

## **Online Safety Bill and Anti-Terror Bill – Law making to End Democracy and Fundamental Rights of Sri Lankan Citizens**

The Government has included two Bills titled ‘The Online Safety Act’ (OSA) and the ‘Anti-Terror Act’ (ATA) in the Parliamentary Order Paper dated 3<sup>rd</sup> October 2023. Both Bills have sweeping provisions to seriously curtail and even violate the freedoms of expression, free speech, right to information, assembly and association. Both present fatal threats to democracy and fundamental rights in this country.

The OSA proposes to create an ‘Online Safety Commission’ appointed by the President and dismissed at his will and pleasure, which is given sweeping powers to determine if a statement is a ‘false statement’ and take measures to ‘prohibit’ it from circulation. The Commission has powers to issue directives to persons and online service providers to remove or block content, sites and locations. If its directives are not complied with, penal sanctions including prison sentences and fines can be imposed. The OSA will embed a culture of state harassment of online journalists and activists, artists, scholars, writers, Trade Unions Civil Society Organisations, including Women’s Groups, Human Rights defenders, professional organisations, and any citizen who dares to criticize government and disagree with its policies and governance. Not only the Fundamental Rights of speech, expression and access to information, but the right to claim them through the connected rights of freedom of protest and association will be curtailed and destroyed by the State. The inevitable self-censorship of citizens and communities that can follow, will embed authoritarian and dictatorial governance that has no respect for the Sovereignty of the Sri Lankan people that is a foundational value in our Constitution. The lack of accountability and corruption in governance that we see today will become a permanent aspect of governance. The impact on the life of a Sri Lankan citizen and another generation will be far reaching and hard to reverse. This will complete Sri Lanka’s transformation into a complete Orwellian State where what the ‘truth’ is will be determined and imposed exclusively by the State.

The ATA will be a reinvention of the draconian Prevention of Terrorism Act (PTA), which it claims to repeal. Under the ATA the definition of what comprises ‘terrorism’ is so vast and vague that any act can become an act of terror if the State deems it so. Any protest or strike can become an act of terror. Any instance of free speech can be deemed as inciting ‘terrorism’. Any organisation can be proscribed as a ‘terrorist’ association. Any publication can be deemed a ‘terrorist’ publication. Anyone associated with ‘terrorist’ suspects, by virtue of association and knowledge, can be punished. Detentions will be made through executive orders and the military has been given powers to arrest and detain, powers which it did not have even under the PTA. The ATA will create a permanent state of emergency where Sri Lanka will effectively become a military state functioning under the exclusive dictate of the Executive. Repealing the PTA has been a promise made to the nation and the global community of nations represented at the United Nations. What this bill does however is to increase the power of the State to repress citizens and deny the Constitutionally guaranteed Fundamental Rights of the People.

The proposed laws are a clear indication that the government fears that its indifference to the grave hardships of the people in this economic crisis will not be tolerated, and will be resisted. The

Citizens of this country were not responsible for this man made crisis. Instead of taking the responsibility for the crisis, the government is making use of debt restructuring to make laws that encourage governance that is not accountable to the people and tries to legalise misuse of state power. Under the guise of domestic debt restructuring savings of the working people are being stolen. Under the guise of labour law reforms proposals are being pushed to bring an end to the right to unionise and exploit women's labour. Women's groups and activists have made an important contribution to ensuring that our laws and policies on women's work conform to international ILO and other standards, and our Constitution. The proposed labour laws target women disproportionately, and will eliminate all these gains, embedding and encouraging exploitation of their labour. Even criticism of the transformation will be prevented by these repressive laws.

We are still suffering the impact of repressive laws of the past, enacted in the name of national defence, stability, economic growth and development. What Government needs to do, is to learn from the past and engage in enlightened law making. That agenda must repeal repressive laws and respond to embedded corruption, foster national unity and equitable economic growth that benefits all citizens in our plural society. The government's intention in passing laws that violate the basic values of democratic governance in our Constitution, shows that they want to change course, and establish a political dictatorship. The pretext is debt restructuring and economic recovery from bankruptcy.

We as Women's groups and other Civil Society groups and concerned citizens call upon the government to withdraw ALL these Bills from Parliament. Government must engage in a process of consultative law making, that we saw when the Right to Information Bill was passed. That law has received praise for strengthening accountable governance in local and international reviews of governance in our country. MPs, whether or not they are unelected by the people, and come to Parliament from a national list, take an oath of office that must respect the responsibilities of office under the basic law of our country the Constitution. According to the Preamble to that document THEIR DUTY IS:

“ to humbly acknowledge (their) obligation to ratify the immutable republican principle of representative democracy, assuring to all people Freedom Equality Justice Fundamental Human Rights and the Independence of the judiciary".(PREAMBLE Constitution 1978)

We call upon the govt to WITHDRAW ALL these bills, and engage in a public conversation with qualified persons and citizens on public policy in these important areas. We call upon ALL Members of Parliament to fulfill the above stated Constitutional mandate and VOTE AGAINST these repressive laws.

### **Individual Signatories:**

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Former Chairperson Human Rights Commission of Sri Lanka
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73. Prof Savithri Goonesekere – Emeritus Professor of Law, Former Vice Chancellor University of Colombo
74. Prof. Camena Gunaratne, Open University
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76. Rajany Rajeshwary (Feminist- Jaffna)
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101. Shyamala Gomez (Women's Rights Activist)
102. Shyamala Sivagurunathan (Independent Consultant)
103. Shydha Zaara (Scoal Activist)
104. Sirany Thevakumar (Women Human Rights Defender)
105. Sithravel Ethayarani (Women's Rights Activist)
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114. Surendran Thamilini (Women's Rights Activist- Mannar)
115. Suresh Jayawardhane (Freelance Consultant and CSO Activist)
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123. Vipulan Shamini (Women's Rights Activist)
124. Vivekananth Sinthuka (Women's Rights Activist)
125. Y. Rinoza (Social Activist- Ampara)

### **Organizations and Collectives:**

1. Affected Women's Forum
2. Alliance for Minorities
3. Ampara District Alliance for Land Right (ADALR)
4. Centre for Women's Research
5. Centre for Equality and Justice
6. Centre for Social Concerns
7. Community Welfare Fund Sri Lanka

8. Dabindu Collective
9. Forum of Women Human Rights Defenders, Eastern Province
10. Human Elevation Organization (HEO)
11. Law and Society Trust
12. Liberation Movement
13. Malarum Mottukal Collective – Mannar
14. Mannar Women's Development Federation
15. Muslim Women's Development Trust
16. Muslim Women's Research and Action Forum
17. Network of Women in local politics, Eastern Province
18. Network of Women with disabilities, Batticaloa district
19. Puttalam District Women's Self Employment Reconciliation Forum
20. Rainbow Pillars for Creativity (Batticaloa)
21. Rural Development Foundation
22. Savisthri National Women's Movement
23. Sri Vimukthi Fisher Women's Organisation (Negombo)
24. Stand Up Movement Lanka
25. Suriya Women's Development Centre
26. Vallamai-Movement for Social Change
27. VILUTHU
28. Voice of Women
29. Women Actions for Independent Development -WOMEN AID
30. Women and Media Collective
31. Women Development innovators
32. Women's Action for Social Justice
33. Women's Centre Sri Lanka
34. Women's Action Network
35. Women's Education and Research Centre
36. Women's Resource Centre, Kurunegala
37. Working Women's Front