

We are deeply alarmed by the ongoing use of excessive force against human right defenders (HRDs) and protesters and restrictive laws to restrict civic space and fundamental freedoms. Further, we are alarmed at continuing judicial persecution, harassment, and intimidation of HRDs, journalists, student protesters and others expressing dissenting opinions against the government. We are also concerned around the government crackdown on protests, the arbitrary detention of activists and violations of the right to freedoms of opinion and expression.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Police Ordinance article 77(1) stipulates a requirement for protesters to seek permission from the local police before holding a protest which is inconsistent with international standards. Failure to notify may result in all organisers, promoters and individuals taking part in a protest being guilty of an offence of unauthorised assembly.

Following President Rajapaksa's election in 2020 there was an increasing crackdown on protests. The administration used states of emergency to legitimise the use of excessive power against protesters. The emergency regulations had a disproportionate impact on the freedoms of peaceful assembly and expression, as full discretion was provided to the police to determine what kind of activities were deemed a public disturbance.

The massive protests calling for the President's resignation in 2022 around the economic crisis was met with increased repression. There were large-scale arrests of protesters and activists for participating in protests, often on fabricated charges. Many protesters were detained without bail following arrests. Police forces also used excessive force against protesters, including the water cannon, teargas and rubber bullets.



FREEDOM OF EXPRESSION

Legislations to combat 'fake news' & maintain public order, including section 120 (Cap 19) of the Penal Code, section 98 of the Police Ordinance and Section 6 of the Computer Crimes Act No. 24/2007, contain overly broad wordings which the authorities have abused to clamp down on criticism of the government and law enforcement, especially during the pandemic.

There was an alarming trend of arbitrary arrests under the pretext of responding to the COVID-19 pandemic. The authorities arrested citizens, activists and students who allegedly criticised government's ineffectiveness in its response to the pandemic.

The authorities also misused the ICCPR Act of 2007 to criminalise dissent. The act criminalises the advocacy of 'national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.

The government also violated the right to access information by implementing disproportionate internet shutdowns on several occasions.



FREEDOM OF ASSOCIATION

There are concerns that the government could tighten the Voluntary Social Service Organisations (VSCO) Act to further regulate CSOs. Despite registration being voluntary, unregistered CSOs face undue restrictions on exercising their right to association.

Authorities conducted discriminatory practices that disproportionately impacted on CSOs, particularly in north and east Sri Lanka, including informal refusals, conducted in verbal form without proper documentation, of CSOs working on politically sensitive issues such as LGBTQI+ rights, disappearances, land rights and transitional justice.

Increasing trend of surveillance and intimidation against CSOs. These take the form of frequent visits to CSOs by security officers from the Criminal Investigation Department (CID), trailing of CSO representatives by police to their private residences and heavy surveillance conducted by plainclothes security forces on CSO premises.

COMMON VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE:



Arbitrarily arrests, detention, harassment and torture



Surveillance and violation of freedom of expression and association



Misuse of the Prevention of Terrorism Act (PTA) to target activists, political opponents and members of the minority Muslim and Tamil communities



Judicial harassment and smear campaigns against dissenting HRDs, politicians and lawyers



Harassment on social media, including with threats of physical violence and sexual abuse.

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Sri Lanka received 9 recommendations relating to the space for civil society (civic space).



All 9 recommendations were not implemented.



RECOMMENDATIONS

- 1 Review and refrain from introducing legislation that restricts the freedom of association, including the proposed amendment of the Voluntary Social Service Organisations Act No. 31/1980 and the Company Act No. 7 2007.
- 2 Provide civil society members, activists, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of offences to justice.
- 3 Immediately revise the Prevention of Terrorism Act to ensure it is consistent with international law and standards. Consult civil society groups on the formulation of new provisions to ensure that they align with international best practice standards.
- 4 Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- 5 Dismantle regulations under the Police Ordinance Article that require protesters to seek permission from local police forces prior to holding a protest.
- 6 Conduct immediate and impartial investigations into all instances of extrajudicial killing and excessive force committed by security forces.

Civic space in Sri Lanka currently rated “**OBSTRUCTED**” by the CIVICUS Monitor