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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Press Notice No: HRC/P/i/E/05/12/25

Press Notice

Observations and Recommendations on the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2025

The Human Rights Commission of Sri Lanka wrote to His Excellency the President with reference to the provisions of the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2025, which were issued on 28 November 2025. The Commission expressed its deep sorrow with respect to the national disaster that has arisen in Sri Lanka as a result of Cyclone Ditwah. It recognised the enormity of the cost to human life and property and acknowledge the difficult path to recovery that the Government of Sri Lanka has undertaken. It anticipated that its observations and recommendations conveyed in its letter would further aid the national effort in ensuring the recovery process takes place in a manner that respects, protects, and promotes the fundamental rights of the people.

The Commission observed that the said Regulations appear to draw from a template set of regulations used on several previous occasions by previous governments. It was observed that several provisions of the said Regulations are incompatible with the fundamental rights chapter of the Constitution of Sri Lanka and relevant international human rights norms and standards. The Commission observed that the Regulations provide for the requisitioning of any building or premises ‘necessary for relief work in connection with any natural disaster’, and that the scope of this provision was broad enough to include residential premises. It observed that some offences relating to essential services could impede legitimate trade union activity. It also noted that offences under sections 365 and 365A of the Penal Code, which relate to voluntary sexual acts between consenting adults, had been included in the Regulations. It reiterated its recommendation to urgently repeal such provisions from the Penal Code to ensure compatibility with Sri Lanka’s international human rights obligations. It was further noted that the Regulations impose death sentences for certain offences and also removes salutary safeguards against torture by making confessions to police officers admissible as evidence.

The Commission expressed deep concern that certain public statements are reported to have been made by government officials that the Regulations would be deployed against those who criticise H.E. the President and the government. It observed that it is incumbent on the government to respect and tolerate criticism of public officials even during times of public emergency, and that such right to criticize public officials was part of the freedom of speech and expression guaranteed by article 14(1)(a) of the Constitution. The Commission also noted that offences that criminalize the dissemination of rumours that could cause ‘public alarm’ could result in unreasonable, unnecessary, and disproportionate restrictions on speech, the accuracy of which is contested. The Commission expressed concern that truth and falsehoods are not easy to establish, particularly in times of public emergencies, and the government should, except in the case of false information that incites violence, refrain from attempting to control, through criminal sanctions, the

flow of information purely on the basis of accuracy. The Commission further noted that the Regulations do not provide adequate checks and balances with respect to expansive police powers and reiterated the urgent need to ensure comprehensive institutional reform of law enforcement authorities.

Accordingly, the Commission issued the following key recommendations:

1. Amend Regulation 8(1) to either exclude residential premises, or to include a guarantee that alternative housing or accommodation be provided to affected persons;
2. Repeal of Regulation 10 in its entirety;
3. Amend Regulation 12 to permit the relevant Court the discretion in terms of sentencing and imposing any additional penalties;
4. Remove references to sections 365 and 365A of the Penal Code;
5. Amend Regulation 16(8) to ensure that the Human Rights Commission of Sri Lanka is notified of any arrest made under these Regulations within 24 hours of such arrest;
6. Delete any reference to the death sentence from Regulation 17(1);
7. Amend Regulation 18(a) to remove all references to the term ‘disaffection’;
8. Repeal Regulation 19 in its entirety;
9. Repeal Regulation 20 in its entirety;
10. Apply the ordinary law of criminal procedure with respect to the investigation of any offences under the Regulations;
11. Repeal Regulation 41 in its entirety; and
12. Comprehensively overhaul the template set of regulations that are used during public emergencies in consultation with relevant experts with a view to ensuring compatibility with fundamental rights and international human rights norms and standards.

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