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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 5

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

Ratings Change:

Sri Lanka's civil liberties rating declined from 4 to 5 due to increased pressure on freedom of expression and association, including curbs on traditional media and internet-based news and opinion, and surveillance and harassment of civil society activists.

OVERVIEW

The government, led by President Mahinda Rajapaksa of the United People's Freedom Alliance (UPFA), maintained its grip on power in 2014. However, results from provincial council elections in March and September signaled a decline in UPFA's popularity, despite the party's attempts to control its image by intimidating critical voices in the media and civil society. The party retained council control but lost seats in both elections.

Rajapaksa called for a presidential election to take place in January 2015, two years ahead of schedule. Though a strong contender, Rajapaksa faces a substantial challenge following a series of high-level defections from the ruling party and united preparations by a new opposition alliance.

In 2014, the government continued to deny allegations of 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. Implementation of recommendations made in 2011 by the government-backed Lessons Learnt and Reconciliation Commission remains uneven, and in March 2014, the UN Human Rights Council mandated the UN Office of the High Commissioner for Human Rights (OHCHR) to investigate alleged wartime atrocities between 2002 and 2009. In July, the government announced the formation of a local commission of inquiry into possible war crimes that will draw on expertise from several top international legal experts.

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 with no term limit 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 an early presidential election in 2010, 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 also held in 2010, 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, the Tamil National Alliance took 14, and the Democratic National Alliance (DNA) coalition, led by the People's Liberation Front (JVP), won 7. In both elections, monitoring groups alleged inappropriate use of state resources – particularly transport, infrastructure, police services, and the media – to benefit the ruling coalition. More than 1,000 incidents of violence, including at least four deaths, were recorded in the run-up period. In November 2014, Rajapaksa called another snap presidential election for January 2015, in what was seen as a move to renew his mandate before his waning popularity faded further. The Center for Monitoring Election Violence reported 195 instances of election-related violence and 98 instances of the misuse of state resources to the benefit of the regime between the election announcement and the end of the year.

The 18th amendment to the constitution, passed in 2010, removed the two-term limit on the presidency, allowing Rajapaksa to seek a third term. Key to the opposition platform ahead of the 2015 election was a pledge to repeal these amendments, reduce the power of the executive, and restore the independence of various oversight commissions.

B. Political Pluralism and Participation: 7 / 16 (+1)

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 ruling UPFA, the main parties include the center-right UNP, which has traditionally served as the main opposition to the UPFA; the Marxist Janatha Vimukthi Peramuna (JVP); 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 ruling coalition ahead of the 2015 presidential election. In November, disparate opposition groups – including the UNP, JVP, JHU and the Sri Lankan Muslim Congress – formed an alliance and selected a "common opposition candidate," Maithripala 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.

Harassment of opposition politicians continues to occur. In December, the venue of a rally that was to feature Sirisena and other opposition leaders was vandalized by unknown assailants. Later that month, the headquarters of the UNP was attacked by progovernment elements that staged a protest in front of the building. In the north and east, members of Tamil political parties that do not support the government are particularly prone to threats.

C. Functioning of Government: 4 / 12

Some observers charge that Rajapaksa's centralized style of rule has produced a lack of transparent, inclusive policy formulation. Power is concentrated in the hands of the Rajapaksa family, who control approximately 70 percent of the national budget through various government posts. In 2014, the president maintained multiple ministerial portfolios – including defense, finance, and law and order – and his brothers served in the posts of defense secretary, minister for economic development, and speaker of Parliament. The controversial 2013 Divi Neguma Bill combined all local and provincial development agencies under his brother Basil. Following a series of challenges and delays, the department administering the newly combined portfolio commenced operations in January 2014, solidifying the executive branch's control over the country's development agenda.

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 is weak. The Commission to Investigate Allegations of Bribery or Corruption has insufficient resources and personnel to deal with a heightened level of complaints. Local activists charge that the commission has failed to investigate cases brought to its attention; only dozens of several thousand claims are investigated each year. The government has repeatedly stalled the passage of freedom of information legislation. Sri Lanka was ranked 85 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Additional Discretionary Political Rights B: -1 / 0 (-1)

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 government has encouraged settlement by ethnic Sinhalese civilians by providing land certificates, housing, and other infrastructure with the aim of diluting Tamil dominance in these areas. In February 2014, the Northern Provincial Council passed a resolution condemning alleged land grabbing and settlement by Sinhalese.

Civil Liberties: 25 / 60 (-1)

D. Freedom of Expression and Belief: 6 / 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 journalists and outlets that criticize the government or report on human rights or military issues has grown increasingly hostile. A number of journalists received death threats in 2014, and others were assaulted. Sunil Jayasekara, the convener of the Free Media Movement (FMM), received death threats in July, and journalists who attempted to attend FFM events also received threats on several occasions. Tamil-language outlets such as the *Uthayan* newspaper also face regular attacks and harassment; several hundred soldiers surrounded the paper's headquarters in May after it published writing and photographs commemorating a 2009 massacre by the Sri Lankan army. Past attacks on journalists and media outlets have not been adequately investigated, contributing to a climate of impunity. Online media, particularly Tamil-language news sites and other independent outlets, are subject to intermittent government-authorized blocks.

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 increasing harassment in the past two years, particularly from Buddhist militant groups such as the Bodu Bala Sena (BBS, or Buddhist Power Force). In June 2014, riots and arson attacks by Buddhist mobs instigated by the BBS in several towns left at least four people dead, dozens

wounded, and around 2,000 displaced. In recent years, the minority Ahmadiyya Muslim sect has also faced increased threats and attacks from Sunni Muslims, who accuse Ahmadis of apostasy.

Academic freedom is generally respected, but there are reports of increasing politicization in universities, 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. Harassment of student leaders and activists continues to be a concern. In October, several peaceful student protests were violently dispersed, and efforts have also been made by officials to shut down student unions and suspend student activists. Mandatory "leadership training" for all university undergraduates, introduced in 2011, continues to be conducted by the army at military camps. The curriculum allegedly promotes Sinhalese nationalist viewpoints and discourages respect for ethnic diversity and political dissent.

Authorities reportedly monitor the personal communications and activities of individuals known to be critical of the government, particularly in the Tamil-populated north and east, and a growing climate of fear dissuades many individuals from expressing dissent on politics or other sensitive matters. Former LTTE fighters and their social circles face special scrutiny and are repeatedly questioned by authorities, infiltrated by intelligence personnel, and encouraged to inform on their associates. In May 2014, Rajapaksa indicated that the government would increase online surveillance and crack down further on dissent.

E. Associational and Organizational Rights: 6 / 12

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

Nongovernmental organizations (NGOs) have experienced growing official harassment and interference, and the Defense Ministry has controlled the registration of NGOs since 2010. In July 2014, the ministry announced that NGOs are forbidden from issuing press releases, holding press conferences, or conducting trainings for journalists. Many NGOs face difficulty acquiring permits to operate in the northern and eastern areas of the country, although the United Nations and other humanitarian organizations are generally given adequate access to former conflict zones. Human rights and peace-seeking groups face surveillance, smear campaigns, death threats, disruption of activities, and criminal investigations into their funding and activities. In March, prominent human rights defenders Ruki Fernando and Father Praveen Mahesan were detained under antiterrorism laws and questioned for two days before being released following an international outcry. The local chapter of Transparency International faced increased harassment by government officials in 2014, who tried to disrupt the organization's educational and capacity-building initiatives.

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: 5 / 16

Concerns about politicization of the judiciary have grown in recent years. Judicial independence is hindered by the 18th amendment, which granted advisory powers to a parliamentary council and greater responsibility for judicial appointments to the president. The judiciary was also weakened by the replacement of Shirani Bandaranayake with government ally Mohan Peiris as chief justice of the Supreme Court in 2013. Corruption remains common in the lower courts, and judges face physical attacks, intimidation, and political interference.

Security forces have engaged in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils. Human Rights Watch in 2014 found the use of rape and other forms of sexual violence continuing against Tamil men and women held on suspicion of links to the LTTE. Under the Prevention of Terrorism Act, suspects can be detained for up to 18 months without trial; this act and 2006 antiterrorism regulations have been used to detain perceived enemies of the government. Impunity remains the norm, as the National Human Rights Commission is empowered to investigate abuses but is characterized by insufficient authority, independence, and resources. Hundreds remained in detention without charge at the end of 2014, according to human rights watchdogs.

Of the roughly 11,000 Tiger cadres who surrendered in the war's final stages, around 230 remained in military-run "rehabilitation" programs in 2014, where they were subject to brutal and prolonged mistreatment. Human rights groups have claimed that insufficient registration policies in the postwar camps for internally displaced persons (IDPs) – of whom there were 90,000 in 2014 – have contributed to widespread disappearances and removals without accountability. The status of hundreds of Tamils who disappeared during the war's closing offensives remains unclear.

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, and the government generally does not take adequate measures to prevent or contain it.

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. In late 2014, the government restricted foreigners from traveling to the north without prior permission. 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. Seizures of land in these areas by the predominantly Sinhalese security forces contributed to tensions with local Tamils. 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 rampant corruption from the primary through the tertiary levels, and observers have noted education as one of the most corrupt sectors in Sri Lanka. The problem remained endemic in 2014, with reports of dozens of cases of bribery for admission into schools.

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. Violence against women peaked during the civil conflict and has 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. 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. The military has broadened its economic activities in the north and east, competing with local people in both commerce and agriculture. Throughout the country, the military's role in a variety of economic sectors – including tourism and infrastructure projects – has expanded significantly, providing jobs and revenue for a force that has tripled in size under President Rajapaksa.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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