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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

2019.08.29

Mr. Chandana D. Wickramaratne
Acting Inspector General of Police
Police Headquarters
Colombo 01.

The Human Rights Commission of Sri Lanka's (HRCSL) analysis of the scope of Section 3 of the ICCPR Act, No.56 of 2007 and attendant guidelines

The HRCSL is pleased to present herewith the Commission's legal analysis of the scope of section 3 of the ICCPR Act, No.56 of 2007 (ICCPR Act) and its recommendations in regard to the provision's application.

The Commission is of the view that section 3 of the ICCPR Act is an important legal tool in combating hate speech. As we are aware, hate speech has unfortunately become a common phenomenon in the country targeting various groups.

However, the Commission observes that the enforcement of section 3 of the ICCPR Act has not been done in a consistent and an even-handed manner, and sees the need for greater clarity on the legal scope of the offence recognized by the said provision.

The enclosed document containing the legal analysis and recommendations of the HRCSL is a result of the Commission's research on the scope of section 3 in light of relevant international jurisprudence, as section 3 is an incorporation of Article 20 of the International Covenant on Civil and Political Rights.

The analysis and recommendations were finalized after consulting legal practitioners in the field of fundamental rights.

The Commission recommends that these guidelines are taken into consideration by the Police Department for the fair and effective enforcement of section 3 of the ICCPR Act. We would be pleased to provide clarifications, if necessary.


Chairperson
Human Rights Commission of Sri Lanka

Dr. N. D. Udagama
Chairperson
Human Rights Commission of Sri Lanka

Enclosure: The Human Rights Commission of Sri Lanka's legal analysis of the scope of section 3 of the ICCPR Act, No.56 of 2007 and attendant recommendations.