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Freedom in the World 2014 - Sri Lanka

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2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 4.5

Civil Liberties (1 = best, 7 = worst): 4

Political Rights (1 = best, 7 = worst): 5

Trend Arrow:

Sri Lanka received a downward trend arrow due to intensified attacks by hard-line Buddhist groups against the Christian and Muslim minorities, including their properties and places of worship, often with official sanction.

OVERVIEW

The government, led by President Mahinda Rajapaksa of the United People's Freedom Alliance (UPFA), tightened its grip on power in 2013 by intimidating critical voices in the media and civil society and by weakening judicial independence through the confirmation of Parliament's impeachment of the chief justice of the Supreme Court in January.

Authorities continued to reject credible allegations of war crimes committed in the final phase of the military's campaign against the Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers) rebel group in 2009. Implementation of recommendations made in late 2011 by the Lessons Learnt and Reconciliation Commission (LLRC), a government-backed investigative body, was uneven in 2013. Among other steps, the LLRC had called on the administration to gradually remove security forces from civilian affairs, establish a more distanced relationship between the police and institutions managing the armed forces, implement a policy of trilingualism, devolve power to local government institutions, and commence investigations into the myriad abductions, disappearances, and harassment of journalists that have taken place in recent years.

In light of the government's continued failure to address such problems, the UN Human Rights Council in March adopted a second resolution criticizing Sri Lanka's rights record and encouraging the government to allow an independent investigation into alleged war crimes. Following a visit to the country in August, UN High Commissioner for Human Rights Navi Pillay noted little progress on issues of accountability.

In September, elections for the Northern Provincial Council were held for the first time in decades. Despite complaints of intimidation and subterfuge by the military in the run-up to the vote, the Tamil National Alliance (TNA) – the main party representing the interests of the island's ethnic Tamil population – won 30 of the council's 38 seats. Meanwhile, the ruling UPFA won comfortably in the other two provinces that held elections. Despite the long-delayed voting in Northern Province, most executive power there remained in the hands of a quasi-military administration headed by an appointed governor.

A number of global heads of state refused to attend the Commonwealth Heads of Government meeting in Colombo in November, and Sri Lanka's human rights record and conduct during the end of the war overshadowed media coverage of the event itself. Media attention also focused on official attempts to stifle local protest and dissent during the meeting.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 16 / 40

A. Electoral Process: 6 / 12

The 1978 constitution vested strong executive powers in the president, who is directly elected for six-year terms and can dissolve Parliament. The prime minister heads the leading party in Parliament but has limited authority. The 225-member unicameral legislature is elected for six-year terms through a mixed proportional representation system.

In the January 2010 presidential election, called almost two years ahead of schedule, Rajapaksa won a second term with nearly 58 percent of the vote. His main opponent, former head of the armed forces Sarath Fonseka, received around 40 percent. In parliamentary elections held later that year, the ruling UPFA secured 144 of 225 seats, but fell short of a two-thirds majority. The opposition United National Party (UNP) won 60 seats, while the Democratic National Alliance (DNA) coalition, led by the People's Liberation Front (JVP), won 7, and the TNA took 14.

In both the presidential and parliamentary elections, monitoring groups such as the independent Center for Monitoring Election Violence alleged inappropriate use of state resources – particularly transport, infrastructure, police services, and the media – to benefit the ruling coalition, in violation of orders issued by election officials. More than 1,000 incidents of violence, including at least four deaths, were reported prior to the presidential election, and in Northern and Eastern Provinces, inadequate provisions for transport and registration of displaced persons contributed to a low turnout. The parliamentary elections were less beleaguered by violence; nevertheless, irregularities led to the nullification or suspension of results in several districts. The provincial elections held in 2013 were also reportedly affected by violence and intimidation, primarily perpetrated by the military and progovernment forces; violence was particularly widespread in the Northern Province.

B. Political Pluralism and Participation: 6 / 16

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. However, in recent years opposition parties' chances of gaining power have been steadily reduced by the ruling coalition's abuse of state resources during election periods. The ruling coalition has also weakened the opposition through strategies such as co-opting opposition members of Parliament to encourage defections.

Harassment of opposition politicians continues to occur. Shortly after he placed second in the 2010 presidential contest, Fonseka was arrested on charges of plotting a coup and subsequently sentenced to a 30-month prison term for engaging in politics while still an active military officer and not adhering to procurement rules. He was released in May 2012, but forbidden from holding

office for seven years. In the north and east, members of Tamil political parties that do not support the government are particularly prone to threats. In 2013, during the run-up to the Northern Province elections, TNA candidates and their staff faced attacks and harassment by the military and progovernment supporters.

C. Functioning of Government: 4 / 12

Some observers charge that Rajapaksa's centralized, authoritarian style of rule has led to a lack of transparent, inclusive policy formulation. The Centre for Policy Alternatives (CPA) and others have noted the concentration of power in the hands of the Rajapaksa family. The president himself holds multiple ministerial portfolios – including defense, finance, and law and order – and his brothers serve in other key posts: Gotabaya is defense secretary, Basil is minister for economic development, and Chamal is speaker of Parliament. A growing number of other relatives, including the president's son Namal, also hold important political or diplomatic positions. The president and his family consequently control approximately 70 percent of the national budget. In January, Parliament passed the controversial Divi Neguma Bill, which would combine all local and provincial development agencies under the central minister for economic development, effectively transferring an additional fund of 80 billion rupees (\$620 million) to Basil Rajapaksa without oversight provisions.

The 18th Amendment to the constitution, passed in 2010, gave a government-dominated parliamentary council the authority to advise the president regarding appointments to independent commissions that oversee the police, the judiciary, human rights, and civil servants. A politically neutral constitutional council had previously made the nominations. The new amendment also removed the two-term limit on presidents. Separately, the government has repeatedly stalled the passage of freedom of information legislation.

Official corruption remains a significant concern. The current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior, and enforcement of existing safeguards has been weak. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) has insufficient resources and personnel to deal with a heightened level of complaints; local activists charge that the commission has failed to investigate some cases brought to its attention, though it typically receives several thousand claims each year, of which dozens are investigated. A March 2012 parliamentary report also alleged widespread corruption in 229 public enterprises, leading to the removal of a number of chairmen. Sri Lanka was ranked 91 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 26 / 60 (-1)

D. Freedom of Expression and Belief: 7 / 16 (-1)

Although freedom of expression is guaranteed in the constitution, a number of laws and regulations restrict this right, including the Official Secrets Act, antiterrorism regulations, and laws on defamation and contempt of court. State-run media outlets have fallen under government influence, while official rhetoric toward critical journalists and outlets has grown increasingly hostile, often equating any form of criticism with treason and threatening physical violence.

Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, encounter considerable levels of intimidation, which has led to increased self-censorship over the past several years. A number of journalists received death threats in 2013, and others were assaulted. In February, journalist Faraz Shauketaly of the *Sunday Leader* survived an assassination attempt by unknown assailants, while Mandana Ismail Abeywickrema, an editor at the same paper, fled the country in September after receiving threats. Tamil-language outlets such as the *Uthayan* newspaper, based in Jaffna, also face regular attacks and harassment. Past attacks on

journalists and media outlets, such as the murder of Lasantha Wickrematunga in 2009 and the disappearance of Prageeth Eknaligoda in 2010, have not been adequately investigated, leading to a climate of complete impunity.

Web-based media, particularly Tamil-language news sites and other independent outlets, are occasionally subject to government-authorized blocks. State authorities reportedly conduct surveillance on the personal communications of individuals known to be critical of the government.

The constitution gives special status to Buddhism, and religious minorities face discrimination and occasional violence. Tensions between the Buddhist majority and the Christian minority – particularly evangelical Christian groups, which are accused of forced conversions – sporadically flare into attacks on churches and individuals by Buddhist extremists. Muslims have also faced harassment, and Buddhist militant groups such as the Bodu Bala Sena stepped up hostile rhetoric and attacks during 2013. In August, a mosque in Colombo was forced to close after being attacked by a Buddhist mob. Also that month, the CPA raised concerns about a proposed defamation of religions bill that would establish a government regulatory board to monitor the publication of materials on Buddhism; the initiative had not been passed by year's end. In recent years, the minority Ahmadiyya Muslim sect has faced increased threats and attacks from Sunni Muslims who accuse Ahmadis of being apostates. Work permits for foreign clergy are limited to one year, with the possibility of extension.

Academic freedom is generally respected. However, some commentators report increasing politicization on university campuses, lack of tolerance for antigovernment views, and a rise in self-censorship by professors and students. Academics who study Tamil issues have reported official harassment following their participation in conferences overseas, according to the Federation of University Teachers' Associations (FUTA). Other FUTA members have faced threats due to their activism and critiques of growing political interference in the education sector. In 2011, authorities introduced mandatory "leadership training" for all university undergraduates, conducted by the army at military camps. The curriculum allegedly promotes Sinhalese nationalist viewpoints and discourages respect for ethnic diversity and political dissent. Several student leaders arrested in Jaffna in late 2012 were released in early 2013 after being kept in detention centers for several months; a larger number have faced questioning from authorities and attempts to restrict their ability to organize peaceful demonstrations and events.

E. Associational and Organizational Rights: 6 / 12

Although demonstrations regularly take place, authorities sometimes restrict freedom of assembly. In October, the government announced a ban on rallies in Colombo during the Commonwealth heads of government summit in November. Security forces broke up those that did occur. Police occasionally use excessive force to disperse protesters. In August, three protesters were killed and several dozen were injured when security forces opened fire on a demonstration demanding access to clean drinking water in the town of Weliveriya. The army has imposed more widespread restrictions on assembly, particularly for planned memorial events concerning the end of the war, in the north and east. In March, authorities prevented 11 busloads of northerners from traveling to Colombo to present a petition to UN representatives regarding their disappeared or detained relatives, according to Amnesty International.

Nongovernmental organizations (NGOs) experience some official harassment and curbs on their activities, and since 2010 the Defence Ministry has controlled the registration of both local and foreign NGOs. Human rights and peace-seeking groups – particularly those willing to document abuses of human rights or accountability and to discuss them at international forums, such as the CPA, the National Peace Council, and the local branch of Transparency International – face surveillance, smear campaigns, threats to their staff, and criminal investigations into their funding and activities. In August 2013, human rights activists and others who met with Navi Pillay, the

visiting UN high commissioner for human rights, were later harassed and threatened by the military. Many NGOs had difficulty acquiring work permits in the northern and eastern areas of the country. However, the United Nations and other humanitarian organizations were generally given adequate access to the former conflict zones.

Most of Sri Lanka's 1,500 trade unions are independent and legally allowed to engage in collective bargaining, but this right is poorly upheld in practice. Except for civil servants, most workers can hold strikes, though the 1989 Essential Services Act allows the president to declare a strike in any industry 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. In May 2013, the government threatened to fire public-sector workers who took part in a nationwide strike to protest rising prices.

F. Rule of Law: 5 / 16

Judicial independence was significantly weakened in late 2012 when Parliament successfully impeached the chief justice of the Supreme Court, Shirani Bandaranayake, after the court issued an important ruling that was unfavorable to the government. The Supreme Court found in early 2013 that the impeachment proceedings were unconstitutional, but the president nevertheless ratified the parliamentary vote, and Bandaranayake was replaced with a government ally, Mohan Peiris, in mid-January. The International Commission of Jurists condemned the impeachment for violating due process and the fundamentals of a fair trial, and the local bar association also protested the move. Other judges have faced physical attacks, intimidation, and political interference. Concerns about broader politicization of the judiciary have grown in recent years; judicial independence had already been eroded by the 18th Amendment, which granted advisory powers to a parliamentary council and greater responsibility for judicial appointments to the president. Corruption remains common in the lower courts, and those willing to pay bribes have better access to the legal system. Lawyers who specialize in human rights issues and who have campaigned to protect judicial independence, such as J. C. Weliamuna, faced death threats in early 2013.

The security forces have engaged in a number of abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils. A February Human Rights Watch report detailed the use of rape and other forms of sexual violence against Tamil men and women held in custody on suspicion of links to the LTTE. Abuse is facilitated by the Prevention of Terrorism Act (PTA), under which suspects can be detained for up to 18 months without trial, as well as 2006 antiterrorism regulations. These laws have been used to detain a variety of perceived enemies of the government, including political opponents, critical journalists, members of civil society, and Tamil civilians suspected of supporting the LTTE. Several thousand remained in detention without charge at the end of 2013, according to human rights groups.

Separately, of the roughly 11,000 Tiger cadres who surrendered in the war's final stages, around 230 remained in military-run "rehabilitation" programs during 2013, after several hundred more were released in 2012. Human rights groups have claimed that insufficient registration policies in the postwar camps for internally displaced persons (IDPs) contributed to widespread disappearances and removals without accountability, and the status of hundreds of Tamils who disappeared during the war's closing offensives remains unclear.

Impunity in cases of abuse remains the norm; most past human rights abuses are not aggressively investigated or prosecuted, and victims and witnesses are inadequately protected. In October, the Supreme Court dismissed a case in which the parents of a deceased Tamil prisoner alleged that he had been illegally killed in detention. The National Human Rights Commission (NHRC) is

empowered to investigate abuses, but it has traditionally suffered from insufficient authority and resources, and its independence was weakened by the adoption of the 18th Amendment in 2010.

Tamils maintain that they face systematic discrimination in areas including government employment, university education, and access to justice. Legislation that replaced English with Sinhala as the official language in 1956 continues to disadvantage Tamils and other non-Sinhala speakers. Tensions between the three major ethnic groups (Sinhalese, Tamils, and Muslims) occasionally lead to violence, and the government generally does not take adequate measures to prevent or contain it.

Members of the LGBT (lesbian, gay, bisexual, and transgender) community face social discrimination and some instances of official harassment. Sex "against the order of nature" is a criminal offense, though cases are rarely prosecuted.

G. Personal Autonomy and Individual Rights: 8 / 16

Freedom of access to educational institutions is affected by rampant corruption, with parents forced to pay bribes for admission, materials, and unofficial projects. The problem continued in 2013 despite a presidential directive to stop such practices, according to Transparency International.

Freedom of movement is restricted by the use of security checkpoints, particularly in the north of the country. Government appropriation of land in the north and east, as part of economic development projects or "high security zones," has prevented local people from returning to their property, and observers have expressed concerns that the land will be allotted to southerners or on politically motivated grounds. Seizures of land in the north and east by the military remained a problem in 2013, contributing to tensions between local Tamils and the predominantly Sinhalese security forces. According to humanitarian groups, around 90,000 people remained internally displaced in 2013, the vast majority of whom were residing with host families. Muslims forcibly ejected from the north by the LTTE in the early 1990s told the LLRC in 2010 that many were unable to return to their homes, as their land was still being occupied by Tamils. In general, there have been few official attempts to help this group of returnees. Other former residents of the conflict area live as refugees in India.

Since the end of the war, the military has exercised control over most aspects of daily life in the north and east (about 10-15 percent of the country), including local government in some districts. The military has also expanded its economic activities in the north and east, running shops and growing agricultural produce for sale in the south, while local businesspeople are pushed out of the market. Throughout the country, the military's role in a variety of economic sectors – from tourism to agriculture and infrastructure projects – has expanded significantly, providing jobs and revenue for a force that has tripled in size under the current president.

Women are underrepresented in politics and the civil service. Female employees in the private sector face some sexual harassment and discrimination in salary and promotion opportunities. Rape and domestic violence remain serious problems, with hundreds of complaints reported annually; existing laws are weakly enforced. Violence against women increased along with the general fighting in the civil conflict, and has also affected female prisoners and interned IDPs. The entrenchment of the army in the north and east has increased the risk of harassment and sexual abuse for female civilians in those areas, many of whom are widows. 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.

The government remains committed to ensuring that children have access to free education and health care, and it has also taken steps to prosecute those suspected of sex crimes against children. However, child rape is a serious problem. Although the government has increased penalties for employing minors, and complaints involving child labor have risen significantly, thousands of children continue to be employed as household servants, and many face abuse.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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