

SRI LANKA

CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS
TO CIVIC FREEDOMS





INTRODUCTION

Sri Lanka's civic space is rated as ['obstructed'](#) by the CIVICUS Monitor. Following the election of Gotabaya Rajapaksa as President in 2019, there has been a worrying pattern of [increasing restrictions](#) on freedom of expression, assembly and association as well as the targeting of human rights defenders, journalists and critics, often with impunity.

A [report](#) in February 2022 by the UN High Commissioner for Human Rights showed the rights situation in alarming decline. It documented continuing trends toward militarisation and ethno-religious nationalism that "undermine democratic institutions, increase the anxiety of minorities, and impede reconciliation." Additionally, the pattern of surveillance and harassment by security forces of civil society organisations, human rights defenders, journalists and victims, highlighted in previous reports, has also continued, particularly in the north and east.

The situation has further deteriorated since March 2022 in response to [anti-government protests](#) in the country demanding that the President resign, as the country suffers its worst economic crisis in decades. Demonstrators have accused the government of mismanaging the economy and creating a foreign exchange crisis that has led to shortages of essentials like fuel, cooking gas, milk powder and medicine.

While some steps have been taken to appease demonstrators, including commitments to [restore amendments](#) to the Constitution, to curb presidential powers and empower parliament as well as the [resignation](#) of prime minister Mahinda Rajapaksa, serious violations by security forces against protesters have also been documented.

They include the use of state of emergency regulations to [curtail protests](#) and to shut down social media networks. There have also been incidents of excessive and even deadly force by the police against protesters, the arrest of hundreds and allegations of torture or ill-treatment in detention. Journalists have also been targeted while pro-government mobs have also attacked protesters and protest sites with impunity.

As a party to the International Covenant on Civil and Political Rights (ICCPR), the Sri Lankan government has a duty to respect, protect and fulfil fundamental freedoms enshrined under the treaty. This includes the right to freedom of expression and peaceful assembly. Any use of force must be no more than the minimum amount necessary, targeted at specific individuals, and proportionate to the threat posed.

RESTRICTIONS ON PROTESTS, ARBITRARY ARRESTS AND USE OF EXCESSIVE FORCE

On 31st March 2022, hundreds of protesters [marched](#) outside President Gotabaya Rajapaksa's private residence in Mirihana, Nugegoda. According to [human rights groups](#), the police used excessive and unprovoked force against peaceful protesters, bystanders and journalists. The security forces [deployed](#) tear gas, water cannon and rubber bullets, leaving at least 50 people [injured](#). Dozens of protesters were arrested, and some were ill-treated.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Sri Lanka as "**Obstructed**".

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



The authorities justified the use of force by pointing to the [destruction of public property](#), including a bus that was set on fire, and the hurling of bricks. However, the [Sri Lanka Collective Against Torture \(SLCAT\)](#) have raised concerns around allegations that the protest had been infiltrated by individuals that caused the violence, to which law enforcement turned a blind eye. SLCAT also [reported](#) that several of those arrested alleged that they were beaten in police custody and had sustained injuries. They were not provided with medical care for more than 12 hours. Detained persons were also prevented from consulting with lawyers for nearly 24 hours after they were arrested.

On 1st April 2022, a state of emergency was [declared](#) by the president in an effort to quell the protests. It allowed authorities to [arrest and detain](#) suspects without warrants and restrict [fundamental rights](#) such as the freedoms of expression and assembly. Under the state of emergency, the authorities imposed a nationwide 36-hour [curfew](#). The authorities also [shut down](#) social media services, including Facebook, YouTube, Twitter, Instagram and WhatsApp for 15 hours the following day. According to reports, at least 600 individuals were arbitrarily [arrested](#) on 2nd and 3rd April.

On 19th April 2022, [police opened fire](#) on a large group of protesters in Rambukkana, a town located about 100 km northeast of the capital Colombo in Sabaragamuwa Province, after some of them tried to set a vehicle on fire and pelted police with stones. Demonstrators had gathered to protest fuel shortages and rising fuel prices. According to [Amnesty International](#) one individual died from gunshot wounds and 12 others were injured. Video footage of the incident showed the police firing tear gas to disperse the protesters before chasing some of them down narrower roads and firing live ammunition. Authorities revealed that 35 rounds of live ammunition had been fired using four T-56 weapons.

On 5th May 2022, police fired tear gas on students allegedly attempting to storm parliament. According to a [news report](#), protesters led by the Inter University Students' Federation were about to pull down the yellow-painted iron barricades on the main drive leading to the legislature when riot police unleashed a barrage of tear gas. Even as the crowds dispersed, police kept firing tear gas canisters, witnesses said. At least [12 protesters](#) were arrested.

The following day, under the pretext of maintaining law and order, the government [imposed](#) another state of emergency, deployed the military and imposed a nationwide curfew. The [emergency regulations](#) lacked [due process safeguards](#) and gave powers to the President to shut down public processions, restrict access to public spaces and restrict the right to freedom of expression including the right to information, freedom of movement and peaceful assembly. Further, the regulations provided powers to use armed force against anyone who does not comply with orders.

ATTACKS ON JOURNALISTS AND ARREST OF A SOCIAL MEDIA ACTIVIST

During the protest outside the President's private residence on 31st March, it was reported that eight [journalists](#) who were covering the protests were allegedly [assaulted](#) by security forces. According to the Committee to Protect Journalists (CPJ), six journalists were accused of [violating Section 120 of the Penal Code](#), which makes it an offence to "excite feelings of disaffection" against the president or government. If convicted, the journalists could face up to two years in prison.

Thisara Anuruddha Bandara, a youth activist who actively promoted the #GoHomeGota social media campaign to oust the president - used widely during the protest - was [picked up](#) at his home on 1st April 2022 in an [abduction-style arrest](#) by a group of men claiming to be from the police. The next day he was found at the Modara police station, around 130 km away from his home. He was then charged with allegedly "exciting feelings of disaffection" against the president under Section 120 of the Penal Code and was [granted](#) bail.

On 5th May 2022 a spokesperson for the Office of the United Nations High Commissioner for Human Rights, [said](#) her office was "concerned that such measures are aimed at preventing or discouraging people from legitimately expressing their grievances through peaceful protests, and that they frustrate the exchange of



views on matters of public interest”.

ATTACKS ON PROTESTERS AND PROTEST SITE BY PRO-GOVERNMENT MOBS

On 9th May 2022, protesters peacefully demonstrating in front of the Presidential Secretariat for over a month were assaulted by pro-government supporters. According to the Centre for Policy Alternatives (CPA), the attack occurred after they were [incited to violence](#) by top party leaders at Temple Trees, the Prime Minister’s official residence in Colombo.

After demolishing the tents and assaulting the people gathered there, the thugs proceeded to Galle Face to a protest site known as “GotaGoGama” (“Gota Go Village” in Sinhala) - a small village providing food, toilets and free emergency medical services for the protesters occupying the space. The pro-government mobs [destroyed](#) the tents at “GotaGoGama” including the medical tent and the library. Television channels live streamed graphic footage of the destruction and the brutal attacks on unarmed people by thugs carrying metal poles, as well as the destruction of property. Several people were hospitalised.

The police were largely bystanders to the violence, doing little to effectively protect the peaceful protesters and their protest site. Water cannon and tear gas were only [used](#) against the mob after they had attacked peaceful protesters and set fire to tents, memorials and other structures set up at the protest site.

CULTURE OF IMPUNITY

The violations against protesters are part of a broader trend of attacks on civic space under the Rajapaksa administration that civil society has [documented](#) in recent years. There have been systematic attempts by the authorities to prevent or disrupt protests and arrest peaceful protesters including workers, students and farmers, and in the north and east against Tamil war victims’ families and civil society organisations.

The notorious Prevention of Terrorism Act (PTA) has been used continuously to enable arbitrary detention, despite calls from [UN experts](#) and [government commitments](#) made to review the Act. Journalists and critics have also been targeted by the government to stifle dissent and [threats and harassment](#) against families of the disappeared have persisted.

The government has also obstructed and even aggressively attacked efforts to hold officials to account for conflict-era crimes under international law. Despite multiple pledges from successive governments to investigate the abuses through domestic mechanisms, no one has been held accountable. The UN High Commissioner [noted](#) in her February 2022 report that the current government “has continued to demonstrate its unwillingness to recognise those serious international crimes and pursue accountability”.



RECOMMENDATIONS

The following are recommendations to the Sri Lankan government:

- Respect the rights to freedom of expression and peaceful assembly, including to participate in public protests.
- Refrain from arbitrarily arresting people for simply exercising their rights to freedom of expression and peaceful assembly. Ensure that protesters detained have their right to legal counsel, humane detention conditions and freedom from torture and ill-treatment.
- Unconditionally and immediately release all protesters detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of the protests, make the findings public and bring the perpetrators to justice.
- Ensure that journalists may work freely and without fear of retribution for covering the protests or expressing critical opinions and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Ensure that any internet restrictions conform to international human rights law and standards related to online freedom of expression and ensure it is not used to censor content critical of the government.
- Put an end to the harassment, intimidation, unlawful surveillance and arrest of human rights defenders, journalists, students, union leaders and others and ensure that they can freely express their opinions and dissent without fear of reprisals.

The following are recommendations to the international community:

- Call on the Sri Lankan government to protect the rights to peaceful assembly and expression; release all those arbitrarily detained for their peaceful activism; and ensure an impartial and thorough investigation into the use of force against protesters and civilians during the protests.
- Ensure proactive diplomatic intervention in response to early warnings from human rights defenders, activists and protesters to de-escalate or prevent attacks against them including by voicing concerns with the authorities, attending trials, issuing statements and visiting activists in detention.
- Support a resolution at the Human Rights Council's 51st Session which maintains the ongoing accountability process for international crimes committed in Sri Lanka and which reflects and addresses the ongoing human rights crisis in the country.
- Make public statements, including at the UN Human Rights Council, raising the concerns outlined above and highlighting the failure of governance and rule of law engendering the crisis.