

FREEDOM IN THE WORLD 2020

Sri Lanka

55

/100

PARTLY FREE

<u>Political Rights</u>	22 /40
<u>Civil Liberties</u>	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. The election of Rajapaksa's brother Gotabaya as president in November 2019 raised concerns that democratic governance and human rights conditions would again deteriorate.

Key Developments in 2019

- In March, the UN Human Rights Council granted Sri Lanka a second two-year extension to fulfill the transitional justice commitments it made through Resolution 30/1 of 2015.
- In April, on Easter Sunday, Sri Lankan suicide bombers claiming affiliation with the Islamic State (IS) militant group attacked three Christian churches and three hotels, killing 269 people. Hundreds of properties were attacked and at least one person was killed in subsequent anti-Muslim riots.
- In September, the United Nations banned nonessential Sri Lankan troops from participating in peacekeeping operations in response to the appointment of General Shavendra Silva, who is alleged to have committed war crimes during the country's civil war, as commander of the Sri Lankan army.
- Former defense secretary Gotabaya Rajapaksa of the Sri Lanka People's Front (SLPP) was elected president in November. After taking office, he appointed his brother, former president Mahinda Rajapaksa, to serve as prime minister.

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

Following the election, Prime Minister Ranil Wickremesinghe of the UNP resigned, and the new president 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 through a mixed proportional representation system. In the 2015 parliamentary elections, Wickremesinghe's UNP led a coalition, the National Front for Good Governance, to victory with 106 seats. The United People's Freedom Alliance (UPFA), led by Sirisena's Sri Lanka Freedom Party (SLFP), took 95 seats, and the Tamil National Alliance (TNA), the largest party representing the ethnic minority, won 16 seats. Three smaller groups divided the remainder. While dozens of violent incidents, including murder, were reported prior to the elections, the polling itself was considered credible.

Provincial council elections have been 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.

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 of Sri Lanka, which administers and oversees all elections in the country, has built a reputation for independence in recent years. One of its members played a key role in blocking Sirisena’s illegal attempt to dissolve Parliament during the 2018 constitutional crisis, in which the president sought to install Mahinda Rajapaksa as prime minister without support from Parliament and was eventually overruled by the courts.

The government has been unable to complete the process for provincial council constituency delimitation under a 2017 electoral law. In September 2019, the Supreme Court ruled that the president could not unilaterally order elections under the old rules or use a new map that had not received approval from a delimitations review committee chaired by the prime minister.

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 council elections demonstrated that new parties can form and compete without significant interference. However, political debates between parties sometimes involve an element of violence and intimidation, as seen during the 2018 constitutional crisis.

A total of 35 candidates competed in the 2019 presidential election, though the SLPP and UNP dominated the contest, receiving a disproportionate amount of media coverage. Election observers noted that the lack of campaign finance regulations contributed to such inequities.

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. Most recently, 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. 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 sphere, or by political forces that employ extrapolitical means?

2/4

The military often inserts itself into political affairs. Members of the military openly backed then president Mahinda Rajapaksa ahead of the 2015 election, and 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, and

many military personnel, including those accused of committing war crimes during the civil war, received prominent positions in the new government.

Vote buying and political bribery are also a concern. 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.

B4 0-4 pts

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

2/4

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. The interests of women are not well represented in Sri Lankan politics, and women hold less than 6 percent of the seats in Parliament. In the 2019 presidential election period, there were incidents of violence and intimidation against women and religious minorities as well as hate speech against Muslims in the wake of the Easter bombings.

C. Functioning of Government

C1 0-4 pts

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

2/4

President Sirisena's effort in 2018 to remove Prime Minister Wickremesinghe and replace him with Rajapaksa, and his related attempt to dissolve Parliament and hold snap elections, were widely considered unconstitutional executive infringements on

parliamentary authority. The crisis left Sri Lanka without a fully functioning government for almost two months as the two claimants to the premiership sought to assert their legitimacy. Although Parliament and the courts ultimately restored Wickremesinghe that year, the Rajapaksa brothers' capture of the presidency and premiership in November 2019 renewed concerns about the integrity of constitutional checks and balances.

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. Corruption remains a problem in the judiciary, public procurement, and customs.

A 2018 law created special courts to deal specifically with corruption. The change was meant to accelerate cases that have been delayed for years, many of them from Mahinda Rajapaksa's administration. 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.

Within a week after the election, leading personnel in the Criminal Investigation Department responsible for cases against the Rajapaksa family were demoted, transferred, and banned from traveling abroad. A key investigator fled to Switzerland, and an employee of the Swiss embassy was then abducted by unidentified men and forced to hand over information about individuals seeking asylum in that country.

Score Change: The score declined from 2 to 1 due to the new administration's aggressive efforts to halt and dismantle criminal investigations of the president and his family.

C3 0-4 pts

Does the government operate with openness and transparency?

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. Notably, the government did not publish the details of a controversial 2017 lease agreement that authorized a Chinese company to run the new Hambantota seaport for 99 years. The auditor general in recent years has also noted major discrepancies in the government's assessments of public debt.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

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. The Mahinda Rajapaksa administration encouraged settlement by ethnic Sinhalese civilians by providing land certificates, housing, and other infrastructure, with the aim of diluting local Tamil majorities in these areas. 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 government under President Sirisena claimed that the military had evacuated most of the occupied lands, though some Tamil politicians argued that the figures were inflated. The election of Gotabaya Rajapaksa as president in 2019 reportedly stoked fears among Tamils that the new administration would halt the release of occupied lands and resume promotion of Sinhalese settlement in the northeast.

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 has improved since 2015. However, among other ongoing challenges to press freedom, certain media outlets display political bias, and senior government officials and lawmakers sometimes threaten journalists.

Impunity for past crimes against journalists is a problem, and the Rajapaksa's anticipated return to power reportedly led to self-censorship even before the 2019 presidential election. Shortly after the new administration took office, police raided the offices of the media outlet Newshub.lk and searched its computers without a valid warrant, apparently looking for references to Gotabaya Rajapaksa. Other journalists were interrogated by police during the same period.

Social media platforms were blocked for several days after the Easter bombings, impairing news coverage and the free flow of information.

D2 0-4 pts

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

2/4

The constitution gives special status to Buddhism, while religious minorities face discrimination and sometimes deadly violence. In the April 2019 terrorist bombings, suicide attackers linked to IS attacked three Christian churches along with three hotels, killing 269 people. Anti-Muslim riots about three weeks later featured attacks on nearly 500 homes and businesses and at least one death. Emergency regulations

that were in place through August banned face coverings, effectively targeting Muslim women who wear facial veils, and Muslim women subsequently faced pressure to continue exposing their faces.

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 a lack of tolerance for dissenting views among both professors and students, particularly for academics who study issues related to the Tamil minority.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2/4

The civil war remains a sensitive topic. 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 private citizens. The Rajapaksas' expected return to power also reportedly impeded free expression beginning in late 2018, and allegations of threats and harassment aimed at perceived opponents of the new administration rose after the 2019 election.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

3/4

Although authorities sometimes restrict freedom of assembly, demonstrations occur regularly, and conditions have generally improved since 2015. In March 2019, for example, police used force against a student union protesting antiterrorism legislation outside Parliament, but other demonstrations on topics like security laws and impunity for forced disappearances have been allowed to proceed despite reports of surveillance. Events related to the presidential election campaign were largely unimpeded, and Tamils held assemblies to commemorate civil war casualties, including after the election, with participants defying official restrictions or intimidation in some cases.

Score Change: The score improved from 2 to 3 due to a gradual expansion in freedom of assembly in recent years.

E2 0-4 pts

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

3/4

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.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

3/4

Trade unions in general 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.

While most 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, 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 with and intimidation of the judiciary abated somewhat under the Sirisena administration, and the courts asserted their independence during the 2018 constitutional crisis. In September 2019, the Supreme Court ruled the president could not unilaterally approve provincial council district boundaries in order to hold overdue elections. Despite such displays of autonomy from the highest courts, corruption and politicization remain problems 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 April 2019 terrorist attacks, the government enacted emergency regulations that further empowered the security forces and reduced protections against arbitrary detention; the regulations remained in effect through August. The bombings' aftermath also featured more biased applications of the PTA. While hundreds of Muslim suspects were arrested under the antiterrorism legislation, Sinhalese anti-Muslim rioters were charged under standard civilian statutes that allowed bail.

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 are known to engage in abusive practices, including 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. Separately, the April 2019 bombings and subsequent rioting underscored the threats posed to physical security by terrorism and communal violence.

Of the numerous transitional justice mechanisms outlined in a 2015 UN resolution that Sri Lankan authorities assented to in order to address human rights violations in the aftermath of the civil war, the government created an Office of Missing Persons in 2017 and an Office of Reparations in 2018, but a truth commission and a war crimes court had not yet been created as of 2019. The UN Human Rights Council in March agreed to give Sri Lanka a second two-year extension to fulfill its commitments under the original resolution. However, several military officers suspected of human rights violations during the conflict were promoted or appointed to senior positions in 2019, both before and after the change in government. After one such officer, General Shavendra Silva, was named as commander of the Sri Lankan army in August, the United Nations in September banned nonessential Sri Lankan troops from participating in peacekeeping operations.

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. Women suffer from sexual harassment and employment discrimination, as well as 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; such individuals rely instead on aid from NGOs, informal employment, and third-country resettlement by the Office of the UN High Commissioner for Refugees.

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, employment, or education?

2/4

Freedom of movement generally improved during Sirisena's presidency, with some reductions in security checkpoints, restricted military areas, and military occupation of public and private land. However, progress has reportedly stalled in recent years, and the emergency regulations put in place after the 2019 Easter bombings included curfews and other temporary restrictions on movement.

Women with children less 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 undue interference from state or nonstate actors?

2/4

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 remained 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 with respect to property transactions.

G3 0-4 pts

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

2/4

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.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Migrant workers recruited in Sri Lanka are often exposed to exploitative labor conditions abroad. 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.



On Sri Lanka

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Country Facts

Global Freedom Score

55/100 ● Partly Free

Internet Freedom Score

49/100 ● Partly Free

Other Years

2019



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