

FREEDOM OF THE PRESS

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Sri Lanka

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Media freedom remained restricted in Sri Lanka in 2011, with journalists subject to myriad forms of legal harassment and physical intimidation. Although the constitution provides for freedom of expression, it and other laws and regulations place significant limits on the exercise of this right. The 1979 Prevention of Terrorism Act (PTA) contains extremely broad restrictions on freedom of expression, such as a prohibition on bringing the government into contempt. The decades-old Official Secrets Act bans reporting on classified information, and those convicted of gathering secret information can be sentenced to up to 14 years in prison. Although no journalists have ever been charged under the law, it is used to threaten them. Journalists are also occasionally threatened with contempt-of-court charges or questioned regarding their sources. Legal harassment of the *Sunday Leader* continued during the year, as the newspaper faced several defamation and contempt-of-court charges in cases filed by the defense secretary that could cost it millions of dollars. A series of lawyers representing the paper have withdrawn after being intimidated, and another was vilified on the Defense Ministry website. The cases had not been resolved by year's end.

The government stated in 2009 that it was reviving the 1973 Press Council Act, which prohibits disclosure of certain fiscal, defense, and security information. The law had not been enforced in more than a decade, in keeping with an unwritten agreement between the government and media groups. It allows for the imposition of prison terms and other punitive measures for offenses including publication of internal government communications or cabinet decisions, information affecting national security, and economic news that could influence prices or food supplies. In 2006, unofficial prepublication censorship on issues of "national security and defense" was imposed by the government's new Media Center for National Security, which assumed the authority to disseminate all information related to these issues to the media and public. Emergency regulations reintroduced in 2005—which allowed the government to bar the publication, distribution, performance, or airing of any material deemed likely to cause public disorder—had been used a number of times to arrest and detain journalists without charge. When these regulations expired in August 2011, the legal basis for prior censorship was removed.

There is no enforceable right to information in the constitution or separate legislation. In fact, the Establishments Code, the formal administrative code governing civil servants, actively discourages access to information even on public-interest grounds. An attempt by the opposition to introduce a right to information bill in Parliament in June 2011 was defeated by the governing majority, in violation of its previous campaign promises. Broadcast licensing decisions sometimes appear to be arbitrary and politically influenced. In July 2010, the government announced plans to create a Media Development Authority with sweeping powers to regulate the sector under the guise of promoting media ethics and training. Local press freedom advocacy groups, such as the Free Media Movement, have faced smear campaigns in state-controlled media, and their staff operate under considerable threat.

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

72

LEGAL ENVIRONMENT

23

POLITICAL ENVIRONMENT

31

ECONOMIC ENVIRONMENT

18

Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face regular intimidation and pressure from government officials at all levels. Official rhetoric is markedly hostile toward critical or “unpatriotic” journalists and media outlets, with prominent leaders, including Defense Secretary Gotabhaya Rajapaksa, often making statements that equate any form of criticism with treason. State-controlled media and the Defense Ministry website have been used to smear and threaten individual journalists and other activists. As a result, the level of self-censorship has risen considerably, with many journalists avoiding coverage that is critical of the government or President Mahinda Rajapaksa’s family, or that addresses alleged war crimes surrounding the defeat of the Tamil Tiger rebel movement in 2009. Foreign reporters continued to encounter some difficulties in accessing the former war zones and internment camps in 2011. In July, two undercover journalists (who chose to remain anonymous even after reporting their mistreatment) were accosted by unidentified men in a van and ordered to return to the Netherlands. The two had traveled to Sri Lanka to cover the postconflict environment in the northern and eastern regions of the country.

On a number of occasions during the year, reporters attempting to cover sensitive news stories were roughed up by police in the course of their work. In addition to verbal and physical attacks from official sources, journalists and press advocacy groups perceived as supportive of Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups. While Tamil journalists no longer face the tight restrictions imposed by the Tamil Tigers, they generally refrain from strident criticism of the government, the military, or progovernment Tamil political factions. A number of journalists received death threats in 2011, and others were subject to attempted or actual kidnapping and assaults. Staff at the independent *Uthayan* newspaper, based in Jaffna, faced intimidation and attacks during the year in response to critical coverage of the government and paramilitary groups operating in the north, including the brutal beating of news editor Gnanasundaram Kuhanathan by unidentified men armed with iron rods in July. According to the Free Media Movement, the chairman and manager of the TNL network received death threats from businessmen with close ties to the government following the airing of a program on the network’s Isira radio station in October.

Past attacks on journalists and media outlets, such as the murder of Lasantha Wickrematunga in January 2009, have not been adequately investigated, leading to a climate of complete impunity. In July 2011, Wickrematunga’s brother, who heads the *Sunday Leader* newspaper, received a threatening telephone call from President Rajapaksa in response to an article. The paper’s editor, Frederica Jansz, also received threats in October. Dozens of journalists and media freedom activists have fled into exile in the past several years, leaving the sector without many of its most experienced professionals.

A shrinking number of privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views, but most do not engage in overt criticism or investigative reporting. Media outlets have also become extremely polarized, shrinking the space for balanced coverage. In recent years, ownership has grown more consolidated, with many private outlets now owned by government officials or their close associates. The Free Media Movement has noted that state-run media—including Sri Lanka’s largest newspaper chain, two major television stations, and a radio station—are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. Business and political interests exercise some control over content through selective advertising and bribery. The gradual reopening of the key A9 highway to the north of the island during 2009 helped to ease production difficulties for northern newspapers, which had been hampered by shortages of newsprint and other key supplies during the war’s final phases. However, those publishing opposition print media, such as Chandana Sirimalwatte, editor of the weekly *Lanka*, have faced difficulties in printing and distribution. While the government has built a new transmission tower in the north of the country, it has restricted the construction of towers by private companies.

Access to the internet and to foreign media has occasionally been restricted. British Broadcasting Corporation (BBC) radio programs were intermittently

jammed by the state-owned Sri Lanka Broadcasting Corporation (SLBC) in 2008 and 2009, but relayed broadcasts resumed in both Sinhala and Tamil in April 2010, following an agreement between the two entities.

Approximately 12 percent of the population accessed the internet in 2011, with many residents deterred by the high costs involved, although mobile-phone usage continued to increase rapidly. Web-based media and blogs have taken on a growing role in the overall media environment, with outlets such as Groundviews and Vikalpa providing news and a range of commentary, even on sensitive stories and events that are barely covered by the mainstream media. In response, the government has stepped up efforts to censor the internet, temporarily blocking access to a number of independent news websites, including Groundviews and Lanka eNews, as well as international organizations like Transparency International. In January 2011, the offices of Lanka eNews were destroyed in an arson attack by unknown assailants, and staff at the website have faced a range of threats over the past two years, including arrests and judicial harassment, surveillance, and the unexplained disappearance of Prageeth Eknaligoda, who was abducted in January 2010 and remained missing at year's end. In November 2011, the government announced new registration rules for any websites hosting content related to the country, leading to the blocking of a number of websites, some based overseas, for users in Sri Lanka. Many journalists assume that their phone calls and online communications are monitored.

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