

මගේ අංකය  
எனது இல.  
My No.

ඔබේ අංකය  
உமது இல.  
Your No.



දිනය  
திகதி  
Date.

2019.08.29

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**இலங்கை மனித உரிமைகள் ஆணைக்குழு**  
**Human Rights Commission of Sri Lanka**

Hon. Dappula De Livera PC  
Attorney- General  
Attorney General's Department  
Hulftsdorp Street  
Colombo.

Hon. Attorney General,

**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 application and 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 would be appreciative if the guidelines are taken into consideration by the AG's Department and necessary prosecutorial guidelines are formulated for the fair and effective application 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.