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Sri Lanka

Country:

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Year:

2016

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

4

Aggregate Score:

55

Freedom Rating:

4.0

Overview:

Following a series of high-level defections from President Mahinda Rajapaksa's ruling United People's Freedom Alliance (UPFA), the government suffered a defeat to a newly unified opposition alliance in presidential elections held early in January 2015. Maithripala Sirisena of the Sri Lanka Freedom Party (SLFP), who was sworn in as president that month, ushered in a broad reversal of the country's authoritarian drift under Rajapaksa. Sirisena's 2015 reforms included the curtailing of executive power, the reestablishment of independent commissions, and the introduction of freedom of information legislation.

Though Rajapaksa was able to win a seat in parliamentary elections held in August, the opposition United National Party (UNP) captured the most seats and 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, again became prime minister, and a new cabinet was drawn from a range of coalition partners, including the SLFP, one of the parties that comprised the UPFA. The pace of reforms promised by Sirisena, although initially slow due to divisions within the ruling coalition, improved in late spring, and accelerated even further after the parliamentary elections.

The new government also signaled a willingness to investigate the issue of alleged war crimes committed in 2009 during the final phase of the military's campaign against the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) rebel group. In September 2015, the foreign minister promised at a UN Human Rights Council hearing to set up a truth, justice, and reconciliation commission to investigate atrocities. The pledge was

made at the same session at which the council released a damning report containing details of abuses committed by both sides.

Trend Arrow:

↑

Political Rights and Civil Liberties:

Political Rights: 23 / 40 (+7) [Key]

A. Electoral Process: 8 / 12 (+2)

The 1978 constitution vested strong executive powers in the president, but the approval in April 2015 of the 19th Amendment curtailed the power of the executive office somewhat by reintroducing term limits—limiting the president to two five-year terms—and requiring the president to consult the prime minister regarding 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, 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 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 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. In August, the UNP and the SLFP agreed to form a coalition government.

In the run-up to the presidential election, groups such as the Center for Monitoring Election Violence 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, including several murders, the polling itself was relatively fair.

B. Political Pluralism and Participation: 10 / 16 (+3)

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 the UNP and UPFA, the main 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.

The longtime ruling-coalition practice of coopting opposition members of parliament and abusing state resources during election periods was challenged in late 2014, when a number of parties and prominent politicians defected from the UPFA ahead of the 2015 presidential election. In late 2014, disparate opposition groups—including the UNP, JVP, JHU and the Sri Lankan Muslim Congress—formed an alliance and selected a “common opposition candidate,” Sirisena, a cabinet minister and former

member of Rajapaksa's party. The JHU and the Muslim Congress had previously been members of Rajapaksa's ruling alliance.

Despite harassment of opposition politicians in the lead-up to the January 2015 election, the opposition candidate managed to triumph. Harassment of the opposition declined markedly for the August parliamentary polls. In the north and east, members of various Tamil political parties, who have faced frequent threats in the past, also faced less intimidation in 2015. In addition, Tamil civilians faced fewer hindrances in voting during both polls, in contrast to the 2010 elections. In what was described as an amicable gesture to the Tamil community by Sirisena, in early 2015 the newly elected president appointed a civilian governor in Northern Province, where Tamils comprise a majority; the new governor replaced a retired army commander.

C. Functioning of Government: 6 / 12 (+2)

Government accountability and inclusivity improved in 2015 under Sirisena, as the Rajapaksa family's power over various ministries waned and Parliament resumed a greater role in setting policy. The passage of the 19th Amendment in April and the appointment of independent commissions in the fall, including the National Human Rights Commission, represented important steps toward improving accountability mechanisms and reversing Rajapaksa's consolidation of executive power. However, some critics alleged that the amendment process was opaque and that its restrictions on executive power did not go far enough.

Corruption remains a concern, though steps were taken in 2015 to strengthen enforcement of existing safeguards and uphold the current legal and administrative framework. The Commission to Investigate Allegations of Bribery or Corruption was given additional powers of investigation and prosecution under the 19th Amendment; a new commissioner was appointed in October 2015, and a number of cases were initiated by year's end, although the commission's speed in dealing with a backlog of cases remains hampered by a lack of staff. Nevertheless, the commission opened investigations into a number of high-ranking politicians and officials from the previous government, including members of the Rajapaksa family. The cabinet approved a Right to Information bill in December 2015, marking an additional improvement in transparency. Sri Lanka was ranked 83 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Discretionary Political Rights Question B: -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, and a significant amount of land—44,000 acres—is still under military control.

Civil Liberties: 32 / 60 (+7)

D. Freedom of Expression and Belief: 9 / 16 (+3)

Freedom of expression is guaranteed in the constitution, and respect for this right dramatically improved in 2015 under the new administration. A number of laws and regulations that can restrict this right—including the Official Secrets Act, antiterrorism regulations, and laws on defamation and contempt of court—were used less frequently to punish critical journalists. The level of verbal and physical attacks on journalists also dramatically lessened during the year, although isolated incidents were reported by local monitoring groups. However, Tamil-language outlets such as the *Uthayan* newspaper faced greater constraints; in April, a freelancer for the daily was arrested for writing a story critical of local police. Investigations into past attacks on journalists and media outlets, such as the high-profile murder of Lasantha Wickremetunge in 2009, were initiated in early 2015. In August, four Sri Lankan army officers were arrested and accused of involvement in the January 2010 disappearance of Prageeth Eknelygoda, a political cartoonist and columnist. In addition, a number of exiled journalists were able to return to the country. The blocking of online media, particularly Tamil-language news sites and other independent outlets, such as the investigative news website *Colombo Telegraph*, lessened in 2015.

The constitution gives special status to Buddhism, and 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. However, harassment and attacks instigated by the militant Bodu Bala Sena (BBS, or Buddhist Power Force) eased in 2015. In recent years, the minority Ahmadiyya Muslim sect has faced increased threats and attacks from Sunni Muslims, who accuse Ahmadis of apostasy.

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. Harassment of student leaders and activists continues to be a concern. In October 2015, several peaceful student protests were violently dispersed by police.

Although the Rajapaska government had stepped up levels of online surveillance, and some additional monitoring of the Tamil minority continued, the climate of fear eased under the new administration, including in the north and east. As a result, individuals were more willing to express dissent on politics and other sensitive matters. Levels of internet censorship were also reduced, allowing greater access to viewpoints and more open private discussion.

E. Associational and Organizational Rights: 8 / 12 (+2)

Although demonstrations occur regularly, authorities sometimes restrict freedom of assembly. Police occasionally use excessive force to disperse protesters. The army has imposed some restrictions on assembly in the north and east, particularly for planned memorial events concerning the end of the war.

Conditions for nongovernmental organizations (NGOs) improved dramatically under the new government in 2015, with a lessening of official harassment and interference. Human rights and peace-seeking groups were able to operate much more freely, as state-sponsored surveillance, smear campaigns, death threats, disruption of activities, and criminal investigations into their funding and activities mostly ended and such groups were regularly consulted on policy formulation and able to speak freely at international fora. In recent years, 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.

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 (+2)

Although the judiciary had become less independent and more politicized under Rajapaksa, the appointment of a new, Tamil chief justice in January 2015 was a positive step taken by the new administration, as was the re-formation of an independent commission to oversee judicial appointments. Corruption remains common in the lower courts, but the levels of threats and political interference that occurred under Rajapaksa abated under the new government.

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, as described in an October 2015 Human Rights Watch report. The London-based NGO Freedom from Torture noted several dozen cases during 2015 in which Tamils were tortured by security forces on suspicion of involvement with the LTTE.

Under the Prevention of Terrorism Act (PTA), suspects can be detained for up to 18 months without trial; this, along with 2006 antiterrorism regulations, has been used to detain perceived enemies of the government. The new government promised to undertake a review of those detained under PTA regulations, as well as to consider repealing the law, but several hundred people remain in detention without charge, according to human rights watchdogs, with several dozen more detained under the PTA in 2015. The National Human Rights Commission—which is rebuilding capacity after being weakened by Rajapaksa—is empowered to investigate abuses but is characterized by insufficient authority and resources.

The Internal Displacement Monitoring Center estimated that around 73,700 internally displaced persons remained in Sri Lanka as of July 2015. The status of hundreds of Tamils who disappeared during the war's closing offensives remains unclear. A November 2015 visit by the UN Working Group on Enforced Disappearance urged the government to hasten its review of more than 23,000 unsolved disappearances.

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.

G. Personal Autonomy and Individual Rights: 8 / 16

Freedom of movement is restricted by security checkpoints, particularly in the north. 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. The Sirisena administration, however, 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 LTTE in the early 1990s to return to their homes.

Access to education is affected by corruption from the primary through the tertiary levels, and observers have noted education as one of the most corrupt sectors in Sri Lanka. However, with a revitalized anticorruption commission, investigations into cases of bribery for admission into schools made greater headway in 2015.

Women are underrepresented in politics and 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, with hundreds of complaints reported annually; existing laws are weakly enforced. The presence of the army in the north and east has increased the risk of harassment and sexual abuse for female civilians in those areas. 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.

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

Full Methodology

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