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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Press Notice No: HRC/P/i/E/08/02/24

Press Notice

Observations on the Online Safety Act, No. 9 of 2024

The Human Rights Commission of Sri Lanka wrote to the Hon. Speaker of Parliament with reference to the Act titled ‘Online Safety’ certified on 1 February 2024 and published in the Official Gazette on 2 February 2024. It shared its observations on the Act in terms of its mandate under sections 10(c) and (d) of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

The Commission emphasised that the Supreme Court is specifically entrusted with the authority to assess any Bill in terms of its consistency with the Constitution, including the Fundamental Rights Chapter of the Constitution. Based on such an assessment, the Court is required to prescribe the manner in which such Bill may be enacted by Parliament. Full compliance with the Court’s Determination on a Bill is, therefore, crucial to guaranteeing the fundamental rights of the people of Sri Lanka.

The Commission observed that, in the Supreme Court’s Determination on the Online Safety Bill, the Court found that over thirty clauses in the Bill and certain omissions in the Bill were inconsistent with the Sri Lankan Constitution. The Court accordingly determined that the Bill could only be enacted by Parliament with a special majority. However, the Court added that, if all the amendments recommended by Court were introduced to the Bill during the Committee Stage of Parliament, the Bill could be enacted by Parliament with a simple majority. It was, therefore, incumbent on Parliament to introduce all necessary amendments recommended by the Supreme Court if it was to enact the said Bill with a simple majority.

Having carefully reviewed the Online Safety Act, the Commission observed that several sections and omissions in the Act appear to be non-compliant with the Supreme Court’s Determination on the Online Safety Bill.

The Commission accordingly expressed deep concern about the omissions in the Online Safety Act in terms of the Act’s full compliance with the Supreme Court’s Determination. It stated that any such omission, and consequently, any remaining inconsistency with the Constitution, would have required that the Online Safety Bill be enacted only with a special majority in Parliament. Therefore, the failure to ensure full compliance with the Court’s determination may give occasion to serious concerns over whether the Act, in its current form, received the requisite number of votes in Parliament

Media Spokesperson
Human Rights Commission of Sri Lanka

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