



Sri Lanka

**Submission to the UN Universal Periodic Review
14th Session of the UPR Working Group**

Submitted 23 April 2012

**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC**

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1. (A) Introduction

1.1 CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.

1.2 In this document, CIVICUS outlines urgent concerns related to the environment in which civil society activists and human rights defenders operate in Sri Lanka and about threats faced by them in the exercise of the freedoms of expression, association and assembly.

- Under Section B, CIVICUS highlights concerns regarding abductions and intimidation of civil society activists exposing human rights violations committed by Sri Lankan security forces
- In section C, CIVICUS highlights concerns regarding restrictions on freedom of expression and information through blocking of access to critical news websites and attacks on journalists
- In section D, CIVICUS highlights restrictions on freedom of association and peaceful assembly and impediments to civil society activities in the northern areas of Sri Lanka
- In section E, CIVICUS makes some recommendations to the Sri Lankan government

2. (B) Concerns regarding abductions and intimidation of civil society activists exposing human rights violations by Sri Lankan security forces

2.1 The Constitution of Sri Lanka and the ICCPR to which Sri Lanka is a party guarantee the freedoms of expression, association and assembly. Nonetheless, abductions and other acts of intimidations are rife in Sri Lanka particularly against human rights defenders.

2.2 It is a matter of deep concern that the human rights defenders engaged in the legitimate defence of human rights by highlighting concerns whether at home or at the UN are being subjected to reprisals by state officials who continue to evade calls to carry out credible investigations into allegations of war crimes committed during the civil war in the country.

2.3 A number of members of civil society organisations and individual activists exposing human rights violations committed during the civil war by Sri Lankan security forces have been abducted to prevent them from continuing their work. On 9 December 2011, two activists, Lalith Weeraraj and Kugan Murugunandan working on enforced disappearances cases and release of political prisoners were abducted in Jaffna prior to celebrations of International Human Rights Day on 10 December. They remain missing. Five doctors who reported on civilian deaths during the end of the civil war were detained by the army in May 2009. They were accused of aiding the outlawed group, Liberation Tigers of Tamil Eelam and their accounts were denounced as 'terrorist propaganda' while they were subsequently forced to recant their statements. In September 2008, two grenades were thrown at the residence of JC Weliamuna, a prominent human rights lawyer and Executive Director of Transparency International, Sri Lanka at the time.

2.4 In addition to abductions and other forms of intimidation, the state media and news outlets controlled by the government have been running a slanderous campaign against human rights defenders engaged in activities at the UN Human Rights Council accusing them of being traitors and aligned to the outlawed group, the Liberation Tigers of Tamil Eelam. Ms Sunila Abeysekera, Ms Nimalka Fernando, Dr Paikiasothy Sarvanamuttu and Mr Sunanda Deshapriya have been singled out for defamation by the state television channel, *Rupavahini*, the *Independent Television Network* and the *Lake House* group of news papers. On 23 March 2012, Sri Lankan Minister for Public Relations threatened to break the limbs of activists seeking to ensure Sri Lankan security forces' accountability at the UN if they set foot in the country. In 3 March 2010, a Sri Lankan news website, Lankanewsweb published the names of 35 human rights defenders and perceived by the State Intelligence Services as being opposed to the government. It is believed that the list was leaked to the press as part of a government sponsored campaign to intimidate those named in it.

3. (C) Restrictions on freedom of expression and information through blocking of access to critical news websites and attacks on journalists

3.1 The Constitution of Sri Lanka and the ICCPR to which Sri Lanka is a party guarantee the freedom of expression and information. Nonetheless, the freedom of expression and information continue to be restricted through domination of the air waves by state controlled media and blocking of websites critical of the government.

3.2 Criticism of independent news outlets by government officials is commonplace which negatively impacts on the freedom of expression and information. 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. Moreover, journalists critical of official policies remain at heightened risk and continue to be subjected to physical attacks and abductions with inadequate investigations to bring the perpetrators to justice.

3.3 In July 2011, the news editor of Uthayan newspaper, Gnanasundaram Kuganathan, was brutally assaulted in Jaffna and had to receive medical treatment for his injuries. Prageeth Eknaigoda, an online journalist and cartoonist for lankaenews.com remains missing since January 2010. In September 2009, J.S. Tissainayagam, a journalist, was

convicted under the Prevention of Terrorism Act for inciting “communal disharmony” by writing two articles for the North-Eastern Monthly magazine in 2006, which were critical of the government’s military campaign.

3.4 On 5 November 2011, the Sri Lankan Ministry of Information issued orders requiring news websites with “any content relating to Sri Lanka” required to register without delay. On 6 November, the contents of four websites was blocked by the government. These are Sri Lanka Mirror, Sri Lanka Guardian, Papparacigossip9 and Lanka Way News.

4. (D) Restrictions on freedom of association and peaceful assembly and impediments to civil society activities in the northern areas of Sri Lanka

4.1 Although the Constitution of Sri Lanka and the ICCPR to which Sri Lanka is a party guarantee the freedoms of association and peaceful assembly, impediments have been placed on the ability of civil society organisations to carry out their activities including monitoring of human rights violations as well as the organisation of meetings in the northern areas. A number of anti-government protests have been disrupted or prevented from being held through a variety of ways including prohibitive administrative orders as well as use of physical force by members of security forces and attacks by armed thugs.

4.2 On 15 July 2010, the official NGO Secretariat issued a circular requiring all NGOs including international organisations to register their staff and details of all their projects with the Presidential Task Force in order to undertake activities in the Northern Province. A number of NGOs were denied access to the region as a consequence of the circular impeding the freedom of association in the region. Additionally, attempts were made to reduce the role of NGOs mainly to service delivery activities in the northern region through the registering process laid down by the circular.

4.3 A group of 42 activists comprising diverse Tamil and Sinhala civil society groups were impeded by the police from participating in a public meeting in Jaffna in Sri Lanka’s northern areas on 10 December 2011. The aim of the meeting organised on the occasion of International Human Rights Day was to highlight ongoing human rights violations in Sri Lanka.

4.4 Religious and cultural events organised by the Tamil minority continue to be subject to undue restrictions. On 17 May 2010, an inter-religious event in the Nallur temple area in Jaffna to commemorate those who died in the civil war was disrupted by the police and the army who ordered the participants to disperse. Those who insisted on going were asked to register their names and other details with the police.

5 (E) Recommendations to the Government of Sri Lanka

5.1 CIVICUS calls on the Sri Lankan Government to create an enabling environment for civil society to operate in accordance with the rights enshrined in the Constitution of Sri Lanka, the ICCPR and the UN Declaration on Human Rights Defenders.

- In particular, the Government of Sri Lanka should guarantee the following minimum requirements in policy and practice for civil society to operate: *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

5.2 Regarding abductions and intimidation of civil society activists exposing human rights violations by Sri Lankan security forces

- A National Policy on the Protection of Human Rights Defenders should be adopted to ensure 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.
- Issuance of derogatory statements by the state owned media against civil society members carrying out legitimate human rights defence activities should be discontinued

5.3 Regarding restrictions on freedom of expression and information through blocking of access to critical news websites and attacks on journalists

- Blocking of independent news websites should be discontinued with immediate effect
- All cases of attacks on journalists should be promptly investigated and followed up to bring the perpetrators to justice

5.4 Regarding restrictions on freedom of peaceful assembly and association

- Clear directives should be given to members of security forces not to impede peaceful assemblies
- Training should be given to members of security forces on the UN Basic Principles on the Use of Force and Firearms
- All policy restrictions impeding the work of civil society organisations or their activities whether thematically or geographically should be withdrawn forthwith

5.5 Regarding Access to UN Special Procedures and Mandate Holders

- A standing invitation to the UN Special Procedures , particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, Special Rapporteur on and Freedom of Assembly and Association should be extended