

19 January 2024

Dear Hon. Minister Alles,
Ministry of Public Security, Sri Lanka

We, the undersigned organisations committed to protecting freedom of speech and expression, are writing to urge the Ministry of Public Security to withdraw the proposed [Online Safety Bill](#) and to conduct meaningful consultations with all stakeholders including local groups.

We are alarmed that the Bill is proposed to be presented in Parliament at the end of January 2024 without addressing the concerns raised by key stakeholders, experts and civil society about the severe implications that the Bill will have on the human rights and democratic values enshrined in the Constitution and international legal instruments to which people in Sri Lanka are entitled.

The harms stemming from the Bill have been noted not only by human rights and civil society organisations, but also by the technology industry, through statements from the Asia Internet Coalition and the Global Network Initiative. Following the filing of over 50 petitions against the Bill, which make it very clear that the Bill requires significant amendments in order to be valid, the Bill should be withdrawn, and discussions held in good faith, to tackle the issues of online gender-based violence and other harmful speech while respecting and affirming the rights of people in Sri Lanka and complying with the principles of necessity and proportionality. However, we note that consultation has been limited to closed-door meetings with only technology companies and the draft of the Bill as amended has not been released for adequate review by the public.

We respectfully submit that:

- The Bill has **a chilling effect on free speech**, which is crucial not only for participation, accountability, the right to information and the right to protest, but also for individual development, freedom of thought and conscience, artistic expression, and press freedom. Free speech also enables the rights to assembly and association and to livelihood. By using vague, ambiguous and overbroad terminology to define offences, the Bill enables over-censorship, which could also lead to self-censorship and adversely affect civic spaces for the people of Sri Lanka.

- The Bill seeks to establish an **Online Safety Commission with no independence from the executive**. Members of the Commission would be appointed by the President, expanding the powers of the executive and leading to potential abuse. Sri Lanka has a lengthy history of politicised and undue control over freedom of expression, arbitrary arrests, and weaponisation of laws to hinder dissent. In the absence of strong, independent safeguards, the proposed Online Safety Bill would enable and legitimise such conduct by the Sri Lankan political establishment irreversibly.
- The Online Safety Commission, effectively controlled by the executive, has **wide-ranging powers** to restrict free speech. The Commission is empowered to direct users, intermediaries and service providers to **take down content and block access to accounts** on extremely vague and overbroad grounds such as communicating “false statements” which may threaten “national security” and “public order”, promote “feelings of ill-will and hostility” between groups, and cause “disturbance to an assembly”; to initiate criminal action; to scrutinise accounts; and to enforce security practices and procedures to be created by the Commission. The Commission may demand removal of content within 24 hours without judicial oversight. The scope of the Commission’s powers is neither necessary nor proportionate.
- The Commission also has the power to require intermediaries to disclose the identity of an individual who shared impermissible content. This may require platforms to collect and reveal sensitive information and implement proactive monitoring. For platforms with end-to-end encryption, which is crucial for privacy and free expression, it would be impossible to comply without fundamentally altering their architecture in a way that undermines people’s privacy and safety. Any model of regulation must follow international law, principles of data minimisation, necessity and proportionality, and be practically feasible in order to seek people's data held by intermediaries.
- The Bill **fails to incorporate the recommendations of experts** who have been engaged in consistent research to understand the causes for online harms, particularly online violence against women and children, and come up with potential mitigation tools. To tackle the harms associated with content online, we urgently need to provide agencies with adequate resources and make a dedicated effort to sensitise state officials to the issues involved in gender-based offences, and improve digital literacy education at all levels for user empowerment. **Criminalising speech does not benefit women or children, whom the Bill claims to protect**, and in fact can stifle essential debates and discussions over issues central to the health, safety, and well-being of all individuals.

- The Bill will have a **detrimental impact on Sri Lanka’s digital economy and avenues for employment online**, an area which has tremendous potential to equip Sri Lanka’s youth and generate economic growth. Suppressing speech will have a spillover effect on all fundamental freedoms for people in Sri Lanka, inhibiting investment opportunities and space for growth.

In light of the grave implications for the freedoms of people in Sri Lanka and the opacity of the legislative process thus far, **we respectfully call on the government to withdraw the Bill, and to engage in meaningful, sustained and inclusive multi-stakeholder consultations, including civil society and human rights experts, on the way forward for online content regulation. This is essential to protect and ensure Sri Lanka’s commitment to a free, open, and safe internet and a flourishing democracy.**

Signatories:

Access Now	Media Diversity Institute (MDI)
ARTICLE 19	MinorMatters
Article 21 Trust	Movement for the Defence of Democratic Rights (MDDR)
Association for Progressive Communications	Muslim Women’s Development Trust
Centre for Communication Training	National Christian Evangelical Alliance of Sri Lanka
Center for Investigative Reporting (CIR)	National Peace Council
Centre for Equality and Justice	OPTF / Session
CIVICUS: World Alliance for Citizen Participation	People’s Action for Free and Fair Elections (PAFFREL)
Committee to Protect Journalists	Point of View
Delete Nothing	Privacy & Access Council of Canada
Digital Empowerment Foundation	Prostasia Foundation
Digital Rights Foundation	Realizing Sexual and Reproductive Justice (RESURJ)
Digital Rights Kashmir	Search for Common Ground (SFCG)
Digital Rights Nepal (DRN)	Sisterhood Initiative
Digitally Right	Software Freedom Law Center, India
DNS Africa Media and Communications	South Asia Free Media Association
DreamSpace Academy	
Electronic Frontier Foundation	
Fight for the Future	

Freedom Forum, Nepal
Global Network Initiative
Hashtag Generation
Interfaith Colombo
Internet Freedom Foundation
Internet Society
Internet Society India Hyderabad Chapter
Internet Society Nigeria Chapter
Internet Society, Ethiopian Chapter
Koneta Hub
Law and Society Trust
LIRNEasia
Majal.org
Mannar Women's Development Federation

Southeast Asia Freedom of Expression
Network (SAFEnet)
Tech for Good Asia
Tech Global Institute
The Centre for Internet and Society
The Collaboration on International ICT
Policy for East and Southern Africa (CIPESA)
The Sri Lanka Campaign for Peace and
Justice
The Tor Project
Tuta
Voices for Interactive Choice and
Empowerment (VOICE)
Women's Action Network