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FREEDOM IN THE WORLD 2022

Sri Lanka

PARTLY FREE

55
/100

<u>Political Rights</u>	23 /40
<u>Civil Liberties</u>	32 /60

LAST YEAR'S SCORE & STATUS

56 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Sri Lanka experienced improvements in political rights and civil liberties after the 2015 election of President Maithripala Sirisena, which ended the more repressive rule of Mahinda Rajapaksa. However, the Sirisena administration was slow to implement transitional justice mechanisms needed to address the aftermath of a 26-year civil war between government forces and ethnic Tamil rebels, who were defeated in 2009. Gotabaya Rajapaksa's election as president in November 2019 and the Sri Lanka Podujana Peramuna's (SLPP) victory in the August 2020 parliamentary polls emboldened the Rajapaksa family, which has taken steps to empower the executive, roll back accountability mechanisms for civil war-era rights violations, and further militarize the island.

Key Developments in 2021

- Despite repeated promises to repeal the controversial Prevention of Terrorism Act (PTA), the government expanded its provisions in March to allow suspects to be detained for up to two years without trial. Critics accused the government of only making such promises to avoid international censure.
- In June, President Gotabaya Rajapaksa pardoned a close associate and former member of Parliament who had been sentenced to death in 2016 for killing a political rival. The United Nations (UN) human rights office condemned the pardon as “selective and arbitrary,” saying Rajapaksa's actions had undermined the rule of law in the country.
- Parliament voted to impose a state of emergency in September, claiming the measure was necessary to control the price of essential commodities due to food shortages. Opposition figures criticized the decision, saying the state of emergency was unnecessary and could be used to suppress dissent.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

3/4

Under the constitution as amended in 2015, the president is directly elected for up to two five-year terms and must consult the prime minister on ministerial appointments. The prime minister and cabinet must maintain the confidence of Parliament.

In the November 2019 presidential election, Gotabaya Rajapaksa of the SLPP defeated his main opponent, Housing Minister Sajith Premadasa of the United National Party (UNP), 52 percent to 42 percent.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

3/4

The 225-member unicameral Parliament is elected for five-year terms, with 196 members elected through an open list system at the district level, and 29 members appointed via a national list. In the 2020 parliamentary elections, the SLPP won 145 seats, which when combined with the support of allies, ensured a supermajority. Samagi Jana Balawegaya (SJB) won 54 seats. The UNP, from which the SJB had split in early 2020, managed to acquire only one national-list seat. Sri Lanka's other major party, the Sri Lanka Freedom Party (SLFP), also secured just one seat, although the vast majority of its candidates contested as part of the SLPP, which allied with several parties for the poll.

While the parliamentary polls were mainly free and fair and saw lower levels of violence compared to previous elections, intimidation and harassment of women, Muslim, and Tamil voters prior to the polls were among the incidents reported.

Provincial council elections were repeatedly postponed due to disputes over the delimitation of voting districts. The last rounds were held in 2012–14, meaning the councils' five-year terms expired in 2017–19. Prominent nationalists, including leading members of the Buddhist clergy, want the councils abolished, pointing to how India superimposed the power-sharing system on Sri Lanka via the 13th Amendment, which was adopted as part of the 1987 peace accord that attempted to resolve the Sri Lankan civil war. They also point to the wasteful spending associated with the councils, in which only 25 percent of the budget is used for development purposes. Though the government promised to hold council elections by the end of 2021, no elections were held.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3/4

The Election Commission (EC) of Sri Lanka, which administers and oversees all elections in the country, has built a reputation for independence. However, the new 20th Amendment, approved in October 2020, compromises the EC's independence by allowing the president sole power to appoint commissioners.

The government has been unable to complete the process for provincial council constituency delimitation required under a 2017 electoral law.

B. Political Pluralism and Participation

B1 0-4 pts

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 operate freely and participate in elections. The success of the SLPP, founded in 2016 and led by Mahinda Rajapaksa, in the 2018 local elections, the 2019 presidential election, and 2020 parliamentary elections, demonstrates that new parties can form and compete without significant interference. However, political debates between parties sometimes involve an element of violence and intimidation.

B2 0-4 pts

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. The opposition SLPP won control of 231 out

of 340 local councils in the 2018 elections and took the presidency in 2019, leading to a peaceful transfer of executive power. The SLPP, which included many SLFP members that were in opposition, also won the 2020 parliamentary elections in a landslide. However, opposition figures and supporters sometimes face harassment or violence.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

2/4

Vote buying and political bribery persist as issues that distort the free choices of voters.

Many members of the military openly backed then president Mahinda Rajapaksa ahead of the 2015 election, and many among the armed forces recognized his abortive appointment as prime minister in 2018 despite protests that the move was unconstitutional. Former and current military officials supported the candidacy of Gotabaya Rajapaksa in the 2019 presidential election. Since the 2019 election, the government has undergone increasing militarization, strengthening Rajapaksa's hold on power and contributing to the political dominance of Sri Lanka's Buddhist majority.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, 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. Systemic discrimination, including via language laws and naturalization procedures, negatively affects Tamils' political participation. Since 2020, the government has prevented the national anthem from being sung in Tamil at the official Independence Day celebration, though the previous government had reintroduced the practice.

While a 25 percent quota at the local government level has resulted in an increase in female political candidates, women currently hold only 5.3 percent of seats in

Parliament. When President Gotabaya Rajapaksa announced his 27-member cabinet following 2020 parliamentary elections, only one member was a woman. Of the other 26, one was a Muslim and one a Tamil (in a country where Muslims and Tamils amount to 25 percent of the population).

C. Functioning of Government

C1 0-4 pts

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

2 / 4

In practice, the president, prime minister, and finance minister—all Rajapaksa siblings—enjoy almost complete authority when making decisions. In certain instances, the cabinet has been left out of decision-making processes or not fully apprised about policies being instituted. Despite receiving significant criticism from the opposition, the government has been able to pass its budget and other legislation through parliament easily. In September 2020, the president said his verbal pronouncements were as good as government circulars, and instructed officials to obey them.

The military has played an increasing role in the government since Gotabaya Rajapaksa was elected president in 2019. In 2020, President Rajapaksa appointed a military commander to oversee the country's response to the COVID-19 pandemic, introducing military influence in areas of policy previously controlled by civilian authorities.

In May 2021, the SLPP used its parliamentary majority to pass a controversial bill creating a Special Economic Zone (SEZ) around Colombo Port City, a large development project largely funded by Chinese companies. Opposition politicians have criticized the bill, which would prevent parliamentary oversight of the SEZ and grant a 40-year tax exemption for foreign companies, saying it could potentially jeopardize Sri Lanka's sovereignty.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1 / 4

There appears to be an understanding among major politicians that they ought not prosecute those in opposing parties on corruption allegations, lest they too be held accountable when out of power. Critics say that such reluctance to prosecute corruption among politicians has created a culture of impunity.

The media reported on several corruption scandals in 2021; one such scandal involved the state-owned Litro gas company altering the composition of gas tanks, which allegedly led to several explosions and numerous injuries, prompting some to accuse the company of profiteering. Though the government committed to investigating the corruption allegations, no charges had been filed by year's end.

In January 2020, Gotabaya Rajapaksa established the Presidential Commission of Inquiry to Investigate Allegations of Political Victimization, which opposition leaders and rights groups say is intended to help the Rajapaksa family and their associates evade criminal investigations and prosecution. In January 2021, local media reported that the commission had recommended that the government pursue legal action against those who investigated or brought cases against the Rajapaksas and their friends under the previous government.

C3 0-4 pts

Does the government operate with openness and transparency?

2/4

Individuals have used the 2017 Right to Information Act to access government records, but transparency is lacking in procurement and contracting decisions, including for large contracts with Chinese and other foreign companies. The auditor general in recent years has also noted major discrepancies in the government's assessments of public debt.

Add Q

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

Following the end of the civil war in 2009, the military presence in the Tamil-populated areas of the north and east increased. The election of Gotabaya Rajapaksa

as president in 2019 and the creation of the Presidential Task Force for Archeological Heritage Management in the Eastern Province in June 2020 have led to concerns that the regime may employ the military to back claims pertaining to Buddhist heritage, to further change the region's demographics.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

2 / 4

Freedom of the press is guaranteed in the constitution, and respect for this right improved following Mahinda Rajapaksa's defeat in 2015. Since the return of the Rajapaksas, however, media and civil society organizations have been more cautious when expressing views that challenge the government—displaying a willingness to criticize policy issues, but largely muting coverage of corruption. Nevertheless, media outlets did highlight several cases of corruption in 2021, including scandals involving the state-owned gas company. Media criticism of the military is also rare. Journalists covering human rights violations against members of religious and ethnic minority groups often face harassment, including from the authorities.

In June, police arrested consumer rights activist Asela Sampath at his home, claiming that he was detained for spreading misleading information on social media.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

2 / 4

While there were no major instances of interreligious violence in 2021, past anti-Muslim rioting has left many Muslims afraid that they may be targeted, and that any

attackers may enjoy impunity. In March, the government discontinued its policy of mandatory cremation for those thought to have died from the coronavirus, which had prevented members of the country's Muslim minority from observing Islamic funeral practices.

Throughout 2021, members of the Roman Catholic clergy publicly criticized the government for perceived faults in the official investigation into the 2019 Easter terrorist bombings, which had targeted three Christian churches. In November, a Catholic priest was briefly detained for police questioning after he alleged that officials in the State Intelligence Service (SIS) had connections to the attackers.

In October, the president appointed Galagoda Aththe Gnanasara, a controversial Buddhist monk known for his Islamophobic and hardline nationalist views, to lead a government task force to draft legal reforms ostensibly intended to “prevent discrimination” against minorities. However, critics say that Gnanasara's appointment signals that the proposed legislation may entrench Buddhist nationalism by giving Buddhist institutions and practices legal “preeminence” and lead to further divisions between Sri Lanka's religious groups.

D3 0-4 pts

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 at universities and intolerance of dissenting views among both professors and students. Faculty and students at the University of Colombo have criticized President Rajapaksa's November 2021 appointment of a leading Buddhist monk as the university's chancellor, saying the monk's “political affiliations” make him unsuitable for the role. However, most students and faculty feel pressure to avoid discussing sensitive topics, including alleged war crimes, human rights for marginalized groups, Islamophobia, or extremist activities by Buddhist clergy.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2/4

The civil war remains a sensitive topic. Awareness of state officials' harassment of civil society activists working on human rights issues in the north and east has deterred open discussion of such subjects among ordinary citizens.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

3/4

Although authorities sometimes restrict freedom of assembly, assemblies occur regularly, though some demonstrations on sensitive topics like security laws and impunity for forced disappearances are suspected to be subject to surveillance. Dozens of people were arrested during peaceful protests throughout 2021. In September, the UN Office of the High Commissioner for Human Rights (OHCHR) informed the UN Human Rights Council (UNHCR) that several peaceful protests during the year had been “met with excessive use of force.”

In September, Parliament voted to approve a state of emergency, which the president claimed was needed to “control food prices and prevent hoarding”; opposition figures criticized the state of emergency, which included provisions allowing the government to curtail protests, saying it was unnecessary and could be used to stifle dissent.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

3/4

Nongovernmental organizations (NGOs) are generally free to operate without interference, but some NGOs and activists—particularly those in the north and east that focus on sensitive topics such as military impunity—have been subjected to denial of registration, surveillance, harassment, and assaults. Intelligence personnel began attending civil society meetings and questioning some organizations about

their personnel and funding sources soon after Gotabaya Rajapaksa became president.

Many NGOs cooperated with the government to distribute aid during COVID-19 lockdowns. Some analysts have expressed concern that the collaboration also provided intelligence officials information about NGO operations and personnel, which may assist authorities should they decide to crack down on those groups.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

3/4

Trade unions are legally allowed to organize and engage in collective bargaining. Except for civil servants, most workers can strike, though the 1989 Essential Services Act allows the president to declare any strike illegal. Harassment of labor activists and official intolerance of union activities, particularly in export processing zones, is regularly reported. Larger unions are often affiliated with political parties. Food shortages and the high cost of living during the pandemic led to numerous trade unions protesting against the government throughout much of 2021.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

3/4

Political interference in and intimidation of the judiciary abated somewhat under the Sirisena administration, and the courts have asserted their independence amid political turbulence in recent years, including during the 2018 constitutional crisis.

In June 2021, the Appeals Court granted bail to Shani Abeysekara, a detective who had previously investigated members of the Rajapaksa family. Abeysekara had been detained since July 2020, when he was arrested for allegedly fabricating evidence in a 2013 murder case; he denied the charges, which the appellate court called “concocted stories.” In December, a Colombo High Court also ruled against the Attorney General

to acquit Azath Salley, a former provincial governor who had been arrested in March for making comments that allegedly “aimed to create disharmony.”

Corruption and politicization remain rife in the lower courts.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

1 / 4

Due process rights are undermined by the Prevention of Terrorism Act (PTA), which was expanded in March 2021 to allow suspects to be detained for up to two years without trial. The law has been used to hold perceived enemies of the government, particularly Tamils, and many detained under the PTA’s provisions have been kept in custody for longer than the law allows. Following the 2019 Easter Sunday bombings, hundreds of Muslim suspects were arrested under the antiterrorism legislation, while Sinhalese anti-Muslim rioters were charged under standard civilian statutes that allowed bail. During 2021, international rights groups demanded the release of human rights lawyer Hejaaz Hizbullah and poet Ahnaf Jazeem, two Muslims held for more than a year under the PTA. Though Jazeem was released on bail in December, Hizbullah remained in detention at year’s end. In January, the government promised to review the PTA, and later released a number of detainees; however, critics say that the government did so in order to avoid international censure, and does not plan to truly reform the PTA.

The police routinely treat government officials and those closely associated with them favorably. Military personnel accused of committing war crimes during the civil war have received prominent positions in the new government, while others remain in senior military posts. In February 2020, the United States government issued sanctions against Army Commander Shavendra Silva and his family, barring them from visiting the country, citing allegations of “gross human rights violations.”

Score Change: The score declined from 2 to 1 because the authorities continue to arrest, detain, and prosecute individuals—including members of the Tamil community—under an antiterrorism law.

F3 0-4 pts

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 extrajudicial executions, forced disappearances, custodial rape, and torture, all of which disproportionately affect Tamils. Due to backlogs and a lack of resources, independent commissions have been slow to investigate allegations of police and military misconduct. In September 2021, the minister of prisons allegedly demanded to see Tamil prisoners held under the PTA, then forced two men to kneel and threatened to shoot them; he resigned as minister of prisons, but remained in government at year's end.

In February 2020 the government withdrew cosponsorship of UNHRC Resolution 30/1, on promoting reconciliation, accountability, and human rights in Sri Lanka, a move interpreted by rights groups as a signal that authorities did not intend to hold members of the military accountable for rights violations. In March 2020, President Gotabaya Rajapaksa pardoned an army staff sergeant sentenced to death for murdering eight Tamils, including three children, in 2000. In June 2021, the president also pardoned a former member of Parliament who had been sentenced to death for killing a political rival. International human rights groups criticized the “selective and arbitrary” pardons, saying Rajapaksa had prevented accountability and undermined the rule of law in the country.

The April 2019 bombings and subsequent rioting underscored the threats posed to physical security by terrorism and communal violence.

F4 0-4 pts

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. Ethnic and religious minorities are vulnerable to violence and mistreatment by security forces and Sinhalese Buddhist extremists.

LGBT+ people face societal discrimination, occasional instances of violence, and some official harassment. A rarely enforced article of the penal code prescribes up to 10

years in prison for same-sex sexual activity. Sexual harassment and employment discrimination against women is common, as are discriminatory legal provisions.

The government does not grant asylum or refugee status under its own laws, nor does it provide services or work permits to asylum seekers and refugees. These individuals rely instead on aid from NGOs, informal employment, and third-country resettlement by the Office of the UN High Commissioner for Refugees (UNHCR).

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2/4

Free movement is still restricted by security checkpoints, restricted military areas, and military occupation of public and private land. Additional security checkpoints were erected in Northern Province soon after Gotabaya Rajapaksa was elected.

Women with children younger than five years old are not allowed to travel abroad for work. Access to educational institutions is impeded by corruption, with bribes often required to obtain primary school admission.

G2 0-4 pts

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

2/4

Ongoing occupations and other forms of land grabbing remain serious problems, especially for Tamils in the northeast. Corruption sometimes hinders the effective enforcement of property rights in general. Some women face gender-based disadvantages regarding inheritance under the customary laws of their ethnic or religious group, and Muslims reportedly encounter discrimination in property transactions.

G3 0-4 pts

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

Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, and child custody—are adjudicated under the customary laws of each ethnic or religious group, and the application of these laws sometimes entails discrimination against women. Rape of women and children and domestic violence remain serious problems, and perpetrators often act with impunity.

Some very young girls are forced into marriages under Islamic personal law, which the government is seeking to change by altering the Muslim Marriage and Divorce Act (MMDA). However, the government has been criticized for attempting to revise the MMDA without adequate input from the Muslim community.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Although the government has increased penalties for employing minors, many children continue to work as household servants and face abuse from employers. Women and children in certain communities are vulnerable to forced sex work. The government has made some attempts to address human trafficking, but prosecutions and measures to identify and protect victims remain inadequate, and complicity among public officials is a serious problem. While most of the mainly Tamil workers on tea plantations are unionized, employers routinely violate their rights. Migrant workers recruited in Sri Lanka are often exposed to exploitative labor conditions abroad.



On Sri Lanka

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Country Facts

Global Freedom Score

55/100 **Partly Free**

Internet Freedom Score

51/100 **Partly Free**

Other Years

2021

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