



Freedom of Expression And Association

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Freedom of assembly and association

Sri Lanka received no recommendations directly linked to freedom of assembly and association during the first and second UPR cycle. Sri Lanka ratified the International Covenant on Civil and Political Rights in 1980. It stipulates that the right of peaceful assembly shall be recognized (article 21) and that everyone shall have the right to freedom of association (article 22). Nine recommendations over two cycles related to human rights defenders.

Freedom of opinion and expression

During the first UPR cycle, Sri Lanka accepted two recommendations concerning freedom of opinion and expression; agreeing to adopt effective measures to ensure the full realization of the right to freedom of expression for all persons and effectively investigate allegations of attacks on journalists, media personnel and human rights defenders. In the second cycle, Sri Lanka noted all five recommendations on the topic. These concerned; inviting the Special Rapporteur on freedom of opinion and expression to visit, aligning right to information with international human rights standards, making information on alleged human rights violations public, invite the Special Rapporteur on freedom of opinion, transfer NGO oversight to a civilian institution, refraining from registration of news sites and restricting access to and banning from websites.

Freedom of the press

The two recommendations related to freedom of the press received during the first cycle were accepted. They related to improving safeguards for freedom of the press and effectively investigating allegations of attacks against journalists, media personnel and human rights defenders and prosecute those responsible. During its second review in 2012 the Government noted both recommendations on the theme; to adopt a National Policy on the protection of journalists, prevent attacks on media and investigate such acts.

NATIONAL FRAMEWORK

The Fundamental Rights chapter of Sri Lankan Constitution guarantee Freedom of expression and Freedom of Association.

The present regime re-activated the Sri Lanka Press Council in July 2015 through the provisions of the Press Council Law No. 5 of 1973. This law provides for wide ranging punitive powers including that of imprisoning media personnel through the Press Council, which is appointed by the government.

Right to Information Act, No 12 of 2016 was passed by the new government in 2016, but there is a lack of political will to implement the law. Information Officers are to be appointed to all government institutions under the new law.

The Prevention of Terrorism Act (PTA) and the proposed Counter Terrorism Act contain provisions to curtail freedom of expression. Some journalists have been penalized under the PTA, for publication of certain information.



CHALLENGES	IMPACT
Attacks on journalists	No satisfactory progress against the culprits of cases of murder of Lasantha Wickramatunga and disappearance of Prageeth Ekneligoda. The Navy Commander assaulted in public a journalist during a media coverage at Hambantota. No actions were taken against him.
Threatening whistle-blowers	Minister of Justice Wijedasa Rajapakse publicly threatened to remove Mr. Lakshan Dias Attorney at Law from his profession due to revealing harassments against religious minorities.
Attacks on protests	in October 2015 the Police attacked HNDA (Higher National Diploma in Accountancy) students who engaged in a protest. In December 2016 Navy was deployed to suppress a protest of workers in port of Hambantota. The Students protesting against private universities (such as SAIM) have continuously been attacked.
Police actions against peaceful events	The police obstructed a remembrance event on 18 May 2017. The Police harassed the organizers and took steps to prevent the participants from holding the event.
Provisions of Anti- terrorism laws hinder freedom of expression	Proposed Counter Terrorism Act and the existing Prevention of Terrorism Act pose threat to publication of certain information on pretext of national security, and pose threat on activists being arrested.
Lack of training for Information Officers under Right to Information Act	Many institutions are still reluctant to release information requested by citizens. Information officers are not properly trained, and still follow old practice of keeping information rather than sharing it.
No political will to implement Right to Information Act	The President himself criticized an application for information on his assets and income. Processing of requests is unnecessarily delayed while information could easily be released.

RECOMMENDATIONS

1. Take measures to promote a safe and enabling environment for civil society organisations, journalists and human rights defenders to perform their work independently and without undue interference
2. Expedite investigations against the culprits of offences against journalists and hold perpetrators accountable. Abolish the Prevention of Terrorism Act.
3. Investigate all allegations of attacks against peaceful protestors and hold perpetrators accountable, including police officers.
4. Abolish the Press Council Law No. 5 of 1973.