

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	575
Land:	Sri Lanka
Kilde:	Freedom House
Titel:	Freedom in the World 2017 – Sri Lanka
Udgivet:	12. juni 2017
Optaget på baggrundsmaterialet:	28. august 2017



Freedom in the World 2017 - Sri Lanka

Publisher [Freedom House](#)

Publication Date 12 June 2017

Cite as Freedom House, *Freedom in the World 2017 - Sri Lanka*, 12 June 2017, available at: <http://www.refworld.org/docid/59479a6aa.html> [accessed 25 August 2017]

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: 56/100 (0 = Least Free, 100 = Most Free)

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

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

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

Ratings Change:

Sri Lanka's political rights rating improved from 4 to 3 due to ongoing reforms to the constitution and electoral processes, and because the government has taken steps to combat corruption.

Quick Facts

Population: 21,200,000

Capital: Colombo

GDP/capita: \$3,926

Press Freedom Status: Not Free

Net Freedom Status: Partly Free

OVERVIEW

Mahinda Rajapaksa oversaw the abolition of term limits after he was reelected president in 2010, and suppressed criticism from dissenters while consolidating power. Rajapaksa suffered a surprise defeat in the 2015 elections, and since then Sri Lanka has experienced improvements in political and civil liberties under the new administration of President Maithripala Sirisena.

Key Developments in 2016:

- In June, Parliament passed a long-awaited Right to Information Act.
- In August, Parliament approved a bill that established an Office of Missing Persons, marking a step forward in the transitional justice and reconciliation process.

Executive Summary:

President Maithripala Sirisena's administration continued working on electoral, constitutional, and other reforms, and sought out public input on these processes. The Right to Information Act, which had been introduced in 2015, was approved by the parliament in June, and the Information Ministry worked on preparations for its full implementation in 2017. In August, parliament approved legislation that established 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. Separately, a draft constitution with new checks on executive power is expected to be released in 2017.

An opposition political grouping known as the Joint Opposition experienced some pressure during the year, with Sirisena at one point threatening to reveal "secrets" about its members. Separately, Sirisena accused an independent anticorruption commission of politicization, in remarks that drew widespread criticism as a departure from his government's anticorruption efforts, which have included a number of high profile investigations.

Religious extremist groups continued to harass minorities and advocates of religious tolerance, albeit with less frequency than in previous years.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 24 / 40 (+1)

A. Electoral Process 8 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

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. The prime minister heads the leading party in Parliament, but has limited authority. The 225-member unicameral Parliament is elected for six-year terms through a mixed proportional representation system.

In the January 2015 presidential election, President Mahinda Rajapaksa suffered a surprise defeat, with his opponent, Sirisena, winning 51 percent of the vote; turnout was a record 82 percent.

In the August 2015 parliamentary elections, the United National Party (UNP) led a coalition, the National Front for Good Governance, to a modest victory, winning 106 seats, a 46-seat increase from the 2010 polls. The United People's Freedom Alliance (UPFA) took 95 seats, a decline of 49, while the Tamil National Alliance (TNA), the largest party representing the ethnic minority, won 16 seats, an increase of 2. The UNP formed a government with the backing of smaller parties on a platform of undertaking a wide range of electoral and governance-related reforms. Ranil Wickremesinghe, long-time leader of the UNP, became prime minister, and a new cabinet was drawn from a range of coalition partners, including the Sri Lanka Freedom Party (SLFP), one of the parties that comprised the UPFA.

In the run-up to the presidential election, groups such as the Center for Monitoring Election Violence (CMEV) accused the government of acts of violence and of inappropriate use of state resources – particularly transportation, infrastructure, police services, and the media. While dozens of violent incidents were reported prior to the parliamentary elections later in 2015 – including several murders – the polling itself was considered credible.

Local elections, originally set for 2015, had still not been held by the end of 2016, with the government citing issues involving the delimitation of voting districts.

Lawmakers continued debating electoral reforms in 2016, but progress was slow, due in part to differing opinions over whether constitutional reforms should come before or after electoral ones. A draft constitution with new checks on executive power is expected to be released in 2017.

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 open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

A range of political parties, some of which explicitly represent the interests of ethnic and religious minority groups, are able to operate freely and contest elections. In addition to Prime Wickremesinghe's UNP and the UPFA, other major parties include the Marxist Janatha Vimukthi Peramuna (JVP); the TNA and several smaller Tamil parties; the Buddhist nationalist Jathika Hela Urumaya (JHU); and the Sri Lankan Muslim Congress, the country's largest Muslim party.

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, and this political bloc experienced pressure in 2016. The parliament speaker drew criticism in February after refusing to recognize the group, known as the Joint Opposition, as an independent parliamentary grouping, while President Sirisena in August threatened that he would reveal "secrets" about his rivals within the group if they formally established a new party.

Harassment of opposition politicians also took place in the lead-up to the January 2015 election, but declined markedly for the August 2015 parliamentary polls. Tamil political parties and civilians faced less harassment and fewer hindrances in voting during 2015 presidential and parliamentary elections, compared to the 2010 elections.

C. Functioning of Government 7 / 12 (+1)

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

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

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.

The Sirisena administration continued its efforts to fight corruption in 2016, though some critics note that a flurry of corruption investigations and related arrests have led to few major prosecutions. Several investigations focused on members of Rajapaksa's family. In June, Namal Rajapaksa, his oldest son, was arrested on charges related to an allegedly illicit real estate deal.

Separately, President Sirisena in October 2016 accused an independent antigraft commission of political bias; his statement was widely characterized as a departure from his administration's ongoing anticorruption efforts, and as serving to undermine the commission. The commission's head resigned in the wake of Sirisena's remarks.

In June 2016, Parliament passed a right to information act the cabinet had approved in late 2015. The Information Ministry began training staff and setting up specialized departments in preparation for the act's implementation in 2017.

Additional Discretionary Political Rights Question B -1 / 0

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. Is the government providing economic or other incentives to certain people in order to change the ethnic composition of a region or regions?
2. Is the government forcibly moving people in or out of certain areas in order to change the ethnic composition of those regions?
3. Is the government arresting, imprisoning, or killing members of certain ethnic groups in order change the ethnic composition of a region or regions?

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 32 / 60

D. Freedom of Expression and Belief 9 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

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, verbal and physical attacks on journalists have decreased, and several investigations into journalists' killings have been reopened.

However, media space is not entirely free. Senior officials have expressed hostility toward the media in public remarks, including the country's prime minister, who in July 2016 publicly claimed that some journalists were "conspiring against the government," and threatened to name the purported offenders. Earlier in the year, a cabinet official warned journalists not to cover activities of the Joint Opposition. The government in March also renewed calls for news websites

to register with the Media Ministry or risk being deemed unlawful; in the past, failure to register had been cited as a pretext to shut down websites that were critical of the government. In September, a 26-year-old man was arrested for video recording on his mobile phone the president landing in a helicopter; he was later released on bail.

The constitution gives special status to Buddhism. Religious minorities face discrimination and occasional violence. Tensions between the Buddhist majority and the Christian and Muslim minorities – particularly evangelical Christian groups, which are accused of forced conversions – sporadically flare into attacks by Buddhist extremists. In recent years, the minority Ahmadiyya Muslim sect has faced increased threats and attacks from Sunni Muslims, who accuse Ahmadis of apostasy. In August 2016, Buddhist extremists disrupted a peaceful vigil meant to promote religious tolerance. Separately, in 2016, Tamil groups in the north drew attention to the construction of Buddhist structures in close proximity to Hindu places of worship, and in areas where they said there were no Buddhists.

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 Tamil issues, according to the Federation of University Teachers' Associations.

The current government is not known to monitor or restrict access to the internet, and private discussion remains fairly free.

E. Associational and Organizational Rights 8 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Although demonstrations occur regularly, authorities sometimes restrict freedom of assembly. Police occasionally use tear gas and water cannons to disperse protesters, and were slow to respond to the disruption of the August 2016 vigil for religious tolerance. The army has imposed some restrictions on assembly in the north and east, particularly for planned memorial events concerning the end of the long-running civil war between the government and ethnic Tamil rebels.

Conditions for nongovernmental organizations (NGOs) have improved dramatically since the new government took office in 2015, with a lessening of official harassment and interference. 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 adequate access to former conflict zones. In 2016, the government notably engaged with civil society groups on several initiatives, including the Right to Information Act.

Most of Sri Lanka's trade unions are independent and legally allowed to engage in collective bargaining, but this right is poorly respected. 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?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian

control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

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

Corruption and politicization remains common in the lower courts, but the level of threats and political interference that occurred under Rajapaksa has abated somewhat under the new government. However in, in 2016 there was evidence of the executive attempting to influence the judiciary; for instance, Prime Minister Wickremesinghe in July asked the parliament speaker to overrule a Supreme Court judgment.

Police and security forces occasionally engage in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils. Due to huge backlogs and a lack of resources, independent commissions have been slow to investigate allegations of police and military misconduct.

Under the Prevention of Terrorism Act (PTA), 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 have been clamoring for its repeal. A draft of a new Counter Terrorism Act (CTA) intended to replace the PTA was released in October 2016, but prompted concern among civil society groups and other observers for its broad scope and lack of oversight provisions.

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. In August 2016, parliament approved legislation that established 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. While the development won praise from domestic and international observers, rights advocates also said the government failed to consult adequately with the families of missing persons as the bill was being developed. Separately, The Internal Displacement Monitoring Center estimated that around 73,700 internally displaced persons remained in Sri Lanka as of July 2015.

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. Ethnic tensions occasionally lead to violence.

LGBT (lesbian, gay, bisexual, and transgender) people face societal discrimination, occasional instances of violence and some official harassment, though government officials have stated that LGBT people are constitutionally protected from discrimination. Sex "against the order of nature" is a criminal offense, but cases are rarely prosecuted. An August 2016 report by Human Rights Watch found that transgender people in particular face discrimination, including the inability to update their identity documentation with their preferred gender and police harassment at checkpoints.

G. Personal Autonomy and Individual Rights 8 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political

parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

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

Women are underrepresented in politics, on independent commissions, and in the civil service. Female employees in the private sector face sexual harassment as well as discrimination in salary and promotion opportunities. 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. Women make up just 35 percent of the labor force, and they are also often barred from access to information and communications technology, particularly in rural areas, and are more susceptible to poverty.

Although the government has increased penalties for employing minors, thousands of children continue to work as household servants, and many face abuse. Throughout the country, the military's role and expanded size under former president Rajapaksa and its presence in a variety of economic sectors – including tourism and infrastructure projects – remain causes for concern.

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

- [Corruption](#)

- [Elections](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of information](#)
- [Freedom of movement](#)
- [Freedom of religion](#)
- [Independence of judiciary](#)
- [Political parties](#)
- [Rule of law / Due process / Procedural fairness](#)