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The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights (Office of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Office of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Office of the Special Rapporteur on the Situation of Human Rights Defenders) and has the honour to acknowledge receipt of the Joint Urgent Appeal dated 21 March 2014 addressed to H.E. Mr. Ravinatha Aryasinha, Ambassador / Permanent Representative of Sri Lanka to the United Nations in Geneva, by Mr. Frank La Rue, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Maina Kiai, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and Ms. Margaret Sekaggya, Special Rapporteur on the Situation of Human Rights Defenders, concerning reprisals on State television against 24 civil society organisations who submitted a report to the Human Rights Council.

The Permanent Mission of Sri Lanka has the honour to transmit to the Office of the High Commissioner for Human Rights the response received from the Government of Sri Lanka on the Joint Urgent Appeal under reference. (Please see Annex)

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to Office of the High Commissioner for Human Rights (Office of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Office of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Office of the Special Rapporteur on the Situation of Human Rights Defenders) the assurances of its highest consideration.



Office of the High Commissioner for Human Rights (OHCHR),
Palais Des Nations,
1211- Geneva.

Mr. Frank La Rue, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Mr. Maina Kiai, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

Attn: Mr. Michel Forst, Special Rapporteur on the Situation of Human Rights Defenders

Annex

Response by the Government of Sri Lanka to the Joint Urgent Appeal dated 21 March 2014

1. At the very outset, it is significant to note that the Constitution of Sri Lanka guarantees every citizen the freedom of speech and expression including publication. This fundamental right enshrined in Article 14(1)(a) of our Constitution, is the bulwark upon which every citizen of this country irrespective of political affiliations or ideology, is able to enjoy the rights enshrined in the Constitution. Any alleged transgression of these rights, enables the citizens who feel aggrieved to resort to legal remedies available under the laws of Sri Lanka.
2. The right to freedom of speech and expression including publication can be restricted in so far as provided in Article 15(2), 15(7) and 15(8) of the Constitution of Sri Lanka. In all such instances, the restrictions has to be prescribed by law. Under Article 15(2), restrictions are permitted in the interests of racial and religious harmony or in relation to parliamentary privileges, contempt of court, and defamation on incitement to an offence.
3. Under Article 15(7), restrictions are permitted in the interests of national security, public order and the protection of public health or mortality or for the purpose of securing due recognition and respect for the rights and freedom of others or of meeting the just requirements of the general welfare of a democratic society.
4. Article 15(8) applies only to members of the Armed Forces, Police and other forces charged with the maintenance of public order, and restrictions are permitted in the interest of proper discharge of their duties and the maintenance of discipline among them.
5. Notwithstanding the constitutional rights referred to above, it should be borne in mind that the Sri Lanka Rupavahini Corporation (SLRC) is a body corporate with perpetual succession and is autonomous in so far as to fulfilling the extensive functions enumerated in Section 7 of the SLRC Act No. 6 of 1982. Any person or group aggrieved by a telecasting by the SLRC could vindicate their rights by pursuing an action for defamation.
6. In the absence of laws for criminal defamation in the country, the State is prohibited from indicting/charging any broadcaster/telecaster for criminal defamation. In such a scenario, it is pertinent to advert that a delictual action for defamation against the telecaster/broadcaster is always available under the laws of Sri Lanka and as a relief damages could be claimed in such an action.
7. In this context, the Constitution of Sri Lanka envisages the sacrosanct right that "all persons are equal before the law and are entitled to the equal protection of the law". Therefore, whilst it is noted that the State safeguards

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and protects the freedom of speech and expression of all citizens including human rights defenders, it should not restrict or curtail the liberty to exercise such right. In this instant case, the SLRC was exercising this freedom within the legal framework of Sri Lanka, however, unpalatable the contents of the newscast would have been to the said human rights defenders.

8. Since no laws have been enacted providing immunity from criticism of any person, the enjoyment of the freedom of speech and expression cannot be restricted on the basis of an allegation contained in a broadcast/telecast being critical of individual organizations.

9. Therefore, in conclusion if the human rights defenders feels wronged by such a telecast/newscast they could as stated earlier invoke a civil action for damages under the laws of Sri Lanka for defamation.