



## **Human Rights Commission of Sri Lanka**

### **Local Authority Election -2018**

#### **Guidelines to Police Officers**

The Human Rights Commission of Sri Lanka, recognizing the right of every citizen to vote, to freely engage in political activities and the right to free and fair elections under the Constitution of Sri Lanka (1978) and international human rights norms, adopted the following guidelines to be observed by all Police Officers during the run-up to the election, on the day of the election and the period immediately after the election:

- (a) Complaints regarding pre-election, Election Day and post-election violence shall be accepted and investigated in terms of Article 12 of the Constitution, which declares that “all persons are equal before the law and are entitled to the equal protection of the law”. The police will be held liable for violation of fundamental rights in regard to inaction or omission relating to entertaining such complaints.
- (b) Investigation regarding complaints shall be conducted in a strictly impartial manner. Inaction due to political influences or any other unacceptable reason will amount to a breach of Article 12 of the Constitution.
- (c) The law which relates to election propaganda shall be applied equally. All political parties and groups shall be treated equally according to Article 12(2) of the Constitution, which declares “No citizen shall be discriminated against on the grounds of race, religion, language, cast sex, political opinion, and place of birth or

any one of such grounds". Any unequal treatment or discrimination, especially on political opinion, will be an express violation of Article 12 of the Constitution.

- (d) Issuing permits to use loudspeakers and for election meetings shall be in accordance with the law, including in terms of section 68(2) of both the Presidential Elections Act, No. 15 of 1981 and the Parliamentary Elections Act, No. 01 of 1981. The non-fulfilment of this obligation will result in violation of Article 12 of the Constitution.
- (e) Processions during the election period shall be permitted subject to section 81 A (2A) of Local Authorities Elections Ordinance (Chapter 262). Issuing permits for processions shall be done in conformity with articles 12 and 14 of the Constitution, in particular article 14(1) guarantees of freedom of speech, assembly, association, occupation and movement.
- (f) Display of leaflets, posters, and photographs of the candidates, symbols, flags and banners shall be permitted according to election laws. If any party or a group is given privileged treatment, it will be a violation of Article 12 of the Constitution.
- (g) Police shall strictly enforce the law with regard to persons who violate the right of others to vote. If this were not implemented, it would be a violation of Articles 12 and 14 (1) of the Constitution.
- (h) Police Officers shall provide adequate security to polling centres and other related places and make every effort to facilitate the conduct of a free and fair election in accordance with the law of the land.
- (i) The law shall be equally enforced against political parties or persons irrespective of their status or powers when they breach election laws. Thus, it shall be the duty of Police officers to enforce the law strictly against all persons who misuse or cause damage to public property, eg., government vehicles, buildings and premises.
- (j) Police have a responsibility to prevent election related violence including post-election violence. According to past experience, political power is used to commit

such acts of violence, which result in violation of fundamental rights. Police shall take all responsible steps according to procedures established by the law to prevent violation of fundamental rights.

- (k) Police shall not participate in the instigation of any type of violence against persons or property, including subjecting persons to torture, cruel, inhuman and degrading treatment or punishment, on their own initiative or at the behest of any other party.

The Commission will be monitoring compliance with these guidelines issued under powers vested with it under Act No. 21 of 1996, and would be compelled to inquire into complaints of violations resulting from either action or inaction.



Dr. Deepika Udagama

Chairperson

Human Rights Commission of Sri Lanka

16/01/2018

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