



CENTRE FOR POLICY ALTERNATIVES  
විකල්ප ප්‍රතිපත්ති කේන්ද්‍රය  
மாற்றுக் கொள்கைகளுக்கான நிலையம்

## SRI LANKA'S HARASSED CIVIL SOCIETY

**CIVICUS: World Alliance for Citizen Participation  
Centre for Policy Alternatives**

**November 2013**

## **About CIVICUS**

CIVICUS, the World Alliance for Citizen Participation, is an international alliance of civil society organisations and activists working to strengthen citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are challenged. CIVICUS has more than 1000 members in more than 120 countries.

CIVICUS, with its numerous partners, works by bringing together and connecting different civil society actors and other stakeholders in civil society; researching into and publishing on the health, state and challenges of civil society; and developing policy positions and advocating for the greater inclusion of and a more enabling environment for civil society. CIVICUS was founded in 1993 and is headquartered in Johannesburg, South Africa, with offices in Geneva, London and New York.

For more information, including about joining the alliance, please visit [www.civicus.org](http://www.civicus.org)

## **About the Centre for Policy Alternatives**

The Centre for Policy Alternatives (CPA) was formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening. CPA is committed to programs of research and advocacy through which public policy is critiqued, alternatives identified and disseminated. CPA is an independent, non-partisan organization which receives funds from international and bilateral funding agencies and foundations.

The primary role envisaged for the Centre in the field of public policy is a pro-active and interventionary one, aimed at the dissemination and advocacy of policy alternatives for non-violent conflict resolution and democratic governance. Accordingly, the work of the Centre involves a major research component through which the policy alternatives advocated are identified and developed.

For more information please visit [www.cpalanka.org](http://www.cpalanka.org)

**SRI LANKA'S HARASSED CIVIL SOCIETY:**  
A report from CIVICUS and the Centre for Policy Alternatives in  
Sri Lanka

# SRI LANKA'S HARASSED CIVIL SOCIETY

*“Do not mistrust us we want to cooperate with the Government; our criticisms are solely for the betterment of the people of this country”*

*“The Government is not responsive to civil society concerns and demands. Civil society organisations criticising Government are usually side lined.”*

---

## *Introduction*

Today, Sri Lanka remains a nation in flux. The bloody civil war which lasted over a quarter century has created a deep rift in society amid multiple calls for accountability on the commission of serious human rights violations during the conflict and its end. Civil society groups who should be contributing to peacebuilding in Sri Lanka and helping its people overcome the violent legacy of conflict are themselves becoming the victims of the clampdown on democratic dissent as this report shows.

The war may well be over but it seems that a fundamental pillar of democracy – an independent and robust civil society – is under unprecedented attack. Worryingly, security restrictions that had been in place during the war are now being used to stifle citizen voice across the country.

Much ground needs to be covered by Sri Lanka's Government to restore human and democratic rights to the Sri Lankan people, including through the creation of an enabling environment for civil society in accordance with the country's constitutional and international law obligations. The Government of Sri Lanka's sustained campaign against active citizen participation and its overly sensitive stance on international scrutiny of its record on governance, rule of law and human rights have suppressed the voice of civil society in numerous ways as documented in the following pages.

This report has been prepared by the Centre for Policy Alternatives (CPA), one of Sri Lanka's leading independent research and advocacy organisations, and the global civil society alliance, CIVICUS. It draws on research into conditions facing civil society in Sri Lanka, including a review of recent news and developments affecting civil society. The report also draws on interviews conducted in recent weeks with more than twenty members of Sri Lankan civil society, including some of the country's leading civil society voices in various parts of the country. The quotes highlighted in italics in this report are direct extracts from these interviews. We have chosen not to identify the interviewees or attribute quotes for obvious reasons. Potential harassment and intimidation of dissenters is a stark reality in today's Sri Lanka. We are grateful to these activists for sparing their time to contribute to this report, especially during a difficult and critical time.

The report's key findings include harassment and intimidation of civil society activists, dissenters and journalists; unwarranted interference in the activities of civil society organisations (CSOs) to restrict the independence of the sector; and serious constraints on the ability of CSOs to work with international partners. The following section discusses the disabling legal environment within which CSOs operate in Sri Lanka. Thereafter, an explanation of the major concerns for civil society in Sri Lanka is provided which is in turn followed by some recommendations to the Government of Sri Lanka and visiting Commonwealth leaders.

This report is being published days before Sri Lanka is due to host the Commonwealth Heads of Government Meeting (CHOGM). It is deeply worrying that the Commonwealth, which has a stated commitment to democratic values and continues to reaffirm support for a vibrant and proactive civil society as a fundamental value,<sup>1</sup> has chosen to hold its flagship event in a country in which civil society remains so harassed.

## *A dis-enabling legal environment for civil society*

The Sri Lankan Constitution<sup>2</sup> recognises the right of every citizen to freedom of speech and expression, freedom of peaceful assembly, freedom of association and freedom to form and join a trade union.<sup>3</sup> These rights are balanced by restrictions in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence.<sup>4</sup>

Nevertheless, a disabling legal environment for civil society in Sri Lanka is perpetuated by the fact that the country does not have a right to information law. CSOs and interested individuals thus have to rely on information voluntarily released by Government institutions. The Official Secrets Act, circulars and the Establishments Code allows Government servants to withhold information from the public. This engenders the culture of secrecy in public institutions, which severely undermines transparency.

Regarding Internet legislation, in May 2013 a case was filed against the Government to the Supreme Court which controversially ruled that Internet freedom of expression was not an absolute right and could be restricted. It is evident from this decision that the judiciary isn't prepared to engage in expansive interpretations of the law to protect Internet freedom.<sup>5</sup> Internet freedom<sup>6</sup> is regulated through the Telecommunication Act.<sup>7</sup> According to this law, the Telecommunication Regulatory Commission of Sri Lanka (TRCSL) is the sole lawful body in the country to control internet usage.<sup>8</sup>

On 5th November 2011 the TRCSL moved to block a number of specific websites.<sup>9</sup> Furthermore, the website "Colombo Telegraph" has been blocked 4 times since December 2011.<sup>10</sup> In most instances where websites have been blocked, the TRCSL has denied preventing access to the website claiming they suffered from technical difficulties. On most occasions, the websites

1 See The Charter of the Commonwealth, <http://thecommonwealth.org/commonwealth-charter-section/role-civil-society>

2 See The Constitution of the Democratic Socialist Republic of Sri Lanka. <http://www.priu.gov.lk/Cons/1978Constitution/CON-TENTS.html>

3 See Article 14(1)a- d of the Constitution of Sri Lanka

4 See Article 15 (2) – (4) of the Constitution of Sri Lanka.

5 See Article 19, "An Agenda for Change the Right to Freedom of Expression in Sri Lanka", <http://www.article19.org/data/files/pdfs/publications/sri-lanka-agenda-for-change.pdf>

6 See further Althaf Marsoof, 'The Right to Privacy in the Information Era: A South Asian Perspective', p 571. Available at <http://www2.law.ed.ac.uk/ahrc/script-ed/vol5-3/marsoof.pdf>.

7 See The Sri Lanka Telecommunications Act, No. 25 of 1991 <http://www.customs.gov.lk/docs/25312.pdf>

8 See Section 10 Sri Lanka Sri Lanka Telecommunications Act

9 Reporters without Borders, "Government blocks critical news websites, says they have to register" 8 November 2011, <http://en.rsf.org/sri-lanka-government-blocks-critical-news-08-11-2011,41367.html>;

10 Colombo Telegraph, 28 August 2013, available at <https://www.colombotelegraph.com/index.php/colombo-telegraph-blocked-how-to-reach-us-now-sri-lanka-telecom-and-mobitel-joins-the-dpi-club/>

remained accessible through proxy servers.<sup>11</sup> These examples raise serious questions about the TRCsL's functioning.

The formation of NGOs is governed by the Voluntary Social Services Organisations Registration & Supervision, Act (VSSO Act).<sup>12</sup> The Government exercises control over CSOs activities by narrowly defining NGOs that engage in social service activities in the VSSO act. This definition does not include NGOs that engage in research and advocacy.<sup>13</sup> However, several attempts have been made to expand on this definition to bring such CSOs under control of the VSSO act.<sup>14</sup> Under the VSSO Act, the Government maintains the right to enter premises to inspect financial records<sup>15</sup> and attend internal meetings without prior notice. Government representatives also withhold the right, in case of allegation of misconduct to appoint a board of directors of their choosing during a state led investigation.<sup>16</sup>

The potential for abuse and the room for interference by the Government in legitimate activities of NGOs prevent the formation of new CSOs. In light of the VSSO Act, many NGOs have opted to register as Limited Liability Companies.<sup>17</sup> This law provides for the registration of private limited companies and companies limited by guarantee. The Government can only investigate a company, on request from its shareholders – thereby limiting the scope of Government interference.<sup>18</sup>

As demonstrated by the above paragraphs, the legal environment for CSOs to operate is not entirely enabling, leaving wide scope of misuse of official provisions to silence organisations that fall foul of the official discourse. Even though the legal system within which CSOs in Sri Lanka operate can be disabling, the following section shows that oftentimes, the serious threats to civil society are extra-legal in nature.

## *Key threats to civil society in Sri Lanka*

### *1. Harassment and intimidation*

*“During the war and after the war the Government used to accuse the human rights activists of being non-patriotic and traitors. So the civil society as a whole does not have any faith in the Government. The Government is very against the civil society especially those who deal with international organisations and with the United Nations.”*

The right to express democratic dissent remains seriously imperilled in Sri Lanka. Being a critic of the Government can lead to serious consequences as seen in the list of recent attacks on civil society activists listed in **Appendix 1** of this report show. Harassment, intimidation and detention of activists, dissenters and journalists are frequent. The Media too, operates within an environment of fear and faces many challenges.<sup>19</sup> Several high profile journalists and Civil Society Or-

11 The Daily FT, 27 August 2013, available at <http://www.ft.lk/2013/08/27/colombo-telegraph-blockade-trc-clueless/>

12 See [http://www.commonlii.org/lk/legis/consol\\_act/vssoas370818.pdf](http://www.commonlii.org/lk/legis/consol_act/vssoas370818.pdf)

13 See Rohan Edrisinha, Restrictions on Foreign Funding of Civil Society- Sri Lanka, International Journal of Not-for-Profit Law, Vol 12, Number 3, May 2010.

14 Circular No RAD/99/01 of 26 February 1999, available at <http://www.ngosecretariat.gov.lk/web/images/downloads/President%20CircularRAD-99-01.pdf> & See Gazette 1101/14 dated 15/10/1999, available at <http://www.ngosecretariat.gov.lk/web/images/downloads/Gazetteno1101-14of1999.pdf>

15 See S. 9(a) and 9(b) of Voluntary Social Services Organisations (Registration & Supervision) Act no 31 of 1980 available at [http://www.commonlii.org/lk/legis/consol\\_act/vssoas370818.pdf](http://www.commonlii.org/lk/legis/consol_act/vssoas370818.pdf)

16 See ss. 10- 13

17 See Gazette Extraordinary No. 1493/20 dated 20<sup>th</sup> April 2007, available at [http://documents.gov.lk/Extgzt/2007/pdf/Apr/1493-20/1493\\_20e.pdf](http://documents.gov.lk/Extgzt/2007/pdf/Apr/1493-20/1493_20e.pdf)

18 See ss. 27-31 of Companies Act No 7 of 2007, available at [http://www.drc.gov.lk/App/comreg.nsf/200392d5acd66c246256b76001be7d8/\\$FILE/Act%207%20of%202007%20\(English\).pdf](http://www.drc.gov.lk/App/comreg.nsf/200392d5acd66c246256b76001be7d8/$FILE/Act%207%20of%202007%20(English).pdf)

19 See <http://en.rsf.org/report-sri-lanka.79.html>

ganisation (CSO) activists have been threatened or forced into exile.

Members of CSOs and individual activists exposing human rights violations committed during the civil war by Sri Lankan security forces and activists working on governance issues have been abducted to prevent them from continuing their work. The threat of abductions of civil society activists, journalists and dissidents remains a constant threat to citizen participation in post war Sri Lanka, especially in a context where little or no progress has been made in to the investigation of these incidents. Smear campaigns and labelling of activists as “treacherous” or “unpatriotic” by Government officials are worrying reminders of the constricted space within which they operate. In the recent past and especially in the lead up to CHOGM, Government owned print and electronic media has intensified its campaign against CSO’s and individual activists. The disinformation campaign that is propagated even calls on the general public to cause physical hurt to individual activist and can be described as “hate speech”.<sup>20</sup> The overall attempt seems to be to delegitimize the activities of CSO’s and to create an environment which is not conducive for CSOs to operate in.

*“The response of the Government to civil society appeals on civil, political rights, economic, social and cultural rights is to brand such groups as traitors and anti-government elements engaging in suppressive processes and mud-slinging in the media and so on.”*

Bearing in mind the nation’s brutal recent history, the Government of Sri Lanka continues to mobilise its legislative, judicial and administrative arms as though the country was still in violent conflict. More broadly these barriers to citizen participation are a fundamental stumbling block and cause for continued conflict at multiple levels within society.<sup>21</sup>

Peaceful protests perceived to be anti-Government and meetings, particularly those organised by human rights activists and opposition political parties, have been consistently disrupted or prevented through a variety of methods including judicial action, use of the police and security forces and attacks by armed gangs, which has also created a context of fear constraining the space for dissent. Public and even some private events in the North are supervised and controlled by the military and official circulars have been issued by the Government insisting that military officials and Government politicians be given notice of events and participate at such events.

The most recent and brutal instances of attacks on peaceful protests include:

- In November 2012, students of the Jaffna University engaged in peaceful commemoration of the war-dead were attacked and subject to harassment and intimidation including preventive detention and enforced rehabilitation’ of three student leaders (<http://groundviews.org/2012/12/10/updates-on-ground-situation-in-jaffna/> )
- In August 2013, the Military opened fire using live ammunition on a group of environmental protesters in Weliveriya, a village in the Western Province, Military personnel also stand accused of attacking journalists who were on scene to cover the protests and a place of religious worship in which people fleeing from the attack were seeking refuge. (<http://www.ft.lk/2013/08/03/wary-weliveriya/>; <http://www.ft.lk/2013/08/03/assault-on-journalists-on-media-coverage-in-weliveriya-condemned/>)

Additionally, organisations working for the rights of sexual minorities have come under constant

<sup>20</sup> As recent as 4<sup>th</sup> November 2013 the State owned radio station conducted a programme in the Sinhala Language doctoring statements made by prominent Human Rights activist Nimalka Fernando and going to the extent of saying patriotic citizens have a right to “stone her” in the name of the Country.

<sup>21</sup> See Transparency International Sri Lanka, “Lack of citizens participation in Local governance”, 13 February 2013, <http://www.tisirilanka.org/?p=10707>

attacks in the media.<sup>22</sup> Prominent voices both within and outside of Sri Lanka have drawn attention to the lack of transition in policy to accommodate the change from a violent conflict affected society to a post-conflict environment. Criticism of independent news outlets by Government officials is commonplace which negatively impacts on the freedom of expression and information.<sup>23</sup> In particular hate speech against journalists conveyed through the state media and a persistent failure by the Government to take action remains a serious matter of concern. On 6 November 2013, the content of four websites was blocked by the Government.<sup>24</sup> In 2013 the Government of Sri Lanka took steps to introduce a media code of conduct.<sup>25</sup> Although the Government claimed to have drafted the code in consultation with key stakeholders, the contents of the code is reflective of its use as an intimidatory mechanism to independent media outlets by the Sri Lankan authorities.<sup>26</sup>

The control of media freedom remains a key facet of a disabling civil society environment in Sri Lanka. The inability to express dissent has left Sri Lankan civil society constricted from within. Finally, there have been numerous examples of senior Government officials making intimidating statements towards civil society actors (See Appendix 2).

## *2. Interference in CSO activities*

*“Civil society activists find it difficult to work without the permission of the Presidential Task Force. Military attends all CBO & NGO meetings, they stay until the end. Therefore, we find it uncomfortable to discuss certain issues; so we are compelled to avoid discussing certain subjects which we planned to discuss.”*

Sri Lankan CSOs are being subjected to increasing surveillance and official control especially in the Northern Province as part of the Government’s policy of achieving total domination over dissenting voices. A number of CSOs report that constraints are being placed on their programmatic activities and thematic scope of work.

In Sri Lanka, civil society affairs are generally regulated by the NGO Secretariat, an administrative body that oversees NGO registration, financial and employee records, and work-plans. The functions that have the greatest impact on the operations of NGOs is the NGO Secretariat’s ability to issue recommendation letters to obtain visas for expatriate employees/ volunteers and tax waivers as well as to open bank accounts including foreign currency accounts. Worryingly, the NGO Secretariat is presently functioning under the purview of the Ministry of Defence.<sup>27</sup> This has led to increased – and unwarranted - scrutiny of NGO activities by intelligence and security agencies as an intimidation tactic.<sup>28</sup> Calls to correct this anomaly, including those by the UN High Commissioner for Human Rights to place the NGO Secretariat under the control of a civilian Ministry have so far been ignored.<sup>29</sup>

---

22 Some Newspapers published photographs identifying individuals as Homosexuals. Rivira Newspaper, 6 November 2011; The Rivira 18 September 2011, (<http://www.rivira.lk/2011/09/18/janaindex.htm>) <http://www.rivira.lk/2011/09/18/vimarshana.htm> :The Rivira 09 October 2011, <http://www.rivira.lk/2011/10/09/vimarshana.htm>; The Rivira 30 October 2011, <http://www.rivira.lk/2011/10/30/vimarshana.htm>

23 Committee to Protect Journalists, “UN rights chief should push Sri Lanka on press freedom” 23 August 2013, <http://www.cpj.org/blog/2013/08/un-rights-chief-should-push-sri-lanka-on-press-fre.php>

24 These are Sri Lanka Mirror, Sri Lanka Guardian, Papparacigossip and Lanka Way News

25 News.lk, 19 January 2013 <http://news.lk/news/sri-lanka/4168-sri-lanka-proposes-new-ethics-code-for-media>

26 Dailymirror.lk, 5 June 2013, <http://www.dailymirror.lk/news/30466-govts-proposed-code-of-media-ethics.html>

27 JDSLanka, 15 June 2010. Available at <http://www.jdslanka.org/2010/06/ngo-secretariat-under-defence-ministry.html>); Special Gazette notice issued by His Excellency President dated 30 April 2010 available at [http://www.documents.gov.lk/Extgzt/2010/PDF/Apr/1651\\_20/1651\\_20E.pdf](http://www.documents.gov.lk/Extgzt/2010/PDF/Apr/1651_20/1651_20E.pdf)

28 See Human Rights Council, Joint Civil Society Submission to the UN Universal Periodic Review (Sri Lanka), Second Cycle, 14th Session 2012,p. 8, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/LK/JS1\\_UPR\\_LKA\\_S14\\_2012\\_JointSubmission1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/LK/JS1_UPR_LKA_S14_2012_JointSubmission1_E.pdf)

29 Human Rights Council, 25 September 2013, available at <http://reliefweb.int/report/sri-lanka/oral-update-high-commissioner-human-rights-promoting-reconciliation-and>

*“It’s a recent development that work plans, finalized work reports, audit reports etc are to be informed to the District Secretariat and the National Secretariat for Non-Governmental Organisations. This is not a good situation.”*

Administrative requirements are being frequently employed to constrict, direct and survey CSOs. Various levels of bureaucracy and red tape played out through approvals and reporting processes are being employed to keep a check on civil society activists and their advocacy activities. These include compulsory registration with the NGO Secretariat and instructions to send detailed reports to several official institutions including the NGO Secretariat, District Secretariat and Divisional Secretariat on implementation of programmes.

*“On several occasions our publicity campaigns were stopped by the police/army without valid reasons. Our workshops were attended to by intelligence service people without declaring their identity.”*

Furthermore, impediments are continually placed on the ability of CSOs to carry out activities such as monitoring of human rights violations and the organisation of meetings in the North of the country. A number of anti-Government protests have been disrupted or prevented from being held through a variety of methods including prohibitive administrative orders as well as use of physical force by members of security forces and attacks by armed thugs.

*“CSOs have been intimidated and harassed by different political regimes over the years. The intimidation and harassment has increased in the recent past, and gotten more sophisticated. CSO work at the current moment is quite dangerous, with a serious risk to physical security of individuals.”*

The state of the legal system in Sri Lanka compounds the issue of protection from state led violence and intimidation. The question of the independence of the judiciary and the recent controversy over the impeachment of the chief justice<sup>30</sup> raises serious concerns about the ability of CSOs to seek judicial recourse against infringement of their rights by Government agencies. Furthermore the National Human Rights Commission of Sri Lanka -the National Human Rights institution- has not taken any significant steps to protect CSOs and HRDs from attacks –both physical and verbal.<sup>31</sup>

### ***3. Constraints on CSO’s’ ability to work with international partners***

*“The relations have deteriorated between advocacy NGOs, and those working in the area of human rights. Some NGOs are very close to the government and have received many benefits for taking a conciliatory attitude in public or remaining silent in the face of grave injustice.”*

The Sri Lankan Government has repeatedly accused CSOs who receive funding from foreign sources of pursuing the agendas of foreign governments.<sup>32</sup> The deep-seated mistrust of foreign aid perpetuates a stance taken by the current administration (particularly after the 2004 Tsunami)<sup>33</sup> that the country is well equipped to meet internal challenges. Similarly, the transition to becoming a middle income country<sup>34</sup> has dampened the efficacy of foreign aid as international

30 See International Commission of Jurist, “ICJ condemns impeachment of Sri Lanka’s Chief Justice”, 11th January 2013, <http://www.icj.org/icj-condemns-impeachment-of-sri-lankas-chief-justice/>

31 A complaint made to the Human Rights Commission of Sri Lanka on 12<sup>th</sup> August 2013 by the Executive Director of CPA is yet to be inquired into.

32 See Rohan Edrisinha, Restrictions on Foreign Funding of Civil Society- Sri Lanka, International Journal of Not-for-Profit Law, Vol 12, Number 3, May 2010.

33 See Deshal de Mel and Anneka de silva, “Aid Effectiveness in Sri Lanka”, Institute of Policy Studies, [http://www.ips.lk/events/workshops/29\\_7\\_10\\_policy\\_priorities/deshal\\_anneka.pdf](http://www.ips.lk/events/workshops/29_7_10_policy_priorities/deshal_anneka.pdf)(p 5-7)

34 The World Bank, “Sri Lanka Overview”, <http://www.worldbank.org/en/country/srilanka/overview>



political leverage. An overall trend in donor engagement with Sri Lanka demonstrates that traditional donors of aid have been replaced with the new emergent aid donors who may not prioritise human rights concerns (i.e. China, Iran & South Korea).<sup>35</sup> This has created a situation in which foreign funding available for advocacy on human rights and good governance has fallen, and where it is received is subject to restrictions.

*“The state owned newspapers and columnists use ‘foreign funded NGO’ as a derogatory term - they say that we take dollars to sell the country”*

CSOs engaging in rehabilitation and the provision of infrastructure facilities or livelihood support to displaced persons with Government permission are exempt from taxes. Similar exemptions are not available to CSOs working on civil and political freedoms creating a disincentive.<sup>36</sup> This has had a highly negative financial impact on grassroots human rights and peacebuilding CSOs.

*“The funding organisations are afraid in supporting the campaigns on democratic rights because it directly links with the Government. So whatever the campaigns we have on democratic issues looks like anti Government campaign.”*

A sustained campaign through state owned media has also created a feeling of deep mistrust within the Sri Lankan population regarding foreign funded projects.<sup>37</sup> CSOs working on human rights documentation, governance, peacebuilding<sup>38</sup> and press freedom are particularly affected.<sup>39</sup>

Additionally, regulations No. 1 and No. 2 of 2011<sup>40</sup> which were introduced to amend the 1979 Prevention of Terrorism Act<sup>41</sup> and deal with the proscription of the Liberation Tigers of Tamil Eelam (LTTE) and the Tamil Rehabilitation Organisation (TRO) establish extremely broad offences making transacting with any organisation that is ‘reasonably suspected of being connected with or concerned in’ unlawful activities, an offence. There is a real fear amongst civil society actors that these provisions could be used against CSOs.

On the 17<sup>th</sup> January 2006 a Parliamentary Select Committee (PSC) was appointed to:

*“...to look into the Operations of foreign aid receiving Non-Governmental Organisations that operate in Sri Lanka, and inquire about the level of transparency of the financial activities of those non-Governmental organisations, identify the manner in which the operations of the said non-Governmental organisations have made an impact on the sovereignty and national security of Sri Lanka, identify the way the operations of those non-Governmental organisations have made an impact on national and social well-being and inquire into the manner in which the Government of Sri Lanka should act with respect to these non-Governmental organisations and make the necessary recommendations.”<sup>42</sup>*

The PSC was used as a public inquisition on the activities of NGOs, especially those working

35 Goodhand, J (2010) “Stabilising a Victors Peace? Humanitarian Action and Reconstruction in Northern Sri Lanka” *Disasters* 34:3 p 342

36 See proviso to S 102(3) of Inland Revenue Act.

37 See DeVotta, N. 2005. Civil society and non-Governmental organisations in Sri Lanka: Peacemakers or parasites? *Civil Wars* 7 (2): 171–82.

38 Oliver Walton with Paikiasothy Saravanamuttu in Jonathan Goodhand, Jonathan Spence and Benedikt Korf (eds.), 2011, *Conflict, Aid and Peacebuilding in Sri Lanka: Caught in the Peace Trap*

39 Walton (2012): Peacebuilding Without Using The Word “Peace”, *Critical Asian Studies*, 44:3, 363-390

40 See [http://documents.gov.lk/Extgzt/2011/PDF/Aug/1721\\_02/1721\\_02%20%28E%29.pdf](http://documents.gov.lk/Extgzt/2011/PDF/Aug/1721_02/1721_02%20%28E%29.pdf)

41 See [http://www.satp.org/satporgtp/countries/shrilanka/document/actsandordinance/prevention\\_of\\_terrorism.htm](http://www.satp.org/satporgtp/countries/shrilanka/document/actsandordinance/prevention_of_terrorism.htm)

42 See *Interim Report of The Select Committee of Parliament for investigation of the Operations of Non-Governmental Organisations and their Impact*, Parliamentary Series No 20, 8<sup>th</sup> December 2008, at p. 10, available at [http://www.tisirilanka.org/pub/li/pdf/Interim\\_Report\\_NGO.pdf](http://www.tisirilanka.org/pub/li/pdf/Interim_Report_NGO.pdf)

on issues of human rights, peacebuilding and constitutional reform.<sup>43</sup> Following the 2010 Presidential election - after allegations were made about foreign interference- amendments have been proposed to the Voluntary Social Services Organisations Act to bring international and local NGOs under greater control and supervision of the State.<sup>44</sup>

## *Conclusion and Recommendations*

Based on the evidence we have seen and heard, we call on the Sri Lankan Government to create a more enabling environment for civil society to operate in accordance with the rights enshrined in the Constitution of Sri Lanka, the International Convention on Civil and Political Rights and the United Nations Declaration on Human Rights Defenders. In particular, the Government of Sri Lanka should guarantee the minimum requirements in policy and practice for civil society to operate, such as the freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding, and the state's duty to protect.

We are particularly concerned by restrictions on the freedom of expression and information through the blocking of access to critical news websites, attacks on journalists, and attempts to create a code of conduct despite criticisms from civil society organizations and the media. We call on the Government to discontinue with immediate effect the blocking of independent news websites, attempts to muzzle the media, and promptly investigate all cases of attacks on journalists and bring the perpetrators of these crimes to justice.

We call on the Government to give clear directives to members of security forces not to impede peaceful assemblies, and punish appropriate those who do interfere with the freedom of peaceful assembly and association.

There are serious concerns about the space in which civil society can operate in Sri Lanka. It is critical that the Government of Sri Lanka should allow CSOs to operate freely on thematic areas of their choosing. The administrative, military and judicial arms of the Government should immediately stop the impediments to CSO operation and the intentional disruption of CSO programmes.

The abductions and intimidation of civil society activists exposing human rights violations must end. We urge the Government to adopt a National Policy on the Protection of Human Rights Defenders to ensure the investigation of complaints regarding attacks on human rights defenders by an independent investigative agency and/ or senior police officers. Senior Government officials should desist from making derogatory comments about civil society members which increases their vulnerability to attacks rather they should publicly welcome democratic dissent in accordance with constitutional provisions. We also call on state owned media to stop issuing derogatory statements against civil society members carrying out legitimate activities defending human rights and democracy.

Finally, we urge visiting leaders attending CHOGM to raise the concerns identified in this report with the Sri Lankan authorities. If the Commonwealth is indeed committed to supporting a vibrant and free civil society as a fundamental value, one of the most obvious positive outcomes from this CHOGM should be a serious commitment by the Sri Lankan Government to improve the enabling environment for civil society. Indeed, we call on Commonwealth leaders to make this a key part of the communique they will agree in Colombo.

<sup>43</sup> See Rohan Edrisinha, Restrictions on Foreign Funding of Civil Society- Sri Lanka, International Journal of Not-for-Profit Law, Vol 12, Number 3, May 2010.

<sup>44</sup> Sunday Times, 14 March 2010. (<http://www.sundaytimes.lk/100314/BusinessTimes/bt15.html>); Vijayani Edirisinghe, "NGOs Must Register or Get Out- Director General of the Office for the Registration of NGOs", Daily News, 13 June 2013, available at <http://archives.dailynews.lk/2013/06/13/news01.asp>

## Appendix 1. Constricted: a litany of killings, abductions, threats, and detentions

- In September 2013 several NGOs, HRDs and civilians who made representations to the High Commissioner for Human Rights were harassed/ intimidated thereafter. (<http://columbogazette.com/2013/09/09/navi-pillay-warns-sri-lanka/>)
- In June 2013 the Friedrich Naumann Foundation's local representative Sagarika Delgoda was arrested by the CID when attempting to leave the country (<http://www.itnnews.lk/?p=20597>)
- On 23 May 2013 CID had recorded a statement from the Friedrich Naumann foundation's Sri Lankan representative Sagarika Delgoda about the functioning of the foundation. (<http://www.dailymirror.lk/news/29860-fnf-probe-no-attempts-to-arrest-opposition-politicos.html>)
- In February 2012, Asela Ihagama a human rights defender in Kandy, was subjected to harassment and intimidation by police, including being accused of promoting support for the LTTE among the estate populations and sending information to the international community in order to discredit the Government.
- On 17 January 2012, a group of HRDs and activists from the South, who were travelling to Jaffna to attend a protest organized by platform of civil society groups against disappearances and abductions, were harassed, checked and finally stopped by police at Puliyankulam on the A9 road (Kandy-Jaffna road) and prevented from reaching Jaffna.
- Since February 2012, Mr Herman Kumara, a well known human rights defenders and convener of the National Fisheries Solidarity (NAFSO) and leader of several other civil society coalitions has been subjected to a media smear campaign, repeated threats, surveillance and intimidation following rounds of protests by fisher people in the Chilaw and Negombo areas.
- On 9 December 2011 Lalith Kumar Weeraraj and Kugan Muruganandan, who were working mainly on the issue of enforced disappearances, political prisoners in the North of Sri Lanka, disappeared and have been missing since. (<http://groundviews.org/2011/12/19/disappearance-of-human-rights-defenders-political-activists-lalith-kumar-weeraraj-and-kugan-murugan-on-9th-december-2011/>).
- In November 2011, the office premises of Companions on a Journey, a NGO working on HIV/AIDS prevention was searched by police and those present were questioned for several hours and intimidated. Prior to this incident, the same NGO was attacked in a Sinhala newspaper, *Rivira* and accused of promoting homosexuality under the guise of HIV/AIDS prevention. The NGO has suspended their activities as a result of the threats and harassment.
- On 22 August 2011 Perumal Sivakumara from the Puttalam District died after being tortured by officers attached to the Special Task Force of the Sri Lanka Police. (<http://www.srilankamirror.com/old/english/the-news/7530-ahrc-seeks-justice-over-hr-defenders-killing>).
- On 31 December 2010 an activist who had campaigned against environmental damage due to sand excavation in Jaffna was shot dead. ([http://transcurrents.com/tc/2011/03/briefing\\_note\\_on\\_the\\_human\\_rig.html](http://transcurrents.com/tc/2011/03/briefing_note_on_the_human_rig.html))
- On 28 November 2010 Aruna Roshantha and Marcus Fernando, two activists protesting

against a sea plane project in Negombo, were arrested and charged with 'anti-Government behaviour'. They were told by the police that they had committed an offence under Section 150 of the Penal Code, namely conspiring against the Government of Sri Lanka and attempting to incite people to overthrow the Government. (<http://www.thesundayleader.lk/2010/11/28/negombo-lagoon-activists-arrested-released/>).

- In September 2010 Jayampathy Bulathsinghala, the owner of a printing house that printed posters opposing the 18<sup>th</sup> Amendment, was arrested and charged under the Prevention of Terrorism Act. His wife, Kumudu Wijeyawardena, and her two younger brothers were also arrested, but were later released. (<http://www.thesundayleader.lk/2010/09/12/printer-detained-under-prevention-of-terrorism-act-for-anti-mahinda-posters/>).
- On May 8, 2010, Ms. Fiona Partol, Resident Advisor of "Internews", an international NGO that fosters independent media and access to information worldwide, was blocked by Sri Lanka Defence Ministry from entering Jaffna to participate in a five day training course for local media persons.
- On 2 March 2010, a Sri Lankan news website, Lankanewsweb, published the names of 35 human rights defenders and journalists featured on a list it alleged was compiled by a Sri Lankan intelligence unit. It is alleged that the list was leaked by the intelligence as part of a Government campaign to intimidate those named and others working on human rights issues. ([http://transcurrents.com/tc/2010/03/secret\\_list\\_reveals\\_sri\\_lanka.html](http://transcurrents.com/tc/2010/03/secret_list_reveals_sri_lanka.html)).
- In February 2010 Patani Razeek, founder and Managing Trustee of the Community Trust Fund and Executive Committee member of the Asian Forum for Human Rights and Development, disappeared and his body was found on 28 July 2011. (On the abduction see <http://www.thesundayleader.lk/2011/07/03/500-days-since-the-disappearance-of-pattani-razeek/> and the discovery of his body see <http://groundviews.org/2012/02/11/who-killed-razeek-and-why-unanswered-questions-two-years-after-his-abduction/>).

## Appendix 2. Verbal attacks

- On 19 May 2013, the State owned Independent Television Network (ITN) accused the Friedrich Naumann Foundation of "being engaged in a conspiracy for several years to overthrow the present Government and set up a UNP Government loyal to the West and the Tamil Diaspora." (<http://www.itnnews.lk/?p=17539>)
- In November/ December 2012 Government owned print and electronic media organisations launched a systematic campaign against NGO's who opposed the unconstitutional impeachment of the chief justice of Sri Lanka (some of these news reports include <http://archives.dailynews.lk/2012/11/30/news14.asp>; <http://archives.dailynews.lk/2012/12/20/news12.asp>; [http://archives.dailynews.lk/2012/11/03/main\\_Editorial.asp](http://archives.dailynews.lk/2012/11/03/main_Editorial.asp) )
- On 23 March 2012, Sri Lanka's Minister for Public Relations, Mervyn Silva addressed a public demonstration against the UNHRC resolution, threatening to "break the limbs" of any of the exiled journalists if they dared set foot in the country again. (<http://www.bbc.co.uk/news/world-asia-17491832>).
- On 16 March 2012, Dinamina (in Sinhala) editorial characterizes human rights defenders Sunila Abeysekera and Nimalka Fernando as liars and women 'who have gone astray'.

- On 14 and 16 March 2012, ITN, a local television station alleged that named HRDs are aligned with the LTTE and that they are traitors and degenerates. A number of visuals identifying the HRDs were also presented. (<http://cdn.itn.lk/news/20120315/news-full0930.wmv> and <http://col3negshiran.com/watch.php?id=40775>)
- On 14 March 2012, the Daily News, a English daily newspaper, reported in an article titled 'Pakiasothy, Sunila and Nimalka working with LTTE rump' and alleged that the HRDs 'continue to work with the LTTE terrorist rump and betray Sri Lanka in Geneva'. (<http://www.dailynews.lk/2012/03/14/news11.asp>)
- On 31 January 2012, Lankasrnews website reported that the National Patriotic Movement, a group aligned with the Government, made a statement imposing a 'death sentence' on representatives of the TNA (a Tamil political party) if they present evidence against Sri Lanka at the UNHRC. (<http://www.lankasrnews.com/view.php?22YAM-6202vIOA4e3PBmcca3L5Yedd2yY53ac0SmB4e4eAOIc02aWMA> )
- On 26 January 2012, the Dinamina quoted Government Minister, Keheliya Rambukwella, who states that exiled media personnel who lobby in Geneva are traitors to the country and are bringing the country to disrepute. ([http://www.dinamina.lk/2012/01/26/\\_art.asp?fn=p1201261](http://www.dinamina.lk/2012/01/26/_art.asp?fn=p1201261))
- On 15 January 2011, the Government controlled Dinamina newspaper accused the Non Violent Peace Force Sri Lanka (NPSL) of secretly acting against the Government and disclosed details about the relocation of NPSL offices. Such allegations are serious as it feeds into the perception of 'traitors and trouble makers' and could lead to the use of anti-terror legislation to be deployed to arrest, investigate and prosecute HRDs without the generally available due process rights.
- On 11 December 2010, Deputy Minister Sarath Kumara Gunaratna was quoted in Lakbima News: "I am happy that even ordinary people of this country are taking their patriotic duty seriously and acting against traitors. I can tell you that in the future, it does not matter whether they are politicians or journalists. People will beat up anyone who betrays this country. That is what I call people's power. People will take to task anyone who betrays this country and its leader."
- On 15 July 2010, the President was reported as saying "some of these NGO representatives go to foreign countries and carry out publicity campaigns against the country". (<http://www.lankaenews.com/English/news.php?id=9774>).
- On 20 June 2010, the state controlled Sinhalese newspaper Silumina, accused a group of exiled journalists of collaborating with international NGOs to encourage the UN to play a more active role on allegations of war crimes in Sri Lanka. (The full text in Sinhalese is available at [http://www.silumina.lk/2010/06/20/\\_art.asp?fn=aa1006204](http://www.silumina.lk/2010/06/20/_art.asp?fn=aa1006204)).
- In July 2009 Lawyers undertaking cases defending human rights violations and arbitrary attacks of the State have been facing harassment and threats to their lives including when the Ministry of Defence website posted a piece calling lawyers traitors(<http://www.thesundayleader.lk/20090719/spotlight.htm>.)



CENTRE FOR POLICY ALTERNATIVES  
විකල්ප ප්‍රතිපත්ති කේන්ද්‍රය  
மாற்றுக் கொள்கைகளுக்கான நிலையம்

**CIVICUS: World Alliance for Citizen Participation** is an international network of civil society organisations and activists working to strengthen citizen action and civil society throughout the world.

#### CONTACT US

Email: [info@civicus.org](mailto:info@civicus.org)

Facebook.com/CIVICUS

Twitter.com/CIVICUSalliance

YouTube.com/CIVICUSworldalliance

Become a member: [civicus.org/join](http://civicus.org/join)

Weekly newsletter: [civicus.org/subscribe](http://civicus.org/subscribe)

**CPA: Centre for Policy Alternatives** is committed to programs of research and advocacy through which public policy is critiqued, alternatives identified and disseminated. CPA is an independent, non-partisan organization which receives funds from international and bilateral funding agencies and foundations.

#### CONTACT US

Email: [info@cpalanka.org](mailto:info@cpalanka.org)

South Africa

CIVICUS House

24 Gwigwi Mrwebi Street

Newtown, Johannesburg, 2001

Tel: +27 (0)11 833 5959

Fax: +27 (0)11 833 7997

Sri Lanka

Centre for Policy Alternatives  
(Guarantee) Ltd. (CPA)

24/2, 28th Lane

Off Flower Road

Colombo 7

Tel: +94 11 2565304-6

Fax: +94 11 4714460