

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	588
Land:	Sri Lanka
Kilde:	Freedom House
Titel:	Freedom in the World 2018 - Sri Lanka
Udgivet:	5. april 2018
Optaget på baggrundsmaterialet:	7. juni 2018



Freedom in the World 2018 - Sri Lanka

Publisher [Freedom House](#)

Publication Date 5 April 2018

Cite as Freedom House, *Freedom in the World 2018 - Sri Lanka*, 5 April 2018, available at: <http://www.refworld.org/docid/5ad85789a.html> [accessed 7 June 2018]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom Status: Partly Free

Aggregate Score: 55 (0 = Least Free, 100 = Most Free)

Freedom Rating: 3.5 (1 = Most Free, 7 = Least Free)

Political Rights: 3 (1 = Most Free, 7 = Least Free)

Civil Liberties: 4 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 21,200,000

Capital: Colombo

GDP/capita: \$3,845

Press Freedom Status: Not Free

Net Freedom Status: Partly Free

OVERVIEW

Sri Lanka has experienced improvements in political rights and civil liberties since the 2015 election of President Maithripala Sirisena, who reversed a number of repressive policies and has worked to repair government relations with the ethnic Tamil minority. However, the government has been slow to implement transitional justice mechanisms needed to address the aftermath of a 26-year civil war between government forces and Tamil rebels, which ended in 2009.

Key Developments in 2017:

- In September, the country's Constitutional Assembly, through its Steering Committee, released an interim report on constitutional reform that contained a draft constitution. Its release was a notable step toward political decentralization, which is considered key to establishing a sustainable peace.
- The Office of Missing Persons, which is tasked with setting up a database of missing persons, advocating for the missing persons and their families, and recommending redress, became operational in September. Authorities have yet to implement numerous other transitional justice mechanisms outlined in a 2015 UN resolution that Sri Lankan authorities had assented to.

- In November, allegations of the torture and sexual assault of some 50 Tamil men by members of the security forces emerged in the international media.
- In February, the Right to Information Act was operationalized under the Ministry of Information.

POLITICAL RIGHTS: 24 / 40

A. ELECTORAL PROCESS: 8 / 16

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The 1978 constitution vested strong executive powers in the president, but the approval in 2015 of the 19th Amendment curtailed those powers somewhat by reintroducing term limits – limiting the president to two five-year terms – and requiring the president to consult the prime minister on ministerial appointments. In the 2015 presidential election, then president Mahinda Rajapaksa suffered a surprise defeat, with his opponent, Maithripala Sirisena, winning 51 percent of the vote; turnout was a record 82 percent. Monitors from the Commonwealth Observer Group noted government abuses of administrative resources, as well as preelection violence that mainly affected Sirisena supporters, but deemed the election generally credible.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

The 225-member unicameral Parliament is elected for six-year terms through a mixed proportional representation system. The prime minister heads the leading party in Parliament, but has limited authority. In the 2015 parliamentary elections, the United National Party (UNP) led a coalition, the National Front for Good Governance, to a victory with 106 seats. The United People's Freedom Alliance (UPFA) took 95 seats, while the Tamil National Alliance (TNA), the largest party representing the ethnic minority, won 16 seats. While dozens of violent incidents, including murder, were reported prior to the elections, the polling itself was considered credible.

Local council elections, originally set for 2015, had not been held by the end of 2017, with the government having cited problems involving the delimitation of voting districts.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Lawmakers continued debating electoral reforms in 2017, but progress was slow, due in part to differing opinions over whether constitutional reforms should come before or after electoral ones.

The Steering Committee of the Constitutional Assembly in September released an interim report containing a draft constitution. The draft charter included measures to devolve many powers of the central government to the regions, which is considered a key to establishing a sustainable peace. Debates on the interim report were ongoing at year's end.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

A range of political parties are able to operate freely and contest elections.

Following a 2015 coalition agreement between the UNP and SLFP, disgruntled SLFP members including Rajapaksa, along with other lawmakers, vowed to sit in the opposition. In 2016, the parliament speaker drew criticism after refusing to recognize the group, known as the Joint Opposition, as an independent parliamentary grouping.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition groupings are generally free to carry out peaceful political activities and are able to win power through elections. However, opposition figures and supporters sometimes face harassment.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Members of the country's military visibly supported the incumbent ahead of 2015 presidential election. Election monitors have expressed concern about the potential for the military to intimidate voters and disrupt polling. Separately, monitors said the government offered gifts and handout to voters ahead of the 2015 presidential election.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

A number of parties explicitly represent the interests of ethnic and religious minority groups, including several Tamil parties, as well as the Sri Lankan Muslim Congress, the country's largest Muslim party. Tamil political parties and civilians faced less harassment and fewer hindrances in voting during 2015 presidential and parliamentary elections, compared to the 2010 elections. However, systemic discrimination, including via language laws and naturalization procedures, negatively affects Tamils' political participation. The interests of women are not well-represented in Sri Lankan politics.

C. FUNCTIONING OF GOVERNMENT: 7 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Government accountability has improved under Sirisena, as the Rajapaksa family's power over various ministries waned and Parliament has taken a greater role in setting policy. The passage of the 19th Amendment in 2015 and the strengthening of independent commissions – including the National Human Rights Commission and the National Police Commission – represented important steps toward improving accountability mechanisms and reversing Rajapaksa's consolidation of executive power.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The Sirisena administration continued its efforts to fight corruption in 2017, though some critics note that corruption investigations and related arrests have led to few major prosecutions. In November 2017, Sri Lanka's cabinet approved a measure that would establish a new High Court to conduct corruption trials that involve government officials.

C3. Does the government operate with openness and transparency? 2 / 4

In February 2017, a Right to Information Act approved by Parliament in 2016 was operationalized under the Ministry of Information. However, access to information provisions are relatively new in Sri Lanka, and a pattern of enforcement has yet to be established.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -1 / 0

Following the end of the Sri Lankan Civil War in 2009, the traditionally Tamil areas of the north and east have seen a heightened military presence. The Rajapaksa government encouraged settlement by ethnic Sinhalese civilians by providing land certificates, housing, and other infrastructure, with the aim of diluting Tamil dominance in these areas. While such policies have ended under the new government, and some land has been released, displacement of Tamil civilians remains a concern.

CIVIL LIBERTIES: 31 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16 (-1)**D1. Are there free and independent media? 2 / 4**

Freedom of expression is guaranteed in the constitution, and respect for this right has dramatically improved since 2015. Since then, laws restricting media freedom have been invoked less frequently, and verbal and physical attacks against journalists have decreased.

However, challenges to press freedom persist. Senior officials including the prime minister have expressed hostility toward the media in public remarks. Impunity for past crimes against journalists is a problem. Several investigations into journalists' killings have been reopened in recent years, but none have resulted in convictions.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution gives special status to Buddhism. Religious minorities face discrimination and occasional violence. There have been attacks against members of the Christian and Muslim minorities, and monitors recorded more than 20 attacks against Muslims between mid-April and mid-June of 2017 alone. In October, a Buddhist monk and his associates were arrested and charged with crimes including property destruction in connection with their protest against the presence in Sri Lanka of Rohingya Muslim refugees from Myanmar, who were seeking asylum.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom is generally respected, but there are occasional reports of politicization in universities, and a lack of tolerance for dissenting views by both professors and students, particularly for academics who study issues related to the Tamil minority.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4 (-1)

The civil war remains a sensitive topic. In 2017, there were reports of small, private remembrance activities commemorating those who died in the conflict being disrupted by security forces. Harassment by state officials of civil society activists working on human rights issues in the north and east of the country has deterred open discussion of those topics among private citizens.

Score Change: The score declined from 3 to 2 because harassment of rights activists in the north and east of the country has inhibited private discussion of related issues, and due to reports that security forces disrupted private memorial activities for those who died in the civil war.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 2 / 4

Although demonstrations occur regularly, authorities sometimes restrict freedom of assembly. Police occasionally use tear gas and water cannons to disperse protesters. The army has continued to impose some restrictions on assembly in the north and east, particularly for planned memorial events concerning the end of the long-running civil war, in which the leaders of the Tamil rebels were killed.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Conditions for NGOs have improved dramatically since 2015. However, some NGOs have faced difficulty operating in the northern and eastern areas of the country. Although the United Nations and humanitarian organizations are generally given access to former conflict zones, reports of harassment and interference against, and surveillance of, civil society activists and victims' groups working on human rights issues in those areas continued in 2017.

In March, police officers threatened the family of an activist with the Pupil Salvation Forum, a civil society organization that works to assist victims of the conflict, after he had addressed the UN Human Rights Council.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Most of Sri Lanka's trade unions are independent and legally allowed to engage in collective bargaining. Except for civil servants, most workers can hold strikes, though the 1989 Essential Services Act allows the president to declare any strike illegal.

While more than 70 percent of the mainly Tamil workers on tea plantations are unionized, employers routinely violate their rights. Harassment of labor activists and official intolerance of union activities, particularly in export processing zones, are regularly reported.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 2 / 4

Corruption and politicization remains common in the lower courts, but threats and political interference have abated somewhat under the Sirisena government. In past years there has been some evidence of the executive attempting to influence the judiciary, such as when the prime minister in 2016 asked the parliament speaker to overrule a Supreme Court judgment.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Due process rights are undermined by the Prevention of Terrorism Act (PTA), under which suspects can be detained for up to 18 months without trial. The law has been used to detain perceived enemies of the government, and many detained under the PTA's provisions have been held for longer than the law mandates is legal. Civil society groups continue to clamor for its repeal.

The cabinet in May 2017 approved a draft of a new Counter Terrorism Act (CTA) intended to replace the PTA. Its broad scope prompted concern among civil society groups and other observers, as did its continued allowance of detention without charge and inadequate oversight provisions.

Authorities have yet to implement numerous transitional justice mechanisms outlined in a 2015 UN resolution that Sri Lankan authorities had assented to. These include a truth commission and a war crimes court. However, an Office of Missing Persons, which is tasked with setting up a database of missing persons, advocating for the missing persons and their families, and recommending redress, became operational in September 2017. Months earlier, in March, the UN Human Rights Council unanimously voted to extend the resolution's implementation by two years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Police and security forces have engaged in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils. In November 2017, allegations of torture and sexual assault of some 50 Tamil men by members of the security forces emerged in the international media. Due to huge backlogs and a lack of resources, independent commissions have been slow to investigate allegations of police and military misconduct.

Some 65,000 people have been reported disappeared since the government began accepting such reports in 1994; the disappearances occurred during two conflicts: an uprising in the late 1980s, and the 26-year civil war that ended in 2009. Separately, the Internal Displacement Monitoring Center estimated that around 44,000 people forced to flee their homes due to conflict and violence remained displaced as of December 2016.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Tamils report systematic discrimination in areas including government employment, university education, and access to justice. The status of Sinhala as the official language puts Tamils and other non-Sinhala speakers at a disadvantage.

LGBT (lesbian, gay, bisexual, and transgender) people face societal discrimination, occasional instances of violence, and some official harassment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 8 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

Freedom of movement is restricted by security checkpoints, particularly in the north, but recent years have seen greater freedom of travel. Access to education is affected by corruption from the primary through the tertiary levels.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Government appropriation of land in the north and east as part of economic development projects or "high security zones" following the end of the civil war had prevented local people from returning to their property. However, the Sirisena administration has released some military-held land for resettlement by displaced civilians.

There have been few official attempts to help Muslims forcibly ejected from the north by the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) rebel group in the early 1990s to return to their homes.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Women face sexual harassment as well as unequal wages and promotion opportunities in the workplace. Rape of women and children and domestic violence remain serious problems. Although women have equal rights under civil and criminal law, matters related to the family – including marriage, divorce, child custody, and inheritance – are adjudicated under the customary law of each ethnic or religious group, and the application of these laws sometimes results in discrimination against women.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Migrant workers are often exposed to exploitative labor conditions. Although the government has increased penalties for employing minors, thousands of children continue to work as household servants, and many face abuse. Women and children can be found engaging in forced sex work. The government in recent years has made some attempts to address human trafficking, including by establishing a specialized police unit to assist victims and those who report trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Copyright notice: © Freedom House, Inc. · All Rights Reserved

Search Refworld

by keyword

and / or country

[Advanced Search](#) | [Search Tips](#)

Countries

- [Sri Lanka](#)

Topics

- [Disappeared persons](#)
- [Freedom of information](#)
- [Tamil](#)
- [Torture](#)
- [Transitional justice \(including amnesty laws\)](#)