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Freedom House

Freedom in the World 2021 - Sri Lanka

PARTLY FREE

56

/ 100

[Political Rights](#) 23 / 40[Civil Liberties](#) 33 / 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 have emboldened the Rajapaksa family, which has taken steps to empower the executive and roll back accountability mechanisms for civil war-era rights violations.

Key Developments in 2020

- In February, the government withdrew from cosponsorship of UN Human Rights Council Resolution 30/1 on promoting reconciliation, accountability, and human rights in Sri Lanka, which the previous had government signed in 2015. The Rajapaksa government claimed that the goals of the resolution, aimed largely at achieving reconciliation with the ethnic Tamil minority, were unachievable and violated the island's constitution.
- In March, President Gotabaya Rajapaksa pardoned an army staff sergeant sentenced to death for murdering eight Tamils, including three children, in 2000. The island's Supreme Court had upheld the sentence in 2019.
- In March, the government imposed a countrywide curfew to combat COVID-19, and the Elections Commissioner later postponed parliamentary elections twice, from April to June and then to August, on grounds of protecting public health. Polls were finally held in August, with the Rajapaksas' SLPP winning a landslide victory. In October, the SLPP government passed the 20th Amendment, which reintroduced expansive presidential powers.
- In December, the government postponed Provincial Council elections, citing the spread of COVID-19. Council members at year's end were operating under expired mandates.

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. Sirisena, the unpopular incumbent, had decided not to seek a second term. Although international observers deemed the election competitive and largely peaceful, there were reports of violence and intimidation, mostly directed at Muslim voters.

Following the election, Prime Minister Ranil Wickremesinghe of the UNP resigned, and President Gotabaya Rajapaksa appointed his brother, former president Mahinda Rajapaksa, as the new head of government.

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.

The 2020 parliamentary elections were notable for how the island's two most consequential parties—the UNP and SLFP—were marginalized. The SLPP is associated with the Rajapaksas (just as the SLFP was long associated with the Bandaranaiques).

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. They point to how India superimposed the power-sharing system on Sri Lanka via the 13th Amendment, which was adopted as part of the 1987 Indo-Sri Lanka peace accord that attempted to resolve the Sri Lankan civil war. They also point to the wasteful spending associated with the councils, in which 75 percent of council budget goes toward salaries and perks and only 25 percent for development purposes. In 2020, Prime Minister Mahinda Rajapaksa signaled that he wished to hold council elections promptly, but in December the government announced that it was postponing the elections due to COVID-19.

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 are able to 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.

A total of 35 candidates competed in the 2019 presidential election while over three dozen parties competed during the 2020 parliamentary elections.

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 captured the presidency in 2019, leading to a peaceful transfer of executive power from the SLFP president and the UNP prime minister. 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 2 / sphere, or by political forces that employ extrapolitical means? 4

Vote buying and political bribery persist as issues that distort the free choices of voters. Monitors said the government offered gifts and handouts to voters ahead of the 2015 presidential election, and Mahinda Rajapaksa’s efforts to win lawmakers’ support during the 2018 constitutional crisis reportedly included bribery, with dueling allegations that bribes were either offered or demanded.

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.

B4 0-4 pts

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

A number of parties explicitly represent the interests of ethnic and religious minority groups, including several Tamil parties and the Sri Lankan Muslim Congress, the country’s largest Muslim party. Systemic discrimination, including via language laws and naturalization procedures, negatively affects Tamils’ political participation. When the country celebrated Independence Day in February 2020, the government prevented the national anthem from being sung in Tamil at the official celebration, a practice the previous government had reintroduced.

Women’s interests are not well represented in Sri Lankan politics. 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).

Top Buddhist clergy often pressure governments to pursue certain policies. The Gotabaya Rajapaksa government appears willing to do so, especially when it comes to expanding Buddhist influence in the northeast, which is populated largely by members of various ethnic and religious minority groups.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies 2 / of the government? 4

Sri Lanka’s constitution prohibits parliament being dissolved for more than three months. Since the legislature was dissolved nearly six months before its term ended, there was pressure on the president in 2020 to reconvene parliament when it became clear that COVID-19 would prevent elections being held before June 2. President Rajapaksa’s refusal to do so led to governance without parliamentary input—including the enactment of a curfew, and decisions regarding the budget and public finances—as the military was also becoming more involved in civilian issues. The president’s refusal to reconvene parliament, however, was designed to put pressure on the Elections Commission to hold elections early, since he and the SLPP apparently suspected the longer elections were postponed, the more unpopular the president’s party would be due to COVID-19-related hardships. In September, the president said his verbal pronouncements were as good as government circulars, and instructed officials to obey them.

Earlier, in June, the president created the Presidential Task Force to Build a Secure Country, and a Disciplined, Virtuous, and Lawful Society, comprised of intelligence, military, and police officials. Its expansive remit makes almost anything it decrees legal.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

The Sirisena administration’s efforts to fight corruption, including arrests and indictments, led to few convictions, partly because there was little will to prosecute those close to the Rajapaksas, and partly because the Sirisena-Wickremesinghe government itself became mired in corruption. While Gotabaya Rajapaksa was indicted in an anticorruption court in 2018 for allegedly misusing public funds to build a memorial to his parents, the charges against him were dropped after he became president in November 2019. There is no expectation that those close to the president or his family will be prosecuted for corruption, although some within the opposition could be held accountable. 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.

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 companies. The auditor general in recent years has also noted major discrepancies in the government’s assessments of public debt. The draft 20th Amendment sought to abolish the Audit Service Commission, but the version voted on kept it in place.

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. While such policies ended after Sirisena took office in 2015, and some land was released from military control, displacement of Tamil civilians remains a concern. 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 muting coverage of corruption. 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. Harassment of Dharisha Bastians, who has covered a number of human rights cases and who has had her equipment seized and her private records leaked, prompted a statement concern from several UN special rapporteurs in July 2020.

D2 0-4 pts

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

While the constitution gives special status to Buddhism, members of religious minority groups and congregations periodically face discrimination and sometimes deadly violence. While there were no major instances of interreligious violence in 2020, past anti-Muslim rioting has left many Muslims afraid that they may be targeted, and that any attackers may enjoy impunity. Leading up to the 2020 parliamentary elections, some Buddhist figures pledged to prohibit Buddhists from shopping at Muslims stores, ban the burqa, eliminate madrasas, and forcibly reform laws governing Muslim education and marriage. When the spread of COVID-19 became apparent, some government officials blamed the Muslim community for its spread. The government also forced Muslims to cremate relatives thought to have died from the coronavirus, even though the practice is contrary to Islamic beliefs, and the World Health Organization (WHO) had stated that those who died from the virus could be either cremated or buried.

Since Gotabaya Rajapaksa was elected, some Christian places of worship in Northern Province have had military personnel stationed nearby, and pastors have claimed that intelligence agents appear to be monitoring certain religious services.

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. Most students and faculty feel pressure to avoid discussing 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 2 / surveillance or retribution? 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. Demonstrations against the 20th Amendment went forward peacefully in 2020, as did protests prompted by poor access to essential items during COVID-19 lockdowns.

E2 0-4 pts

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

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 2019, the Supreme Court ruled that the president could not unilaterally approve provincial council district boundaries in order to hold overdue elections. In October 2020, the court ruled that four clauses in the proposed 20th Amendment needed approval through a referendum, disagreeing with the attorney general, who claimed the entire amendment could be passed with a two-thirds majority in parliament.

Corruption and politicization remains rife in the lower courts.

F2 0-4 pts

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 charge. 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. 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.”

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 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, President Gotabaya Rajapaksa pardoned an army staff sergeant sentenced to death for murdering eight Tamils, including three children, in 2000. The island's Supreme Court had upheld the sentence in 2019.

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, 2 / employment, or education? 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 2 / undue interference from state or nonstate actors? 4

The Sirisena administration claimed that most of the lands occupied by the military during and after the civil war had been returned as of 2019, but 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.

In September 2020, a Buddhist monk associated with the Presidential Task Force for Archeological Heritage Management in the Eastern Province prevented farmers from accessing their fields.

G3 0-4 pts

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

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, according to the US State Department. 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.

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