...continue to face a climate of fear and hostility that is actively orchestrated by Buddhist nationalist outfits, including more recent movements such as Sinha Le which was very active during the early months of 2016. The incidents illustrate the daily reality of propaganda targeting the Muslim community as a whole, as well as frequent hate speech, threats, and intimidation...

‘Since 2012, Buddhist nationalists have become increasingly active in their dissemination of anti-Muslim propaganda through a range of public platforms, including social media. This wave of Buddhist nationalism was impelled by groups such as the BBS, Sinhala Ravaya, Ravana Balaya and others.’ 55

...

7.4.3 This incident was also described by the UN Special Rapporteur on minority issues, in a report dated January 2017:

‘Many expressed grave concern about Sinhala-Buddhist nationalism and extremism, which gained particular force under the previous Government. Groups such as the Bodu Bala Sena (Buddhist Power Force) incited violence and hatred against religious and other minorities while proclaiming the racial superiority of Sinhala Buddhists...The most notable of such incidents [of violence] was the Aluthgama riots in June 2014 when mobs were said to have been mobilized by the Bodu Bala Sena to attack Muslim homes and properties following a minor traffic incident, leaving 4 Muslims dead and 80 injured. For more than six days, more than 6,000 people were reportedly trapped and left to starve in mosques.’⁶⁹

...

7.4.7 In early March 2018, there was a large-scale outbreak of violence against Muslim communities in Kandy district⁷⁵. See: Incidents against Muslims

(3) キリスト教徒

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019年11月4日)

Christians

...

3.43 The National Christian Evangelical Alliance of Sri Lanka (NCEASL) documented 88 incidents of violence and intimidation against Christians in 2018, 19 of which involved acts of violence. The NCEASL documented 96 such incidents in 2017, 90 in 2016 and 89 in 2015. These primarily involved intimidation, including physical and verbal threats against pastors and their congregations and disruption of worship services, demands for closure of churches and legal challenges. In some cases, local officials requested evangelical Christian churches register as places of worship, although no law or regulation requires registration. Buddhists were the perpetrators of most of the reported incidents, followed by Hindus and, to a lesser extent, Catholics against other Christian denominations. Prior to 2019, there were no reported incidents of violence or visible hostility against Christians perpetrated by Muslims. DFAT is aware of reports of Hindu and Buddhist mobs preventing Christians from burying their dead in public cemeteries in the North Central and Eastern provinces in recent years.

...

イ ●英国内務省「[国別政策及び情報ノート スリランカ：宗教的マイノリティ集団、第1.0版](#)」(2018年3月)

2.2.6 There is some societal discrimination and harassment, particularly against

Evangelical Christians, but there are very few such incidents (see Non-state and societal treatment).

...

7.4.1 Freedom House stated that religious minorities face ‘occasional violence’ and that: ‘Tensions between the Buddhist majority and the Christian and Muslim minorities—particularly evangelical Christian groups, which are accused of forced conversions—sporadically flare into attacks by Buddhist extremists.’⁶⁶ The Amnesty International 2016/17 report stated: ‘Christians and Muslims reported incidents of...physical violence by members of the public and supporters of hardline Sinhala Buddhist political groups.’⁶⁷

(4) 国家保護

ア ●英国内務省「[国別政策及び情報ノート スリランカ：宗教的マイノリティ集団、第 1.0 版](#)」（2018 年 3 月）

2.3.3 Although the state appears able to offer protection and there is evidence that in some cases the police have responded to the mistreatment of religious minorities, such as by arresting Buddhist militants for threatening violence against Muslims, there is also evidence of police and judicial inaction and a failure to properly investigate abuses against, and deliver justice for, religious minorities (see Protection).

...

8.1.3 The BBC reported that, on 6 March 2018, the government imposed a state of emergency in response to an outbreak of violence against Muslim communities (the first state of emergency for seven years, before which the country was under the measure for almost 30 years because of the war with the LTTE). The police arrested almost 300 people, including a hardline Buddhist organisation leader, and deployed hundreds of troops to Kandy. The government lifted the state of emergency and the ban on social media websites on 18 March⁸¹.

8.2 Police and judicial inaction

8.2.1 The Amnesty International 2016/17 report noted: ‘Police failed to take action against attackers or in some cases blamed religious minorities for inciting opponents.’⁸²

8.2.2 The USSD 2016 international religious freedom report stated: ‘According to the National Christian Evangelical Alliance of Sri Lanka, in multiple instances police reportedly failed to respond to, or were reluctant to arrest or pursue, criminal cases against individuals instigating attacks on religious minority sites. Legal experts with experience representing minorities with discrimination claims also noted the prosecution of perpetrators was rare.’

83

...

12. 国籍、民族および人種

(1) タミル人

ア ●DFAT「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

3.5 Tamils are the second largest ethnic group in Sri Lanka (15.3 per cent of the population). According to the most recent census, the Tamil population was 3.1 million in 2012, compared to 2.7 million in 1981. Tamils live throughout Sri Lanka but are concentrated in the Northern and Eastern provinces; according to the 2012 census, Tamils comprise 93.8 per cent of the population in the Northern Province and 39.2 per cent of the population in the Eastern Province. Tamils account for 6.8 per cent of the population in the Western Province. Tamils of Indian origin have a large presence in the Central, Sabaragamuwa and Uva provinces.

3.6 Tamils have a substantial level of political influence, and their inclusion in political dialogue has increased since the change of government in 2015. Tamil political parties are numerous, with the largest coalition of parties operating under the umbrella of the TNA. The TMVP and the EPDP are also active politically. The TNA's vote share dropped with a noticeable swing towards more hardline Tamil groups in the last local government elections (February 2018). Tamils faced less harassment during the 2015 presidential and parliamentary elections than in the 2010 elections. DFAT understands Tamils do not receive unwarranted attention from authorities because of their political involvement, including with the TNA. DFAT assesses there are no barriers to Tamil political participation.

3.7 Some members of the Tamil community report discrimination in employment, particularly in relation to government jobs. Even the Tamil-dominated north and east have relatively few Tamil public servants. Despite government incentives, the number of Tamil-speaking police officers and military personnel in the north and east remains small, and monolingual Tamil speakers can have difficulty communicating with authorities.

13. 出入国および移動の自由

(1) 出国手続等

ア 英国内務省「[出身国情報報告 スリランカ 2012 年 3 月 7 日版 \(仮訳\)](#)」(2012 年 3 月 7 日)

25.17 USSD 報告 506 によると政府は市民が法律を破ったと告発されていない限り、亡命として国外へ退去することを認めている。…

…

25.21 2012 年 1 月 5 日付 BHC 書簡 510 による続報；

入出国管理局(DIE)は裁判所が容疑者のパスポートを没収する決定がなされた時あるいは逮捕状が発行された時にのみ通知される。そのような人の詳細は彼らの

データベースの警報や指名手配リストに表示される。入出国管理官がそのような事実気づくことを確実にする他のメカニズムはない。これらの裁判所の権限を除き、入出国管理官には当人を搭乗させない法的な権限はない。まれで特別な他の方法では国家情報局(SIS)が入出国管理官にテロリスト活動をしている人や指名手配リストに載っている人を知らせることができる。やはり、容疑者の詳細は DIE のデータベースに表示される。裁判所の制裁なくして入出国管理官は当人がスリランカへ入国する権利を満たしている限り拘束する権限を有しない。国家情報局(SIS)は入出国管理の搭乗管理エリアの隣に事務所を持っており、DIE 職員は必要であれば乗客を彼らに照会することができる。

...

25.32 FCO の 2009 年 10 月報告 519 では特定の要素が空港での個人の取り扱われ方に影響を与えるかについても報告した。特に報告書は以下の記録を残している。:

バンダラナイケ国際空港警察の犯罪捜査局(CID)の監督者は、ある人が LTTE と関連があると疑われる場合には、SIS はその人たちをテロ捜査局(TID)へ引き渡すと語った。時には彼らはコロombo 捜査局本部 (Colombo Detection Bureau Headquarters) または CID へ照会される。そのような場合には 90 日間の拘留命令が発行される。

国家情報局の高官はある人に未解決の逮捕状が発行されている場合には、その人は逮捕されると語った。当人に以前の犯罪記録がある場合には、それは面談で当人が話す内容次第である。SIS は地域警察とともにその人物がどこから来たかをチェックし、手配されている場合にはその人物は拘束され、そうではない場合には解放される。

バンダラナイケ国際空港警察の犯罪捜査局(CID)の監督者は、チェックはその人物手配されているかに関して実施されると語った。もし手配されている場合には当人は逮捕され、ネゴンボ(Negombo)の治安判事(Magistrate Court)の前に引き出される。政策代替案センター(CPA)の代表はそのような人物は確実に足止めさせられると語った。

...

(2) 入国手続等

ア ●DFAT 「[出身国情報報告 スリランカ](#)」(2019 年 11 月 4 日)

Exit and Entry Procedures

5.31 The constitution entitles any Sri Lankan citizen ‘the freedom to return to Sri Lanka’. The Immigrants and Emigrants Act (1948) (the I&E Act) governs exit and entry from Sri Lanka. Sections 34 and 35 (a) of the I&E Act make it an offence, respectively, to depart Sri Lanka other than via an approved port of departure, such as a seaport or airport, and without a valid passport. Penalties for leaving Sri Lanka illegally can include imprisonment of up to

five years and a fine....

...

5.33 For returnees travelling on temporary travel documents, police undertake an investigative process to confirm identity. This would identify someone trying to conceal a criminal or terrorist background, or trying to avoid court orders or arrest warrants. This often involves interviewing the returning passenger, contacting police in their claimed hometown, contacting claimed neighbours and family, and checking criminal and court records. All returnees are subject to these standard procedures, regardless of ethnicity and religion. DFAT understands detainees are not subject to mistreatment during processing at the airport.

Offences under the Immigrants and Emigrants Act (I&E Act)

5.34 Most Sri Lankan returnees, including those from Australia, are questioned (usually at the airport) upon return and, where an illegal departure from Sri Lanka is suspected, they can be charged under the I&E Act. DFAT understands the Police Airport Criminal Investigations Unit at Bandaranaike International Airport makes most arrests. In the process, police will take photographs, fingerprints and statements from returnees, and further enquire about activities while abroad if returnees are suspected to be former LTTE members. At the earliest available opportunity after investigations are completed, police transport individuals charged with departing Sri Lanka illegally to the closest Magistrate's Court, after which custody and responsibility for the individual shifts to the courts or prison services. ...

...

5.39 DFAT assesses that the Sri Lankan authorities differentiate between fare-paying passengers and the facilitators or organisers of irregular migration. The authorities are more likely to pursue those suspected of being facilitators or organisers of people smuggling ventures (generally those individuals who arranged the finances for a people smuggling venture and recruited the crew, and the crew themselves) than fare-paying passengers. Unlike facilitators or organisers, fare-paying passengers are usually released on bail and generally receive only a fine for breaking the I&E Act.

イ (事例) 英国上級審判所 [「GJ and Others \(post-civil war: returnees\) Sri Lanka CG \[2013\] UKUT 00319 \(IAC\)」](#) refworld (2013 年 7 月 3 日)

(6) There are no detention facilities at the airport. Only those whose names appear on a stop list will be detained from the airport. Any risk for those in whom the Sri Lankan authorities are or become interested exists not at the airport, but after arrival in their home area, where their arrival will be verified by the CID or police within a few days, see paragraph 356 (6).

...

(d) A person whose name appears on a computerised —stop list accessible at the airport, comprising a list of those against whom there is an extant court order or arrest warrant. Individuals whose name appears on a stop list will be stopped at the airport and handed over

to the appropriate Sri Lankan authorities, in pursuance of such order or warrant, see paragraph 356- 7(d).

...

(9) The authorities maintain a computerised intelligence-led watch list. A person whose name appears on a watch list is not reasonably likely to be detained at the airport but will be monitored by the security services after his or her return. If that monitoring does not indicate that such a person is a Tamil activist working to destabilise the unitary Sri Lankan state or revive the internal armed conflict, the individual in question is not, in general, reaso

(3) 移動の自由

ア 英国内務省「[出身国情報報告 スリランカ 2012年3月7日版\(仮訳\)](#)」(2012年3月7日)

25.32 ...

IOM 代表は ID カードを所持しない人は内陸部へ移動するのに障害に遭遇すると語った。国民身分証明カード(NIC)が唯一の身分証明書類であるが、彼らは警備チェックを受ける。緊急渡航書類は利用できるが最大 3 か月しか有効ではなく、その場合 NIC へ申請を出さなければならない。もし彼らがジャフナ、キリノッチ、マナー、ムライティブ、バブーニャ出身の場合は彼らはグラマセベカ (GramaSeveka)(地域役人)の許可を受ける必要があり、コロンボの NIC へ申請することができないので問題を生ずる。

14. その他

略語

AI	アムネスティ・インターナショナル
CIA	米国中央情報局
DFAT	オーストラリア外務貿易省
EASO	欧州難民支援局
HRW	ヒューマン・ライツ・ウォッチ
IRBC	カナダ移民難民局
Landinfo	ノルウェー政府出身国情報センター
UNHCR	国連難民高等弁務官事務所
USCIRF	米国連邦政府国際宗教自由に関する委員会