

4<sup>th</sup> April 2020

H.E. Gotabaya Rajapaksa, President of the Democratic, Socialist Republic of Sri Lanka

CC: Hon. Pavithra Waniarachchi, Minister of Health

Dr. Anil Jasinghe, Director General Health Services

Dr. Sudath Samaraweera, Chief Epidemiologist, Epidemiology Unit

Dr. Hasitha Attanayake, Director, Infectious Diseases Hospital

Dr. Ajith Tennakoon, Chief Judicial Medical Officer

Dr. Deepika Udagama, Chairperson, Human Rights Commission of Sri Lanka

Dr. Razia Pendse, WHO Representative to Sri Lanka.

Your Excellency,

**Disposal of bodies of deceased persons who were infected with and suspected of being infected with COVID-19**

We write to you as the person leading Sri Lanka's effort to prevent and deal with COVID-19.

We, at the outset, would like to express our gratitude to the public officials in Sri Lanka for their contribution towards preventing and dealing with COVID-19, particularly the untiring and selfless service of health sector workers.

We write with regard to the disposal of bodies of persons who died due to being infected with, and those that died who are suspected of being infected with COVID-19. We were pleased that the *Ministry of Health Provisional Clinical Practice Guidelines on COVID 19 Suspected and Confirmed Patients* dated 27 March 2020 allowed for burial under certain conditions, and the family of the deceased to view the body at a designated place at the hospital. We were however concerned to learn that an individual of the Muslim faith who died due to COVID-19 was cremated on 30 March 2020 in contravention of the said Ministry of Health Guidelines and against the wishes of the family.

We note that the *Ministry of Health Provisional Clinical Practice Guidelines on COVID 19 Suspected and Confirmed Patients* were thereafter amended and the new document dated 31 March 2020 as well as the Ministry of Health (MOH) Circular no EPID/400/2019 n-cov issued on 1 April 2020, which reproduces the amended Guidelines, require that all COVID-19 victims be cremated. We also note contradictory media reports on 2 April 2020 that Cabinet Spokesperson Bandula Gunawardena has stated that the government will adhere to WHO Guidelines in

disposing the bodies of those who have died as a result of COVID- 19, as well as the appointment of an expert committee to decide on appropriate and practices to deal with the bodies of those who die due to COVOD-19.

When we face such a grave public health crisis there is a need to ensure that the mental health of our population is also given due attention. In this regard, the disposal of bodies of persons who died during the pandemic requires particular attention. In the Muslim faith it is required that the dead be buried and cremation is not permitted. The possibility of compulsory cremation therefore is a matter of great distress to practicing Muslims. In these times of distress and uncertainty this is an added stressor that may adversely impact the mental health of large numbers in the population.

At present, the religious identity of certain victims has been highlighted due to which, in both mainstream and social media, we have seen outpourings of vitriol, and hate speech against Muslims for their actions or inactions in not preventing or causing the spread of COVID-19. In this context, it is important that the decisions made regarding burial are not perceived as punitive measures against such perceived irresponsibility by infected persons. We must also recognize that there is widespread anti Muslim sentiment prevailing in Sri Lanka and has been for the past several years. The negative stereotypes about Muslims were exacerbated by the terror attacks on Easter Sunday in 2019 carried out by an ISIS inspired group of Muslims. It is important to ensure that decisions regarding matters of public health do not result in the persecution or marginalization of the Muslim population. Within such a context, we note with concern that the revised MOH Guidelines dated 31 March 2020 and the aforementioned MOH Circular disregard Muslim religious sensibilities and requirements, and provide no succor to the already distressed.

In this regard, we urge you to consider the WHO Interim Guidance dated 24 March 2020 on *Infection Prevention and Control for the Safe Management of a Dead Body in the Context of COVID-19*. The Guidance states that ‘cadavers do not transmit disease’ and that ‘It is a common myth that persons who have died of a communicable disease should be cremated, but this is not true. Cremation is a matter of cultural choice and available resources’. The Guidance further advises the authorities to ‘manage each situation on a case-by-case basis, balancing the rights of the family, the need to investigate the cause of death, and the risks of exposure to infection’. Where disposal is concerned, the Guidance says that ‘People who have died from COVID-19 can be buried or cremated’. We recognize that the option of burial might not be available in certain instances due to legitimate public health requirements such as the depth of graves. To address these concerns, the state could identify suitable burial grounds that meet WHO standards in all districts and request the particular community religious authorities to prepare themselves to adhere to those standards.

In seeking to ensure the well-being of all Sri Lankans at this difficult time, we highlight the need to also ensure dignity in death. In addition to the issue of Muslim

and perhaps Christian burials, we have witnessed that the media is permitted to cover the cremation of those who died from COVID-19 without any consideration of the wishes of the bereaved families. While preserving the health of our population must be paramount, it must not be at the cost of our common humanity and the dignity of our dead. WHO guidelines state that, 'The dignity of the dead, their cultural and religious traditions, and their families should be respected and protected throughout'.

Moreover, to encourage persons to report possible exposure and seek medical advice and help, we highlight the need to not stigmatize patients or criminalize them in any way, which will only lead to persons hiding their symptoms and further infecting others. It is also important to ensure there is public information in all three languages regarding the behavior required under different circumstances as well as regarding the available medical care. The availability of such information will reassure the general population that being infected with COVID-19 is not a death sentence.

We therefore urge you to reconsider the MOH Circular of 1<sup>st</sup> April 2020 and amendments dated 31 March 2020 to the MOH Provisional Clinical Practice Guidelines, and instead follow WHO Guidance on the disposal of bodies. We also call upon your Excellency to address the country's greatly distressed Muslims and put to rest their fears that they are somehow being punished, or that the country has little respect for their concerns.

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87. Jensila Majeed
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90. Mohamed Mahuruf
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93. Juwairia Mohideen
94. Buhari Mohamed
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118. Ahamed Rislán
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120. R. Rasmin
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122. Amna Rifky
123. Thyagi Ruwanpathirana
124. Afrah Sidiqi
125. Vanie Simon
126. Prof. Sivamohan Sumathy, University Of Peradeniya
127. Prof. Gameela Samarasinghe, University Of Colombo.
128. Sampath Samarakoon
129. Rev. Selvanathan Selvan
130. M.N Shamla
131. Shaheed Sangani
132. Ambika Satkunanathan
133. S.Sivathasan
134. Dr. Paikiasothy Saravanamuttu
135. Dr. Seyed Sherifdeen
136. Sharmila Seyyid, Social Worker
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139. Joanne Senn
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**Organisations:**

1. Sisterhood Initiatives
2. National Peace Council
3. Northern Muslim Civil Society
4. INFORM Human Rights Documentation Centre
5. Rural Development Foundation
6. International Institute for Research, Information and Action (IIRIA)
7. Mannar Women's Development Center
8. Women's Action Network
9. Muslim Women Development Trust
10. International Centre for Ethnic Studies (ICES)
11. Centre for Policy Alternative
12. Human Elevation Organization
13. Islamic Women's Association for Research and Empowerment
14. Centre for Justice and Change, Trincomalee
15. Centre for Human Rights and Development
16. Eastern Social Development Foundation
17. Law and Human Rights Center, Jaffna.