PRESSURE & POLARISATION
POWERING MEDIA RESISTANCE IN SOUTH ASIA

SRI LANKA COUNTRY REPORT

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SRI LANKA

Picking up the pieces

Sri Lanka’s economic crisis in 2022, with high inflation and shortages of fuel, food, and other essential items, saw thousands of people take to the streets to protest. By mid-April, Sri Lanka defaulted on its external debt of more than USD 50 billion, and the shortages of foreign reserves led to several import restrictions. Reports say that around half of the island’s population had to reduce their food intake and faced increased malnutrition. A sea of protesters spilled onto Galle Face Green, the centre of Colombo city, near the Presidential Secretariat and demanded the resignation of the government. After a large group of the government’s supporters assaulted peaceful protesters and destroyed their makeshift tents on May 9, large scale violence erupted across the country.

In mid-July 2022, protesters stormed the Presidential residence and Secretariat demanding the President’s resignation. President Gotabaya Rajapaksa fled the country and his political ally in the Opposition Ranil Wickremesinghe was sworn in as Prime Minister shortly thereafter, and elected President by a Parliament vote in July.

After Wickremesinghe became president, a state of emergency was declared, curfew was imposed, and a wave of arrests of those who participated in anti-government protests followed. By August 10, 2022, 3,310 persons were arrested.

Sri Lanka’s media faced serious challenges, as journalists were assaulted by police and security personnel subjected to teargas and water cannon attacks while reporting protests, and faced increased surveillance, threats and intimidation. The economic crisis along with the global increase in the price of paper pushed the print media to the edge, while more restrictions and surveillance were imposed on online spaces.

Ailing media industry

To respond to the economic crisis within the media industry, newspapers reduced the number of pages, hiked prices, and suspended certain editions. The chief operating officer of Liberty Publishers said that newspaper had already doubled in cost, from around Rs 50 to Rs 100 per metric tonne as of March 2022. Upali Newspapers Ltd was forced to suspend publication of The Islander and the Sinhala/Diveina because of newspaper shortage. In May 2022, state-owned, Associated Newspapers of Ceylon (ANC) stopped publishing free periodicals. In the same month, three weeklies published by ANC went monthly. The suspension in August of imported newsprint, as a result of which entry to sound and video recording equipment including cameras, and transmission apparatus for broadcasting made the hard times harder, though the restriction on cameras and transmitters was lifted in December 2022.

There was an unprecedented hike in travel costs. According to the Central Bank of Sri Lanka, transport costs increased by 17 per cent from April 2022 to March 2023. The unparallel queues outside gas stations reduced only in August 2022 when the QR code-enabled fuel pass system was introduced. Many journalists attempted to minimise travel costs and wait in long queues to purchase green cards and reporting. Even this became difficult as Sri Lanka also experienced regular power cuts.

Low pay and insecurity, regular issues faced by Sri Lankan journalists, were compounded by the crisis. A survey of 200 journalists conducted by the Free Media Movement (FMM) in November 2022 found that 50 per cent of the respondents earned less than LKR 15,000 (USD 41) per month. Only 11 per cent of the respondents earned more than LKR 50,000 (USD 137). Provincial journalists who usually work for several media institutions are especially vulnerable to low pay and job insecurity. The survey also found that more than 53 per cent of respondents were forced to work without basic social security such as Employees Provident Fund or pension. While 74 per cent of the respondents expressed insecurity about their future, 53 per cent said that they were insecure about their job security and profession. Significantly, 13 per cent said they were not allowed to join a trade union, as their institutions had banned it, despite such membership being a fundamental right guaranteed by the Sri Lankan constitution.

The Department of Government Information, under the Ministry of Mass Media, issues identity cards to local and foreign journalists. Despite being a long-term practice since 1984, it is not legally mandated to be registered at a government institution to work as a journalist in Sri Lanka, but government-issued media identity cards are often requested by the military, police or other security officials at government institutions.

Some government institutions including the Sri Lankan parliament only allow government registered journalists to cover events. The FMM survey found that only 55 per cent of journalists had the government-issued media identity card, while 61 per cent had an identity card from their institution, and 23 per cent of them did not possess any media identity cards, as a result of which entry to certain events – particularly those organised by the government – is prohibited. In many cases journalists were subjected to harassment by military and police, even after they present government-issued press IDs, so the absence of an ID makes them more vulnerable.

Under attack

Safety and security continue to be a concern for Sri Lankan journalists more than ever before. A large number of journalists who participated in the FMM survey said they had faced safety and security concerns during their work. Significantly, 71 per cent of them said that they were not satisfied with the way their media institution had intervened in such cases.

Repression of Dissent

The periodical human rights situation update published by the Human Rights Documentation Centre, recorded 36 incidents of rights violations relating to media and social media from May 2022 to January 2023, in which at least 50 individuals including 27 journalists and 14 social media content creators were victimised. At least 21 were subjected to physical violence, while eight were arrested, and 12 were summoned or visited by police or military, while two others were obstructed and threatened by the military. While more than 50 per cent of the incidents were reported around the country’s capital city of Colombo, around 28 per cent of incidents were reported from the former war-affected North and Eastern provinces.

Journalists who covered anti-government protests and mob attacks faced repression. On the morning of July 22, 2022, when the parliament was in recess and Sri Lankan President Ranil Wickremesinghe visited his private residence occupied by the protesters, at least five journalists were assaulted. Despite showing his Press Identity and foreign accreditation cards, the police detained him and forced him to leave his residence. In early August, a video surfaced showing the military assaulting BBC Tamil’s journalist Jereen Samuel and her colleagues outside her residence. The officer repeatedly slapped Samuel, pushed him to the ground, and kicked him several times in the abdomen, and forcefully took his mobile phone and deleted the videos he was recording.

Ten journalists reporting on the arson attack on then Prime Minister Ranil Wickremesinghe’s private residence on July 9, 2022, were also assaulted by the police. Pradeep Sanjeewe Wickremasinghe, reporting for Derana TV, was hospitalised after experiencing breathing difficulties due to repeated tear gas attacks while reporting on protesters taking over the Presidential residence that day. In addition, around 10 journalists in the former was affected North and Eastern provinces also faced assaults, threats, and being obstructed, questioned, summoned or visited by the police or military. Between May and November 2022, the government imposed a social media ban on public officers, preventing them from expressing their opinions. A medical officer who spoke to the media on child malnutrition was suspended.

On January 5, 2023, YouTube Sepal Amarasige was arrested for allegedly insulting the sacred tooth relic of Kandy. Before his arrest, several journalists who were covering the incident, were threatened in this statement and demanded that the government take action, while the chief priests of the Temple of Tooth Relic also wrote to the president. Though it was initially said that he would be charged under section 3 of the ICCPAct for allegedly advocating “national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”, as with Shahnika Subasinghe who was arrested in 2019, Amarasige was released in February 2023 after an unconditional apology.

In July 2022, the United Nations Human Rights Council adopted a resolution on promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/51/L.16). Sri Lanka’s Foreign Minister Ali Sabry stated that Sri Lanka categorically rejects the resolution, as it is allegedly presented without Sri Lanka’s consent, despite the efforts to engage with the main sponsors. The resolution expressed concern on the human rights impact of the economic crisis, and other developments since April 2022, including violence against peaceful protesters, and called for independent investigations into all the attacks. It also stressed the importance of protecting civil society functions from militarisation, and ensuring independence of judiciary and key institutions, and addressing incidents of intimidation and harassment of journalists among a range of other issues. On April 23, 2023, the Sri Lanka Working Journalists Association (SLWJA) launched the report of their study on the challenges faced by journalists following the protests of 2022. The report recommended the setting up of an Independent Commission for the protection and promotion of freedom of expression in Sri Lanka and a Media Safety Fund for journalists.

Too few women

The report specifically recommended a gender-responsive approach when considering measures to address the safety of journalists and media workers. The percentage of female journalists in Sri Lanka is only 15 per cent of the total 5,936 journalists registered with the Department of Government Information. When it comes to provincial journalists, only 53 per cent are female. A recent survey conducted by the FMM has reported a relatively better picture. The survey found that around 25 per cent of female journalists were employed in Sinhala language media, while 41 per cent women journalists work in the English language media.

One of the reasons for the discrepancy in the data could be the different gendered digital divide, as journalists obtained registration and press IDs, while FMM has included digital journalists in its survey. Secondly it is also possible that women journalists might not have obtained the government registration, especially if they only do desk work.

Low participation of women in the labour force is a general trend in Sri Lanka, with the national female labour force participation rate reported at 32 per cent, despite high levels of female education.

Gender disparity becomes more obvious at senior level positions, as fewer women get to such positions. Many women journalists had spoken out about sexual harassment in newsrooms in a balanced #MeToo movement in 2021. However, no investigations were conducted.

A pop-up television journalist at the state-run Independent Television Network was forced to resign due to undue sexual invitations and harassment from ‘elderly heads’ of the institute. Sri Lanka women journalists have experienced online abuse, harassment and sexism. The incidence of sexual harassment in the workplace is higher in the Sinhala and Tamil languages media as compared to the English Language media.

The number of women who use social media is also low compared to men. This may be because they face more online harassment. A study conducted in 2022 by the Hashtag generation, an online movement in Sri Lanka, found that Muslim women and transgender persons are more vulnerable to digital threats.

Digital divide

There are 14.58 million internet users in Sri Lanka, equal to 67 per cent of the Sri Lankan population, but there are wide disparities in usage. Though the start of the Covid-19 pandemic saw a sharp increase in the number of internet users, by 2022 it was in step with the growth of population. Of the 7.2 million social media users in Sri Lanka, only 2.3 per cent are female. However, a recent survey conducted by the Department of Government Information, on the ground that the website was allegedly “a link to radiation”, found 67.3 per cent of users are women.

The suspension of imported paper, printing machines, spare parts, sound and video recording equipment including cameras, and transmission apparatus for broadcasting made the hard times harder when the military took over the Presidential Secretariat and surrounding areas occupied by the protesters, at least five journalists were assaulted.

Though the registration of news websites is not mandatory, the Department of Government Information has been registering news websites since 2011, and government media identity cards are only
Lasantha Wickrematunge case
rights of Lasantha Wickrematunge, more specifically violating the
conducted, and how a military intelligence unit named Tripoli
Wickrematunge; and by several other experts including a civil society
Platoon carried out multiple attacks on journalists in Sri Lanka’s post-
Sandya Ekneligoda, the wife of disappeared journalist Prageeth
effective remedy. Witness testimonies were provided by activist
investigator and former Inspector of Police Nishantha De Silva, who
The murder of Lasantha Wickrematunge and the enforced disappearance of Prageeth Ekneligoda are two emblematic cases that remain judicially unresolved despite
journalist and recommended that the Ministry introduce a more
dissent and restrict freedom of expression and must be viewed with
to the President in 2020 included many problematic recommendations including the
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was dropped
Justice for Slain Colleagues: The Legal Saga
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social media activist, and an admin of the GotaGoS home Facebook
page, was arrested for allegedly “exciting or attempting to excite
decision to the President in 2020 included many problematic recommendations including the
acquittal of suspects in several emblematic cases, including that of
Prageeth Ekneligoda case: Journalist Prageeth Ekneligoda was reported missing since January 24, 2010, after allegedly being abducted by the Sri
military and murdering Prageeth Ekneligoda were granted bail on June 17, 2022. On March 1, 2023, the court again postponed the hearing of the case to May 4, as the prosecutor requested time for the preparation of the case. During this period, a communication details of two suspects. On November 3, 2022, Sandya Ekneligoda had written to the Chief Justice, saying that entry into the court premises had been barred for civilians after the Covid-19 outbreak. She requested that the chief justice allow the public to attend the court hearings. When the fundamental rights petition filed by Sandya Ekneligoda against the Political Victims Unit was dismissed on November 25, it was scheduled for further hearing on November 18. However, in February 2023, the cabinet stated that it would not implement the recommendation of the commission. On September 16, 2022, the home minister announced the release of student activist Wasantha Mudalige, who had been detained for 130 days under the PTA. On January 30, 2023, over 12,000 affidavits
requesting the release of student activist Mudalige were handed over to the Minister of External Affairs. A day later, the PTA charges against Mudalige were dropped.
According to the annual report of the High Commissioner on Human Rights (OHCHR) published in October 2022, 17 persons remained in long-term detention under PTA. Of these, 22 are serving sentences and 25 are at various stages of appeal. They also noted that large numbers were detained after the Easter Sunday bombings in 2019. While the police have often been reluctant to release information on PTA detainees, the RTI commission recently instructed the police to provide details on PTA detainees to a lawyer who made a RTI request. In August 2022, Sri Lanka deleted six organisations and 316 individuals listed under counter-terrorism regulations, while three organisations and 55 individuals were added to the list. This included the post Ahsan Jazeem who was detained for 18 months under the PTA and released on bail in December 2021.
The government proposes to introduce a new Anti-Terrorism Act (ATA) to replace the PTA, and other draft laws to regulate cyberspace, including an online safety bill “to combat online falsehood and manipulation”. Civil society groups and media rights groups have not been consulted. Attempts by previous government to introduce such laws have often been met with strong criticism and suspicion from media rights groups and rights activists, as such laws can be used for the harassment and intimidation of protesters. Therefore, it is highly likely to introduce new restrictions and regulations on freedom of expression and other fundamental freedoms.
Since its enactment Ministry of Sri Lanka’s Right to Information Act has allowed journalists to access verified information from official agencies. However, the path has not always been smooth. The court of appeal, in a landmark judgment released the information on Members of Parliament who have submitted asset declarations, based on a Right to Information request made by a journalist in June 2018. Although the relevant amendment made to the Access to Information Law when the Sri Lanka Delisting Six International Organisations from the list of 16, seven international organisations issued a letter demanding the
article 19. The state of emergency, curfews, and increased powers granted to the military and
restriction of exercise of rights and increasing challenges for journalists, protesters and the public. Large teams of riot police and military were deployed to prevent protesters from entering certain roads or areas. At the same time, the Prevention of Terrorism Act (PTA) was used to arrest protesters and activists in 2022. The PTA has been used for more than four decades to arrest and detain journalists, civil society activists, protesters, and other dissenters, enabling prolonged detention, false confessions through torture, and targeting minority communities and civil society groups. The amendments to the Act in January 2022 were grossly inadequate and failed to address critical gaps, including problems in the definition of terrorism, the duration of a tribunal in an in-camera hearing, and the presumption of innocence before production before a magistrate, the lack of judicial oversight during investigations, legal representation, informing the cause of arrest, the right to a public hearing or investigation, the right to receive and attempt to address international pressure, rather than a genuine willingness to overcome long-standing issues. On September 22, 2022, 13 detainees held under the draconian PTA began a hunger strike demanding their release. An island-wide signature campaign demanding the release of PTA was launched by a group of journalists, civil society organisations, and the Centre for the Protection of Journalist. They also called for the release of student activist Wasantha Mudalige, who had been detained for 130 days under the PTA. On January 30, 2023, over 12,000 affidavits
President’s statement, and noted that they are concerned whether the move might be used to advance ongoing efforts of surveillance and curtail the freedom of expression in the country.

Small is vulnerable

A significant number of journalists working in smaller media organisations, running websites or YouTube channels, were subjected to increased threats, intimidation and assaults. On July 22, three journalists working for Xposure News website were assaulted and tortured when reporting a military raid on protesters in the main protest site in Colombo. Five days later, their office was visited by police in civilian clothing, asking them to identify some photos and give access to their CCTV footage. They left the premises after monitoring the entrance of the premises for around an hour.

Several journalists working for the Tamil Guardian website that covers regional news in the North and East were subjected to threats and intimidation as in previous years. Three YouTubers were summoned and questioned by the Criminal Investigation Department (CID) of the police on the content of their channels. One YouTuber was arrested for allegedly insulting the temple of the tooth relic in Kandy. Another YouTuber Rathi Seneviratne was questioned multiple times and arrested for taking part in protests. Media activists said that the Department of Government Information has refused to issue press identity cards to journalists running news YouTube channels. Shortages of paper and material have made it almost impossible for hyperlocal media to use the print media.

Collective resistance

Responding to the economic and political crisis has also shown the need to build professional capacity in the media. Providing more training and other opportunities, including trade union leadership, for women and young journalists is essential to building gender and youth inclusive media workplaces. It is also important that media institutions have effective workplace policies to address gender-based violence and sexual harassment. Existing difficulties with media identity cards, news website registrations, and surveillance on journalists must be addressed, with policy actions taken to ensure safety and protection of journalists while addressing specific challenges faced by youth, digital journalists, and provincial journalists.

Lack of formal training and physical danger are just some of the downsides in this field. From the data gathered by the Federation of Media Employees’ Trade Unions (FMETU), it is evident that journalists in Sri Lanka are grappling with myriad challenges with little prospects for the future, whilst they report from the ground. There is concern that these problems may tempt vulnerable journalists to indulge in unethical practices, compromising on ethical journalism.

The period under review saw civil society and the media struggling to rise after a battering by the economic crisis and a government-declared Emergency. Journalists and media rights activists in Batticaloa and Colombo participated in the annual Black January event demanding justice for journalists who were murdered, forcibly disappeared, assaulted, or threatened in Sri Lanka. The DMM organised an event in Colombo under the theme ‘Moving Forward Together to Save Media Professionals’, which included a candlelight vigil, a panel discussion by a group of journalists, and a speech on press freedom delivered by a former President of the Bar Association. Separately, Sri Lanka Working Journalists Association (SLWJA) also organised a protest and a candlelight vigil in Colombo. The Union of Professional People’s Journalists of Sri Lanka and the Eastern Mridhya Samaj jointly organised a protest and a candlelight vigil in Batticaloa.

Despite being subjected to frequent assaults, repression and shortages, pay cuts, curbs on information gathering, and online abuse, faith in the power of resistance was evergreen.

The tribunal found the Government of Sri Lanka responsible for grave violations of rights of Lasantha Wickrematunge, more specifically violating the right to life, the right to freedom of expression, and the right to an effective remedy.