

Centre for Policy Alternatives

Annual Report 2020



CENTRE FOR POLICY ALTERNATIVES
வினாக்கள், ஆலோசனைகள், உத்தரவுகள்
மாற்றுக் கொள்கைகளுக்கான நிலையம்

CONTENTS

Message from the Executive Director	2
Introduction to CPA	3
The Board of Directors	4
Message from Heads of Thematic Groups	8
2020 IN REVIEW	10
Public Interest Litigation	13
Democracy, Governance and Human Rights	23
Human Rights in the Covid 19 Pandemic	23
Right to Privacy	29
Land Rights	30
Legal Reform	31
Gender and Criminal Justice Reform	33
Constitutional Reform	34
Right to Information	
Strengthening the Right to Information Act	39
Effective Use of Right to Information Act	41
Transitional Justice	
Impunity	44
Language Rights	46
Civic Media	
Frames of Power	51
Hate Speech in Sri Lanka	52
Minority Rights	
Photojournalism in the Estate Sector	53
Free and Fair Elections/Electoral Reform	55
CPA in the Media	59
Donors	60
Financials	61

Message from the Executive Director

The year 2020 was dominated by the Covid 19 pandemic, the efforts to manage it and the repercussions thereof. In Sri Lanka, it was effectively the first year of the Gotabaya Rajapaksa presidency – won in November 2019 with 6.9 million votes to be followed by the General Election in August 2020 which returned a 2/3 majority of the seats in Parliament for the Rajapaksa regime.

Despite lockdown and self-isolation and other measures to combat the pandemic, CPA succeeded in the main, in sticking to its work plans, successfully. Researchers worked from home and the administrative and financial staff held the fort at office, when required.

Highlights of the year were the public interest litigation on the Presidential Pardon of Sgt Ratnayake, convicted by all courts of the land for murder, including the slitting of the throat of a 5- year- old, the regime's insistence despite local and international expert opinion to the contrary, on the cremation of those who had died of the virus – an act which struck at the heart of the religious practices of the Muslim community in particular. There were a series of activities around the precise date of the election, the inroads into parliamentary control over finances, policy briefs on the erosion of democratic governance especially the appointment of Presidential Task Forces as the best representation of the alliance between uniform and robe in government and governance, the photographic exhibition by youth of the Up-Country Tamil community recording their lives and livelihoods and the monitoring of the 2020 General Election.

Of particular importance, given the serious ramifications of the Amendment, was CPA's work on the passage of the 20th Amendment to the Constitution, which did away with the checks and balances on the exercise of executive power and authority ushered in limited form by the 19th Amendment. The 20th Amendment, for one, does away with the impartiality and independence of key state institutions and consolidates power and authority in the office of the Executive President. In this respect, it is both a reversal and rejection of the norms of democratic governance and marks a clear shift away from a liberal democratic dispensation. This is reinforced by the arguments for effective management of the pandemic, and brings to the fore fears and concerns about creeping authoritarianism and the increased involvement of the military in civilian affairs.

Despite the restrictions and lockdown, staff were able to fulfil our mandate with success. I wish to thank them for their commitment.

I hope and trust that it will extend beyond 2020 to 2021 our 25th anniversary and beyond.

Dr. Paikiasothy Saravanamuttu
Executive Director

Introduction

Vision

A liberal, democratic Sri Lanka.

Mission

To strengthen the civil society contribution to public policymaking through programmes of research and advocacy in the areas of democratic governance and peace with human rights as an overarching priority.

About the Centre for Policy Alternatives

The Centre for Policy Alternatives (CPA) was established in 1996 with the aim of strengthening institutions and capacity-building for good governance and conflict transformation in Sri Lanka. For over two decades, CPA has set the bar in Sri Lanka for how cutting-edge research and advocacy can be communicated through constructive dialogue and innovative content to address deficits in democracy and governance.

CPA works across four key units in three offices located in Colombo. The **Research & Advocacy** Team engages in critique and advocacy of policy alternatives through comprehensive field-based and applied research outputs and also leads CPA's public interest litigation efforts. The **Outreach Monitoring** Team works with local government and community based organisations on participatory governance, grassroots capacity building and service delivery, while working to generate mobilisation on social equality and reconciliation. **Social Indicator** is CPA's survey research unit and conducts public opinion polling on a wide range of social and political issues. The **Civic Media** Unit manages the award winning civic media initiatives *Maatram*, *Vikalpa* and *Groundviews* which seek to amplify narratives by citizens otherwise marginal to and erased from mainstream media. In addition, CPA hosts the **Centre for Monitoring Election Violence** (CMEV), the leading election monitoring and electoral reform advocacy organisation in Sri Lanka which promotes free and fair elections and inclusive democratic participation.

CPA works with a wide range of actors across Sri Lanka, from civil society organisations and community based activists, to students and academics, to provincial and local government officials. CPA also engages with numerous NGOs, civil society organisations and academics in the international sphere to share, collaborate on and learn from policy approaches to democratic governance and sustainable peace. CPA staff members are regularly quoted in media, both locally and internationally, for their expertise and insights. Institutional output in print and online in all three languages is regularly flagged and used in debates on domestic policy making and international discourse. By the end of 2020 CPA staff numbered 51 including 4 part time staff members, with 8 new members joining, and 4 leaving. The gender distribution of employees is 26 men and 25 women.

The Board of Directors

Professor Chandraguptha Thenuwara (Chairman)

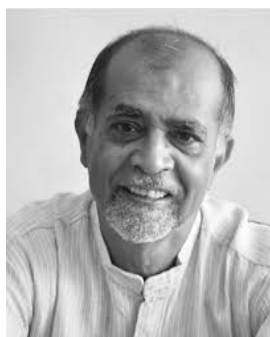
Senior Lecturer: Department of History & Art Theory, Faculty of Visual Arts, Colombo

Chandraguptha Thenuwara (BFA/MFA/MPhil) is a senior lecturer and head of the department of History and Art Theory at the University of the Visual and Performing Arts Colombo. Professor Thenuwara is a leading Sri Lankan artist and activist whose work focuses on issues surrounding the impact of conflict and politics on Sri Lanka. He studied painting at the Institute of Aesthetic Studies, University of Kelaniya (1978-1981) and Surikov State Art Institute, Moscow, Russia (1985-1992); and received a MPhil at the Post Graduate Institute of Archeology (PGIAR), Kelaniya University (2006). In 1993, He founded the Vibhavi Academy of Fine Arts (VAFA), an artist-run alternative art school. Since 1978 he has exhibited widely in Sri Lanka and abroad. His works are also included in the collections of the Queensland Art Gallery Australia, Fukuoka Asian Art Museum Japan, John Moore's University Art Collection Liverpool and Fine Arts Museum of Udmurtia, Izhevsk, Russia. His public monuments include the Monument to the Disappeared in Seeduwa and the Monument to Neelan Tiruchelvam at Kynsey Terrace, Colombo.



Professor Jayadeva Uyangoda

Professor of Political Science (Retired), Founding Member of CPA



Jayadeva Uyangoda is a leading researcher and commentator on contemporary Sri Lankan politics. He recently retired as Senior Professor of Political Science, University of Colombo, and currently serves as Emeritus Professor at the University of Colombo. During August 2016-July 2017, he held the Rajni Kothari Chair in Democracy at the Center for the Study of Developing Societies (CSDS), New Delhi. Some of Professor Uyangoda's major writings have been on themes relating to Sri Lanka's ethnic conflict, its peace processes and its democracy. He has also been a lead researcher in the research program "The State of Democracy in South Asia", coordinated by the Centre for the Study of Developing Societies (CSDS), New Delhi.

Aritha Wickramasinghe

Lawyer and Activist

Aritha is an international banking lawyer, a founding trustee of the global education initiative Think Equal and the Equality Director at iProbono. He was formerly a lawyer at prestigious international firms Clifford Chance and K&L Gates in London and also worked in the Chambers at the UN International Criminal Tribunal for Rwanda in Tanzania, where he worked on the Military 1 and Karera cases.



Aritha is a strong advocate of diversity and inclusion. He has advised various Governments and UN agencies on education and economic reform and human rights. He also led a successful challenge against the UK Government to recognise the identity of non-gendered persons. For his work, Aritha was ranked the No. 1 Future Leader by the Financial Times in their 2015 OUTstanding List.

Aritha has a BA in Political Science with Sociology from the University of Birmingham, UK; a Graduate Diploma in Law with a Commendation (Ranking 1) from the University of Birmingham, UK; and a Master of Laws (LLM) from the London School of Economics and Political Science (LSE), University of London. He is a qualified practising Solicitor in the UK.

Chandana L. de Silva

Finance and Management Professional



Chandana de Silva held financial and management positions in the U.K. including that of Chief Financial Officer for Level (3) Communications in Europe a NASDAQ quoted company and Head of Financial Planning for British Telecoms PLC, while working in the UK for over twenty years.

Since moving back to Sri Lanka in 2002 he worked at MAS Holdings in a variety of roles and established the group's Supply Chain Management function, coordinated the group's strategy development in 2005-06, set up the MAS training Centre and was the Chief Executive Officer of MAS' Investment Division until December 2011. He presently serves as a consultant and adviser to clients in investment management, property

development and the technology sector.

He is also a non-executive Director on the Boards of Eureka Technologies (Pvt) Limited, 24/7 Techies (Pvt) Ltd, Dunamis Capital PLC, Kelsey Developments PLC, First Capital Holdings PLC and its subsidiaries, Bairaha Farms PLC and the Executive Director of Sea-Change Partners Lanka (Pvt) Limited, which provides consulting and training in Negotiating and Influencing strategically. He is a Fellow of the Institute of Chartered Accountants (in England & Wales as

well as in Sri Lanka) and has a BSc. in Mathematics and Management from the University of London.

Ms. Minoli de Soysa

Editor/Writer

Minoli de Soysa is an experienced journalist, writer and editor who has worked at several national and international publications and NGOs. She started her career as a reporter for the Sun and the Island newspapers. She later joined the Reuters news agency as a Sri Lanka correspondent, where she covered political and economic issues as well as features and human interest stories. Before going overseas, Minoli worked for two years at the US embassy in Colombo as a political specialist. During her time abroad, she worked and volunteered with NGOs and organisations dealing with women's and children's issues. She also worked for two years as Asian Regional Communications Manager for Muslim Aid Sri Lanka. She is currently editor of Groundviews. Minoli serves on the boards of Protecting Environment and Children Everywhere (PEACE) Sri Lanka and the Ceylon Fellowship of Service Prithipura Home. She received a Master's degree in English and Journalism from New York University and a Bachelor's degree in English from the Western Australian Institute of Technology. She also has a diploma in Conflict and Peace Studies from the University of Colombo.



Dr. Dinusha Panditaratne

Lawyer



Dinusha Panditaratne is a specialist in foreign policy and international law. She is a Nonresident Fellow of the Lakshman Kadirgamar Institute of International Relations and Strategic Studies (LKI) and previously served as LKI's Executive Director for three years.

Prior to her appointment at LKI, Dr. Panditaratne was an Assistant Professor at the Faculty of Law at the Chinese University of Hong Kong and a Visiting Fellow at the University of Hong Kong. She is an attorney admitted to practice in the State of New York and previously worked at Milbank LLP, a law firm on Wall Street.

Dr. Panditaratne is a member of the Asia-Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament (APLN) headquartered in Seoul, an Advisor to Verité Research, and an Independent Non-Executive Director of NDB, a leading bank in Sri Lanka. She has served several nonprofit institutions, including as a member of the International Advisory Board of the Asian University for Women in Bangladesh.

Dr. Panditaratne received her initial degree in law with first-class honours from the University of Oxford, where she was a Markby Scholar at Balliol College. She received her master's and

doctorate from Yale Law School, where her doctoral thesis focused on international human rights law.

Dr. Paikiasothy Saravanamuttu

Executive Director

Dr. Paikiasothy Saravanamuttu is the founder and Executive Director of the Centre for Policy Alternatives (CPA). He is also currently a member of the Foreign Policy Advisory Group and the Board of the Lakshman Kadirgamar Institute for International and Strategic Studies.



Dr. Saravanamuttu has extensive experience with civil society in Sri Lanka. He is a founder director of the Sri Lanka chapter of Transparency International; a founding co-convener of the Centre for Monitoring Election Violence (CMEV); and the civil society alliance the Platform for Freedom. In 2004 he was an Eisenhower Fellow and he is currently Chairperson of the Eisenhower Fellows, Sri Lanka. He is also a Member of the Gratiaen Trust and the Regional Advisory Group of Amnesty International for Asia. In 2016, he was appointed the Secretary of the Task Force on Consultations on Mechanisms for Reconciliation (CTF) and in 2017 and short-listed for the Peace Prize awarded by the city of Ypres, Belgium.

Dr. Saravanamuttu received a BSc Econ. and a Phd in International Relations from the London School of Economics and Political Science (LSE), University of London, in 1979 and 1986, respectively. He lectured in International Politics at the University of Southampton, UK from 1984-92. He has presented numerous papers on governance and peace in Sri Lanka at a variety of international conferences and is widely quoted in the international and local media.

Messages from Thematic Group Heads

RESEARCH AND ADVOCACY

This year witnessed a spate of legal and policy developments with significant implications for democracy, the rule of law and human rights. CPA's research and advocacy team engaged on a range of issues including the appointment of numerous task forces, the impact in the absence of a functioning parliament for several months, and the enactment of the Twentieth Amendment to the Constitution that saw the consolidation of power with the executive and the weakening of checks and balances. This year also witnessed a range of extra-legal measures introduced in the guise of the pandemic to restrict civil liberties and fundamental freedoms and an increase in the incidents of incitement and discriminatory policies such as the arbitrary decision on forced cremations and arrest and detention of several individuals using anti-terror laws. The team also monitored and engaged with other issues including heightened militarization with implications for governance and democracy in Sri Lanka. Further, the year witnessed setbacks with accountability and reconciliation efforts that witnessed further delays with investigations and prosecutions and the use of presidential pardons that exacerbated the erosion of the rule of law and entrenching impunity. Such trends had a chilling impact on democratic norms and the protection of human rights, further consolidating authoritarian and military governance in Sri Lanka.

Despite this deeply troubling trajectory and challenges as a result of the pandemic and lockdowns, the research and advocacy work of the organisation not only continued but the multiple and often new challenges were met with new vigour. CPA's comprehensive commentaries on the proposed constitutional amendment and draft laws and reports on a range of legal and human rights issues, produced in the three languages, informed the public on implications surrounding such measures and contributed to a range of discussions and debates. Further, regardless of restrictions linked to the pandemic and court closures, the year saw CPA's work on public interest litigation continue, with CPA petitioning the courts on a range of issues including challenging the dissolution of parliament, the mandate of a commission of inquiry, the presidential pardon of a convicted murderer and the Twentieth Amendment to the Constitution, to name a few.

In a year of unprecedented challenges, CPA's steadfast interventions were critical to identify gaps and alternatives in the legal and policy dimension, inform discussions and ensure a robust push back on ethno majoritarian policies and expanding authoritarian and militarised governance practises.

- Bhavani Fonseka

SOCIAL INDICATOR

The year 2020 brought on many unexpected challenges in administering survey research, particularly household surveys, across the island. However, despite the myriad of challenges that Social Indicator (SI) encountered in carrying out primary research during COVID-19, these setbacks created an opportunity to identify and adopt more innovative forms of survey research

methodologies and continue with administering ethical survey research Island wide. Through its incorporation of the right safety protocols and strategies during the height of the pandemic, SI demonstrated the successful completion of large –N surveys that dealt with conflict induced displacement of the civilian population which mapped out the movement trajectories of persons during the entire conflict period (1983 - 2009) - a quantitative research which was the first of its kind to be administered in Sri Lanka, followed by a data driven performance assessment of the 1978 Constitution that was conducted in light of the newly elected government's proposed Constitutional reform process. On behalf of SI, I would like to thank our donors, field researchers and respondents who have been of great support and have obliged to be a part of our research initiatives, and have contributed to making these research initiatives a success amidst these trying times.

-Sakina Moinudeen

CIVIC MEDIA

In 2020, the Civic Media team comprising three media platforms – Groundviews, Vikalpa and Maatram – faced many challenges posed by the Covid-19 pandemic. Beginning in March, there were numerous lockdowns and travel bans, making it difficult to report first hand on the situation in the country. After the initial success in containing the pandemic, the government eased restrictions to hold a parliamentary election in August, resulting in an upsurge of Covid-19 cases throughout the country. The government used the pandemic as an excuse to crack down on dissent and suppress human rights activists. However, Groundviews, Vikalpa and Maatram were able to attract a wide range of contributors writing on a variety of topics as well as to generate their own content for the website and social media platforms. The Civic Media Team concentrated on increasing its social media presence on Facebook, Twitter and Instagram with video interviews, infographics and photo stories. In addition to human rights and politics, the three platforms focused on the degradation of the environment, women's rights and the fallout of the pandemic.

-Minoli de Soysa

OUTREACH/CAPACITY BUILDING

The COVID 19 pandemic which began in 2020 is a deadly global emergency of unprecedented proportions. For CPA Outreach, as our work is essentially field based and involves much travel and large scale gatherings, 2020 was a year of unforeseen challenges and unexpected opportunities too. In this situation of "new Normal" we took the lead in the introduction of new ways of reaching targets. We went beyond our mandate, whenever we could and contributed to awareness raising on health and safety precautions, for our grassroots partners/stakeholders, through virtual discussions. Estate sector communities, for example, benefited from advice on health and safety, which they otherwise had no access to. Outreach worked with Community Radio like Rangiri Dambulu, so as to take the message to wider audiences. We worked with journalists encouraging them to use RTI and collating their case studies, which will be published. We also initiated a study on Preventing Violent [Extremism](#)(PVE). The research on PVE had to be carried out by networking with academics from ten universities around Sri Lanka through a series of structured online meetings. There was some apathy on the side of ministry

stakeholders invited to this program but overall we found it was fruitful. In 2020 we continued to network closely in the area of Patients Rights and we saw progress in our Language Rights case regarding the requirement for trilingual labelling of pharmaceutical items: the Supreme Court ordered relevant Gazettes to be issued. We observed that CSOs from the North and East faced fresh challenges, with their space for operation being visibly reduced this year. We witnessed increased obstacles to the work and freedom of Tamil CSOs, journalists and activists in the North and East in particular, such as for example undue harassment and surveillance that are not experienced by citizens in the South. They are continuously compelled to explain their activities (to Defence Ministry personnel). There were also technical and other difficulties in ensuring our grassroots partners reported back to us, due to inaccessibility.

As continuation of the *The Kahata* project we had to meet targets in training and field work, navigating through curfews, lockdowns and strict health regulations. A complete shift was required to meet training targets via new technology such as platforms on-line (Zoom meetings) with which neither we nor our partners had experience before this. The learning curve was steep but the results were effective. In some cases we found that the new ways were in fact better ways of reaching targets - for example time and expense spent on travel and accommodation was reduced. Experts from all corners of the island can come together on one forum with relative ease. However there were other challenges in ensuring that our targets were met, for example technical issues and ensuring that the participants are fully focused, which means having to trust them to be respectful of the programme.

Overall 2020 was a year where our capacities were tested to the limits, and yet I am pleased to say we prevailed.

-Lionel Guruge

GOVERNANCE

The COVID19 pandemic and its unpredictable variants, afflicted an unprepared globe without warning or precedent, impacting almost all Sri Lankans in some way. Predictably some groups are more affected than others, either belonging to a group that has been the worst hit, or that are already vulnerable or excluded, and therefore further exposed. Groups with multiple vulnerabilities or facing several forms of discrimination were most affected. Local Governments were among the dual service mechanisms which were not immune to the multidimensional macroeconomic shocks of the pandemic.

During the Covid-19 crisis we have been sharing a range of advice and support they sought through online google discussion meetings, in the run up to preparation of the annual budget, in running of council affairs, and to allocate the necessary funds for the provision of relief.

The Governance Programme therefore has confidence that it indirectly impacted beneficially upon our local communities living with this global emergency.

-Sriyanie Wijesundara

Also see: [2020: The Highlights/](#) [Groundviews Commentary on One Year Later](#)

2020 Sri Lanka In Review

The Sri Lanka Country context in 2020 can be summarised as below as indicated through global rankings by a number of international monitors:

Sri Lanka's human rights situation was reported to have deteriorated markedly under the administration of President Gotabaya Rajapaksa. On January 9, President Rajapaksa appointed a Presidential Commission of Inquiry (PCoI) to Investigate Allegations of Political Victimisation from 2015-2019. (see CPA statement) In February 2020, Sri Lanka formally withdrew its commitments to truth seeking, accountability, and reconciliation made at the United Nations Human Rights Council in 2015 and announced that it would pursue "an inclusive, domestically designed and executed reconciliation and accountability process." (see link) 22 organizations including CPA wrote urging a UN Resolution ensuring human rights and justice in Sri Lanka and following its report on Promotion reconciliation, accountability and human rights in Sri Lanka the HRC passed resolution 46/1 on Sri Lanka on 23 March. Human rights defenders, victims of past abuses, lawyers, and journalists, reportedly faced intimidation and surveillance from government security forces. In February in a positive development, the Office on Missing Persons (OMP) received authorization to issue Interim Reports (which can be used to obtain a Certificate of Absence) to the relatives of the missing and disappeared¹. A certificate of absence as recommended by CPA legally recognizes that a person is missing and allows the family to conduct transactions as though the person is dead².

Later as the Covid19 pandemic statistics began to rise, President Rajapaksa transferred responsibility for large areas of civil administration including the government's response to the Covid-19 pandemic, to the Ministry of Defence.

By March 2020, the government, disregarding Islamic sensibilities, enforced cremation of all Covid-19 victims, though cremation was not required for public health by the WHO. CPA was signatory to a statement in this regard. Muslims were accused of being "superspreaders."³ (The ban on burials was later to be lifted in Feb 2021)

On 26 March, amidst nationwide concern on the emerging Covid 19 pandemic, President Rajapaksa pardoned Sunil Rathnayake, an army staff sergeant sentenced to death for murdering eight Tamils, including three children, in 2000. No formal justification was offered and the decision to pardon Rathnayake was arbitrary, unreasonable, ultra vires and against the public interest. CPA filed challenging the pardon⁴.

On April 1 2020, police announced that anyone "criticising" the government's response to the Covid-19 pandemic would be arrested. Freedom House reports: The government "accelerated its authoritarian agenda... stepping up efforts to control independent reporting and unfavourable speech by ordering the arrest of anyone who criticises or contradicts the official line on the coronavirus."⁵ See article by Luwie Ganesanathan and update to Legal Framework to Address the COVID-19 Pandemic in Sri Lanka by CPA

¹ <https://lk.usembassy.gov/wp-content/uploads/sites/149/SRI-LANKA-2020-HUMAN-RIGHTS-REPORT.pdf>

² <https://www.icj.org/sri-lanka-presidents-remarks-on-missing-persons-are-an-affront-to-victims/>

³ <https://freedomhouse.org/article/new-report-democracy-under-lockdown-impact-covid-19-global-freedom>

⁴

<http://www.dailynews.lk/2020/09/24/law-order/229658/petitions-challenging-presidential-pardon-sunil-ratnayake-fixed-support>

⁵ <https://freedomhouse.org/country/sri-lanka/freedom-world/2021>

<https://www.srilankacampaign.org/a-bad-year-for-human-rights-in-sri-lanka>

CPA and its Executive Director Dr. Paikiasothy Saravanamuttu filed a Fundamental Rights application challenging the decision of the President to dissolve Parliament on 2 March 2020 and the decision of the Elections Commission to reschedule elections on 20 June 2020.

On June 2, President Rajapaksa established a Presidential Task Force composed of military and security officials, to “build a Secure Country, Disciplined, Virtuous and Lawful Society”, with loosely defined powers and the authority to issue instructions to all government officials. CPA expressed its concern⁶ on this matter and on the Presidential Task Force for Archaeological Heritage Management in the Eastern Province

In July 2020, President Rajapaksa announced “NGOs will be taken into special attention under the new government formed after the General Election, specifically, how foreign monies and grants are received to the NGOs from foreign countries and further, activities of the international organisations will be observed.”

On August 5 2020, after postponing parliamentary elections twice during the coronavirus pandemic, Sri Lanka successfully held polls with Covid-19 protection guidelines and reported a 71 percent turnout.

Following the presentation draft Bill of the amendment, CPA and its Executive Director, Dr Saravanamuttu filed a petition in the Supreme Court 23 September challenging the proposed 20th Amendment to the Constitution.

On October 22 The 20th amendment to the constitution was passed giving the president sweeping new powers, including to appoint senior judges, members of the Human Rights Commission and other independent institutions, such as anti-corruption bodies, to appoint and dismiss ministers including the prime minister, and to dissolve parliament at least two and a half years after elections. Revisions to the amendment diluted some provisions, while not significantly lessening the amendment’s overall threat to human rights protections.

A number of land disputes between private individuals in former warzones, and between citizens and the government and lawsuits including fundamental rights cases and writ applications filed with courts, remained stalled in 2020.

Amid the COVID-19 pandemic, Sri Lanka’s economy contracted by 3.6 percent in 2020⁷ according to the World Bank in its 2020 overview and according to the World Justice Project Sri Lanka slipped further lower by two positions to 66th out of 128 countries in 2019. The WJP Rule of Law Index measures eight primary factors: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security, Regulatory Enforcement, Civil Justice, and Criminal Justice.

Sri Lanka was ranked 102 out of 153 countries with an index score of 0.680 in the Global Gender Gap Report 2020. The report is formed on four key pillars namely, Political Empowerment Gap, Economic Participation & Opportunity, Education Attainment and Health & Survival Gap.

Significant corruption continued, including at the highest levels of government. The 2020 Corruption Perceptions Index (CPI) report compiled by Transparency International ranked Sri Lanka as 94th slipping lower from position 89 in 2018

Overall the situation by end 2020 in Sri Lanka reflected the challenges of facing a deadly global pandemic and its disastrous economic repercussions within an increasingly repressive political climate, marked by steadily increasing authoritarianism, impunity, corruption, oppression of minorities and growing lack of regard for equality and justice. For CPA the coming period had the potential of being one of the most challenging to date.

⁶<https://menafn.com/1100296445/Lankan-think-tank-says-ruling-through-militarized-Task-Forces-will-undermine-democracy>

⁷ <https://www.worldbank.org/en/country/srilanka/overview>



Sri Lankans protest against the death penalty in front of Welikada prison in Colombo. Photograph: Dinuka Liyanawatte/Reuters

Public Interest Litigation

CPA advanced several Public Interest Litigation (PIL) cases in 2020 which were at the forefront of political governance in Sri Lanka. The objective was to strengthen the civil society contribution to democratic peace and governance through PIL, to uphold the supremacy of the constitution and reinforce the rights of citizens.

Challenging some powers granted to the Commission of Inquiry appointed to probe political victimisation - SCFR 32/2020

This came up 23 June, it was mentioned for the AG to indicate if he would be appearing on behalf of the members of the Commission of Inquiry as well. The Counsel appearing on behalf of the AG indicated that he would not be appearing on behalf of the Commission, and the matter was fixed for Leave to Proceed on 23 October 2020.

On 23 October, a Counsel appearing for the Members of the Commission informed court that he had just been retained and thus required time to prepare for the case. Due to objections to the delay by the Counsel for the Petitioner the case was refixed for an early date, on 8 December 2020. None of CPA's cases were taken up after 24 October 2020 as areas around courts were declared isolated areas due to Covid-19. For more details see <https://www.cpalanka.org/centre-for-policy-alternatives-v-attorney-general-sc-fr-32-2020>

Centre for Policy Alternatives v Attorney General SCFR 32/2020.

On 7 February CPA filed an FR application challenging some powers granted to the Commission of Inquiry to Investigate Allegations of Political Victimisation. During the Period Commencing 8 January 2015 to 16 November 2019 (The Col) was appointed by Gazette (Extraordinary) No. 2157/44 of 9 January 2020.

By Gazette (Extraordinary) No. 2159/16 of 22 January 2020, the original Mandate of the said Col was amended. Through this amendment, among other things, the Col was granted broad and far reaching powers which go beyond the scope of the powers that can be legally granted to a Commissions of Inquiry as provided by law. If left unchallenged these powers would enable the Col to make orders which prevent, impede and/or otherwise prejudice “inquiries, investigations and legal proceedings” which are on-going or which could commence during the mandate of the Col. In its Petition CPA noted that the law already provides safeguards to protect any person from being unfairly prosecuted and investigated. These powers granted by Gazette No. 2159/16 of 22nd January 2020 to the Col would operate outside the established legal structures and would cause serious prejudice to victims of crimes and could potentially further delay cases which have been on-going for several years.

According to media reports, the Col has already exercised these broad powers by ordering the Attorney General’s Department to not proceed with several cases pending in Court until the Col decides whether the said individuals are “political victims”. It was later reported that the AG Department had refused to follow this particular order. Whilst the AG Department was able to refuse in this particular instance, CPA fears of more steps that can be taken by the Col to impede any other inquiries, investigations and legal proceedings. As such, CPA has filed this Petition on the basis that these powers cannot be legally conferred on the Col in terms of the Commissions of Inquiry Act (as amended), and that they violate the Separation of powers and the Rule of Law guaranteed in the Constitution. Thus, the granting of such powers and any attempt by the Col to exercise these powers are in violation of the Fundamental Rights guaranteed under Article 12(1) of the Constitution. The case was taken up by the Supreme Court on 25 March 2020.

Media links: [23SeptChannelEye/](#) [23OctDN](#) /[25MarDFT/](#)

Challenging the decision of the Cabinet of Ministers to allow President Maithripala Sirisena the continuous use of the residence at Paget Road - SCFR 447/2019

On 14 November 2019 CPA and its ED, Dr. Paikiasothy Saravanamuttu filed an FR application challenging the decision to allow President Maithripala Sirisena the continuous use of the residence used by him, and to cover the costs associated with the same. The Petitioners stated that the residence occupied by President Maithripala Sirisena on Mahagama Sekara Mawatha (aka Paget Road) is a public asset of substantial financial value.

This came up for Leave to Proceed on 15 July 2020 and the Petitioners were ready to argue the case. However the Court informed Petitioners that they wanted notices reissued on some of the

Respondents and for the AG to ascertain if he would be appearing for the cabinet of ministers. Though the case was refixed for support on 27 October 2020, it was not taken up due to curfew imposed and areas around courts being declared isolated due to Covid-19 since 24 October 2020. For more details see [link](#).

CPA's public interest litigation and the monitoring of the progress of a number of emblematic cases was supported by the International Coalition of Sites of Conscience ICSC among other donors.

SC FR 101 & 105/2020 challenging the decision to pardon Sunil Ratnayake

On 22 April 2020, CPA and Dr. Paikiasothy Saravanamuttu filed FR applications challenging the decision of H.E the President to pardon Sunil Ratnayake, who was convicted for his role in the Mirusuvil Massacre which occurred December 2000. Ratnayake, who was on death row, had been pardoned by the President on 26 March 2020, while the country was grappling with the Covid-19 crisis.

Nine civilians, who were internally displaced persons from Mirusuvil in Jaffna, had visited their houses 19 December 2000. The group included several teenagers and a five-year-old child. On their return to their temporary residence, they were stopped by two military personnel, who proceeded to blindfold and assault the group. One youth was able to escape, but the other eight were massacred, and their bodies were later found buried nearby. Ratnayake was convicted on several counts of murder and assault by a trial-at-bar in the High Court of Colombo in July 2015, and sentenced to death. Due to several delays, it took almost 13 years to complete the trial.

Ratnayake appealed his sentence in the Supreme Court, and a bench of 5 judges heard his appeal. On 25 April 2019, the Supreme Court upheld nine counts on which he was convicted, which included eight counts of murder. Thus, due process of the law was followed, and the death sentence imposed on Ratnayake was confirmed by the highest court of the land. This was a rare instance, despite the delays, when justice was served for serious violations that occurred during the war years.

Under Article 34 of the Constitution the President has been given the power to grant pardons but several additional procedural steps must be followed when the convict is on death row. Additionally, the President is required to exercise any power reasonably, and in the public interest.

It is the position of the Petitioners that the decision to pardon Ratnayake is arbitrary, unreasonable, ultra vires and has not been done in the interest of the public interest. This is especially so for the reason that Ratnayake was afforded due process, and there was no miscarriage of justice. The Petitioners have also taken up the position that to pardon a convict of a crime of this gravity when five judges of the Supreme Court have affirmed his sentence undermines the independence of the Judiciary and is an affront to the rule of law. The pardon is thus a violation of the sovereignty of the people, and the fundamental rights guaranteed under Article 12(1) of the Constitution.

The case came up in the Supreme Court on 24 September 2020 for leave to proceed. However, as the Minister of Justice has changed, it was necessary to amend the caption in these cases to add

the new Minister before they are supported. Case was refixed for 8 February 2021 and parties were ordered to file amended captions within four weeks. This matter came up for support on 8 February and one of the judges recused himself, and several others who had heard the Trial-at-Bar case against Ratnayake from hearing this case. The matter was refixed for 5 July 2021. For more details see this [link](#).

Media links: [27 March THE HINDU/30 March AGAMYA/ 27 April Tamil Guardian/ Daily Mirror 5 July/ Daily FT 20 July/ The Island 25 September/ DailyNews 24 Sept/ NewsFirst 24 Sept/ Amnesty International /Civicus/](#)

Fundamental Rights Application challenging the dissolution of the Eighth Parliament and the decision to hold elections for the Ninth Parliament on 20 June 2020

On 5 May 2020, CPA and its Executive Director, Dr. Paikiasothy Saravanamuttu filed a Fundamental Rights application challenging the decision of H.E the President to dissolve Parliament on the 2nd March 2020 and the decision of the Elections Commission to reschedule elections on the 20th June 2020.

Articles 70 and 33(2)(c) of the Constitution permit the President to dissolve Parliament prior to the completion of its five-year term, after the passage of four and a half years from its first sitting. The President used this power to dissolve the Eighth Parliament 2 March 2020 by Gazette Extraordinary no. 2165/8 and fix 25 April 2020 as the date for election of the Ninth Parliament. This was despite the fact that Covid-19 was spreading across the world, and Sri Lanka too was taking steps to combat it.

The declaration of Covid-19 as a pandemic, and its rapid spread resulted in the Election Commission postponing the election. Thereafter, on 20 April 2020, the Commission issued Gazette Extraordinary no. 2172/3 fixing the election for 20 June 2020.

The Gazette by which the Eighth Parliament was dissolved, fixed the date for the first meeting of the Ninth Parliament for 14 May 2020. The Petitioners stated that while the said Gazette remains in place, a new date for the election of the Ninth Parliament cannot be fixed beyond the 2nd June 2020.

The Petitioners argued that regardless of how it was dissolved, Article 70(5) of the Constitution provides a mandatory time limit within which a new Parliament should meet, i.e. three months from the date of dissolution. The Petitioners stated that if the 2 March 2020 dissolution was permitted to stand, this would have required the new Parliament to meet for the first time by 2 June 2020. Thus, a decision to hold the election on 20 June 2020 is unconstitutional, and a violation of their fundamental rights.

The Petitioners observed that it is impossible to hold a free and fair election in the context of the Covid-19 crisis. The health risk would seriously impede campaigning efforts and voter turnouts, which are essential for a free and fair election. Further, it would be difficult for election officers and voters to maintain social distancing during the election and the preparation for the same, which would increase the risk of the spread of the virus. As such there was a likelihood that elections could be further postponed beyond 20 June.

The lack of a functioning Parliament for more than three months undermines the sovereignty of the people and undermines the rule of law. In light of all these circumstances, the Petitioners requested the Supreme Court to declare that their fundamental rights under Articles 12(1) and 14(1)(a) of the Constitution have been violated. The case was taken up for leave to proceed before five judges of the Supreme Court and was heard for eleven days. On 2 June 2020, the bench headed by the Chief Justice refused to grant leave to proceed and no reasons had been given for the ruling.

Media links: [12 April Guardian/ 6 May EconomyNext/ 11 May EconomyNext/ 17May EconomyNext/19 May EconomyNext/ 22 May AlJazeera/ 2June MDVLIVE/National Television ITN18May/News1st/18 May/ Asia Tribune 94172/94129/94073/94015/94115/](#)

Challenging the Presidential Pardon of Gnanasara Thero - SCFR 256/2019

The case came up in the Supreme Court on 26 June 2020. As one of the Judges on the bench that day was one of the two Judges who convicted Gnanasara Thero for Contempt of Court in the Court of Appeal, he recused himself and the matter had to be refixed for support before another bench. The case was refixed for Leave to Proceed on 19 October 2020. However, Justice Padman Surasena had previously recused himself from hearing this matter as he was on the bench that convicted Gnanasara Thero, and the matter was listed before him. Case was refixed for leave to proceed on 19 February 2021. For more details see:

<https://www.cpalanka.org/centre-for-policy-alternatives-v-attorney-general-sc-fr-256-2019/>

Media links:

[2 Mar DailyNews/2 MarCeylonToday/ 27/6/DailyNews/ ARC 2020 Report/19 Oct DailyNews/](#)

Appeal against Judgement in Mirusuvil Land Writ - SC/SPL/LA/229/2019

This case came up for support on 7 July 2020 and was refixed for support as the Counsel was not available on that day. Matter was refixed for 21 October 2020.

Challenging the proposed 20th Amendment to the Constitution – SC.SD 03/2020- SC.SD 03/2020



#SiyathaNews #SriLanka #News

Siyatha News | 06.00 PM | 23 - 09 - 2020

On 23 Sept 2020, CPA and its Executive Director, Dr. Paikiasothy Saravanamuttu filed a Petition in the Supreme Court in terms of Articles 120 and 121 of the Constitution, stating that the Twentieth Amendment to the Constitution Bill can only be passed in Parliament with a special majority (2/3rds of the Members of Parliament) and with the approval of the people at a referendum. Hearing of Petitions challenging the proposed Bill commenced on 29 September and concluded on 5 October. The five-member judge bench headed by the Chief Justice that heard the petitions, ordered all Petitioners to file comprehensive written submissions on 2 October. The Counsel on behalf of the CPA made oral submissions on 29 September and CPA filed written submissions in Court on 2 October. The Court also allowed the Petitioners to file further written submissions in response to Arguments made by the Attorney General on 5 October. Therefore, CPA filed further written submissions on 6 October. The Court informed the parties that they will forward their decision to the President and the Speaker of Parliament on or before 13 October, i.e. within the time period mandated by the Constitution. On 20 October, the Supreme Court gave verdict that certain clauses in the amendment must require a public referendum instead of a parliamentary majority. For more details see:

<https://www.cpalanka.org/the-centre-for-policy-alternatives-vs-the-attorney-general-sc-sd-03-2020-in-re-the-twentieth-amendment-to-the-constitution-2020/>

<https://www.cpalanka.org/written-submissions-by-the-cpa-on-the-case-re-the-twentieth-amendment-to-the-constitution/>

Media links:

[23SeptECONOMYNEXT/23SeptDFT/23SeptDailyNews/23SeptADADERANA/23SeptSWARNAVAHINI/23SeptNews1st/23SeptSIYATHA](#) /24Sept [EnglishSiyatha/](#) 24Sept[OMLANKA/](#) 24Sept[ADADDerana/](#) 24Sept[SEITHY/](#) /24Sept[HIRU/](#) 30 Oct [TamilGuardian/](#) 10 Oct [Ada Derena/](#) 6/9 [NewsInAsia/](#)7/9[UCANews/](#)7/9 [TheHindu/](#)8/9 [Constitution.Net/](#) 9/9[MAGZTER/](#) 9/9[TheWireIn/](#) 7/9[LaCroix/](#) 13/9 [IndianExpress/](#) 13/9[ROAR/](#) 22/9[TheHindu/](#) 22Sept[DFT/](#) 23Sept[HIRU/](#) 24/9[UKTamilNews/](#) 30/9[Bloomberg/](#) 1/10[MalaysianReserve/](#)23Oct[UAZMI/](#) 23 Oct/[Saltwire/](#) 23 Oct [DevidsCourse/](#) 23 Oct [HindustanTimes/](#) 23 Oct [EasternEye/](#) 23Oct [InvestingHUB/](#) 23Oct[USNews/](#) 30Oct[TamilGuardian/](#) 23Oct[PigeonExpress/](#) 31Oct[OLTNews/](#)

Challenging the death penalty - SCFR 273/2019

On 1 July 2019, CPA and its Executive Director, Dr. Paikiasothy Saravanamuttu, had filed papers challenging the President's act of signing the death warrant of four persons convicted of drug-related offences. CPA noted that it has long been recognised that hanging by death is a cruel and inhuman form of punishment, not befitting a multi religious and civilised society. Though convicts have been sentenced to death, the long recognised practice in Sri Lanka for over 43 years has been that they were not executed.

On 14 October 2020, this matter was fixed for leave to proceed. However, while there was an order made that the case be fixed before a bench of five judges, such a bench was not constituted that day. The matter was refixed for 28 October 2020. However, the case was not taken up due to curfew being imposed and courts being declared isolated areas due to Covid-19 since 24 October. For more details see:

<https://www.cpalanka.org/cpa-statement-on-the-resuming-of-the-death-penalty/>

<https://www.cpalanka.org/centre-for-policy-alternatives-v-attorney-general-sc-fr-273-2019/>

Media links: [1 June DailyMirror/](#) [31 May DailyMirror/](#) [31 May DailyMirror /](#) [29 May ColomboGazette /](#)[29 May HIRU /](#) [29May News1st /](#)[14 Oct SLMirror /](#) [1 May SinhalaNet](#)

Challenging prohibition of Sale of Alcohol to Women - SCFR 33 & 34/2018

Two Fundamental Rights Petitions were filed in 2018 challenging the validity of an Excise Notification which sought to reintroduce the prohibition of women from manufacturing, collecting, bottling, selling or transporting liquor; the employment to do such; and for being "given" liquor within a tavern. The Petitions were filed on the basis of the violation of specific rights guaranteed in the Constitution, and advance CPA's firm insistence that regardless of whether a woman actually engages in these activities, her constitutional right to make that choice for herself should be respected to the same extent as that of a man.

CPA's case SC/FR/34/2018 came up in the Supreme Court on 30 June 2020. The Counsel appearing for the Attorney General had filed a motion in a connected case filed by another party on the same issue, stating that the caption in that case had to be amended and requesting that the

matters be refixed. Since the matters are similar, it was decided that all the cases should be refixed so they can be heard together. The case was refixed for argument on 16 February 2021.

This case came up for argument on 16 February 2021 but was refixed as the Attorney General had filed a motion in a connected case filed by another party asking for further time to file their objections. Case was refixed for argument on 30 July 2021. More information at this [link](#).

Media links 2018: [Economy Next 23 Jan 2018](#) / [Aljazeera 19 Jan 2018](#) / [DailyFT 24 Jan 2018](#) / [Sunday Observer 7 Oct 2018](#) / [Reuters](#) / [Sunday Times 21 Jan 2018](#) / [Sunday Times 9 July 2018](#) / [South China Morning Post](#) / [Ada Derana](#)

Future work, changes, and challenges

Since 24 October, none of CPA's cases were taken up due to curfew imposed and areas around courts being declared as isolated due to Covid-19. None of CPA's cases were fixed during the period from 1 December 2020 to 10 January 2021 as the new term for the Supreme Court would commence on 11 January 2021. The Covid-19 pandemic impacted access and meetings and with extra measures taken to navigate health challenges. This is also in the backdrop of heightened surveillance, increased targeting of minorities and new levels of racism, increased in authoritarian and militarised governance. Developments in courts also raised concern as to whether the judiciary would be independent and be able to act as a check on arbitrary and unfair practises.

The case challenging the dissolution publicly raised the need for a Parliament during an emergency and that the Constitution provides for such under Article 70(7). The case generated a public debate as to the importance of checks and balances and ensuring the three arms of government worked together during national emergencies. It also generated interest around the role of Parliament and public finance, raising questions as to possible executive overreach on areas that are clearly with Parliament. The case and publicity around it also generated a debate as to the dangers of holding elections during a pandemic. It was during the case that the Election Commission announced that elections cannot be held as first envisaged on 20 June and that a later date will be required. Further, the case filed challenging the pardon has also raised interest whether the Executive has unlimited powers including the exercise of the power to pardon when the highest court of the land has affirmed a conviction and when the crimes in question involve egregious violations. The cases CPA has filed challenging pardons have generated interest with several others exploring similar avenues regarding more recent pardons and such engagement can result in improving accountability of the executive presidency.

On the whole, the feedback received and the request for documentation from different actors from across Sri Lanka indicated the positive contribution of the activities implemented under this project. The Government failed to effectively communicate their plans and explain the impact of key legislation, mechanisms and initiatives and this vacuum was somewhat filled by civil society. While the onus is on the Government to lead this, CSOs such as CPA will need to fill the vacuum and raise awareness, provide alternatives and constructively engage to ensure Sri Lanka is able to realise its commitments and provide for sustainable reconciliation.

CPA continued with its research, advocacy and public interest litigation despite the numerous setbacks/obstacles imposed in 2020 and was one of the few civil society organisations that continued to comment vigilantly on the numerous legal/policy developments.

Most of the interventions were carried out in the midst of lockdowns, restrictions and the heightened surveillance in 2020.

Democracy, Governance and Human Rights



Image source: CPA/CMEV

Human Rights In The Covid 19 Pandemic

Brief Guide I: Evolving Legal Issues in the Context of COVID-19

CPA issued a brief guide raising several legal issues and highlighting consequences in the context of Covid-19 in Sri Lanka. Sri Lanka had taken swift action to contain the Covid-19 outbreak. These actions have been taken in the backdrop of Parliament being dissolved by President Gotabaya Rajapaksa on 2 March 2020. Increasing concern was raised on emerging governance and rights issues in the response to the health emergency. This brief guide aimed to constructively engage with the authorities to ensure the Government is able to deal with Covid-19 pandemic efficiently, lawfully and constitutionally. In the effort to tackle the virus, CPA underlined the importance of upholding the rule of law and adherence to constitutional governance in Sri Lanka. Find the full guide [here](#). Download in Sinhala [here](#). Download in Tamil [here](#).

See link below for more information – Documents linked to advocacy around Covid 19, produced in 2020. <https://www.cpalanka.org/tag/covid19-pandemic/>

Media links: [EconomyNext /11 May Groundviews/](#)

Curfew in response to COVID-19: Legal Framework and Relevant Questions in Sri Lanka

Curfews, which are generally understood to be a government regulation requiring people to remain indoors during specified hours, are a means of restricting the fundamental freedom of free movement, in view of a greater public aim such as ensuring public health, national security, public safety and such purposes. Whilst such restrictions are permissible, they must adhere to the principles of legality and proportionality. In Sri Lanka, the power of imposing curfew has been exercised by the Executive President and the Police.

This guide briefly examines the legal framework relating to the imposition of curfew and related questions that require attention. Whilst CPA noted that some measures are needed to combat the COVID-19 pandemic including limiting movement, it is paramount that any steps taken are in adherence to the constitutional and legal framework.

<https://www.cpalanka.org/curfew-in-response-to-covid-19.../>

COVID 19 Testing Report

April 2020: Despite the best efforts of health workers on the frontlines in combating the virus , increases in the number of cases demonstrated that the public health crisis presented by COVID-19 was far from averted. [This report](#) illustrated the importance of high levels of testing in formulating an effective response, in the attempt to phase out of lockdown. It explores the various factors influencing the testing process in the Sri Lankan context and suggests ways that testing capacity and coverage may be increased. It will also highlight issues of confidentiality, media ethics and the use of state power with regard to testing; examining how the protection of individual rights does not hinder, but instead facilitates the achievement of positive public health outcomes. Download the report as a PDF [here](#)

The importance of testing in combating Covid-19

Download as Infographic as a PDF [here](#).

Structures to Deal with COVID-19 in Sri Lanka: A Brief Comment on the Presidential Task Force

8 April : In response to the COVID-19 health emergency, Sri Lanka witnessed the activation of existing structures and the establishment of new ones. One such new entity was the Presidential Task Force established to direct, coordinate and monitor the delivery of continuous services and for the sustenance of overall community life ('the Task Force'). At the time of its creation, the President had already established the National Operation Centre for Prevention of COVID-19 Outbreak. However, the mandate and powers assigned to the Task Force are much wider in scope and range

from ensuring the supply of essential goods and services to providing relief measures to vulnerable groups of society.

This guide briefly examines the framework of the Task Force. While efficient and effective action to minimise the impact of the pandemic is urgently needed, the guide points to a number of existing legal and institutional frameworks under which such action could have been taken. The Sri Lanka Disaster Management Act No.13 of 2005, in particular, provides for instances such as this and allows extensive action to be taken efficiently employing existing institutions and actors. There are additional, alternative laws under which the individual tasks assigned to the Task Force could have been carried out.

The guide also points out the vagueness of the definition of the tasks of the Task Force and whether its expansive mandate is *ultra vires* Article 33 of the Constitution and a number of individual written laws. This is compounded by the lack of transparency and accountability generated by these ad hoc measures. Thus, attention must be paid to querying the true intentions of establishing the Task Force.

[CPA notes](#) that in the face of the unprecedented scale and magnitude of the emergency, the response must also be one that is efficient, coordinated and in adherence to principles of conflict sensitivity, equity, transparency and accountability. As the guide highlights, Sri Lanka has a wealth of expertise and skills within the civil administration that can and must inform the present response. Most fundamentally, responses must be in conformity with Sri Lanka's constitutional and legal framework. Download the guide as a PDF [here](#).

Q and A on Regulations Issued under the Quarantine and Prevention of Diseases Ordinance & how this impacts the COVID-19 response in Sri Lanka

6 November Following the detection of a spate of new COVID-19 cases in Sri Lanka, regulations were made by the Minister of Health under Sections 2 and 3 of the Quarantine and Prevention of Diseases Ordinance (the Ordinance) by Gazette Extraordinary No. 2197/25 of Thursday, October 15, 2020. This guide briefly examines the legal framework relating to these regulations as well as other action taken to combat the COVID-19 pandemic.

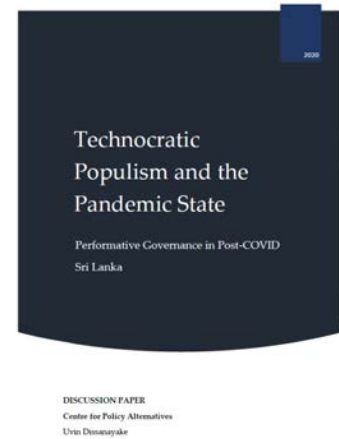
CPA has consistently reiterated the importance of the effort to tackle the pandemic adhering to constitutional governance and upholding the rule of law in Sri Lanka. Several other documents were issued previously by CPA on a range of legal and human rights issues linked to COVID-19 which are available on the [CPA website](#).

The Q and A can be downloaded in [English](#), [Sinhala](#), and [Tamil](#).

Technocratic Populism and the Pandemic State

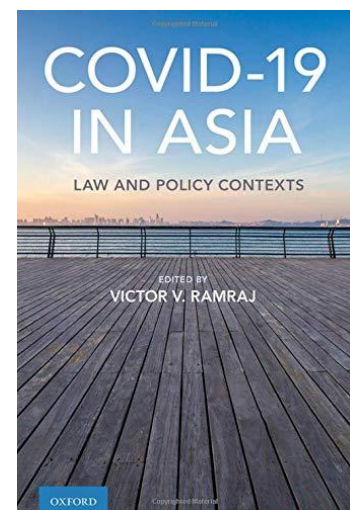
10 November: This paper examines the ways in which the Sri Lankan Government has been able to employ a counterintuitive and under examined type of populist rhetoric, that of technocratic populism. It looks at the ways in which both technocratic and populist narratives are combined, creating an ideological framework which serves to sanitise increasingly authoritarian actions. It focuses in particular on the processes of executive aggrandisement and militarisation, exploring how technocratic populist framing presents each, not as unfortunate side effects, but key components of a political project which serves to solve problems of administrative ineffectiveness. The paper goes on to look at these dynamics in the context of the pandemic response, both in terms of the acceleration of the processes highlighted and the effects that the success or failure of the response may have on the continued effectiveness of technocratic populist justifications.

Download the full report [here](#).

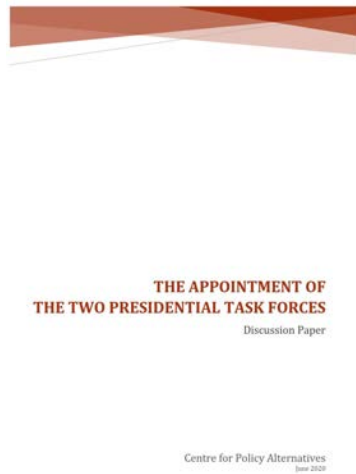


Sri Lanka: Pandemic-Catalysed Democratic Backsliding

CPA senior researchers Bhavani Fonseka, Luwie Ganeshathasan and Asanga Welikala contributed a Sri Lanka chapter to the publication *Covid 19 in Asia: Law and Policy Contexts* published by Oxford Scholarship. This chapter investigates Sri Lanka's response to the Covid-19 pandemic. Covid-19 has posed for Sri Lanka not only a public health challenge and an economic challenge but also, perhaps most seriously, a crisis of constitutional democracy. Although questions have been raised about the accuracy of government statistics, the scale of testing and contact tracing, and failures in providing protective equipment to front-line workers including military personnel, there is broad public approval of the government's crisis response. However, much more alarming are the clear signs in the government's response that the public health emergency has provided the impetus for an aggressive executive takeover of the state, steepening the curve of de-democratization. The chapter then describes the aspects of the governmental crisis response that are the cause of worry, and offers an analysis based on a framework drawn from comparative politics and comparative constitutional law as to the agentic, institutional, and causal dimensions of the democratic backslide underway in Sri Lanka. While the pandemic has undoubtedly boosted the process of executive aggrandisement that had already commenced, this catalysis may in fact also shorten the authoritarian cycle, because the accelerated de-democratization is likely to result in executive actions that cross the threshold of public tolerance sooner in what as yet remains a procedural democracy. (text © the several contributors 2021)



The Appointment of Two Presidential Task Forces



Sri Lanka has witnessed a spate of Presidential Task Forces in 2020. Three Task Forces were appointed in response to COVID-19, another relating to poverty alleviation and one on education affairs.[1] The most recent two are the Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society (established by Gazette Extraordinary no. 2178/18) and the Presidential Task Force for Archaeological Heritage Management in the Eastern Province (established by Gazette Extraordinary no. 2178/17), both dated 2nd June 2020. These two Task Forces are appointed at a time when Parliament has not been functioning for more than three months, contrary to mandatory provisions of the Constitution[2]. Notably, the Gazettes appointing the two Task Forces followed on the heels of the ruling by the Supreme Court of Sri Lanka refusing leave to proceed to all petitioners on the subject of the dissolution of Parliament for more

than three months and the holding of free and fair elections.[3] In the absence of a Parliament, there is no legislative oversight over executive action and this raises concerns regarding accountability and transparency of these Task Forces. Moreover, the composition of both these Task Forces, as is with the previous ones appointed in 2020, comprises former and present military, law and order officials and others, with concerns raised about the creeping militarization in government and governance in Sri Lanka. With no oversight, effective checks and balances and growing reliance on military actors, the reliance of President Rajapaksa on Task Forces to govern Sri Lanka and its implications must be further studied. CPA notes that these present initiatives build on the campaign promise of President Rajapaksa prioritising discipline, stability and security. These steps, however, have serious ramifications for a free and open society and liberal democracy.[4]

CPA raised initial concerns[5] with the two Task Forces and those appointed as a response to COVID19, questioning their need and legality.[6] In this short discussion paper, CPA examines the legality of the two Task Forces appointed on 2nd June, the manner in which they were established and their implications. Other concerns are also raised regarding their composition, the vires of the powers bestowed on them, and their impact on the rule of law, constitutional democracy and reconciliation in Sri Lanka. The paper is structured in a manner where legal and broader concerns are raised relevant to both the Task Forces followed by a closer examination of the purported mandate of each Task Force and related issues. Download the full PDF in [English, Sinhala and Tamil](#)/ Find the [CPA Statement](#)

[1] Task Force to be established for poverty eradication and livelihood development, Gazette Extraordinary No. No. 2159/64, 25th January 2020, http://documents.gov.lk/files/egz/2020/1/2159-64_E.pdf;
Presidential Task Force to direct, coordinate and monitor the delivery of continuous services for the sustenance of overall community life, Gazette Extraordinary No. No. 2168/8, 26th March 2020
http://documents.gov.lk/files/egz/2020/3/2168-08_E.pdf;
Task Force for Economic Revival and Poverty Alleviation, Gazette Extraordinary No. 2172/9, 22nd April 2020, http://documents.gov.lk/files/egz/2020/4/2172-09_E.pdf;
Presidential Task Force to study and provide instructions on measures to be taken by all Armed Forces to prevent Coronavirus infection among members of the Tri-Forces, Gazette Extraordinary No. 2173/4, 27th April 2020, http://documents.gov.lk/files/egz/2020/4/2173-04_E.pdf

Task Force on Sri Lanka's Education Affairs, Gazette Extraordinary No. 2173/7, 28th April 2020, http://documents.gov.lk/files/egz/2020/4/2173-07_E.pdf

[2] Article 10(5)(a) of the Constitution provides that – 'A Proclamation dissolving Parliament shall fix a date or dates for the election of Members of Parliament, and shall summon the new Parliament to meet on a date not later than three months after the date of such Proclamation.' In Sampanthan v. AG (Dissolution Judgment) SCFR 351/2018 the Supreme Court held that "...Articles 70 (2), (3), (5), (6) and (7) specify requirements placed on the President's power of summoning Parliament and the instances where the President is mandatorily required to summon Parliament within specified time frames." (at page 71). Judgement at

http://www.supremecourt.lk/images/documents/sc_fr_351_2018.pdf

[3] 'Supreme Court dismisses FR Petitions', Daily News, 2nd June 2020,

<https://www.dailynews.lk/2020/06/02/law-order/219880/supreme-court-dismisses-fr-petitions>

[4] 'Sri Lanka's Recent Political Challenges & Prospects for the Future', Centre for Policy Alternatives, March 2020,

<https://www.cpalanka.org/wp-content/uploads/2020/03/Commentary-Sri-Lanka%E2%80%99s-Recent-Political-Challenges-Prospects-for-the-Future.pdf>

[5] Statement on 'the Appointment of two Presidential Task Forces', Centre for Policy Alternatives, 5th June 2020,

<https://www.cpalanka.org/the-appointment-of-two-presidential-task-forces/>

[6] 'Structures to Deal with COVID-19 in Sri Lanka: A Brief Comment on the Presidential Task Force', Centre for Policy Alternatives, April 2020,

<https://www.cpalanka.org/wp-content/uploads/2020/04/FINAL-Presidential-Task-Force-on-COVID19-April-2020-copy.pdf>

Statement on Forced Cremations

3 December: There has been national and international criticism of the government of Sri Lanka on its decision to cremate COVID-19 and COVID-19 suspected dead, in spite of clear guidelines by the World Health Organisation explaining that the burial of such victims poses no danger to public health. The Resident Coordinator of the United Nations office in Sri Lanka, United Nations special experts and regional human rights groups wrote separately to the government calling for the policy to be changed to ensure COVID-19 dead were handled with dignity and human rights of all are protected. Numerous national CSOs, religious groups and individual activists have also written letters and signed petitions to the government calling for a change to the policy. Human rights groups have been warning that the ethno-centric position of the government, in the context of the state's failure to challenge hate campaigns and violence against Muslims, points to racism and discrimination targeting the country's approximately nine percent Muslim population. These measures affect more than one religious group, but it is particularly terrifying Muslims for whom the burial of dead is a non-negotiable religious practice. They feel targeted, bullied and threatened by the manner in which the government is acting on this.

With 24 other advocacy groups CPA issued a statement against the policy on forcible cremation. See Link to full statement [here](#).

Media links: [EconomyNext 4 Dec 2020](#)

Right to Privacy in Sri Lanka

21 September The right to privacy includes the right of individuals to lead their lives in a manner that is reasonably secluded from public scrutiny, and the right to make personal decisions regarding their lives. The importance of privacy and the multitude of practises through which privacy is breached are not fully appreciated by policymakers, businesses as well as the general public in Sri Lanka.

This paper discusses the importance of the right to privacy and seeks to critically respond to several developments in Sri Lanka. It suggests that in order to effectively protect the right to privacy, it is essential to incorporate a justiciable right to privacy within the chapter of the Constitution on Fundamental Rights. However, this alone would not be sufficient as the meaningful enjoyment of a constitutional right to privacy would depend on access to legal remedies, an effective institutional framework as well as societal acceptance of the value of privacy. Download the full report [here](#).



Media links: [3 March ColomboGazette/MENAFN/22 Nov Morning/](#)

CPA Webinar: Marking Human Rights Day Amidst a Pandemic



10 December CPA hosted a [webinar](#) to discuss Government initiatives to combat the Coronavirus pandemic and their impact on the rule of law, human rights and other economic issues.

The panellists included Attorneys at law Ermiza Tegal, Bhavani Fonseka and Nethmini Medawala, and former advisor to the Minister of Finance, Daniel Alphonsus. A recording is available [here](#).

[▶ WFD SriLanka COVID19SL impacts, inequalities and solutions: legal issues discussion 13May...](#)

LAND RIGHTS



Image source: CPA Civic Media

The following CPA cases were pending in the year 2020.

- **Arunasalam Kunabalasingham and 1473 others vs. A. Sivaswamy and 2 others (CA (Writ) 125/2013)** Some lands which came within the notices issued have been released during 2016 and the case is still pending due to deliberations between political representatives of the Petitioners' and various central government actors who are negotiating a settlement.
- **Maheshwary Thambirajah and 4 others vs. W. Waragoda and 6 others (CA (Writ) 376/2014)** The matter was delayed during 2014, 2015 and 2016 due to the various national elections and the changing of government officials which necessitated many technical changes to the Petition. The Court instructed the army to provide the Petitioners with alternative land of equal value and kind, but the matter was decided only in 2019. The Court dismissed the application.

Commentary on Land Rights Issues

[3 Feb Losing a home in Colombo and Lahore](#)

[3 March Reuters Sri Lankan Tamil women fight for land a decade after war ends](#)

[6 March Reuters Tamil women are leading the fight to reclaim their lands](#)

[3 March Reuters Sri Lankan Tamil women fight for land a decade after war ends](#)

LEGAL REFORM

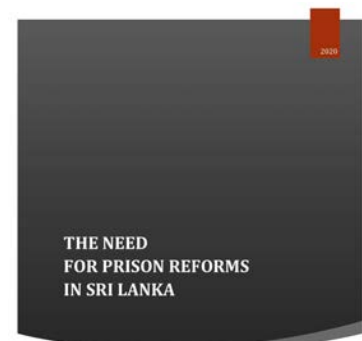


Photo source: Reuters

A project titled ***The criminal justice system in Sri Lanka: A study on the present framework and areas for reform*** (2018-2020) mapped specific areas of the criminal justice system in Sri Lanka and identified areas where reforms are needed while studying the present legal and policy framework. A range of stakeholders were interviewed to understand the present system and practises and identify areas that require reforms. The project raised awareness in relation to the framework and areas that require attention using different tools, facilitate a discussion and action on legal, policy and structural reforms and ensure justice is accessible to all.

THE NEED FOR PRISON REFORMS

June 2020 This report highlights major issues regarding imprisonment in Sri Lanka with recommendations for reforms. CPA hopes that this report will raise awareness on key legal and policy issues that require urgent attention and facilitate taking necessary action related to the state of prisons, which require urgent attention. The report will be translated into Sinhala and Tamil and will be printed in all three languages. CPA will disseminate it widely to universities, libraries, civil society, Members of Parliament, lawyers, media, embassies, the UN, NGOs and INGOs.



The need for prison reforms has been discussed for years in Sri Lanka with very little progress. The COVID19 pandemic has renewed attention to the issue in an urgent manner. Systemic issues within prisons in Sri Lanka expose inmates and staff to heightened risks due to both the contagiousness of the virus as well as the restrictions put in place to contain its spread within the country.

Agitation due to this vulnerability and the resulting riots at the Anuradhapura prison resulted in two deaths in March 2020. Advocacy on the issue has resulted in the President appointing a committee to examine relevant issues and some small steps have been taken as of now. Most recently, a Presidential Task Force was appointed with a mandate, among other functions, to “investigate and prevent any illegal and antisocial activities in and around prisons”. Notably, the Presidential Task Force comprises present and former military, intelligence and law and order officials with no representation of officials having expertise and experience having worked in prisons or related issues. These recent developments highlight the importance of qualitative and quantitative research on prison conditions as well as the need to continue advocacy towards advancing prisoners’ rights by the civil society.

Earlier in 2019, there was some discussion on prison reforms in the context of re-implementing the death penalty. While imposing the death penalty violates constitutionally recognised fundamental rights, the effective functioning of criminal justice and punishment is nevertheless crucial to uphold constitutional and human rights standards. Abolishing the death penalty will also create greater dependence on custodial sentences and therefore examining the status of prisons in Sri Lanka and the relevant framework is greatly needed. The importance of this exercise has become even more important amidst the COVID19 outbreak.

CPAs report assesses the domestic legal, regulatory and administrative framework relevant to imprisonment as criminal punishment. The Report further discusses the goals and conditions of imprisonment and the rights of prisoners in light of international legal obligations, constitutional provisions and comparative standards. Finally, it provides recommendations for policy makers. The Report, however, is not an exhaustive study on the conditions of prisons in Sri Lanka. CPA hopes that this Report will raise awareness on key legal and policy issues that require urgent attention and facilitate taking necessary action related to the state of prisons, which require urgent attention.

Download the full PDF in [English, Sinhala and Tamil](#).

Rethinking the Attorney General’s Department in Sri Lanka: Ideas for Reform

18 November The Attorney General of Sri Lanka is the Chief Law Officer of the State and is considered to be the Head of the legal profession. The Attorney General is accorded a unique constitutional position with regards to his duties, privileges and responsibilities, which are defined by both constitutional and statutory provisions, as well as, through convention. However, the importation of the Commonwealth model of the Attorney General, the evolution of the Office of the Attorney General in Sri Lanka, and the increasing



complexity and expansion of the legal system, have all resulted in the Attorney General's Department carrying out various roles and functions, which are served by separate or designated offices in more advanced jurisdictions.

In the study three different roles played by the Attorney General are examined – the role played in prosecuting crimes; the role played in the passage of legislation; and the role played as legal adviser to the government. CPA notes the need for both structural and operational reforms to ensure effectiveness and independence of the Attorney General and also provides ideas for potential reforms.

Download the full report in [English](#), [Sinhala](#) and [Tamil](#)

Gender and Criminal Justice Reform

24 November In this series of papers, the Centre for Policy Alternatives (CPA) looks at legal and policy reform needed to address Sexual and Gender-Based Violence (SGBV). CPA identifies several areas in which the statute books need to be updated in order to ensure that the safety and dignity of women are protected, but also it is recognised that legal reform alone cannot fully address these needs, and it must be coupled with broad policy reforms in order to bring about real change.

The series consists of 4 parts.

Part I examines existing laws that need reform, and why law reform in this area has been slow. It includes broad policy reforms aimed at making the Criminal Justice System more victim centric. The full document (Reforming Existing Laws and Policies) can be downloaded [here](#).

Parts II, III and IV examine the need to introduce specific laws for the criminalisation of online sexual violence, female genital mutilation and vitriolage respectively, together with policy reforms aimed at addressing issues arising in those specific areas.

Download the full document for [Part II](#)(Online Sexual Violence), [Part III](#) (Female Genital Mutilation) and [Part IV](#) Vitriolage (Acid Attacks)in English.

Sinhala translations are available here: [Part I](#), [Part II](#), [Part III](#) and [Part IV](#).

Tamil translations are available here: [Part I](#), [Part II](#), [Part III](#) and [Part IV](#).

Media Cover : [7 Aug HIMAL/25 Nov Groundviews/](#)

Constitutional Reform



Image source: Daily News

CPA Statement on Constitutionality of Proposed UNP National List Appointment

24 January Several media reports indicated that the United National Party (UNP) intended to name Saman Rathnapriya to fill the National List seat which fell vacant by the resignation of Dr. Jayampathy Wickramaratne. Rathnapriya's name was not included in the list of persons qualified to be elected as Members of Parliament, in terms of Article 99A of the Constitution (the "National List") submitted by the UNP for the Parliamentary Election held on 17th August 2015.

In terms of the Constitution only a person whose name was included in one of the district nomination papers or national list submitted by the relevant political party, is entitled to be nominated to fill such a vacancy. CPA has maintained this position consistently and has raised concern when such appointments were made previously, including by challenging several such appointments in Court.

CPA called on the UNP and all other political parties to respect the provisions of the Constitution and the franchise of the people and only nominate a person entitled to be nominated in terms of Article 99A of the Constitution to fill such vacancies. CPA also called upon all political parties representing Parliament to take steps to amend Section 64 (5) of the

Parliament Elections Act, in order to bring it in line with Article 99A and Article 101(H) of the Constitution. Download this statement in English, Sinhala, and Tamil.

Written Submissions by the CPA on the Case re the Twentieth Amendment to the Constitution

23 September CPA and its Executive Director, Dr. Paikiasothy Saravanamuttu filed a Petition in the Supreme Court challenging the proposed Twentieth Amendment to the Constitution. A Brief overview of the Petition filed on behalf of CPA and its Executive Director is available [here](#). The CPA's basic position was that several clauses of the Bill had a prejudicial impact on the Sovereignty of the people (Article 3) and therefore required to be passed by a 2/3rds majority in Parliament and by the people at a referendum. The full Petition filed by CPA can be viewed [here](#). The only determination the Supreme Court can make in relation to a Bill which is a constitutional amendment, is whether the Bill as a whole or a part of it has to be passed at a referendum. Relevant extract from *Chapter XVI, Article 120* of the Constitution is below:

Constitutional Jurisdiction of the Supreme Court	120. The Supreme Court shall have sole and exclusive jurisdiction to determine any question as to whether any Bill or any provision thereof is inconsistent with the Constitution : Provided that – (a) in the case of a Bill described in its long title as being for the amendment of any provision of the Constitution, or for the repeal and replacement of the Constitution, the only question which the Supreme Court may determine is whether such Bill requires approval by the People at a Referendum by virtue of the provisions of Article 83;
---	--

Considering the number of persons who challenged the 20th amendment Bill and the limited time frame during which the Supreme Court had to decide on the issue, the court limited the time allocated for each Petition and allowed all Petitioners to file comprehensive written submissions on 2 October. The written submissions filed by CPA and its Executive Director can be viewed [here](#). The Court also allowed the Petitioners to file further written submissions in response to Arguments made by the Attorney General on 5 October. The further written submissions filed by CPA and its Executive Director can be viewed [here](#).

An overview of the implications for constitutional democracy of the Twentieth Amendment is available [here](#).



Some media links: [BBC 7 August/ EconomyNext 1 Oct/ Bloomberg 30 Sept/TheHindu 22 Sept/Indian Express 13 Sept/DailyMirror9 Sept/LaCroix 7 Sept/ Tamil Guardian 30 Oct/MalaysianReserve 1 Oct/The Hindu 22 Sept/Indian Express 13 Sept/Bloomberg 22 Oct/Newsfirst 30 Sept/Reuters 23 Oct/Newsfirst 17 Sept/Daily News 29 Sept/DailyFT 26 Sept/ Colombo Telegraph 28 Sept/NEWSLINE 30 Sept](#)

Sri Lanka's Recent Political Challenges & Prospects for the Future

March 2020 *In the run up to what was to be the first election after President Gotabaya Rajapaksa took office several trends were discerned with implications for reconciliation, governance, the rule of law and security in Sri Lanka.*

CPA prepared a short paper to comment on key developments in the first 100 days of the present Government, as well as their implications for governance, the rule of law, reconciliation, human rights and democracy in Sri Lanka. The paper, though not an exhaustive study, highlighted key trends and examined likely scenarios in the run up to the elections proposed for April 25. It examined the possibility of sweeping constitutional, legislative and policy reforms that will likely define the future trajectory of Sri Lanka's political culture.

The full paper can be accessed [here](#). Media Cover [12 April The Guardian](#)

More commentary at [3 May Groundviews/5 May Groundviews/ 7 Aug Groundviews](#)

Constitutional Performance Assessment of the 1978 Sri Lankan Constitution

Social Indicator, CPA initiated a *Constitutional Performance Assessment of the 1978 Sri Lankan Constitution* in partnership with International Institute for Democracy and Electoral Assistance (International IDEA) and the Edinburgh Centre for Constitutional Law (ECCL). The objective is to generate a systematically rigorous, evidence-based, analytical and recommendatory report that has the potential to reframe the constitutional reform debate, traditionally deeply divided along ideological and ethnic cleavages, towards a more constructive discourse of democratic agreement (and disagreement). The report (and other derivative content to be generated) will be oriented to multiple uses and users: from civil society, academia, and media, to policy-makers and political actors.

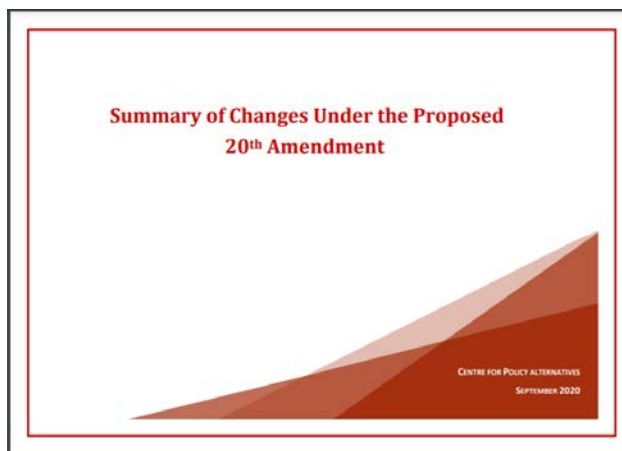
The survey was carried out using a semi-structured questionnaire administered through face-to-face interviews with 400 opinion leaders from the four main ethnic communities (Sinhala, Tamil, Up Country Tamil, and Muslim) across all 25 districts of the country. For each ethnicity within each district, the selected sample respondents were persons above the age of 40 years, and comprised religious leaders, government officials, and office bearers of community-based organisations, teachers, and school principals, who are actively involved in the community. The field enumerators were given extensive training on the study, the research instrument, and field techniques prior to the commencement of field work. A pre-test of the research instrument was held on 21 December 2020 in both Sinhala and Tamil languages with 10 respondents.

Field briefings for the large-N study were conducted on 22-23 December 2020 with both Sinhala and Tamil enumerators. A total of 64 field enumerators, both male and female and from all ethnic communities, participated in this study. Field work commenced on 24th December 2020.

Media Cover:

[Authoritarianism is no remedy to the country's wounded democracy / DailyFT 18 June](#)

Summary of changes under the proposed 20th Amendment



September 2020 The 20th Amendment to the Constitution as proposed makes several significant changes to the Constitution, altering the dynamics of the separation of powers between the various organs of government, with the balance of power tipping in favour of the executive President. The amendment also makes major changes to the law-making process, which could result in a lack of transparency and accountability, by reducing the opportunity for citizens to challenge laws by way of pre-enactment review. The structure and powers of the Constitutional Council which

was set up by the 19th Amendment have been changed, which could have a serious impact on the independence of the Independent Commissions. Three elements introduced by the 19th Amendment have however remained unchanged; Article 14A of the Constitution which introduced the Right to Information remains intact, the term limit for the executive President remains two terms (a limit which was previously removed by the 18th Amendment and reintroduced by the 19th Amendment) and the term of the President and Parliament both remain at 5 years (both terms were 6 years prior to the 19th Amendment).

CPA provided a detailed comparison of the constitution as it stood, with the proposed 20th Amendment. This comparison is accompanied by some initial comments and observations.

Submission to Experts Committee to Draft a New Constitution Appointed by the Ministry of Justice



Image source: CPA

9 December CPA made a submission which outlines CPA's general views on the nature and form of a new constitutional settlement for Sri Lanka. The submission addresses some of the major constitutional issues that have been the basis of public debate for many years. Click here to view the [English](#) submission and the [Sinhala](#) and [Tamil](#) translations

Sri Lanka's Recent Political Challenges & Prospects for the Future

<https://www.cpalanka.org/wp-content/uploads/2020/03/Commentary-Sri-Lanka%E2%80%99s-Recent-Political-Challenges-Prospects-for-the-Future.pdf>

[In perspective](#), the act of granting presidential pardon to a convicted criminal conveys the chilling message to the public that, irrespective of the gravity of the offence, offenders from the security forces will not be punished even if convicted by Court of Law and that any crime or violence committed against the ethnic communities will go unpunished. The security forces including the police already enjoying high degree of impunity will surely be further emboldened by the covert encouragement by the government to commit further atrocities against the hapless and vulnerable people. As organizations and individuals who are committed to the Rule of Law and to the protection of democratic values, we vehemently and unreservedly condemn the presidential pardon granted to Sergeant R.M. Sunil Rathnayake which said act will undoubtedly lead to further militarization of the society and contribute to disunity and distrust among communities in the country.

Right to Information



Image source: CPA

Strengthening the Right to Information Act

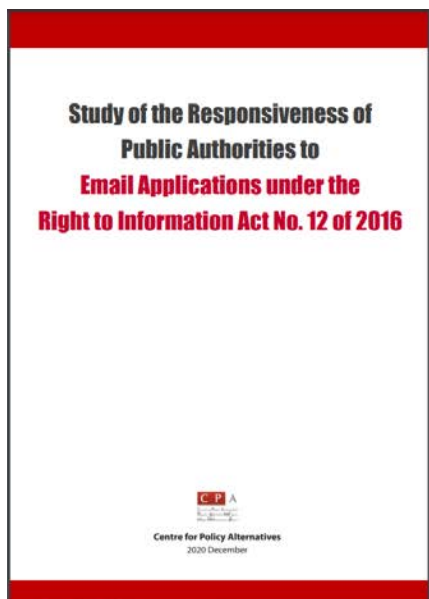
CPA has been at the forefront of advocacy for the Right to Information (RTI) for over 15 years, helping draft earlier versions of RTI legislation and being involved in advocacy and public awareness efforts for the current RTI Act which was passed in 2016 and came into operation in early 2017.

CPA intends to sustain a more integrated and a responsive network at the grassroots level by promoting the course of Right to Information (RTI) awareness raising among newly appointed local governance representatives, public servants at local level and civic activists which will be helpful in future engagements of CPA via awareness workshops and community radio channels. CPA aims to empower citizens island wide to engage with their RTI, to ensure that the citizens as beneficiaries acknowledge clearly how they could utilize RTI as a tool to voice out their concerns, while creating a network of interactions and mutual understanding between the general public and the local officers resulting in a better networked and integrated unit to address issues at the provincial level.

Furthermore, CPA focuses on strengthening investigative and analytical journalism and empower journalists and civil society to utilise the RTI for investigative reporting by acquiring accurate information

CPA conducted over 27 physical and online workshops in Kandy, Badulla and Ampara Districts. These workshops benefited an audience involving information officers and other government officers including Municipal Council members, Pradeshiya Sabha Members, Chairmen, Vice Chairmen, Divisional Secretariat officers, general public including and not limited to civil activists, media and other civil organisations. Target beneficiaries used their enhanced awareness of the effective usage of RTI to resolve their issues while enabling the sharing of experiences, challenges encountered and other suggestions by RTI users.

Additionally, these workshops were recorded and broadcast via 9 community radio stations. This will strengthen awareness of the grassroots level on the significance of exercising their right to access information further fostering social cohesion and inclusion among all citizens of Sri Lanka.



CPA also evaluated the responsiveness of public authorities to RTI requests received via emails. A number of government offices were evaluated including divisional secretariat offices, hospitals, Ceylon Electricity Boards, Provincial Water Boards, District commissioners of Agrarian Development offices, Provincial Education Departments and Police Stations. Particularly during the Covid19 pandemic when the public is unable to physically access public services and unable to reach post offices, RTI is essential now more than ever to support the public by resolving their issues, and be accountable as a government. Accordingly, these research findings were presented to the ICTA (Information and Communication Technology Agency) and together, CPA encouraged to leverage the capacities of the public authorities, educate the government officers and information officers to respond to emails and sustain the process of lodging RTI requests via emails.

CPA also released a publication, “The Right to Information and Media Practice”, a collection of news articles and success stories made possible through the implementation of the RTI law by prolific journalists and RTI users who have worked closely with CPA. The publication is an added value for future reference and further awareness creation among other journalists, media personnel, government officers and the general public. It will benefit in the long-term towards bolstering investigative journalism while strengthening democracy, fair governance and accountability and popularising the use of RTI amongst Sri Lankan media and the civil society.

The link to uploads of the publications on the CPA website:

<https://www.cpalanka.org/cpa-outreach-unit-publication-and-research-study-on-rti/>

Effective Use of Right to Information Act

Friedrich Naumann Foundation for Freedom (FNF) supported a project titled **Effective Use of the Right to Information Act** initiated Jan 2019. This project which focuses on the Trincomalee and Ampara Districts raised awareness on the importance of active engagement of the public from all spheres in exercising RTI as a tool in **restoring sovereignty**. By extension, CPA intends to sustain a more integrated and a responsive network at the grassroots level by promoting the course of RTI awareness raising among newly appointed local governance representatives, public servants at local level and civic activists which will be helpful in future engagements of CPA. The project utilised capacity building, publications, and a court case to achieve targeted outcomes such as increased knowledge and empowerment of citizens and strengthened capacities of CBOs, Officials and local authorities to engage in participatory processes through RTI.

Strengthening the Help Desk Facility maintained at CPA to Empower Citizens Engagement on RTI Application RTI Helpdesk Hotline 0113-030-463

CPA Outreach continues to maintain an RTI help desk to help citizens with inquiries concerning RTI. (hotline no: 011-30-30 463)

Transitional Justice



Photo source: <https://pearlaction.org/tamilfod/>

In 2020 transitional justice continued to be one of CPA's key focus areas. The European Union Delegation to Sri Lanka & the Maldives commissioned CPA to conduct an assessment as part of their strategic pre-programming process for Sri Lanka which examined several dimensions including in the areas of democracy, the rule of law, human rights, environment, economic issues, trade and development, reconciliation, geo political considerations among others. The assessment was conducted in the aftermath of the 21st April Easter Sunday attacks and ethno-religious violence, when Sri Lanka was in a state of emergency. CPA hosted three meetings/discussions to explore current trends and future projections for Sri Lanka with participants including Civil society, trade unions and religious leaders, the business community and Non-EU donors.

Further discussions with the EU Delegation

Dr. Paikiasothy Saravanamuttu and Bhavani Fonseka engaged with the EU Delegation in Colombo to discuss developments since the Easter Sunday attacks and implications on the political, economic and human rights issues. From late April to early May 2020, Dr. Saravanamuttu and Ms. Fonseka commented on an internal EU document and participated in a zoom meeting with the EU Delegation in Colombo to discuss trends and possible implications.

An assessment of strategic displacement during the Sri Lankan civil war

CPA's polling is instrumental in empowering the citizens of Sri Lanka to influence policy makers even in between elections. Social Indicator (SI) the survey research unit of the Centre for Policy Alternatives has been conducting public opinion polls on a large range of social and political issues, in order to provide a channel through which the general public can voice their concern on issues that matter in their day to day lives. Since its inception in 1999, SI has employed both qualitative and quantitative research methodologies and conducted surveys ranging from the peace process, corruption, Constitution Assessment and the general political discourse of the country.

During early 2020 CPA Social Indicator conducted a large_N Survey under its project *An assessment of strategic displacement during the Sri Lankan civil war* supported by Dr. Theresa Leimpek (ETH Zurich and the University of Amsterdam) The survey was carried out in the North and Eastern Provinces and the border villages, as well as in some areas in the Western Province in order to assess the movement trajectories of persons affected by the civil conflict during the period between 1983 – 2009. The survey gathered details pertaining to all the locations the respondent lived during that time, when he/she moved (or: was displaced/resettled) there and when he/she left. Each location was treated as a so-called “milestone” in the movement trajectory of the respondent. The survey's ultimate goal was to shed light on the patterns of fleeing and staying on the ground – during the civil conflict.

Existing research has looked at dynamics of displacement from two perspectives. Scholars have assumed that the movement of civilians during conflict is based on quasi-rational decisions made by an individual or household, on the basis of a cost-benefit analysis accounting for the constraints of the violent environment. A more recent strand in the literature views displacement as a distinct element in wartime strategies of political actors. To date, there is a lack of clarity as to when and why armed actors, such as states or rebel groups, pursue what kind of population strategies, and how these are linked to observable patterns of aggregate displacement. Theoretical and empirical knowledge is particularly sparse when it comes to the role of rebel groups. Motivated by this shortcoming, this research project features an in-depth analysis of the Sri Lankan civil war, in order to build and test a theory of strategic wartime displacement, with a focus on the impact of the Tamil Tigers.

A pilot study was conducted using a semi structured questionnaire with 16 respondents in the N&E of Sri Lanka. For the large-N Survey a semi structured questionnaire was administered on field with a total of 1200 respondents across the Northern and Eastern Provinces, border villages and the Western Province. Field work for the study concluded on the 15th of January 2020.

To ensure the quality of the data collected, accompanied visits and back-checks were done during and after field work. Collected data from the field coded and entered to an access

database and data was cleaned before submitting it to the funder. An access database as well as a code book consisting of the Sinhala and Tamil code lists translated in English for the pilot survey, were submitted to the principal researcher.

<https://asiasociety.org/asia21-young-leaders/long-wait-justice-chronic-failures-criminal-justice-sri-lanka>

IMPUNITY

The Pardon in the Mirusuvil Massacre: Sri Lanka's Elusive Quest for Justice

26 March: President Gotabaya Rajapaksa pardoned former Army Staff Sergeant R. M. Sunil Rathnayake, a convicted death row prisoner. The pardon was met with mixed reactions in Sri Lanka. At one end of the spectrum was concern and condemnation for pardoning a convicted criminal while others welcomed the pardon and for releasing a former military person. Notable is the timing of the pardon. The pardon was granted when Sri Lanka is facing an unprecedented public health emergency with Covid-19 and with focus primarily on dealing with the response

and related issues. This is also in a context when civil society has called for urgent prison reforms and the Government has set up a committee to examine how to address the overcrowding and other concerns in the prisons in Sri Lanka, creating the expectation that cases involving inmates for lesser crimes or unable to pay bail will be given due attention. It was in this midst, when attempts are seemingly made to address prison reforms, that President Rajapaksa chose to keep to his earlier pledge and pardon a convicted criminal.

Download the brief in full [here](#).

Read about CPA's FR case [here](#).

Read the Statement by 22 organisations including

CPA, here in [English](#), [Sinhala](#), and [Tamil](#).

Some Media Links: [28MarNYTIMES/Amnesty International/DailyNews 24 Sept/NewsFirst 24 Sept/](#)

[PODCAST: Conversation with Ambika Satkunanathan on police brutality in Sri Lanka – Groundviews](#)

FR petition challenging the pardoning of murderer fixed for support on Feb 8

By CHITRA WEERARATHNE

The Supreme Court yesterday (24), fixed for support on February 8, 2021 the fundamental rights violation petition filed by the Centre for Policy Alternative against a Presidential Pardon granted by President, Gotabaya Rajapaksa to Sunil Rathnayake, an Army officer convicted of the Mirusuvil massacre.

Sunil Rathnayake was convicted of murder of eight villagers in 2000, in Mirusuvil. The conviction was by the High Court Trial-at-Bar. The conviction was affirmed by

the Supreme Court.

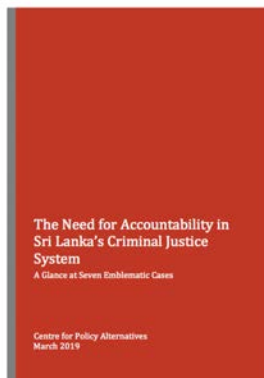
The petitioners, the Centre for Policy Alternatives, and its Managing Director had complained that the grant of a presidential pardon to a convicted murderer was bad in law and amounted to a violation of the right to life of the people. It should be set aside by the Supreme Court.

The Supreme Court re-fixed the petition for support, because Justice Priyantha Jayawardene declined to hear it for personal reasons.



Image source: Sri Lanka's Disappeared

The Need for Accountability in Sri Lanka's Criminal Justice System: A Glance at Seven Emblematic Cases



March 2020 CPA is deeply troubled by the pardon given to Sunil Ratnayake, convicted for the murder of several civilians in Mirusavil, Jaffna. The conviction was upheld by 5 judges in the Supreme Court in 2016, giving hope that Sri Lanka's criminal justice system, despite the many setbacks, is able to deliver justice to victims.

CPA has previously commented on emblematic cases & the multiple challenges in obtaining justice.

(<https://www.cpalanka.org/the-need-for-accountability-in.../>). This pardon further entrenches impunity and erodes trust in a system that delays and denies justice. And it is yet another indicator of the mounting challenges for the rule of law in Sri Lanka.

Language Rights



Image source: CPAOutreach

CPA has continuously advocated for state institutions to implement national language policies and ensure equal language rights for all Sri Lankans. To date CPA-led initiatives have submitted over 17,000 complaints to local institutions and independent Commissions and advanced litigation on language rights. This advocacy has secured some important victories, including ensuring trilingual printings of legislation; trilingual transport notices and announcements; trilingual documentation by finance companies; and undertakings to provide trilingual labelling of consumer and medical products. 2020 continued to build on these advances.

Language Rights Cases:

Statement on the Implementation of the Official Language Policy by the CAA and the NMRA

June 22 CPA issued a statement welcoming the steps taken by the Consumer Affairs Authority (CAA) to give effect to the Official Language Policy by issuing Gazette No. 2135/53 dated 07.08.2019 which was amended by Gazette No. 2156/16 dated 31.12.2019. The CAA had directed all manufacturers, importers, distributors and traders to print important information regarding the product in Sinhala, Tamil and English languages on all packs, containers or on the

wrappers of all articles/goods. These directions will be applicable to 76 separate categories of consumer goods.

Important information regarding consumer goods is not provided in accordance with the Official Language Policy. A majority of the goods identified in the complaints made by CPA have been addressed in the above mentioned gazettes. Consequently, all consumers will be entitled to access the essential information regarding these consumer goods in all three languages from 01.09.2020, which is the effective date of the gazettes.

Since 2013 CPA has demonstrated to the CAA that essential information on the labels of the consumer goods, namely; product name, maximum retail price, date of expiry, date of manufacture, net weight / volume, country of origin/country of manufacture etc. were printed in only the English language. Printing information on consumer goods in only English or in only one official language (Sinhala or Tamil) is a violation of the consumer's right to access to information. CPA's complaints to the CAA since 2013, were on the basis that the CAA had the power and responsibility to redress this situation and to uphold the Official Language Policy of Sri Lanka.

Section 01 of the Direction No. 68 published in the Gazette No. 2135/53 dated 07.08.2019 stipulates that the specified information has to be printed in all three languages; Sinhala, Tamil and English languages. The Directive will be effective from 01.09.2020 as opposed to the originally planned 01.01.2020.

CPA has also complained against the National Medicines Regulatory Authority (NMRA), for not taking steps to ensure that the packaging of pharmaceutical drugs conform to the Official Languages Policy. The NMRA issued the Gazette No. 2145/01 dated 14.10.2019 directing that from 01.01.2020 the packing of a selected number of pharmaceutical drugs should be printed in all three languages.

There is no guarantee that these bold and welcome decisions will be put into action. The Ceylon Chamber of Commerce (Food and Beverage Division) has informed of several practical difficulties that may arise, as a result of printing all information and instructions in all three languages. There is a potential for further delay.

Read the full statement [here](#).

Further reading: [Sunday Times \(15th January 2017\)](#), [Language Rights Advocacy by CPA](#)

NMRA directive: <https://nmra.gov.lk/images/PDF/languagepolicy/Letter-of-directive-2-1.pdf>

Media links: [4FebTRT/6FebDM/ 7JanDM/1JanDM/11JanTH/5 FebIE/7FebSN/6FebLW/](#)

Civic Media



Photo source: Reuters

The trilingual media platforms that form CPA's Civic Media Team - Groundviews in English, Vikalpa in Sinhala and Maatram in Tamil - concentrated on their overall objective of highlighting under reported issues concerning human rights, governance, democracy and reconciliation as well as environmental and social matters. Political analysts, authors, activists, human rights defenders and environmental experts contributed regularly to the three sites.

During the year, the team concentrated on increasing its social media presence on Facebook, Twitter and Instagram with video interviews, infographics and photo stories. In 2020, Groundviews, Vikalpa and Maatram had 64,612 Facebook likes, 66,108 Facebook followers, 81,200 Twitter followers, 3,467 Instagram followers and 8,000 YouTube subscribers.

Social Media output on Instagram was enhanced with over 30 unique posts and over 200 Instagram stories flagging issues and articles on the websites. These were broken down into snippets of information featuring opinion polls and quizzes to increase engagement. With reshared content and cross translation among the three platforms, readers and viewers were able to get a wide range of opinions and bridge the divide of opinions and information between the three languages.

Before the pandemic, a workshop was conducted for journalists and bloggers on Ethical and Gender-Sensitive reporting in the Tamil language in Batticaloa with over 38 attendees.

The year 2020 was overshadowed by the Covid-19 pandemic that curtailed field reporting and prevented face to face interviews. Some travel was possible between lockdowns while contributors from the north and east continued to write on the situation there.

Some of the critical issues covered by Groundviews, Vikalpa and Maatram were:

- The government's mishandling of the pandemic and the resulting consequences including high numbers of infections and deaths, impact on garment factory workers and conflicting information to the public as well the use of the pandemic as a means to suppress dissent.
- The continuing intimidation and harassment of human rights defenders, especially in the north and east, and the targeting of media and social media personnel.
- Increasing role of military in civilian tasks and the appointment of retired military officers to civilian positions, including former members of the military on two Presidential Task Forces.
- Marking one year of the Easter Sunday attacks and remembering the victims.
- The use of the Prevention of Terrorism Act to detain Muslims without charge relating to the Easter Sunday attacks as well as the discrimination in forcing cremations of Muslims who died of Covid despite scientific evidence that burials were safe.
- Remembering the disappeared in all parts of the country and their fight for justice and accountability against all odds.
- Analysis of the two-thirds majority for the SLPP government and the consequences of the 20th Amendment that concentrated absolute power in one person. And Then They Ruled Happily Ever After?
- The ongoing ecocide as forest land is converted to agriculture to profit big business at the cost of environmental degradation and loss of biodiversity as well as exacerbating the human-elephant conflict due to shrinking habitats.
- The rising tide of violence against women, domestic violence and child abuse fuelled by the pandemic.
- The prison uprising in Mahara and a report on the prisons system placed a spotlight on dismal prison conditions and ill treatment of prisoners.
- Maatram created Infographics on Sandya Eknaligoda's journey for justice, tracking the miles she has travelled seeking answers to the disappearance of her husband Prageeth. சந்தியாவின் நீதிக்கான பயணம் (Infographics) Sandya's journey to Justice <https://maatram.org/?p=8823>
- Maatram interviewed witnesses of the Sathurukondan Massacre for a video documentary. சத்துருக்கொண்டான் படுகொலை: சாட்சியங்கள் பேசுகின்றன... (Video) An Enemy Massacre: The witnesses speak. <https://maatram.org/?p=8747>
- Groundviews interviewed mothers in the south to mark International Day of the Victims of Enforced Disappearances 2020. Disappearances in Sri Lanka: Struggles by Families and Reprisals/ Enduring Power of Grief
- Groundviews did a photo story about the deteriorating human rights situation during the year. Human Rights and Democracy: Lessons from COVID-19
- Vikalpa commissioned a weekly cartoon on the state of the country and produced a creative graphic design on the state of politics.

Some other highlights of coverage during the year:

- The Perspective of Law Students on the Proposed 20th Amendment (Video)

<https://groundviews.org/2020/09/15/the-perspective-of-law-students-on-the-proposed-20th-amendment/>

- 10 Years After the War: Violence in a Time of Peace
<https://groundviews.org/2020/01/06/10-years-after-the-war-violence-in-a-time-of-peace/>
- Playing With Fire <https://groundviews.org/2020/12/18/playing-with-fire/>
- Remembrance and Tribute to Victims of Terrorism
<https://groundviews.org/2020/08/21/remembrance-and-tribute-to-victims-of-terrorism/>
- மகனைக் கண்டது முதல் சரணடைதல் வரை (VIDEO)
From Seeing Her Son to Surrendering Him <https://maatram.org/?p=8720>
- “கோட்பாட்டு பிடிவாதம் எம் சமூகத்தை அழிக்கும்” - வீ. தனபாலசிங்கம்
"Doctrinal obstinacy will destroy our society" <https://maatram.org/?p=8691>
- අවුරුදු 73ක 'නලොගත් අසිවැන්න' <https://www.vikalpa.org/article/40914>
- 'අපි අද සටන් කරන එක කවද හද දවසක වනෙක් ගැහැනියකට හයිසික් වෝට් කියලා මම හිතනවා..' |
නොකියි කතාන්දර [Photo Story] <https://www.vikalpa.org/article/40095>
- “හමෝම ඔබ දිනා බලා ඉන්නවා, ඒත් කවුරුවත් ඔබව අල්ලන්නේ නෑ” COVID19 අත්දැකීමක් දෙස
හදි බැලීම.. <https://www.vikalpa.org/article/40745>
- ප්රශ්න අනුප්රාප්ත කර වසර 11යි [සන්ධ්යාගේ මතකය!] 'සත්‍ය' සහ 'යුක්තිය' වෙනුවෙන් LAST
WORDS <https://www.vikalpa.org/article/39625>

The three platforms also conducted a campaign against hate speech in the run up to the Parliamentary elections by highlighting instances of hate speech by politicians with a series of infographics.

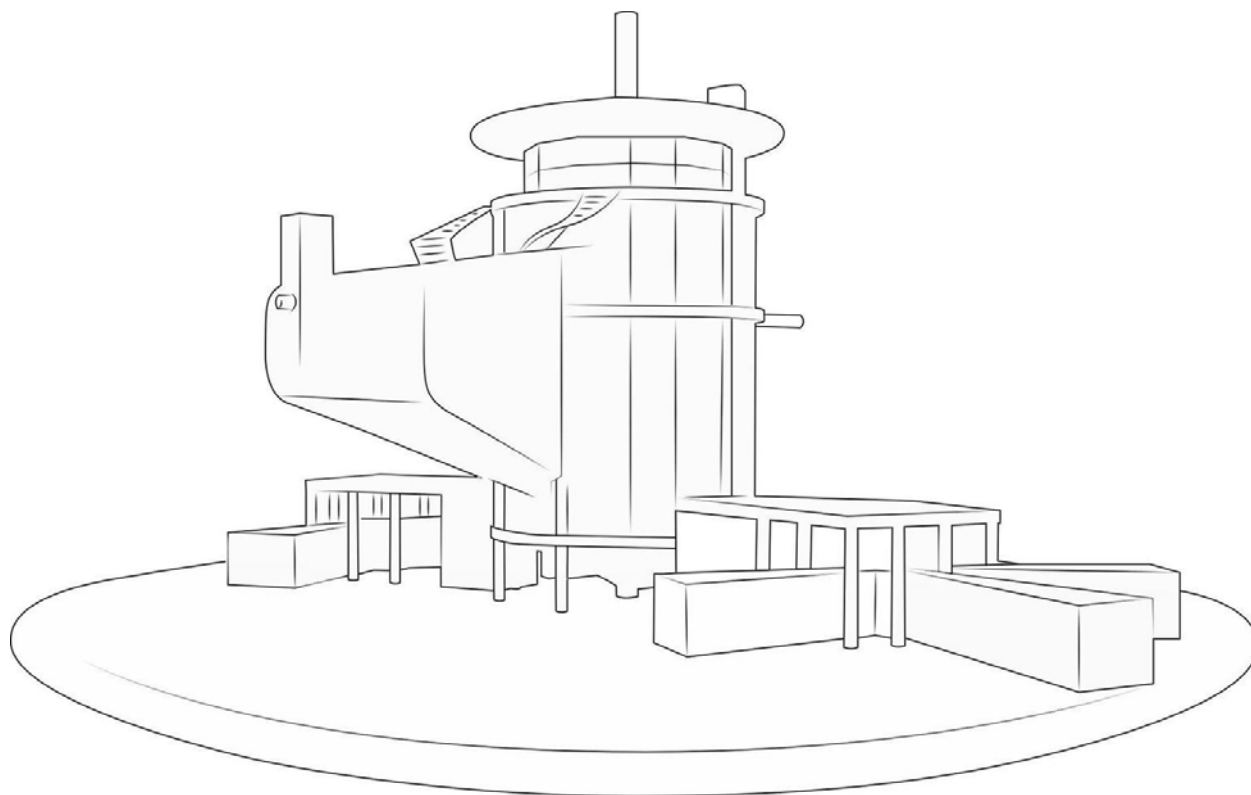
One Year Later

16 November The pandemic has had huge implications for governance, the rule of law, rights, and democracy in Sri Lanka. In 2020 we saw a legislature that wasn't functioning for five months and the 20th Amendment leading to a very powerful executive. The pandemic took a militarised approach raising issues on transparency and rights. The concern is, what is in store after the first year? Groundviews presented an article on one year of the government including interviews held with Dr Saravanamuttu, [Bhavani Fonseka](#), [Ruki Fernando](#) and Kalana Senaratne, and Professor [Jayadeva Uyangoda](#).

<https://groundviews.org/2020/11/16/its-one-year-on-and-the-worst-is-yet-to-come/>

MEDIA COVER: [THE HINDU 16-05-2020/](#)

Frames of Power



Launch of Frames of Power: Modelling Sri Lanka's constitution

20 February Building on the critically acclaimed Corridors of Power project, Frames of Power is a pioneering and unique web platform for citizens to visually model and compare perceptions of constitutional power. Democratic by design, Frames of Power helps expose and explore perceptions of political power, from acceptance to resistance.

Conceived and produced by Sanjana Hattotuwa, the Founding Editor of Groundviews, Frames of Power is a collaboration involving constitutional theorist Asanga Welikala and architect Channa Daswatte, both widely renowned in their respective fields of practice.

29 October Frames of Power a pioneering and unique platform for Sri Lankan citizens to visually model and compare perceptions of constitutional power. The site now features two significant updates: a searchable models gallery and an option to export a detailed PDF of any model.

In 2017, Corridors of Power, the precursor and partner site to Frames of Power, was a finalist in the first-ever World Changing Ideas Awards curated by Fast Company. In 2018, Frames of

Power was selected as an honourable mention in the Experimental category as part of Fast Company's 2019 World Changing Ideas Awards.

More details available at

<http://framesofpower.org/>

<https://groundviews.org/2020/02/11/launch-of-frames-of-power-citizen-modelling-perceptions-of-sri-lankas-constitution/>

<https://groundviews.org/2020/10/28/frames-of-power-site-enhancements/>

Hate Speech

Speaking out against Religious Hatred

CPA's research shows that Facebook has consistently been used to spread hate speech, highlighting ineffectiveness of bans if the platform doesn't increase Sinhala language moderation support and purveyors continue to enjoy impunity. Three previous research reports - written in the years 2014, 2015, 2016 - monitor the types of groups created for the purpose of spreading hate speech, the tactics with which they operate and the topics/language they use: Liking Violence / Saving Sunil / Voting in Hate

<https://www.theguardian.com/global-development/2020/apr/12/its-a-very-worrying-time-sri-lankas-recovery-interrupted-by-coronavirus>

Social media during national polls: FB urged to consider candidate's code of conduct and media guidelines <https://archive.ceylontoday.lk/print-more/52674>

The Kahata: Unheard Voices from the Plantation Sector



Photo by W.T.Dhanushka youth photographer/The Kahata Photojournalism project

Supported by **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH**, this project which started in November 2018 aimed to strengthen the voice of plantation communities presenting an alternative narrative of the plantation sector through the media of creative photovoice. Creations resulting from the project were presented to relevant stakeholders supporting engagement in advocacy for social justice and equality. The initiative utilized photography as a tool of assessment that focused on the narratives of the plantation sector through visual images captured by selected trained youth belonging to plantation families. The project helped them develop knowledge and technical skills on photography providing an eye-opening opportunity for youth to sharpen their hidden talents and discover their passion for creative expressions using an innovative medium for communicating their issues.

The youth participants of the Training in Photojournalism benefited from linkages they developed during photo shooting sessions, gained a deeper understanding of historical roots they belong to as well as a sense of responsibility and empathy while recognizing themselves as dignified citizens of the country through careful civic engagement with their own communities. They also learned how to incorporate ethical practises and follow a code of conduct in the process of creating successful photovoices.

40 youth were selected from four plantations and given training in techniques of digital photography, communication through photography and sensitisation towards issues of their communities. The project was challenged by the global Covid19 pandemic and other local issues in the plantation sector but resulted in a series of striking visuals of

professional standards, as well as a solid vocational training and civic awareness in the beneficiary youths.

Read more about the project and the exhibition at

<https://groundviews.org/2020/09/11/the-kahata-exhibitions-discovering-the-creative-expression-of-plantation-youth/>

MEDIA LINKS: [5 Oct LankaNewsWeb/ Dilma Site/CAPITAL 94FM /15 Oct DailyMirror /3 Oct DailyMirror / 3 Oct DailyFT / 1 Oct Morning /28 Sept DailyMirror /27 Sept DailyMirror /27 Sept GlobeTamil /26 Oct CeylonToday /23 Sept Sri Lanka Mirror](#)



Image source: Lanka News Web

Electoral Reform/Free and Fair Elections



CPA Statement on the Election Commission's Request for a Special Reference by the President to the Supreme Court on the Law Relating to Parliamentary Elections

3 April The Election Commission expressed its concerns that it will be unable to hold parliamentary elections within the time-period stipulated by law due to the Covid-19 crisis. The Commission accordingly requested the President to seek the opinion of the Supreme Court to clarify the law in relation to the next steps in these circumstances.

CPA raised concerns regarding the absence of a functioning Parliament and highlighted the implications of this on public finance and oversight over the Government's response to the Covid-19 pandemic. The course of action most consistent with the Constitution is to summon the dissolved Parliament, which could continue until the end of August 2020. CPA noted that this is also the course of action that would be most in line with protecting public health and the citizens' right to franchise and recommended that this can be done without the need for a Special Reference by the President to the Supreme Court.

If in the event H.E. the President makes a special reference to the Supreme Court in terms of Article 129 of the Constitution, CPA called on the President to allow the Court adequate time to consider the complicated issues concerned. The prevailing restrictions on movement which should neither prevent a hearing for all stakeholders nor hinder the Court's deliberations. Considering the public importance of the issue, CPA further calls on the President to request the Supreme Court to make its opinion public, or undertake to make the opinion public himself.

Further, CPA called on the Hon. Chief Justice and the other Judges of the Supreme Court to use their discretion in terms of Article 129 to ensure that the proceedings of Court are open to all parties interested to make submissions to Court. In a context where the Supreme Court's sittings had been suspended until 27th April 2020, this would require the Court to actively inform citizens of any pending proceedings.

CPA Statement on the Election Commission's announcement setting the 20 June 2020 as the date on which parliamentary elections will be held

22 April The Election Commission announced that parliamentary elections will be held on 20 June 2020. This announcement came during a period in which the number of persons who have tested positive for Covid -19 continued to increase and the “curfew” and quarantine measures imposed by the Government continued to be operational in several parts of Sri Lanka.

The Constitution requires that Parliament be summoned three (03) months from the date on which it is dissolved. The new date set for elections by the Election Commission fell outside this time period and is clearly unconstitutional. The Constitution requires a functioning Parliament to be in place in the Republic in order to ensure the functions of Government can be carried out. The only exception to this is the period in which Parliament is dissolved for elections. However even in this exceptional situation, the Constitution makes ample provision to ensure that Parliament can be called upon to perform its functions as and when the need arises. These constitutional provisions are not an accident, they are the personification of the fundamental idea that Sri Lanka is a Constitutional Republic.

CPA expressed concern that in light of the continued global pandemic and the ground situation within Sri Lanka, there was not a conducive environment for the conduct of a free and fair election. Elections are a process and the right to franchise is not protected unless citizens can freely participate in the entire electoral process. As the Government's own guidelines demonstrated, there was a need to maintain social distancing and follow precautionary measures even when the “curfew” is no longer in operation. As such there was a need for several changes to the election law, at least on a temporary basis, to deal with this reality and to ensure the citizens right to franchise is protected. These changes could only be made by Parliament and cannot be imposed by executive action.

CPA had already raised concerns regarding the absence of a functioning Parliament and highlighted the implications of this on public finance and oversight over the Government's response to the Covid-19 pandemic. Furthermore, Parliament would have to make changes to existing laws or enact new laws in order to ensure continued economic activities in light of the challenging situation created by the Covid-19 pandemic. In these circumstances, the course of action most consistent with the Constitution would be to summon the dissolved Parliament, which could continue until the end of August 2020. This course of action would be most in line with protecting public health and the citizens' right to franchise. CPA therefore requested the President to summon the Parliament that had been dissolved in order to address these concerns and ensure that the functions of government could continue in a lawful manner and that citizens could participate in the electoral process without endangering public health.

Monitoring of Parliamentary Elections 2020

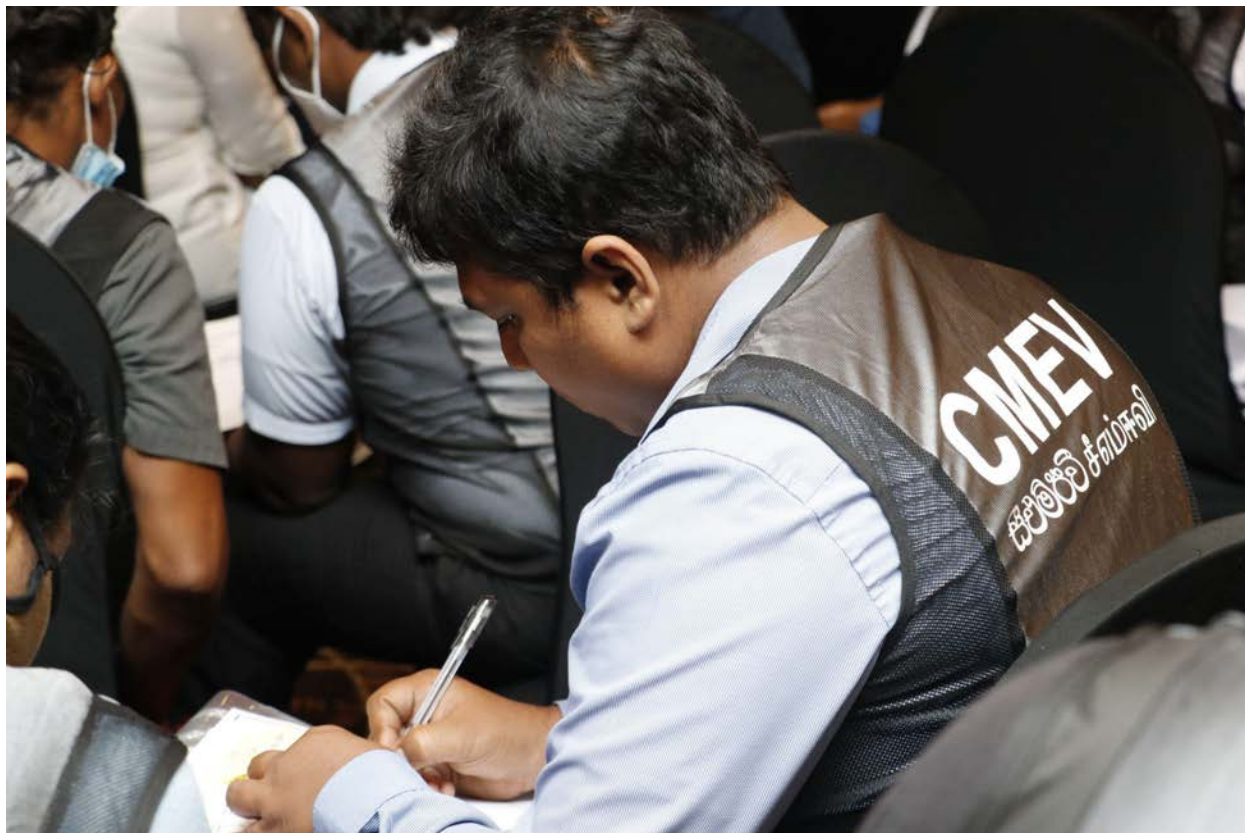


Image source: CMEV

June 2020 Sri Lanka was the first South Asian Nation to hold national elections in a situation of a global pandemic. Lockdown, quarantine, flattening the curve and shutdown are not the terms familiar to many. Sri Lanka was one of a few countries worldwide compelled to hold elections during a global pandemic. CMEV as one of the main accredited election observation missions in the country had the rare privilege and challenge to engage in the election observation process of monitoring Parliamentary Elections 2020 in this challenging time and conducted islandwide campaign cost estimated monitoring of the same election. CMEV faced new experiences and challenges in the wake of the COVID-19 pandemic situation. CMEV undertook the initiative of Monitoring of campaign costs. CPA also continued to contribute towards and enhance the decision making process to appoint a parliamentary selecting committee for Electoral reforms by providing periodical suggestions and findings received through various consultations.

CMEV set up an Information Support Centre hotline, accessible for information on the 2020 Parliamentary Election.

The pre-election campaign period for the Parliamentary General Election 2020 was active from midnight of March 02, 2020 and CMEV recorded an increasing number of campaign related complaints despite preferential numbers for candidates not even being issued. Those complaints were not entirely related to conventional election violence and violation related

incidents as with elections in the past. Many of the complaints received were connected to the politicisation of relief measures provided by the government in the wake of the pandemic.

CMEV had to run an election observation mission in a context that did not allow for access to its head office, with significant travel restrictions also being imposed on staff mobility. The challenge was planning an election monitoring process which had been continuously postponed due to its uncertain legal foundation. Despite this, CMEV staff continued to carry out their duties as usual while being based at their respective locations during this restricted context.

Key CMEV interventions

1. Publishing ***‘Considerations for Holding an Election During the COVID-19 Pandemic’***, a Briefing Paper offering election stakeholders and voters an outline of how the COVID-19 pandemic has affected elections worldwide; special health and safety measures taken for elections already held worldwide; and important factors to note in the Sri Lankan electoral context.
2. Issuing a statement calling for postponing the Parliamentary General Election 2020 at the onset of the pandemic situation on March 17
3. Coordinating with all other domestic election observation organisations to issue joint statement urging all relevant authorities to resolve their issues regarding a new election date with the mutual aim of avoiding a constitutional crisis amidst the backdrop of COVID19
4. Contributing to a national health guideline for the election upon the invitation of the Election Commission, in collaboration with ANFREL, a regional election observer network, and PAFFREL, a national election observer institution
5. Supporting the Election Commission to prepare a guideline on *‘Safety measures in elections, Election Dispute Resolution Systems and New Approaches in the Midst of Pandemic Situations’*
6. Making complaints to the Election Commission and the Presidential Task Force on COVID19 on pandemic relief programme related election law violations, including the misuse of voter lists and abuse of powers by a number of public authorities and officials regarding the LKR 5,000 relief measure
7. Conducting a series of webinars to share experiences and learnings with election stakeholders in Myanmar targeting the general election of Myanmar to be held in November 2020, in conjunction with International IDEA
8. Developing a Code of Conduct with all other domestic election observation organisations for election observation operations during the pandemic situation

CMEV routine interventions:

9. Publicising nominations information for the Parliamentary General Election 2020, including electorate and national list level nominations from political parties and independent groups and statistics

10. Following through with complaints to the Election Commission and other authorities on regular election law violations, including public officials engaging in election campaigning
11. Regular updates on CMEV social media channels about election-related news and developments

MEDIA LINKS:

[Feb 2 EconomyNext/March2SObserver/March 2 DailyNews/ March 17 Morning/June 21 GV/](#)

CMEV Publications 2020

Parliamentary Election 2020 – Media coverage on CMEV Election Observation Process
 Final Report on Estimated Election Cost Monitoring: Parliamentary Election 2020
 CMEV Election Observation Report – Parliamentary Election 2020
 CMEV Election Observation Report – Presidential Election 2019
 Final Report on Estimated Election Cost Monitoring: Presidential Election 2019
 Judgments on Election Violations
 CMEV Guide on Polling Agents for Political Parties
 CMEV Guide for Postal Voters



Sri Lanka's Parliamentary Elections: A Test of Democratic Institutions

Follow the [link](#) for a discussion with experts (Bhavani Fonseka, K. Guruparan, Manjula Gajanayake and Alan Keenan) that unpacks the conduct and results of the recent elections, as well as examines the nature and shape of the new parliament and how it bodes for the future of democracy, rule of law, and intercommunal harmony in Sri Lanka.

MEDIA LINKS:

[2/22/3/17/17/3/18/3/18/3/19/3/20/3/24/3/24/3 7/4 / 8/4/8/4 / 8/4/10/4 13/4/ 13/4 / 13/4 / 13/4/ 19/4 / 20/4/ 20/4 / 22/4/ 23/4/ 28/4/ 12/5/ 15/5/19/5/ 22/5/ 22/5/ 12/8/ 18/8/ 20/8/](#)



CPA in the Media 2020

Dissolving Parliament, postponing poll null and void

He made this assertion during an inquiry into seven fundamental rights petitions challenging the president's decision to dissolve parliament and postponement of the election by the Elections Commission (EC).

Our parliamentary system never ceases its functions. However, from time to time, members are elected by voters in a democratic process. The President dissolved Parliament on March 2. Thereafter, the EC called for nominations on public holidays which is illogical because nominations cannot be called on public holidays. The election was fixed for April 25 but later rescheduled for June 10. The caretaker government cannot run without Parliament for more than three months which

undermines the sovereignty of people and the law. Hence, the whole process of dissolving Parliament and postponing the election is a violation of fundamental rights guaranteed under Articles 12(1) and 14(1) (A) of the Constitution," he said.

Further submissions postponed for today.

The seven petitions were filed by Attorney Charitha Gunaratne, Dr. Paikiasothy Saravanamuttu of the Centre for Policy Alternatives, veteran journalist Victor Ivan along with seven others, Ranjith Madduma Bandara and former MPs Kumar Welgama and Champika Ranawaka, challenging various aspects of the constitutional mammoth.

elections date

Dissolving Parliament postponing poll null and void



T. FAROOK THAJUDEEN

Before a five-judge bench of the Supreme Court (SC), President's Counsel M.A. Sumanthiran said the process followed in dissolving Parliament and postponing the general election had become null and void. He said it was a violation of the fundamental rights of the petitioners.

Election monitor upbeat about holding election after mock poll

BY RATHINDRA KURUWITA

Sunday's mock election at Ambalanga had shown that it is possible to conduct an election within the stipulated time in keeping with health guidelines, the coordinating committee of the Centre for Monitoring Election Violence (CMEV) Manjula Menyanke told *The Island* yesterday.

The mock election went well as observed it. The main thing that the election commission, as well as the voters,

wanted to see was whether we could hold the election within nine hours in keeping with health guidelines. I think this showed that we could."

Gajanyake said that around 240 people had voted at Ambalanga within two hours. It showed that around 1,000 people could vote in a polling booth on a polling day. Attention should be given to selecting spacious buildings as polling centres.

Thrush.

News

18/05/2020 DN. pag 1
CE 1918
RED AS A NEWSPAPER IN SRI LANKA | LATE CITY ★

FRs against dissolution, GE to be heard today

LAKMAL SOORIYACODA

Seven Fundamental Rights petitions filed challenging the dissolution of Parliament and holding the General Election on June 20 will be taken up today before a five-judge-bench comprising Chief Justice Jayantha Weerasinghe, Justices Buvaneka Jayawardene, Justice Suresa de Silva, Justice Priyanka Jayawardena and Justice Vijith Mahipala.

Chief Justice Jayantha Weerasinghe earlier nominated five full bench comprising five

Supreme Court judges to hear the petitions. Attorney Clarissa Gunaratne, son of former Central Province Governor Mahipala

**SC FIXES FOR SUPPORT ON
MAY 18 AND 19**

Viran Corea appeared for the Centre for Policy Alternatives and the Executive Director Pankajsinh Saravananam. Sureen Fernandez appeared for Samaj Samiksha, Jeffrey Alagarsamy for the Tamil Nadu Human Rights Centre and Iqam Moheem for the Human Rights Petitions Panel. Champu Ramakrishna and Kumara Vijayaraj appeared for one petition each. Additional Solicitor General Indira Dey for the Government of India (GOI) appeared for the AG (Ramesh) de Silva (PC) appeared for respondent PB Jayasundara (Secretary to the President), Ashoka Theerthappa appeared for S. Rajanayagam. Election Commissioner Chhannan Mahalingappa Deshpandya and its members N. Abheeksha and S. Rajanayagam. Human Rights along with Health Services Director General Dr. Anil Jayashree have also been cited as respondents. The court is seeking a declaration from GOI to invalidate the extraordinary guests notification declaring the June

'Lowest level of election violence since year 2000' – Paikiasothy

TEXT AND PICTURE

Dr. **Parkashothy Saravanamuttu**, Executive Director of the Centre for Policy Alternatives (CPA), and co-convenor of the Centre for Monitoring Election Violence (CMEV) said yesterday there has been a reduction in election related violence in the run up to the 2019 presidential poll.

Dr. Saravananamuttu said that the abuse of state resources had been the monopoly of the governing party at past elections but at this election both sides had access to state resources and been implicated in the offence.

Of the thousands of complaints received, the CMEV has confirmed at 743 incidents of violence and violation of election laws had taken place up to the 12th of November. There have been 45 incidents of assault and threatening, 38 inci-

ts of provision of government
bs, 191 incidents related to unau-
thorised posters and cut-outs, 129
idents of misuse of public prop-
ty, 78 incidents of destruction

SG TO TAKE UP SEVEN PETITIONS TODAY

[illegible]

goes on to note, thereafter, on April 20, the Commission issued Gazette Extraordinary no. 2172/75 fixing the election for June 20. The Gazette by which the 14th Parliament was dissolved fixed the date for the first meeting of the 15th Parliament for 1 June 2002. The Commission of the Republic of Moldova has stated that while the said Gazette remains in place, a new date for the election of the ninth Parliament cannot be fixed beyond June 20. The Petitioners argued that regardless of how it is dissolved, Article 70(5) of the Constitution provides a mandatory time limit within which a new Parliament should meet (i.e. three months from the date of dissolution).

The Petitioners state that if the March 2 dissolution is permitted to stand, the Commission would require the new Parliament to meet for the first time by June 2. Thus, a decision to hold the election on June 20 is unconstitutional and a violation of their fundamental

The lack of a functioning Parliament for more than three months undermines the sovereignty of the people and undermines the rule of law. In light of all these circumstances, the Petitioners have requested the Supreme Court to declare that their fundamental rights under Articles 12(1) and 14(1)(a) of the Constitution have been violated.

The Attorney General (AG) has refused to appear for the EC and its members in the FR cases before the SC, forcing the EC to retain private lawyers to represent the Commission and its individual members.

AUTHORITARIANISM IS NO REMEDY TO COUNTRY'S WOUNDED DEMOCRACY



Trust in Military, Parliament and Political Parties by Sikh Community



In 2018, 52.1% of the Sinhalese community preferred 'rule of a strong leader'

Current COVID-19 pandemic would

'Lowest level of election violence since year 2000' – Paikiasothy

TEXT AND PICTURE

Dr. **Parkashothy Saravanamuttu**, Executive Director of the Centre for Policy Alternatives (CPA), and co-convenor of the Centre for Monitoring Election Violence (CMEV) said yesterday there has been a reduction in election related violence in the run up to the 2019 presidential poll.

Dr. Saravananamuttu said that the abuse of state resources had been the monopoly of the governing party at past elections but at this election both sides had access to state resources and been implicated in the offence.

Of the thousands of complaints received, the CMEV has confirmed at 743 incidents of violence and violation of election laws had taken place up to the 12th of November. There have been 45 incidents of assault and threatening, 38 inci-

ts of provision of government
bs, 191 incidents related to unau-
thorised posters and cut-outs, 129
idents of misuse of public prop-
ty, 78 incidents of destruction

Attorneys at Law

[illegible]

ones on to note, therefore, that the Commission issued its decision on 21/2/75 following the June 20 election. The fact that the EEC Parliament is dissolved the day after the election of the first new MEPs for the North Parliament for 2012. The Petitioners: June 2012. The said Gaudet remains a new date for the election of the EEC Parliament cannot be fixed by June 2. The Petitioners argued regardless of how it is resolved, the 705 of the Constitution would have many time limit within a month of the date of dissolution should meet, i.e. 1 months from the date of dissolution. The Petitioners state that if the March 2 dissolution is permitted to stand this would have allowed the new MEPs to be elected by June 2. Thus, a decision to hold an election on June 20 is unconstitutional and a violation of their fundamental rights.

For the risk of a functioning Parliament for more than three months undermines the sovereignty of the people and undermines the rule of law. In light of all these circumstances, the Petitioners have requested the Supreme Court to declare that their fundamental rights under Articles 12(1) and 14(1)(a) of the Constitution have been violated.

The Attorney General (AG) has refused to appear for the EC and its members in the FR cases before the SC, forcing the EC to retain private lawyers.

Appointment of Presidential Task Force (hover cursor for links)

- CPA – Presidential Task Forces “demonstrates troubling trends of authoritarian rule and militarization.” | EconomyNext
- Lankan think tank says ruling through militarised Task Forces will undermine democracy - NewsIn.Asia
- CPA – Presidential Task Forces “demonstrates troubling trends of authoritarian rule and militarization.” | South Asia Monitor
- CPA expresses concern over two Presidential task forces | Daily FT
- Civil society groups in Lanka raise concern over new presidential task forces
- Sri Lanka: Newly constituted Presidential Task Force threatens rule of law | International Commission of Jurists
- Civil society issues statement on Presidential Task Forces | Daily FT
- Appointment of two Presidential Task Forces: CPA up in arms - Ceylon Today
- CPA 'deeply concerned' with appointment of two Presidential Task Forces | Tamil Guardian
- Buddhism - The Foundation for Peace and Prosperity - Ceylon Today
- LankaWeb – A virtuous, disciplined lawful society – the need of the hour
- Civil society groups in Lanka raise concern over new presidential task forces | International
- The Appointment of Two Presidential Task Forces
- Sri Lanka- CPA concerned with appointment of latest Presiden... | MENAFN.COM

20th Amendment

[24SepCT/24SeptSIY/24SepTM/25SepWDW/25SepCT/25SepCT/26SeptDFT/27SepDailyExpress/27SeptDailyNews/28SeptCTelegraph/28SeptNews1st/29SeptDailyNews/30SeptCT/30SeptDFT/30SeptDBSJeyaraj/1OctSeithy/3OctDBSJeyaraj/4OctMorning/Newsline/CMEVInterview/04OctMorning/04OctADADerana/05OctITN/05OctNews1st/10OctEconomyNext/11OctDailyExpress/20OctTheIsland/24OctDN/6NovovDN/27NovDBSJblog/6NovTheIsland/](#)

Book Reviews: [8MarCT](#)

FR Case on Dissolution of Parliament

[5MayDBSJMay5/ColomboTimes/5MayMorning/6MayAdaDerena/6MayDFT/6MayDM/6MayEN/6MayHN/6MayN1st/6MayOL/6MayDM/6MayEN/6MayHN/8MayDM/8MayDN/8MayN1st/8MaySiyatha/8MaySLM/8MayDBSJ/10MayDN/11MayEN/11MayADA/11MayCT/11MayCT/11MayCTP/12MayDBSJ/11MayITN/11MayNW/11MaySO/11MayTM/11MayCE/12MayDM/13MayTM/14MayDM/14MayNH/15MayCT/17MayDBSJ/17MayTM/18MayADA/18MayADA/18MayCT/18MayCT/18MayDM/18MayDN/18MayDN2/18MayNF/18MayDN/18MayDN/18MayNF/18MayMFN/18MayNW/18MayRU/18MayNF/18MayITN/18MayNF/19MayADA/19MayADA/19MayCT/19MayDM/19MayEN/19MayOML/19MaySLM/19MayTM/19MayAT/19MayNAK/19MayADA/19MayOML/19MaySLM/19MayayTM/20MayNF/20MayNF/20MayNF/20MayOML/20MayTM/20MayTM/20MayTM/21MayCN/21MayNF/21MayCE/21MayCTP/21MayDN/21MayDN/21MayDN/21MayOML/21MayPPA/21MayNF/22MayMFN/22MayTM/22MayyCE/22MayNF/26MayDN/26MayMFN/26MayOML/27MayONL/27MayNF/27MayADA/28MayCT/29MayADA/28MayNF/29MayADA/29MayDWC/29MayTM/29MayNF/29MayOML/2JunCT/2JunADA/2JunADA/2JunADA/2JunNF/2JunBNW/2JunCP/2JunDM/2JunDMO/2JunDN/2JunDBSJ/2JunMDV/2JunNF/2JunOML/2JunONL/2JunONL/2JununTM/3JunUCN/6JunCT/7JunTM/](#)

DONOR LIST 2020

British High Commission (BHC)
Canadian Department of Foreign Affairs and Trade(DFATD)
Democracy Reporting International (DRI)
Deutsche Gesellschaft fur Internationale Zusammenarbeit(GIZ)
Dutch Ministry for Foreign Trade and Development Cooperation
Dr Amarnath Amarasingam
European Union(EU)
Forum of Federations
Friedrich Naumann Stiftung Fur Die Freiheit (FNST/FNF)
International Foundation For Electoral Systems (IFES)
International Coalition of Sites of Conscience (ICSC)
International Institute for Democracy & Electoral Assistance(IDEA)
International Republican Institute(IRI)
Management Systems international(MSI)
National Endowment For Democracy (NED)
Open Society Foundations (OSF)
Royal Embassy of Netherlands
Swiss Federal Department of Foreign Affairs
USAID/Development Alternatives,Inc (DAI)
United Nations Development Programme (UNDP)
University of Amsterdam

FINANCIALS

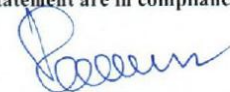
MGI KAL Rupasinghe & Co.
Colombo

Page 01

Centre for Policy Alternatives (Guarantee) Ltd
STATEMENT OF FINANCIAL POSITION
As at 31st December 2020

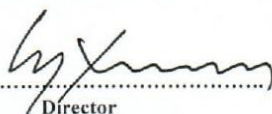
	Notes	2020 Rs.	2019 Rs.
ASSETS			
Non Current Assets			
Property Plant and Equipment	6	6,699,846	3,675,142
		<u>6,699,846</u>	<u>3,675,142</u>
Current Assets			
Receivables	7	8,795,935	14,534,715
Short Term Investments	8	44,366,807	18,440,038
Cash and Bank Balances	17	2,682,850	15,727,359
		<u>55,845,593</u>	<u>48,702,112</u>
Total Assets		<u>62,545,439</u>	<u>52,377,254</u>
FUNDING AND LIABILITIES			
Accumulated Funds			
Unrestricted Funds	10	(14,602,488)	930,870
Restricted Funds	11	31,111,785	25,682,309
Capital Reserve		6,865,253	2,918,135
		<u>23,374,549</u>	<u>29,531,314</u>
Non Current Liabilities			
Retirement Benefit Liability	12	14,320,675	17,608,658
Non-Current Portion of Canada Fund Payable		16,588,381	-
		<u>30,909,056</u>	<u>17,608,658</u>
Current Liabilities			
Payables	9	4,902,363	3,113,677
Bank Overdrafts	17	3,359,471	2,123,604
		<u>8,261,834</u>	<u>5,237,281</u>
Total Equity & Liabilities		<u>62,545,439</u>	<u>52,377,254</u>

These Financial Statement are in compliance with the requirements of the Companies Act No. 07 of 2007.



Finance Manager

The Board of Directors are responsible for these Financial Statements. Signed for and on behalf of the Board by:



Director



Director

The accounting policies and notes on pages 05 through 19 form an integral part of the Financial Statements.

Colombo
01st November 2021

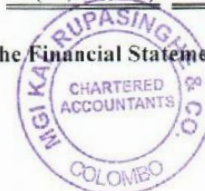


Centre for Policy Alternatives (Guarantee) Ltd
STATEMENT OF COMPREHENSIVE INCOME
For the year ended 31st December 2020

	Notes	2020 Rs.	2019 Rs.
Income Resources	3	<u>137,133,136</u>	<u>150,193,772</u>
Project Expenditure	4		
Staff Costs		(48,737,175)	(46,076,020)
Other Direct Costs		(45,648,501)	(53,743,758)
Other Indirect Expenditure		(41,747,459)	(50,373,994)
Total Project Cost		<u>(136,133,136)</u>	<u>(150,193,772)</u>
Net Surplus on Projects		1,000,000	-
Revenue Earned from Other Activities	13	8,407,516	3,490,957
Administrative Expenses	14	<u>(24,925,758)</u>	<u>(6,994,860)</u>
		(15,518,242)	(3,503,903)
Finance Cost	15	<u>(15,116)</u>	<u>(36,739)</u>
Net Deficit Before Tax		(15,533,358)	(3,540,643)
Income Tax Expenses	16	-	-
Net Deficit for the Year		<u>(15,533,358)</u>	<u>(3,540,643)</u>
Other Comprehensive Income / (Deficit) for the Year		-	-
Total Comprehensive Deficit for the Year		<u>(15,533,358)</u>	<u>(3,540,643)</u>

The accounting policies and notes on pages 05 through 19 form an integral part of the Financial Statements.

Colombo
01st November 2021

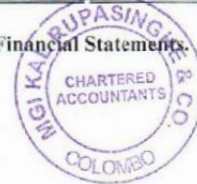


Centre for Policy Alternatives (Guarantee) Ltd
STATEMENT OF CHANGES IN RESERVES
For the year ended 31st December 2020

	Restricted Funds Rs.	Unrestricted Funds Rs.	Capital Reserve Rs.	Total Rs.
Balance As At 31 December 2018	37,220,746	(3,911,456)	10,727,139	44,036,429
Prior Period Adjustment	-	8,382,969	(8,382,969)	-
Additional Funds Received During the Year	138,699,972	-	-	138,699,972
Funds Transferred to Statement of Comprehensive Income	(150,193,772)	-	-	(150,193,772)
Transfer to / from Unrestricted Funds through Income Statement	(44,637)	-	-	(44,637)
Project Assets Capitalized through Capital Reserve	-	-	1,753,882	1,753,882
Amortization of Capital Reserve	-	-	(1,179,917)	(1,179,917)
Net Deficit for the Year	-	(3,540,643)	-	(3,540,643)
Balance As At 31 December 2019	25,682,309	930,870	2,918,135	29,531,314
Additional Funds Received During the Year	141,835,303	-	-	141,835,303
Funds Transferred to Statement of Comprehensive Income	(136,133,136)	-	-	(136,133,136)
Project Assets Capitalized through Capital Reserve	-	-	5,383,976	5,383,976
Funds Returned to Donor	(272,692)	-	-	(272,692)
Amortization of Capital Reserve	-	-	(1,436,858)	(1,436,858)
Net Deficit for the Year	-	(15,533,358)	-	(15,533,358)
Balance As At 31 December 2020	31,111,785	(14,602,488)	6,865,253	23,374,549

The accounting policies and notes on pages 05 through 19 form an integral part of the Financial Statements.

Colombo
01st November 2021



Centre for Policy Alternatives (Guarantee) Ltd

STATEMENT OF CASH FLOWS

For the year ended 31st December 2020

	Notes	2020 Rs.	2019 Rs.
Cash Flow From / (Used in) Operating Activities			
Net Deficit Before Tax		(15,533,358)	(3,540,643)
Adjustments for			
Depreciation	6	2,382,516	1,789,549
Provision for Defined Benefit Plans	12	1,384,042	3,952,833
Finance Cost	15	15,116	36,739
Interest Earned	13	(2,583,268)	(1,311,166)
Provision for Canada Fund Repayment		19,288,381	-
Disposal gain		-	(34,250)
Transfer to/(from) Restricted Funds through Income Statement		-	(44,637)
Amortization of Project Assets Capitalized Through Capital Reserve		(1,436,858)	(1,179,917)
Write off		-	152,056
Write Back from Projects		-	(679,758)
		3,516,570	(859,194)
(Increase) / Decrease in Receivables		5,738,780	439,015
Increase / (Decrease) in Payables		438,685	(1,998,855)
Cash Generated From / (Used In) Operations		9,694,035	(2,419,034)
Finance Costs Paid		(15,116)	(36,739)
Canada fund repaid		(1,350,000)	-
Defined Benefit Plan Costs Paid	12	(4,672,025)	(324,500)
Net Cash Flow Generated From / (Used In) Operating Activities		3,656,894	(2,780,273)
Cash Flow From / (Used in) Investing Activities			
Acquisition of Property, Plant & Equipment	6	(85,764)	(201,289)
Sale Proceeds from Property, Plant & Equipment		62,520	34,250
(Investment)/Withdrawal in Government Securities and Fixed Deposits		(25,926,769)	15,582,799
Interest Earned		2,583,268	964,358
Net Cash Flow (Used In) / Generated From Investing Activities		(23,366,745)	16,380,117
Cash Flow From / (Used in) Financing Activities			
Excess Fund inflow for Project Activities	11	5,429,476	(10,430,015)
Net Cash Flow Generated From / (Used In) Financing Activities		5,429,476	(10,430,015)
Net (Decrease) / Increase in Cash and Cash Equivalents		(14,280,375)	3,169,830
Cash & Cash Equivalents at the Beginning of the period	17	13,603,755	10,433,925
Cash & Cash Equivalents at the End of the Period	17	(676,621)	13,603,755

The accounting policies and notes on pages 05 through 19 form an integral part of the Financial Statements.

Colombo
01st November 2021



CENTRE FOR POLICY ALTERNATIVES (GUARANTEE) LTD

SIGNIFICANT ACCOUNTING POLICIES AND NOTES TO THE FINANCIAL STATEMENTS

1 Corporate Information

1.1 General

The Centre for Policy Alternative (Guarantee) Ltd was incorporated on 17th June 1996 under the Companies Act No.17 of 1982 as a company limited by guarantee. It was registered on 6th January 2009 under the companies Act No.7 of 2007 as a company limited by guarantee.

The Centre for Policy Alternative (Guarantee) Ltd is domiciled in the Democratic Republic of Sri Lanka with its Head Office located in Colombo. Its programmes are carried out throughout the country.

The Centre for Policy Alternative (Guarantee) Ltd was formed on the firm belief that there is an urgent need to strengthen instruction & capacity building for good governance & conflict transformation in Sri Lanka & non partial civil society groups have an important & constructive construction to contribute to this process.

Programmers are implemented through 4 thematic. Such units are Research and Advocacy and Public Interest Litigation Civic Media Social Indicator and Capacity Building and outreach Monitoring Election Violence (CMEV), formed together with the Free Media Movement (FMM) & the Coalition against Political Violence as an independent and nonpartisan organization to monitoring the incidence of election related violence. Currently CMEV is made up of CPA, FMM and INFROM Human Rights Documentation Centre.

1.2 Principal Activities of the Organization

(a) Research and Advocacy and Public Interest Litigation

In fulfillment of the Centre's mandate to promote conflict transformation & governance, the Legal & Constitutional Unit undertakes research & advocacy on issue of constitutional reform & conflict transaction, law reform, and electoral & human rights.

(b) Civic Media

The Media Unit in CPA was constituted to further the Centre's objectives of formulating policy options to inform & shape the practice & culture of governance in Sri Lanka. The Media Unit hopes to engender a socially responsible media by examining the content & form of media coverage, and by publishing "Media Monitor", a journal highlighted problems with media reporting in Sri Lanka.

(c) Social Indicator

Social indicator is the polling unit of the Centre. Social Indicator was established in 1999 with the assistance of the Canadian International Development Agency funded for Governance & Institutional strengthening project in Sri Lanka which was implemented by the Human Rights Research and Educational Centre of the University of Ottawa.

(d) Capacity Building and Outreach Monitoring

The Outreach team leads CPA's engagements with Civil Society and Non-Governmental Organizations at the grass root level.

1.3 Date of Authorization for Issue

The Financial Statements of Centre for Policy Alternative (Guarantee) Ltd for the year ended 31 December 2020 was authorized by the Board of Directors on 01st November 2021.



INDEPENDENT AUDITORS' REPORT

TO THE MEMBERS OF CENTER FOR POLICY ALTERNATIVES (GUARANTEE) LTD

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of Center for Policy Alternative (Guarantee) Ltd, ("The Organization") which comprise the Statement of Financial Position as at 31 December 2020, and the Statement of Comprehensive Income, the Statement of Changes in Reserve and Statement of Cash Flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, so far as appears from our examination, Center for Policy Alternative (Guarantee) Ltd maintained proper accounting records for the year ended 31 December 2020 and the financial statements give a true and fair view of the Center for Policy Alternative (Guarantee) Ltd state of affairs as at 31 December 2020, and its surplus of Income over Expenditure and cash flows for the year then ended in accordance with Sri Lanka Accounting Standards and Sri Lanka Statement of Recommended Practice for Not-For-Profit Organizations (Including Non-Governmental Organization) (SL SoRP-NPO's [including NGO's]) issued by the Institute of Chartered Accountants of Sri Lanka.

Basis for Opinion

We conducted our audit in accordance with Sri Lanka Auditing Standards (SLAuSs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Organization in accordance with the ethical requirements of the Code of Ethics issued by CA Sri Lanka that are relevant to our audit of the financial statements, and we have fulfilled our other ethical responsibilities in accordance with the Code of Ethics. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other Information

The audit of the organization in previous years have been carried out by another auditor until the financial year 2018/19 who has given an unqualified opinion. We have obtain the opening balances of the current financial year based on the said financials.

Responsibilities of Board and those Charged with Governance for the Financial Statements

Board of Directors ("The Board") is responsible for the preparation and fair presentation of these financial statements in accordance with Sri Lanka Accounting Standards and Sri Lanka Statement of Recommended Practice for Not-For-Profit Organizations (Including Non-Governmental Organization) (SL SoRP-NPO's [including NGO's]) issued by the Institute of Chartered Accountants of Sri Lanka, and for such internal control as Board determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.



INDEPENDENT AUDITORS' REPORT (CONTD.....)

Responsibilities of Board and those Charged with Governance for the Financial Statements (Contd...)

In preparing the financial statements, Board is responsible for assessing the Organization's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless Board either intends to liquidate the Organization or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Organization's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with SLAuSs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the SLAuSs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Organization's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to that date of our auditor's report. However, future events or conditions may cause the organization to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.



INDEPENDENT AUDITORS' REPORT (CONTD.....)

Responsibilities of Board and those Charged with Governance for the Financial Statements (Contd...)

Auditor's Responsibilities for the Audit of the Financial Statements (Contd...)

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Report on Other Legal and Regulatory Requirements

As required by section 163 (2) of the Companies Act No. 07 of 2007, we have obtained all the information and explanations that were required for the audit and, as far as appears from our examination, proper accounting records have been kept by the Company.

Mgi Kal Rupasinghe

MGI KAL Rupasinghe & Co.
Chartered Accountants
Colombo
01st November 2021



END OF REPORT