

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

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(Please use this reference in your reply)

28 September 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 58/14, 61/14, 59/4 and 61/22.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **Non-governmental Organizations (Registration and Supervision) Bill 2026 (the "Bill")**. We are concerned that some of its provisions are not consistent with the right to freedom of association under international human rights law, as well as international standards concerning terrorist financing.

The Bill

The Bill was first published in 2024, reportedly with no consultation with civil society or the Human Rights Commission of Sri Lanka. The Bill has undergone successive drafts, with the latest version in June 2026 and including new provisions on the monitoring of non-governmental organizations (NGOs) for compliance with counter-terrorism financing and anti-money laundering standards. The Bill is reportedly part of Sri Lanka's efforts to ensure compliance with international counter-terrorist financing standards, in advance of the country's mutual evaluation by the Asia/Pacific Group on Money Laundering (a Financial Action Task Force (FATF)-Style Regional Body) planned for October 2026. It is intended to replace the Voluntary Social Services Organisations Act 1980. The current Bill is undergoing restricted stakeholder consultations in Sri Lanka.

The Preamble of the Bill states that its objective is to efficiently regulate activities of all Voluntary Social Service organizations including NGOs. Section 2(1) includes a comprehensive list of actors¹ subjected to the Bill's provisions, subject to certain

¹ Including: "voluntary social service organizations, micro-finance NGOs, foreign/local funded guarantee limited companies, foreign/local funded associations, a trust engaging in voluntary or social services or any community-based activity, a body incorporated in terms of Standing Orders of Parliament as a Private Member Bill, Any association, council, community hostel, foundation, federation, movement, center, consortium formed by 5 or more persons with the object of providing voluntary social services, facilitating social welfare, aiming at consensus building or strengthening civil society or advocacy, Any international or national level NGO receiving foreign funds for non profit activity, Any organization approved under Inland Revenue Act, Registered under government Ministry or Registered in any country other than Sri Lanka, operating international including in Sri Lanka; (...)

exclusions under section 2(3).

Under the Bill, all NGOs will be required to register with the Competent Authority (section 8) and it would constitute an offence to fail to register (section 19), prohibiting the existence of unregistered groups. Directors and office bearers of a body corporate also bear criminal liability (section 20). A registration certificate would be valid for three years (section 10) and accordingly would need to be renewed for a NGO to continue. No time period is specified for a registration or renewal decision, but NGOs may not commence activities until registration is granted.

The Bill additionally allows the Competent Authority to require registration of a voluntary social service activity or project where it is non-religious in nature or outside the body's constitutional objects. Once registered, obligations under section 15(2)(a)-(m) apply (see below), thus bringing otherwise exempt bodies within the regulatory regime and exposing civic, charitable, or advocacy activity to control even where the parent body itself remains exempt.

The Bill imposes numerous obligations on NGOs, including to "align with the policies of the government"; "not engage in any activity that adversely affect sovereignty or territorial integrity of Sri Lanka or violates the provisions of the Constitution"; "not induce or cause to induce any public disorder which affect safety and interests of the general public"; not to "engage in any advocacy to support political ideologies using funds and resources of the non-governmental organization during a period of pre-election or, unless it is an object of such non-governmental organization"; to "utilize fund of the non-governmental organization only for the purposes it was registered"; and to "notify the Competent Authority prior to initiation of any crowdfunding activity" (section 15). There are also obligations to act in conformity with instructions from the Central Bank of Sri Lanka (section 15(2)(h)) and to disclose certain funds and account details (section 5(i)), extending State financial control.

Under the Bill, the Competent Authority would be empowered to ensure that NGOs comply with the Act and its regulations (section 5). Specifically, to determine whether a NGO is compliant with the Act or regulations, the Competent Authority would be authorized to: enter any premises without search warrant, upon prior notice; access and examine information and records and copy them; and do other things that may be reasonably required for such purposes (section 5(e)). It would also be able to attend certain NGO meetings with consent; obtain any information (including staff details, funds flows and accounts); and make available NGO information to terrorist financing and other regulatory authorities (section 5(g), (i) and (j)). Section 4(1)(f) empowers the Competent Authority to "liaise with NGOs to make them part of the development of the country".

'any organization, including any association, council, community hostel, foundation, federation, movement, center, consortium, (i) which is formed by a group of not less than five persons, being citizens of Sri Lanka or of any other country or legal persons; (ii) which has not been established or formed under any written law; (iii) the purpose of which is either to serve the general public, including the needy, the sick, persons who are disadvantaged, destitute, orphaned or affected by natural disaster, or to serving the interest of their members or to strengthening the civil society through advocacy or consensus building, (iv) that engages in any voluntary social service activity or non-profit oriented activity that depends on public contributions, charities, or donations local or foreign, in carrying out its functions".

Sections 16 and 18 of the Bill allow the Competent Authority to suspend or deregister a NGO on numerous grounds, including: non-compliance with terms and conditions of registration or section 15 obligations; acting contrary to the organization's objectives; where there is prima facie evidence of financial irregularities (including terrorist financing) or that its activities or existence are "prejudicial or a threat to national security, territory integrity, [or] sovereignty"; or where its activities otherwise contravene the Act or other laws. A NGO can also be deregistered by a court (section 18), without the Bill specifying any of the grounds for such order. Further, a NGO can be designated by the Competent Authority as "inactive" where, inter alia, it has failed to submit documents under section 15 or has failed to renew its registration (section 17).

The Bill establishes numerous offences subject to summary magistrate trial and resulting in fines, including for failure to register (which imposes a liability of a fine up to one million rupees), failing to provide required information, and contravening "any" provision of the Act or "any" regulation made under it (section 19). It does not include any process to appeal a refusal to register.

The right to freedom of association

We are concerned that provisions of the Bill are not compatible with the right to freedom of association, as well as international standards on countering terrorist financing. Article 22 of the ICCPR protects the right to freedom of association with others. States must not only refrain from arbitrarily and unduly interfering with this right, but must also positively enable an environment for its enjoyment by facilitating and protecting these rights in accordance with international human rights standards (A/HRC/17/27, para. 66 and A/HRC/29/25/Add.1). Any restriction on the right to freedom of association must meet all of the following conditions: (a) it must be provided by law; (b) it may be imposed only for one of the purposes set out in article 22(2) of the ICCPR; and (c) it must be "necessary in a democratic society" for achieving one of those purposes. The Human Rights Committee stated that "the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect" (general comment No. 37, para. 36).

We are concerned that the Bill's requirements for registering NGOs and in some cases activities and projects, and associated penalties (including director and office bearer liabilities for bodies corporate, which reverse the burden of proof), are inconsistent with the principle that associations do not need any domestic authorization or recognition in order to fall under the protection of the right to freedom of association (Human Rights Committee, draft general comment No. 38, paras. 13, 30 and 43). We recall Human Rights Council resolution 22/6, which calls upon States to ensure that "procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law" (para. 8).

In addition, some of the sections 15-18 obligations on NGOs impose limitations on the aims and activities, including financial freedoms, of NGOs (resulting in serious consequences such as suspension, deregistration and summary offences) that are not consistent with the grounds for the lawful, necessary and proportionate restriction of freedom of expression under article 22(2) (see draft general comment No. 38, para. 45). Further, the Bill's requirement that the organization be aligned to government policy, and the Competent Authority's power to liaise with them on national development, risks restricting the promotion of alternative and minority views and new approaches, and having a chilling effect on dissent. We recall that that right to freedom of association also applies to ideas, activities and actions that might be seen as controversial, dissent or disruptive, including human rights and other politically sensitive issues, including those that are not necessarily favourably viewed by the Government or the majority of the population (*ibid*, para. 10).

Some of the grounds in the Bill are also vague and overbroad, do not satisfy the requirement of legality, necessity and proportionality, and are thus prone to misapplication and abuse (for example, reference to concepts such as national security, territorial integrity, sovereignty, public disorder affecting safety and interests of the general public, and advocacy and support for political ideologies during elections, and contravening other unspecified laws). The Human Rights Committee has expressed its concern about the application of broad and vague criteria to restrict freedom of association (*ibid*, para. 43).

The Bill applies to nearly all types of associations and civil society actors, including voluntary social, cultural and service provision organizations, registered organizations receiving foreign funding to implement their activities, trusts, and others. The overbroad definition of organizations in section 2(1)(g)(i)-(iv) includes even informal community groups, volunteer networks, and ad hoc advocacy coalitions, further cementing State pre-approval and control over even grassroots civil society. The Bill does not distinguish between the size or scope of operations of NGOs and applies the same rule to all associations. Burdensome reporting requirements affect disproportionately small or grassroots associations, and associations from minority and vulnerable groups.

Procedurally, the Bill fails to identify clearly the criteria to evaluate the registration applications or the detailed steps and timelines of the process, and the process to appeal a denial, which opens the door for arbitrarily and subjective implementation that could affect disproportionately organizations working on disappearances, land rights and transitional justice, rights and freedoms of minority groups, including LGBTIQ+, governance, transparency and accountability, among other agendas that the Government could potentially classify as sensitive or controversial. No maximum period is set within which the Competent Authority must decide a registration or renewal application, while commencement of activity is barred prior to registration.

Compulsory dissolution must only occur as an exceptional measure and must strictly follow the restriction requirements set out in article 22(2) (draft general comment No. 38, para. 19). The former Special Rapporteur on the rights to freedom of peaceful assembly and of association indicated that "[t]he suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and

imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient” (A/HRC/20/27, para. 75). We are further concerned that deregistration by court order, in the absence of explicit legislative grounds to do so, would not satisfy the requirement under article 22(2) of the ICCPR that any restriction be “authorized by law”. Where conduct falls within the scope of restrictions under article 22(2) of the ICCPR, as far as possible, action should be taken in such cases against the individual perpetrators, rather than against the organization as a whole (ibid, para. 51).

We are further concerned that certain discretionary regulatory powers of the Competent Authority under section 5, including warrantless searches, access to records and sensitive information (including staffing and funding), and attending NGO meetings, are not necessary and proportionate restrictions on freedom of association. We recall that freedom of association includes a right of associations to carry out their activities freely, with respect for their independence, autonomy and self-governance (ibid, paras. 10 and 14-15). This includes the right of civil society organization to not be subjected to unjustified or unwarranted interferences such as arbitrary searches, surveillance, administrative harassment, excessive oversight powers, and misuse of counter-terrorism financing measures (ibid. paras. 15 and 30). The lack of judicial authorization of such intrusive measures, on the basis of criteria in accordance with article 22(2), is of particular concern. The power of the Competent Authority to share NGO information with terrorist financing and other regulatory authorities (section 5(g), (i) and (j) could also leave unprotected the data of staff, donors, and beneficiaries, in apparent contravention of Sri Lanka’s Personal Data Protection Act, No. 9 of 2022 and the right to privacy under article 17 of the ICCPR. Moreover, the duty to notify the Competent Authority prior to crowdfunding (section 15) could violate the freedom of associations to access domestic and foreign funding and interfere with their free functioning (A/HRC/20/27, A/HRC/53/38/Add.4, and A/80/219).

In applying excessive regulatory measures to all NGOs, the Bill appears to cast suspicion on the legitimacy of the activities of the NGO sector and the exercise of the right to freedom of association, with broader chilling effects on the exercise of human rights in a democratic society. We emphasize that under article 22 of the ICCPR, States have the positive obligation to protect the right to freedom of association, and thus must ensure the existence of a functioning environment for associations, including by preventing hostile discourses and narratives by public authorities (ibid, paras. 13 and 35). Freedom of association is also closely linked to the rights to freedom of expression, peaceful assembly and the right to take part in public affairs, and is of fundamental importance to the functioning of democracy and to the participation of vulnerable groups in society.

Counter-terrorist financing standards

The over-regulation of all NGOs under the Bill, regardless of their risk of, or vulnerability to, terrorist financing, is inconsistent with the risk-based, proportionate approach to countering terrorist financing required by international law, Financial Action Task Force (FATF) revised Recommendation 8, and Security Council resolutions. Terrorist financing measures concerning NGOs must be strictly risk-based and necessary and proportionate and be developed in consultation with diverse civil

society organizations. NGOs must not be subject to unjustified accreditation, registration, reporting or auditing requirements, or unjustified surveillance or monitoring. Effective oversight, accountability and remedies must be available to address human rights violations.

We note that Sri Lanka's national risk assessment of NGOs of January 2026 speculatively found that the inherent risk of the NGO sector is low to medium, depending on the type. However, evidence of proven terrorist financing by NGOs was limited, and elements of the risk assessment considered irrelevant matters that themselves raise human rights concerns (for example, the lack of provisions to "depoliticize" INGOs, and the lack of penalties for failure to register under the Voluntary Social Services Act). In requiring a risk-based approach, FATF standards emphasize that most NGOs pose no risk of terrorist financing; specific regulation of NGOs may not be necessary; any regulation should be tailored and not apply indiscriminatory to all NGOs; and that self-regulatory measures may be sufficient.

Wider context

In view of patterns of intimidation, surveillance, arbitrary arrests, house raids, and other forms of reprisals against human rights defenders previously documented in communications addressed to your Excellency's Government (LKA 3/2025; LKA 4/2024; LKA 2/2024), the implementation of the Bill may increase the risk that legitimate human rights activities are subjected to unjustified heightened scrutiny, restriction or criminalisation. Where regulatory frameworks governing civil society organisations confer broad discretionary powers without adequate safeguards, independent oversight, or effective remedies, there is a risk that they may be applied beyond their stated objectives. The collective and autonomous right to promote, protect and defend human rights depends on the ability of individuals and organisations to operate free from undue interference. The Bill's measures may contribute to a wider chilling effect on civic space, discouraging engagement in advocacy, monitoring, documentation and other human rights activities, while undermining the ability of human rights defenders to operate freely, independently and safely.

We recall that the Special Rapporteur on the rights to freedom of assembly and of association conducted an official visit to Sri Lanka in 2019 and presented the official report on the visit in 2020 and an update in 2022. In the first report (A/HRC/44/50/Add.1), the Special Rapporteur heard concerns "especially in the north and east of the country, that informal refusals of associations (...) are commonplace for groups working on politically sensitive issues, such as LGBTQI+ rights, disappearances, land rights and transitional justice (...) Oversight and approval of activities by district or divisional secretaries can also create difficulties for organizations working on corruption or governance". He reported efforts by the Government to advance in the adoption of a NGO bill but with limited consultation with civil society. The report recommended that the Government: (a) ensure that existing legislation dealing with the right to freedom of association is in line with international human rights laws and standards, in particular in relation to registration, reporting, suspension or dissolution of associations, and to avoid enacting regressive legislation in the future, including legislation mandating the registration of associations; (b) engage in meaningful consultation with civil society and the National Human Rights Commission on all relevant legislation, including at the drafting, review and

implementation stages; and (c) provide an avenue of appeal in cases where the registration of an association is denied on the basis of national security; among other. In the follow up report, the Special Rapporteur indicated that “Sri Lanka continues to engage in extremely restrictive practices relative to associations representing minority groups and viewpoints” and expressed concern about “a new law that would impose further restrictions on civil society’s ability to access funding” ([A/HRC/50/23/add.3](#)).

Finally, we are concerned that the draft Bill does not appear to have been shared publicly and was only subject to consultations with a limited number of stakeholders. We call on your Excellency’s Government to ensure that public consultations on the Bill are being carried out in a manner that is transparent, representative and inclusive.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please explain how the Bill is consistent with the right to freedom of association and international counter-terrorism financing standards.
3. Please indicate whether the Bill will not proceed or will be extensively revised to ensure compatibility with international human rights law and international standards to counter terrorist financing.
4. Please indicate whether the Bill will be gazetted or otherwise published in order to allow public consultations in a way that is representative, inclusive, and transparent.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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