

# Briefing Notes

Sri Lanka Briefing Notes | Issue No 32 – June 2024



## Acts that Cut Civil Space



Sovereignty rests on people. No one can challenge it. (Gota Go Gama Protest at Galle Face in 2020)



## Table of Contents

<b>INTRODUCTION .....</b>	<b>3</b>
<b>ICCPR Act.....</b>	<b>5</b>
<b>Anti-Terrorism Act .....</b>	<b>7</b>
<b>Online Safety Bill .....</b>	<b>7</b>
<b>NGOs (Registration &amp; Supervision) Act.....</b>	<b>10</b>
<b>Labour Law Reforms: Employment Bill .....</b>	<b>13</b>
<b>Broadcasting Authority Bill.....</b>	<b>16</b>
<b>The National Education Policy Framework .....</b>	<b>18</b>
<b>Telecommunications (Amendment) Bill.....</b>	<b>19</b>
<b>Economic Transformation Bill .....</b>	<b>21</b>
<b>Gender Equality Bill .....</b>	<b>22</b>

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# INTRODUCTION

Over the last two years, the Government of Sri Lanka has introduced several Acts that restrict and threaten civil space in the country. Some of them have been passed by the parliament and some of them are in the pipeline or gazetted. During the last few years ICCPR act which has been there since 2007 has been used to suppress free expression frequently.

Acts mentioned in this report and placed before the parliament have been challenged at the Supreme Court and SC has recommended far-reaching changes. If they were not challenged at the SC, these acts would have become the law of the country with serious erosion of the civil space and fundamental rights of the Sri Lankan people.

The government's intention of bringing these acts is clear.

Civil space is crucial for the health and vitality of democracy and the protection of human rights. It refers to the public sphere where individuals and groups can freely express their opinions, engage in dialogue, organize, and participate in societal activities without fear of repression or discrimination.

“In short civil space is the political, legislative, social and economic environment which enables citizens to come together, share their interests and concerns and act to influence and shape their societies”

Civil space allows for the free exchange of ideas and opinions. This freedom is essential for democracy as it enables citizens to voice their concerns, criticize government actions, and propose alternative policies. Without a free and open civil space, authoritarianism can thrive, stifling dissent and innovation.

In a vibrant civil space, individuals can engage in political activities such as voting, campaigning, and running for office. It provides a platform for civil society organizations (CSOs) to advocate for policy changes and hold public officials accountable, thus fostering a more responsive and representative government.

Civil space is integral to the promotion and protection of human rights. It allows human rights defenders to operate, report abuses, and mobilize support. When civil space is restricted,



abuses often go unchallenged and unreported, leading to a deterioration in human rights conditions.

A robust civil space encourages dialogue among diverse groups, helping to bridge divides and foster mutual understanding. This is essential for social cohesion, as it allows different communities to collaborate on common issues and resolve conflicts peacefully.

Civil space promotes transparency by enabling journalists, activists, and watchdog organizations to investigate and report on government and corporate activities. This scrutiny is vital for combating corruption and ensuring that those in power act in the public interest

It provides a platform for marginalized and vulnerable groups to organize and advocate for their rights. This empowerment is critical for achieving social justice and ensuring that all segments of society can contribute to and benefit from democratic processes.

In summary, civil space is the bedrock of a healthy democracy and the protection of human rights. It enables free expression, political participation, and accountability, fostering a society where all individuals can contribute to and benefit from democratic governance and social justice. Without it, democratic institutions weaken, human rights are jeopardized, and societal progress stalls.



# ICCPR Act

The International Covenant on Civil and Political Rights (ICCPR) Act in Sri Lanka was enacted in 2007. However, since its enactment, there have been significant concerns regarding the misuse and selective application of the ICCPR Act.

## Main concerns:

**Selective Application and Misuse:** The ICCPR Act has been selectively applied, often targeting individuals critical of the government or religious groups. High-profile cases like those of Natasha Edirisooriya, Ramzy Razeek, and Shakthika Sathkumara highlight how the act has been used to arrest and detain individuals for expressing controversial or critical views, raising concerns about the suppression of free expression and artistic freedom.

**Non-Bailable Offenses and Prolonged Detention:** Under the ICCPR Act, certain offenses are non-bailable, leading to prolonged pre-trial detention.

**Impact on Minority Communities:** The act has been used to disproportionately target minority communities, particularly in cases involving religious sensitivities. The arrest of Abdul Raheem Masaheena (2019) for wearing a dress that allegedly depicted a Buddhist symbol is an example of how the act can be used to persecute minority groups.

**Lack of Judicial Oversight:** There are concerns about the judiciary's role in the enforcement of the ICCPR Act. Magistrates often issue remand orders based on police requests without adequate judicial scrutiny, leading to arbitrary arrests and detentions. The Supreme Court has criticized this practice, but it remains a significant issue.

**Violation of Fundamental Rights:** The misuse of the ICCPR Act often results in violations of fundamental human rights, such as freedom of expression, the right to a fair trial, and protection from arbitrary detention. These actions contravene both Sri Lankan constitutional protections and international human rights obligations under the

**Chilling Effect on Free Expression:** The arbitrary application of the ICCPR Act creates a chilling effect, deterring individuals from expressing dissenting or critical views due to fear of arrest and prosecution. This stifles public discourse and undermines democratic principles.

These concerns highlight the need for reforms to ensure that the ICCPR Act is applied in a manner consistent with the protection of human rights and that it is not used as a tool for political repression or social control.



### **Examples of Misuse.**

**Natasha Edirisooriya:** In May 2023, stand-up comedian Natasha Edirisooriya was arrested under the ICCPR Act for making remarks that were perceived as derogatory towards Buddhism.

**Sepala Amerasinghe:** Popular social media commentator was arrested for comments made on YouTube deemed offensive to Buddhism

**Ramzy Razeek:** In April 2020, social media commentator Ramzy Razeek was arrested for a Facebook post that allegedly incited religious hatred and spent over four months in prison and faced a prolonged period of legal uncertainty.

**Shakthika Sathkumara:** This award-winning writer was arrested in April 2019 for a short story that depicted controversial themes related to Buddhism. Despite the charges being eventually dropped, Sathkumara spent months in detention and faced significant personal and professional hardships due to the case.

**Abdul Raheem Masaheena:** In May 2019, Masaheena, a Muslim woman, was arrested for wearing a dress that allegedly depicted a Buddhist symbol. This case also raised questions about the misuse of the ICCPR Act to target minority communities under the guise of protecting religious sentiments



# Anti-Terrorism Act

## Main Concerns:

**Vague and Overbroad Definitions:** The ATA has been criticized for its broad and ambiguous definitions of terrorism. This vagueness allows for the potential criminalization of peaceful protests and dissent. For instance, acts of dissent could be interpreted as terrorist activities, which could be used to suppress legitimate expressions of disagreement with the government.

**Extended Detention and Risk of Torture:** Similar to the previous Prevention of Terrorism Act (PTA), the ATA allows for extended pretrial detention. Detainees can be held for up to a year without being brought before a court. This extended detention period, combined with the power granted to police and military to move detainees to different locations, increases the risk of torture and other forms of ill-treatment

**Excessive Powers for Law Enforcement:** The ATA grants sweeping powers to the police and military to stop, search, and detain individuals without a warrant based on "reasonable grounds." This can lead to arbitrary arrests and abuses, given that the military, which is not trained in law enforcement, has significant authority under this act.

**Suppression of Free Speech:** The act criminalizes speech that could be interpreted as encouraging terrorism, placing the burden of proof on the accused to demonstrate that their intention was not to incite terrorism. This provision risks a chilling effect on free speech, potentially targeting journalists, activists, and others who criticize the government.

“In February 2024, the Supreme Court of Sri Lanka found several clauses of the Anti-Terrorism Bill to be inconsistent with the constitution. The court stated that unless these clauses were amended, the bill could not be passed without a special majority and a referendum. As a result, the bill was removed from Parliament’s order paper”

**Potential for Political Abuse:** Critics argue that the ATA could be used for political purposes, such as silencing opposition and civil society groups. There is concern that the government



could declare organizations as terrorist groups based on vague criteria, thereby stifling advocacy and activism, particularly among minority and marginalized communities.

**Lack of Judicial Oversight and Due Process:** Although the ATA introduces some procedural safeguards, such as requiring magistrate oversight every 14 days, these measures are seen as insufficient. The independent entities proposed to review detention orders lack genuine independence, undermining the protections against arbitrary detention.

Overall, while the ATA is intended to replace the widely criticized PTA, many human rights organizations, including Amnesty International and Human Rights Watch, believe it retains or even exacerbates the problematic aspects of its predecessor. They call for substantial revisions or a complete overhaul of the bill to ensure it aligns with international human rights standards.

## Online Safety Bill

The Sri Lankan Supreme Court delivered its judgment on the Online Safety Bill on November 7, 2023. The court found certain sections of the bill inconsistent with the Constitution. However, it indicated that the bill could still be passed if specific amendments were made during the committee stage. These amendments would allow the bill to be passed with a simple majority rather than requiring a special majority.

“The GoSL ignored some of the Supreme Court determinations and passed the bill without incorporating them, and without following due process. Issuing a statement HRCSL highlighted the SC determination that has been ignored.”

### Main Concerns:

**Threat to Free Speech and Expression:** One of the primary criticisms is that the bill could stifle freedom of speech and expression. It grants broad powers to the proposed Online Safety





Commission to remove vaguely defined "prohibited statements" from online platforms. Critics argue that terms like "ill-will," "hostility," and "outrage religious feelings" are too ambiguous, potentially allowing the government to target dissent and critical opinions .

**Vague and Overbroad Provisions:** The bill's language is criticized for being too broad and undefined. This vagueness could lead to arbitrary enforcement, where statements causing "alarm" or "fear" could be censored, potentially suppressing legitimate criticism and public discourse.

**Potential for Abuse of Power:** There is a concern that the bill could be used by those in power to silence political opposition and control public opinion. The ability to censor online content and impose penalties on those who disrupt "public order" or "national security" is seen as a tool for political repression rather than genuine online safety .

**Impact on Fundamental Rights:** Many argue that the bill violates fundamental rights enshrined in the Sri Lankan Constitution, such as freedom of expression and the right to information. Legal challenges have been raised, with petitions filed in the Supreme Court asserting that the bill undermines these constitutional rights.

**Lack of Public Awareness and Consultation:** The bill has been criticized for being rushed through without adequate public consultation or awareness. Surveys indicate that a significant portion of the population is unaware of the bill and its implications, raising concerns about transparency and democratic process.

**Comparison to Other Restrictive Laws:** The Online Safety Bill is seen as part of a broader pattern of restrictive legislation in Sri Lanka, including the proposed Anti-Terrorism Bill and Broadcasting Regulatory Authority Bill, which together contribute to a more controlled and less open society .

“In terms of our law, we don’t have a post-legislation enactment judicial review process where a piece of legislation can be challenged before the respective court. Once it is passed, it is passed. We are concerned about it. We will continue to work to have a system in our legal system which enables us to challenge the validity of a certain piece of legislation even after they are passed in the Parliament”. – *BASL*



In summary, while the bill aims to combat online harms like child pornography, critics argue that these provisions are minor and already addressed by existing laws. The overarching concern is that the bill's vague and broad terms could be used to undermine democracy by suppressing free speech and political dissent.

## NGOs (Registration & Supervision) Act

The proposed NGOs (Registration & Supervision) Act in Sri Lanka has faced significant criticism from various civil society groups and human rights organizations.

### Main concerns:

**Broad Scope and Overregulation:** The Bill is criticized for its overly broad definition of non-governmental organizations (NGOs), which encompasses a wide range of groups, including development organizations, educational institutions, charities, human rights organizations, and political think tanks. This wide net is seen as an attempt to control and restrict a broad spectrum of civil society activities, potentially stifling advocacy and dissent.

**Mandatory Registration:** The requirement for mandatory registration is seen as problematic because it excludes informal and voluntary collectives from legal recognition. Critics argue that this violates international human rights standards and the Sri Lankan Constitution, which guarantee the freedoms of association and expression. The Bill could prevent unregistered groups from operating legally, thereby limiting civic engagement and grassroots initiatives.

**Political Influence and Control:** The proposed Bill grants significant powers to a competent authority appointed by the Minister, who is also empowered to make regulations for the sector. This structure is viewed as susceptible to political influence, potentially leading to biased decisions that favor the government and suppress dissenting voices. The Bill's provisions for the suspension of NGOs based on vague criteria like "prejudice to national security" are particularly concerning for groups involved in political reform and human rights advocacy.

**Surveillance and Privacy Concerns:** The Bill allows for entry without a warrant and the search of NGO premises, raising significant concerns about the infringement of physical liberty and privacy rights. Such powers, currently subject to judicial supervision, could be abused under the new legislation, leading to increased surveillance and harassment of civil society organizations.

**Administrative Burden:** Smaller NGOs, especially those with limited resources, might find it challenging to comply with the extensive regulatory and reporting requirements proposed in



the Bill. This could hamper their operations and limit their effectiveness in addressing community needs and advocating for social change.

Overall, the proposed NGO Bill is perceived as a tool for the government to tighten control over civil society, suppress dissent, and limit the scope of NGO activities, which could undermine democratic freedoms and civic participation in Sri Lanka.

The location of the NGO Secretariat under the Ministry of Public Security itself sends a negative message that the government considers civic organisations within the framework of this law and order. The draconian new law will open them to criminal prosecution and imprisonment. They can also be suspended or shut down for going against “core cultural values.” In terms of this restriction, calling for a secular state, or for gay and lesbian rights, or for the right to abortion might be construed as going against core cultural values. Given the manner in which governments have used the laws to persecute those they see as their opponents or those who do not fall in line, this is a frightening proposition.

– *Dr Jehan Perera, The Island*

The Human Rights Commission of Sri Lanka (HRCSL) has, on 6 March 2024, written to the Director General of the National Secretariat for Non-Governmental Organisations requesting a copy of the draft.

Non-Governmental Organisations (Registration and Supervision) Bill and is still awaiting a response.

For a second time the Human Rights Commission of Sri Lanka (HRCSL) on 26 October 2023, has written to the Minister of Labour and Foreign Employment requesting a copy of the draft Employment Bill and is still awaiting a response.



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06 March 2024

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**இலங்கை மனித உரிமைகள் ஆணைக்குழு**  
**Human Rights Commission of Sri Lanka**

Mr. Sanjeewa Wimalagunaratna  
Director General  
National Secretariat for Non-Governmental Organizations  
15<sup>th</sup> Floor, Suhurupaya,  
Battaramulla

Dear Director General,

**Copy of Draft Non-Governmental Organisations (Registration and Supervision) Bill**

We write to you with reference to the draft Non-Governmental Organisations (Registration and Supervision) Bill, which we understand your office is involved in formulating. We further understand that the said Bill aims to provide for the registration and supervision of non-governmental organisations and repeal the Voluntary Social Services Organisations (Registration and Supervision) Act, No. 31 of 1980.

We kindly request that a copy of the draft Bill be shared with the Human Rights Commission of Sri Lanka to enable the Commission to fulfil its mandate in terms of section 10(c) of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996. The said provision empowers the Commission to 'advise and assist the government in formulating legislation...in furtherance of the promotion and protection of fundamental rights'.

We thank you in advance for your cooperation and engagement on this matter.

Sincerely,

Justice L T B Dehideniya  
Chairman

Justice L.T.B. Dehideniya  
Judge of the Supreme Court (Retired)  
Chairman  
Human Rights Commission of Sri Lanka



# Labour Law Reforms: Employment Bill

The proposed Labor Reform Bill in Sri Lanka has faced significant criticism from various stakeholders, including workers, trade unions, and academics.

## Main Concerns:

**Job Security and Worker Rights:** Critics argue that the reforms could undermine job security and worker rights by making it easier for employers to hire and fire employees. This increased flexibility in hiring and firing practices is feared to lead to job insecurity and potential exploitation of workers.

**Fixed-term Contracts:** The introduction of fixed-term contracts is another major concern. While intended to provide businesses with more flexibility, opponents worry that this could lead to precarious employment conditions, reducing workers' access to long-term benefits and social security.

**Collective Bargaining and Union Power:** Proposed changes to collective bargaining rights are seen as potentially weakening the power of trade unions. This could impair their ability to negotiate fair wages and working conditions, ultimately disadvantaging workers.

**Working Conditions and Benefits:** Revisions to regulations regarding overtime, working hours, and annual leave entitlements are also contentious. Critics believe these changes may lead to longer working hours without adequate compensation, reducing overall worker well-being and productivity.

**Economic Context and Timing:** Many critics argue that the current economic crisis is not the appropriate context for such significant reforms. They emphasize that the reforms might disproportionately benefit employers at the expense of workers, exacerbating existing vulnerabilities caused by the economic downturn.

**Potential for Exploitation:** There are concerns that the power dynamics could shift further in favor of employers, leading to increased exploitation. The historical context of labor protections in Sri Lanka, which aimed to secure dignified labor and prevent exploitation, is cited as a crucial factor that should not be undermined by hasty reforms.

Overall, the primary criticisms focus on the potential negative impacts on worker rights, job security, and the timing of these reforms amidst an ongoing economic crisis. The act will affect the right to strike, unionise and freedom of expression.



“We urge immediately halt the existing labour reform process and start an alternative process, which is transparent, consensus-based, includes all tripartite stakeholders, and meets the established Sri Lankan democratic processes on consultation, translation, and publication so all workers and their representatives to enable their effective participation, to work towards a unified labour code that respects international labour rights standards.” - *Amnesty International, Clean Clothes Campaign, Human Rights Watch (Statement)*

No response from the GoSL to HRCSL as well:

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6 March 2024

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**இலங்கை மனித உரிமைகள் ஆணைக்குழு**  
**Human Rights Commission of Sri Lanka**

Hon. Manusha Nanayakkara  
Minister of Labour and Foreign Employment  
Ministry of Labour and Foreign Employment,  
6<sup>th</sup> Floor, Mehewara Piyesa,  
Narahenpita,  
Colombo 5

Hon. Minister,

**Copy of Draft Employment Bill**

We write to you with reference to our letter dated 26 October 2023 requesting the draft Employment Bill, which we understand your Ministry is currently in the process of formulating and updating. We are yet to receive a response from your Ministry.

We hereby reiterate our request that a copy of the latest version of the draft Bill be shared with the Human Rights Commission of Sri Lanka to enable the Commission to fulfil its mandate in terms of section 10(c) of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996. The said provision empowers the Commission to 'advise and assist the government in formulating legislation...in furtherance of the promotion and protection of fundamental rights'.

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Judge of the Supreme Court (Retired)  
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Human Rights Commission of Sri Lanka

Human Rights Commission of Sri Lanka



# Broadcasting Authority Bill

The proposed Broadcasting Authority Bill in Sri Lanka has sparked significant criticism from various sectors, mainly due to concerns over media freedom and potential government overreach.

## Main Concerns:

**Broad and Vague Powers:** The bill grants a five-member commission extensive authority to investigate complaints about broadcasts that allegedly affect national security, religious harmony, and the national economy. Critics argue that these terms are not clearly defined, allowing for arbitrary application and misuse to silence dissent.

**Threat to Media Independence:** Provisions in the bill would enable the government to control and pressure media outlets that do not align with its views. This includes the power to imprison journalists, levy fines, and revoke broadcasting licenses, which are seen as direct threats to press freedom and democracy.

**Overlapping Roles:** The commission would act as complainant, judge, jury, and executioner, which critics say undermines the principles of justice and fairness. This consolidation of roles raises concerns about impartiality and the potential for abuse of power.

**Surveillance and Privacy Issues:** The bill allows the commission to enter media premises, confiscate materials, and conduct investigations even without formal complaints. This raises significant privacy concerns and could lead to self-censorship among journalists and media organizations.

**Historical Context:** Similar legislation was proposed in 1997 and was ultimately defeated in court. Critics argue that the current bill is a renewed attempt by the government to control the media, reflecting a pattern of suppressing media freedom through legislative means.

**International Human Rights Concerns:** The United Nations and other human rights organizations have pointed out that the bill could violate international standards for freedom of expression and privacy. They emphasize that any restrictions on these rights must be clearly defined, necessary, and proportionate.

In summary, the main concerns about the Broadcasting Authority Bill center on its potential to undermine media freedom, the broad and vague powers it grants, the risks to privacy and independence of media, and its inconsistency with democratic principles and international human rights standards. Critics urge a careful review and revision to ensure that it does not infringe on essential freedoms.





“One of the primary problems with the proposed bill is that it does not involve media industry stakeholders; instead, it has proposed State regulation. For instance, all five members of the proposed commission are appointed by the Government one way or the other, meaning there is no industry representation. In contrast, co-regulation would allow for the involvement of journalists, media organisations, heads of media agencies, etc. We believe this kind of process would be successful.” - *Attorney at Law Prabodha Rathnayaka, Director Operations, Media Law Forum*



# The National Education Policy Framework

The National Education Policy Framework (NEPF) of Sri Lanka, aimed at guiding the educational sector from 2023 to 2033, has raised several key concerns. One of the primary concerns is the insufficient funding for education. Despite UNESCO's recommendation for governments to allocate 4-6% of GDP to education, Sri Lanka's expenditure was only 1.2% in 2022, which is significantly low and affects the implementation of educational reforms.

Main concerns raised by the Federation of University Teachers Association (FUTA):

The government's proposed National Education Policy Network (NEPF) 2023-2033 poses a significant threat to the long-standing tradition of free education in Sri Lanka.

**Making education a business:** The NEPF objective is to completely transform the education system into a profiting business highlighted by the emphasis on withdrawing state responsibility in education defunding state education and abolishing the University Grants Commission. These represent a huge shift towards the commercialization of education. These reforms prioritize profit over the quality of education and the welfare of students and educators.

**Undermining equal access:** By introducing fee levies at the university level and withdrawing state funding for higher education the NEPF undermines the principle of equal access to education that has been central to Sri Lanka's social fabric since independence furthermore.

**Neglecting critical thinking:** The NEPF focuses on economically driven subjects and digital literacy neglects broader goals of education such as critical thinking and civic engagement. This narrow approach threatens to deepen existing class divisions and perpetuate social inequalities.

**Violating HR obligations:** The proposed framework violates the international obligations of Sri Lanka has made towards various conventions to provide free education, free access to education, and overall responsibility of regulating and maintaining the quality of education.



# Telecommunications (Amendment) Bill

The main concerns regarding Sri Lanka's Telecommunications (Amendment) Bill revolve around potential impacts on freedom of expression and the lack of public consultation during its development.

## Main Concerns:

**Penalization for False Information:** The bill introduces fines and potential imprisonment for individuals who spread false information via telephone that leads to public disturbance. This has raised concerns about the potential for misuse and suppression of free speech, particularly if the criteria for what constitutes "false information" are not clearly defined.

Section 33 of the Bill criminalizes the willful act of making a telephone call or sending or transmitting a message using a telephone with the intention of causing public commotion or disrupting public tranquility. Section 3B grants the Commission the authority to revoke, vary, or withdraw any radio frequency after providing written notice to the relevant person. the proposed 6A (1) has a potential for abuse as the broad authority to approve or determine tariffs could be used to favour certain operators, undermining the fairness and neutrality of the market due to the vast nature of the amendment as it does not describe or define the extents of the principles.

-From the Special Determination petition filed before the Supreme Court challenging the constitutionality of the Sri Lanka Telecommunications (Amendment) Bill by Media Law Forum (Guarantee) Limited.

**Annoyance and Inconvenience Provisions:** Provisions in the bill allow for fines and the disconnection of telephone services for those making persistent calls or sending messages that cause annoyance or inconvenience without reasonable excuse. This could potentially be used to target individuals for arbitrary reasons.



**Oversight and Enforcement:** The bill grants significant powers to the Telecommunications Regulatory Commission, including the oversight of submarine cables with assistance from the Sri Lanka Navy, Department of Coast Guard, and Police. There are concerns about the extent of this regulatory power and its implications for privacy and operational transparency.

**Lack of Public Consultation:** There has been criticism regarding the absence of public input in drafting the amendments, leading to worries that the legislation may not adequately reflect the concerns and rights of citizens.

Overall, while the bill aims to modernize and regulate telecommunications effectively, the concerns about its impact on free expression and the lack of stakeholder engagement highlight the need for careful review and possibly further amendments to ensure it balances regulatory needs with fundamental rights.



# Economic Transformation Bill

The Sri Lanka Economic Transformation Bill has been a subject of significant concern due to its ambitious scope and potential implications. The bill, which was gazetted by the government and received Cabinet approval, aims to establish a comprehensive National Policy on Economic Transformation. It sets out ambitious economic targets for the next 25 years, such as achieving a highly competitive, export-oriented, digital economy, and aims for Net Zero carbon emissions by 2050.

Here are some of the main concerns surrounding the bill:

**Institutional Changes and Centralization:** The bill proposes to replace the existing Board of Investment (BOI) with a new Economic Commission of Sri Lanka. This new commission will have broad powers over investment zones and economic policies, raising concerns about centralization of authority and the potential impact on existing institutions and regulatory frameworks.

## **Bill Negates democracy.**

The Bill attacks the cornerstone of our Constitution. Popular sovereignty is the foundation of our democratic Republic. We choose our leaders through regular, periodic elections. In a multiparty democracy, political parties compete by presenting their ideas of what is best for the country. By choosing and voting, i.e., by deciding, the citizens endow a party or candidate with a mandate to put those ideas into practice. The Bill seeks to establish an 'economic dictatorship' or economic policy oligarchy within our democracy. This is the so-called Economic Commission, six members of which are appointed by the President. It is the unelected Economic Commission that prescribes the economic policies to the (largely elected) Cabinet of Ministers:" - *Dr Dayan Jayatilleka (Daily FT article)*



**Debt Management:** The bill includes provisions for restructuring government debt and sets specific targets for reducing public debt. While this is aimed at improving fiscal sustainability, there are worries about the feasibility of these targets and the social impacts of the necessary austerity measures.

**Economic Inclusivity and Growth:** The bill targets a 5% annual GDP growth rate and aims to maintain unemployment below 5% by 2025. However, there are concerns about whether the growth will be inclusive and beneficial to all sectors of society, particularly marginalized and rural communities

**Environmental and Trade Reforms:** The bill's goals for environmental sustainability and trade reforms are ambitious, including achieving Net Zero emissions by 2050. Critics argue that while these goals are commendable, the bill lacks clarity on implementation strategies and funding, especially given Sri Lanka's current economic challenges

**Implementation and Oversight:** Establishing new bodies such as the National Productivity Commission and the Sri Lanka Institute of Economics and International Trade involves significant restructuring. There are concerns about the oversight, accountability, and effectiveness of these new institutions in achieving the bill's goals

Overall, while the Economic Transformation Bill aims to drive significant economic and environmental improvements, its ambitious nature and broad institutional changes raise concerns about practical implementation, oversight, and potential social impacts.

## Gender Equality Bill

The Sri Lanka Gender Equality Bill of 2024 generated several critical concerns and criticisms.

The Supreme Court ruled (June 2024) that the introduction of the 'Gender Equality' Bill is incompatible with Article 12 of the Constitution. Article 12: "All persons are equal before the law and are entitled to equal protection of the law."

### Main Concerns:

**The concentration of Power:** The Bill empowers the relevant Minister to issue 'directions and guidelines to the Ministries, Departments and statutory bodies and other institutions and organisations'. It is observed that 'statutory bodies and other institutions and organisations' could include independent commissions.



Issuing guidelines by way of regulations for the development and implementation of the framework including plans and measures undertaken by public and private institutions.

**Lack of independence:** The Gender Council will consist of five ex-officio members. Among them will be the Secretaries to the Ministries of the Ministers assigned the subjects of Women, Justice, Education and Youth Affairs, or their representatives. In addition to those members, the Minister will appoint four members to the Council. The Minister will appoint one of the appointed members who has excelled in the promotion of gender equality to be the Chairperson of the Council.

**Subject Minister's role:** collecting, analysing and updating of information on the plans and measures submitted annually by public and private institutions for the implementation of the framework, were some of the tasks. Moreover, the Minister will be responsible for prescribing measures and mechanisms for the protection, promotion and strengthening of gender equality, and prescribing the manner of establishing a support system for assisting persons of different gender identities to obtain redress for gender-based violence and discrimination.

**Ambiguity:** The Bill states that the Minister may prepare Codes of Conduct relating to 'special categories of women'. It is observed that the phrase 'special categories of women' is not defined in this provision or the interpretation clause.

“The Bill as a whole cannot be enacted into law, unless that the number of votes cast in favor thereof must amount to not less than two-thirds of the whole number of Members of Parliament (including those not present), and is approved by the People at a Referendum.” – Supreme Court

End