



The Online Safety Bill: A Trojan Horse

On the 18th of September 2023, the Government of Sri Lanka published a Bill titled “Online Safety” and this was subsequently tabled in Parliament on the 3rd of October. The Bill aims to establish an Online Safety Commission with a range of powers, including the ability to direct persons and internet service providers to remove vaguely defined “prohibited statements” from online platforms. With the Wickremesinghe-led Government ostensibly resolved to make the Bill law, one must query the implications of the Sri Lankan online space being policed with implications for free speech and dissent. Notably, the Online Safety Bill seeks to imprison and/or fine those who could threaten to disrupt national security or public order or even cause “ill-will” or “hostility” between different classes of persons. Further, clauses exist to prohibit online communications that may “outrage religious feelings” or statements that would cause “alarm” or “fear” to the public which may have wider implications for fundamental rights and democracy. On the flip side, proponents of the Bill have lauded it as one which seeks to combat child pornography. However, these offences, already provided in existing laws, are a minor part of the Bill and fall short of the abuse that women and children face online.

Civil society and others have critiqued the Bill, with 45 petitions filed in the Supreme Court of Sri Lanka arguing that the Bill violated the fundamental rights of citizens contained within the Constitution of Sri Lanka, and could only be passed by a referendum. By the 7th of November 2023, the Court determined that the Online Safety Bill could only be passed by the Parliament of Sri Lanka if 31 amendments were made to the Bill, significantly changing the scope of what was publicly presented.

Moreover, although at one time the Minister of Public Security promised to withdraw the Bill and re-produce an amended [version](#), the Bill is scheduled to be heard in Parliament on the 23rd of January 2024. This when many concerns continue to persist with no genuine interest by the Government to engage with the public and others on ensuring the law protects the rights of citizens and has the required safeguards to prevent abuse.

The timing of the Online Safety Bill is noteworthy. Over the last few months of 2023, the Government of Sri Lanka, in addition to the Online Safety Bill, has proposed the implementation of a controversial Anti-Terrorism Bill to replace the Prevention of Terrorism Act and a Broadcasting Regulatory Authority Bill to regulate the content of broadcasters. Thus, the Online Safety Bill simply fits into a wider web of laws to restrict freedom of thought and expression with a chilling impact on our democracy.

The above concerns are in a context when there is a lack of awareness prevalent in the general public. A [poll](#) conducted by the Centre for Policy Alternatives in November 2023 revealed that only 28.4% of the Sri Lankan public were aware of the proposed Online Safety Bill and 71.1% of this number disapproved of the Bill citing that those in power will misuse the Bill for their own benefit. This Bill follows a pattern of a lack of stakeholder consultation before publication and must be viewed in the context of Sri Lanka's usage of legislation to target critics, minorities and others, such as the International Covenant on Civil and Political Rights. With 71.6% of the Sri Lankan population unaware of the Bill, there is a clear sign of a majority of the public being oblivious to initiatives that will erode their fundamental right to free speech.

If the Bill is enacted by Parliament, the public is left with a patchwork statute, masquerading under the guise of providing safe spaces online but in actual fact empowering an 'Online Safety Commission' to censor critical public opinion and stifle the dissent of opposing political voices. The fraught hope that such a future does not come to pass now depends upon Members of Parliament.