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FREEDOM OF THE PRESS

Sri Lanka

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Media freedom remained restricted in Sri Lanka in 2012, with journalists subject to myriad forms of legal harassment and physical intimidation. Although the government included several items related to media freedom in its July 2012 National Action Plan on national reconciliation—including the passage of freedom of information legislation, enhanced efforts to investigate and prosecute past cases of attacks on journalists, and increased physical access for reporters to the north and east of the country—little progress was made on any of these recommendations by year's end.

The constitution provides for freedom of expression, but it and other laws and regulations place significant limits on the exercise of this right. The 1979 Prevention of Terrorism Act contains extremely broad restrictions, 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 as a threat. Journalists are also occasionally threatened with contempt-of-court charges or questioned regarding their sources.

The 1973 Press Council Act, which prohibits disclosure of certain fiscal, defense, and security information, was revived in 2009, having not been enforced in more than a decade. The government nominates all seven council members under the act, and violations of its provisions can draw prison terms and other punitive measures. In July 2012, the government announced its intention to extend the act's application to electronic and web-based media, and to introduce registration fees of 100,000 rupees (\$780), with annual renewal fees of 50,000 rupees for websites. These figures were revised downward in August to 25,000 rupees and 10,000 rupees respectively. In 2006, unofficial prepublication censorship on issues of "national security and defense" was imposed by a new Media Center for National Security (MCNS), which assumed the authority to disseminate all information related to these issues to the media and the public. In March 2012, the MCNS issued a directive extending this provision to news services distributed via mobile-telephone text messaging.

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 2011 was defeated by the governing majority, in violation of its previous campaign promises, and an additional attempt in May 2012 was also stymied by the speaker of Parliament.

The broadcasting authority is not independent, and licensing decisions sometimes appear to be arbitrary and politically influenced. Under new rules announced in November 2011 regarding licensing for any websites that host news content related to Sri Lanka, only 27 of the 80 websites that attempted to register were successful, according to international advocacy watchdog Article 19.

Local press freedom advocacy groups, such as the Free Media Movement and the Sri Lanka Journalists' Association, face smear campaigns in state-controlled media, and their staff operate under considerable threat.

In response to the greater role of web-based media, the government has stepped up efforts to censor the internet, imposing blocks on access to a number of independent news websites, including some based overseas. A petition challenging this practice was rejected by the Supreme Court in May 2012. Levels of self-censorship in the broader news media are high, with the vast majority of journalists avoiding coverage that is critical of President Mahinda Rajapaksa's family or administration. Journalists also tend to abstain from coverage of the alleged war crimes surrounding the defeat of the Tamil Tiger rebel movement in 2009. Many journalists assume that their phone calls and online communications are monitored.

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 Gotabaya 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, activists, and media

2013 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

74

LEGAL ENVIRONMENT

23

POLITICAL ENVIRONMENT

32

ECONOMIC ENVIRONMENT

19

freedom organizations. These attacks increased in 2012, including harsh denunciations of journalists who appeared before the UN Human Rights Council or supported its move in March to press for an investigation of alleged war crimes.

In addition to verbal and physical attacks from official sources, journalists and press advocacy groups that are perceived as supportive of ethnic 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 during 2012, and others were subject to attempted or actual kidnapping and assaults. In July, journalist Shantha Wijesooriya was the target of an attempted abduction in Colombo. Management at the *Sunday Leader* continued to face harassment and verbal attacks. Editor Frederica Jansz received a torrent of verbal abuse and threats to her life from Gotabhaya Rajapaksa in July, when she called to get his response to an investigative story. Jansz fled into exile with her family later in the year, after being ousted as editor. Following attacks in 2011, key personnel at the independent *Uthayan* newspaper in Jaffna also fled the country in 2012. Dozens of journalists and media freedom activists have gone into exile over the past several years, leaving the sector without many of its most experienced professionals. Even exiled journalists were subject to official threats in 2012. 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 June, police raided the offices of two news websites linked to the opposition United National Party, detaining staff and impounding equipment. Reporters continued to encounter difficulties accessing former war zones and internment camps and in covering the resettlement process in the north and east.

Past attacks on journalists and media outlets, such as the 2009 murder of Lasantha Wickrematunga, then editor of the *Sunday Leader*, and the January 2010 disappearance of cartoonist Prageeth Eknaligoda, have not been adequately investigated, leading to a climate of complete impunity. In January 2012, a trial concerning the 2005 murder of journalist Dharmaratnam Sivaram was postponed after a number of key witnesses failed to appear in court.

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. 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. In recent years, ownership has grown more concentrated, with many private outlets now held by government officials or their close associates as part of an overall strategy to further tame the press. Ownership changes at the *Sunday Leader*, where a business investor who is close to the ruling family assumed a majority stake, led to the removal of Jansz as the paper's editor in September 2012 after she refused to alter her critical style. Business and political interests exercise some control over media content through selective advertising and bribery, and the government's share of the advertising market is expanding. Those publishing opposition print media occasionally face 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.

Approximately 18 percent of the population accessed the internet in 2012, 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.

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