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2015 Scores

Press Status: Not Free

Press Freedom Score (0 = best, 100 = worst): 76

Legal Environment (0 = best, 30 = worst): 23

Political Environment (0 = best, 40 = worst): 33

Economic Environment (0 = best, 30 = worst): 20

Media freedom remained restricted in Sri Lanka in 2014. The regime of President Mahinda Rajapaksa continued to intimidate journalists through a variety of legal and extralegal means. As the presidential election approached at the end of the year, pressure on the media increased.

Legal Environment

The constitution provides for freedom of expression, but it and other laws and regulations place significant limits on the exercise of this right. The 1979 Prevention of Terrorism Act contains extremely broad restrictions, such as a prohibition on bringing the government into contempt. The decades-old Official Secrets Act bans reporting on classified information, and those convicted of violating its provisions can be sentenced to up to 14 years in prison. Although no journalists have been charged under the law, it is used as a threat. Criminal defamation laws were repealed in 2003, but government officials and political figures continue to bring civil cases, sometimes involving excessively large fines, against press outlets. A civil defamation suit brought by Defense Minister Gotabhaya Rajapaksa against the newspaper *Sunday Leader* has dragged on for years. In October 2014, reporters were barred from witnessing the minister's cross-examination. At the same time, the paper's new management, installed after the paper was bought out by Minister Rajapaksa's allies after the suit was filed, fired their chief counsel and is thought to be colluding with the regime. Journalists are occasionally threatened with contempt-of-court charges or questioned regarding their sources.

There is no enforceable right to information in the constitution or in separate legislation. In fact, the Establishments Code, the formal administrative code governing civil servants, actively discourages access to information even on public-interest grounds. Attempts by the opposition to introduce a right to information bill in parliament have been defeated several times by the governing majority.

The 1973 Press Council Act, which prohibits disclosure of certain fiscal, defense, and security information and establishes a regulatory body to enforce such measures, was revived in 2009. The government nominates all seven council members under the act, and violations of its provisions can draw prison terms and other punitive measures. After a slow start, the council, whose purview covers all types of media outlets, began operating and handing down judgments in 2012. The broadcasting authority is not independent, and licensing decisions sometimes appear to be arbitrary and politically influenced. Under rules imposed in 2011 regarding licensing for websites that host news content related to Sri Lanka, only about a third of websites that attempted to register were successful, according to international watchdog Article 19. In December 2013, authorities announced that due to a lack of frequencies, no new radio or television stations would be licensed. This policy continued in 2014, although some new stations that were licensed prior to the moratorium launched during the year. The Press Complaints Commission of Sri Lanka promotes self-regulation in the independent print and online news media based on a code of professional practice.

Local press freedom advocacy groups, such as the Free Media Movement and the Sri Lanka Journalists' Association, face smear campaigns in state-controlled media, and their staff operate under considerable threat. On several occasions during 2014, training sessions for local journalists that had been organized by either local or international nonprofit organizations were interrupted or forcibly broken up by both official and nonstate actors. State authorities reportedly conduct surveillance on the personal communications and activities of individuals, including journalists, known to be critical of the government or who report on sensitive topics.

Political Environment

Misuse of state media to benefit the incumbent, President Rajapaksa, in the run-up to the presidential election at year's end was reported by local monitoring groups. Censorship does not generally take place for traditional media, but web-based media, particularly Tamil-language news sites and other independent outlets such as the *Colombo Telegraph*, are subject to intermittent government-authorized blocks. As the election approached, other instances of censorship emerged, including two cable operators refusing to transmit Sirasa TV's interview with the leading opposition candidate. Levels of self-censorship in the broader news media are high, with the vast majority of journalists avoiding coverage that is critical of the president's family or administration. Many journalists also tend to abstain from coverage of the alleged war crimes surrounding the defeat of the Tamil Tiger rebel movement in 2009.

Access to the internet and to foreign media has occasionally been restricted. Web-based media and blogs have taken on a growing role in the overall media environment, with outlets such as *Groundviews*, its sister site *Vikalpa*, and *The Republic Square* providing news and a range of commentary, even on sensitive stories and events that are barely covered by the mainstream media.

Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face regular intimidation and pressure from government officials at all levels. Official rhetoric is markedly hostile toward critical or "unpatriotic" journalists and media outlets, with prominent leaders, including Defense Minister Rajapaksa, often making statements that equate any form of criticism with treason. State-controlled media and the Defense Ministry website have been used to smear and threaten individual journalists, activists, and media freedom organizations. Those who appear at international forums such as the UN Human Rights Council or give testimony to visiting UN experts or donor bodies such as the European Union are subject to particular vilification. This pattern recurred in 2014, when the government detained several prominent Tamil journalists in Jaffna and interrogated them on their connections with international nongovernmental organizations (NGOs) and human rights organizations. Activists believed the crackdown was

borne out of a fear that local journalists were attempting to gather information on rights violations in the north to present to the United Nations.

In addition to verbal and physical attacks from official sources, journalists and press advocacy groups that are perceived as supportive of ethnic Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups. While Tamil journalists no longer face the tight restrictions imposed by the Tamil Tigers, they generally refrain from strident criticism of the government, the military, or progovernment Tamil political factions. Tamil-language outlets – such as the *Uthayan* newspaper, based in Jaffna – face regular harassment and operate under considerable duress and threat to their staff. They are also subject to regular attacks and harassment, including when several hundred soldiers surrounded the *Uthayan's* headquarters in May.

Sunil Jayasekara, the convener of the Free Media Movement, received death threats in July, and on several other occasions journalists who attempted to attend trainings or workshops also received threats. Several dozen journalists and media freedom activists have gone into or remain in exile – one of the highest numbers in the world, according to the Committee to Protect Journalists – leaving the sector without many of its most experienced professionals.

On a number of occasions during the year, reporters attempting to cover sensitive news stories were physically harassed by police in the course of their work. In May 2014, reporters who were attempting to film a public appearance by Defense Minister Rajapaksa and the proceedings at a defamation court hearing against a newspaper were threatened by police; some were prevented from covering the story altogether. In June, journalists were instructed not to report on sectarian clashes between Muslims and Buddhists in southern Sri Lanka that had been instigated by a radical Buddhist group. Reporters continued to encounter difficulties accessing former war zones and internment camps and in covering the resettlement process in the north and east. In October 2014, the Defense Ministry announced a new policy requiring all foreign passport holders to obtain official permission to enter Jaffna province, emphasizing journalists will also be subject to this restriction. The move came days after several foreign journalists were denied entry to cover the president's visit to the region.

Past attacks on journalists and media outlets, such as the 2009 murder of Lasantha Wickrematunge, then editor of the *Sunday Leader*, and the 2010 disappearance of cartoonist Prageeth Eknaligoda, have not been adequately investigated, leading to a climate of complete impunity.

Economic Environment

A shrinking number of privately owned newspapers and broadcasters attempt to scrutinize government policies and provide diverse views, and most of those do not engage in overt criticism or investigative reporting for fear of potential repercussions. Media outlets have also become extremely polarized, shrinking the space for balanced coverage. The Free Media Movement has noted that state-run media – including Sri Lanka's largest newspaper chain, two major television stations, and a radio station – are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. In recent years, ownership has grown more concentrated, with many private outlets now held by government officials or their close associates as part of an overall strategy to further tame the press. Business and political interests exercise some control over media content through selective advertising and bribery, but the government's share of the advertising market is expanding. Critical news outlets face difficulties in attracting private advertising or loans from the major state-owned banks. Those publishing opposition print media occasionally face difficulties in printing and distribution. The *Uthayan* newspaper in particular has faced a number of attacks on its production and distribution in the past several years. While the government has built a new

transmission tower in the north of the country, it has blocked some private stations from using the tower and has also restricted the construction of towers by private companies.

Approximately 26 percent of the population accessed the internet in 2014, with many residents deterred by the high costs involved, although mobile-phone usage continued to increase rapidly.

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