Rebuilding Public Trust

An Assessment of the Media Industry and Profession in Sri Lanka

Secretariat for Media Reforms

May 2016

SMR

ims
INTERNATIONAL
MEDIA SUPPORT

Rebuilding Public Trust

An Assessment of the
Media Industry and Profession in Sri Lanka

Secretariat for Media Reforms

Colombo, Sri Lanka

May 2016

Acknowledgements

During the 14 month period this report has been under preparation, a large number of individuals and institutions from government, academic, civil society and corporate sectors have contributed in numerous ways.

The working group members are acknowledged in the section on Framework and Methodology. Those interviewed or otherwise consulted are listed in Annex 1.

In addition, the Report Preparation Team is grateful to the following individuals who provided valuable peer review inputs (listed alphabetically by surname):

- Dr William Crawley, Fellow, Institute of Commonwealth Studies, University of London, UK
- Michael J R David, Former journalist (BBC World Service - Sinhala); Senior Lecturer, University of Sri Jayawardenapura
- Sunanda Deshapriya, Media freedom and human rights activist, Switzerland
- Dr Rohan Edrisinha, Former Lecturer, Faculty of Law, University of Colombo
- Dr Shelton A Gunaratne, Emeritus Professor of Mass Communications, Minnesota State University Moorhead, USA

- Toby Mendel, Executive Director, Centre for Law and Democracy, Canada
- Dr David Page, Fellow, Institute of Commonwealth Studies, University of London, UK
- Kishali Pinto-Jayawardena, Legal analyst and columnist The Sunday Times, Sri Lanka
- Dr Rohan Samarajiva, Communications scholar and Founder Chair, LIRNEasia
- Dr Asanga Welikala, Lecturer in Public Law, Edinburgh Law School; Associate Director, Edinburgh Centre for Constitutional Law, UK

However, the editors alone are responsible for any inadvertent errors in final text.

The editors also wish to thank the research support team whose names are listed in Annex 2.

Disclaimer

The ideas and opinions expressed in this publication are those of the attributed persons and editors. They are not necessarily those of International Media Support (IMS) and do not commit the organisation.

Acronyms and Abbreviations

AAAA	Accredited Advertising Agencies Association
ACJ	Asian College of Journalism
ADIC	Alcohol and Drug Information Centre
AHRC	Asian Human Rights Commission
AIBD	Asia Pacific Institute for Broadcasting Development
ANCL	Associated Newspapers of Ceylon Limited (Lake House)
BOP	Bottom of the pyramid
CBA	Commonwealth Broadcasting Association
CPA	Centre for Policy Alternatives
CPJ	Committee to Project Journalists (US based advocacy group)
CSOs	Civil Society Organisations
DTTB	Digital Terrestrial Television Broadcasting
DBNO	Digital Broadcast Network Operator
EGOSL	Editors' Guild of Sri Lanka
FMETU	Federation of Media Employees Trade Union
FMM	Free Media Movement
FOE	Freedom of Expression
FUTA	Federation of University Teachers Associations
GIC	Government Information Centre
HRCSL	Human Rights Commission of Sri Lanka
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communications Technologies
ICTA	Information and Communication Technology Agency
IFJ	International Federation of Journalists
IMADR	International Movement Against All Forms of Discrimination and Racism
IMS	International Media Support
IPDC	International Programme for the Development of Communication (UNESCO)
IPTV	Internet Protocol Television
ISP	Internet Service Provider
ITN	Independent Television Network (Sri Lanka)
ITU	International Telecommunications Union
JDS	Journalist for Democracy in Sri Lanka
JICA	Japan International Cooperation Agency
LBO	Lanka Business Online
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam

MCR	Mahaweli Community Radio (of SLBC)
MDI	Media Development Indicators
MRTC	Media Resources and Training Centre (affiliated to University of Jaffna)
NBN	National Backbone Network
NGO	Non-Governmental Organization
NSSL	Newspaper Society of Sri Lanka
OSCE	Organisation for Security and Cooperation in Europe
PCCSL	Press Complaints Commission of Sri Lanka
PSB	Public Service Broadcasting
PPB	Public Performances Board
PTA	Prevention of Terrorism Act
RNTC	Radio Nederland Training Centre
RSF	Reporters Without Borders (*Reporters Sans Frontières* in French)
RTI	Right to Information
SAARC	South Asian Association for Regional Cooperation
SAFMA	South Asian Free Media Association
SAMSN	South Asian Media Solidarity Network
SARD	Strategic Alliance for Research and Development
SIDA	Swedish International Development Cooperation Agency
SLBC	Sri Lanka Broadcasting Corporation
SLCJ	Sri Lanka College of Journalism
SLMMF	Sri Lanka Muslim Media Forum
SLMTI	Sri Lanka Media Training Institute
SLPI	Sri Lanka Press Institute
SLTMA	Sri Lanka Tamil Media Alliance
SLTTI	Sri Lanka Television Training Institute
SLRC	Sri Lanka Rupavahini Corporation (National TV Broadcaster)
SLWJA	Sri Lanka Working Journalists Association
SMS	Short Message Service (also known as text message)
TISL	Transparency International Sri Lanka
TRCSL	Telecommunications Regulatory Commission of Sri Lanka
WNL	Wijeya Newspapers Limited
UCR	Uva Community Radio
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHRC	United Nations Human Rights Council

CONTENTS

List of Text Boxes

List of Tables

Annexes

Executive Summary

The presidential election on 8 January 2015 marked the end of a decade long authoritarian regime in Sri Lanka and ushered in a new opportunity for Sri Lanka to embark on a renewed democratic course. The country now stands at a crossroads where political change has paved the way for strengthening safeguards for freedom of expression (FOE) and media freedom while enhancing the media's own professionalism and accountability.

Following its subsequent victory in the general elections in August 2015, the new government has made a public commitment to pursuing a process of transitional justice and reconciliation. Media can and should play a key role to hold power holders to account and keep the public informed in these vital process.

The government has already taken steps to end threats against media and journalists, reopened investigations on past attacks on journalists, ended the arbitrary and illegal blocking of political websites, and recognised access to information as a fundamental right through the 19th Amendment to the Constitution.

However, much more remains to be done to improve FOE and media freedom in Sri Lanka, and to create a more conducive environment for journalists and other media workers. The policies, laws and structural reforms needed to ensure this require the political will and support of all political parties.

The new government faces the daunting task of healing the wounds of a civil war which lasted over a quarter of a century and left a deep rift in the Lankan media that is now highly polarised along ethnic, religious and political lines. At the same time, the country's media industry and profession face their own internal crises arising from an overbearing state, unpredictable market forces, rapid technological advancements and a gradual erosion of public trust.

The economic sustainability of media houses and businesses remains a major challenge. The mainstream media as a whole is struggling to retain its consumer base. Several factors have contributed to this. Many media houses have been slow in integrating digital tools and web-based platforms. As a result, there is a growing gulf between media's production models and their audiences' consumption patterns.

As the existing business models no longer generate sufficient income, some media have turned to peddling gossip and excessive sensationalism in the place of quality journalism. At another level, most journalists and other media workers are paid low wages which leaves them open to coercion and manipulation by persons of authority or power in society with an interest in swaying media coverage.

Notwithstanding these trends, there are still editors and journalists who uphold their mandate to produce professional content that is in the public interest while also abiding by media ethics. However, they are eclipsed by media that generate content that is politically partisan or ethnically divisive. Public trust in media is low, as evidenced by surveys. Younger Lankans are increasingly migrating to entirely web based media products and social media platforms.

The Press Complaints Commission of Sri Lanka (PCCSL), a self-regulating body, was

established in 2003 to hold the print media accountable and responsible, but it has had only limited effect. Being a purely voluntary entity, it has no mandate to enforce its rulings which are ignored by some newspapers.

There is no accountability mechanism of any kind for radio or television channels that have proliferated during the past two decades. In fact, successive governments have been handing out broadcast licenses and assigning frequencies arbitrarily to their political supporters. This has squandered the electromagnetic spectrum – a public property – and created legal and technical complications. Only an independent broadcast regulator can resolve these issues and ensure a smooth transition to digital broadcastring.

This study is an assessment of the media environment in Sri Lanka using the Media Development Indicators (MDIs), an internationally accepted framework developed by UNESCO to assess the state of media in a country. MDIs identify strengths and weaknesses, and propose evidence-based recommendations on how to enhance media freedom and media pluralism.

The assessment was led by the Secretariat for Media Reforms established as a virtual group consisting of five partners with meeting facilities provided by Sri Lanka Press Institute (SLPI). They carried out a consultative process that began in March 2015 engaging policy makers, media owners, media practitioners, researchers, advocacy groups as well as the media-consuming public. Activities involved a rapid assessment that was discussed at the National Summit for Media Reforms in May 2015, interviews with key media stakeholders,

a large sample survey, brainstorming sessions, and a peer review process that involved over 250 national stakeholders and several international experts.

The analysis presented in this report shows that structural and legal reforms in the media sector are long overdue. Some of these reforms must come from within the media profession and industry itself and stem from serious self-reflection. Other reforms require changes in laws, state policies and the overhauling of state-owned media institutions. Parallel to this, journalism and mass media education courses should be reviewed and updated to meet current industry needs and media consumption patterns. Low media literacy levels in society must also be addressed.

The MDIs are divided into five thematic categories which constitute the five chapters, each followed by a set of key recommendations.

It is hoped that the close to 100 recommendations that emerged from the analysis of the Lankan media environment will inform the government and media stakeholders on what must be done to evolve a free, independent and pluralistic media in Sri Lanka in line with international standards.

Key recommendations:
- **Law review and revision:** The government should review all existing laws which impose restrictions on freedom of expression with a view to amending them as necessary to ensure that they are fully consistent with international human rights laws and norms.
- **RTI:** The Right to Information law should

be implemented effectively, leading to greater transparency and openness in the public sector and reorienting how government works.

- **Media ownership:** Adopt new regulations making it mandatory for media ownership details to be open, transparent and regularly disclosed to the public.
- **Media regulation:** Repeal Press Council Act No. 5 of 1973, and abolish the state's Press Council. Instead, effective self-regulatory arrangements should be made ideally by the industry and covering both print and broadcast media.
- **Broadcast regulation:** New laws are needed to ensure transparent broadcast licensing; more rational allocation of frequencies; a three-tier system of public, commercial and community broadcasters; and obligations on all broadcasters to be balanced and impartial in covering politics and elections. An independent Broadcasting Authority should be set up.
- **Digital broadcasting:** The government should develop a clear plan and timeline for transitioning from analogue to digital broadcasting in television as soon as possible.
- **Restructuring state media:** The three state broadcasters should be transformed into independent public service broadcasters with guaranteed editorial independence. State- owned Associated Newspapers of Ceylon Limited (Lake House) should be operated independently with editorial freedom.
- **Censorship:** No prior censorship should be imposed on any media. Where necessary, courts may review media content for legality after publication. Laws and regulations that permit censorship should be reviewed and amended.
- **Blocking of websites:** The state should

not limit online content or social media activities in ways that contravene freedoms guaranteed by the Constitution and international conventions.

- **Privacy and surveillance:** Privacy of all citizens and others should be respected by the state and the media. There should be strict limits to the state surveillance of private individuals and entities' phone and other electronic communications.
- **Media education and literacy:** Journalism and mass media education courses at tertiary level should be reviewed and updated to meet current industry needs and consumption patterns. A national policy is needed for improving media literacy and cyber literacy.

These findings and recommendations are presented at a crucial time in the country's history when political changes have created a momentum for democratic reform. It is hoped that this rare opportunity will be seized.

Progressive policies, laws and regulatory mechanisms can go a long way in streamlining the overall professional environment for the media, but the media industry and its personnel alone can raise their standards and ethical conduct.

Foreword by Secretariat for Media Reforms

The mass media industry has experienced rapid changes during the past few decades. These changes have had a direct impact on the industry as well as the media-consuming public. Framing the personal lives, attitudes, thoughts, wishes, beliefs and ideologies, the mass media influences the direction of political, cultural and economical aspects of society. Hence this interface must be subject to serious study and critique.

Sri Lanka's mass media has grown and evolved organically and often in an ad hoc manner, with governments and other interested parties including corporate ownership trying to control media content without a coherent vision on the role media can play in national development and national integration. Evolving clear media policies and undertaking structural reforms in media are essential for strengthening democracy and political reforms that are now being implemented in the country.

Based on wide-ranging consultations with a large number of stakeholders in the media industry, media profession and media advocacy groups, this report offers a useful situation analysis, accompanied by policy directions and recommendations. It is our hope that the Government, political parties, civil society groups, academia and the media industry would join hands in pursuing the path we have mapped out.

Dr Pradeep N' Weerasinghe
Chairman and Thematic Head
Secretariat for Media Reforms

Foreword by International Media Support

International Media Support is delighted to co-publish the first comprehensive assessment of the Sri Lankan media landscape based on UNESCO's Media Development Indicators. The media Development Indicators define a framework within which the media can best contribute to and benefit from good governance and democratic development.

The findings and recommendations of this study are presented at a crucial time in history when the onus is on the government to carry forward its promises of reform and pursuit of transitional justice and reconciliation. In the midst of such change a vibrant, open and pluralistic media environment can contribute to positive development and the involvement of the people through the provision of access to unbiased and accurate information to the public.

I am pleased to note that the MDI assessment process in Sri Lanka from the outset in March 2015 has been a thorough locally driven process with the inclusion of the government, academia, media industry and the civil society.

IMS has been engaged in media development in Sri Lanka since 2003. It is our hope that this document will help inform the government in regards to the current media environment and what must be done for its healthy development.

Jesper Højberg
Executive Director
International Media Support

May 2016

Special Contribution

This Assessment provides a comprehensive assessment of the overall environment for media development in Sri Lanka. As the name implies, it is based on UNESCO's MDI framework, which looks at all of the different factors which should contribute to media development, including the legal framework, economic conditions, human resource development, the technological environment and safety, as well as the actual state of media development in the country.

A total of 14 MDI assessments have already been completed, in addition to this one, including three in South Asia, namely Bhutan, the Maldives and Nepal, while at least another 16 assessments are ongoing. The goal of an MDI assessment is to identify the strengths and weaknesses in the media environment as compared to international standards and better national practice, thereby pointing the way to reform needs. It is up to local stakeholders to identify priorities and to work towards resolving them. The MDI assessments are not a form of ranking and do not provide comparisons between countries.

This Assessment comes at a very timely point for Sri Lanka, given that the country now appears to be embarking on a programme of reform and renewal in the media sector, as evidenced by the recent constitutional amendments to provide for a constitutional guarantee for the right to information. This Assessment represents an invaluable tool to help those engaged in media reform to identify priorities and key directions.

In line with the goals of the MDI approach, this Assessment was prepared under the auspices of a partnership involving both official and civil society actors, specifically the Sri Lankan Ministry of Media, the Department of Mass Media at University of Colombo, the Sri Lanka Press Institute (SLPI), the Strategic Alliance for Research and Development (SARD) and International Media Support (IMS). The hope is that these diverse actors will now use this Assessment to guide them in their media reform efforts.

As is clear from this Assessment, in many ways media development in Sri Lanka in recent decades has been fairly strong, and the country now benefits from a diverse and relatively free media sector. At the same time, much needs to be done to create a truly robust environment for the growth and development of the media, including in areas such as law reform, providing better educational and training opportunities, creating a more stable economic environment for the media and putting in place structural guarantees for media independence.

This Assessment points the way forward. It now up to local actors, with support from the international community, to implement its recommendations.

Toby Mendel
Executive Director
Centre for Law and Democracy

Introduction

Democratic, social and cultural significance of the media provide the justification for this important publication. It contains a set of essential recommendations formulated to address the imbalances and weaknesses of our skewed media system, which has been a subject of serious internal and external criticisms resulting in a steady deterioration of public trust.

Taking a clue from the new-found enthusiasm of the Sri Lankans to embark on a fresh discourse on democratic reforms, a well-informed multi stakeholder study group representing media professionals, academicians, state and non-state actors conducted this assessment following the state of the art UNESCO framework for assessing media development.

Based on five categories of media development indicators elaborated in the UNESCO methodology, the study groups reviewed previous studies, analysed legislative provisions and policies, surveyed literature and statistics, gathered information through focus group discussions, conducted two sample surveys to ascertain the views of media professionals and users, interviewed a number of stakeholders and public intellectuals to collect and corroborate evidence. The groups circulated successive drafts of their report for comments from a wider circle, and the final consolidated version containing findings and recommendations was completed after a vigorous peer review process. It took one year to complete the assessment process and to agree on the set of evidence-based recommendations contained in this publication.

In a democratic society, communication between the individual and groups – for example, between citizens and government, or between consumers and industry -- feeds the entire social system and provides it with the factors necessary for it to function properly. Besides being an essential means of spreading knowledge, communication is also a vector of values.

Now, more than ever before, we have to pass on values to our children, and these go by the names of justice, equality, freedom and sharing -- all of which are essential to the construction of our common future. For that we need a free, independent and effectively pluralistic media system.

By 'free' we mean media should be free from vested interests and should not be subjected to coercion by the governments or various pressure groups. This means the society and the state should allow media professionals to adhere to their professional standards and ensure their safety. In turn, citizens should be able to trust the honesty of media in the use of those freedoms, which in fact belong to the society as a whole. Thus, the subordination of information by media to interests other than those of their readers, listeners and viewers is completely unacceptable.

By 'independent' we mean that, irrespective of the nature of their ownerships, the media should have unfettered editorial independence. It is through this editorial independence that media can display the evidence of independent thinking and fulfill their function in monitoring key centres of power – including, but not limited to, the government. The editorially independent media allows citizens to approach the news and information with an open mind and not just a desire that the news reinforce their existing opinions.

Nonetheless, the media freedom and the editorial independence alone are insufficient unless media are truly pluralistic, which means that media as a whole are sufficiently capable of reflecting representations of various segments of the society and their concerns. However, the prevalence of numerous media companies and outlets alone does not reflect media pluralism if they are coerced to shape expressions in a particular manner. We in Sri Lanka have experienced this time and again.

Also, we cannot reduce the notion of media pluralism to a mere catch phrase of market choice and competition. In fact, media need to be rescued from its politicised, consumer-oriented uses and reposition more broadly as the democratic instrument distributing communicative power in the public sphere.

In that sense, media development is not something that could simply be measured through the number of media outlets available. Media development should be understood in terms of its ability to challenge inequalities in society, and create a more democratic and inclusive public sphere based on quality information it can disseminate.

Some of the key recommendations contained in this publication define the essential legislative reforms and state policies needed to achieve that goal. We earnestly request the government, all political parties and legislators to embark on a process to introduce these reforms.

A number of important recommendations are directed to the other stakeholders including the civil society, media organisations, universities, training institutions, journalists' and publishers' organisations and the development funding agencies. We need the full engagement of all stakeholders in building a truly free, independent and public interest minded pluralistic media system as a guarantor of a vibrant democracy in Sri Lanka.

Wijayananda Jayaweera

Former Director, Communication Development Division, UNESCO Head, UNESCO International Programme for the Development of Communication (2003-2011)
Advisor to the Study Groups

Secretariat for Media Reforms: Partner Organisations

Ministry of Parliamentary Reforms and Mass Media

The Vision of the Ministry is a well-informed, pluralistic and dynamic society. Its Mission is "Formulating, Facilitating, Implementing, Monitoring and Evaluating policies and strategies in order to establish a people friendly, development-oriented, free and responsible Sri Lankan media culture".
www.media.gov.lk

Department of Mass Media, University of Colombo

Media is a main source of strategy that can be used to eradicate poverty and to introduce development projects to masses. It is unlikely that these major objectives have been identified by the media personnel who are leading this venture in the country. Understanding this phenomenon will definitely lead the country to prosperity. As a media university, Sri Palee campus is optimistic that development can be achieved through a successful communication system.
http://spc.cmb.ac.lk/?q=Department_Mass_Media

International Media Support (IMS)

International Media Support (IMS) is a non-profit organisation working with media in countries affected by armed conflict, human insecurity and political transition. We work for free and professional media.
www.mediasupport.org

Sri Lanka Press Institute (SLPI)

The underpinning process of understanding modern day media issues with the birth of the Colombo Declaration on Media Freedom and Social Responsibility in 1998, and revisited in 2008, was the impetus of the Sri Lanka Press Institute (SLPI). Therefore, it was imperative that SLPI be an integral part of the process of understanding the media climate of Sri Lanka, through the Media Development Indicators Framework of UNESCO.
www.slpi.lk

Strategic Alliance for Research and Development (SARD)

As a civil society organization, SARD looks at media from the audience perspective and envisions media to be an important player in the development process. Therefore, SARD contributes to the media development process with an intention of enhancing pluralistic and diverse opinions, enabling increased participation of the public in development.
www.sardglobal.org

ජනමාධ්‍ය
ප්‍රතිවුහගතකර

வெகுசன உடை

சீர்திருத்தங்கள

Mass Media
Reforms

ජාතික සමුළුව

මැයි 13 - 14

Framework and Methodology

Conceptual framework

This study has been conducted according to an internationally accepted framework developed by United Nations Educational, Scientific and Cultural Organisation, UNESCO.

Called 'Media development indicators: a framework for assessing media development', the framework was adopted by the inter-governmental governing council of UNESCO's International Programme for the Development of Communication (IPDC) in 2008. The Media Development Indicators (MDIs) were developed through developed through a broad international consultation in 2006-7.[1]

The MDI framework has since been an "important diagnostic tool for all stakeholders to assess media development in a given country and to thereby determine the areas in which assistance is most needed". MDIs help to assess media landscapes, identify the strengths and weaknesses, and propose evidence-based recommendations on how to strengthen media freedom and media pluralism and independence.

Since the MDIs were adopted, MDI-based assessments have informed policy and action in 15 countries in Africa, Asia and Europe.[2] The MDIs are also being used in the definition of a UN common approach to media development and good governance at country level.

Multistakeholder consultative process

The MDI assessment of Sri Lanka was initiated as a partnership for media reforms in Sri Lanka. The partnership involved:
- Ministry of Mass Media (Government Partner)
- Department of Mass Media, University of Colombo (Academic Partner)
- Sri Lanka Press Institute, SLPI (Media Industry Partner)
- Strategic Alliance for Research and Development, SARD (Implementing Partner)
- International Media Support, IMS (Funding and Consultation Partner)

The overall goal of the effort was "to maximise the contribution of all stakeholders in initiating and sustaining the process facilitating a media structural reforms that

[1] http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/media-development-indicators-a-framework-for-assessing-media-development/

[2] MDIs have been produced so far for: Bhutan, Croatia, Ecuador, Egypt, Gabon, Jordan, Libya, Mozambique, Nepal, Palestine, South Sudan, The Maldives, Timor Leste and Tunisia. As at October 2015, assessments were ongoing in Bolivia, Brazil, Colombia, Côte d'Ivoire, the Dominican Republic, Iraq, Liberia, Madagascar, Mongolia, Morocco, Myanmar, Rwanda, Swaziland, Togo, Uganda and Uruguay, as well as a regional project in South-East Europe.

will foster democracy good governance and sustainable development in Sri Lanka".[3]

Emphasis during the entire process has been on multi-stakeholder consultation and participation, involving policy makers, media owners, media practitioners, media researchers, media advocacy groups as well as the general public.

To provide intellectual and professional guidance for the process, four working groups were appointed:

Advisor to working groups:
Wijayananda Jayaweera, former Director of UNESCO's Communication Development Division and UNESCO's International Programme for the Development of Communication.

Working Group 1:
Promotion of Freedom of Expression
Chair: Dhamma Dissanayake, Senior Lecturer, Department of Political Science and Public Policy University of Colombo
Co-chair: Dr Sugath Senarath, Senior Lecturer, Sri Palee Campus, University of Colombo

[3] http://www.sardglobal.org/NSSMR

MDI for the Bigger Picture

The Media Development Indicators define a framework within which the media can best contribute to, and benefit from, good governance and democratic development. MDIs look at all aspects of the media environment and are structured around five categories:
- A system of regulation conducive to freedom of expression, pluralism and diversity of the media
- Plurality and diversity of media, a level economic playing field and transparency of ownership
- Media as a platform for democratic discourse
- Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity
- Infrastructural capacity is sufficient to support independent and pluralistic media

Taken as a whole, they provide an aspirational picture of a given country's media environment to be constructed in order to ensure freedom of expression, pluralism and diversity of the media.

Each MDI category is broken down into a number of component issues which in turn contain a series of broad indicators. These indicators are an analytic tool designed to help stakeholders assess the state of the media and measure the impact of media development programmes. They are diagnostic tools, not commandments – conceptualised with the purpose of assisting media development programmes, not imposing conditionality.

Members: N M Ameen, President,
           Sri Lanka Muslim Media Forum
           Priyan R Wijebandara,
           Journalist and Visiting lecturer,
           Sri Palee Campus, University of
           Colombo
           Seetha Ranjani, Convenor,
           Free Media Movement

Working Group 2:
Media pluralism and Regulations: A
Diverse mix of public, private and
community media
Chair: Dr Pradeep N' Weerasinghe,
           Head, Department of Mass
           Media, Sri Palee Campus,
           University of Colombo.
Co-chair: Asoka Dias, Journalist and
           Country Representative,
           Asian Media Information and
           Communication Centre
           (AMIC)
Members: Sukumar Rockwood, CEO, Press
           Complaints Commission of Sri
           Lanka (PCCSL)
           Jagath Liyana Arachchi,
           Legal Officer, Transparency
           International Sri Lanka
           D M Dissanayake, CEO, Siyatha
           Media Network

Working Group 3:
Requirements for fairness and impartiality,
Public trust and confidence in the media
Chair: Nalaka Gunawardene, Columnist
           and Media Consultant
Co-chair: Sumith Chaminda, Senior Analyst
           and Head of Politics, Verite
           Research
Members: Dr Ranga Kalansooriya, Regional
           Advisor for Asia, International
           Media Support
           Kumar Lopez, CEO, Sri Lanka
           Press Institute (SLPI)
           Senani Harischandra,
           Senior Lecturer, Department
           of Sinhala and Mass
           Communication, University of Sri
           Jayawardenapura

Working Group 4:
Professional capacity building and Media
Education
Chair: Prof Rohana Lakshman Piyadasa,
           Head, Department of Mass
           Communication, University of
           Kelaniya
Co-chair: Wijayananda Rupasinghe, Senior
           Lecturer, Department of Mass
           Communication, University of
           Kelaniya

Members: Thilina Samarasooriya, Director - Training & Foreign Relations, Sri Lanka Broadcasting Corporation (SLBC)
T M G Chandrasekara, Director - Research & Training, Sri Lanka Rupavahini Corporation (SLRC)
C Dodawaththa, Consultant – Training, Associated Newspapers of Ceylon Limited (Lake House)

The following key actions were taken between March 2015 and March 2016:

2015 March: National Secretariat for Media Reforms set up as a virtual group, with meeting facilities provided by SLPI.

March: Open call for public comments and suggestions for media reform (solicited through print and broadcast media advertisements, social media and emails, etc.)

March 20: Initial workshop on MDI methodology and process held at SLPI, attended by over 40 stakeholders from Sri Lanka and three South Asian media personalities (from Bangladesh, Bhutan and Pakistan).

March – May: Working groups met on several occasions at the SLPI for brainstorming

March – May: Rapid MDI assessment of Sri Lanka's media sector carried out by Nalaka Gunawardene, Media Consultant, to be presented to National Summit on Media Reforms.

May 12 – 13: National Summit on Media Reforms held at Sri Lanka Foundation, Colombo, with the participation of over 200 stakeholders. Day 1 saw presentation of the MDI Rapid Assessment followed by peer review and feedback. Day 2 saw senior political leaders including the Prime Minister, Media Minister, Leader of the Opposition and other key Parliamentarians publicly committing to media reforms in Sri Lanka.

April, May, June: Over 40 interviews with key individuals (listed in Annex 1) are conducted by University of Colombo research team (Annex 2). Also, five focus group discussions were held with different stakeholder groups: four in and around Colombo, and one

in Jaffna. These are summarised as Annex 3.

May – June: Working groups finalized their recommendations based on feedback received during the National Summit on Media Reforms.

May – July: Two surveys were conducted by the by University of Colombo research team on the state of media and priorities for media sector reforms: one with journalists and media workers; and the other with a cross section of the public.

July 21: Release of 'Statement on Freedom of Expression and Media Freedom for the attention of political parties contesting in General Election 2015'[4] listing 10 priority actions for media reforms that require a clear political commitment.[5] The full statement is in Annex 4.

November: First draft of the full MDI report circulated to over 200 stakeholders in government, media industry, academia and civil society, seeking their feedback.

December: First draft peer reviewed by working group members over three sessions

2016
January: Second, revised draft prepared

February - March: Second draft circulated to national and international peer reviewers

The meetings, interviews, focus groups and peer review process involved over 500 persons. These brought up wide ranging ideas and proposals some of which are contradictory and a few, superfluous. While accommodating the best possible plurality of views, the editors have used discretion to balance the report's coherence and representativeness.

---

[4] http://www.ft.lk/article/448711/Journalists-call-for-political-commitment-for-media-reform-and-freedom-of-expression

[5] The statement was jointly issued by: Sri Lanka Press Institute (SLPI), Free Media Movement (FMM), Sri Lanka Working Journalists' Association (SLWJA), Sri Lanka Press Association, Jaffna Press Club, Sri Lanka Muslim Journalists' Association, National Alliance of Provincial Journalists, National Alliance of Community Broadcasters, and the Young Journalists Association.

△ Public pledge by political parties at National Summit for Media Reforms, May 2015

▽ Opening of National Summit for Media Reforms, May 2015

🔼 **Audience members sign pledge for media reforms at at National Summit for Media Reforms, May 2015**

🔽 **Prime Minister Ranil Wickremesinghe signs pledge at at National Summit for Media Reforms, May 2015**

▲ Part of audience at National Summit for Media Reforms, May 2015

▼ Nimal Siripala de Silva, the then Opposition Leader, signs pledge at National Summit for Media Reforms, May 2015

🔼 **Dr Arjuna Parakrama delivers a keynote address at National Summit for Media Reforms, May 2015**

🔽 **Dr Ranga Kalansooriya speaks at National Summit for Media Reforms, May 2015**

"A critical, independent and investigative press is the lifeblood of any democracy. The press must be free from state interference. It must have the economic strength to stand up to the blandishments of government officials. It must have sufficient independence from vested interests to be bold and inquiring without fear or favour. It must enjoy the protection of the constitution, so that it can protect our rights as citizens."

- Nelson Mandela

Media development indicators:
A framework for assessing media development

This document is organised according to the MDI categories and indicators, as follows:

Category **1**

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

A   Legal and policy framework
B   Regulatory system for broadcasting
C   Defamation laws and other legal restrictions on journalists
D   Censorship

Category **2**

Plurality and diversity of media, a level economic playing field and transparency of ownership

A   Media concentration
B   A diverse mix of public, private and community media
C   Licensing and spectrum allocation
D   Taxation and business regulation
E   Advertising

Category **3**

Media as a platform for democratic discourse

A   Media reflects diversity of society
B   Public service broadcasting model
C   Media self-regulation
D   Requirements for fairness and impartiality
E   Levels of public trust and confidence in the media
F   Safety of journalists

Category **4**

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A   Availability of professional media training
B   Availability of academic courses in media practice
C   Presence of trade unions and professional organisations
D   Presence of civil society organisations

Category **5**

Infrastructural capacity is sufficient to support independent and pluralistic media

A   Availability and use of technical resources by the media
B   Press, broadcasting and ICT penetration

Category

1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

KEY INDICATORS

A LEGAL AND POLICY FRAMEWORK

1.1   Freedom of expression is guaranteed in law and respected in practice

1.2   The right to information is guaranteed in law and respected in practice

1.3   Editorial independence is guaranteed in law and respected in practice

1.4   Journalists' right to protect their sources is guaranteed in law and respected in practice

1.5   The public and civil society organisations (CSOs) participate in shaping public policy towards the media

B REGULATORY SYSTEM FOR BROADCASTING

1.6   Independence of the regulatory system is guaranteed by law and respected in practice

1.7   Regulatory system works to ensure media pluralism and freedom of expression and information

C DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

1.8   The state does not place unwarranted legal restrictions on the media

1.9   Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

D CENSORSHIP

1.11 The media is not subject to prior censorship as a matter of both law and practice

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

BOX 02

Context: Freedom of Expression and Media Freedom

Freedom of expression is a fundamental right protected in the Universal Declaration of Human Rights adopted by the world's governments in 1948. It is widely seen as underpinning other democratic freedoms such as the right to form political parties, share political ideas, and question the actions of public officials, etc.

Media is crucial to the exercise of freedom of expression because it provides the public with a platform through which the right can be exercised. The idea of media as a platform for democratic debate embraces a variety of overlapping functions. Media here refers to all channels and outlets that carry news and public information.

In this context, the media may be seen as:
- a channel of information and education through which citizens can communicate with each other;
- a disseminator of stories, ideas and information;
- a corrective to the "natural asymmetry of information" between governors and governed, and between competing private agents;
- a facilitator of informed debate between diverse social actors, encouraging the resolution of disputes by democratic means;
- a means by which a society learns about itself and builds a sense of community, and which shapes the understanding of values, customs and tradition;
- a vehicle for cultural expression and cultural cohesion within and between nations;
- a watchdog of government in all its forms, promoting transparency in public life and public scrutiny of those with power through exposing corruption, maladministration and corporate wrongdoing. Watchdogs also make sure inefficiencies are addressed, public participation is ensured, and that wrong decisions are not made or are dealt with.
- a tool to enhance economic efficiency;
- an essential facilitator of the democratic process and one of the guarantors of free and fair elections; and
- an advocate and social actor in its own right while respecting pluralistic values.

However, sometimes the media serves to reinforce the power of vested interests and exacerbate social inequalities by excluding critical or marginalised voices, or by concentrating voice among powerful media owners. In certain situations – as has happened in Sri Lanka in recent decades – the media may even promote conflict and social divisiveness.

Thus, the key question for everyone concerned with free expression, good governance and human development is how to nurture a media framework and practice which contributes to these overarching goals. This is of particular importance in new or restored democracies, whose media systems have been warped or shattered by oppression, corruption, the effects of war and under-development.

A

LEGAL AND POLICY FRAMEWORK

1 01 Freedom of expression is guaranteed in law and respected in practice

Sri Lanka's Constitution, adopted in 1978, guarantees freedom of speech and expression. Article 14 (1) (a) says: "Every citizen is entitled to the freedom of speech and expression including publication".[6]

This freedom of expression (FOE) is limited elsewhere in the Constitution, as follows:

• Article 15 (2) says that freedom of expression may be limited by restrictions which are prescribed by law in the interests of 'racial and religious harmony, or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence'.

• Article 15 (7) provides that the freedom may be limited by restrictions which are prescribed by law in the interests of 'national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society'. For the purpose of article 15 (7), law includes regulations made under the law for the time being relating to public security.

Article 14 (1) (a) refers to citizens, and not all persons. In legal terms, a 'person' is wider

[6] http://www.parliament. lk/constitution/main

than 'citizen' because the former includes non-citizens subject to the jurisdiction of Sri Lanka, as well as corporate or legal entities. Ensuring this right for citizens and non-citizens alike is the international standard that should ideally be reflected in the Lankan constitution. In other words, restricting the application of the right to citizens only does not strictly meet Sri Lanka's international obligations under the International Covenant on Civil and Political Rights (ICCPR).

The scope of restrictions on Article 14 may also be criticised for failing to respect international standards. First, the test in both articles 15 (2) and (7) is that the restriction be in "the interests of" one of the items on the following lists. In international law, the test is the much stricter requirement that the restriction be 'necessary'. Although in some cases Sri Lankan courts have helped address this issue through interpretation in some cases, it remains a weakness. Second, the list of interests in articles 15 (2) and (7) do not conform fully to international standards, which allows for the protection of interests rather than types of laws (i.e. reputation rather than defamation and the authority of the judiciary rather than contempt of court). In this regard, the phrase 'meeting

the just requirements of the general welfare of a democratic society' found in article 15 (7) is very general indeed and might be interpreted to cover practically anything.

The 19th Amendment to the Constitution, passed in Parliament on 28 April 2015, includes a provision making the right to information a fundamental right. This sets a constitutional standard for the right to information, which is discussed in 1.2.[7]

Sri Lanka's international obligations related to FOE are contained primarily in the ICCPR, which Sri Lanka acceded to in 1980 (and the Optional Protocol in 1997). In 2007, the Parliament passed the ICCPR Act No 56 of 2007, which incorporated certain ICCPR provisions into national law. In 2008, the Supreme Court, in an opinion, stated that ICCPR rights are fully enforceable in Sri Lanka through the Fundamental Rights Chapter of the Constitution and the ICCPR Act.[8]

Article 19 of the ICCPR is broader in scope than the Sri Lanka Constitution and the ICCPR Act of 2007.[9] The ICCPR only permits restrictions which are fewer in number than the Constitution, and its restrictions

---

[7] https://www. parliament.lk/files/ pdf/constitution/19th-amendment-act.pdf

[8] The ICCPR Act of 2007 is seen by legal analysts as a half-hearted attempt by the then government to demonstrate its compliance with the ICCPR in relation to Sri Lanka's bid to retain the GSP Plus facility, a preferential tariff system in the European Union that was conditional to human rights compliance.

In a critique published in January 2015, legal scholars Rohan Edrisinha and Asanga Welikala have explained why it is a poor piece of legislation, which does not significantly improve compliance. http://www.cpalanka.org/wp-content/uploads/2015/01/ICCPR-Chapter-Final.pdf

[9] International Covenant on Civil and Political Rights http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

are narrower in scope than those in the Constitution. The ICCPR also requires a higher standard of justification for the imposition of restrictions which is absent in the Constitution.[10]

Among other international human rights treaties and instruments, Sri Lanka has also acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (in 1982) and the Convention on the Rights of the Child (in 1991), which have implications for FOE.

The Human Rights Commission of Sri Lanka (HRCSL) was established under Act No 21 of 1996 to 'promote and protect human rights in the country'.[11] Its independence from the state has been questioned by human rights defenders and civil society groups for years. For example, in a detailed critique in 2013, the advocacy group Law and Society Trust called the HRCSL a 'loyalist and marionette of the state'.[12]

Since 1978, the Constitutional guarantees for FOE have been tested on many occasions including in some high profile legal cases. Legal analyst Asanga Welikala says the case law of the Supreme Court has taken a liberal approach to interpreting what constitutes 'expression' in Article 14 (1) (a).

He adds: "Accordingly, the right to vote (e.g. the Chief Minister's Case) and non-speech forms of political protest have been held to be within the ambit of freedom of expression (the *Jana Ghosha* Case), as well as the right to dissent (*Yukthiya* Case). The court has also held on occasion that freedom of expression includes the freedom to receive and disseminate some forms of information (e.g. *Wimal Fernando vs SLBC* case)."[13]

Welikala adds that reliance on case laws and judicial interpretation is inadequate, as "the Supreme Court has not a uniformly liberal record in this respect". In many instances, its judgments have been out of step with international standards on FOE, including in a recent case in which the Court imposed its own views on culture and morality in a challenge involving the banning of a feature film meant for adult audiences (the *Aksharaya* Case).

The research and advocacy organisation Centre for Policy Alternatives (CPA), in a review of FOE in Sri Lanka in 2011, noted that in several cases relating to

[10] The Supreme Court has in some cases tried to read in the concept of necessity to the Sri Lankan framework for the restriction of fundamental rights, e.g. Sunila Abeysekera v. Ariya Rubesinghe and Others; (2001; 1 SLR 315), but this is insufficient and has not always been consistently followed by the Court itself in subsequent cases.

[11] http://hrcsl.lk/english/about-us/establishment/

[12] The National Human Rights Commission of Sri Lanka: Marionette of the State. Paper by Miyuru Gunasinghe, Law & Society Trust (LST), Sri Lanka. FORUM ASIA, Bangkok 2013 http://www.lawandsociety trust.org/PDF/resource/marionette_state.pdf

[13] Securing the Freedom of Expression in the New Sri Lanka: Essential Institutional Reforms, by Asanga Welikala. Groundviews.org 17 January 2015. http://groundviews.org/2015/01/17/securing-the-freedom-of-expression-in-the-new-sri-lanka-essential-institutional-reforms/

the freedom of expression, the Supreme Court has allowed over-broad and vague national security laws to limit the freedoms guaranteed in the Constitution.

CPA said: "…Sri Lankan Supreme Court has a weak record when it comes to liberal interpretation of constitutional rights. The Court has generally displayed a tendency to favour the State in constitutional rights cases, especially in cases that deal with restrictions imposed under emergency laws."

CPA added: "Unlike the ICCPR, under the Sri Lankan Constitution there is no express requirement that restrictions on constitutional rights be 'reasonable or necessary'. The lack of such a requirement provides much leeway to a government when imposing restrictions and little ammunition for a Court seeking to read down any restrictions."[14]

The recent practice of FOE in Sri Lanka has been inextricably linked to the separatist war in the North and East that lasted nearly three decades, and the two Marxist youth insurgencies (1971, 1987-89), all of which were crushed militarily. All parties to these conflicts undermined FOE in different ways.

FOE has been particularly vulnerable under two legal regimes, viz:

• Emergency regulations (imposed under the Public Security Ordinance No 25 of 1947) that were in place nearly continuously for 40 years since 1971, with the exception of some brief periods.[15] In 2011, the Parliament allowed the regulations (that required monthly extension) to lapse on 31 August 2011.

• Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, as amended by Act Nos. 10 of 1982 and 22 of 1988, remains on the law books and is a regular law of the land now.[16] The PTA has provisions that may be invoked at any time covering newspaper publications, and for designating a competent authority for approval of specified types of content (which effectively means prior censorship).

The specific wording in the PTA is as follows:
(a) No person shall, without the approval in writing of a competent authority, print or publish in any newspaper any matter relating to -
   (i) the commission of any act which constitute

---

[14] Freedom of Expression on the Internet in Sri Lanka, Centre for Policy Alternatives, Colombo. November 2011. http://cpalanka.org/wp-content/uploads/2011/11/FOE-REPORT-NOV-2011-FINAL-CPA.pdf

[15] Public Security Ordinance No 25 of 1947, https://goo.gl/HcAZOi

[16] Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 http://www.satp.org/satporgtp/countries/shrilanka/document/actsandordinance/prevention_of_terrorism.htm

an offence under this Act or the investigation of any such offence; or

(ii) incitement to violence, or which is likely to cause religious, racial or communal disharmony or feeling of ill-will or hostility between different communities or racial or religious groups.

(b) No person shall, without the approval in writing of a competent authority, distribute or be concerned in the distribution of any newspaper printed or published in Sri Lanka or outside Sri Lanka in respect of any matter the printing and publication of which is prohibited under paragraph (a).

The use of emergency powers relies on a central distinction between 'normality' and the 'exception'. The Executive must declare and justify the existence of an exceptional situation before arrogating to itself exceptional powers, these are always time-bound and require periodic renewal, and the declaration, continuation, and exercise of exceptional powers during an emergency are subject to rigorous legislative and judicial controls. Many of these features are found in the Constitution, but in practice, have failed because some governments simply ignore them. Emergency regulations have also been used as a matter of expediency to circumvent the normal legislative process at times.

Anti-terrorism powers, on the other hand, do not assume that the threat is time-restricted in nature. But because they nonetheless involve exceptional powers with serious implications for fundamental rights, they must be conferred with the utmost caution on the Executive and be controlled by appropriate checks and balances.[17]

The Executive's misuse of powers vested by the emergency regulations is not a new phenomenon; successive governments have done so to stifle dissent. As Article 19 noted in its 1994 report on Sri Lanka's status of FOE: "…emergency regulations have been used at various times to prohibit the affixing of posters or distribution of leaflets without the permission of the Inspector General of Police; forbid public meetings and processions; ban newspapers; seal printing presses; censor publications and broadcasts; violate the important journalistic principle of protecting the confidentiality of sources; define civil disobedience as "sedition"; and outlaw political parties."[18]

The PTA's impact on freedom of expression was clearly demonstrated by the detention, prosecution, conviction and imprisonment of

---

[17] For details, see: A State of Permanent Crisis: Constitutional Government, Fundamental Rights and States of Emergency in Sri Lanka, by Asanga Welikala, 2008. http://cpalanka.org/wp-content/uploads/2009/5/States%20of%20Emergency%20%2830%2010%202008%29.pdf

[18] An Agenda for Change: The Right to Freedom of Expression in Sri Lanka. Article 19. October 1994 http://www.article19.org/data/files/pdfs/publications/sri-lanka-agenda-for-change.pdf

journalist J S Tissainayagam. In August 2009, he was sentenced to 20 years imprisonment with hard labour under the PTA for "causing communal disharmony" with articles published in 2006 in North-Eastern Monthly, a magazine he edited, and also for raising funds to publish the magazine.[19] Both charges levelled against him and the disproportionately heavy sentence were globally condemned.[20] Tissainayagam was pardoned by President Rajapaksa on 3 May 2010.

Both the (now lapsed) emergency regulations and continuing PTA have had a chilling effect on FOE in Sri Lanka. As legal analysts Niran Anketell and Gehan Gunatilleke wrote in 2011: "Explicit media censorship under the emergency laws has decreased in recent times. However, owing to a culture of intimidation and the perennial threat of arrest and detention under the PTA and the ERs, the Sri Lankan media is now afflicted by self-censorship."[21]

[19] http://www.pen.org/defending-writers/test-first-name-test-middle-name-test-last-name/j-s-tissainayagam

[20] http://www.pmaward.org/recipients/j-s-tissainayagam/

[21] Emergency Law in the Context of Terrorism – Sri Lanka. By Niran Anketell & Gehan Gunatilleke. South Asians for Human Rights, 2011. http://www.southasianrights.org/wp-content/uploads/2009/10/SL-Security-Laws-Final.pdf

Recommendations

● The Constitution should be amended to ensure that it protects the fundamental rights to freedom of expression and information of all persons subject to the jurisdiction of the Lankan State and not just citizens.

● The Constitution should be amended to limit the adoption of emergency regulations (under the Public Security Ordinance) to highly exceptional circumstances as defined under international human rights law, including because of the existence of an emergency which threatens the life of the nation. Such regulations should never be used as a matter of expediency to circumvent the normal legislative process. The necessity of a state of emergency should be indicated clearly in emergency regulations. Provision should be made for the courts to assess whether the imposition of emergency regulations is justified.

● The Constitution should incorporate language that limits restrictions on the fundamental rights to freedom of expression and information to those which are permissible only in the special circumstances set out in Article 19(3) of the ICCPR, including as to the interests which would justify a restriction and the requirement that any restriction be necessary to protect that interest.

1[02] The right to information is guaranteed in law and respected in practice

● The government should review all existing laws which impose restrictions on freedom of expression with a view to amending them as necessary to ensure that they are fully consistent with international human rights laws and norms. One option is the reintroduction of judicial (Constitutional) review of legislation so as to ensure the supremacy of the Constitution over ordinary legislation. This will help address a number of concerns about older legislation that can then be subject to constitutional scrutiny as well.

A major drawback of Sri Lanka's governance has been the absence of transparency on the part of the state and public bodies. There was never a culture of openness during many centuries of absolute monarchy, and the subsequent colonial administrations also adopted an administrative culture of authority and secrecy.

The Official Secrets Act No 32 of 1955 restricts the communication of any official secret to the media. Over the decades, this law has been interpreted to cover a wide range of information, much of it in the public interest. This Act is based on the British Official Secrets Act of 1911, enacted as a consequence of government hysteria in the period prior to the First World War. That law was later critiqued by eminent British jurists as creating a "breeding ground of abuse" and was replaced by the Official Secrets Act of 1989.[22]

Sri Lanka's efforts to introduce a Right to Information (RTI) law can be traced back to at least 2001. A draft FOI Bill was prepared in 2003 by the Centre for Policy Alternatives, the Editors Guild of Sri Lanka, and the Free Media Movement, in collaboration with the Office of the Prime Minister, the Attorney

[22] http://www.sundaytimes. lk/090208/Columns/focus. html

[23] Information Ministry Sec's comment draws fire from media associations. The Sunday Times, 5 Aug 2012. http://www.sundaytimes. lk/120805/news/ information-ministry-secs- comment-draws-fire-from- media-associations-8001. html

General, and the Ministry of Justice. That Bill received Cabinet approval in late 2003 and the approval of the then President in early 2004, but could not be adopted by Parliament before its dissolution prior to the general election and change of government in April 2004.

Governments in office since then were not in favour of such a law. In July 2012, secretary to the Ministry of Mass Media and Information sparked a controversy by publicly saying that the Government was not going introduce RTI laws "because it would compromise the country's national security". [23]

Ensuring the right to information by law was specifically mentioned in the Common Opposition Candidate Maithripala Sirisena's election manifesto for the January 2015 elections.[24] After winning that election, his government revived the 2003 draft Bill, which was amended and refined. The Cabinet approved the revised draft Bill in December 2015, clearing the way for its Parliamentary debate in early 2016.[25]

The Centre for Law and Democracy in Canada carried out an analysis of the December 2015 draft Bill and said the law, if passed as is, would be the seventh strongest in the world.[26]

As this report was going to press, the Right to Information Bill was tabled in Parliament on 24 March 2016, and was expected to be adopted within a few weeks.[27]

Meanwhile, the government has already introduced the right to information as a fundamental right in the 19th Amendment to the Constitution passed in April 2015.[28]

The relevant section reads as follows:

14A. (1) *Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right held by:-*
   (a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law;
   (b) any Ministry of a Minster of the Board of Ministers of a Province or any Department or any statutory body established or created by a statute of a Provincial Council;
   (c) any local authority; and

[24] Maithripala Sirisena: Compassionate Government, Stable Country: Election Manifesto, December 2014. pp 51-52. http://www.president.gov.lk/wp-content/uploads/2015/01/Manifesto-EN.pdf

[25] http://www.sundaytimes.lk/151206/sports/right-to-information-bill-to-be-gazetted-soon-174329.html

[26] http://www.law-democracy.org/live/sri-lanka-proposes-strong-right-to-information-act/

[27] http://www.lankabusinessonline.com/sri-lankas-right-to-information-bill-presented-to-parliament/

[28] Sri Lanka Constitution updated with all amendments as at 15 May 2015, accessed from: http://www.parliament.lk/files/pdf/constitution.pdf

(d) any other person, who is in possession of such information relating to any institution referred to in sub-paragraphs (a) (b) or (c) of this paragraph.

(2) No restrictions shall be placed on the right declared and recognized by this Article, other than such restrictions prescribed by law as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.

(3) In this Article, "citizen" includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens.

Some analysts feel this level of detail is excessive as a Constitutional provision when a simple statement would have been sufficient, and all the details could have been provided for in the relevant law.[29]

As it stands, this constitutional amendment restricts information to protect parliamentary privilege. However, in democratic systems, there is no justifiable reason to withhold information in order to protect parliamentary privileges from those who have elected their parliamentarians. There is, once again, the limitation of the right to citizens (and legal entities), to the exclusion of non-citizens, contrary to international standards.

The RTI Act is intended to operationalise this right. In most countries where such a law was passed, there has been a 'grace period', sometime substantial, before the law came into effect. That was to allow for the deep changes to administrative procedures that need to be undertaken in order to meaningfully operationalise RTI. If such a grace period is not observed in Sri Lanka, it could lead to initial delays and frustrations.

Even as they lobbied for an RTI law, some advocacy organisations conducted awareness programmes on the benefits and specific uses of RTI. For example, Transparency International Sri Lanka (TISL) and Sri Lanka Press Institute (SLPI) trained various groups including city based journalists and provincial journalists.[30] These efforts have enhanced

[29] http://www.ft.lk/article/483191/Clear-thinking-and-professional-drafting-needed-for-Constitution-making

[30] See, for example, TISL public opinion survey on RTI: http://www.tisrilanka.org/wp-content/uploads/2015/03/RTI-final-report-for-web-28-Feb.pdf

1.03 Editorial independence is guaranteed in law and respected in practice

awareness and built up community readiness for RTI.

Adopting the RTI law marks the beginning of a long journey. Proper implementation will require sustained political will, administrative planning and substantial public funds. It will also need sustained demand and monitoring by civil society groups and media to guard against the whole process becoming mired in too much red tape.[31]

Recommendations

● A Right to Information law based on the principle of maximum disclosure should be adopted. The Official Secrets Act No 32 of 1955 should either be repealed in its entirety or substantially amended in line with the principles relating to RTI. The Right to Information law should include a provision to protect whistle blowers acting in good faith and in reasonable belief that the information was substantially true and disclosed evidence of wrong-doing.

● The provisions which allow the restricting of information on the grounds of protecting parliamentary privileges should be removed from the Constitution and the RTI law and the scope of these legal documents should be expanded to include everyone.

Editorial independence is the freedom of editors and other journalists to make content related decisions without interference from the media's owners, business managers or other third parties, including officials. The principle of editorial independence, whereby decisions are made by journalists or broadcasters on the basis of professional criteria and the public's right to know, needs to be safeguarded by law and respected in practice.

In Sri Lanka, there is no legal guarantee of editorial independence. The government media policy, given on the Media Ministry's website, carries a sentence on commitment "to ensure and guarantee editorial independence to all media personnel".[32]

In reality, journalistic decisions can and do regularly come under pressure from within and outside media organisations.
Within privately owned media organisations, it is common for owners or managers to interfere with the news coverage and commentary to suit their political and/or commercial interests. And in the state owned media (which are not true public service media, as discussed in 3.3) it is common practice for politicians of the ruling party to determine news coverage, emphasis and commentary in their favour.

[31] Beyond RTI: Moving towards Open Data and Open Government. By Nalaka Gunawardene. *Daily Mirror.* 14 September 2015. http://www.dailymirror.lk/87099/beyond-rti-moving-to-open-data-and-open-govt

[32] http://www.media.gov.lk/images/pdf_word/media-policy_english.pdf

Outside pressures on media's editorial independence can come from a variety of sources - politicians, government officials, advertisers, public relations agencies or various pressure groups – and can also take different forms. Some pressures may be for favourable coverage. At other times, pressures may be exerted for non-coverage, i.e. 'killing' a story despite its public importance.

Former President Rajapaksa used to meet national newspaper editors on a monthly basis where matters of current concern were discussed informally. The opposition and some editors, albeit often off-the-record, were critical of these encounters, which were seen as attempts to influence the media's editorial content.[33]

Sri Lanka's state broadcasters lack editorial independence and are currently not required to serve established public service values. As noted by an international mission to Sri Lanka in October 2006, "Despite ongoing public debate on the issue, and numerous official recommendations to this effect, the Government has still not taken the necessary steps to transform the state broadcasters into genuine public service broadcasters with guaranteed editorial independence."[34]

A decade later, the situation has not fundamentally changed.

Media reform activist and former broadcaster Wijayananda Jayaweera has advocated that editorial independence of the news media should be guaranteed legally by an Independent Media Council to be established by law "Provisions fostering editorial independence could require media organisations to develop and implement media accountability systems based on professional values. Editorial statutes could be adopted to ensure a separation of business and editorial activities."[35]

He added: "This would mean that there should be a compelling mechanism to safeguard editorial independence from interferences whether they come from the government, the media owners or the outsiders. One such mechanism could be an Independent Media Council empowered to protect press freedom and safeguard the editorial independence. The Independent Press Council of Indonesia, which comprises public intellectuals and eminent journalists selected by media professionals, is a good example of such a mechanism. The Independent Press Council Law of Indonesia requires all news media to abide by the decisions made by this Council."

[33] http://dbsjeyaraj.com/dbsj/archives/13756

[34] Press Freedom and Freedom of Expression in Sri Lanka: Struggle for Survival. Report of the International Press Freedom and Freedom of Expression Mission to Sri Lanka. January 2007. http://www.article19.org/data/files/pdfs/publications/sri-lanka-mission-rpt.pdf

[35] Identifying Requirements for Structural Changes in Our Media System. Wijayananda Jayaweera. World Press Freedom Day lecture, organised by Free Media Movement and the Sri Lanka Press Institute. 5 May 2015 http://srilankabrief.org/2015/05/sri-lanka-identifying-requirements-for-structural-changes-in-our-media-system/

1 04 Journalists' right to protect their sources is guaranteed in law and respected in practice

Legal scholars and some activists are wary about the mechanism for enforcing editorial independence in the privately owned media, even if a law is passed in this respect. Legislating on this issue could invite a governmental role in one way or the other into the private sphere and media freedom, and this is highly vulnerable to abuse. One safeguard is to strengthen journalists' unions that can negotiate with owners on editorial freedom, as is done in more mature democracies such as the UK. When the *Financial Times* of the UK was bought over by Nikkei of Japan, for example, journalists demanded that the new owner formalized its guarantee of editorial independence.[36]

:Recommendations

- ● Editorial independence of the public service media should be guaranteed by law while all other news media are encouraged to adopt and publish their editorial policies and accountability systems based on professional values and a public service orientation. Such statements should clearly empower the editorial staff and demonstrate the separation of editorial and business activities of the media company. The media self-regulatory or co-regulatory mechanisms should have the necessary powers to safeguard editorial independence from undue influences.

- ● Sri Lanka's media stakeholders should have a focused national debate on how best to guarantee editorial independence and work out the best possible strategies.

The media depends to a large extent on the public for sourcing information of public interest. Most of the time, sources are happy to be quoted in the media. But some individuals provide the media information of a sensitive nature – for example, relating to corruption, misgovernment or the activities of organised criminals. In such situations, anonymity or non-attribution is essential for the source's willingness to speak, out of fear for retaliation if his or her name were disclosed.

Protection of journalistic sources is one of the basic conditions for media freedom. Without such protection, sources may be deterred from assisting the media in informing the public on matters of public interest. If that happens, the vital public-watchdog role of the media may be undermined and the ability of the press to provide accurate and reliable information may be adversely affected.[37]

Sri Lanka does not have a specific law guaranteeing the right of journalists to maintain the confidentiality of their sources. Journalists and media organisations come under pressure from law enforcement

[36] http://www.theguardian.com/media/greenslade/2015/sep/28/financial-times-nikkei-guarantee-of-independence

[37] https://www.article19.org/pages/en/protection-of-sources-more.html

officers from time to time to reveal their sources.

In 1981, the state institution known as the Sri Lanka Press Council formulated a code of ethics for journalists under the Sri Lanka Press Council Law No 5 of 1973. Although approved by Parliament and gazetted on 8 October 1981, this code was not widely accepted by the journalistic community, and is not legally binding. The code contains a sentence saying: "Every journalist shall observe secrecy regarding any source of information unless the person who gave him such information authorizes the disclosure of his identity."[38] This creates an obligation of source confidentiality, rather than a right to it.

The 1996 Report of the Committee to Advise on the Reform of Laws Affecting Media Freedom and Freedom of Expression (known as 'the R.K.W. Goonesekere Committee Report') noted that the absence of protection in respect of confidentiality of sources in Sri Lanka was a 'serious impediment to investigative journalism and the exposure of public scandals and wrongdoing'. It recommended that the right of journalists not to be compelled to disclose their sources

of information should be guaranteed by law. Two decades later, such a law has not yet been introduced.

During and after the civil war, journalists and editors regularly came under pressure from the state to reveal their sources for articles related to defence, public expenses, political scandals and other sensitive topics. National and international advocacy groups have often protested on this transgression of media freedom. For example, Freedom of the Press 2007 report documented how several journalists were summoned for questioning and asked to reveal their sources, one of who was detained.[39]

In 2008, the Colombo Declaration on Media Freedom and Social Responsibility (revised version) provided as follows in section 11: "Legislation to protect the confidentiality of media sources should be introduced and should be part of a Contempt of Court law, where the conditions under which divulgence of media sources are compelled, are clearly defined."[40]

[38] http://www.slpc.lk/images/doc/1981-10-14-English.pdf

[39] https://freedomhouse.org/report/freedom-press/2007/sri-lanka#.VUyKc_DkqSo

[40] Colombo Declaration on Media Freedom and Social Responsibility (2008 revised version) https://ict4peace.files.wordpress.com/2009/03/declaration_eng.pdf

1**05** The public and civil society organisations (CSOs) participate in shaping public policy towards the media

The processes of formulating policies, laws and regulations in Sri Lanka do not offer too many opportunities for the public or CSOs to engage. Yet public spirited individuals and vigilant CSOs use the media, professional forums and other platforms to critique new policies and to lobby against any ill-advised policies, laws or practices. In this process, they sometimes enlist the support of opposition Parliamentarians.

The recent process of discussing the new RTI Bill involved many academics, activists and journalists – this indicates a more consultative approach on the part of the current government.

Specifically on media related policies, journalists' trade unions and other media associations sustain pressure, and where possible turn it into public agitation campaigns.

A recent example: in mid 2013, the Media Ministry's attempt to introduce a Code of Ethics was successfully resisted by editors and journalists. In the end, President Rajapaksa directed the ministry not to proceed, saying "Such a code should

"Today Lankan media seems to have forgotten its responsibilities and going astray. So we urgently need media sector reforms to bring our industry and profession back to its basics. Reforms are needed at several levels: covering media laws, media ethics and greater professionalism in the media. We need to identify what has contributed to the current decay and systematically address those causes.

"We in the Tamil language media don't have even half of the right to information and free expression that Sinhala language newspapers enjoy. Even some fellow journalists are harassing us. For example, the people of this country – and us in the Tamil media – have no freedom to know what is going on in the (former war areas of) North. Obtaining and presenting information to our Tamil readers is a daily struggle for us. I see no difference between when the war was going on, and now (June 2015).

"Yes, freedom of expression is guaranteed by the Constitution -- but in practice, various restrictions come into play. This leads to self-censorship. Freedom of expression is a basic right not only for the media and journalists, but for ever citizen."

- S Srikajan
– Editor, Daily Virakesari

come from the media itself." He also acknowledged that a Code of Ethics (actually, a Code of Professional Practice) formulated by the Editors' Guild of Sri Lanka was already in place.[41]

Recommendation

● The government should undertake a broad process of consultation with interested stakeholders when adopting legislation or policies which affect freedom of expression or of the media.

[41] http://www.sundaytimes.lk/130623/news/move-to-impose-standards-on-media-thwarted-49939.html

B

REGULATORY SYSTEM FOR BROADCASTING

1.06 Independence of the regulatory system is guaranteed by law and respected in practice

Sri Lanka's broadcast regulatory system is not well defined, and nor is it independent.

The Ministry of Media is the designated authority to consider applications and issue licences for radio and television broadcasting. In the absence of a specific law for this purpose, licences are issued under the Sri Lanka Broadcasting Corporation Act No 37 of 1966. Section 44 of that law empowers the Minister issue "to any person a licence for the establishment and maintenance of a private broadcasting station in any area of Sri Lanka"

The Act asks SLBC to publish a notice in the Gazette and in newspapers calling for applications for the issuance of such licences, and adds, "No licence shall be issued to any person except…after inquiry into his application".

The Act also says regulations may be made for governing this process, but such regulations have never been formulated during the half century the law has been in force.

In practice, it is not SLBC but the Ministry of Media that has exercised the authority

to issue broadcast licences. The Ministry's website lists 41 entities that have been issued with broadcast licenses since 1992 – these cover terrestrial, cable and satellite systems of distribution.[42]

The criteria for consideration and the decision-making process are not explained. It is an entirely discretionary process and licences may be suspended or revoked at any time. There is no right of appeal in such an event.

This has led to the licensees coming under the power of the government in office. As two senior broadcasters have described, "The licensing process was dependent largely on the goodwill of the Minister concerned. Later on, it was made necessary to renew these licences annually, making it more dependent on the Minister. In addition, the government could stop broadcasts whenever it wanted. Thus, the private media institutions were constantly under pressure to 'keep the government happy'."[43]

Once licences are issued, the level of monitoring for compliance of licensing conditions is not clear. On rare occasions, the Ministry has exercised its power to revoke

a licence – as happened with five FM radio channels (Sun FM, Gold FM, Hiru FM, Shaa FM and Sooriyan FM) operated by Asia Broadcasting Corporation (ABC) in October 2007. Their licence was suspended after one channel broadcast an erroneous report that Tamil Tigers (then engaged in civil war in the North) had arrived in a village in the south of Sri Lanka. The channel corrected itself within a short time and apologized on the air, but the government of the day still considered it a "gross violation of the freedom of expression".[44]

The company sought Supreme Court intervention, but was unsuccessful.[45] Their licence was restored six months later, but the entire decision making lacked transparency and appears to have been significantly influenced by political rather than public interest considerations.

The above mentioned situation highlights the need for an independent Media Commission or at least an independent Broadcasting Commission with constitutional standing within the 19th Amendment framework. Organisations like the Free Media Movement (FMM) have advocated for an independent media commission in the past. Legal scholar

[42] Registered Institutions for Radio and TV License, as listed on Ministry of Media website, accessed on 31 January 2016: http://www.media.gov.lk/images/pdf_word/licensed-institutions-tv-radio.pdf

[43] Political Economy of the Electronic Media in Sri Lanka. Tilak Jayaratne & Sarath Kellapotha. Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, 2015), p129

[44] http://www.bbc.co.uk/sinhala/news/story/2007/10/071029_fmm.shtml

[45] http://en.rsf.org/sri-lanka-court-upholds-withdrawal-of-abc-s-02-11-2007,24177

Asanga Welikala says the independent Media Commission should be appointed on the recommendation of the Constitutional Council and must feature the representation of, inter alia, working journalists, academics in relevant fields, proprietors, and now, also 'new media' practitioners.[46]

See also discussion under 2.8

Broadcasting needs technical level regulation to avoid chaos

[46] Securing the Freedom of Expression in the New Sri Lanka: Essential Institutional Reforms, by Asanga Welikala. Groundviews. org 17 January 2015. http://groundviews. org/2015/01/17/ securing-the-freedom- of-expression-in-the- new-sri-lanka-essential- institutional-reforms/

In the absence of an independent regulator, this does not arise. The Media Ministry of Sri Lanka currently plays multiple roles: policy maker, broadcast regulator as well as operator of fully state owned broadcast stations (SLBC, SLRC, ITN).

There is no formal obligation for the Ministry to promote pluralism. In fact, the state has so far not acted on the civil society advocacy to transform state owned broadcasters into true public service broadcasters, and also to license genuine community broadcasting.

Recommendation

● Comprehensive legislation on broadcasting should be adopted which, among other things, establishes an independent body to license and otherwise regulate broadcasting in line with international standards which is accountable to the people of Sri Lanka through Parliament. This body should operate in a transparent and accountable fashion and the law should provide a clear policy framework within which it needs to work.

"I believe some of the worst media conduct in the world is found in Sri Lanka. Take media ownership, for instance. Our government owns a large newspaper publishing house. There should be nothing called government newspapers; it should belong to the public. So I advocate that ANCL/Lake House should be sold.

"Our media runs behind politicians as if they were Gods. That does not elicit public interest information; such media conduct only brings out manufactured drama. Today, there is no politics in Sri Lanka without broadcast media; and there can be no broadcast media without politics. We have allowed these two to become so intertwined. Everybody works for short-term self-gain. Everyone is trying to safeguard their jobs. We need to change this culture!

"I am not even sure if profit motive is important for many media houses in Sri Lanka. They are in this business for other benefits. So serving the public interest or doing good is not important to them. They just put together some content. Even copying (of formats or ideas) is not done well.

"In my view, the top priority is to resolve and reform the structural issues affecting our media. Other important matters like media ethics can come next. Without the cake, there is no point talking about the icing! Start with the R K W Goonesekere Committee Report (1997) and Sidath Nandalochana Committee Report (1997)."

- Dr Rohan Samarajiva, communications scholar; former Director General, TRCSL; and Founder Chair, LIRNEasia research organisation

C

DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

108 The state does not place unwarranted legal restrictions on the media

Defamation laws exist to protect individuals from false allegations of fact which can damage their reputation. However, as the media freedom advocacy group Article 19 notes, in many countries the defamation law presents "unnecessarily and unjustifiably broad restrictions on freedom of expression". [47]

Article 19 says that defamation laws may be too broad in their definition; fail to provide for adequate legal defences; be prohibitively costly to defend; or impose excessive punishments for breach, such as criminal sanctions or crushing fines. A good defamation law aims to strike a healthy balance between the protection of individuals' reputation and freedom of expression.

The global trend has been to treat defamation as a civil matter, as criminal defamation laws are inherently harsh and have a disproportionate chilling effect on free expression. Both the UN and the Organisation for Security and Cooperation in Europe (OSCE) are actively advocating decriminalisation of defamation.[48]

Sri Lanka led the way in South Asia in decriminalising defamation in 2002.[49]

There is no law or regulation requiring journalists to register before they can practise their profession. However, editors are required to register under the Printing Presses Ordinance (adopted in 1902). This runs counter to international standards whereby no formal conditions of this sort should be imposed even on editors.

Even though not a legal requirement, there is an administrative arrangement known as the Media Accreditation, issued by the Department of Information (under the Media Ministry). This is an identification that admits the bearer to official press conferences and state functions, etc. Visiting foreign correspondents may also apply for a temporary accreditation with the endorsement of the Ministry of Foreign Affairs.[50] There is a stipulated procedure for issuing Media Accreditation, but the Department of Information has discretionary powers over applications. In the past, the Department has sometimes declined to grant this 'gate pass' to journalists and other media workers of media outlets critical of the government in office.

Historically, newspapers and magazines have had to register with the Department

[47] Article 19 (2006). Defamation ABC: A Simple Introduction to Key Concepts of Defamation Law. Article 19. London. https://www.article19.org/data/files/pdfs/tools/defamation-abc.pdf

[48] https://www.article19.org/pages/en/defamation-more.html

[49] http://www.sundaytimes.lk/151004/news/lankas-efforts-to-be-rid-of-criminal-defamation-lauded-by-indian-editor-166701.html

[50] http://www.dgi.gov.lk/divisions/media-accreditation-unit

1**09** Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

of Posts (if they wished to dispatch copies by post using a concessionary printed matter rate), and with the Department of National Archives. The Director, National Archives is also the Registrar of Books and Newspapers.[51]

Since the 1970s, the state Press Council also requires print periodicals to register with it and furnish details of publisher and editor. According to its website, this registration is not a prerequisite prior to starting a new newspaper or magazine; registration requires considerable paper work and copies of the publication's first three issues.[52]

Under international law, registration schemes for newspapers are viewed with suspicion and are only legitimate if they do not allow for refusal of registration (i.e. do not allow for official discretion in the process) or impose substantive barriers on operating a newspaper. It is not very clear what purpose, besides tracking and monitoring, the Press Council registration serves.

For decades, successive governments resorted to prosecution under criminal defamation laws when faced with media commentary critical of the head of state and/or government ministers. For this, they used state resources (i.e. Attorney General's Department). There was a spate of prosecutions in the 1980s and 1990s, which led to media rights groups campaigning for the repeal of criminal defamation laws.

In particular, they called for the repealing of Section 479 of the Penal Code, which made libel a criminal offence, punishable by imprisonment. This was at the forefront of the original Colombo Declaration on Media Freedom and Social Responsibility, which was adopted at an international seminar in April 1998 attended by many Lankan media organisations and international advocacy groups.

Section 479 was finally repealed in June 2002, along with the corresponding provisions in the Press Council Act.

Appreciating the need to institutionalize self-regulation, the media industry and journalists' associations soon joined hands to set up the Press Complaints Commission

[51] http://www.archives. gov.lk/web/index. php?option=com_content&view=article&id=227&Itemid=158&lang=en

[52] http://www.slpc.lk/newspaper-registrations.html

of Sri Lanka (PCCSL) as a voluntary mechanism. PCCSL started operations in October 2003 (see details under 3.7).

Civil defamation remains an option for seeking legal redress to any individual or entity that feels adversely affected by an item published in the media. Civil defamation can be established if such publication proves to be 'malicious'. However, extraordinary delays in dispensing justice make this area of the law almost entirely meaningless in practice.

Civil defamation is governed by the common law, the part of English law that is derived from custom and judicial precedent rather than statutes. Therefore, there are no civil defamation laws in the law books as such.

While not as drastic as criminal defamation cases for the journalists involved, civil cases -- sometimes involving excessively large claims of 'damages' -- continue to be filed against critical media outlets by some government officials, political figures and businessmen.[53]

---

[53] https://freedomhouse.org/report/freedom-press/2014/sri-lanka

Recommendation

● A law should be adopted to bring the rules on civil defamation into line with international and constitutional standards. The law should, among other things, ensure that public authorities do not have the power to bring defamation cases in their own names, that public figures are required to tolerate a greater degree of criticism than ordinary citizens, that appropriate defences are available to defamation defendants and that the sanctions for defamation are proportionate to the harm done.

1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

Contempt of court

Journalists occasionally face contempt-of-court charges. There is considerable ambiguity in the relevant law as well as in the judicial interpretations of the concept. Legal researchers Kishali Pinto-Jayawardena and Gehan Gunatilleke have written about "judicial tendency of intimidating the media and constraining the reporting of vital matters with regard to the independence of the judiciary".[54] This remains a case for concern.

The Colombo Declaration (revised version, 2008) urged, in section 4: "There should be a Contempt of Court Act in order to clarify the substantive and procedural Law concerned, which would define precisely the scope of Contempt of Court and the *Sub-Judice* Rule, broadly structured on the lines of the UK Contempt of Court Act of 1981, and the Indian Contempt of Court Act of 1971. The law should allow for fair and reasonable criticism of judgments, judicial conduct and judicial proceedings including when such proceedings are pending so long as such comment does not constitute substantive prejudice to the administration of justice, should specify, *inter alia*, narrowly defined

exceptions to the general rule regarding confidentiality of sources, should prescribe fair procedures for the determining of contempt allegations and should prescribe a maximum sentence that could be imposed when contempt is, in fact, found."

Sri Lanka does not have a codified law on contempt of court. However, a draft of a contempt law was drafted by a special committee of the Bar Association of Sri Lanka and sent to the Government in 2006. Among its provisions is one that says a person shall not be guilty of contempt of court for publishing any fair comment on the merits of a case which has been heard and finally decided or engaging in honest and fair criticism on a matter of public importance or public concern or fair criticism of the legal merits of judicial decisions.

Other entities like the Editors' Guild and the National Human Rights Commission also submitted draft laws on contempt to the Parliamentary Select Committee on Contempt chaired by late Minister Lakshman Kadirgamar in 2003. However, that Parliament was dissolved before the Select Committee completed its work.[55]

---

[54] In Media Law Reform Examined, by Kishali Pinto-Jayawardena and Gehan Gunatilleke, in *Embattled Media Democracy, Governance and Reform in Sri Lanka* (Sage Publications, 2015), pp 199-203

[55] http://www.sundaytimes.lk/060226/news/12.html

Parliamentary privileges

Parliamentary privileges law is another matter for concern. The Parliamentary Powers and Privileges Act (No 21 of 1953 and amendments) gives the Parliament power to deal with serious breaches of privilege.[56] In the past, Parliament has exercised its quasi-judicial powers to punish certain editors. Although the amendment that afforded such power to the Parliament was repealed in 1997, other provisions continue to worry journalists reporting Parliamentary proceedings.

The R K W Goonesekere Committee's conclusion with regard to parliamentary privilege was that the constitutional provisions that made 'parliamentary privilege' a ground for restricting free speech and media freedom were wholly inconsistent with Sri Lanka's obligations under international law.

The Colombo Declaration (2008) noted, in section 1.3, that the provisions in the Constitution setting out restrictions relating to parliamentary privileges should be removed "as this constitutes an unnecessary privilege conferred on members of parliament and is not reflected in modern standards relating to the right to freedom of speech, expression and information." The Declaration recommended that the Parliamentary Powers and Privileges Act (1953) should be returned to its original position and the consequent amendments to the Act should be specifically repealed.

At the same time, and fully consistent with the above, it is also true that the parliamentary privilege of freedom of speech of MPs needs to continue, albeit in a reformed manner, and to be available as a defence in defamation actions. This privilege performs an important role in strengthening Parliament in a modern democracy by ensuring that MPs are protected from civil liability or even the threat of vexatious litigation (by governments or powerful private interests), and thereby empowering them to take up important matters of public interest in the legislature. Other actors including the media remain potentially liable in civil defamation law if they harm the reputations of others during such discussions.

Naturally, this important privilege needs to be circumscribed to prevent abuse (including

---

[56] http://www.parliament.lk/files/pdf/powers_privileges.pdf

that it is not a blanket immunity). There are various Commonwealth models that can be followed in balancing the public interest in legislative independence and freedom with that of individuals' reputations.

Sri Lanka's legal framework relevant to FOE and media freedom is also defined by some other laws. For example:

- **Article 120 of the Penal Code**, which deals with offences against the State, makes it a crime punishable by up to two years' imprisonment to utter words which "excite or attempt to excite" ill-will against the President, the national government, the administration of justice, or "different classes of people" in Sri Lanka. This is a form of sedition law, which has long since been considered to be illegitimate according to international law.

- **The Public Performance Ordinance (No 7 of 1912)** regulates public performances and requires prior approval from the state-appointed Public Performances Board (PPB) before any public performances of a play, or public display of a film or video. During the war

years and also in the post-war period, filmmakers who made socially sensitive and critical films have had their creations heavily censored or banned.

As researcher Sivamohan Sumathy has documented in 2014, filmmakers who have ventured to open up spaces for rethinking the nation, such as Prasanna Vithanage, Vimukthi Jayasundara, Sanjeewa Pushpakumara and Asoka Handagama has all faced state censorship via the Public Performance Ordinance driven in many instances by ultra-right wing critiques of their feature films (i.e. works of fiction).[57]

Legal and regulatory restrictions such as the above often mean that matters that should be open to debate -- such as corruption, nepotism and cronyism -- may not always reach the public domain.

---

[57] Surveillance and Survival. By Sumathy Sivamohan. Frontline, 14 February 2014. http://www.frontline.in/arts-and-culture/cinema/surveillance-and-survival/article5652190.ece

Among the Other Laws that Affect Media

There are several other laws that are, in full or in part, affect the media's operations. Some of them date back from the times of British rule.

These are:
• Newspapers Ordinance No 5 of 1839
• Printers and Publishers Ordinance No 1 of 1885
• Printing Presses Ordinance No 16 of 1902
• Obscene Publications Ordinance No 4 of 1927
• Profane Publications Act No 41 of 1958
• National Archives Act No 48 of 1973
• Code of Intellectual Property Act of 1979

In addition, Penal Code provisions on offences against the state (Section 118 and 120), and offences affecting public decency or morals or religious harmony (Sections 285-287 and 291 A&B) are also relevant to the media.

Source: Sri Lanka chapter by Shelton A Gunaratne and Chanuka Wattegama in Handbook of the Media in Asia (Sage Publications, 2000). pp 182-216

Recommendations

● Enact a codified and liberalised Contempt of Court law which allows for fair criticism of judgments, judicial conduct and judicial proceedings including when such proceedings are pending so long as such comment does not pose a specific risk of prejudice to the fairness of an ongoing case or, in exceptional cases, the administration of justice.

● Parliament should not have the power to impose sanctions on others for criticism of Parliament, MPs or parliamentary officers. The right to disclose information in the public interest, including about the activities of Parliament and its members, should be fully protected in law.

● Section 120 of the Penal Code relating to sedition should be repealed; the rules on incitement to crimes are sufficient to protect against any legitimate threats covered by the law on sedition.

● Other laws and rules which limit freedom of expression should be reviewed and, as needed, amended to bring them into line with constitutional and international guarantees of freedom of expression.

D

CENSORSHIP

News is a perishable commodity: any delay in its release by the news media represents a serious affront to free expression.

International law permits prior censorship only in highly exceptional circumstances. Any restriction on freedom of expression must be the least restrictive means possible to protect a justifiable public interest, and must be narrowly defined and proportionate to protect that interest.

Some countries which have signed and ratified international treaties on free expression nevertheless continue to impose prior censorship in violation of their own law or constitution.

Over-broad or ill-defined laws can do much harm to free speech by granting those who apply them excessive discretion in determining their boundaries. For example: the banning of publications or broadcasts on the grounds that they "might damage public order, morality or security, or harm relations with a foreign country" leaves huge scope for interpretation.

1.11 The media is not subject to prior censorship as a matter of both law and practice

Excessive punishments such as heavy fines or the closure or threatened closure of media organisations create a climate of self-censorship and represent, on their own, a breach of the right to freedom of expression. By contrast, an effective system of media self-regulation makes state intrusion unnecessary (see also sections 3.7 and 3.8 on media self-regulation).

Censorship - by Eric Drooker

During the civil war in Sri Lanka, a prior censorship concerning all matters related to national security was maintained for several years (and by more than one government). It was imposed under emergency regulations (which were allowed to lapse in August 2011). Media organisations felt that the application of censorship rules was often arbitrary and excessive.

In 2006, unofficial prepublication censorship on issues of "national security and defence" was imposed by a newly set-up Media Centre for National Security (MCNS), which assumed the authority to disseminate all information related to these issues to the media and the public. However, the centre was dissolved in December 2013.[58]

Sri Lanka has not had any formal prior censorship for some years, but due to the unfriendly and hazardous environment that prevailed until 2015, most media organisations and journalists exercised self-censorship.

[58] Freedom of the Press 2014 Report on Sri Lanka. Freedom House. https://freedomhouse.org/report/freedom-press/2014/sri-lanka#.VUhQvfDkqSo

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

> "We must constantly fight for media freedom. It is an on-going struggle. Right now we wait for a threat or attack against a media organisation or journalist to react. This must change."
>
> **- Vijitha Yapa.**
> **Founder Editor,**
> *The Island, Sunday Island and*
> *The Sunday Times*

Recommendation

● No prior censorship should be imposed on the media. Where necessary, courts can review media content for legality after publication on an urgent basis. Laws and regulations that permit censorship – including the Public Performance Ordinance – should be reviewed and amended to bring them into line with international standards.

The first documented blocking of access to a website within Sri Lanka was in June 2007. It involved TamilNet, one of most widely visited and well-known news websites about Sri Lanka. The website, located at www.tamilnet.com and hosted from outside Sri Lanka, was blocked by all Internet Service Providers (ISPs) who were acting on the orders of "higher authorities" in the government. There was no published order, notice or directive and the move was condemned by local and international media rights advocacy groups.[59] [60]

After that, there were many more instances where ISPs blocked user access to news websites carrying political information or commentary – all apparently under instructions from the Telecommunications Regulatory Commission (TRCSL). Such blocking was entirely arbitrary and had no basis in law, nor any judicial sanction or oversight. (It contrasts with the blocking of some pornographic websites, which was done after specific court orders were obtained by the police.) As such, the blocking of news websites and political websites amounted to online censorship.

As the Freedom on the Net 2012 Report noted, "Since 2007, there have been

[59] Tamilnet blocked in Sri Lanka, BBC Sinhala. com http://www.bbc.co.uk/sinhala/news/story/2007/06/070620_tamilnet.shtml

[60] https://www.article19.org/data/files/pdfs/press/sri-lanka-tamilnet-blocked.pdf

"There are no laws in Sri Lanka for online content regulation. Website blocking was ad hoc (during prior to 2015) – it was done by asking Internet Service Providers (usually through verbal instructions) to block access from within Sri Lanka, but such websites were accessible from anywhere else in the world. These orders were not documented."

**- Charitha Herath,
Former Secretary, Ministry of
Media and Information
(2012-14)**

numerous cases of arbitrary blocks on websites that report on human rights violations, corruption, and governance issues. These instances have occurred alongside the consistent failure by authorities to provide a legal basis for the blocks, follow due process in terms of judicial intervention in order to legitimize any move to restrict content, or protect partisan interests

when it comes to content that is critical of government policies and actions."[61]

As far as is known, none of the country's ISPs challenged these executive orders in court, or sought judicial oversight for such blocking, presumably fearing the revocation of their operator licence.

In the most comprehensive report on Internet freedom in Sri Lanka, released in November 2011, CPA noted: "The directives of national security and arbitrary judgements by government officials on what constitutes the national interest and public morality have been manipulated to stifle dissent and block web content that is considered offensive. The situation is compounded by a legislative framework with broad provisions that allow for civil liberties to be trumped in favour of national security provisions and regulatory standards that demand neither an independent regulatory commission nor transparent administrative practices and adequate protection of data and privacy." [62]

In its Freedom on the Net 2014 report, Freedom House said, "The TRC's interventions to restrict online content and pronouncements on strengthening online

[61] https://freedomhouse.org/report/freedom-net/2012/sri-lanka

[62] Freedom of Expression on the Internet in Sri Lanka, Centre for Policy Alternatives, Colombo. November 2011. http://cpalanka.org/wp-content/uploads/2011/11/FOE-REPORT-NOV-2011-FINAL-CPA.pdf

regulation have been partisan, extralegal, and repressive."

The report added, "Targeted, politicized censorship continued throughout 2013 and 2014 with the website of the *Colombo Telegraph* periodically blocked, apparently because of its dissenting content and coverage of controver¬sial political affairs in the country. As in the past, the government denied responsibility. Hate speech online, however, appeared to subside over the last year, though violent anti-Muslim incidents continued to be the topic of much discussion on social media, with messages of support extended towards the Muslim community from Facebook users within the country."[63]

In November 2011, the Department of Information issued a notice requiring all "websites carrying any content relating to Sri Lanka or the people of Sri Lanka... uploaded from Sri Lanka or elsewhere" to "register" for "accreditation". The registration authority was designated as the Ministry of Mass Media and Information. However, this directive had no basis in any law or regulation.

The vague and overbroad nature of this arrangement was highlighted by civil society groups. In a statement, they noted: "Concerns about defamation and the right to privacy notwithstanding, the government has failed to provide a legitimate rationale for the registration process consistent with the values of a democratic society or international standards on permissible legal restrictions on the freedom of expression." [64]

Several news and current affairs websites registered themselves under this scheme, while others declined to do so. Some that did not register were subsequently blocked from being accessed within the country. In early 2012, the Free Media Movement (FMM) filed a fundamental rights petition challenging the ministry's grounds for blocking five unregistered sites. But Supreme Court dismissed the case a few months later.

Under international law, blocking of websites on an administrative basis, particularly where undertaken by a government body, is not a justifiable restriction on freedom of expression.

Arbitrary blocking of political and critical websites ended only in mid January 2015,

[63] https://freedomhouse. org/sites/default/files/ resources/Sri%20Lanka. pdf

[64] Arbitrary Blocking and Registration of Websites: The Continuing Violation of Freedom of Expression on the Internet. Civil society statement issued on 9 November 2011. http://www.cpalanka.org/ arbitrary-blocking-and-registration-of-websites-the-continuing-violation-of-freedom-of-expression-on-the-internet/

> "Filtering of content on the Internet, using communications 'kill switches' (i.e. shutting down entire parts of communications systems) and the physical takeover of broadcasting stations are measures which can never be justified under human rights law."
>
> **- From the Joint Declaration on Freedom of Expression and responses to conflict situations.** UN Office of the High Commissioner of Human Rights. 4 May 2015. https://shar.es/1YhNPC

shortly after President Sirisena was elected. However, court-sanctioned blocking of pornographic websites continues.

Sri Lanka has so far not blocked any social media platform, even for a short period of time.

However, senior political leaders and officials have been critical of social media in some of their public statements. In October 2013, former President Rajapaksa called Facebook a 'disease for our children', yet he himself avidly used both Facebook and Twitter for his outreach.[65] In March 2014, the Media Ministry reportedly formed a committee to "regulate social media", but its scope was unclear and no steps were taken.

Attention should also be paid to the potential misuses of the "Internet kill switch" -- a single shut off mechanism or authority for all Internet traffic in an entire country or parts of a country. This is considered a 'last resort' countermeasure in a serious cyber crime attack, where it becomes necessary to 'shut down the Internet to protect it' from unspecified assailants. However, concerns are raised by activists and researchers on disproportionate uses of this option that can affect Internet users' freedom of expression.

Such a complete shut-down took place within the SAARC region on 1 February 2005, when the then King Gyanendra dismissed the Nepali government, assumed powers of absolute monarchy, and – for several days – shut down all mobile

[65] http://www.therepublicsquare.com/politics/2013/10/president-says-facebook-is-a-disease-in-sri-lanka/

telecommunications networks and the Internet across the entire country.

Although Sri Lanka has never had a complete shut down of all telecom services, during the 2005-2009 period the government directed mobile networks be shut down in specific operational areas in the North and the East for various time periods.[66] On 4 February 2008, the entire country's SMS (text messaging) was shut down for several hours across all mobile networks while the Independence Day observance took place. The then government offered no legal or technical explanation for such actions, except to cite 'national security'.

Communications scholar Dr Rohan Samarajiva has called for wider discussion of the 'kill-switch' that can have serious implications for FOE.[67]

[66] Over 200,000 in Jaffna deprived of phone service now for two months. LIRNEasia, 30 October 2006. http://lirneasia. net/2006/10/over-200000-in-jaffna-deprived-of-phone-service-now-for-two-months/

[67] http://old.himalmag. com/component/content/ article/4319-technologies-and-freedom.html

Recommendations

● There should be no attempts by the state to limit online content or activities, except in accordance with a law that meets the standards of respect for freedom of expression as set out in the Constitution and under international law. Pornographic content may be blocked but only after obtaining court orders under specific laws citing specific websites deemed offensive. Such blocking action should never be applied to any website carrying critical political commentary or exposing corruption. When judicially sanctioned website blocking is done as the last resort, a complete list of all such blocked websites should be maintained and made available for public review.

● Democratic governments should not use 'kill switch' that have vast and paralysing effects across society and economy. For the extreme and unlikely situations, there need to be clear regulations or guidelines on governments' ability to use the 'kill-switch' option of telecommunications networks, so as to prevent its misuse for political purposes or to suppress dissent.

● Websites should not be required to register to operate and any regulatory rules that are applied to the online world should respect the principle that regulatory powers over freedom of expression should only ever be exercised by a body which is protected against political and commercial interference.

Stakeholder viewpoints…

"Along with politicians and governments, the media must also take part of the responsibility for the dismal state of our country. We need to nurture our media to suit our own culture and social realities. We can look at how exemplary public service media entities like BBC have evolved. But in the end, we have to develop our own models."
- Edmund Ranasinghe,
Former Chief Editor,
Divaina and The Island

"There are major problems with our media reporting that predated the war, and have continued during the war period and now, even after the war ended. We need our media to play a greater role in building peace and supporting reconciliation."
- Justice C V Wigneswaran,
Chief Minister,
Northern Provincial Council

"Many problems we find in the media today are, in fact, a reflection of deeper maladies in society and in the education system. We are not creating thinking or creative people from our schools any longer. The media sector in Sri Lanka needs major reforms, and a complete overhaul after a good deal of self-reflection."
- Saman Athaudahetti,
Additional Secretary (Media) to the
Prime Minister of Sri Lanka

"The previous government tried to block certain websites and created an unnecessary issue. News websites were required to register with the Ministry of Media. That was plain stupid. By simply registering websites, there was no way to enforce any content regulation. Also, when access to (political) websites was blocked within the country, people found other ways of getting to that information.

"I am totally against web censorship. If any government thinks they can block critical websites and prevent information flow, they are wrong. Both technically and practically, it was ill-advised action. It was the biggest mistake that the previous government made."
- Harsha Wijayawardhana,
Head of Department/Consultant,
University of Colombo School of
Computing (UCSC)

"We are opposed to website content regulation or control by the government. We advocate responsible content production and sharing. PWJA is preparing a code of ethics for professional web journalists in Sri Lanka. We will admit as members only those who endorse and abide by this code. We are not opposed to registering news websites with the Ministry of Media, but right now the fee for such registration (LKR 35,000 per year) is too high, and we are hoping it can be reduced.

"The previous government tried to block political websites and censor the Internet, but there was no legal basis for it. We fought against the blocking of 8 such websites. Upon investigation, we found that ISPs had blocked these websites acting on telephone calls of certain officials. There is no such website blocking now (April 2015), but who can tell what could happen in the future?"
- Freddie Gamage,
President,
Professional Web Journalists
Association (PWJA)

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

Collation of Recommendations

Indicator	Relevant Recommendation
1.1 Freedom of expression is guaranteed in law and respected in practice	1. The Constitution should be amended to ensure that it protects the fundamental rights to freedom of expression and information of all persons subject to the jurisdiction of the State and not just citizens.
	2. The Constitution should be amended to limit the adoption of emergency regulations (under the Public Security Ordinance) to highly exceptional circumstances as defined under international human rights law, including because of the existence of an emergency which threatens the life of the nation. Such regulations should never be used as a matter of expediency to circumvent the normal legislative process. The necessity of a state of emergency should be indicated clearly in emergency regulations, which should be strictly limited in time to the duration of the emergency. Provision should be made for the courts to assess whether the imposition of emergency regulations is justified.
	3. The Constitution should incorporate language that limits restrictions on the fundamental rights to freedom of expression and information to those which are permissible only in the special circumstances set out in Article 19(3) of the ICCPR, including as to the interests which would justify a restriction and the requirement that any restriction be necessary to protect that interest.
	4. The government should review all existing laws which impose restrictions on freedom of expression with a view to amending them as necessary to ensure that they are fully consistent with international human rights laws and norms. One option is the reintroduction of judicial (Constitutional) review of legislation so as to ensure the supremacy of the Constitution over ordinary legislation. This will help address a number of concerns about older legislation that can then be subject to constitutional scrutiny as well.

Indicator	Relevant Recommendation
1.2 The right to information is guaranteed in law and respected in practice	5. A Right to Information law based on the principle of maximum disclosure should be adopted. The Official Secrets Act No 32 of 1955 should either be repealed in its entirety or substantially amended in line with the principles relating to RTI. The Right to Information law should include a provision to protect whistle blowers acting in good faith and in reasonable belief that the information was substantially true and disclosed evidence of wrong-doing. 6. The provisions which allow the restricting of information on the grounds of protecting parliamentary privileges should be removed from the Constitution and the RTI law and the scope of these legal documents should be expanded to include everyone.
1.3 Editorial independence is guaranteed in law and respected in practice	7. Editorial independence of the public service media should be guaranteed by law while all other news media are encouraged to adopt and publish their editorial policies and accountability systems based on professional values and a public service orientation. Such statements should clearly empower the editorial staff and demonstrate the separation of editorial and business activities of the media company. The media self-regulatory or co-regulatory mechanisms should have the necessary powers to safeguard editorial independence from undue influences. 8. Sri Lanka's media stakeholders should have a focused national debate on how best to guarantee editorial independence and work out the best possible strategies.
1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice	9. The law should provide strong protection for the right of journalists and other media professionals who disseminate information professionally or regularly in the public interest to protect their confidential sources of information.

Indicator	Relevant Recommendation
1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media	10. The government should undertake a broad process of consultation with all stakeholders when adopting legislation or policies which affect freedom of expression or of the media.
1.6 Independence of the regulatory system is guaranteed by law and respected in practice	
1.7 Regulatory system works to ensure media pluralism and freedom of expression and information	11. Comprehensive legislation on broadcasting should be adopted which, among other things, establishes an independent body to license and otherwise regulate broadcasting in line with international standards which is accountable to the people of Sri Lanka through Parliament. This body should operate in a transparent and accountable fashion and the law should provide a clear policy framework within which it needs to work.
1.8 The state does not place unwarranted legal restrictions on the media	
1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals	12. A law should be adopted to bring the rules on civil defamation into line with international and constitutional standards. The law should, among other things, ensure that public authorities do not have the power to bring defamation cases in their own names, that public figures are required to tolerate a greater degree of criticism than ordinary citizens, that appropriate defences are available to defamation defendants and that the sanctions for defamation are proportionate to the harm done.

Indicator	Relevant Recommendation
1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law	13. Enact a codified and liberalised Contempt of Court law which allows for fair criticism of judgments, judicial conduct and judicial proceedings including when such proceedings are pending so long as such comment does not pose a specific risk of prejudice to the fairness of an ongoing case or, in exceptional cases, the administration of justice. 14. Parliament should not have the power to impose sanctions on others for criticism of Parliament, MPs or parliamentary officers. The right to disclose information in the public interest, including about the activities of Parliament and its members, should be fully protected in law. 15. Section 120 of the Penal Code relating to sedition should be repealed; the rules on incitement to crimes are sufficient to protect against any legitimate threats covered by the law on sedition. 16. Other laws and rules which limit freedom of expression should be reviewed and, as needed, amended to bring them into line with constitutional and international guarantees of freedom of expression.
1.11 The media is not subject to prior censorship as a matter of both law and practice	17. No prior censorship should be imposed on the media. Where necessary, courts can review media content for legality after publication on an urgent basis. Laws and regulations that permit censorship – including the Public Performance Ordinance – should be reviewed and amended to bring them into line with international standards.

Indicator	Relevant Recommendation
1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental	18. There should be no attempts by the state to limit online content or activities, except in accordance with a law that meets the standards of respect for freedom of expression as set out in the Constitution and under international law. Pornographic content may be blocked but only after obtaining court orders under specific laws citing specific websites deemed offensive. Such blocking action should never be applied to any website carrying critical political commentary or exposing corruption. When judicially sanctioned website blocking is done as the last resort, a complete list of all such blocked websites should be maintained and made available for public review.

19. Democratic governments should not use 'kill switch' that have vast and paralysing effects across society and economy. For the extreme and unlikely situations, there need to be clear regulations or guidelines on governments' ability to use the 'kill-switch' option of telecommunications networks, so as to prevent its misuse for political purposes or to suppress dissent.

20. Websites should not be required to register to operate and any regulatory rules that are applied to the online world should respect the principle that regulatory powers over freedom of expression should only ever be exercised by a body which is protected against political and commercial interference. |

2

Plurality and diversity of media, a level economic playing field and transparency of ownership

KEY INDICATORS

A MEDIA CONCENTRATION

    2.1   State takes positive measures to promote pluralist media

    2.2   State ensures compliance with measures to promote pluralist media

B A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

    2.3   State actively promotes a diverse mix of public, private and community media

    2.4   Independent and transparent regulatory system

    2.5   State and CSOs actively promote development of community media

C LICENSING AND SPECTRUM ALLOCATION

    2.6   State plan for spectrum allocation ensures optimal use for the public interest

    2.7   State plan for spectrum allocation promotes diversity of ownership and content

    2.8   Independent and transparent regulatory system

D TAXATION AND BUSINESS REGULATION

    2.9   State uses taxation and business regulation to encourage media development in a non-discriminatory manner

E ADVERTISING

    2.10   State does not discriminate through advertising policy

    2.11   Effective regulation governing advertising in the media

"Citizens of the democratic societies should undertake a course of intellectual self defense to protect themselves from manipulation and control, and to lay the basis for meaningful democracy," says Professor Noam Chomsky, the American linguist and a leading critic of the role of media in democracy.

Media's ownership -- whether it is a sole proprietor, corporation, state or any other entity – is inextricably linked to its editorial conduct. Given how much media can influence and shape public opinion in modern societies, close attention must be paid to who owns media and how much they control the editorial positions advocated by their media outlets.

When media ownership is concentrated in the hands of a few individuals or companies, private interests can dominate over the public interest that all media – irrespective of ownership -- is expected to serve. Such private interest can range from those of political parties, individual companies or various lobby groups.

All broadcasters use the electro-magnetic spectrum which is a public property where the state is the custodian. When a few companies have access to the spectrum, there can be no proper market-based competition. That, in turn, can lead to monopolistic practices (such as higher prices) and less innovation.

Democracies need to monitor trends in media ownership and take preventive action against undue concentration of ownership. Governments may adopt rules aimed at limiting the influence which a single person, a family, a company or group may have in one or more media sectors. Governments also have an obligation to nurture a sufficient number of diverse media outlets through proper media sector regulation.

Such rules may include thresholds based on objective criteria, such as audience share, circulation, turnover/revenue, distribution of share capital or voting rights. Such rules may, in addition, take into account both horizontal integration (mergers within the same branch of activity) and vertical integration (control by a single person, company or group of key elements of the production and distribution processes, and related activities such as advertising).

The exact form that regulation takes depends on the size and the level of development of a media market. Also, the authorities responsible for implementing media laws must be vested with sufficient powers to accomplish their role, be independent, and operate free from political pressures. In particular, they must have the power to divest media operations where media pluralism is threatened or unacceptable levels of concentration are reached, and even to impose sanctions where required.

What exactly is Media Pluralism?

The media are pluralistic if they are multi-centred and diverse enough to host an informed, uninhibited and inclusive discussion of matters of public interest at all times.

Pluralism of the media means a media structure that is:
- comprised of competing media outlets which are independent from each other, a central owner, or other influence;
- diversified on separate but overlapping planes of ownership, political views, cultural outlooks and regional interests;
- able to communicate to all corners of society;
- capable of conveying a great variety of information and opinion; and
- designed to draw information from a wealth of different sources.

Source: Media Pluralism and Human Rights, produced by the Council of Europe Commissioner for Human Rights, 2011 https://wcd.coe.int/ViewDoc.jsp?id=1881589

A

MEDIA CONCENTRATION

Media concentration (a handful of individuals or companies owning a significant share of media in a given market) undermines media pluralism and diversity. It creates an environment that is not favourable to the multiplicity of ideas, languages and cultures in the media. That, in turn, often inhibits opportunities for all sectors of a community to participate in public discussion and debate.

The Lankan media sector can be broadly categorised as those that are owned and controlled by the state, and the rest owned by various privately held media companies. There is no truly community-owned media with any significant reach. Most private broadcast channels are based in the Colombo district. There are also five radio stations operated by the state broadcaster. This status quo inhibits citizens' ability to access diverse media, especially at the local levels.

BOX 05

Cross-ownership of Media

Media cross-ownership is the ownership of multiple media businesses by one person or company. These businesses can include broadcast and cable television, film, radio, newspaper, magazine, book publishing, music, video games, and various online outlets. This is to ensure that one individual or company does not have a disproportionately high influence over public opinion.

In the United States, the Federal Communications Commission (FCC) sets limits on the number of broadcast stations (radio and TV) an entity can own, as well as limits on the common ownership of broadcast stations and newspapers. These limits are reviewed once every four years.

Details at: https://transition.fcc.gov/cgb/consumerfacts/reviewrules.pdf

2 01 State takes positive measures to promote pluralist media

There is no evidence to show the existence of any state policies specifically aimed at promoting media pluralism or diversity in Sri Lanka.

Also, Sri Lanka does not have any laws to limit the concentration of media ownership. Media cross-ownership is currently also not regulated. There is no independent regulatory body or mechanism that could enforce such laws even if they existed.

In recent years, political party manifestos during key national elections have underlined the need for media freedom, but they failed to consider the equally important need for enabling policies to foster media pluralism and media diversity. In particular, there is no independent regulatory body in the broadcasting sector with a mandate to foster pluralism and diversity.

It is true that the number of channels has increased both in FM radio and terrestrial television sectors. But this increase has not created a more inclusive public sphere. Instead, it has become a case of 'more of the same' both in news coverage and other programming formats. Imitation is far more common than innovation.

Until the end of 2014, content diversity in the broadcast sector was also hindered by the then political climate where media owners opted to 'play safe' and go along with preferences of the former regime, rather than taking any risks in allowing diverse or dissenting views. The problem was further exacerbated by not having independent community media to provide a platform for alternative views.

Thus, the high number of media outlets in Sri Lanka has created a highly misleading impression of media diversity when, in fact, almost all outlets were peddling variations on the same theme. **Under the new government that has explicitly committed itself to media freedom, that particular constraint no longer exists – so the time is right for true media diversity and media pluralism to flourish.**

Channel proliferation

As for the number of channels, the Media Ministry's directory of Lankan media 2011 (the latest available) listed[68]:
• 16 entities engaged in radio broadcasting (2 state owned, the rest privately owned): Between them, they operate over 50 FM

[68] The Directory was available until 30 April 2015 on Ministry website but is no longer online. Earlier location: http://www.media.gov.lk/english/images/stories/pdf/guide_to_media.pdf

radio channels in Sinhala, English or Tamil.
- 12 entities engaged in television broadcasting (2 state owned, the rest privately owned): These were responsible for a total of over 20 free-to-air terrestrial channels.

A list of radio and TV channels operating in 2015, taken from a market research source, is given as Annex 5.

In addition to free-to-air terrestrial channels, there are some cable TV and direct-to-home (DTH) satellite TV operators, and one IP-TV distributor. For the most part, these channels relay local terrestrial channels and overseas satellite channels: their market share is relatively small but growing. For example, Dialog TV, the market leader, announced in March 2015 that it had reached 504,000 subscribers.[69]

Cable TV subscription packages vary, with the lowest costing around LKR 450 (approx. USD 4) per month. Daily subscription rates are also available.

The state owns and manages several media outlets with substantial outreach:

[69] https://www.dialog.lk/dialog-delivers-growth-of-6-in-first-quarter

- Associated Newspapers of Ceylon Limited (ANCL, better known as Lake House), the country's largest and oldest newspaper publishing house (nationalised in 1973);
- national radio, Sri Lanka Broadcasting Corporation (SLBC);
- national television, Sri Lanka Rupavahini Corporation (SLRC),
- a commercial TV station named Independent Television Network (ITN Sri Lanka), taken over by the state from its private owners in 1979;

For the moment, no other media owning entity has comparable breadth and reach. Lake House, SLBC and SLRC enjoy historical advantages of well established distribution networks.

No private company has, as yet, established a pervasive presence across all media. However, during the past three decades, the broadcast media companies have increased their channels and added web outlets as well. The following illustrates this trend (*this is not an exhaustive list*):

Holding Company	FM radio channels	TV channels (terrestrial)	Other media operations
Capital Maharaja Organisation Ltd. www.capitalmaharaja.com	Sirasa FM Shakthi FM YES FM Y FM *Operated under MBC Networks (Pvt) Ltd*	Sirasa TV Shakthi TV TV 1 *Operated under MTV Channel (Pvt) Ltd.*	News website: News 1st http:// newsfirst.lk
EAP Holdings www.eapholdings.lk	Shree FM E FM Ran FM	Swarnawahini ETv	Cinema network: EAP Films and Theatres (Pvt) Ltd.
Asian Broadcasting Corporation (Pvt) Ltd. www.asiabroadcasting.lk	Hiru FM Sun FM Sooriyan FM Gold FM Shaa FM	Hiru TV	News website: Hiru News www.hirunews.lk
Power House (Pvt) Ltd.	FM Derana	TV Derana (also operates cable news channel named Ada Derana 24/7)	News website and SMS news alert service: Ada Derana http://www.adaderana.lk

As the Lankan media market evolves and audience preferences change, some smaller companies are struggling to remain in business. This is a particular challenge for media companies that do not have any other business interests, and therefore, must rely wholly on subscription and/or advertising revenue. Some smaller newspapers and

broadcast stations have seen their ownership change hands in recent years in a process of market consolidation (i.e. bought by larger media companies). As noted above, there are no formal legal limitations on this.

Also, as media rights activists have documented, supporters of the Rajapaksa regime were known to acquire critical media houses, shortly after which the editorial content of such outlets was noticeably changed (i.e. muted of any criticism).[70]

There is no legal requirement to publicly disclose names of media company owners, board members and/or shareholders (if any) of a media company. As mentioned in 2.9, the company regulator only requires basic disclosures in mandatory filings known as annual returns. (In India, in contrast, the Registrar of Newspapers of the government requires every copy of every newspaper to carry the names of the printer, publisher, owner and editor and the place of its printing and publication. A more detailed notice has to be published in the first issue every year after the last day of February.[71])

Some politicians are known to own key media houses either directly, or through proxies who may be family members or close confidantes. For example, at least five (5) Members of Parliament in the last Parliament (2010-2015) were connected to private newspaper publishing companies. A sixth MP had a sibling who owned a prominent broadcast company with several radio and TV channels.

Sri Lanka currently does not have any restrictions on politicians or their families either owning or being closely linked to media companies. In fact, more politicians are aspiring to own media houses while some media owners have hinted at their own political ambitions.[72]

---

[70] Rajapaksa and the media: Someone has to undo the damage. Daily Mirror, 8 Dec 2014. http://www.dailymirror.lk/58351/rajapaksa-and-media-someone-else-has-to-undo-the-damage

[71] http://rni.nic.in/cenrule.asp

[72] Parliament of Sri Lanka has a total of 225 members. http://www.parliament.lk/en/members-of-parliament/directory-of-members

Recommendations

- The government should launch an inclusive, multi stakeholder discussion to determine the laws and policies needed to foster genuine pluralism and diversity of media in Sri Lanka. This should be done more as a matter of increasing the democratic communicative power in an inclusive public sphere rather than merely providing for consumer choice and market competition.

- The government should adopt a new regulation that makes it mandatory for all media ownership details to be open, transparent and regularly disclosed to the public. (For example in India, it is a legal requirement for all media companies to publish ownership and principal shareholder details on a regular basis). Until this happens, the media industry can increase its own public accountability by voluntarily disclosing ownership details on an annual basis.

- Parliament should adopt a law to limit the concentration of media ownership, as well as cross-ownership of media (i.e. one company or group owning multiple print, radio, TV and online media in the same market).

- Researchers and civil society groups should expand their media monitoring work to go beyond content analysis and ethical considerations of editorial practice, to also include the public tracking of political affiliations and the non-media business interests of media owners. Media advocacy groups and media researchers should develop a system of placing this information online on a dedicated website or blog.

2 02 State ensures compliance with measures to promote pluralist media

There is no law, or regulation, that specifically promotes media pluralism in Sri Lanka. Prevailing ownership structures do not fully accommodate informed, uninhibited and inclusive discussion in the media.

Increasingly private ownership of the media has not necessarily nurtured independent media in the broadcast sector.

A recent book, *Embattled Media: Democracy, Governance and Reform in Sri Lanka*, notes how the private broadcast companies are owned by people whose wider business networks who are vulnerable (to state and commercial pressures) and who are not focused on serving the public interest. Reviewing the political economy of the broadcast media, the book has called for a fresh look at the entire media ownership framework to encourage more diversity of ideas and voices.[73]

Recommendation

● The government should launch an inclusive, multi stakeholder discussion to determine the policies needed to foster genuine pluralism and diversity of media in Sri Lanka. This should be done more as a matter of increasing the democratic communicative power in an inclusive public sphere rather than merely providing for consumer choice and market competition.

[73] Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, Feb 2015). pp 101-150 http://www.sagepub.in/books/Book244886?siteId=sage-india&prodTypes=any&q=Embattled+Media&fs=1

B

A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

2 03 State actively promotes a diverse mix of public, private and community media

In Sri Lanka, the state does not actively promote a diverse media mix.

The private sector participation in broadcasting has been open only to business confidantes of various ruling parties that have been in office since 1990. It is not allowed on an open or competitive basis. There is no community broadcasting in either radio or television as no licences have been issued to any community groups or non-profit organisations.

It is simpler to start a periodical print publication in Sri Lanka, as there are no start-up fees or other restrictions on new print titles. A large number of newspaper and magazine titles can be found in Sri Lanka, but many struggle with problems of commercial viability.

The law does not provide for any legal recognition of community media, although international standards require community broadcasting to be "explicitly recognized as a distinct form of broadcasting".

Community radio, which is within the capacity of most rural communities, would be able to serve as a catalyst in local

> "The right to freedom of opinion and expression includes the freedom for minority and excluded groups to give, receive and transmit information. Community-based media are effective ways to accomplish that, and it is the duty of Governments to assist and support them in doing so and to ensure equitable access."
> **- Frank La Rue, former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in 2010**
>
> http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.pdf

development encouraging effectiveness and transparency of local administration. Community radio will be a suitable solution for communication needs of the marginalised segments such as the Tamil speaking estate workers, farming communities in distant settlements, etc.). Campus community radio services could be nurture closer links between universities and their neighbourhood communities.

Recommendations

- The government and media industry should collectively make a fundamental commitment to increasing content diversity in the media, measured not in terms of the multitude of media outlets but rather in terms of greater inclusivity and representation of the fullest range of social, political and culture viewpoints within existing media outlets. Among other things, such content diversity can be promoted by the proposed PSBs commissioning independent content producers to create niche media products that are unlikely to be produced by entirely market driven media.

- The legislation applicable to broadcasting should be formulated to include rules promoting diversity of ownership as well as media content. The law should suggest, among other measures, a way to promote ownership diversity through broadcast licensing.

2 04 Independent and transparent regulatory system

Broadcasting uses the electro-magnetic spectrum, a public resource. It is also a finite resource: there is only so much of the spectrum available for broadcasting and other uses such as telecommunications, emergency communications and military uses. And because it is a scarce resource, it is valuable.

Even though the adoption of digital broadcasting standards will increase the number of radio and television channels feasible within the spectrum, it still will not create an infinite supply. It is therefore reasonable for the State, as the custodian of the spectrum, to place obligations on broadcasters who use that resource and to ensure a fair distribution of access to it. Any regulatory mechanism has to prioritise the public interest over other interests.

Sri Lanka's broadcast regulatory system at the moment is neither independent nor transparent.

The broadcast sector, which was a state monopoly for decades, was finally opened up for private sector participation in 1992. However, this decision was not accompanied by any specific laws or regulations; it has been an *ad hoc* process ever since.

There are no clear rules or any independent regulatory mechanism. The broadcast licensing process remains undefined, opaque and discretionary on the part of the minister and officials in charge of media.

There are no published guidelines or criteria. In their absence, there is no legal provision to support public service media or community media through licensing. Licence issuing practices so far do not indicate any such interest on the part of the state.

See also section 2.8.

BOX
06

An independent broadcast regulator: False start in 1997

In March 1997, the then government of President Chandrika Bandaranaike Kumaratunga proposed a 'Sri Lanka Broadcasting Authority Bill' that sought to establish a regulatory authority for the country's broadcast media. The new entity was to regulate the establishment and maintenance of broadcasting stations and to provide for the issue of broadcast licenses.

Advocacy groups petitioned Supreme Court against the Bill primarily on the basis that it proposed different regulatory regimes with regard to expected standards of performance and accountability for the state broadcasters on the one hand and non-state broadcasters on the other. They argued this was discriminatory treatment, which, in order to be constitutional, needed a rational basis.

The Court found that there was none, and thus ruled against the Bill. In this case, formally known as *Athukorale and others v. Attorney General of Sri Lanka*, the Supreme Court went on to consider the constitutionality of the proposed regulatory authority.

Holding that regulatory authorities must conform to standards of independence and impartiality, it quoted from ARTICLE 19's publication 'Broadcasting Freedom: International Standards and Guidelines': *"The body that allocates licenses must be independent of government. The body may be the one which manages public broadcasting or a separate authority. However, a single authority with jurisdiction over public and private broadcasting is recommended because it facilitates the development and implementation of broadcasting policy, including a co-ordinated strategy to ensure that pluralism is achieved in broadcasting as a whole. The independent licensing body should also have responsibility for the allocation of frequencies and other technical aspects of broadcasting."*

In this landmark judgement, Supreme Court also underlined the need for media pluralism: *"If the fundamental rights of freedom of thought and expression are to be fostered, there must be an adequate coverage of public issues and an ample play for the free and fair competition of opposing views. The imposition of conditions on licenses to ensure that these criteria should be observed do not transgress the right of freedom of speech, but they rather advance it by giving listeners and viewers the opportunity of considering different points of view, of thinking for themselves, and making personal choices."*

Source: http://www.article19.org/resources.php/resource/2472/en/sri-lanka:-athukorale-and-others-v.-attorney-general-of-sri-lanka

Spectrum as a Scarce Public Property

In a landmark 1995 judgment, the Supreme Court of India held that the airwaves or frequencies in the electro-magnetic spectrum are a public property. Thus, their use had to be controlled and regulated by a public authority in the interests of the public and to prevent the invasion of their rights. Since the broadcast media involves the use of the airwaves, this factor creates an inbuilt restriction on its use, as in the case of any other public property.

The dispute arose between the Ministry of Information and Broadcasting of India and the Cricket Association of Bengal (CAB) over whether or not the cricket organisation had the right to grant exclusive telecast rights to a private agency rather than to Doordarshan.

The Lankan Supreme Court, in the Broadcasting Authorities Bill determination in 1997, summarized the legal position as follows: "The body that allocates [broadcast] licenses must be independent of government. The ultimate guarantor that the limited airwaves/frequencies shall be utilized for the benefit of the public is the State. This does not mean that the regulation and control of airwaves/frequencies should be placed in the hands of a government in office for the time being. The airwaves/frequencies, as we have seen, are universally regarded as public property. In this area, a government is a trustee for the public…"

Sources: http://www.mib.nic.in/ WriteReadData/documents/SUPREME COURTJUDGEMENTONAIRWAVES.htm

https://www.colombotelegraph.com/ index.php/surrendering-airwaves-and-liberty-to-nepotism/

Recommendation

- The government should take urgent steps to establish an Independent regulatory body to regulate the broadcasting sector in the public interest. The regulatory body should be accountable to the public and be independent from political and business interests. This regulator should take urgent steps to streamline the broadcast licensing process to make it open, competitive, fair and accountable. The entire process should be managed by the independent regulator, with clear provisions allowing public scrutiny and comment. The discretionary and ad hoc process followed since 1992 should be discontinued as soon as possible, and standardised licensing conditions should be imposed retroactively on all existing broadcast licensees.

2 05 State and CSOs actively promote development of community media

According to UNESCO, community media are characterized by their accountability to the communities they serve. They emerge as a result of popular movements that strive to attain an important space in citizen participation and demand the right to own and operate free from political or commercial interference.[74]

Community media is one that is operated: in the community; for the community; about the community; and by the community. Such a "community" may be geographical - a township, village, district or island. It may also be a group of people with common interests, not necessarily living in one defined territory.

In particular, community radio can play a major role in contributing to pluralism and diversity in a society. It helps creates an inclusive public sphere through which the participation of marginalised communities can be nurtured.

Sri Lanka has thousands of small community based organisations (CSOs) located in all parts of the country, as well as several networks of CSOs. However, most have not been advocates of community media as they lack understanding on grassroots communications.

Sri Lanka has No Real Community Radio!

"However, community radio in Sri Lanka is in fact not truly community radio, in that the stations are administered and run by the government and not the community. The government also exerts control over content (no criticism of the government is allowed, keeping community radio artificially non-political)."
- **A Study of Media in Sri Lanka (excluding the North and East)** April 2005. A Report by the Centre for Policy Alternatives and International Media Support http://www.cpalanka.org/a-study-of-media-in-sri-lanka-excluding-north-and-east/

[74] http://www.unesco.org/new/en/communication-and-information/media-development/community-media/

BOX
08

Guiding principles of community radio

Genuine community stations should be:
- Editorially independent and explicitly constituted as 'not-for-profit';
- Designed to serve the needs of specific communities – either geographically-based ones or 'communities of interest';
- Have management structures that are representative of the communities the station is designed to serve;
- Provide programming that is relevant to the community being served.

In contrast, some CSOs in other developing Asian countries, such as Bangladesh, India, Indonesia, Nepal and the Philippines operate community radio stations; a few have also ventured into community television. Such involvement is encouraged by their broadcast regulatory frameworks.

It is important to note that there are no genuine community broadcasters in Sri Lanka. 'Community radio' has been a complete misnomer. See Box 8 for details.

Despite civil society advocacy for years, successive governments have not proposed any legal framework for licensing and supporting community broadcasters. Applications from some universities and well-established civil society organisations to set up community radio services have so far been unsuccessful.

In recent years, some citizen groups have taken advantage of broadband Internet's countrywide roll-out to launch entirely web-based radio services. Examples:
- Radio Kalutara (http://www.radiokalutara.com), operated by a few enthusiasts;
- Nenasala Radio (http://www.

nenasalaradio.lk) operated by the Abinawarama Development Foundation in Aswedduma, Kurunegala; and

- Campus Radio (http://www.campusradio.lk), operated by students of the Colombo University's Sripalee Campus.

Unlike the spectrum, the web has no scarcity of space. As such, arguments in favour of regulating broadcasting in the conventional sense do not apply to web-based radio.

Launching Campus Radio by SriPalee Campus of University of Colombo

Recommendations

- A comprehensive system for licensing community owned and operated broadcasters should be put in place, overseen by an independent regulatory body. A key aim of this should be to promote diversity and inclusiveness in the broadcasting sector. To this end, the system should include clear definitions of what qualifies as a community broadcaster, specific rules on the licensing of community broadcasters, which involve simple application processes that are processed either free or at a low cost. All licensing processes should be based on clear criteria and rules set out in advance, and should be open and allow for public participation.

- A range of broadcast frequencies should be reserved in the frequency plan for low power community broadcasting thus maximising the use of frequencies at different locations and preventing interferences from high power broadcast transmissions.

BOX 09

Community Radio in Sri Lanka: Myth and Reality

In 1981, the fully state owned Sri Lanka Broadcasting Corporation (SLBC) initiated the Mahaweli Community Radio (MCR). It was designed to provide communication support for tens of thousands of families being resettled under the massive Mahaweli River Diversion Programme.

Drawing on experience in other countries, MCR founders devised participatory strategies to involve beneficiary communities. With international support from UNESCO, the Danish government and other sources, local radio stations were set up in Giradurukotte, Kothmale and Mahailuppallama and many two-way broadcasting activities were undertaken. In addition to content production, the process also trained many broadcasters on participatory radio methodologies.

Despite these accomplishments, MCR failed to gain lasting support within SLBC, and the project ran into operational difficulties after international funding ended in 1990. As former SLBC broadcaster and media researcher M J R David later documented, MCR's model was not popular within SLBC that had historically disseminated government information to the people in one-way communication.

In 2003, UNESCO and UNDP supported the Uva Provincial Council to set up Uva Community Radio (UCR) in Bandarawela, in the Badulla district, one of Sri Lanka's most underdeveloped districts. It was aimed at using low-cost digital radio production technology to enable communities to produce their own media content. As part of this strategy, 40 young communicators and close to 400 community volunteers were trained in community broadcasting and participatory programme production.

Both MCR and UCR faced serious challenges of sustainability. Over-reliance on foreign assistance was a mistake. MCR resources were later taken over by SLBC and the services discontinued.

A major flaw in both MCR and UCR was that they were not truly rooted in communities; these were simply rural transmissions of the state broadcaster. As journalist Nalaka Gunawardene wrote in 2003: "Listeners have no say in running the stations – these are managed by a tight bureaucracy in Colombo, whose rigid guidelines control content: strictly no politics, and nothing remotely against the government in office. Although touted as such, SLBC is not community radio, which is supposed to promote access, public participation in production and decision-making and listener-financing – where each listener contributes a small amount towards the running of the radio station."

In 2012, broadcasters Tilak Jayaratne and Sarath Kellapotha wrote: "One could argue that if the people were to own the media, it could provide a base, a platform for stabilising democratic rights through media interventions. Community radio could have provided such a space. Sadly, community radios in Sri Lanka do not belong to the community but to the state -- the classic violator of democratic rights."

Thus, genuine community radio remains an aspiration in Sri Lanka. Reforms that introduce a true democratisation of the airwaves could one day make it a reality.

Sources:

Chapter on Mahaweli Community Radio by M J R David in: A Passion for Radio, Ed. Bruce Girard (2001). http://comunica.org/passion/contents.htm

Description of Uva Community Radio (2003). The Communications Initiative. http://www.comminit.com/global/content/uva-community-radio

Radio suffers as Colombo bosses call the shots. Panos Features, London. October 2003. http://panos.org.uk/features/radio-suffers-as-colombo-bosses-call-the-shots/

The Political Economy of Electronic Media in Sri Lanka. Tilak Jayaratne and Sarath Kellapotha. 2012. http://goo.gl/uapyDM

C

LICENSING AND SPECTRUM ALLOCATION

Broadcast licensing is an effective way of achieving diversity. This factor needs to be taken into account when licensing broadcast outlets. It is also important not only to ensure the equitable allocation of licences between the different types of broadcasters but also a sufficient allocation of frequencies to broadcasting in the first place (as compared to competing uses, particularly telecommunications).

2.06 **State plan for spectrum allocation ensures optimal use for the public interest**

The spectrum is a scarce public resource that needs to be managed well to ensure efficient and equitable access for the different services.

Spectrum use has become more complex due to the growing number of applications:
- Over-the-air broadcasting, which started in the 1920s;
- Government and research uses which include defense, public safety (maritime, air, police), resource management, transport, and radio astronomy;
- Commercial communications services to the public (voice, data, home networking); and
- Industrial, scientific and medical services which include Telemedicine, and remote control services.

Spectrum management is the process of regulating the use of radio frequencies to promote efficient use and gain a net social benefit. The term 'spectrum' typically refers to the frequency range from 3 kHz to 300 GHz that may be used for wireless communications. The purpose of spectrum management is to mitigate radio spectrum pollution and to maximize benefit of

usable radio spectrum. The state is only the custodian of the spectrum, which it needs to manage in a transparent manner.

Given the different sectors and users competing for the finite spectrum, a national frequency allocation plan is used by TRCSL to allocate frequencies to different services.

Frequency assignment is the identification of suitable radio frequencies or channels for specific uses in accordance with spectrum engineering principles, national regulatory policies and international standards.

This has not been done properly in Sri Lanka. From the time partial broadcast liberalization started in the early 1990s, frequencies have been handed over to individuals and companies without any due process.

As a result, the finite spectrum is now crowded in certain segments (e.g. the FM radio band). In some cases, frequencies are also being kept "reserved" by certain influential parties.

Upon receiving the licence from Media Ministry, all radio and TV broadcasters in Sri Lanka need to get their frequency allocation

from TRCSL, the telecom industry regulator. TRCSL is mandated to manage and control

"In Sri Lanka, media licensees have no terms or conditions: they can pretty much do whatever they please. Our radio frequency spectrum has been grossly mismanaged and we have now run out of frequencies. We know very well how frequencies were assigned.

"There are well-established methodologies for optimally managing this public resource. The best way is to auction frequencies, which is what I propose for Sri Lanka. It gives all interested parties the chance to bid, and it accrues money to the government."

- Dr Rohan Samarajiva, Former Director General, TRCSL (1998-99); and Founder Chair, LIRNEasia

the use of the frequency spectrum and matters relating to the stationary satellite orbit. TRCSL has the power where it deems necessary to withdraw or suspend its use or prohibit any such use of frequencies.[75] It derives legal authority from the Sri Lanka Telecommunications Act No 25 of 1991.[76]

TRCSL has published guidelines on frequency reservation, allocation, monitoring and annual renewal.[77] Once a media company has been issued with a broadcast licence, TRCSL would assess its technical requirements and allocate frequencies from segments that are still available. The media company would then be asked to pay a frequency fee, which is an annual payment that varies based on the kind of frequencies sought and the intended transmitter power.[78]

TRCSL publishes on its website the frequency allocations with technical specifications.[79] This process, by itself, does not ensure the spectrum is optimised for the public interest.

Prof Dhammika Ganganath Dissanayake, a former chairman of both Rupavahini and ITN Sri Lanka, says: "Our radio frequency spectrum is currently managed by the TRCSL. The public does not know how it operates; there is no transparency. This has to change. We need an open and accountable spectrum management system. Also, once we switch from analogue to digital broadcasting, there will be opportunity for more parties – including universities and civic groups – to also apply and receive frequencies for niche channels."

In the medium to long terms, however, the scarcity of spectrum rationale for government regulation is increasingly less relevant says Dr Rohan Samarajiva. He argues: "Sri Lanka should move expeditiously to digital broadcasting. It should recognize that increasingly 'broadcasting' will be replaced by forms of 'narrowcasting' over non-scarce spectrum and the Internet, and that current audience aggregation operation will increasingly shift to those modes or will die."

Annex 6 lists all 41 entities that have been issued with broadcast licenses in Sri Lanka.

---

[75] http://www.trc.gov.lk/ spectrum-management/ spectrum-management-in-sri-lanka.html

[76] http://www.commonlii. org/lk/legis/num_act/ slta25o1991337/

[77] http://www.trc.gov.lk/ frequency-licensing.html

[78] TRCSL Frequency reservation fees gazetted on 1 November 1999 under the Sri Lanka Telecommunications Act No 25 of 1991: http:// www.trc.gov.lk/images/ stories/spectrum/Gazette. pdf

[79] http://www.trc.gov.lk/ frequency-assignments. html

2 07 State plan for spectrum allocation promotes diversity of ownership and content

Recommendations

● There should be a clear and transparent planning process for the general allocation of the spectrum (and then specific licensing processes in accordance with that plan to actually allocate it), The proposed independent broadcast regulator should closely coordinate with the government on how broadcasting frequencies are allocated so as to ensure an equitable allocation of those frequencies between public service, commercial and community broadcasters.

● The updating of the frequency spectrum plan should be an open, consultative process, allowing for input by civil society and other interested stakeholders. The plan which emerges from this process should include indicative sub-allocations of frequency blocks (such as the FM spectrum) among different types of broadcasters. These sub-allocations should support the goal of promoting diversity in broadcasting. The system should be carefully designed to work in tandem with the community broadcasting licensing system described above.

The International Telecommunications Union (ITU), a specialized agency of the United Nations, has established a global framework for the optimal use of the spectrum. It sets standards for the management of spectrum allocation and manages the global system of allocation. National plans should follow ITU rules to ensure optimal use of the spectrum for the country.

The TRCSL website says, "TRCSL takes into account the changing needs of society and secure opportunities that match existing demands with new applications through innovative uses of technology when formulating the spectrum plans."[80]

As a technical agency of the state, TRCSL aims to assign frequencies "in an efficient and effective manner by employing a state of the art spectrum management tools that utilise internationally recognised propagation criteria and terrain data base as well as other administrative databases".[81]

However, the above suggests a purely technical approach: it does not take the broader view of using the common property resource of the spectrum for nurturing media

[80] http://www.trc.gov.lk/spectrum-planning.html

[81] TRCSL Frequency assignment procedure, http://www.trc.gov.lk/frequency-assignments.html

pluralism or an inclusive information society. Such guidance needs to come from an overarching policy on this, which has not yet been put in place in Sri Lanka.

The assignment of frequencies for TV and (FM) radio broadcasting in Sri Lanka as at 1 May 2015 has been published on the TRCSL website.[82]

TRCSL charges an annual fee from licensees for frequency use. The current rates were gazetted on 1 November 1999 and came into effect from 5 November 1999. A review of these fees shows no differentiation between commercial and non-commercial users of frequencies. There are no concessionary rates, for example, for public service broadcasters or community broadcasters.[83]

[82] http://www.trc.gov.lk/frequency-assignments-in-sound-fm-and-television-tv-broadcasting-in-sri-lanka.html

[83] http://spectrum.trc.gov.lk/Broadcasting/FM/download/Gazette.pdf

Recommendations

● The updating of the frequency spectrum plan should be an open, consultative process, allowing for input by civil society and other interested stakeholders. The plan which emerges from this process should include indicative sub-allocations of frequency blocks (such as the FM spectrum) among different types of broadcasters. These sub-allocations should support the goal of promoting diversity in broadcasting. The system should be carefully designed to support the goals of the community broadcasting licensing system described above.

● The public resource of the electromagnetic spectrum should be managed efficiently in the public interest for broadcasting and telecommunications. The TRCSL should, through a consultative process with all interested stakeholders and in keeping with international best practice, develop a clear vision and national plan for the optimum use of the electromagnetic spectrum.

● The government should promote diverse ownership types in the broadcasting sector through the introduction of a three tier system of broadcast ownership, viz: privately owed commercial broadcasting; editorially independent public service broadcasting; and independent community broadcasting.

208 Independent and transparent regulatory system

There is no proper system for issuing broadcast licences, let alone it being independent and transparent. Broadcast licensing to date has been inconsistent and not properly documented. It has also completely lacked transparency.

Since 1992, three laws have been used in broadcast licensing for radio and television.

- *Sri Lanka Broadcasting Corporation Act No 37 of 1966:* While it was enacted principally for transforming the then Department of Broadcasting into a state owned broadcasting corporation, the Act also empowers (in Section 44) the Minister in charge of media to issue licences for the establishment of 'private stations'.

- *Sri Lanka Rupavahini Corporation Act No 6 of 1982:* This most covers the description and regulation of the national television broadcaster, but also contains some rules (Sections 17, 28 and 30) covering the licensing and regulation of all other public and private television broadcast stations.

- *Telecommunications Act No 25 of 1991, and Telecommunications (Amendment)*

Act No 27 of 1996: The Act defines "telecommunication services" broadly as those that convey "messages" using

"In order to guarantee the existence of a wide range of independent and autonomous media in the broadcasting sector, it is essential to provide for adequate and proportionate regulation of that sector. This will serve to guarantee the freedom of the media while at the same time ensuring a balance between that freedom and other legitimate rights and interests. Perhaps most importantly in order to preserve broadcasting as part of the democratic process, governments should aim to create independent regulators for broadcasting. Even in very small jurisdictions, where the only broadcaster is State funded and budgets are limited, regulation which is independent of the State is vital to preserve the right to freedom of speech."
**- Guidelines for Broadcasting Regulation,
By UNESCO & Commonwealth Broadcasting Association (CBA), 2006**. http://otp.unesco-ci.org/training-resource/film-production/guidelines-broadcasting-regulation

any signal or combination of signals "for the broadcasting of music, conversations, speeches, lectures, stage performances, writing, facsimiles, images, pictures," or for "actuation or control of machinery or apparatus".

None of these laws have been framed to address a pluralistic media sector. Also, as one researcher has noted in a case study of a major dispute over broadcasting (the CBNSat case), "there is very little specific reference in either (SLRC Act or Telecom Act) to the different broadcast technologies and the specifications for which licences each kind of broadcaster must obtain in order to create and run a station in abidance with the law."[84]

This status quo poses problems for freedom of expression and media pluralism. As a media sector assessment in 2005 noted, "The discretionary broadcast licensing system has completely lacked transparency, accountability and consistency. As a consequence of this, some editorial positioning risks to become dictated by the business and political priorities of media owners and editors."[85]

Legal analysts Kishali Pinto-Jayawardena and Gehan Gunetilleke wrote in 2012: "Moreover, Section 44 (4), which confers extensive powers on the Minister to make regulations governing the functioning of such stations both in terms of their composition and the nature of programmes, has also been severely criticised as facilitating excessive state control over the media. Hence interest groups have actively pursued the establishment of an independent broadcasting authority to regulate the granting of licences to private broadcasters, thereby ensuring that the Sri Lankan media enjoys procedural as well as substantive freedom from state control."[86]

Lawyer turned activist J C Weliamuna, a former executive director of Transparency International Sri Lanka, once described broadcast frequency allocation in Sri Lanka as a form of 'Grand Corruption'. In a governance analysis of frequency allocation and (sports) TV rights in Sri Lanka, he singled out the case of Carlton Sports Network (CSN), a privately owned TV channel that commenced operations on 7 March 2011. The channel was owned by former President Rajapaksa's second son and business associates. Weliamuna

[84] An Investigation into the Closure of CBNSat and Implications for Sri Lankan Broadcast Media. 2006. Ruha Devanesan. http://www.cpalanka. org/n-investigation-into-the-closure-of-cbnsat-and-implications-for-sri-lankan-broadcast-media/

[85] Grunnet, Henrik, Lebbe Yakoob, Umar & Weiss LaRs "Assessment of the need for a Radio and TV journalist training unit in Sri Lanka," The Sri Lanka Press Institute (SLPI) April 2005.

[86] Legal, Industry and Educational Reforms Pertaining to the Print Media. 2012 paper by Kishali Pinto-Jayawardena & Gehan Gunetilleke. Media Reform Sri Lanka website. http://goo.gl/wObuRv

Types of Electromagnetic Radiation

wavelength

radio microwaves	infrared	visible light	ultraviolet	X-rays	gamma rays

| used to broadcast radio and television | used in cooking, radar, telephone and other signals | transmits heat from sun, fires, radiators | makes things able to be seen | absorbed by the skin, used in fluorescent tubes | used to view inside of bodies and objects | used in medicine for killing cancer cells |

© 2013 Encyclopædia Britannica, Inc.

has shown how CSN was privileged not only in being given a broadcast license and frequency allocation but also being chosen without competitive bidding by Sri Lanka Cricket (the governing body of the sport) to have exclusive broadcast rights for all international cricket matches involving Sri Lanka's national team for three years.[87]

Recommendation

● All licensing processes and frequency allocation should be based on clear criteria and rules set out in advance, and should be open and allow for public participation.

[87] https://www.colombotelegraph.com/index.php/surrendering-airwaves-and-liberty-to-nepotism/

Table 1: Overview of Media Regulatory Framework in Sri Lanka

Relevant legislation	Arrange/Covers	Regulatory Body	Assigned Rights
National Media Policy	Policy applies to the media and broadcasting	Ministry of Media	Media/Content/ Broadcast rights
Sri Lanka Telecommunications Act No. 25 of 1991, as amended by Act No. 27 of 1996	Legislation applies to the establishment and operation of radio frequency transmitters and broadcasting.	Telecommunications Regulatory Commission of Sri Lanka (TRCSL)	Spectrum rights
Sri Lanka Broadcasting Corporation Act No 37 of 1966 Sri Lanka Rupavahini Corporation Act No 6 of 1982	Laws and regulations are currently to regulate broadcasting content	Ministry of Media	Contents/ Broadcast rights

Adapted from: Roadmap for the Transition from Analogue to Digital Terrestrial Television Broadcasting in Sri Lanka (ITU, 2012)

Stakeholder comments

"When you take radio and TV broadcasting, the country's frequency spectrum is finite, and it is a public property. Frequencies do not belong to X, Y or Z broadcaster. In my view, the state as custodian of this property should only lease or rent frequencies, and never give them for outright ownership… Among the existing laws in Sri Lanka, the strongest is the Telecommunications Act. We drafted a Public Broadcasting Act and a Digital Broadcasting Act (during 2010-2014), but these were not adopted."
- Charitha Herath, Former Secretary, Ministry of Media and Information (2012-14)

"Sri Lanka's broadcast licensing has been happening on an under-the-table and highly irregular basis, which needs to be completely overhauled. Look at India which has a transparent system of broadcast licensing. India's broadcast licences are not open-ended like Sri Lanka's, but for a specified period. There are clearly defined conditions of licence – if these are violated, the licence may be revoked at any time. In Sri Lanka, broadcast licences have been given on the basis of kinship or friendship, or for political connections. Now we have almost run out of frequencies! In some countries, frequencies are publicly auctioned so that the highest bidder can buy them. Sri Lanka needs a Broadcast Authority, for which we can consider and adapt models used in South African and India."
- Saman Athaudahetti, Additional Secretary (Media) to the Prime Minister of Sri Lanka

"In Sri Lanka, the state monopoly over broadcasting has been replaced by an oligopoly (where a market or industry is dominated by a small number of players). This is not beneficial to society at large. Some of these players are trying to keep the public ignorant, and this is why the new Right to Information law is very important. In my view, we don't need a category called state media. Something like 50 broadcast media licences have been issues in Sri Lanka todate, but we only have state media and privately owned media. The airwaves are a public property, and there is even a court judgement affirming this. But no public interest groups have been able to access these airwaves. This is very wrong. Independent civil society groups should also be able to obtain broadcast licences and operate channels."
- Thilina Samarasooriya, Director – Training & Foreign Relations, Sri Lanka Broadcasting Corporation (SLBC)

D

TAXATION AND BUSINESS REGULATION

2.09 **State uses taxation and business regulation to encourage media development in a non-discriminatory manner**

Like other commercial ventures, media companies need business incorporation with the government's regulator, the Registrar of Companies. The compliance process is as with any other company – filing an annual return along with the audited annual accounts. Some civil society groups are registered as charities, while others opt for registration with the Registrar of Companies as companies limited by guarantee.

Media companies do not receive any industry-specific tax concessions. There are no preferential import duties on newsprint, printing ink or broadcast equipment. However state owned media houses sometimes benefit from import duty concessions, e.g. when equipment is received under as bilateral aid arrangements.

For years, media companies have been highlighting issues such as the high cost of newsprint, various import duties and other taxes – that affect media operations and economic viability. As the Colombo Declaration on Media Freedom and Social Responsibility (2008) noted, newsprint at the time accounted for 55-65% of the total cost of producing a newspaper in Sri Lanka (in comparison to 25-30% in Western countries).[88]

[88] As noted in the Colombo Declaration on Media Freedom and Social Responsibility (2008), section 8. http://www.pccsl.lk/sites/default/files/Colombo%20Declaration%202008%20%28English%29.pdf

There is no consensus, however, on whether there should be special treatment (such as duty concessions) for the media. Some

"The [Sri Lanka] government imposes taxes on foreign movies, programs, and commercials to be shown on television, ranging from Rs 25,000 (approximately $200) for an imported English-language movie to Rs 90,000 (approximately $700) per half hour of a foreign-language program dubbed in the local language, Sinhala. Foreign television commercials are taxed at Rs 500,000 (approximately $3,900) per year. Rates for non-English foreign programming are higher."
- US Trade Representative (USTR) National Trade Estimate Report on Sri Lanka, 2013 https://ustr.gov/sites/default/files/2013%20NTE%20Sri%20Lanka%20Final.pdf

worry that it might be another way for governments to exert influence on media. Their position is: Media should be treated the same as every other industry: no special concessions; and no special burdens.

In recent years, governments have imposed some levies and taxes specific to media and/or telecom industries, causing much concern.

Several broadcasters were adversely affected by a controversial and discriminatory import duty introduced in 2006 on imported television content. Depending on where the content originated from, an import duty had to be paid to the government for broadcasting it locally, thus making their importation and use commercially unviable as broadcasters could not recover the added cost from advertising during such broadcasts.

This 'protectionist' tax targeted both English language content coming from the West as well as Hindi and Tamil language content originating from India. It not only reduced content diversity available to Sri Lanka's multicultural audience, but also led to the loss of dozens of jobs as some smaller TV channels were forced to downscale operations.[89]

[89] Sri Lanka TV industry hit by penal tax. Story by Lanka Business Online (LBO) on 7 July 2007, now archived at: https://shaqmark.wordpress.com/2007/07/08/sri-lanka-tv-industry-hit-by-penal-tax/

This levy was discontinued by the new government in 2015. During nearly a decade it was in force, according to one industry leader, it would have accumulated around LKR 1 billion (USD 7.3 m) with the state. These funds were originally meant to benefit the local television content production industry, but there is no accountability on its use.

Recommendation

● The government should not impose taxes or levies specific to an industry or a technology (e.g. targeting only mobile phones or cable television), which can be discriminatory against specific technologies, companies and their consumers.

E

ADVERTISING

2.10 State does not discriminate through advertising policy

Advertising is the largest and most important source of revenue for print and broadcast media in Sri Lanka.

Media industry watcher Nielsen Sri Lanka estimated Sri Lanka's total advertising spend on the media to be approximately LKR 77 billion in 2014 (USD 520 million at April 2016 exchange rate).[90]

The state – covering government departments, state corporations, state owned businesses, the judicial system and the armed forces – has long been, and still remains, the largest single advertiser. One industry source placed the proportion of state advertising as 30% of the total, but this figure varies from year to year.

The state does discriminate in how its advertising patronage is given to different media houses. The state-owned print and broadcast houses historically receive an assured chunk of state advertising, irrespective of their circulation or audience ratings.

A bigger concern is how successive governments have used state advertising as a lever of influence over privately

[90] This is based on 'rack rates' for above-the-line media only. According to an industry leader, in reality the advertising industry (print, radio and TV) is around LKR 30 billion. Digital advertising in 2014 was worth around LKR 1 billion, but this amount is steadily increasing.

owned media. The threat of cutting off state advertising is always present, even though it has been exercised only occasionally.

As Rasika Manobuddhi, Arjuna Ranawana and Kshama Ranawana noted in a critique in 2014, "In the case of the 'private' media there seems no choice but to co-exist with the government. The state controls nearly 70% of the economy and is the single biggest advertiser. There are no laws – such as in India -- which regulate the government advertising which ensures a fair distribution based on circulation figures. Arm-twisting the private media is a common occurrence and has been the practice for many decades. Any private media outlet which runs afoul of the government will have state advertisements (which makes up an important part of the company's revenues) pulled, and thus causing a catastrophic effect on its survival. All major business conglomerates in the country have no option but to work with the government. There have been instances when large scale businesses have been pressured to pull out advertising from media organisations that have been critical of the government."[91]

Sri Lanka: Total ad spend of LKR 77b in 2014 (mostly in mainstream media)

Billions

Year	TV	Radio	Print
2007	16	6	4
2008	21	7	5
2009	27	8	4
2010	36	10	5
2011	40	12	5
2012	45	13	7
2013	49	15	6
2014	55	16	6

Print   Radio   TV

Source: Nielsen
Based on monitored activities & rate card cost

[91] Sri Lanka's media, five years after the end of war. By Rasika Manobuddhi, Arjuna Ranawana and Kshama Ranawana. Groundviews.org 13 May 2014. http://groundviews.org/2014/05/13/sri-lankas-media-five-years-after-the-end-of-war/
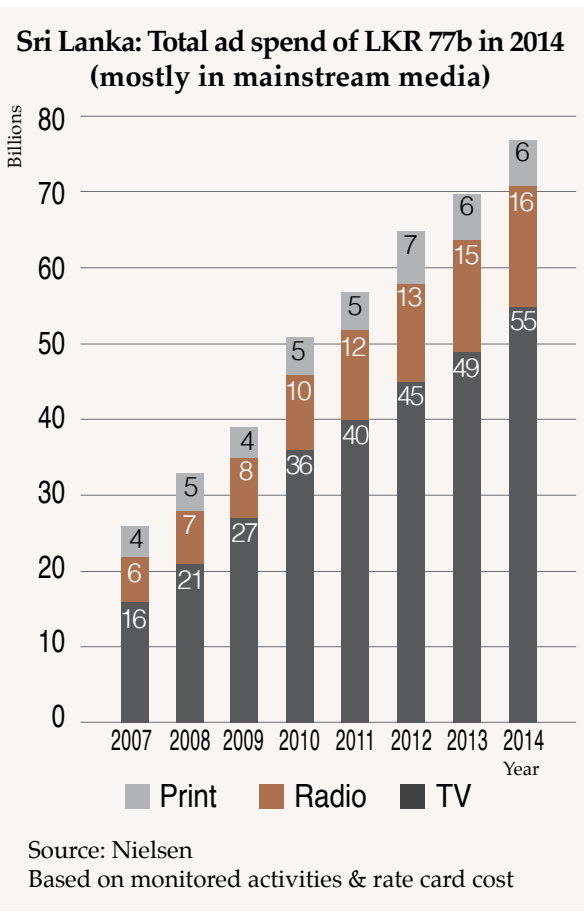
Using public funds of state agencies to promote politicians and political projects reached unprecedented heights under the previous government. Shortly after being elected in January 2015, President Maithripala Sirisena directed state institutions not to continue this practice.

Recommendations

- The provision of state advertising should be regularised through a set of guidelines which allocate advertising based on objective criteria, such as reaching the intended audience, and that apply to all state agencies and state owned companies. Such guidelines are needed to eliminate the current discriminatory practices in state advertising patronage and ensure state sector advertising is given to media houses on a fair and objective basis.

- The Media Ministry should introduce legal restrictions and penalties against the use of state and public sector advertising and other state resources to influence, threaten or reward media outlets.

BOX 10

Restricting Newspaper Advertisements by Government Institutions

The interim budget presented in Parliament by the Minister of Finance on 29 January 2015 contained the following:

9.43 *The publication of newspapers advertisements by government institutions based on political rhetoric seems to be excessive in many instances. It appears that many advertisements so publicized with a political background are only creating a burden to the government expenditure.*

9.44 *Hence, I propose that all Ministries and departments should immediately stop the publication of political advertisements in newspapers, except in specific situations where they can publish with the approval of the Secretary to the relevant line Ministry.*

9.45 *I also propose that all the Chairmen and Board of Directors of the public institutions not only should refrain from publishing such newspaper advertisements with political rhetoric but also they will be held personally responsible for any cost on unauthorized advertisements, which will have to be borne by them in the event they had approved same.*

9.46 *The restriction of politician based pictures and material appearing in Calendars, diaries etc also will be applicable in the future pertaining to such material printed and published by public institutions.*

Source: http://www.treasury.gov.lk/ images/depts/fpd/docs/ budgetspeech/2015-jan29/ InterimBudget2015-20150129-eng.pdf (page 39)

2**11** Effective regulation governing advertising in the media

To be effective, advertising must enjoy a high level of consumer trust and confidence; it must be legal, decent, honest and truthful. If consumers are misled by advertising, they will not buy such products or services again; if it offends them, they will not buy in the first place.

Bad advertising, even though it may account for only a small percentage of the whole, can gradually undermine consumer confidence and all advertising can suffer. So it is in the interests of the advertising industry to ensure that advertising is properly regulated.

Traditionally, there have been two ways of doing this: one is through laws passed by governments, and the other is called self-regulation.[92]

In Sri Lanka, there is no comprehensive regulation governing the advertising industry as a whole. There is no advertising standards authority, nor a self-regulation mechanism by the advertising industry. There is also no code of conduct for advertising in Sri Lanka.

Consumer protection laws exist, but as their enforcement is weak and fragmented, advertising can – and does – manipulate the public on some occasions.

For the moment, there are a few specific laws or regulations in relation to advertising concerning specific goods or services. Examples:

- The *National Authority on Tobacco and Alcohol Act No 27 of 2006* placed a complete ban on promotions and advertisements of alcohol and tobacco in print and electronic media as well as in public places.[93]

- The *Food Act No 26 of 1980* has provisions saying, "No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading, deceptive or likely to create an erroneous impression, regarding its character, value, quality , composition, merit or safety."[94]

- Similar restrictions are also in force in relation to pharmaceuticals, cosmetics and related devices under the *Cosmetics, Devices and Drugs Act No. 27 of 1980.* These are enforced by designated state bodies, but the process

---

[92] Why regulate advertising? European Advertising Standards Alliance (EASA): http://www.easa-alliance. org/page.aspx/165

[93] http://www.sundaytimes. lk/061203/FinancialTimes/ ft313.html

[94] http://documents.gov.lk/ Acts/1980/Act%20No.26/ Act26%28E%29-1980.pdf

BOX
11

Too Much Advertising?

Media outlets have to strike a healthy balance between editorial content and advertising. Carrying too much could drive consumers away, and too little could threaten financial viability.

In the past, newspapers used to follow a ratio of 60% editorial content and 40% advertising in a given issue. But this is no longer strictly adhered to, and the matter is complicated by the steady rise of 'advertorials' – content written by public relations firms that are carried without being marked as promotional material.

In broadcast, audiences are increasingly weary of excessive advertising. In the United States, major networks used to limit television commercials to a total of 10 minutes per hour, but these limits have been breached.

In Sri Lanka, indiscriminate scheduling of commercials regularly reduces content. Some channels have so many commercial breaks that programmes appear to interrupt advertising! Perhaps the worst transgression is when a commercial overrides actual playing time during a key cricket match.

Media industry clearly needs to strike a better balance between advertising and content.

is inadequate due to capacity and technical limitations.

- Under the Control of Pesticides *(Amendment) Act No 6 of 1994,* media advertising of pesticides, weedicides and other hazardous agrochemicals is regulated.

- *The Consumer Affairs Authority Act No 9 of 2003* empowers the Consumer Affairs Authority (CAA) to investigate marketing and advertising that misleads consumers.

- Even though it is not a law, the Sri Lanka Bureau of Foreign Employment (SLBFE)'s Code of Ethics for Licensed Foreign Employment Agencies/ Licensees (Nov 2013) has an entire section on advertisements related to foreign employment vacancies. It spells out the need for accuracy, clarity and the necessary level of detail for vacancy advertisements.[95]

The use of children in media advertising has long been contentious, with child rights groups and others calling for some restrictions. A study by research

95 http://www.ilo.org/ wcmsp5/groups/public/- --asia/---ro-bangkok/--- ilo-colombo/documents/ publication/wcms_233369. pdf

and advocacy group Centre for Policy Alternatives (CPA) in 2008 recommended introducing strict advertising codes, with clear modes of redress and complaint if transgressed. It also suggested setting up an arbitration body that advertisers and marketers can go to if they felt they are being unfairly targeted for criticism.[96] This has not been done.

The media has no common framework or guidelines on the kind of advertising to carry or decline to carry. Some media houses have developed their own in-house guidelines. For example, state broadcasters SLBC and SLRC have their own codes covering advertising, but these norms are not observed across the broadcast industry. In recent years, there has been a surge of advertising promoting astrology, sooth-saying, faith healing and other para-normal activities that are not covered either by the country's consumer laws or any advertising codes.

Senior broadcaster Newton Gunaratne, whose last position was as Chairman of ITN Sri Lanka, recalls: "When I worked at SLBC, there was a code of ethics for advertisements known as the 'Green Book'. For example,

advertisements were not allowed to scare people. Certain advertisements were not allowed to be broadcast around meal times. Rupavahini also developed its own TV advertising code during its early years. There was also an understanding that private TV channels had to emulate this advertising code -- but it has long been forgotten."

Mohan Samaranayake, a former Chairman of the Rupavahini Corporation, highlighted a problem faced by state broadcasters: "We at Rupavahini tried to maintain certain quality standards in our programme content and even the advertisements we permit. But when we rejected some TV commercials (considered sub-optimal), those advertisers went to private channels that readily carried them -- thus eroding Rupavahini's revenue."

Public complaints about advertising

Sri Lanka does not have any public complaints mechanism concerning questionable or offensive advertising. Except for specific categories covered by a law (tobacco, alcohol, pharmaceuticals, etc.) there is no recourse for a concerned citizen to protest a specific advertisement.

---

[96] Children in Advertising in Sri Lanka – A Media Study. CPA, 2009. http://www.cpalanka. org/children-in-advertising-in-sri-lankaa-media-study/

"We don't know how many copies are printed of each newspaper. Some don't print even 5,000 copies but claim to be selling lakhs! This misleads the public. In other countries, there are independent bodies for auditing newspaper and magazine circulation. Many years ago Sri Lanka had a system like that and we must revive this good tradition."
- Vijitha Yapa. Founder Editor,
The Island, Sunday Island and
The Sunday Times

"In my view, media profession in Sri Lanka has died; we are talking about reviving a dead body! The broadcast ratings company must be held responsible for all this. They are biased and work for self-gain. Broadcast ratings need to be done by an independent, professional group like a university. Ratings methodology needs to be transparent. And we need at least three such companies."
- Priyantha Kariyapperuma, Advisor to Siyatha TV (private broadcaster)

"Advertisers make their decisions based on broadcast ratings. We need better regulation of the ratings system in Sri Lanka that often ranks low quality programming as the most popular."
- Rosmand Senaratne. Former Chairman, ITN Sri Lanka; Former General Manager, Swarnavahini.

In the absence of statutory regulation and self-regulation, activists and advocacy groups sometimes publicly react to advertising campaigns or specific advertisements they feel are unethical or unacceptable.

For example, the Alcohol and Drug Information Centre (ADIC), an advocacy group, keeps monitoring soft promotion and sponsorships by tobacco and alcohol companies, whose direct advertising has been prohibited since 2006.[97]

More spontaneous consumer protests are also taking place. An example was the indignation voiced on social media in late 2014 against a TV commercial for a biscuit brand that suggested fair-skinned women were 'more appealing' to men than dark-skinned ones. The offending commercial was withdrawn within three days and the company concerned apologised publicly.[98]

In the face of increasing societal concerns – some expressed through social media -- marketing professionals and the advertising industry are recognising the need for self-regulation. Some media commentators have also echoed the same view.[99]

---

[97] http://www.adicsrilanka.org/2013/05/30/world-no-tobacco-day-2013-ban-tobacco-advertising-promotion-and-sponsorship-press-release/

[98] http://www.globalpressjournal.com/asia/sri-lanka/responding-public-outrage-sri-lankan-biscuit

[99] For example, see: Regulating Advertising, Business Times, 10 March 2013 http://www.sundaytimes.lk/130310/business-times/regulating-advertising-35523.html

The Accredited Advertising Agencies Association (4As) was founded with a vision to foster a vibrant self-regulated industry. However, self-regulation by the advertising industry would be tedious as media advertising happens not only through advertising agencies but also directly between individual advertisers and media companies (this is especially the case with the recent surge in classified advertising in both newspapers and television).

Given the failure so far by the advertising and media industries to agree on common standards and ethics, it is unclear whether an entirely voluntary self-regulatory mechanism would be sufficient.

Recommendations

- The government, with the cooperation of the advertising industry, should set up an independent regulatory body to regulate advertising in the public interest. This statutory system should have enforcement powers, and set overall standards and ethical guidelines for advertising in all public media (called 'above the line' in the advertising industry) and other forms of advertising and marketing (called 'below the line').

- Until the statutory regulatory body is set up, the advertising industry should develop its own self-regulation system to become more responsible, sensitive and responsive to consumer protection and sentiments. The media houses, on their part, should adopt have reasonable limits to advertising content in proportionate to their overall content (air time or print space).

Plurality and diversity of media, a level economic playing field and transparency of ownership

Collation of Recommendations

Indicator	Relevant Recommendation
2.1 State takes positive measures to promote pluralist media	1. The government should launch an inclusive, multi stakeholder discussion to determine the laws and policies needed to foster genuine pluralism and diversity of media in Sri Lanka. This should be done more as a matter of increasing the democratic communicative power in an inclusive public sphere rather than merely providing for consumer choice and market competition. 2. The government should adopt a new regulation that makes it mandatory for all media ownership details to be open, transparent and regularly disclosed to the public. (For example in India, it is a legal requirement for all media companies to publish ownership and principal shareholder details on a regular basis). Until this happens, the media industry can increase its own public accountability by voluntarily disclosing ownership details on an annual basis. 3. Parliament should adopt a law to limit the concentration of media ownership, as well as cross-ownership of media (i.e. one company or group owning multiple print, radio, TV and online media in the same market). 4. Researchers and civil society groups should expand their media monitoring work to go beyond content analysis and ethical considerations of editorial practice, to also include the public tracking of political affiliations and the non-media business interests of media owners. Media advocacy groups and media researchers should develop a system of placing this information online on a dedicated website or blog.
2.2 State ensures compliance with measures to promote pluralist media	5. The government should launch an inclusive, multi stakeholder discussion to determine the policies needed to foster genuine pluralism and diversity of media in Sri Lanka. This should be done more as a matter of increasing the democratic communicative power in an inclusive public sphere rather than merely providing for consumer choice and market competition.

Indicator	Relevant Recommendation
2.3 State actively promotes a diverse mix of public, private and community media	6. The government and media industry should collectively make a fundamental commitment to increasing content diversity in the media, measured not in terms of the multitude of media outlets but rather in terms of greater inclusivity and representation of the fullest range of social, political and culture viewpoints within existing media outlets. Among other things, such content diversity can be promoted by the proposed PSBs commissioning independent content producers to create niche media products that are unlikely to be produced by entirely market driven media. 7. The legislation applicable to broadcasting should be formulated to include rules promoting diversity of ownership as well as media content. The law should suggest, among other measures, a way to promote ownership diversity through broadcast licensing.
2.4 Independent and transparent regulatory system	8. The government should take urgent steps to establish an Independent regulatory body to regulate the broadcasting sector in the public interest. The regulatory body should be accountable to the public and be independent from political and business interests This regulatory body should take urgent steps to streamline the broadcast licensing process to make it open, competitive, fair and accountable. The entire process should be managed by an independent regulator, with clear provisions allowing public scrutiny and comment. The discretionary and ad hoc process followed since 1992 should be discontinued as soon as possible, and standardised licensing conditions should be imposed retroactively on all existing broadcast licensees.

Indicator	Relevant Recommendation
	9. A comprehensive system for licensing community owned and operated broadcasters should be put in place, overseen by an independent regulatory body. A key aim of this should be to promote diversity and inclusiveness in the broadcasting sector. To this end, the system should include specific rules on the licensing of community broadcasters, which involve simple application processes that are processed either free or at a low cost. All licensing processes should be based on clear criteria and rules set out in advance, and should be open and allow for public participation.
2.5 State and CSOs actively promote development of community media	10. A comprehensive system for licensing community owned and operated broadcasters should be put in place, overseen by an independent regulatory body. A key aim of this should be to promote diversity and inclusiveness in the broadcasting sector. To this end, the system should include clear definitions of what qualifies as a community broadcaster, specific rules on the licensing of community broadcasters, which involve simple application processes that are processed either free or at a low cost. All licensing processes should be based on clear criteria and rules set out in advance, and should be open and allow for public participation. 11. A range of broadcast frequencies should be reserved in the frequency plan for low power community broadcasting thus maximising the use of frequencies at different locations and preventing interferences from high power broadcast transmissions.
2.6 State plan for spectrum allocation ensures optimal use for the public interest	12. There should be a clear and transparent planning process for the general allocation of the spectrum (and then specific licensing processes in accordance with that plan to actually allocate it), The proposed independent broadcast regulator should closely coordinate with the government on how broadcasting frequencies are allocated so as to ensure an equitable allocation of those frequencies between public service, commercial and community broadcasters.

Indicator	Relevant Recommendation
2.6 State plan for spectrum allocation ensures optimal use for the public interest	13. The updating of the frequency spectrum plan should be an open, consultative process, allowing for input by civil society and other interested stakeholders. The plan which emerges from this process should include indicative sub-allocations of frequency blocks (such as the FM spectrum) among different types of broadcasters. These sub-allocations should support the goal of promoting diversity in broadcasting. The system should be carefully designed to work in tandem with the community broadcasting licensing system described above. 14. The public resource of the electromagnetic spectrum should be managed efficiently in the public interest for broadcasting and telecommunications. The TRCSL should, through a consultative process with all interested stakeholders and in keeping with international best practice, develop a clear vision and national plan for the optimum use of the electromagnetic spectrum.
2.7 State plan for spectrum allocation promotes diversity of ownership and content	15. The government should promote diverse ownership types in the broadcasting sector through the introduction of a three tier system of broadcast ownership, viz: privately owed commercial broadcasting; editorially independent public service broadcasting; and independent community broadcasting.
2.8 Independent and transparent regulatory system	16. All licensing processes and frequency allocation should be based on clear criteria and rules set out in advance, and should be open and allow for public participation.
2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner	17. The government should not impose taxes or levies specific to an industry or a technology (e.g. targeting only mobile phones or cable television), which can be discriminatory against specific technologies, companies and their consumers.

Indicator	Relevant Recommendation
2.10 State does not discriminate through advertising policy	18. The provision of state advertising should be regularised through a set of guidelines which allocate advertising based on objective criteria, such as reaching the intended audience, and that apply to all state agencies and state owned companies. Such guidelines are needed to eliminate the current discriminatory practices in state advertising patronage and ensure state sector advertising is given to media houses on a fair and objective basis.

19. The Media Ministry should introduce legal restrictions and penalties against the use of state and public sector advertising and other state resources to influence, threaten or reward media outlets. |
| 2.11 Effective regulation governing advertising in the media | 20. The government, with the cooperation of the advertising industry, should set up an independent regulatory body to regulate advertising in the public interest. This statutory system should have enforcement powers, and set overall standards and ethical guidelines for advertising in all public media (called 'above the line' in the advertising industry) and other forms of advertising and marketing (called 'below the line').

21. Until the statutory regulatory body is set up, the advertising industry should develop its own self-regulation system to become more responsible, sensitive and responsive to consumer protection and sentiments. The media houses, on their part, should adopt have reasonable limits to advertising content in proportionate to their overall content (air time or print space). |

3

Media as a platform for democratic discourse

KEY INDICATORS

A MEDIA REFLECTS DIVERSITY OF SOCIETY

3.1   The media – public, private and community-based – serve the needs of all groups in society

3.2   Media organisations reflect social diversity through their employment practices

B PUBLIC SERVICE BROADCASTING MODEL

3.3   The goals of public service broadcasting are legally defined and guaranteed

3.4   The operations of public service broadcasters do not experience discrimination in any field

3.5   Independent and transparent system of governance

3.6   PSBs engage with the public and CSOs

C MEDIA SELF-REGULATION

3.7   Print and broadcast media have effective mechanisms of self-regulation

3.8   Media displays culture of self-regulation

D REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

3.9   Effective broadcasting code setting out requirements for fairness and impartiality

3.10   Effective enforcement of broadcasting code

E LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

3.11   The public displays high levels of trust and confidence in the media

3.12   Media organisations are responsive to public perceptions of their work

E SAFETY OF JOURNALISTS

3.10   Journalists, associated media personnel and media organisations can practice their profession in safety

3.11   Media practice is not harmed by a climate of insecurity

"Democracy after all is based upon public opinion. But public opinion is very often based upon what they hear from the media and if the media gives them a slanted view, then public opinion itself gets slanted…As highlighting the importance of an ethical code, the law cannot stipulate every duty of a journalist but the journalist themselves can. The journalists have got to get together and work out a code of ethics for themselves."

- Dr Christopher G Weeramantry

Former Vice President, International Court of Justice. Speaking at 10th anniversary conference of Press Complaints Commission of Sri Lanka

The media has an important role in sustaining and nurturing democracy, good governance and human rights. But there is no consensus about how this is to be done, although there is a clear body of international standards as to regulatory requirements for this.

This is complex partly because the media has two overlapping but distinct roles. It is a place where democratic debate happens, where information is exchanged and where cultural expression manifests. But it is also a social actor in its own right, acting as a watchdog over powerful institutions (both public and private) and holding government to account.

As a social actor media can also be a partisan force, and sometimes even an instrument of societal polarization and conflict. For this reason, the media should be accountable for its actions, like any other social actor. Yet as a place where social debate happens, it is crucial that the media is allowed to carry debate and information without control by any government or other agency.

This is why the media community often resists attempts to regulate the media: to ensure that it behaves responsibly. This is also why regulators distinguish between the responsibilities of print and broadcast media, and allocate a specific democratic role to public broadcasters.

Media organisations have much power to shape a society's experience of diversity which has many facets: gender, age, race, ethnicity, caste, language, religious belief, physical ability, sexual orientation, income and social class, etc. For the media to fulfil its democratic potential, it should, at least roughly, reflect the diversity of its society.

Media's conduct in relation to social diversity can also be a matter of formal regulation e.g. requirements on public service broadcast media to serve all sectors of society and to give fair access to all political parties. Media conduct may also be regulated by laws, such as those against hate speech.

Media diversity is further rooted in an institutional culture of self-regulation, peer scrutiny and responsiveness to the audience. Increasingly, through the spread of new technology, social diversity can find expression in blogs, citizen reporting, user-generated content and other forms of direct audience engagement with the media.

A

MEDIA REFLECTS DIVERSITY OF SOCIETY

3.01 The media – public, private and community-based – serve the needs of all groups in society

The history of Sri Lanka's mass media (in the currently known form) goes back two centuries. The first printed periodical, the *Ceylon Government Gazette*, was started by the colonial administration in 1802; it continues as the journal for government notices. The first newspaper in English was launched in 1832, while radio broadcasting commenced in 1925 and television broadcasting in 1979. Commercial Internet services arrived in 1995.

The number of media companies, organisations and products has increased over the decades. However, this growth in numbers has not led to a corresponding increase in the diversity of media products and content catering to the ethnic, religious and linguistic groups in the country's multicultural population. There are also content gaps and anomalies for certain demographic groups and geographical areas.

As two experienced broadcasters noted in a recent commentary, "There exists a huge imbalance in both media coverage and media education as regards minorities and the marginalised. This does not come as a surprise, as it is known that media in

Sri Lanka, both print and broadcast, cater mainly to the elite, irrespective of racial differences."[100]

Newspapers, magazines as well as radio and TV channels are produced in all three languages (Sinhala, Tamil and English). But media outlets and products are not available and accessible equally from all parts of the country. Residents in the Colombo District and the Western Province can access more terrestrial radio and TV channels than those living elsewhere in the country.

A large majority (over 80%) of the country's media production is carried out in the metropolitan Colombo district, which leads to some urban biases. According to the Census 2012, urban residents made up 18.2% and rural residents 77.4% while the rest 4.4% lived in the estate sector.[101] However, the narrow administrative definition of 'urban' areas used in Sri Lanka ignores many areas that have urbanised in recent decades. One policy maker estimates the true urban population to exceed 40%.[102]

When the urban-centric media are not responsive to their needs, some communities find alternatives. For example, some Tamil-speaking viewers in the Northern Province and in the country's plantation estate sector in the Central Province prefer South Indian TV channels received via satellite more than national level Tamil channels originating from Colombo. The use of satellite dish antennas for receiving trans-boundary broadcasts is especially notable in the estate sector.

Anecdotal evidence suggests there is limited multicultural content in most national newspapers. Sinhala newspapers, on the whole, cater almost exclusively to their ethnic group, as do Tamil newspapers to their own. Muslims who speak either Sinhala or Tamil languages are often not specifically engaged by such media content (except through Tamil periodicals aimed at a Muslim readership). Similarly, the cultural needs of Christians – found among both Sinhalese and Tamil ethnic groups – are under-served by the national media. This needs further study and attention of media managers and professionals.

There is a fair amount of media content meant for children, which probably responds to 25.2% of the population being under 14 (2012 census).

[100] Putting the Citizen First: New Approaches to Media Literacy, by Tilak Jayaratne and Sarath Kellapotha, in Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, 2015), pp 281-293

[101] Results of Census of Population and Housing, 2012 http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=FinalPopulation&gp=Activities&tpl=3

[102] http://www.dailymirror.lk/94975/let-s-get-real-about-sri-lanka-s-urbanization

However, many other demographic segments are currently un-served or under-served:

Older persons (aged 60 and above), who make up 13% of the population – and whose proportion is growing the fastest – do not have too many dedicated programmes.

Indigenous people's cultural needs are met by one dedicated radio service: Dambana FM 95.4 run by the state broadcaster SLBC. It is meant to serve the Veddah community, who are considered to be descendents of original inhabitants of the island with their hunter-gatherer lifestyle and own language.[103]

The media needs to increase their usability for those with various disabilities. There is one weekly magazine in Braille[104], but use of sign language on TV channels is infrequent. Accommodating the needs of persons with disabilities should become a greater priority.

On the whole, media's accommodation of diverse needs of the audience needs a vast improvement.

[103] http://www.slbc.lk/index.php/tamil-news-update/3497-leader-of-the-veddah-community-commends-the-service-rendered-by-the-dambana-service-of-the-slbc-to-protect-the-language-of-the-indigenous-community.html

[104] www.wijeyanewspapers.lk/?page_id=41

Recommendations

● The government should promote media pluralism in Sri Lanka through appropriate policies, regulations and other measures to ensure that the particular needs of demographic groups like children, women, ethnic and religious minorities, older persons, residents of the estate sector and those with disabilities are served by the media. This can be accomplished through inclusive media policies, specific licensing conditions for broadcasters, independent regulators fostering diversity in the broadcasting sector, and by enacting laws recognising a three tier broadcasting system (public service, commercial and community), and by fostering content diversity through funding support to independent producers.

● The media, particularly radio and television stations, should offer more spaces to foster cultural and language diversity and gender equality, and to address issues of interest to specific and/or vulnerable groups. Women should be portrayed avoiding stereotypes. For this purpose, more women journalists should be involved in the news production processes. Public media should equitably represent the opinions of the entire political spectrum.

3 02 Media organisations reflect social diversity through their employment practices

The media's capacity to represent social diversity partly depends on the make-up of its workforce e.g. the number of journalists and media executives who are women, or who come from minority groups.

Unfortunately, there is no regular data collection across the print and broadcast media sectors covering state and private institutions. The government's Department of Census and Statistics conducts an annual survey of industries, which includes a category named "Publishing, printing and reproduction of recorded media" – it does not provide disaggregated data on the media industry alone. In this category, the survey counted a total of 82 establishments in 2012/13, with a total of 14,975 employed in them. There is no data analysis on diversity of backgrounds or skills.[105]

Some data is available specifically on gender. A study commissioned by Sri Lanka Press Institute in 2011 found 192 female journalists working in 31 newspapers (in Sinhala, Tamil and English languages), compared with 464 male journalists, i.e. 29.5% were women journalists. (The study did not cover the broadcast or entirely web based media).

The IFJ Report on Media and Gender in Sri Lanka in March 2015, noted: "The number of women journalists in Sri Lanka has increased and several women, particularly in the English language media, hold senior positions. Despite their significant presence women still continue to struggle in environments that are either unsafe or not conducive for women media professionals. In addition, problematic working conditions; lack of opportunities for upward mobility; and the strong male bias in the newsroom makes the media industry a challenging workplace for women."[106]

Anecdotal evidence and interviews for this study indicate that the Lankan media industry does not adequately reflect the society's diversity.

Recommendation

● The media industry should endorse the notion of media pluralism, and commit to it at editorial, personnel and management levels. While following merit-based recruitment policies, media companies should consider the overall need for their staff to better reflect the ethnic diversity of Sri Lanka, and adopt policies to recruit more journalists from minority ethnic and language groups, as well as more women and persons with disabilities.

[105] Annual Survey of Industries 2013. http://www.statistics.gov.lk/industry/ASI%202013%20report.pdf

[106] http://www.ifj.org/fileadmin/images/Asia_Pacific/IFJ_AP/reports-etc/Gender_and_Media_in_Sri_Lanka

B

PUBLIC SERVICE BROADCASTING MODEL

3.03 The goals of public service broadcasting are legally defined and guaranteed

Sri Lanka has historically evolved state owned radio and television broadcasters, but they are not public service broadcasters in the internationally accepted definition (see box 12).

- The Sri Lanka Broadcasting Corporation Act No 37 of 1966 transformed the Department of Broadcasting (Radio Ceylon) into a statutory corporation.[107] The Act mandates SLBC to "carry on a broadcasting service within Sri Lanka and from time to time develop, extend and improve that service in the public interest".

- The Sri Lanka Rupavahini Corporation Act No 6 of 1982 set up the national television broadcaster. Its mandate includes "to carry on a television broadcasting service within Sri Lanka and to promote and develop that service and maintain high standards in programming in the public interest".[108]

Both SLBC and SLRC are state owned and funded in part by taxpayer money (and the rest by advertising revenue).

There is no room for editorial independence in their current legislation. For example, the

[107] http://www.commonlii. org/lk/legis/consol_act/ slbc365375.pdf

[108] http://www.commonlii. org/lk/legis/num_act/ slrca6o1982386/s7.html

SLBC Act has a provision that says: *"5. In the exercise of its functions and powers under this Act, the Corporation shall comply with the general policy of the Government with respect to broadcasting, and shall comply with any general or special directions given by the Minister pursuant to the policy of the Government in relation thereto."*

Independent Television Network (ITN Sri Lanka) was started as as a private

company, but soon taken over by the government and converted to a government owned business undertaking. In 1992, it was turned into a company fully owned by the state. Its ownership has never been broad-based even though that was discussed at times.[109]

None of these broadcasters has legally defined or guaranteed independence in their editorial practice and content generation. All have been used for ruling party propaganda for decades.

The "public interest" is often conflated with the interests of the government in office and the ruling party. Direct governmental interference in editorial decision-making is commonplace.

All owners of radio and television receivers had to pay an annual licence fee (or user fee), which income was distributed by the state among SLBC, SLRC and ITN. This practice was discontinued from January 2000, ostensibly to remove a government levy that was a 'burden' to citizens. Some media watchers have argued that the real objective was to relieve the state media of their PSB obligation, since the fee-paying public was

---

---

[109] http://www.itn.lk/about-itn/

entitled to certain rights. This right was established in the judgement of the landmark case, *Wimal Fernando v. SLBC* (1996).[110]

What kind of PSBs?

As part of restructuring the state media into PSBs, Sri Lanka needs to redefine their goal to suit its socio-cultural and political contexts. True PSBs play an important democratic role in assuring diversity, whereas private media may tend to go solely by the market logic of catering to the largest audiences or the highest ratings.

Ideally, the PSB's function is to provide an engaging public sphere with the following features:
- satisfying people's right to receive quality information, there by setting programme standards for all broadcasters;
- nourishing representative pluralism, including catering to special interests which may not have a large audience;
- serving educational and cultural dimensions, which includes elevating cultural levels of the society and fostering understanding of other cultures;
- the editorial purpose consistently showing the ability to become the society's voice (which should include opportunities for independent producers to use the PSB as a platform); and
- having motivated and public interest minded professionals producing and managing content.

The rationale for PSBs' existence is that it offers content different from that of commercial broadcasters. For example, commercial broadcasters might promote

---

BOX 13

PSBs: Clarify purpose first!

Prof Dhammika Ganganath Dissanayake, a former chairman of both state TV stations (Rupavahini and ITN Sri Lanka), calls for clarity of purpose in pursuit of PSBs in Sri Lanka.

He said in an interview: "First we have to decide whether we really need PSBs in Sri Lanka. There is no point adopting enabling laws for PSBs if they are going to be totally dependent on the market forces. So we as a society should be willing to allocate sufficient taxpayer funds to maintain PSBs. Such PSBs should only be accountable to Parliament and not to the executive branch of government. Private sector participation in broadcasting is fine, as long as the industry is properly regulated by an independent regulator. This is what many other countries are doing."

---

[110] Wimal Fernando v Sri Lanka Broadcasting Corporation [1996] 1 Sri Law Reports 157

superstition (if such content boosts ratings) but a PSB is obliged to foster rational thinking.

Wijayananda Jayaweera, former broadcaster and UNESCO official, says that a truly independent PSB is not merely a media platform for different content, but an essential institution for democratic engagement.

He adds: "It is not about transforming SLBC/SLRC to become a BBC. Also, the BBC is not the only model of a PSB. There are a number of PSB traditions and models in Europe, especially in France, Germany, the Nordic countries as well as in Japan. We can learn much from how Poland transformed its state broadcasters into successful PSBs."

Jayaweera believes that PSBs should become a Constitutional requirement -- as a tool to guarantee democratic engagement by citizens demanding responsive government performances in between elections.

Funding PSBs

All state owned media at the moment are heavily over-staffed (result of politically

motivated appointments by successive governments), top heavy and inefficient. Reforms would entail the difficult challenge of rationalising this situation.

At the moment, the main income of SLRC and ITN is the sale of airtime for commercials and sponsored programmes. Educational and other public interest content has to compete directly with commercially generated content. In 2012, for example, SLRC reported making LKR 1.85 billion income from selling its airtime, and LKR 168 million from other sources which included LKR 11 million as a 'government grant'.[111] SLBC, in contrast, is sustained mostly by taxpayer money coming through the Treasury.

Adequate and sustained funding is crucial for both the independence and good performance of PSBs to be created in the future. Taxpayer funds allocated for PSBs may be considered as an investment in the public good, taking into account their potential for promoting education, culture and media diversity.

However, other financing strategies are needed to diversify PSBs' funding base.

[111] Sri Lanka Rupavahini Corporation Annual Report 2012. http://www.parliament.lk/uploads/documents/paperspresented/annual_report_srilanka_rupavahini_corporation_2012.pdf

Lottery funding might be one way of funding specific programmes with a public interest dimension which would not attract commercial support. Other public funding options include: a radio or television user fee on households; a modest levy on a high volume product (e.g. gasoline or petroleum); or taxes on certain consumer products.

For example, the main source of income for Thai PBS comes from taxes on tobacco and alcohol, which are transferred to its coffers directly by the customs and excise tax agencies without having to go through the normal budgetary process. That financial arrangement was originally designed to ensure that the public broadcaster would not be subject to political interference.[112]

Communications scholar Dr Rohan Samarajiva said an interview: "The SLBC and SLRC Acts are completely out of date. They were drafted in response to an economy, society and technology that prevailed decades ago. They need to be updated. I am not sure, however, whether we in Sri Lanka are capable of sustaining 'independent' public service media like the BBC."

Instead, he has proposed a fund for media content which would support the production of "meritorious content that is unlikely to be produced by private producers under commercial considerations". He explained in a recent essay: "A fund and a management structure would be established to responsibly, fairly and transparently disburse subsidies to any media producer wishing to create meritorious content. The money will have to come from Treasury because any kind of levy on private producers will then result in them wanting protection from web-based competition. If the content is necessary for a decent society and we value it, we should pay for it. We can make an effort to make undue influence difficult, but it will not be possible to guarantee success. The difference is that the bad things that can happen in a politically-influenced public media content fund are limited. It is unlikely that this money will be spent on propaganda per se. The worst that can happen is that crony producers will get more money than independent ones."[113]

[112] http://www.nationmultimedia.com/opinion/Thai-PBS-belongs-to-the-people-not-those-in-power-30282141.html

[113] Public media or public media organisations in Sri Lanka? Rohan Samarajiva. Lanka Business Online (LBO), 14 January 2015. http://www.lankabusinessonline.com/public-media-or-public-media-organizations-in-sri-lanka/

Recommendations

● The government should initiate legal reforms to transform the state-owned and state-managed broadcast media (SLBC, SLRC and ITN) into truly independent public service broadcasters (PSBs) so as to serve the public interest without any political interference. PSBs must be independent from government in their governing structures and have full editorial autonomy. The PSBs' independence from the state should be legally guaranteed, including through the appointment of independent governing boards and the editorial independence of the broadcaster and its professional and editorial staff from the governing board should also be protected. Drafting a PSB law should take into account a range of PSB models in Europe, Canada and Asia.

● The government should ensure that PSBs' public funding is secure, long term and stable to protect them from arbitrary political interferences and market forces. There should be public funding mechanisms for PSBs.

● The rules should set out clearly the public service mandate of the public media in some detail with a specific focus on the particular public service needs of the country.

● The rules should also place a positive obligation on the public media to remain accountable to the people of Sri Lanka, including through the Parliament but also in more direct ways, for example through establishing audience councils and conducting direct public interactions to assess the response to their programming.

Cartoon by W R Wijesoma, originally published in The Island on 3 March 1993

1993 මාර්තු මස 03 වැනිදා

MTV
ITN
Rupavahini
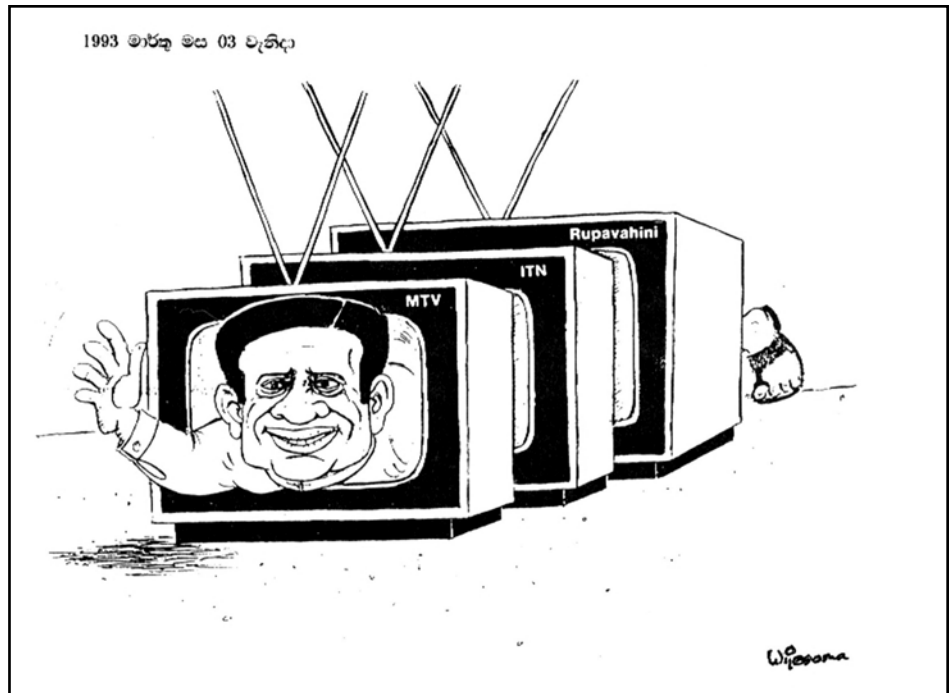
The evolution of electronic media in Sri Lanka - Cartoon by Dharshana Karunathilake

බොරට විද්‍යුත් මාධ්‍යයේ විකාශනය - එදා සිට අද දක්වා

3.04 The operations of public service broadcasters do not experience discrimination in any field

Sri Lanka has no PSBs in the internationally accepted definition. The state owned TV broadcasters SLRC and ITN Sri Lanka face no difficulty or discrimination in having all their channels carried on cable TV, IPTV and direct-to-home (DTH) services. However, this is due to the audience demand for such channels and not arising from any specific laws or regulations.

"For structural reforms to viable, the state media needs to be freed from their current reliance on market forces. SLBC and SLRC have to sustain themselves from advertising and sponsorship incomes. Various governments have been using state media but without providing funds. So there are enormous commercial pressures on state media, which prevent state media from properly performing their duties to the public.

"Even though SLRC is not explicitly set up as a public service broadcaster (PSB), its act mentions the public service remit. Unfortunately, political interference has compromised this ideal. I propose that we go back to the original intent and purpose of the founding Act, and reaffirm the corporation's independence from political forces. Ideally, SLRC should be transformed into an autonomous PSB, even though it will be a hard task to accomplish."

**- Mohan Samaranayake
Journalist and media analyst.
Former Chairman, Sri Lanka
Rupavahini Corporation (SLRC)**

"I am shocked and appalled by how certain TV channels cover violence and death in our society. These tragedies are highly sensationalized, which is damaging our entire social fabric. We need public service broadcasting (PSB) in Sri Lanka. Our national TV (Rupavahini) was gifted by Japan and we received some of Japanese PSB station NHK's good traditions. But where are these now? We have moved far from the founding ideals of Rupavahini, which was meant to have focus on public education."

**- Hema Nalin Karunaratne
Managing Director, Heritage TV**

3 05 Independent and transparent system of governance

All members of SLBC's and SLRC's governing boards are appointed by the Minister in charge of media, who may dismiss them at any time and without giving any reason. Staff members are deemed to be employees of a state corporation (i.e. semi-governmental). These arrangements result in biased editorial coverage by the state broadcasters.

There is no legal requirement to ensure demographic diversity or sectoral representation. From time to time, different ministers have appointed boards of management with different levels of ethnic diversity. This arrangement is neither independent nor transparent, and has long been abused for political purposes. The best example of this is the conduct of state broadcasters during the campaign period of key national elections (see also Box 15).

The need for an independent broadcast regulator is clear and strong (as discussed in 2.8), but it is important to guarantee its independence from the state.

Recommendations

● A public consultation should be undertaken to decide the future status of the state-owned print media organisation (Lake House/ANCL). All options, including its transformation into public service media, full privatisation and broad-basing ownership, should be considered.

● The State broadcasters should be transformed into true public service broadcasters subject to oversight by truly independent governing boards which are accountable to the public through Parliament.

3 06 PSBs engage with the public and CSOs

In the absence of genuine PSBs, the comment here is on the state broadcasters.

The state broadcasters SLBC and SLRC have audience research units that conduct regular surveys to gather public feedback. But according to inside sources, such findings are often not heeded by the programme planners or managers to improve content or enhance audience engagement.

State broadcasters (as well as commercial broadcasters) engage the public through certain programming formats such as the phone-in facility for talk shows that are broadcast live. But these opportunities are limited, and phone-ins offered by state broadcasters are mostly superficial: they rarely encourage listeners or viewers to express their views on controversial subjects. Those who participate in such phone-in programmes are often pre-screened, and conditioned by these procedures. Hence they cannot be considered as genuine opportunities for participatory discussions.

There are no attempts to use tools such as online surveys, town hall style meetings or other public outreach options to engage with the public.

Civil society organisations and the public do not have any formal opportunity to nominate individuals to state broadcasters' boards of management. There is no formal complaints mechanism concerning any objectionable content that may be aired by a broadcaster. No accountability system exists for the state broadcasters through which public can influence their programme policies.

Advocacy oriented CSOs like the Women and Media Collective, Transparency International Sri Lanka and Centre for Policy Alternatives monitor and critique the state broadcasters on specific issues or topics (e.g. elections, portrayal of women, etc.) But the broadcasters do not formally engage such groups.

Recommendation

● CSOs should actively campaign for the introduction of independent PSBs in Sri Lanka, and also find creative ways of generating funding for sustaining PSBs.

● Public media in Sri Lanka should be placed under a positive obligation to engage in creative and effective ways with the public, so as to ensure that their programming meets the needs of the public. In particular, the creation of an audience council(s) as a sounding board for the public should be considered.

MEDIA SELF-REGULATION

Media regulation is the control or guidance of media by statutorily established regulatory bodies. Such regulation may be done through:

- laws, rules or procedures;
- through various goals (e.g. intervention to protect a stated "public interest");
- by encouraging competition and an effective media market;
- establishing common technical standards.

There are different types of media regulatory mechanisms in the world, as shown in Table 2.

Table 2: Different media regulatory mechanisms

Regulatory method	Description	Example/s
Governmental regulation	When a regulatory body is either set up by a law, or otherwise controlled by the government. The models of government regulation differ worldwide and are not customised to a set formula.	Sri Lanka Press Council Act No 5 of 1973 which set up the Sri Lanka Press Council
Independent Statutory Regulation	Implies independence from both the media and government but set up by law.	Press Council of Denmark
Self-regulation	A peer review system operating within a set of self- imposed rules by the media. It consists of representatives from media profession passing judgement of matters of journalistic reporting using a Journalistic Code of Ethics...	Press Complaints Commission of Sri Lanka (PCCSL), operational since 2003
Co-Regulation	A legally empowered regulatory body chosen by media producers and professionals, which is independent from both the government and corporate interests.	Indonesia's Independent Press Council (Dewan Pers) created by Press Law 1999

3.07 Print and broadcast media have effective mechanisms of self-regulation

For the past dozen years, Sri Lanka's print media institutions have developed a self-regulation arrangement which keeps evolving. However, the broadcast sector has yet to come up with a comparable one.

Sri Lanka was the first South Asian country to introduce self-regulation, with the broad support of the newspaper industry. The Press Complaints Commission of Sri Lanka (PCCSL) is a voluntary self-regulatory mechanism started in October 2003 by the media industry to resolve inaccuracies that may appear in newspapers, magazines, journals and online editions of newspapers. Its co-founders are the Newspaper Society of Sri Lanka, the Editors' Guild of Sri Lanka, Free Media Movement and the Sri Lanka Working Journalists Association.[114]

PCCSL works on the principles of conciliation, mediation and arbitration under the Arbitration Act No 15 of 1995. It is meant to dispense with public complaints on media content on a 'Free, Fair, Fast' basis. It is to adjudicate progressively through conciliation, and if that did not work, through mediation and only lastly, by way of arbitration through a Dispute Resolution Council (DRC). The High Court of Colombo is empowered to enforce an arbitration award made under the Act.

The DRC comprises 11 members, six of whom represent civil society and the balance of five, senior journalists. The ethical standard for editorial content is set by the Code of Professional Practice of the Editors' Guild of Sri Lanka, which has been adopted by PCCSL. Last revised in 2014, it provides an ethical framework in which print media can operate while striving for accuracy and upholding the public interest (see box 14).[115]

"There is also more public awareness now, of the Editors' Code of Professional Practice. But there is more to be done."

- Kumar Nadesan
Chairman, Board of Directors
Press Complaints Commission
of Sri Lanka (in Annual Review 2014)

[114] http://www.pccsl.lk/

[115] http://www.pccsl.lk/sites/default/files/Code-English.pdf

Code of Professional Practice for Lankan Media

The Code of Professional Practice was originally developed in 2003-2004 to serve as an ethical framework for the Lankan media, against which the public could assess any (real or perceived) transgressions.

The Code opens with these words: "This code of practice, which is binding on newspaper publishing companies, Editors and their journalists and contributors both in print format and online, aims to ensure that the Sri Lankan press is free and responsible and sensitive to the needs and expectations of its readers, while maintaining the highest standards of journalism."

At the outset, it says that the Code "both protects the rights of the individual and upholds the public's right to know. It should be honoured not only to the letter but in the spirit – neither interpreted so narrowly as to compromise its commitment to respect the rights of the individual nor so broadly as to prevent publication in the public interest."

The preamble also says that "Editors should co-operate swiftly with the Press Complaints Commission of Sri Lanka (PCCSL) in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including a headline reference to the PCCSL."

There is also an older Code of Ethics drafted by senior journalists in the early 1980s. That Code was published as 'Rules made by the Sri Lanka Press Council, under Section 30(i) (a) of the Sri Lanka Press Council Law, No 5 of 1973, and approved by Parliament under Section 30 (3) of the said Law'. It was published in the government gazette on 14 October 1981.[116]

PCCSL: A Dozen Years of Performance

By 2015, a majority of newspapers in Sinhala, Tamil and English languages had accepted PCCSL's self-regulation system. From 2003 to the end of 2014, PCCSL received close to 1,700 complaints – the number averages around 150 per year.

According to its last published annual report, PCCSL received a total of 291 complaints during 2014. When analysed across different languages, it comprised complaints concerning:
- Sinhala language newspapers: 167
- Tamil language newspapers: 47
- English language newspapers: 70

There were also 7 complaints not concerning the print media (thus falling outside the scope of PCCSL).

[116] http://www.mediareformlanka.com/sites/default/files/archival_files/Sri%20Lanka%20Press%20Council%20Code%20of%20Ethics%20for%20Journalists.pdf

With over 80% of complaints resolved during the past decade, PCCSL says the concept of self-regulation is now accepted by both the media and the public.

The PCCSL Secretariat has also noted how more complaints are being resolved directly between affected readers and newspaper editors, without involving PCCSL.

As the 2014 Annual Review says, "The increased number of corrections, clarifications, apologies and right of replies published by Sri Lankan newspapers without formally involving the PCCSL indicates that the advocacy work done by the Commission has made readers write direct to editors and have their 'Right of Readers' published outside the PCCSL process and the observing of violations of the Code which are reported to Editors to pay special care are positive and helps reach the objective of a professional media."[117]

However, Sri Lanka's radio and television broadcasters as of yet has neither an industry alliance nor an industry-wide self-regulation mechanism. On the tenth anniversary of PCCSL, there was a mention of contacts being made with the advertising profession,

"Neither the Editors' Code, nor the PCCSL are the ideal. There is, no doubt, room for improvement. But the principle of self-regulation remains steadfast and true. The alternative – a statutory body of Government appointees is not the answer. It is a sine-quo-non for a Free Press in Sri Lanka, or what is left of it, that its well-being is in its own responsible hands. It is up to those in the profession, and the industry, to protect it and foster it in their own interests and in the interests of their countrymen."
- Sinha Ratnatunga,
Deputy Chairman of the Board, Sri Lanka Press Complaints Commission
(at 10th anniversary conference, January 2014)
http://www.pccsl.lk/sites/default/files/IC%20Final%20Report.pdf

[117] PCCSL 2014 Annual Report. http://www.pccsl.lk/sites/default/files/AnualReport-2014-Englis%28Updated%29.pdf

broadcast industry and Internet users "to get consensus for a broader code".[118] This has yet to happen.

Speaking at PCCSL's 10th anniversary international conference, Ian Beales, Secretary of the Editors Code Committee, UK, said journalistic self-regulation and ethics should set sensible, simple, and deliverable standards that can be reasonably required and enforced. Individual editors and publishers are free to set higher moral standards, if they wish.

He added: "The system should be genuine self-regulation, in which the independence from the state and from other vested interests is guaranteed. Strong lay membership should be vital to ensure fairness – and not least to protect individual editors from being over-harshly judged by their commercial rivals. The sanctions should be proportionate, not excessive. These fundamental principles allow freedom for cultural variations."[119]

Sri Lanka Press Council: Contentious from the Start

In 1973, the then government set up a statutory body called the Sri Lanka

[118] http://www.pccsl.lk/ sites/default/files/ PCCSL%2010%20th%20 Anniversary%20Souvenir. pdf

[119] Self Regulation and Ethical Reporting: Report on the Conference Celebrating 10th Anniversary of PCCSL. January 2014. http://www.pccsl.lk/ sites/default/files/IC%20 Final%20Report.pdf

"The history of self-regulation in Sri Lanka is essentially a response to excessive State control and attacks. We do not want the power of the press to undermine democracy, and self-regulation is part of the answer to that. Another key element is media independence, which can help prevent self censorship. The State should not see independence as a threat, because it helps ensure a proper flow of information to the people.

"The idea that 'comment is free' is still bounded by the need to respect human rights values. Bias in the media is not acceptable, whether against women, different groups or different viewpoints. But journalists need some sort of institutional support, like lawyers enjoy through the Bar Association. In Sri Lanka, self regulation serves this role and also provides support to freedom of expression."

- Prof. Savitri Goonesekere, Professor Emeritus of Law, University of Colombo Speaking at 10th anniversary conference of Press Complaints Commission of Sri Lanka

Press Council (SLPC, http://slpc.lk/) with considerable powers to investigate complaints against the media and impose penalties. It has been despised by most journalists for over 40 years.

Under the Press Council Law No 5 of 1973, the government nominates all seven Council members, even though that must include a representative of the journalists' associations in Sri Lanka, and another person representing the interests of the employees of newspaper businesses. The Press Council has quasi-judicial powers (comparable to a District Court) to impose prison terms and other punitive measures on journalists and editors found guilty. The Act also prohibits the disclosure of certain fiscal, defense and security information by media.

The Press Council has been used by governments as a mechanism to intimidate the media. In 2002, it was rendered inoperative through a bipartisan resolution in Parliament. The relevant law, however, remained and was used by the Rajapaksa government to revive the Press Council in June 2009, soon after the civil war ended. This was widely condemned by media organisations and advocacy groups.[120] After

a slow start, the council, whose purview covers all types of media outlets, began operating and handing down judgments in 2012.[121]

The Sirisena-Wickremesinghe government that took over in January 2015 did not appoint members to the Press Council for several months. The media community was taken aback, therefore, when President Sirisena suddenly re-activated the Press Council on 2 July 2015 by appointing members.

In protest, the Newspaper Society of Sri Lanka, the Editors' Guild of Sri Lanka, the Free Media Movement and the Sri Lanka Working Journalists Association issued a statement saying the President's action was illegal and that he did not have the "basic courtesy" to consult stakeholders.

It added, "The re-establishment of the government appointed Press Council, re-introduces dormant legislation that provides for wide ranging punitive powers including that of imprisoning media personnel. Completely reversing an election promise of his to ensure the stoppage of direct and indirect threats and intimidation against

[120] http://www.wsws.org/en/articles/2009/07/sril-j01.html and http://www.bbc.co.uk/sinhala/news/story/2009/06/090627_press.shtml

[121] https://freedomhouse.org/report/freedom-press/2014/sri-lanka#.VUL0uvDkqSo

"The Media Ministry receives a large number of complaints from citizens about Lankan broadcast media content deemed unacceptable or offensive. But the Ministry does not have any legal powers to act on these. We can only instruct state broadcasters to comply with certain norms, but have no authority over private broadcasters.

"This highlights the need for a public complaints or grievance mechanism for all broadcasting in Sri Lanka. In the Broadcast Authority Bill we are currently drafting, there is provision for setting up such a complaints mechanism. In drafting this Bill, we have faced some conflicts with the Broadcasting Corporation Act (1966) and Rupavahini Corporation Act (1982) because these have not been updated for decades. Certain policy related provisions in those acts need to be removed for a new Broadcast Authority to be viable.

"When licensing radio or TV broadcasters, the Media Ministry takes into consideration two key factors: does the applicant have sufficient finances for operating a channel, and also the technical competence necessary for doing so? We do such checking to prevent someone from obtaining a license and then selling it to other parties…It seems that broadcast licenses in the past have been given out for indefinite periods, which is problematic. I believe that broadcasting licensing should be taken away from political authority and handed over to a legally-based regulatory mechanism."

- Mr B K S Ravindra, Additional Secretary, Ministry of Media (interviewed in May 2015)

print media personnel and their owners, the question arises if this is the short-term and long-term programme he promised in his election manifesto to protect freedom of all media personnel."[122]

Permanently deactivating the state's Press Council and repealing the enabling law must remain on the media reform agenda. However, politicians and the public can be convinced of the redundancy of the state's Press Council ONLY IF the alternative self-regulatory mechanism works effectively and credibly, covering all media outlets. This presents a clear case for strengthening PCCSL and for expanding its scope to cover other media.

The experience thus far suggests that PCCSL cannot be effective by being a purely voluntary body. PCCSL needs enforceability of its rulings so as to be taken seriously by both the media and the public. With a view to achieving this goal, a revamping of PCCSL structure is recommended by adopting the co-regulation model.

[122] Media groups slam Sirisena for bringing back Press Council. The Sunday Times, 5 July 2015. http://www.sundaytimes.lk/150705/news/media-groups-slam-sirisena-for-bringing-back-press-council-155671.html

Recommendations

● The Sri Lanka Press Council Act No 5 of 1973 should be repealed, and the state apparatus known as Sri Lanka Press Council should be abolished.

● The media industry should strengthen the Press Complaints Commission of Sri Lanka (PCCSL) and also explore expanding its scope to cover broadcast and entirely web-based news media outlets. A national consultation should be held with all relevant stakeholders to determine how best to proceed. The co-regulation model -- as is done in Indonesia with Dewan Pers ("Press Council") -- is recommended. The revamped PCCSL should have legal powers to enforce rulings.

● If the broadcasters are not agreeable to be part of PCCSL, they should set up their own public complaints and grievance mechanism covering broadcast content. One option is for this to be part of the proposed independent broadcast regulator.

Cartoon by Awantha Artigala, Wijeya Newspapers

What every FM radio channel wants listeners to do - Cartoon by Dharshana Karunathilake
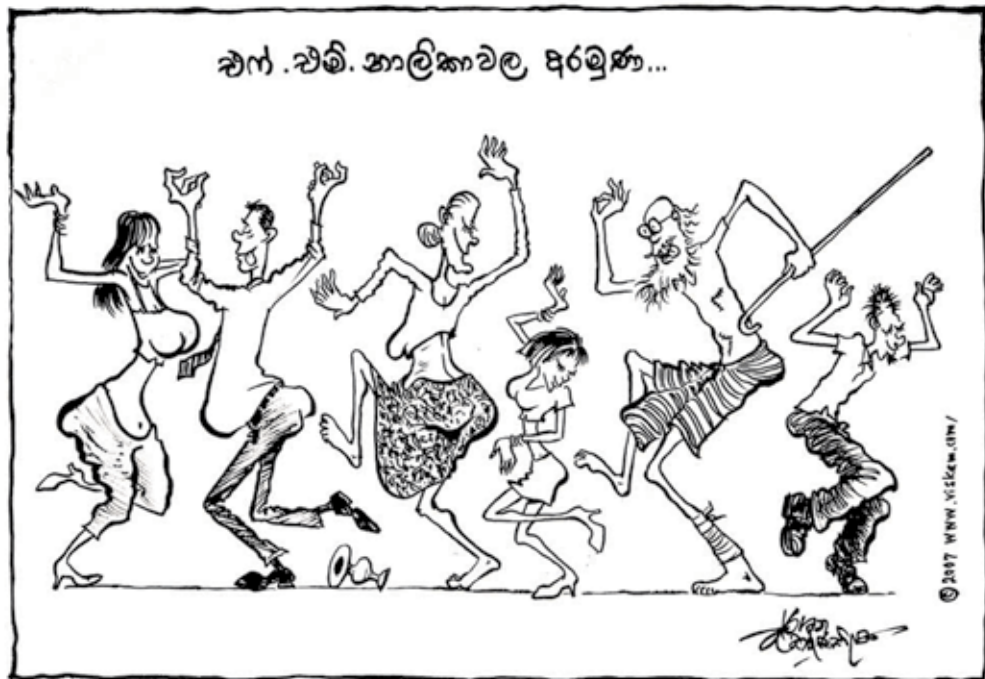
Stakeholder Views on Sri Lanka's Media Self-Regulation

"In the recent past, when journalists or activists demanded freedom of expression, they ran a real risk of being 'disappeared' the next day! People were subjected to threats, verbal and physical attacks and murder for speaking up. This is no longer the case in Sri Lanka. PCCSL is a good self-regulatory arrangement for newspapers in Sri Lanka. But it can only act when it receives a complaint. Its rulings are only voluntary and not binding. I would like to see PCCSL being strengthened, and also broadcast media being brought under its purview (or that industry develop its own self-regulation mechanism)."

- K Kunarasa, News Editor, *Thinakaran* **newspaper, Lake House/ANCL**

"Sections of our media report rape and sexual crimes with a certain relish. They sensationalise and dramatise the incident with no consideration for the victim and family. Contrast this with the gang rape (December 2012) of a young woman in Delhi – what we know as the Nirbhaya case. Hundreds of Indian media outlets had the restraint not to disclose the victim's name or family specifics. We only know her by the media assigned pseudonym Nirbhaya. But here in Sri Lanka, some newspapers will carry all details, and even display the victim's photos across front pages! Instead of sensitive and investigative reporting, Sinhala language newspapers engage in crude and impulsive reporting of violence – but our English language newspapers do observe some restraint and decorum!"

- Sumitra Rahubaddha. Formerly of Sri Lanka Administrative Service; author and publisher

"I advocate media self-regulation, rather than the state forcing it with laws and regulations. At one point (2003), we deactivated the state's Press Council and allowed the newspaper industry to form its own self-regulatory body. The Press Complaints Commission emerged thereafter, but it has not been a perfect arrangement. Some newspapers and media companies have not become part of PCCSL."

- Saman Athaudahetti, Additional Secretary (Media) to the Prime Minister of Sri Lanka

"PCCSL needs greater powers and greater coverage (of all newspapers). If a newspaper is proven to have violated the Code of Professional Practice, PCCSL

should be able to impose a penalty. PCCSL should also be able to mediate between newspapers and aggrieved parties so that billion rupee defamation law suits are not filed against media."

- Vijitha Yapa, Founder Editor,
The Island, Sunday Island and The Sunday Times

"We do need a regulatory system for media in Sri Lanka. First of all, we need media owners and managers with some education and training in media and journalism. Right now, almost all media organisations and companies allow politics to meddle with their industry – this needs to change. We need to raise standard of journalism so that more responsible information and more balance opinions can be disseminated by the media.

"Likewise, we need to ensure editorial independence by blocking opportunities for media owners to interfere with media content. There needs to be independent monitoring of media.

"Sinhala and Tamil language newspapers report on our national question (ethnic issue) based on their ethnic and religious divides. It is such partisan reporting that prolonged and worsened the war. In Singapore, four main ethnic and religious groups co-exist without conflict. But we have not been able to achieve such harmony. Language barriers have been one cause for our divisions. We still don't have good enough translations between Sinhala and Tamil to build cultural and linguistic bridges between our two communities."

- Justice C V Wigneswaran. Chief Minister, Northern Provincial Council

"Ideally, we should have an effective system of self-regulation in our media so that the state does not need to get involved. We have the PCCSL since 2003, but it is not yet a fully effective system – because it is voluntary, not obligatory, to abide by its rulings. Perhaps PCCSL should be empowered to impose fines or have other punitive powers on media that does not correct proven lapses. We also need a complaints mechanism and self-regulatory body for radio and television broadcasters in Sri Lanka. During 2009-2011, some discussions were held on setting up such a body, but it has not happened."

- Focus Group Discussion with Sri Lanka Muslim Media Forum (8 June 2015) joined by M S Ameen Hussain, Media trainer and consultant; Javed Munawwer, Assistant Treasurer; and Thaha Muzamil, Vice President

"We have concerns whether Press Complaints Commission is sufficiently empowered to act when a media outlet violates ethics and defames individuals or entities. In our view, the PCCSL itself needs to be monitored and regulated. Every media company should be required to adopt its own code of ethics, which should be disclosed to the public. Media consumers can then assess their conduct against it. Every media company should also have their own Ombudsman who can look into staff grievances and reader complaints, and resolve as many of these as possible at that level."

- Focus Group Discussion with Sri Lanka Press Association (8 June 2015) joined by Upul Janaka Jayasinghe, National Organiser; Narendra Rajapakse, Vice President; and Pushpa Ilangatilake, Executive Committee member

3.08 Media displays a culture of self-regulation

A majority of newspapers published in Sri Lanka now recognise the right of reply, but publication is at the editor's discretion. In practice, according to PCCSL's monitoring, the right of reply is respected over 70% of the time (among those that subscribe to PCCSL).

Recognition has also been growing within media organisations for clearer ethical guidelines for individual conduct and editorial content. Some media organisations have voluntarily developed their own in-house guidelines.

For example, the *Ravaya* weekly newspaper has introduced its own ethical guidelines, which are comparable to the Code of Professional Practice drawn up by the Editors' Guild. *Ravaya* was the first Lankan media organisation to have an inhouse ombudsman: it was discontinued due to logistical difficulties but a revival is being planned.

Recommendations

- The private, public and community media should implement mechanisms for journalists codes of ethics, provisions to ensure editorial independence, and editorial guidelines. One option is a system of receiving public complaints through a Reader's Editor (or its broadcast equivalent) in each media house, who can establish how public complaints will be processed and disclose the changes, punishments or claims that have happened as a result.

- Private, public and community media should create and guarantee diverse mechanisms for citizen participation, beyond interactivity, ensuring that citizens can influence the programming and working toward educational processes.

- The associations and unions of journalists should actively promote the profession's code of ethics (or code of conduct) focusing on accepted principles, such as the respect for truth and the public's right to know all sides of a matter, the right to fair comment and criticism, factual and objective reporting, the use of fair methods to obtain information, etc. The code should also nurture a media culture where media organisations are willing to correct mistakes, and respect the confidentiality of their sources.

- The associations of journalists and the media owner representatives should develop agreements on the rights and duties of the editors, as an effective mechanism to ensure editorial independence within media companies.

- The media should ensure they have codes of ethics and editorial guidelines and publicize them widely so that there is more transparency and they are used in actual practice. All journalists should receive a copy, or know where to consult such materials readily. Journalists' associations and unions should more actively promote such practices.

D
REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

3.09 Effective broadcasting code setting out requirements for fairness and impartiality

There is no broadcasting code followed by all radio and television broadcasters in Sri Lanka. The Media Ministry's attempt in 2013 to standardise terms of broadcast licences was resisted by some broadcasters.

An early restriction that disallowed private broadcasters from covering or carrying any news was removed in 1994. There is no licensing requirement for editorial impartiality and fairness. However, during times of elections, the Commissioner of Elections issues guidelines for both print and broadcast media to ensure fairness, balance and impartiality. These guidelines cover news and current affairs, talk shows and all other programming that could involve a political party or candidate or their promoters.

These guidelines, which only apply during election periods, are not always followed. For example, despite clear guidelines issued by the Commissioner of Elections soon after announcing the last presidential election in January 2015[123], these were ignored and violated by the state broadcasters that openly supported the incumbent president (who ultimately lost despite this) and also

[123] http://documents.gov. lk/Extgzt/2014/PDF/ Nov/1890_02/1890_ 02%20E.pdf

allowed the then ruling party to malign the other candidates. On election day, the Commissioner had to personally intervene to stop state TV from carrying false reports.[124] Some private broadcasters had their political allegiances too, but at least tried to maintain a semblance of balance and refrained from attacking any candidate (as state media did).

Transparency International Sri Lanka, which monitors state media's conduct in terms of governance, has recently recommended: "Once an election is declared all State media institutions should come under the supervision of the Election Commission or the Commissioner. Laws should be amended to enable the Election Commissioner to appoint a competent authority to oversee State media institution. The Commissioner should also be authorised to supervise and issue guidelines to all private media institutions to prevent election malpractices." [125]

In practice, it would be difficult to implement this and it would clearly interfere with editorial freedom of broadcasters. A suitable middle ground needs to be found, perhaps in giving the Election Commission more teeth to enforce its rulings during election periods combined with a more general rule on balance and impartiality in between elections.

Prevailing election laws do have a few provisions relating to the media. For example, Presidential Election Act No 15 of 1981, in section 117, covers broadcasts by the candidates, and spells out the obligations of national broadcasters (e.g. in giving equal free airtime to all candidates). But these were drafted in the pre-web era and need to be updated.[126]

However, there is no statutory limit to the volume or frequency of paid advertising by any political party or candidate during elections. Also, the state media find various other means to promote candidates from the ruling party, for example in the guise of interviews, programmes on national development or talk shows, etc.

In formulating codes of ethics and professional conduct for Lankan broadcast media, existing guidelines by All India Radio [127] and the British Broadcasting Corporation [128] may be considered.

[124] http://www.ft.lk/2015/01/09/polls-chief-reads-riot-act-to-rupavahini-over-sajith-crossover-story-on-polling-day/

[125] http://www.tisrilanka.org/?p=12828

[126] http://www.commonlii.org/lk/legis/num_act/pea15o1981280/s117.html

[127] All India Radio Code: http://www.newsonair.com/full_news.asp?type=link&id=71

[128] BBC Editorial Guidelines: http://www.bbc.co.uk/editorialguidelines/guidelines

State Media's Conduct During Presidential Election 2015

State media institutions (SLBC, SLRC, ITN Sri Lanka and Lake House) being misused for ruling party propaganda reaches its peak when a key national election is declared. When the last Presidential Election was declared on 20 November 2014, the civil society group Transparency International Sri Lanka (TISL) started monitoring state media to gather evidence of the extent and scale of such misuse.

This was done under TISL's Programme for Protection of Public Resources (PPPR), an initiative by to combat corruption and for the protection of public resources during elections. PPPR seeks to uphold the integrity of the electoral process by ensuring that public resources are not misused and abused for propaganda purposes during the election period, and wherever possible to take preventive action in partnership with the relevant authorities.

"All state-owned and state-controlled media therefore have an important obligation to provide citizens with accurate, impartial and balanced coverage regardless of which political party or parties are in power. It is proper and even necessary for citizens' organizations, political parties and candidates to insist on media fairness, balance and accuracy and to call upon government authorities to manage public media in a way that safeguards citizens' rights to the information they need as voters," TISL said.

TISL/PPPR monitored all state media channels in Sinhala, Tamil and English from 21 November 2014 to 10 January 2015 (including Election Day of 8 January). Both quantitative and qualitative data was collected through primary and secondary sources. Among the factors studies were the number of news items allocated for each candidate; whether such news items exalted or deflated the candidate's image; whether focus was on the main issues and policies of candidates rather than personal qualities; and information on voter education.

Here are some of their key findings that confirm highly partisan conduct of state media:

- There was clear evidence of state media promoting or discrediting a presidential candidate, thus violating the guidelines presented by the Commissioner of Elections.
- News coverage time set aside for the UPFA candidate (the incumbent President) was several times more than the common opposition candidate (who ultimately won).
- Two state owned media institutions, SLRC and the ITN, aired an unprecedented number of advertisements both during peak and off peak hours on behalf of the UPFA candidate (who was the incumbent President), without receiving the due payments.
- During the last few days of the election campaign, PPPR noted 40 commercials being aired in a single hour promoting the UPFA candidate both on ITN and SLRC.
- Clearly violating the guidelines issued by the Commissioner of Elections, SLRC and ITN broadcasted live the final rallies of the UPFA candidate on 4 and 5 January 2015.

Source:
Electoral Integrity: A Review of the Abuse of State Resources and Selected Integrity Issues during 2015 Presidential Election in Sri Lanka (TISL, March 2015). http://www.tisrilanka.org/during-an-election-all-state-media-institutions-should-come-under-election-commission/

133

Recommendations

● The broadcast media should be regulated by a modern legislative framework that is implemented by an independent body made up of qualified persons who represent the public interest, and who are independent of political and commercial interests. This regulator should establish and enforce guarantees of editorial independence, and develop a broadcasting code which sets out fairness and impartiality rules for all broadcasters. The broadcasting code, however, should not compromise the editorial independence of the media by becoming a cloak for censorship or interference. The broadcasters should actively participate in the preparation of this code.

● The codes of conduct governing the print and broadcast media should address, in particular, their conduct during elections, as well as in between elections, including the need for requirements of fairness and impartiality, taking into account the Elections Commission's own guidelines issued during each election campaigning period. The independent broadcast regulator should monitor broadcasts to verify compliance.

3.10 Effective enforcement of broadcasting code

In the absence of an industry-wide general code, or an independent regulator empowered to administer such a code, this does not arise.

The former government drafted a Code of Media Ethics which was meant to cover all print, broadcast and online media. However, journalists and advocacy groups expressed deep concerns that its provisions were overbroad and could curtail media freedoms already under threat in Sri Lanka. In June 2013, the then president Rajapaksa assured editors that the government was not going ahead with the code.[129]

Recommendation

● The proposed independent broadcast regulator, once established, and the broadcast industry should collaboratively develop and adopt professional guidelines and ethical standards for all broadcast media in Sri Lanka. Such professional standards should include an obligation on all broadcasters to be fair and impartial in their treatment of political issues and other matters of public concern.

[129] Sri Lanka withdraws controversial press code – AFP report dated 23 June 2013. http://bit.ly/1DY74h1

Politicians misusing TV - as seen by cartoonist W R Wijesoma, Divaina 24 January 1989
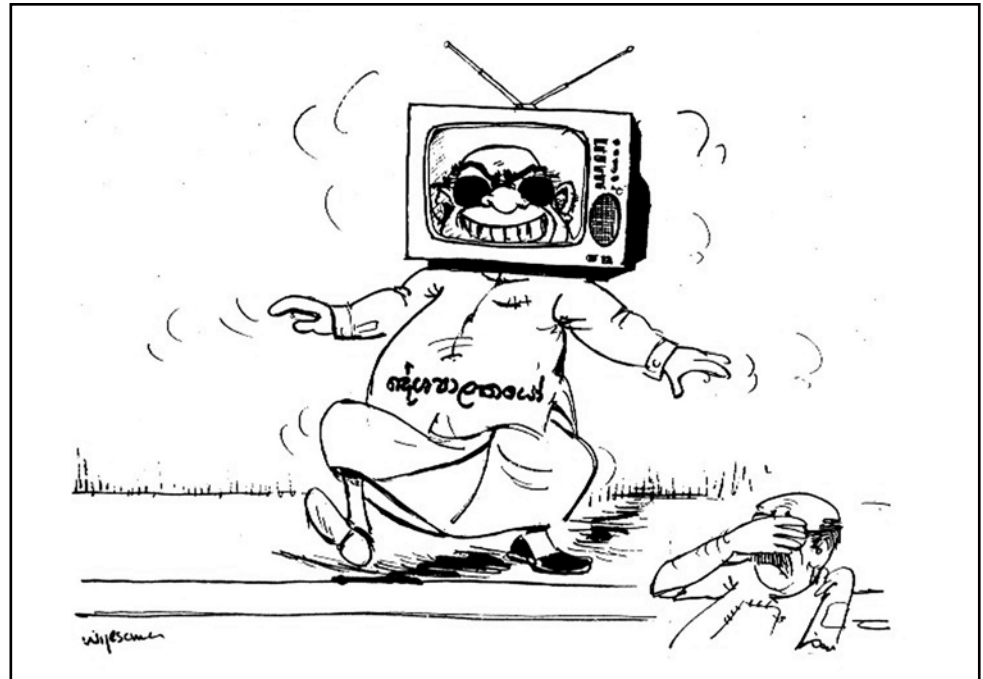
Cartoon by Awantha Artigala, in Daily Mirror - 2 December 2014

E

LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

3.11 The public displays high levels of trust and confidence in the media

This has long been discussed, yet there is inadequate evidence to determine the level of public trust of the media in Sri Lanka. More research is needed.

A countrywide survey in 2010 on public perceptions on climate change, which was based on a random sample of 1,000, found that the mass media serve as the main sources of information for current affairs and events for most Lankans (led by TV and followed by radio and newspapers in that order). When asked about which sources of information they trust, an overwhelmingly high percentage of respondents cited TV, Internet, radio and newspapers (over SMS alerts, educational institutions and their own peers).[130]

A citizens' feedback survey commissioned specifically for this study, covering randomly selected 800 respondents across Sri Lanka, found 47% of respondents are satisfied with the credibility of media messages while 49% opted for the answer 'neutral'. The same survey found that the most trusted types of media was television (56%), followed by newspapers (20%) and the Internet (21%). Findings of this survey are summarized in Annex 7.

[130] Survey on Public Perceptions on Climate Change in Sri Lanka, 2010. Conducted for Ministry of Environment. http://www.academia.edu/2921623/Survey_on_Public_Perceptions_of_Climate_Change_in_Sri_Lanka_2010

3 **12** Media organisations are responsive to public perceptions of their work

There is no industry-wide practice in Sri Lanka of media houses regularly surveying the public or their respective audiences for feedback.

The state broadcasters have historically evolved audience research units to conduct surveys to gather public feedback . Both SLBC and SLRC maintain such units, but according to inside sources, such findings are often not heeded by the programme planners. In fact, research units are considered a low institutional priority and a place to which 'punishment transfers' are made.

Some private broadcasters have public outreach programmes – for example, going to schools or trade fairs and talking about their work – but these appear to be subtle marketing exercises rather than serious attempts to understand audience mindsets.

Most mainstream media organisations are unresponsive to public criticism of their content expressed in the social media.

Recommendation

● The media should respect the highest professional standards to improve citizens' perception of their (media's) work.

F
SAFETY
OF
JOURNALISTS

3.13 Journalists, associated media personnel and media organisations can practice their profession in safety

Extra-legal pressures and threats on Lankan media personnel and media organisations restrict their freedom to practice their profession without fear.

This needs to be placed in the wider context of how the Rajapaksa government related to the media in a frequently adversarial manner. However, governments are not the only source of intimidation and harassment of the media. There are also rising levels of intolerance and extremism in society that act against free and open discussion of ideas. As a platform for debate and messenger of news, the Lankan media comes under pressure from many fronts.

In June 2012, Sri Lanka was one of 16 countries named by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for "attacks against journalists during coverage of street protests and demonstrations, such as arbitrary arrests and detention, verbal and physical attacks, confiscation or destruction of equipment, as well as killings."[131]

In 2014, Committee to Protection Journalists (CPJ) ranked Sri Lanka as the fourth worst country for journalists (after Iraq, Somalia and the Philippines) in its Global Impunity Index that spotlights countries where journalists are slain and the killers go free. CPJ said, "…the

> **Journalists as Human Rights Defenders**
>
> "…journalists have a broad mandate to gather information and disseminate it to a public audience through print, radio or television media. In their general role, journalists are not human rights defenders. However, many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen."
>
> **- Excerpted from 'Who Are Human Rights Defenders?' by Office of the UN Human Rights Commissioner** http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx

[131] http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17_en.pdf

government of Mahinda Rajapaksa has shown no political will to address its record of perfect impunity in the nine murders of journalists that have taken place under his leadership, first as prime minister and then as president."[132]

In its October 2014 report titled 'The Road to Justice', CPJ listed 9 journalists who have been murdered in Sri Lanka in direct connection to their work from the beginning of 2004 through 2013.[133] These have not been adequately investigated and perpetrators not prosecuted, leading to a climate of complete impunity.

Sustained harassment and vilification drove some journalists into exile (see 3.14) and those remaining in the media profession in Sri Lanka faced difficulties accessing the former war zones and internment camps, and in covering the resettlement process in the north and east.

Freedom of the Press 2014 reports how, on several occasions during 2013, foreign news teams were prevented from covering stories in the north and east. These restrictions seem to have eased out after the January election, but local journalists working in the North and East continue to face problems with law enforcement, military and para-military groups.

Among the most affected media organisations in Sri Lanka is the privately owned Tamil language newspaper *Uthayan*, which is based in Jaffna and has the highest circulation in the Northern Province. Between 1987 and 2014, the newspaper's staff and premises have come under numerous attacks.

As IFJ's South Asia Press Freedom Report 2014-15 notes, "In the long history of media suppression in Sri Lanka, *Uthayan* has been the subject of the greatest number of attacks. Attacks against the paper stand out even in the past 10 years, during which media suppression increased in the name of war and fighting terrorism. During this period serious attacks were launched to suppress media and intimidate journalists in the North. Due to measures taken to murder ideas with the intention of preventing the revelation of the plight of people living in a war zone, as well as the problems of the post-war period, journalists in the North were forced to live in secrecy, hounded as though they were terrorists."[134]

132 https://cpj.org/ reports/2014/04/ impunity-index-getting- away-with-murder.php

133 https://cpj.org/ reports/2014/10/the- road-to-justice-appendix1- impunity.php

134 http://www.ifj.org/ nc/news-single-view/ backpid/33/article/the- freedom-frontier-south- asia-press-freedom-report- 2014-15-launched/

Sometimes journalists performing their field reporting duties have come under indiscriminate attacks by police or armed forces. For example, on 1 August 2013, local residents in Weliweriya in the Gampaha district (close to Colombo) demonstrated against a factory they claimed polluted the area's groundwater. The former government responded with disproportionate force, killing and injuring unarmed civilians. Journalists covering the incident were threatened and some came under attack by the armed forces.[135]

During the past decade, certain media houses or individual journalists were publicly vilified or came under physical attack by non-state players, such as ultra-nationalist groups.

The January 2010 disappearance of cartoonist and web journalist Prageeth Eknaligoda has been highlighted globally, including at the UN Human Rights Council. The freelance journalist and cartoonist went missing on 24 January 2010, two days before the 2010 presidential election. He had been active in the presidential campaign of opposition candidate Sarath Fonseka who challenged the incumbent Mahinda Rajapaksa.

Eknaligoda's family and human rights groups like Amnesty International claimed that the then government played a role in his disappearance.[136] The then government denied the charge. A fresh criminal investigation launched after the change of government has since revealed that Ekneligoda was abducted and later killed by military officials. The judicial case was in progress at the time this report was finalised in January 2016.[137]

Media freedom groups and journalists' associations engaged President Sirisena during his election campaign to obtain pledges of ensuring media freedom and ending the culture of impunity for those who suppress such freedom. Some long neglected criminal investigations have been re-opened under the current government.

Important steps for restoring media freedom were taken within days of the current government being formed in January 2015. President Sirisena and Prime Minister Ranil Wickremesinghe started dismantling the rigidly authoritarian rule of former president Rajapaksa. They sought to end intimidation of the media, which had become endemic under the previous government, and

[135] http://en.rsf.org/sri-lanka-soldiers-attack-journalists-05-08-2013,45019.html

[136] http://www.amnesty.org.uk/write-rights-prageeth-eknaligoda-sri-lanka#.VUL86_DkqSo

[137] http://www.theguardian.com/world/2016/jan/29/sri-lankas-missing-thousands-one-womans-six-year-fight-to-find-her-husband

Poster demanding justice for Prageeth Eknaligoda, missing since 24 January 2010

reopened an investigation into the 2009 January murder of Lasantha Wickrematunge, chief editor of the *Sunday Leader* newspaper and a vocal critic of Rajapaksa.[138] Meanwhile, the Cabinet spokesman assured that private citizens' telephone conversations will no longer be tapped by the state intelligence services.[139]

However, media freedom activists still await legal, administrative and other reforms to avoid a recurrence of attacks on the media and to end the culture of impunity that surrounded attacks on journalists and other media workers.

[139] http://www.theguardian.com/world/2015/jan/10/sri-lanka-president-maithripala-sirisena-promise-change

http://www.reuters.com/article/2015/01/11/us-sri-lanka-rights-media-idUSKBN0KK0G020150111

Recommendations

● The Government should take effective steps to ensure that all attacks and threats against journalists and other media workers, as well as media institutions and printing presses, are investigated properly (through police and judicial processes), and that all perpetrators are held accountable and punished. This would contribute to ending the culture of impunity that has prevailed for over a decade.

● All media companies should establish safety and security policies to protect the lives of their personnel while performing hazardous reporting tasks in the field, and contribute to a climate of security and independence of economic interests and/or particular political leanings, favouring journalistic freedoms and avoiding self-censorship.

● Sufficient resources and attention should be directed towards ensuring that all of the journalists' murders that have taken place in Sri Lanka are the subject of detailed and professional investigations.

BOX 16

How Self-censorship Corrodes Democracy and Hampers Reconciliation

Self-censorship occurs when journalists on their own choose not to publish certain information or opinions. Journalists resort to self-censorship because they are fearful of what could happen -- being slapped with crippling lawsuits, being deprived of significant advertising, being castigated by a powerful section of society, injury to themselves and/or families, or (in the worst case) death.

Journalists and media organisations in Sri Lanka have self-censored their work for many years, out of fear of (or deference to) politicians, military, clergy and business interests. The practice reached unprecedented heights during the last few years of the civil war and its aftermath.

Clare Boronow, a postgraduate law student at University of Virginia School of Law, studied the phenomenon in 2012. Her interviews with many journalists, editors, activists and lawyers revealed "a pervasive culture of fear-induced self-censorship among the Sri Lankan media that prevents the full and open discussion of the Government and the recent war".

In her resulting paper, she noted: "It is clear, therefore, that despite its express guarantee of freedom of expression, Sri Lanka's Constitution is failing to protect that right in practice."

She added: "While most of the consequences of State violations of human rights are visible, self-censorship is particularly invidious because it is invisible and its effects are unquantifiable.

By arbitrarily arresting and detaining one journalist for criticizing the government, the State may silence ten others. The rights of the detained journalist to freedom of expression and against arbitrary arrest and detention have clearly been directly violated. But, although the government has also violated the right to freedom of expression of the ten other journalists who are intimidated into silence, because that intimidation is indirect, it is much harder to prove…Thus, they are likely to take the threat to heart and remain silent, which means both that the violation of their freedom of expression goes undetected and the role of the media as watchdog is undermined."

In her view, while violations of freedom of expression and the resulting self-censorship can impair the democratic process in every nation, they are particularly dangerous in Sri Lanka. The country is only just beginning to recover from nearly three decades of war. Although the LTTE has been defeated, the ethnic tensions that fueled the war remain. By silencing public discussion of the war and the Rajapaksa administration, she argued, "the Government is hindering the reconciliation and reform necessary for Sri Lanka to move forward to a sustainable peace."

Source: Silencing the Media in Sri Lanka: How the Sri Lankan Constitution Fuels Self-Censorship and Hinders Reconciliation
http://www.vjil.org/assets/pdfs/vol53/Boronow-Finalized-v1.pdf

3.14 Media practice is not harmed by a climate of insecurity

Threats of attacks and actual incidents of physical violence in recent years led to a climate of fear and widespread self-censorship among journalists in Sri Lanka (see also Box 16).

Such attacks and the impunity with which perpetrators conducted them were the key factors behind a significant number of journalists going into exile. By end 2014, Sri Lanka was among the top 10 countries from where journalists had fled according to CPJ that tracks threats to working journalists around the world.[140]

In its Freedom of the Press 2014, Freedom House said, "Several dozen journalists and media freedom activists have gone into or remained in exile…leaving the sector without many of its most experienced professionals."[141]

Reporters Without Borders (RSF) said in December 2010 that at least 55 Sri Lankan journalists -- including many press freedom activists -- had fled their country between 2008 and 2010 fearing for safety. "RSF condemns the new forms of censorship and obstruction being used by government to prevent diverse and freely-reported media coverage of the situation in Sri Lanka. The fall in the number of physical attacks, threats and cases of imprisonment is to be welcomed, but it is worrying that the authorities are blocking the return of real editorial freedom."[142]

Journalists who left Sri Lanka are living in different countries in Europe (mainly Switzerland and the UK), the United States, and a few in Asia (India, Nepal). Some have opted for various media related jobs, while others are working for the already well-established Diaspora media. A few have started their own websites individually or collectively.

An organisation called Journalist for Democracy in Sri Lanka (JDS) was founded in July 2009 by a group of exiled journalists living in Europe. By 2012, they had more than 30 journalists among its membership. Their blog features news about human rights and journalistic freedom.[143]

A documentary called 'Silenced Voices' (60 mins, 2012), made by Norwegian broadcast journalist Beate Arnestad, highlighted the conditions under which Sri Lankan journalists live and work in exile and has

---

[140] https://cpj.org/exile/

[141] https://freedomhouse.org/report/freedom-press/2014/sri-lanka#.VUL0uvDkqSo

[142] http://en.rsf.org/sri-lanka-less-anti-media-violence-in-2010-30-12-2010,39197.html

[143] http://www.jdslanka.org

helped to raise their profile. It featured four exiled journalists: Sonali Samarasinghe, Bashana Abeywardane, Sharmila Logeswaram and A. Lokeesan.[144]

"Exiled journalists and Diaspora groups have established good contacts with the western media through which they are able to take on the Sri Lanka government. Since these groups are comparatively more active in the UK, the media here are able to bring out more critical stories. These efforts have caused the Sri Lankan government considerable embarrassment," wrote Swaminathan Natarajan, a BBC journalist who researched on 'Media Freedom in Post War Sri Lanka and its Impact on the Reconciliation Process' in 2012.[145]

In mid 2014, the media minister of the new government, Gayantha Karunathileke, said the new government will investigate all journalists' murders committed since 2005 and create a backdrop conducive for journalism to flourish. He has also invited "all exiled journalists to come home and practice their craft". So far, very few have returned.[146]

Police investigate scene of attack of privately owned Sirasa TV and radio network which took place on 6 January 2009 - Photo Ishara S. Kodikara from AFP

Recommendation

● All laws which contain an indemnity provision which applies to threats or attacks on the media should be amended to ensure that the truth about human rights violations can be established and made public, and that those who commit human rights violations cannot escape justice.

---

[144] http://silencedvoicesfilm.com/synopsis.html

[145] 'Media Freedom in Post War Sri Lanka and its Impact on the Reconciliation Process' in 2012. Reuters Institute for Study of Journalism. University of Oxford, 2012. http://

[146] reutersinstitute.politics.ox.ac.uk/publication/media-freedom-post-war-sri-lanka-and-its-impact-reconciliation-process

As quoted in IFJ report of March 2015, p4: http://www.ifj.org/fileadmin/images/Asia_Pacific/IFJ_AP/reports-etc/Gender_and_Media_in_Sri_Lanka

Journalists protest attacks on media in Sri Lanka - image courtesy Colombo Gazette

Journalists protest demanding media freedom - Fort Railway Station, Colombo - 23 November 2007
- Photo by Dushiyanthini Kanagasabapathipillai

Media as a platform for democratic discourse

Collation of Recommendations

Indicator	Relevant Recommendation
3.1 The media – public, private and community-based – serve the needs of all groups in society	1. The government should promote media pluralism in Sri Lanka through appropriate policies, regulations and other measures to ensure that the particular needs of demographic groups like children, women, ethnic and religious minorities, older persons, residents of the estate sector and those with disabilities are served by the media. This can be accomplished through inclusive media policies, specific licensing conditions for broadcasters, independent regulators fostering diversity in the broadcasting sector, and by enacting laws recognising a three tier broadcasting system (public service, commercial and community), and by fostering content diversity through funding support to independent producers. 2. The media, particularly radio and television stations, should offer more spaces to foster cultural and language diversity and gender equality, and to address issues of interest to specific and/or vulnerable groups. Women should be portrayed avoiding stereotypes. For this purpose, more women journalists should be involved in the news production processes. Public media should equitably represent the opinions of the entire political spectrum.
3.2 Media organisations reflect social diversity through their employment practices	3. The media industry should endorse the notion of media pluralism, and commit to it at editorial, personnel and management levels. While following merit-based recruitment policies, media companies should consider the overall need for their staff to better reflect the ethnic diversity of Sri Lanka, and adopt policies to recruit more journalists from minority ethnic and language groups, as well as more women and persons with disabilities.

Indicator	Relevant Recommendation
3.3 The goals of public service broadcasting are legally defined and guaranteed	4. The government should initiate legal reforms to transform the state-owned and state-managed broadcast media (SLBC, SLRC and ITN) into truly independent public service broadcasters (PSBs) so as to serve the public interest without any political interference. PSBs must be independent from government in their governing structures and have full editorial autonomy. The PSBs' independence from the state should be legally guaranteed, including through the appointment of independent governing boards and the editorial independence of the broadcaster and its professional and editorial staff from the governing board should also be protected. Drafting a PSB law should take into account a range of PSB models in Europe, Canada and Asia.

5. The government should ensure that PSBs' public funding is secure, long term and stable to protect them from arbitrary political interferences and market forces. There should be public funding mechanisms for PSBs.

6. The rules should set out clearly the public service mandate of the public media in some detail with a specific focus on the particular public service needs of the country.

7. The rules should also place a positive obligation on the public media to remain accountable to the people of Sri Lanka, including through the Parliament but also in more direct ways, for example through establishing audience councils and conducting direct public interactions to assess the response to their programming. |
| 3.4 The operations of public service broadcasters do not experience discrimination in any field | |

Indicator	Relevant Recommendation
3.5 Independent and transparent system of governance	8. A public consultation should be undertaken to decide the future status of the state-owned print media organisation (Lake House/ANCL). All options, including its transformation into public service media, full privatisation and broad-basing ownership, should be considered. 9. The State broadcasters should be transformed into true public service broadcasters subject to oversight by truly independent governing boards which are accountable to the public through Parliament.
3.6 PSBs engage with the public and CSOs	10. Civil society organisations (CSOs) should actively campaign for the introduction of independent PSBs in Sri Lanka, and also find creative ways of generating funding for sustaining PSBs. 11. Public media in Sri Lanka should be placed under a positive obligation to engage in creative and effective ways with the public, so as to ensure that their programming meets the needs of the public. In particular, the creation of an audience council(s) as a sounding board for the public should be considered.
3.7 Print and broadcast media have effective mechanisms of self-regulation	12. The Sri Lanka Press Council Act No 5 of 1973 should be repealed, and the state apparatus known as Sri Lanka Press Council should be abolished. 13. The media industry should strengthen the Press Complaints Commission of Sri Lanka (PCCSL) and also explore expanding its scope to cover broadcast and entirely web-based news media outlets. A national consultation should be held with all relevant stakeholders to determine how best to proceed. The co-regulation model -- as is done in Indonesia with Dewan Pers ("Press Council") -- is recommended. The revamped PCCSL should have legal powers to enforce rulings.

Indicator	Relevant Recommendation
3.7 Print and broadcast media have effective mechanisms of self-regulation	14. If the broadcasters are not agreeable to be part of PCCSL, they should set up their own public complaints and grievance mechanism covering broadcast content. One option is for this to be part of the proposed independent broadcast regulator.
3.8 Media displays culture of self-regulation	15. The private, public and community media should implement mechanisms for journalists codes of ethics, provisions to ensure editorial independence, and editorial guidelines. One option is a system of receiving public complaints through a Reader's Editor (or its broadcast equivalent) in each media house, who can establish how public complaints will be processed and disclose the changes, punishments or claims that have happened as a result.
	16. Private, public and community media should create and guarantee diverse mechanisms for citizen participation, beyond interactivity, ensuring that citizens can influence the programming and working toward educational processes.
	17. The associations and unions of journalists should actively promote the profession's code of ethics (or code of conduct) focusing on accepted principles, such as the respect for truth and the public's right to know all sides of a matter, the right to fair comment and criticism, factual and objective reporting, the use of fair methods to obtain information, etc. The code should also nurture a media culture where media organisations are willing to correct mistakes, and respect the confidentiality of their sources.
	18. The associations of journalists and the media owner representatives should develop agreements on the rights and duties of the editors, as an effective mechanism to ensure editorial independence within media companies.

Indicator	Relevant Recommendation
3.8 Media displays culture of self-regulation	19. The media should ensure they have codes of ethics and editorial guidelines and publicize them widely so that there is more transparency and they are used in actual practice. All journalists should receive a copy, or know where to consult such materials readily. Journalists' associations and unions should more actively promote such practices.
3.9 Effective broadcasting code setting out requirements for fairness and impartiality	20. The broadcast media should be regulated by a modern legislative framework that is implemented by an independent body made up of qualified persons who represent the public interest, and who are independent of political and commercial interests. This regulator should establish and enforce guarantees of editorial independence, and develop a broadcasting code which sets out fairness and impartiality rules for all broadcasters. The broadcasting code, however, should not compromise the editorial independence of the media by becoming a cloak for censorship or interference. The broadcasters should actively participate in the preparation of this code. 21. The codes of conduct governing the print and broadcast media should address, in particular, their conduct during elections, as well as in between elections, including the need for requirements of fairness and impartiality, taking into account the Elections Commission's own guidelines issued during each election campaigning period. The independent broadcast regulator should monitor broadcasts to verify compliance.
3.10 Effective enforcement of broadcasting code	22. The proposed independent broadcast regulator, once established, and the broadcast industry should collaboratively develop and adopt professional guidelines and ethical standards for all broadcast media in Sri Lanka. Such professional standards should include an obligation on all broadcasters to be fair and impartial in their treatment of political issues and other matters of public concern.

Indicator	Relevant Recommendation
3.11 The public displays high levels of trust and confidence in the media	
	23. The media should respect the highest professional standards to improve citizens' perception of their (media's) work.
3.12 Media organisations are responsive to public perceptions of their work 3.13 Journalists, associated media personnel and media organisations can practice their profession in safety	24. The Government should take effective steps to ensure that all attacks and threats against journalists and other media workers, as well as media institutions and printing presses, are investigated properly (through police and judicial processes), and that all perpetrators are held accountable and punished. This would contribute to ending the culture of impunity that has prevailed for over a decade. 25. All media companies should establish safety and security policies to protect the lives of their personnel while performing hazardous reporting tasks in the field, and contribute to a climate of security and independence of economic interests and/or particular political leanings, favouring journalistic freedoms and avoiding self-censorship. 26. Sufficient resources and attention should be directed towards ensuring that all of the journalists' murders that have taken place in Sri Lanka are the subject of detailed and professional investigations.
3.14 Media practice is not harmed by a climate of insecurity	27. All laws which contain an indemnity provision which applies to threats or attacks on the media should be amended to ensure that the truth about human rights violations can be established and made public, and that those who commit human rights violations cannot escape justice.

4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

KEY INDICATORS

A AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

4.1 Media professionals can access training appropriate to their needs

4.2 Media managers, including business managers can access training appropriate to their needs

4.3 Training equips media professionals to understand democracy and Development

B AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

4.4 Academic courses accessible to wide range of students

4.5 Academic courses equip students with skills and knowledge related to democratic development

C PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

4.6 Media workers have the right to join independent trade unions and exercise this right

4.7 Trade unions and professional associations provide advocacy on behalf of the profession

D PRESENCE OF CIVIL SOCIETY ORGANISATIONS

4.8 CSOs monitor the media systematically

4.9 CSOs provide direct advocacy on issues of freedom of expression

4.10 CSOs help communities access information and get their voices heard

"We reiterate our commitment to further co-operation and unity in our efforts to promote the freedom of expression in general and media freedom in particular. We, therefore, call upon media organisations to overcome difference of opinion and divergences in style in order to work together to actualize this common vision."

Those were the concluding words of the Colombo Declaration on Media Freedom and Social Responsibility, issued at the end of a symposium on Media Freedom and Social Responsibility, held in April 1998 and jointly organised by the Sri Lanka Working Journalists' Association, the Free Media Movement, the Editors' Guild of Sri Lanka and the Newspaper Association of Sri Lanka together with the World Association of Newspapers and the Centre for Policy Alternatives.

The document soon became the 'Media Charter' on which the country's publishers, editors, journalists and media activists based their advocacy campaigns for greater media freedom while also developing higher levels of professional responsibility.

One key outcome of the Colombo Declaration was the media industry and media professionals coming together in 2003 to set up the Sri Lanka Press Institute (SLPI). It is an industry platform "to provide direction and leadership in media related activities". Its co-founders are the Newspaper Society of Sri Lanka, the Editors' Guild of Sri Lanka, the Free Media Movement, and the Sri Lanka Working Journalist Association.

It is against the above backdrop that Sri Lanka's media sector capacity building needs and support for relevant institutions can be assessed.

Media Education, Media Studies and Journalism Education

The terms media education, media studies and journalism education are used interchangeably, but they actually have specific meanings.

- **Journalism education** provides the foundation as theory, research and training for the effective and responsible practice of journalism. As the World Journalism Education Council's Declaration of Principles in 2007 said, at the heart of journalism education is a balance of conceptual, philosophical and skills-based content. While it is also interdisciplinary, journalism education is an academic field in its own right with a body of knowledge and theory. (See: http://wjec.net/declaration-of-principles/) This does not include coursework in public relations, advertising, or other forms of public communication.

- **Media education or Media Studies** is the process of training and learning about media, by acquiring a general competence in the production and reception techniques of the media industry. It gives the learner a better capacity to analyze media texts (written, audiovisual and digital productions) so as to understand their meaning and evaluate their values. This is a discipline in the domain of sociology: while it covers some of the same ground as journalism education, the approach is quite different.

A

AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

4 01 Media professionals can access training appropriate to their needs

Compared to 20 years ago, there now are more journalism/media training courses and providers.

Some journalist training courses aim to enhance basic or intermediate skills in the craft of journalism. Others provide thematic training on specific issues or topics.

Despite the proliferation of journalism and media training courses and providers, there are concerns on quality control, practical relevance and affordability of such training.

There is an urgent need for more and better targeted training for journalists and other media industry personnel including media managers.

Right now there is a mismatch between what the industry needs and the type of training courses available. This has led to a 'skills deficit' in many media professionals, and contributes to an overall lack of professional standards in media products.

Unfortunately, media education and training is not a priority for most media companies.

Why Journalism Education and Training Matters for Democracy

"Professional news media acts as a guardian of public interest. It is an important component of the checks and balances that form part of a democracy. By disseminating information to citizens, the news media enables citizen participation in development and strengthens accountability feedback mechanisms. Citizens cannot exercise and enjoy their citizenship in the absence of crucial information and knowledge, which well-trained journalists are better placed to provide.

"Therefore, society has a responsibility to ensure its journalists have the competencies to seek out and interpret information, and the judgment and integrity to communicate it in as objective and unbiased terms as possible. At the core of journalism is the need for newsrooms that are staffed by well-trained and critically-minded journalists who are likely to influence the processes of democracy and development in their societies."
- UNESCO Website, on Journalism Education and Training
http://www.unesco.org/new/en/communication-and-information/media-development/journalism-education-and-training/

Human resource management policies of many media companies do not explicitly support the continuing education needs of their journalists. Also, promotions are not linked to the acquisition of new skills or qualifications.

Training is often pursued by individual journalists out of personal motivation, and using their own funds. Institutionalised training funds are mostly made available by entities outside the media industry -- such as advocacy organisations and development donors.

There are various courses for aspiring or entry-level journalists, but opportunities for mid-career or in-service training are more limited. The existing courses are not standardized or benchmarked. According to one media industry watcher, there is no training course that produces good news journalists with quality investigative and analytical skills.

Other aspects of training also need attention and investment. These include the current lack of pedagogically trained media trainers, and journalism education text books in the local context.

The state media houses have their own inhouse training divisions (these include SLBC Training Institute[150] and the inhouse training centre at ANCL/Lake House).

Some of SLBC's training courses – covering topics such as educational broadcasting and interviewing for radio – are also available to fee-paying outsiders.

A National centre for Sri Lanka's media industry

The need for an independent journalist training facility has been felt for a long time. In 2002, the Swedish International Development Cooperation Agency (SIDA) commissioned a study of Sri Lanka's journalist training needs. The three member team consulted many stakeholders and wrote: "In Sri Lanka, study programmes on journalism are found in universities, semi-government institutions and privately run institutions…There seems to be a variety of privately run programmes of varying quality, but it has been difficult to form an idea about them during the time that was available to the team. Apart from these, a certain amount of on the job training takes place, although it seems to be of a rudimentary nature."[151]

[150] http://slbctraining. blogspot.com/

The SIDA study recommended that a new training facility be set up, as a "combined effort in which competencies from different sources – universities, NGOs and the media – take a joint responsibility would have the necessary credibility and capacity to create a basis for a new development. This alternative seems also to be supported by media proprietors, newsroom managers, journalists and government representatives. It is also strongly emphasised by non-governmental organisations involved in the struggle for a free media sphere in Sri Lanka."[152]

SIDA's mission coincided with the Lankan media industry's own initiatives following the Colombo Declaration of 1998. These processes led to the setting up of SLPI in 2003, with policy level backing by the then Ranil Wickremesinghe government, and supported by Scandinavian aid donors.

Today, SLPI provides the institutional framework for the self-regulatory body, the Press Complaints Commission of Sri Lanka (PCCSL) and the training arm, Sri Lanka College of Journalism (SLCJ). A dozen years after its establishment, SLPI remains the only platform of its kind that could potentially bring together various stakeholders within the media industry. However, it needs a serious evaluation and reorientation to relate to the evolving socio-political opportunities. SLPI has been drastically scaled down -- including the training arm -- due to funding constraints.

Sri Lanka College of Journalism (SLCJ)

The Sri Lanka College of Journalism (SLCJ) was established in 2004 to improve the quality of journalism education in Sri Lanka. Its curriculum was designed by senior professionals in the media industry with inputs from FOJO media institute, the journalism training arm of the University of Kalmar in Sweden.[153]

Historically, SLCJ has catered to to three categories of journalists: entry-level journalists, working journalists in and around Colombo, and provincial journalists. Its courses may be summarized in Table 3:

[151] Journalism Training and Research in Sri Lanka. Stig Arne Nohrstedt, Sunil Bastian and Jöran Hök. April 2002. SIDA. http://www.sida.se/contentassets/2596a99da6904293b210766eb7735640/journalism-training-and-research-in-sri-lanka_784.pdf

[152] Op cit

[153] http://www.slcj.lk/about/background/

Table 3: Different courses offered by Sri Lanka College of Journalism

Course type	Trainee profile	Description and current status
Diploma course in journalism: Pre-service 12 months: Full time	High school leavers keen to pursue careers in media	Aims to produce multi-skilled journalists (print, radio, TV and web) with a sound theoretical and ethical grounding. Includes a two-month internship at a media company for practical exposure. Offered in Sinhala and English; (Tamil stream suspended due to insufficient demand)
Refresher courses: In-service Short-term (3-days of full-time training)	Early to mid career journalists and other media industry personnel	These used to cover various thematic and specialized topics of use to journalists. No longer offered due to lack of demand, but a 3-month certificate course in presentation skills is being planned.
Training for provincial journalists In-service Short-term	Aimed at provincial level journalists, often held away from Colombo	These are conducted occasionally and opportunistically, often in partnership with development organisations.

Media ethics are strongly emphasized in all courses. Since 2010, the Diploma and mid-career training also covers new media tools, opportunities and challenges.

According to its management, over 600 young people have graduated from SLCJ with the diploma since 2005. During the first few years, SLCJ's courses were in high

demand, as it filled a long felt need. Those graduating with SLCJ's diploma found ready employment in the news media as well as advertising and public relations industries. SLCJ's annual review for 2014 noted that "the employment rate of previous batch of students directly involved in media work still remains fairly high at approximately 90%". A few students have also opted to pursue higher studies.

During the first few years, SLCJ's courses were in high demand, as it filled a long felt need. Since around 2010, there has been a decline in student demand for the diploma course, and also a drop in market demand for those qualifying. SLCJ management attributes this to two factors:
- the media industry has not expanded fast enough to absorb more entrants; and
- donor support (that subsidized course fees in early years) has been phased out. Students now pay LKR 185,000 (around USD 1,250) for the diploma course.

There has been a similar decline in numbers registering for various mid-career refresher courses. The early years saw SLCJ organizing various thematic courses on topics such as democracy, human rights coverage, elections

reporting and Parliamentary reporting. The reasons for this drop are not clear, as newsrooms continue to need training in these skills.

There is also a mismatch between the newsroom driven needs of the media industry (e.g. balance reporting on elections, violent crime, sophisticated acts of corruption, etc.) and what themes or topics are preferred by development donors for provision of funding (e.g. climate change, HIV/AIDS, post-conflict rebuilding).

In 2013, the curriculum of SLCJ's flagship diploma course was reviewed and revised through a consultative process involving a panel of editors, senior journalists and media academics. This was facilitated by an expert from the Thomson Foundation, UK, which has a detailed curriculum for the media profession established, which in turn is based on a widely-used UNESCO model curriculum for teaching journalism in developing countries.[154]

Currently, SLCJ's diploma course is being followed by 16 students. The management considers this number to be 'about right' for the media industry's employment needs.

Two other training facilities are worth highlighting:

- **Media Resources and Training Centre (MRTC)**, affiliated to the University of Jaffna, has pioneered journalist training in the North since 2004. Set up with initial funding support from UNESCO/IPDC followed by Scandinavian funding, MRTC conducts two courses in journalism: a part-time diploma course in journalism for working journalists and a full-time course for university students. Both courses cover a range of key topics and include theoretical as well as practical aspects of journalism.[155] MRTC has already trained many journalists who are active in the Jaffna media sphere, but the typical political polarization within the media sector has also affected this institution. Due to the administrative structure under the university system, the institution sometimes is subjected to bureaucratic processes that limit its flexibility.

- **Sri Lanka Media Training Institute (SLMTI)**, under the Media Ministry, was until recently known as Sri Lanka Television Training Institute, SLTTI. Its scope has been expanded, and it now provides both pre-service and in-service training to the media industry at technical and editorial levels. SLTTI was set up in 1984 with German technical and financial assistance, and has evolved over the years. As at January 2016, it was offering a range of courses at certificate, diploma and higher diploma levels. Courses cover topics such as presentation and news reading skills; television news journalism; English for media; digital cinematography; television programme production; and digital post-production technology. Some courses are offered in Sinhala, Tamil and English.[156]

Thematic Training and Bilateral Exchanges

Besides the above described institutionalised arrangements, various short duration workshops and seminars are conducted from time to time by government, non-government or inter-governmental (UN) organisations to build journalists' capacity on thematic issues (e.g. HIV/AIDS, tobacco control, biodiversity conservation, good governance, gender equality, intellectual property laws, human rights, etc.).

[154] http://www.thomsonfoundation.org/news-and-features/2013/04/04/sri-lanka-shaping-the-future-of-journalism-training

[155] http://mrtc-uoj.blogspot.com

No centralised data is available on the content of these ad hoc training activities, or the numbers trained over the years.

The situation has not changed significantly from what was noted in a 2005 study on the media in Sri Lanka: "The NGO sector is currently the key provider of training for journalists and media personnel. However, much of the training provided by these organisations have thus far been sporadic and often limited to a few workshops, resulting in the training not being continuous (thereby ensuring maximum impact) and available only to a small portion of the almost 3,000 journalist in Sri Lanka. Provincial journalists in particular often have very limited access to these training programmes. Therefore the need for comprehensive and continued training for journalists and media personnel still remains."[157]

Some technical and/or thematic training is also provided by international media development organisations either through in-country workshops or by inviting and sponsoring Lankan professionals to overseas training programes. These sources and partners include: Asia Pacific

Institute for Broadcasting Development (AIBD) in Malaysia, BBC Trust, BBC Media Action, Deutsche Welle of Germany, Fojo Media Institute of Sweden, InterNews and Radio Netherlands Training Centre (RNTC).

Journalists and other media personnel at state media houses also benefit from bilateral exchange programmes with leading media houses like NHK of Japan, All India Radio and Doordarshan both of India. There is also the SAARC Audio Visual Exchange (SAVE) that networks state broadcasters of South Asian countries.

Training for Provincial Journalists

There is no reliable figure for the total number of provincially based journalists in Sri Lanka. One source, a decade old, listed over 2,100 provincial journalists "attached to Newspapers, Magazines, Training Institutes, Radio and TV Stations from all over Sri Lanka".[158]

According to industry sources, provincial journalists generate 30 - 50% of news and current affairs related content for both print and broadcast outlets (especially in

---

[156] http://www.sltti.lk

[157] A Study of Media in Sri Lanka (excluding the North and East). April 2005. Centre for Policy Alternatives, Colombo. http://www.cpalanka. org/a-study-of-media-in-sri-lanka-excluding-north-and-east/

[158] Sri Lanka Directory of Provincial Journalists, Sep 2005. http://www. environmentaljournalists. org/images/Sri_Lanka_ Directory_of_Provincial_ Journalists.pdf

"Provincial media and journalists are much closer to the grassroots than the national media. We need to enhance the education and skills of provincial journalists and raise the status of provincial media. Such media can play a key role in articulating the views and aspirations of people in different provinces, so that development can be more meaningful. Development is not just building roads or buildings!"

- Justice C V Wigneswaran, Chief Minister, Northern Provincial Council

the Sinhala and Tamil language media). Yet most provincial journalists have not had any formal training in the basics of journalism. For many, newsgathering and reporting are part time activities: journalism is not their primary source of income. They are professionally engaged elsewhere (e.g. teaching, postal service), which raises concerns such as conflicts of interest and lack of professionalism.

For its 2005 study on the media in Sri Lanka, CPA interviewed several dozen provincial journalists spread across the country. CPA found that none of the media institutions had provided any training for provincial journalists over the last two years, including initial training.

The study report said: "None of the provincial correspondents have received a copy of the Professional Code of Conduct from their respective media organizations, nor have they received any training on the code of ethics. For example, each journalist had filed at least one story related to suicide. However, they were not aware of any guidelines on suicide sensitive reporting. Most provincial correspondents lack even a basic training in journalism and

are keen to attend a journalism course in their area."[159]

Anecdotal evidence suggests that the situation remains largely the same today.

Some years ago, SLCJ carried out a needs assessment of provincial journalists based on which some short-term training programmes were designed. These enhanced skills for one-person operation of video news reporting, ethical considerations in news gathering, and basic radio production skills.

Strengthening the provincial journalists' capacity and deepening their professionalism are crucial steps for media reforms in Sri Lanka. But there has never been an industry-wide, systematic approach to the training of these journalists. Says Dr Ranga Kalansooriya, former Director General of SLPI: "Training provincial journalists in Sri Lanka has always been a donor-driven or agenda-driven activity. Plenty of (thematic)_ workshops are conducted, but without addressing basic skills development. I have met some provincial journalists with decades of experience who did not know the 5 Ws and

Media House running Training College

The Asian College of Journalism (ACJ) in Chennai, India, is a good example of an industry-supported training school which, with modifications, might be a model for Sri Lanka.

Originally started by the B. D. Goenka Foundation, it was taken over by the Media Development Foundation, a not-for-profit public trust set up in 1999 to "foster journalism as an independent, investigative, socially responsible, and ethical profession". The Hindu media group has invested substantially in this venture, whose benefits are for the entire Indian media industry and society.

http://www.asianmedia.org/aboutus/mdf.asp

[159] A Study of Media in Sri Lanka (excluding the North and East). April 2005. Centre for Policy Alternatives, Colombo. http://www.cpalanka.org/a-study-of-media-in-sri-lanka-excluding-north-and-east/

H of news gathering! Also due to the lack of understanding on basic principles and ethics of journalism, issues like corruption are commonplace."

Training and self-learning of provincial journalists is also hindered by the lack of good quality reading material on journalism in Sinhala and Tamil languages.

English Language and ICT training

Many journalists in Sri Lanka, both at provincial level and in media head offices, can also benefit from mid-career training in English language proficiency and in computer and new media skills. A needs assessment would reveal the extent to which such enhancement is required.

Recommendations

● The mismatch between the media industry's needs and what is being provided by way of training should be studied further to identify strategies for making future training more relevant and responsive. At the same time, both media and journalist training should take into account rapid changes taking place in media content production and consumption so as to prepare Lankan media practitioners and managers to cope with such change. The government and development donors should suppot a medium term (five year) Strategic Plan for training in the country.

● The media industry needs to better recognise the value of greater professionalism and human resource development as integral to media sector's development. As part of this, media companies should assign a higher priority to in-service training (but not necessarily in-house training) including subject specialisation of its journalistic, editorial and managerial staff. They should also allocate more resources, and also actively look for more training opportunities and scholarships.

● Media companies should also review and revise their human resource policies and practices. Among other things, emphasis should be placed on continuing education of journalists. Salary increments and promotions should be linked more logically and transparently to work performance and acquisition of new skills.

- Media companies, the government and international aid donors should support the existing media training facilities – such as the Sri Lanka College of Journalism (SLCJ), Sri Lanka Media Training Institute (SLMTI) and the Media Resources and Training Centre (MRTC) in Jaffna – to provide subsidized training of a quality standard which many individuals cannot afford on their own. This should include funding to train more media trainers, and to produce some journalism education text books in the local context. A trust fund created by government through Parliament could do this without compromising editorial independence.

- Under a new broadcast licensing system, the proposed independent broadcast regulator, should consider making it an obligation for all licence holders to support a certain level of media training – whether inhouse or in specific institutions.

- The Sri Lanka Press Institute (SLPI), as the print media industry's umbrella organisation, should expand its ability to strengthen capacities of journalists with the support of development donors, media companies and international advocacy groups. This can transform SLPI into an effective platform for implementing media sector reforms.

4.02 Media managers, including business managers can access training appropriate to their needs

Media companies have two types of management: business management and editorial or newsroom management. The specific needs of these two kinds of media managers are rarely addressed in available media training courses (which focus mostly or largely on editorial content and conduct).

As a result, Sri Lanka has a shortage of professionally trained and qualified media managers. Often, companies promote senior journalists or broadcasters to managerial positions after years of service, yet many of them lack strategic thinking and managerial skills.

Some Masters in Business Administration (MBA) courses, marketing courses or design courses include elements relevant to management challenges in the media industry. While these are useful, they are insufficient. There is no centralized data on the training courses, or numbers trained.

When SLCJ was offering newsroom management courses until 2009, there was industry demand. But as trainers had to be sourced from overseas, it proved too costly to continue.

[160] http://spc.cmb. ac.lk/?q=PG_Dip_ MAinMass_Media

University of Colombo's Department of Mass Media offers a post-graduate diploma cum masters in mass media which encourages media practitioners, researchers, and related professional to explore theory and practice in both mass media analysis and mass media research. This course is aimed at middle level media managers.[160]

Some media professionals interviewed for this study held the view that many currently holding management positions in Lankan media companies do not see the need for specialized training in media management. This is because many do not understand the concept of newsroom management, which is different from media's administrative and business management.

Recommendation

● Media companies should invest more in recruiting and further training professional media managers with a view to developing media management capacity in the industry.

4.03 Training equips media professionals to understand democracy and development

Overall, many journalists and editors lack knowledge, understanding and conceptual clarity on how issues like democracy, human rights, economic development and corruption are connected, and the role of media in strengthening processes and institutions of governance (see also Box 18 on what every journalist ought to know).

As mentioned in 4.1, short duration workshops and thematic seminars organised by government, non-government or inter-governmental organisations partly addresses this need. Groups like TISL have been engaged in providing media capacity building on governance issues – for example on making use of the right to information, or investigative journalism techniques.

Certain political elements have not welcomed such capacity building in the media. In 2013-2014, for example, some of journalist training efforts came under threat from extremist (Sinhala ultra-nationalist) groups and police intervention. In June, TISL's investigative journalism training workshop for Tamil and Muslim journalists was disrupted thrice by organised protesters who claimed the organizers

were "supporting terrorists" and claimed that the "workshop was to train people to give evidence against Sri Lanka in an international investigation".[161] Several other incidents were also reported where national or international NGOs providing training to journalists was misinterpreted as 'anti-national' activity.

Case study: Media's lack of understanding of UNHRC processes

The Lankan media's lack of capacity to grasp and report on international politics and their impact on Sri Lanka is evident from their coverage of United Nations Human Rights Council (UNHRC)'s on-going engagement with Sri Lanka.

In its resolution A/HRC/25/1 adopted in March 2014 on "Promoting reconciliation, accountability and human rights in Sri Lanka", the UNHRC requested the UN High Commissioner for Human Rights to "undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission (LLRC), and

---

[161] Transparency International condemns repeated intimidation at investigative journalism workshop. 10 June 2014 http://www.transparency.org/news/pressrelease/arbitrary_disruption_of_transparency_international_sri_lankas_investigative

to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders".[162]

In accordance with this mandate, the High Commissioner for Human Rights established the OHCHR Investigation on Sri Lanka (OISL), based in Geneva. Its two reports were released in September 2015 during the 30th session of UNHRC:
- A/HRC/30/61: Promoting reconciliation, accountability and human rights in Sri Lanka - Report of the Office of the United Nations High Commissioner for Human Rights[163]
- A/HRC/30/CRP.2: Report of the OHCHR Investigation on Sri Lanka (OISL)[164]

Only a handful of Lankan media reported accurately and with clarity and balance on this process during 2014-15. Most media outlets simply failed to understand complexities and procedures involved in inter-governmental processes in which Sri Lanka, as a UN member state since 1955, plays an integral part. Some labelled all

independent investigations as driven by radical elements of the Tamil Diaspora, while others attributed this specific probe as 'Western interventionism'. Such lack of understanding within newsrooms on the basic procedures of the UN, its affiliated institutions and other multilateral bodies promotes misconceptions and apprehensions among the public.

Journalists often cover such important and sensitive issues without context and substance that leads to confusion and misunderstandings in society. Thus, given the current political environment in the country, it is extremely important that the capacity of every newsroom is enhanced on Sri Lanka's inter-governmental commitments and obligations arising from various human rights and other treaties that the country has signed and ratified as a responsible member of the global community. Processes of reconciliation and political reforms cannot succeed with the high levels of insularity and insecurity that pervade large sections of the media.

[162] http://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx

[163] http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx

[164] http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx

From a Focus Group discussion with Sri Lanka Muslim Media Forum held on 8 June 2015, involving M S Ameen Hussain, Media trainer and consultant; Javed Munawwer, Assistant Treasurer; and Thaha Muzamil, Vice President:

- Our journalists need training and capacity building in knowledge, skills and ethics but this is not going to be accomplished by random short-duration workshops. We need a more systematic approach to training. Some media organisations and journalists do not see the value of training, so we need to promote the demand side too.
- No matter how hard we try to train journalists, some of them have an attitude problem (that they don't need any training). This must change.
- Media owners probably don't like their journalists' capacity being built and the standard of journalism going up – because then journalists will have to be paid better!

Recommendation

- Lankan media companies, in partnership with international media development organisations, should come up with appropriate training programmes for journalists to better understand the issues and interlinkages of democracy, governance and development. This should include non-technical and non-legalistic coverage of Sri Lanka's obligations under international human rights and humanitarian treaties that it has signed and ratified.

What Every Journalist Ought to Know…

The media is an important part of democracy. A good test of democracy is citizen participation. Civic awareness enables both media practitioners and users to appreciate the role of journalism and media in building democratic societies. The normative nature of the media opens up avenues for negotiating what the media can do to deepen the democratic experience of developing countries.

UNESCO advocates that journalism education should result in a thorough understanding of the basic indices of democracy. All journalists need to understanding these concepts:

- **Popular sovereignty:** All legitimate power ultimately resides in the people.

- **The common good:** The promotion of what is good for the polity as a whole and not the interests of a portion of the polity at the expense of the rest of society.

- **Constitutionalism:** The empowerment and limitation of government by an enforceable written or unwritten constitution. Constitutionalism includes the idea of the rule of law. Constitutionalism also respects the principle that a law should be considered illegitimate if it is incompatible with the constitution.

- **Equality:** The right of all persons in a society to be treated equally.

- **Majority rule/minority rights:** The rights of the majority to rule, constrained by the rights of members of the minority to enjoy the same benefits and share the same burdens as those in the majority.

- **Justice and fairness:** Governmental decisions about burdens and benefits should be based on criteria that are not partial to specific groups. These procedures must be derived

through procedures that reflect 'fair play' or 'fundamental fairness'.

- **Political rights for citizens:** The authority to control government and hold it accountable as embodied in political rights, such as freedom of speech and of the media; the right to association, assembly, demonstration, and petition; and the right to vote in open, free, fair, regular elections.

- **Independent judiciary:** The judicial system providing decisions on an impartial basis in accordance with the law as the supreme criterion of judgement. As such, the judicial system must operate independently of any other agency of government (separation of powers), social organisation, or corrupting influence.

- **Civilian control of the military and police:** The military and police must be subject to the control of civilian authority.

- **Political competition:** Different political parties and organised groups should be able to compete for power and influence in society.

- **Political and societal pluralism:** There should be multiple, alternative sources of information and vehicles for the expression of interests and ideas in society.

- **Freedom from fear:** The right of individuals and groups to be secure under the rule of law from exile, terror, torture, invasion of privacy by state actors, and arbitrary or unjustified detention.

Source: Civic education for media professionals: A training manual (UNESCO, 2009)
http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/civic-education-for-media-professionals-a-training-manual/

Raising professional standards in Sinhala and Tamil language media

Dr Ranga Kalansooriya, who worked in the print media (Sinhala and English) and later served as Director General of Sri Lanka Press Institute, wrote in an op-ed article in February 2015:

"Unlike its English counterpart, the Sinhala and Tamil print media - either state or private - is facing numerous challenges that could be categorised into two main segments – professional and ownership.

"In my doctoral research – which was mainly on the professional standard of the Sinhala and Tamil print media – I tried to argue on the fact that the poor professional status of these two local language print media has been an inherited syndrome within the Sinhala and Tamil newsrooms even before the commencement of the ethnic conflict. The reporting format has hardly gone beyond single sourcing and has failed to bring strong analytical and journalistic skills to a story by bringing contrasting viewpoints.

"Thus, they clearly violate the acceptable norms and ethics in journalism. The ethnically non-diverse newsrooms of both sides have further fuelled the polarisation of society on ethnic lines, and this phenomenon has led the media in serving its own clientele with 'what it wants to know' than 'what it needs to know'. This trend continues even after the completion of the war.

"The broadcast media has some advantage in this context compared to the print. Not that it has total professional standards but given the short time frame to a story, it seems to manage professional standards to some extent.

"In this backdrop I strongly feel that the Sinhala and Tamil press lack professional capacity in making use of this new opportunity and providing strong, in-depth and analytical stories to its readers. It still continues to report day-to-day events with a single source and provides yesterday stories to the today's market in this heavily

information savvy society. Thus, with all these factors accumulating, the thin line between activism and journalism gets extensively blurred and patriotism surpasses professionalism. Sometimes, this particular argument could well fit into some sectors of English journalism as well.

"But this scenario is not a unique feature to Sri Lanka. The status of the local language press in any developing country would be the same, mainly when it comes to professional standards. In India it would mostly be nationalism and in Pakistan radicalism would over-run professionalism. Lack of exposure, language barriers, poor working conditions that attract lesser quality human resources are a few reasons behind this situation. Corporate ownership would manipulate this weakness to achieve its economic, political or otherwise goals.

"We need a paradigm shift in professional standards in the Sinhala and Tamil media – not only in print but in all sectors. Building capacity - of both journalists and their gatekeepers - is paramount. In a parallel move, the country needs a dynamic and effective regulatory mechanism that ensures the implementation of professional standards."

Source: *Daily Mirror*, 27 February 2015 http://www.dailymirror.lk/64923/pm-ranil-kick-starts-focus-on-media-protocol

▲ **Audio-visual training session - Photo courtesy Bertram Nihal**

▼ **Outdoor programme to give mental and physical training for TV journalists - Image courtesy SLRC**

▲ Broadcast production training at MRTC jaffna - Image courtesy Media Helping Media

▼ Radio interview training by MRTC Jaffna - Photo courtesy www. mediahelping media.org

B

AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

"Sri Lanka's media industry is characterized by the absence of international standards in journalism, i.e. accuracy, impartiality and responsibility. These are directly attributable to the state of journalism education in the country – or the lack of it. Given how the mass media have become an integral part of our society today, the need for well structured journalism education is greater than ever."
- Dr Pradeep N Weerasinghe,
Senior Lecturer in Mass Media Studies,
Department of Mass Media Studies,
University of Colombo
(Sri Palee Campus)

"In a country scarred by years of civil war and the polarisation of ethnic communities, the role of journalism is paramount. The media should point out the duties of the state—and its failures—and provide guidance to students, journalists and in particular to civil society. In achieving this aim, media education has an important role to play."
- Dr S Raguram,
Dean, Faculty of Communication and Business studies at the Eastern University's Trincomalee Campus

4 04 Academic courses accessible to wide range of students

Mass communication has been taught at tertiary level since 1973, when Kelaniya University launched the country's first degree course on the subject. Today, many academic courses are available for full-time and part-time students, but there are concerns about the quality and industry relevance of some of these.

Journalism, mass media or mass communication related courses are offered at several public universities at undergraduate and/or postgraduate levels. There also a number diploma and certificate courses.

The state higher education institutions offering these are (listed in no particular order):
- Department of Mass Communication, University of Kelaniya
- Journalism Unit of the Faculty of Arts, University of Colombo
- Department of Mass Media, Sri Palee Campus, University of Colombo
- Department of Sinhala and Mass Communications, Sri Jayewardenepura University
- Faculty of Social Studies, Open University of Sri Lanka (OUSL)
- Department of Languages, Sabaragamuwa University

- Department of Linguistics, Faculty of Arts, University of Jaffna
- Department of Languages and Communication Studies, Trincomalee Campus, Eastern University
- Department of Social Sciences, South Eastern University
- Department of Humanities, Rajarata University

At undergraduate level, university education is provided free at public universities by the state investing tax payer funds. At post-graduate levels, fees are levied but hundreds of students enrol every year as they consider it a worthwhile investing in advancing their professional careers.

A common observation of many academic courses is the insufficient coverage given to practical needs and realities of the media industry. Instead, universities have emphasis on teaching mass communication theories that are more in the domain of sociology. Such learning does not build in students the core competencies required for journalism.

In the past, this emphasis on theory was largely due to the lack of facilities for practical teaching (especially for audio and video content production). But in recent years several universities have been equipped with digital media studios as part of a modernisation process.

The reasons for continuing mismatch have more to do with conceptual differences. Most university teachers handling media and journalism subjects lack first-hand professional experience in the media industry. Another limitation is that many university courses are focused on mass communication rather than on journalism. With a couple of rare exceptions, Sri Lanka does not have properly qualified university teachers on journalism who also have had newsroom experiences.

Conversely, many journalists with long years of experience in the media industry lack formal higher education qualifications and sometimes also the pedagogical skills to be engaged as university teachers either on a visiting or full-time basis (after their retirement from the media). The university bureaucracy often insists on advanced degrees, not taking into consideration decades of practical experience in the newsrooms. This exacerbates the gulf between universities and media industry.

In 2012, researchers Kishali Pinto-Jayawardena and Gehan Gunatilleke carried out a curricula review of tertiary level journalism education and mass media education in Sri Lanka. In their report, they wrote: "A uniform perception appears to be that media education in Sri Lanka is weak due to a wide gap between what is being taught and the reality of the functioning of the media. It is rightly observed that media training must focus on ethics, principles and following a professional code. There is, however, broad agreement that little of the training available at these institutions caters effectively for journalists in prioritising ethical standards."[165]

There are several reasons for this gap, including:
- Lack of journalism qualified and industry-experienced university teachers (especially those with newsroom experience);
- Heavily outdated curricula in universities (instead of being at least a couple of years ahead of the existing situations, many courses lag behind by a generation); and
- Absence of a proper link between the media industry and academia (probably due to the conservative nature of the Lankan university system)

[165] Media Education: A Curricular Review, by Kishali Pinto-Jayawardena and Gehan Gunatilleke, in Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, 2015), pp 245-266

Evaluating academic courses in journalism

The following criteria may be used for evaluating Lankan higher education institutions that are engaged in journalism education:

- Curricula and their relevance to core competencies and emerging needs of journalism (based on the three axis mentioned in UNESCO model curriculum)
- Teaching capacities: whether teachers are knowledgeable, capable and have peer recognition in the journalism community
- External links of the institution, public perception and acceptance by the media industry
- employability of the students graduating from courses (and where they gain employment: in the media industry or elsewhere)
- Supporting Activities other than teaching, e.g. public debates, journalism review magazines, authored publications, etc.
- Sustainability of courses
- Future plans

Media education and Journalism education in the North and East

Sri Lanka's Northern and Eastern provinces have had a long tradition in journalism both in Tamil and in English, catering to the regional readers. However, structured media education was introduced in universities in these provinces much later than in other universities.

Dr S Raguram, Dean of the Faculty of Communication and Business studies at the Eastern University's Trincomalee Campus, attributes this to the long-drawn war and its impacts. Education as a whole was disrupted, and the regional media operated under many pressures.

"They were not generating large profits, and journalism was a dangerous and poorly paid profession. In general, Tamil families encouraged their children to go into better paid professions and trades rather than taking their risks involved in entering the media field. The traditional mindset of Tamil families towards seeking government jobs also made them steer clear of a media education," he says.

Universities in the North and East also face difficulties in finding teachers from among the academic community. At the same time, Dr Raguram says, "there are veterans of media without degrees who are willing to serve from the local regions but there are administrative obstacles to obtaining their services. Among the barriers to the recruitment of personnel from the professional media field, as has been noted, is an inadequate pay structure. The universities cannot justify this disparity between those with degrees and those with practical experience."[166]

[166] Media Education and the Tamil Community: A View from the North and the East, by S Raguram in Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, 2015), pp 267-280

"At Jaffna University, we teach investigative journalism (among other media topics). But it is evident that media practitioners lack knowledge and understanding of investigative journalism. This highlights the need for in-service or professional training of journalists. Media organisations do not take an interest in developing the specialized skills of their staff. Many seem to think that investigative journalism entails trouble that must be avoided. If we can change this perception, we will see a marked improvement in the quality of our media content.

"We need to promote greater exchange and collaboration between media outlets in the North (of Sri Lanka) and the South. There is not enough such contact, partly due to the language barrier, but I know that private level exchanges happen all the time. We also arrange for our undergraduates to visit media offices in Colombo. But we need to expand and institutionalize such collaboration to promote both personal and professional links among journalists in the North and South."

- Ms Krithika Dharmaraja, Lecturer in journalism & Fr Ruban Mariyampillai, Visiting lecturer; University of Jaffna

Recommendations

- The Ministry in charge of Higher Education, along with the University Grants Commission and other stakeholders, should review all curricular related to journalism, mass media and mass communication at public universities with a view to identifying the gaps in knowledge, skills and resources. After such a review, these institutions should embark on a process of curriculum reform and facilities upgrading so as to enable formal journalism education to meet intellectual challenges and to be responsive to the needs of media industry and society at large.

- Higher education institutions and media training centres should expand their scope to include new modes of learning, including online training modules and e-learning courses, so that students have the option of more flexible learning. Future training should include elements of computer assisted journalism.

- Universities and media advocacy groups should collaborate in producing a series of text books on journalism in Sinhala and Tamil languages that are contextualised for Sri Lanka. Adaptations from internationally acclaimed journalism text books may also be considered. These should be made available widely, including online in e-book formats.

- Universities engaged in journalism education/training should adopt a long-term vision for faculty development and institutional development. Strategies for this may include: opportunities at overseas universities reputed for good journalism education programmes; collaborative research projects with South Asian and other universities; and the organisation of regional conferences on current concerns in journalism.

- Universities teaching journalism and/or mass media courses should strengthen their links with the media industry so as to benefit from practical experiences available in the industry while providing more intellectual rigour to the industry.

4 05 Academic courses equip students with skills and knowledge related to democratic development

As mentioned in 4.4, there often exists a gap between academic courses and practical demands of the media industry. This also extends to skills and knowledge related to democratic development which are not adequately covered in current curricula for mass communication or journalism (see Box 18: What Every Journalist Ought to Know).

Many university and other tertiary level courses also fail to address the political economy of media or the role of media in democratic governance. Some university curricula still carry obsolete Cold War era arguments and long discarded theories of development journalism (interpreted simplistically as the media uncritically cheering government-driven development projects). These curricula have not been updated to reflect current realities to cover, for example, how to enhance government transparency and accountability through investigative journalism. Modern-day journalism is increasingly seen as a process of critiquing development rather than blindly promoting any kind of development activity. Such nuances are largely ignored in Lankan university teaching.

Summing up their 2012/13 curriculum review of the university courses on journalism and mass media, Kishali Pinto-Jayawardena and Gehan Gunatilleke wrote: "The absence of an enlightened educational framework in Sri Lanka certainly weakens the potential of future journalists and media personnel to engage the state on key issues that affect their profession. This absence will ultimately impact on the quality of reform work in future. It is thus strongly recommended that educational institutions actively seek to include in their curricula a critical examination of current legal and institutional structures. Such frank discussion on these contentious issues will no doubt equip media workers to pursue reform far more effectively."

They also commented on the mismatch of course units and faculty members: "Furthermore, the situation in terms of education in media law and policy appears to be deplorable. Interviews that the research team conducted in Sabaragamuwa, Jaffna and Trincomalee Universities as well as conversations with media and mass communications lecturers in the Colombo Universities revealed that media law is taught by lecturers who are not lawyers and

have no knowledge of how the law works in practice, and is generally dealt with in a superficial manner."[167]

For the most part, journalism or mass communication or mass media curricula at Lankan universities are not holistic in their conceptual framework. From the information available, it is only at the Sri Palee Campus of the University of Colombo that a concerted attempt is being made to strike a healthy balance between mass communication and journalism, while also providing students with a rights-based framework to position the media's role in a democracy. Their curriculum too requires further refining and updating.

With the exception of Jaffna MRTC, no other Lankan university teaches key industry requirements like investigative journalism, journalists' safety, impunity related issues, or conflict sensitive journalism. Both students and teachers often lack the conceptual understanding on basic issues such as Freedom of Expression and Right to Information, etc.

Recommendation

- The universities, in partnership with international media development organisations, should come up with appropriate curricular revisions and modules that can enable students to understand the issues and interlinkages of democracy, governance and development. Teaching of development journalism should go beyond simply promoting state-driven development to taking a critical examination of development outcomes for the people.

[167] Media Education: A Curricular Review, by Kishali Pinto-Jayawardena and Gehan Gunatilleke, in Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, 2015), pp 245-266

BOX
21

Ideal Curricula for Journalism Education?

The curricula should be designed to prepare students to do journalism rather than to understand how journalism fits into the field or system of mass communications. A strict definition of journalism education does not include coursework in public relations, advertising, or other forms of communication.

Journalism education in universities is normally organized around three curricula axes or lines of development:
- an axis comprising the norms, values, tools, standards, and practices of journalism;
- an axis emphasizing the social, cultural, political, economic, legal and ethical aspects of journalism practice; and
- an axis comprising knowledge of the world and preparation to meet journalism's intellectual challenges.

A fundamental understanding of the curricula is that the practice of journalism is intellectually challenging, especially in the way it requires journalists to assimilate unfamiliar information rapidly and well enough to report on it with authority.

A curriculum in journalism education should include units in the 'foundations of journalism', which are designed to promote intellectual and craft skills. These foundations include:
- an ability to think critically, incorporating skill in comprehending, analyzing, synthesizing, and evaluating unfamiliar material quickly and well enough to explain it to others, as well as a basic understanding of evidence and research methods;
- an ability to write clearly, using narrative, descriptive, and analytical methods;
- a knowledge of local, regional, national and international political, economic, cultural, religious, and social institutions and issues; and
- a knowledge of current affairs and issues, and a general knowledge of history and geography.

Source: Model Curricula for Journalism Education. UNESCO, 2007
http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/model-curricula-for-journalism-education/

C

PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

4.06 Media workers have the right to join independent trade unions and exercise this right

Sri Lanka's Constitution recognises the right to organise. The organised labour rights movement goes back a century, and on the whole, the country has strong trade unions in both public and private sectors.

However, trade union activity is not evenly distributed across Sri Lanka's media industry that employs several thousand people (which includes journalists, media managers and other media workers).

Trade unions are active and visible at the state-owned publishing house (ANCL/Lake House) as well as at the state broadcasters (SLBC, SLRC, ITN). These institutions have branches of national level trade unions affiliated with various political parties, as well as some unions specific to each institution.

In contrast, most privately owned media companies do not allow internal trade unions to be formed; their employees are also prevented from taking part in countrywide or industry-wide trade unions.
There are well documented cases where journalists or other media workers face disciplinary action and even losing their

jobs for simply participating in routine trade union activities such as meetings or signing collective statements of concern.

Lasantha Ruhunage, President of the Sri Lanka Working Journalists Association (SLWJA) said during a focus group discussion: "In our media companies, much of administrative and personnel management work is done informally through connections and favours. Some journalists are happy with this and don't even see the need to organize as trade unions. But we need such evolution to professionalize the sector."

He emphasized the need to "move beyond placard-carrying, slogan-shouting kind of trade union activism" to one that is based on negotiations with all stakeholders -- including media owners. He identified Sri Lanka Press Institute as the platform for this process.

In another focus group discussion, with the National Collective of Provincial Journalists, its President Kanchana Kumara Ariyadasa said: "We are struggling to get organised. Even registering our collective has been delayed for three years by many bureaucratic

Trade Unions vs Editorial Independence?

Sometimes, trade unions can work against the larger ideals when they get trapped within narrow political agendas.

Sumith Chaminda, Senior Analyst and Head of politics at Verite Research, an independent think tank, has documented something that happens at state media institutions each time a government changes. He says: "…Lake House is accustomed to dramatic changes in its internal hierarchies, trade union leadership and patronage networks - usually within days of a regime change. Soon after the election results begin to show that a new regime will come into power, prominent trade union leaders of the winning party come forward and forcibly remove existing editors and administrators, even occupying their seats in a self-appointed manner!

Source: Sri Lanka. Politics and Ideology in the Sinhala Press: A Site of Power and Struggle. By Sumith Chaminda. 1 June 2011. http://divergences.be/spip.php?article2534&lang=fr

procedures. Eventually, we want to evolve to a trade union."

Across the board, media sector trade unions have a low representation of women. For social and cultural reasons, women journalist's participation in trade unions is limited.

As a recent survey report noted, "Increasingly, Sri Lankan journalists are apprehensive about joining trade unions due to being penalised by managements that consider trade unions as interventionist forces that dilute their control over employees. Even in media organisations and professional bodies, membership among women tends to be somewhat limited. Women journalists also say that there are two taboo words in their respective homes: 'feminist' and 'trade unionist.'"[168]

SLWJA has recently registered as a trade union, which its management believes would empower the professional association to better serve their members.

[168] Media and Gender in Sri Lanka: Part of the IFJ Media and Gender in Asia-Pacific Research Project. March 2015. http://www.ifj.org/fileadmin/images/Asia_Pacific/IFJ_AP/reports-etc/Gender_and_Media_in_Sri_Lanka

Recommendation

● All media organisations should recognise and respect the basic human right and Constitutional right of journalists and other media workers to join a trade union of their choice, and to engage in trade union activities, without fear of disciplinary action or dismissal.

4.07 Trade unions and professional associations provide advocacy on behalf of the profession

There are several professional associations and trade unions that bring together journalists and media industry workers for asserting their workers' rights.

These include:
- Free Media Movement (FMM);
- Sri Lanka Working Journalists Association (SLWJA);
- Sri Lanka Tamil Media Alliance (SLTMA);
- Jaffna Press Club
- Sri Lanka Muslim Media Forum (SLMMF);
- Federation of Media Employees Trade Union (FMETU); and
- South Asian Free Media Association (SAFMA) – Sri Lanka Chapter

Besides addressing matters related to better wages, benefits and working conditions, some of these groups also advocate larger issues affecting the entire media industry. They have been at the forefront defending press freedom, protesting numerous attacks and other pressures on individual journalists or on entire media organisations, and calling for structural reforms in the media.

During the decade of Rajapaksa government (2005-2014), some leaders and members of these organisations took considerable risks to personal safety by taking part in such advocacy and agitation. It was due to their unrelenting campaigning that the erosion of media freedoms and freedom of expression in Sri Lanka stayed a regular topic in international media rights discussions. At the same time, safety threats during the decade have diluted the dynamism of many media associations as several key media freedom activists have gone into self-imposed exile (see 3.14 for details).

At the end of an all-island conference of Lankan journalists held in Tholangamuwa on 9-11 September 2005, participants issued a "Charter for a Democratic and Pluralist Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka". Now known as the Tholangamuwa Declaration, it called for "a mechanism for the SLWJA, FMETU, FMM, SLMMF and SLTMA to work towards the creation of a national media alliance of journalists with a view to bringing a resolution to a national congress of journalists within two years. This includes exploring the possibility of creating a national media centre, and a national journalists' trade union".[169]

[169] Tholangamuwa Charter. http://mediareformlanka.com/tholangamuwa-media-charter-2005

A decade later, this has not yet happened, but it remains a worthy goal for the profession.

Trade unions and media associations also work on thematic issues. For example in 2006, five media organisations (SLWJA, FMM, SLTMA, SLMMF and FMETU) came together to promote a Charter for Gender Equality for Media and Journalism in Sri Lanka. This was adopted by the South Asian Media Solidarity Network (SAMSN) as a regional charter in July 2014.

At publishers' level, the Newspaper Society of Sri Lanka – an alliance of six leading media publishing houses – advocates higher standards in journalism and media freedom in Sri Lanka. (Electronic media companies do not have a comparable industry alliance.) More recently the publishers have been vocal on threats to individual journalists and media companies. They have joined other media advocacy groups in demanding impartial inquiries on attacks on key journalists.[170]

In recent years, younger journalists have organised themselves to advocate for greater professionalism and more ethical conduct in the media. They have formed into the Young Journalists Association, a purely voluntarily and "revolutionary" group providing alternative voice to the more conventional. They are grappling with own internal ideological issues. YJA members are predominantly alumni of SLCJ.

One of the biggest advocacy issues for all trade unions and other professional associations is the stark reality that most journalists and other media workers are paid low salaries and they work under unsatisfactory working conditions. This, in turn, leaves room for easy corruption and media manipulation by politicians and businessmen. Stories can be 'planted' or 'killed' with relative ease. The more creative minds end up in advertising where salaries and benefits are greater.

[170] The War Against Media Rages on. The Sunday Times, 6 July 2008. http://www.sundaytimes.lk/080706/News/timesnews0019.html

Recommendations

● Media company proprietors and managers should review their salary structures and raise salaries for journalists and other media workers in order to attract (and retain) talented recruits for the industry. They should also reduce and eventually eliminate the sharp disparities that currently exist in salaries paid to English language journalists and those recruited for Sinhala or Tamil language media.

● The trade unions, on their part, should engage media owners and managers to secure their workers' right through peaceful negotiations. Trade unions have a right to be affiliated with political parties, but such affiliation should not undermine their commitment to journalistic professionalism and editorial independence.

● Media companies and media advocacy groups should especially look at ways to raise the standard of professionalism of provincial journalists. As part of this, their payments, other benefits and facilities need to be urgently upgraded, so they can become fully-fledged members of the media community -- and not simply suppliers of raw material to media head offices.

Excerpts from a Focus Group Discussion with Sri Lanka Working Journalists Association (SLWJA) held on 4 June 2015 at SLPI (attended by Lasantha Ruhunage, President, and Kanchana Marasinghe, National Organiser).

- *We have media associations and societies, but need to evolve into a media sector trade union. We highlighted this as a key point in the "Charter for a Democratic and Pluralist Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka" that we drafted in 2005 and is known as the Tholangamuwa Declaration.*

- *We need to ensure that journalists and other media workers are free to form trade unions in their work places and/or join existing trade unions without fearing repercussions from their employers or loss of jobs.*

- *We need letters of appointment for all journalists and other media workers, but that is not enough. The power equation between owner and individual employee is not a balanced one. Thus we need to develop collective agreements with media owners. This practice is commonplace in other industries, so why not in the media?*

- *We realize that many media owners today acknowledge the need for media reforms. We need their support and participation for media reforms to succeed.*

D

PRESENCE OF CIVIL SOCIETY ORGANISATIONS

4.08 CSOs monitor the media systematically

In Sri Lanka, Civil Society Organisations (CSOs) monitoring of media content and coverage trends does happen from time to time.

Most commonly done is thematic or issue based monitoring. Examples:

- Assessing media coverage from a gender and women's rights perspective, as done by the Women and Media Collective[171];

- Transparency International Sri Lanka looks at the media coverage of corruption and governance related topics, such as the conduct of media during election periods.[172]

- International media networks (e.g. IFJ), inter-governmental organisations (e.g. Unicef) or international NGOs (e.g. Save the Children) sometimes commission media content analysis related to children, media freedom or human rights.

However, there is no systematic monitoring or discussion of media ownership issues on a sustained, on-going basis. The closest that

---

[171] http://womenandmedia.org

[172] See, for example, electoral integrity report on the Presidential Election in January 2015: http://www.tisrilanka.org/wp-content/uploads/2015/02/PPPR_2015_ENG_Final.pdf

exists currently is the media analysis done by Verité Research, a think tank. It is a media digest offering critical and in-depth analyses on national issues and related discourses, which assist its subscribers in obtaining a nuanced understanding of local issues, in predicting future political and economic trends, and thereby in guiding them to strategically plan ahead in anticipation of future national developments.[173]

Sri Lanka needs a dedicated civil society entity or research body for regular media monitoring, analysis and documentation in the public interest. Their output can be data-driven as with India's Centre for Media Studies (CMS India)[174], or discussion based and advocacy driven as with Indian media critique website 'The Hoot'. [175] Such efforts can help enhance the currently low levels of media literacy in Sri Lanka.

Recommendation

● Sri Lanka's CSOs, advocacy groups and academics should intensify their engagement with the mainstream media and monitoring their performance. This could happen at various levels: contributing content, participating in electronic media programmes, advising the industry on raising professional standards, providing deliberative platforms at the grassroots, and through the monitoring of media content.

[173] http://www.veriteresearch.org/the-media-analysis.cfm

[174] http://www.cmsindia.org/

[175] http://www.thehoot.org/

4 09 CSOs provide direct advocacy on issues of freedom of expression

Media rights and human rights organisations engage in direct advocacy of FOE issues, sometimes on their own, and at other times in partnership with journalists' associations and media sector trade unions.

For example:

- **The Centre for Policy Alternatives (CPA)** has done considerable research and analysis on: how FOE is coming under pressure on the Internet in Sri Lanka[176]; emergence of hate speech against minorities using social media[177]; and the spread of dangerous speech using social media by ultra-nationalist elements in Sri Lanka.[178]

- **Rights Now Collective for Democracy**, a non-profit and non-partisan organisation, has been working with media professionals to improve their capacity to withstand legal, physical and digital security threats.[179]

- **The Asian Human Rights Commission (AHRC)**, based in Hong Kong, has sustained global focus on Sri Lanka's human rights situation, including on media freedom and FOE.[180]

- **The International Movement Against All Forms of Discrimination and Racism (IMADR)**, an international human rights network whose president is from Sri Lanka, regularly presents FOE related observations to the UN Human Rights Council.[181]

- **Journalists for Democracy in Sri Lanka (JDS)** was the first organized body of journalists, writers and human rights defenders who were forced to flee Sri Lanka due to work related persecution. The group was formed in July 2009 in Berlin, Germany, and enages in advocacy on human rights including FOE through their website and occasional events.[182]

Other groups like the Platform for Freedom and the Federation of University Teachers Associations (FUTA) also take up FOE related issues from time to time.

[176] http://www.cpalanka.org/freedom-of-expression-on-the-internet-in-sri-lanka/

[177] http://www.cpalanka.org/liking-violence-a-study-of-hate-speech-on-facebook-in-sri-lanka/

[178] http://www.cpalanka.org/saving-sunil-a-study-of-dangerous-speech-around-a-facebook-page-dedicated-to-sgt-sunil-rathnayake/

[179] http://www.rightsnow.net/?page_id=4851

[180] http://www.humanrights.asia/countries/sri-lanka

[181] http://imadr.org/activity/srilanka/

[182] http://www.jdslanka.org/index.php/2012-01-30-11-50-09

4.10 **CSOs help communities access information and get their voices heard**

Recommendation

● Academic and civil society groups should increase the depth and breadth of their media research activity, so as to produce the evidence base on which media policy and practices can be improved. These studies should ideally involve those specialising in mass media and journalism studies as well as sociologists and anthropologists.

Media and civil society nexus has been strained in recent years due to the previous regime's antagonism against NGOs (which sections of the media amplified uncritically). Hostility by the mainstream media led some CSOs and NGOs to develop alternative communication strategies, for example the greater use of web-based platforms and social media.

Away from the mainstream media's spotlight and without the media's involvement, some CSOs are promoting ICT literacy, especially at the grassroots. For example, Sri Lanka's largest development organisation Sarvodaya has a dedicated subsidiary named Sarvodaya Fusion for this purpose.[183]

Enhancing media literacy

Understanding how the media works has become a skill that all citizens need in the modern world. This is known as media literacy -- the ability to access the media and to critically evaluate different aspects of the media and media content (see box 22 for details).

Media literacy is needed not only for those who are keen on media related employment,

[183] http://fusion.lk

BOX 22

What is Media Literacy?

The proliferation of mass media and new technologies has brought about decisive changes in human communication processes and behaviour.

Media Literacy aims to empower citizens by providing them with the competencies (knowledge, skills and attitudes) necessary to engage with traditional media and new technologies. It includes the following elements or learning outcomes:
• Understand the role and functions of media in democratic societies;
• Understand the condition under which media can fulfill their functions;
• Critically evaluate media content;
• Engage with media for self-expression and democratic participation; and
• Review skills (including ICTs skills) needed to produce user-generated content.

Access to quality media and information content and participation in media and communication networks are necessary to realise Article 19 of the Universal Declaration of Human Rights.

Source: UNESCO website
http://www.unesco.org/new/en/communication-and-information/media-development/media-literacy/

but for all who consume mass media (which is most citizens these days). This competence is of paramount importance for a healthy democracy.

The last Census in 2012 found Sri Lanka's total adult literacy rate was 95.7%.[184] Even though there is no countrywide survey measuring media literacy, anecdotal evidence suggests that the levels are low -- even among some professionals and those who teach media studies in secondary schools.

Wijayananda Jayaweera, a former Director of UNESCO/IPDC, says it is important [that] media literacy becomes an engaged civic education movement in Sri Lanka. "It is true that media itself can be a partner of media literacy campaign, but media literacy is a fundamental obligation of the education system" he adds.

For example, he suggests introducing a weekly media critique programme broadcast over the national TV or radio as an effort to raise media literacy among media users. Experts, civil society representatives and experienced journalists can make provide inputs through such a programme to educate people on media/news ethics.[185]

[184] Census of Population and Housing 2012: Key Findings. Department of Census and Statistics, Sri Lanka. March 2015. http://countryoffice.unfpa.org/srilanka/?publications=12333

[185] Developing Sri Lanka's Media: The State's Obligations. By Wijayananda Jayaweera. Colombo Telegraph, 29 January 2015. https://www.colombotelegraph.com/index.php/developing-sri-lankan-media-the-states-obligations/

But in the long run, he adds, there is a need to focus on formal media education at secondary level schools. That process started in 2006, when a new subject called "Communications and Media Studies" was introduced in the school curriculum at GCE Advanced Level and GCE Ordinary Level (secondary school and high school). However, a decade later, the impact of such revisions of school curricula is yet to be examined and evaluated.

In fact, Jayaweera is highly sceptical about this curriculum, which he says "has an obvious bias towards communications and hardly deals with media education". In his view, the very title 'Communication and Media Studies' given to this subject shows a poor understanding of the purpose of media literacy and media education at secondary level. (Media studies should be a university level discipline based on critical theories in the domain of sociology.)

Jayaweera suggests that media education at school level should be given a higher attention considering that it leads to demand side development eventually impacting on media performance and the quality of reporting. It is an essential part of civic education which would help create an active citizenry.

Ideally, media education at secondary level should enable the students to understand:
• Functions attributed to the media in democracies;
• Conditions under which media can perform those functions;
• How to evaluate a media report against those functions;
• Basic skills needed to produce user generated content for different media; and
• How citizens can engage with the media

In the long term, enhancing media literacy could help narrow Sri Lanka's Democracy Deficit – the gap in governance and politics that needs to be filled through citizen mobilization and participation.

Two senior broadcasters turned media researchers, the late Tilak Jayaratne and Sarath Kellapotha, recognised this when they wrote in 2012:

"We believe that media education in the country is in a sort of disarray, as it lacks a national policy. It is too much confined to certain requirements of the industry and not the needs of the country as a whole. Though wide publicity is given to what ails the

media, this aspect receives scant attention even in the media itself. At first glance, it may appear that there are more critical and burning issues in the country that need greater and more urgent attention. If one looks deeper, however, it should be apparent that media literacy has links to both the causes and results of many issues. Thus, in this sense, *media literacy should not be the concern of media people and educationalists only, but of a whole range of stakeholders, including media freedom fighters, human rights activists, legal affairs professionals, the civil society, religious leaders, intelligentsia and academia and most of all the citizens*" (emphasis added).[186]

Recommendations

● Ministry of Education should undertake an evaluation of the school subject of Communication and Media Studies, introduced in 2006. Based on the findings, the curricula should be revised with focus on enhancing media literacy as an essential part of the civic education of the future citizens.

● The government, media industry and journalists' professional associations should all promote media literacy among the people. This is vital so that more people will develop the ability to critically examine media content in the mainstream media and also to participate in co-creation of new content using digital media.

● The government should develop a national policy on promoting media literacy through formal and non-formal education methods. Enhancing media literacy should become an overall educational objective.

[186] Putting the Citizen First: New Approaches to Media Literacy, by Tilak Jayaratne and Sarath Kellapotha, in Embattled Media: Democracy, Governance and Reform in Sri Lanka (Sage Publications, 2015), pp 281-293

▲ Dr Harini Amarasuriya speaks at public forum

▼ K W Janaranjana speaks at Public Forum

▲ Politicians
dominate access
to the media,
depriving ordinary
citizens a voice
- Cartoon by
Awantha Artigala,
Wijeya Newspapers

▼ School children
being given a
guided tour of TV
studios
- Image courtesy
SLRC

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

Collation of Recommendations

Indicator	Relevant Recommendation
4.1 Media professionals can access training appropriate to their needs	1. The mismatch between the media industry's needs and what is being provided by way of training should be studied further to identify strategies for making future training more relevant and responsive. At the same time, both media and journalist training should take into account rapid changes taking place in media content production and consumption so as to prepare Lankan media practitioners and managers to cope with such change. The government and development donors should suppot a medium term (five year) Strategic Plan for training in the country. 2. The media industry needs to better recognise the value of greater professionalism and human resource development as integral to media sector's development. As part of this, media companies should assign a higher priority to in-service training (but not necessarily in-house training) including subject specialisation of its journalistic, editorial and managerial staff. They should also allocate more resources, and also actively look for more training opportunities and scholarships. 3. Media companies should also review and revise their human resource policies and practices. Among other things, emphasis should be placed on continuing education of journalists. Salary increments and promotions should be linked more logically and transparently to work performance and acquisition of new skills.

Indicator	Relevant Recommendation
4.1 Media professionals can access training appropriate to their needs	4. Media companies, the government and international aid donors should support the existing media training facilities – such as the Sri Lanka College of Journalism (SLCJ), Sri Lanka Media Training Institute (SLMTI) and the Media Resources and Training Centre (MRTC) in Jaffna – to provide subsidized training of a quality standard which many individuals cannot afford on their own. This should include funding to train more media trainers, and to produce some journalism education text books in the local context. A trust fund created by government through Parliament could do this without compromising editorial independence. 5. Under a new broadcast licensing system, the proposed independent broadcast regulator, should consider making it an obligation for all licence holders to support a certain level of media training – whether inhouse or in specific institutions. 6. The Sri Lanka Press Institute (SLPI), as the print media industry's umbrella organisation, should expand its ability to strengthen capacities of journalists with the support of development donors, media companies and international advocacy groups. This can transform SLPI into an effective platform for implementing media sector reforms.
4.2 Media managers, including business managers can access training appropriate to their needs	7. Media companies should invest more in recruiting and further training professional media managers with a view to developing media management capacity in the industry.

Indicator	Relevant Recommendation
4.3 Training equips media professionals to understand democracy and Development	8. Lankan media companies, in partnership with international media development organisations, should come up with appropriate training programmes for journalists to better understand the issues and interlinkages of democracy, governance and development. This should include non-technical and non-legalistic coverage of Sri Lanka's obligations under international human rights and humanitarian treaties that it has signed and ratified.
4.4 Academic courses accessible to wide range of students	9. The Ministry in charge of Higher Education, along with the University Grants Commission and other stakeholders, should review all curricular related to journalism, mass media and mass communication at public universities with a view to identifying the gaps in knowledge, skills and resources. After such a review, these institutions should embark on a process of curriculum reform and facilities upgrading so as to enable formal journalism education to meet intellectual challenges and to be responsive to the needs of media industry and society at large. 10. Higher education institutions and media training centres should expand their scope to include new modes of learning, including online training modules and e-learning courses, so that students have the option of more flexible learning. Future training should include elements of computer assisted journalism. 11. Universities and media advocacy groups should collaborate in producing a series of text books on journalism in Sinhala and Tamil languages that are contextualised for Sri Lanka. Adaptations from internationally acclaimed journalism text books may also be considered. These should be made available widely, including online in e-book formats.

Indicator	Relevant Recommendation
4.4 Academic courses accessible to wide range of students	12. Universities engaged in journalism education/ training should adopt a long-term vision for faculty development and institutional development. Strategies for this may include: opportunities at overseas universities reputed for good journalism education programmes; collaborative research projects with South Asian and other universities; and the organisation of regional conferences on current concerns in journalism. 13. Universities teaching journalism and/or mass media courses should strengthen their links with the media industry so as to benefit from practical experiences available in the industry while providing more intellectual rigour to the industry.
4.5 Academic courses equip students with skills and knowledge related to democratic development	14. The universities, in partnership with international media development organisations, should come up with appropriate curricular revisions and modules that can enable students to understand the issues and interlinkages of democracy, governance and development. Teaching of development journalism should go beyond simply promoting state-driven development to taking a critical examination of development outcomes for the people.
4.6 Media workers have the right to join independent trade unions and exercise this right	15. All media organisations should recognise and respect the basic human right and Constitutional right of journalists and other media workers to join a trade union of their choice, and to engage in trade union activities, without fear of disciplinary action or dismissal.

Indicator	Relevant Recommendation
4.7 Trade unions and professional associations provide advocacy on behalf of the profession	16. Media company proprietors and managers should review their salary structures and raise salaries for journalists and other media workers in order to attract (and retain) talented recruits for the industry. They should also reduce and eventually eliminate the sharp disparities that currently exist in salaries paid to English language journalists and those recruited for Sinhala or Tamil language media. 17. The trade unions, on their part, should engage media owners and managers to secure their workers' right through peaceful negotiations. Trade unions have a right to be affiliated with political parties, but such affiliation should not undermine their commitment to journalistic professionalism and editorial independence. 18. Media companies and media advocacy groups should especially look at ways to raise the standard of professionalism of provincial journalists. As part of this, their payments, other benefits and facilities need to be urgently upgraded, so they can become fully-fledged members of the media community -- and not simply suppliers of raw material to media head offices.
4.8 CSOs monitor the media systematically	19. Sri Lanka's civil society organisations (CSOs), advocacy groups and academics should intensify their engagement with the mainstream media and monitoring their performance. This could happen at various levels: contributing content, participating in electronic media programmes, advising the industry on raising professional standards, providing deliberative platforms at the grassroots, and through the monitoring of media content.

Indicator	Relevant Recommendation
4.9 CSOs provide direct advocacy on issues of freedom of expression	20. Academic and civil society groups should increase the depth and breadth of their media research activity, so as to produce the evidence base on which media policy and practices can be improved. These studies should ideally involve those specialising in mass media and journalism studies as well as sociologists and anthropologists.
4.10 CSOs help communities access information and get their voices heard	21. Ministry of Education should undertake an evaluation of the school subject of Communication and Media Studies, introduced in 2006. Based on the findings, the curricula should be revised with focus on enhancing media literacy as an essential part of the civic education of the future citizens. 22. The government, media industry and journalists' professional associations should all promote media literacy among the people. This is vital so that more people will develop the ability to critically examine media content in the mainstream media and also to participate in co-creation of new content using digital media. 23. The government should develop a national policy on promoting media literacy through formal and non-formal education methods. Enhancing media literacy should become an overall educational objective.

5

Infrastructural capacity is sufficient to support Independent and pluralistic media

KEY INDICATORS

A AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

5.1   Media organisations have access to modern technical facilities for news gathering, production and distribution

B PRESS, BROADCASTING AND ICT PENETRATION

5.2   Marginalised groups have access to forms of communication they can use

5.3   The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

An information society is a society where the creation, distribution, use, integration and manipulation of information is a significant economic, political and cultural activity.

Its main drivers are digital information and communication technologies (ICTs). These have resulted in an information explosion and are profoundly changing all aspects of social organization, including the economy, education, health, warfare, government and democracy.[187]

During the past few decades, Sri Lanka has been evolving faster into an information society. The introduction of mobile telephone services in 1989 ushered in a new era of connectivity, initially for voice services and later for many other value-added services through data transfer. The mobile phone has become the default 'convergent device' that brings together a growing number of uses and services. In emerging economies like Sri Lanka's, it has also been a great social leveller, enabling millions of poor to get connected.[188]

The emergence of information society accelerated after Sri Lanka obtained a

[187] https://en.wikipedia.org/wiki/Information_society

[188] The Mobile Revolution. By Nalaka Gunawardene. Echelon magazine. 8 August 2014. http://www.echelon.lk/home/mobile-revolution/

What is Media Convergence?

Media convergence is phenomenon involving the interconnection of ICTs, computer networks and media content. It brings together the "three C's"— computing, communication, and content — and is a direct consequence of the digitization of media content and the popularization of the Internet.

Media convergence transforms established industries, services, and work practices and enables entirely new forms of content to emerge. It erodes long-established media industry and content "silos" and increasingly uncouples content from particular devices, which in turn presents major challenges for public policy and regulation.

Source: Britannica.com
http://global.britannica.com/topic/media-convergence

dedicated connection to the Internet in April 1995, increasing the capacity to allow commercial Internet services (whereas the earlier connectivity since 1990 was limited to academic use).[189]

On the whole, the proliferation and societal adoption of ICTs has outpaced the governments' ability to keep up with adequate policy and regulatory responses. However, Sri Lanka does have a number of policies, laws and regulations related to telecommunications, information technology, digital intellectual property and mass media. As these have evolved organically and often in isolation, they lack a coherence to meet new challenges posed by media and digital technology convergence.

Connectivity and basic access issues have dominated the public discourse during the first dozen years after the introduction of Internet services. As these ease off across socio-economic groups and the urban-rural ICT disparities gradually decline, Sri Lanka now faces a more complex and nuanced set of challenges. These are sometimes known as post-connectivity challenges, akin to 'growing up pains' of an information society.

[189] INET Colombo 2015 – 20 Years of Internet in Sri Lanka. ReadMe.lk magazine. 16 June 2015. http://readme.lk/inet-colombo-2015-20-years-internet-sri-lanka/

A

AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

5.01 Media organisations have access to modern technical facilities for news gathering, production and distribution

During their nearly two centuries of evolution, Sri Lanka's modern mass media owners and practitioners have embraced various technologies for their editorial operations, production and outreach.

In the 1980s, the main newspaper publishers modernised themselves by switching to offset printing technology. The modernisation started, interestingly, with the printing of all-comics (chitra katha) newspapers that first innovated with full colour reproduction. By now, almost all newspapers and magazines are offset printed with liberal use of colour, graphics and photographs.

Although computers were introduced to the production rooms of newspaper publishers from the 1980s, these did not enter the newsrooms for a few more years. Larger media companies and English language media were the first to computerize their editorial operations. Even today, some smaller media companies and local language journalists do not use computers for editorial content generation (and a few write their copy by hand).

The Lankan media on the whole have not been early adopters of ICTs for purposes of news gathering, processing and dissemination. The limitations have been partly due to a lack of financial capital, but more due to media managers and practitioners being slow to seize opportunities offered by digital technologies and web-based platforms.

The mobile phone is probably the most transformative ICT tool for journalists and media industry. By now, all journalists use mobile phones and many also use the web in their newsgathering or opinion sourcing. There still are some resource and capacity limitations among provincial level journalists and those working in the local languages. Overcoming these require greater investments and capacity building.

Multi-platform delivery systems

The Lankan media's institutional level transition to the newer ICTs has been slower and more incremental. Newspapers started introducing web editions beginning late 1995. Most newspapers now have their own web editions or e-papers; a few also operate news websites that carry news

updates round the clock. Some media have introduced their own social media feeds on popular platforms like Twitter and Facebook.

Placing radio and TV content online – which required high bandwidth for access -- had to wait until the advent of broadband Internet around 2003-4.[190] Many mainstream broadcasters now offer live audio and video streaming. Currently, Lankan broadcasters live-stream and/or archive their audio and video content using various methods, including the use of YouTube. There is no standardising of platform or player to be accessible from all devices, including mobile phones, tablets, personal computers and smart televisions.

Sri Lanka's mainstream media also fall short in using the web and social media for actually interacting with their respective audiences. Most newspapers and broadcast channels use their own websites as well as social media platforms for additional content dissemination but many have no clear strategies for sustained audience engagement.[191]

On the positive side, newspapers accept letters to the editor sent via email, and some

publications print reader comments received via text messages (SMS) or through social media. Many radio and TV stations use live phone-ins, SMS or Facebook pages for audience participation.

Yet, for the most part, these are peripheral or additional to the core activities within media organisations. Journalists and producers are still hesitant or resistant to 'let go' of complete control over their content. Co-creating media content – for example through crowd-sourcing or crowd-testing – is rarely practised. No major media house or news organisation has successfully integrated blogging or bloggers as part of their online offering.

Digital broadcasting

In many countries, the technologies for TV content production, transmission and archiving are moving from analogue to digital, with terrestrial broadcasters switching over to digital during the current decade. Digital broadcasting offers stations many advantages including more channels, lower operating costs and new business opportunities. It also offers significant benefits to viewers including innovative

[190] Internet in Sri Lanka: The First Five Years. Nalaka Gunawardene and Chanuka Wattegama. 2000. http://www.academia.edu/4378630/Internet_in_Sri_Lanka_The_First_Five_Years_book_chapter_written_in_late_2000_

[191] Why mainstream media must embrace social media. David Brewer. 23 November 2012 http://www.mediahelpingmedia.org/training-resources/media-strategy/587-the-social-network-challenge-for-traditional-media

services, such as interactive TV, electronic programme guides and high-definition (HDTV). However, switching over to digital poses policy, regulatory and technology challenges.

Sri Lanka has been indecisive for years on when and how to embark on this process. By end 2015, the island nation had 24 free-to-air terrestrial television channels, operated by 16 stations, all broadcasting in analogue mode. Some of them produce content digitally but the transmission is in analogue as the receivers are not yet ready to handle digital signals.

In 2010, the Ministry of Mass Media appointed a subcommittee to come up a policy framework for the digitalization of terrestrial television broadcasting. The group included several engineers and the film industry veteran Dr D B Nihalsingha. Their report later that year recommended using the European originated DVB-T2 as the Digital Terrestrial Television Broadcasting (DTTB) standard, for two reasons:
- DVB-T2 is more advanced digital terrestrial transmission system offering higher efficiency, robustness and flexibility;

- DVB-T2's high bit rate makes it currently the only DTTB standard that can provide simulcast for all current analogue TV programmes in a limited frequency channel.

The report also recommended introducing a new category of service provider to centralise the delivery of broadcasts to viewers. To be called Digital Broadcast Network Operator (DBNO), it will operate a multiplex transmitter linked to all broadcasters who produce content.

The report also proposed import tax concessions to help broadcasters acquire new equipment and some form of a subsidy to help households by set top boxes (STBs) to allow their TVs to receive digital content.

In 2011, ITU's technical experts worked with Lankan counterparts to produce Roadmap for the Transition from Analogue to Digital Terrestrial Television Broadcasting in Sri Lanka (ITU, Feb 2012).[192] Their original timeline for digital transition was as follows:
- End-2011 to mid-2012: Deployment of DTTB pilot transmission services in Northern Province and Western Province
- Mid-2014: Deployment of DTTB services

[192] https://www.itu.int/ ITU-D/tech/digital_ broadcasting/project- dbasiapacific/Roadmaps/ db_asp_roadmap_ SriLanka.pdf
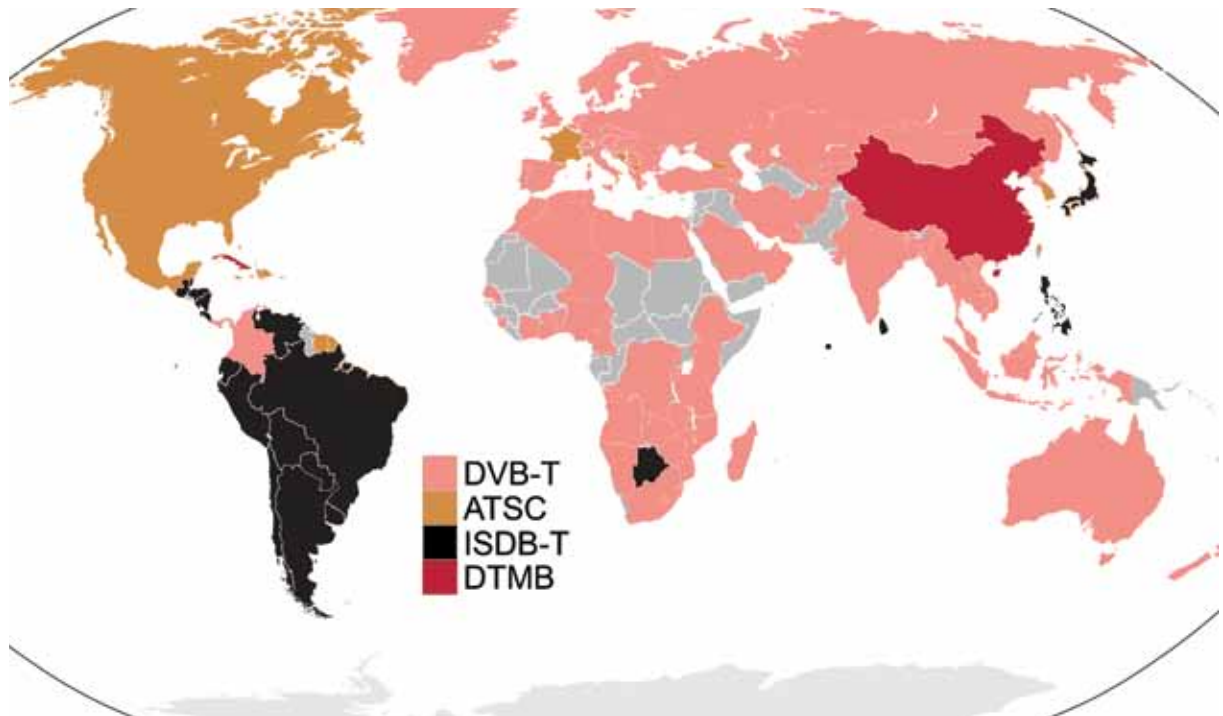
Digital terrestrial broadcasting standards worldwide - map courtesy Wikipedia, as at March 2016

from eight DTTB principal stations.
- End-2015: Analogue shut off in Western Province.
- End-2017: Complete analogue switch-off.

However, the above schedule was not followed. In mid 2014, the Rajapaksa government announced the adoption of Japanese standard of ISDB-T, and soon signed a bilateral agreement with Japan for a loan of Yen 13,717 million (approximately LKR 17.4 billion) through Japan International Cooperation Agency (JICA) for digitalization of terrestrial television broadcasting.[193]

[193] http://www.treasury.gov. lk/news-and-events/592-digitalization-of-terrestrial-television-broadcasting-project-ru-sankya.html
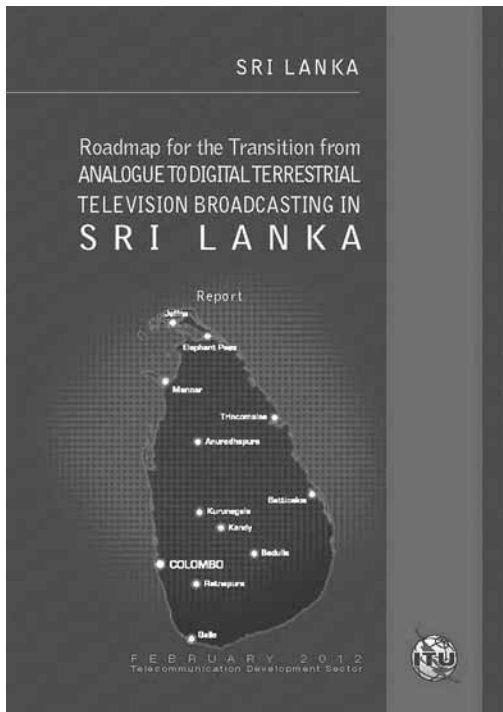
Digital transition roadmap for Sri Lanka - ITU Report, 2012

For over a year, the new government did not announce its policy on DTTB. In March, the media reported that the government would opt for the Japanese standard. The decision was attributed to the cabinet economic management committee.[194]

[194] http://www.sundaytimes.lk/160327/business-times/u-turn-by-sri-lanka-suspended-tv-digitalisation-deal-back-to-japan-187438.html

Recommendations

● The government should develop, through a consultative process with the broadcast industry, a clear strategy and timeline for transiting from analogue to digital broadcasting in television. Once adopted, the strategy's implementation in a fair and transparent manner should be done by the independent broadcast regulator proposed to be set up. It is important to resolve the various analogue era policy and regulatory anomalies before digital transition is completed.

● On multi-platform media content dissemination, the Media Ministry should make it a public obligation for the state broadcasters to maintain programme repositories online (comparable to the BBC's iPlayer: https://en.wikipedia.org/wiki/BBC_iPlayer). Such archiving would be particularly useful for educational and research purposes.

● Sri Lanka's media organisations should develop digital media strategies that take into account the most suitable digital platforms and tools to produce content and engage multiple audiences through their delivery. Digital strategies should also include institutional policies and best practices for social media use, intellectual property rights, archiving and capacity building.

B

PRESS, BROADCASTING AND ICT PENETRATION

5 02 **Marginalised groups have access to forms of communication they can use**

Ownership of media access devices gives an indication of the mainstream media's outreach in Lankan society.

As revealed by the Census of Population and Housing in 2012, the mobile telephone (found in 78.9% of households) has surpassed television sets (78.3%) as the most common communication device. At the third place is radio receivers found in 68.9% of households. Only 42.4% households have fixed phones. There are desktop computers in 15% of households while laptop computers were in 5.6%.[195]

There are no longer major disparities between urban and rural areas about owning mobile phones or television sets, but all ownership levels are lower in the plantation estate sector.[196]

Tracking media consumption is becoming harder with the proliferation of smartphones, over 3.5 million of which were believed to be in use in Sri Lanka by end 2015. Increasingly, smartphones are being used as a convergent device, for voice calls, SMS, radio listening, web browsing, VOIP, and instant messaging services such as Viber and WhatsApp.

[195] Census of Population and Housing 2012: Key Findings http://countryoffice.unfpa.org/srilanka/?publications=12333

[196] Household Income and Expenditure Survey (HIES) 2012-13, covering sample of 25,000 households: http://www.statistics.gov.lk/HIES/HIES2012_13FinalReport.pdf

Latest cumulative telecom statistics (up to 30 September 2015) showed a total of 2,644,366 fixed telephones in Sri Lanka (which has declined from a peak of 3,608,392 in 2011). In contrast, there were 23,771,580 active mobile subscriptions (or 113.4 per 100 persons) which includes multiple accounts held by some individuals.[197]

By end September 2015, there were 3,373,388 mobile Internet subscriptions and another 631,523 fixed internet subscriptions, producing a total of 4,004,911 accounts. This meant that most (84%) of Internet subscriptions for accessing via mobile devices. Since some accounts are shared among users, it is fair to assume there are between 5 and 6 million Internet users in the country – or around 25% of the total population.

ICT use by marginalised groups

There is no specific information on how ICT services reaching out to marginalised communities. However, thanks to the far-reaching telecom regulation introduced in the late 1990s, Sri Lanka has achieved some of the lowest voice and data transfer tariffs in the world (due to market competition).

This has, in turn, reduced entry barriers for low income groups to own and use their own telephones, mostly mobiles.[198]

There still are disparities of signal coverage and resulting ICT access. For example, 3G and 4G mobile signals are not available everywhere on the island. Signal transmissions are concentrated in urban and rural areas with high population densities and more users. This is evident from crowd-sourced signal coverage maps of Sri Lanka available at http://opensignal.com.

Some action research findings shed light on how the 'digital divide' in Sri Lanka is being reduced by the rapid spread and use of mobile phones including smartphones. Beginning in 2005, the Colombo-based Asian regional ICT policy research institute LIRNEasia has been studying telephone use at the bottom of the pyramid (BOP), or the low income groups. These demand-side studies on ICT use by the marginalized have shown that when it comes to using phones, they are not different from anyone else. Everyone values the enhanced personal security, including emergency communications, and social networking benefits from owning their own phone

---

[197] http://www.trc.gov.lk/2014-05-13-03-59-39/statistical-overview.html

[198] http://lirneasia.net/projects/2010-12-research-program/teleusebop4/

Community Media for Inclusive Information Societies

In an inclusive information society, remote and other marginalised communities should also have access to communications, which needs special attention and investments from governments. Community media can play a key role in this respect.

Community media can take many forms: community newspapers, community bulletin boards, community multi media centres, etc. Until now, the most effective community media has been community radio, because radio can be used in a highly participatory manner, and its operational costs are within the reach of most communities.

Access and participation are the two most important dimensions of community media. However, these dimensions differ much from how concerns of the marginalised communities are selectively reported in the mainstream media.

This difference was explained by Frances Berrigan in 1994 when defining 'community media' as follows: "In the past, similar terms (Community Media) have been used to identify programming specially designed for particular community groups, such as ethnic or minority groups with special needs or interests. Other than this deliberate orientation, little in the production procedure was changed. Topics were chosen in the same way, by professional communicators, and targeted toward the apparent needs and interests of the audience. But…. community media are adaptation of media for use by the community, for whatever purpose the community decides. They are media to which the members of the community have access, for information, education, and entertainment when they want access. They are media in which the community participates as planners, producers, and performers. They are the means of expression of the community rather than for the community."

Source: Community Communications: The Role of Community Media in Development. Frances J Berrigan. 1994 UNESCO. pp7-8.
http://unesdoc.unesco.org/images/0004/000440/044035eo.pdf

(which, in the Lankan context, is mostly mobiles). The surveys also found that men and women use phones pretty much the same way.[199]

LIRNEasia's Teleuse@BOP research in Sri Lanka and other emerging markets in Asia have proved useful in making government understand the significance of telecom, especially the mobile, at the Bottom of the Pyramid. Its findings have contributed to debates universal service policies, on taxation and even on registration of phones for security purposes. They have shown that innovations in technology, business models and policy are required to serve the BOP efficiently; even more crucial is deep insight into the growing demand for telecom services at the BOP.[200]

"More and more Lankans are now using the Internet. There is no longer a language barrier: after Unicode fonts were introduced, people can browse and read content in Sinhala and Tamil. In blogs, gossip websites and other content, language is no longer a problem. In my estimate, 90% of Lankan government offices are now using Internet for their official work. Public officials are also using mobile phones widely; around 40% use smartphones. Smartphones are the gateway to Internet for many Lankans.

"Web content generated and published from Sri Lanka is still very low. Content in Sinhala language is even less. We have a long way to go to make the web a platform where our people are producing, exchanging and improving content."

**- Harsha Wijayawardhana,
Head of Department/Consultant,
University of Colombo School of
Computing (UCSC)**

[199] http://lirneasia.net/2007/12/documentary-film-highlights-telephone-revolution-in-asias-emerging-markets/

[200] http://lirneasia.net/projects/icts-the-bottom-of-the-pyramid/

Rise of Citizen Journalism

Increasingly, people are using ICT tools and platforms to perform what Dan Gillmor, a pioneering practitioner and researcher in civic media, once described as "random acts of journalism". This has led to the emergence of a new breed of citizen journalists and social media users who are bearing witness to events unfolding around them, openly expressing opinions and sharing digital content.

As Krishan J Siriwardhana of the University of Colombo Journalism Unit has noted, "Media consumers had a very limited opportunity to convey feedback, share their views and comments in traditional media due to the inherited characteristics of newspaper, television and radio. Websites, blogs and social media have not only given the opportunity to its users to comment and share their thoughts, but also users are given the opportunity to generate their content as journalists. New Media tools have become familiar to Sri Lankan users and there is an increasing use of Citizen Journalism platforms in the country."[201]

Blogging was the original wave of citizen journalism which emerged in the late 1990s.

With the spread of broadband Internet services, more have joined platforms like Twitter (micro-blogging), Facebook (social networking), Instagram (image sharing) and YouTube (video sharing). More recently, additional tools have become available, such as interactive images and maps, media sharing services, and mobile chatting apps like WhatsApp and Viber.

Blogging in the public interest has been growing slowly but steadily since the Indian Ocean tsunami of December 2004, which marked a turning point for citizen journalism. In the decade that followed, the Sinhala, Tamil and English language blogospheres -- involving both Lankans resident within the island and those overseas -- have expanded and diversified. Content being shared on these platforms includes prose, verse, imagery and mixed media. Some blogs offer serious political and social commentary, while others have become platforms for nurturing new creative writing and visual arts talent.[202]

One researcher estimated over 3,000 bloggers in the Lankan blogosphere in 2015 self-publishing in Sinhala, Tamil or English.[203] As at February 2016, Kottu, the most

---

[201] Contribution of Citizen Journalism as a Tool for Development Communication in Sri Lanka. Krishan J Siriwardhana. http://arts.cmb.ac.lk/sites/default/files/content/title22.pdf

[202] Blogging in Sri Lanka: A New Platform for Creativity? http://nalakagunawardene.com/2015/04/26/a-k-lit-fest-session-on-blogging-in-sri-lanka-a-new-platform-for-creativity/

[203] http://www.slideshare.net/NalakaG/media-reforms-in-lanka-big-picture-ideas-by-nalaka-gunawardene

popular blog aggregator, syndicates over 1,750 Lankan blogs that are self-registered with its automated service.[204] Readership and interactivity varies a great deal across the blogs – some attract modest numbers while reader numbers and comments-driven discussions at popular blogs can be high and intense.

Bloggers fit into a larger new media 'ecosystem' of citizen journalism, which itself is constantly evolving. Although not well studied by media researchers as yet, this phenomenon is now a part of our public sphere.

According to researcher and new media activist Sanjana Hattotuwa, citizen journalists have been playing a major role in meaningfully reporting deaths, the humanitarian fallout and hidden social costs of Sri Lanka's civil war that was either glossed over or sensationalised by most of the mainstream media. He acknowledges, however, that the ready availability of ICTs alone does not guarantee public-spirited citizen journalism.

He notes: "Often, this new age of citizen journalism lacks the grammar of age-old

[204] http://www.kottu.org/

Sri Lanka's First Citizen Journalists

If the basic definition of citizen journalism is ordinary people expressing themselves in a public space without any 'gatekeepers', Sri Lanka has had a long tradition. On the famous 'mirror wall' in Sigiriya, the "rock fortress in the sky" built by 5th century King Kasyapa, visitors over time (from 6th to the 13th century AD) have carved out various graffiti. Deciphering these provides fascinating insights into their life and aspirations.

In more recent times, citizen expressions have taken various forms, from *kavikolaya*s (sheets of paper with topical verses) to *kele pattara* (anonymous newsletters, often with scurrilous content). It is only during the last two decades that some cyber-savvy citizens have taken to using web-based platforms for bearing witness to unfolding events, and for discussing ideas, worldviews and solutions.

diplomacy and socio-political norms - the conversation is raw, visceral, impatient, irreverent, pithy, provocative…. The potential of citizen journalism, however, is its ability to provide a forum for all citizens - male and female, of all ethnicities, castes, classes and religions - to express themselves freely, society will better accommodate ideas and measures that engender peace."[205]

In 2006, Hattotuwa created Groundviews. org, citizens' journalism website based in Sri Lanka intended as a "safe space for debate and discussion" during and after the civil war. The site uses various genres and media to highlight alternative perspectives on governance, human rights, the arts and literature, peace-building and other issues. While its main offering is opinion articles from a broad range of perspectives, Groundviews has also been using techniques of investigative journalism, data visualization and open-data driven journalism.

"We've created…a very rare thing in the country, which is a safe space for debate and discussion and the articulation of difference in a civil manner," says Hattotuwa. "We're now experimenting with various forms to tell stories: photography, short form video, long form journalism, of which we are the only platform in the country."[206]

Groundviews has grown beyond a single website. Its curated Facebook and Twitter feeds are among the most visible and consistent efforts of its kind in Sri Lanka, complemented by the Sinahala language (Vikalpa.org) and Tamil language (Maatram. org) websites and social media feeds. Indeed, citizens are constantly experimenting with new ways of leveraging the web for public discourse and private communications. Since around 2010, discussion has been moving to key social media platforms like Facebook and Twitter – even regular bloggers now repost their content on one or both these. Ahamed Nizar, an experienced blogger, laments that the rise of social media has contributed to a decline of blogging activity.[207]

In post war Sri Lanka, those promoting a progressive, egalitarian and equitable society have had to deal with intolerance and resistance stemming from feudalism, state authoritarianism and ultra-nationalist extremism. For simply holding a different point of view, they can experience not only

---

[205] WAN-IFRA Blog, 2013 interview with Sanjana Hattotuwa: http://blog. wan-ifra.org/2013/05/02/ citizen-journalism-platform-groundviews-thrives-in-sri-lanka

[206] Opinion: The Promise of Citizen Journalism, by Sanjana Hattotuwa. https://www. opendemocracy.net/ the_promise_of_citizen_ journalism

[207] http://www.c3magazine. com/a-dying-breed-how-social-networks-killed-the-sri-lankan-blogosphere/

verbal threats, but sometimes even physical attacks. Such intolerance has spilled over into social media as well. Racists, religious bigots, conspiracy theorists and assorted rabble-rousers have taken cover behind the web's anonymity and pseudonymity to indulge in widespread vilification and demonisation.

Social media use in Sri Lanka

The diversity, speed of evolution and growing influence of social media pose both opportunities and challenges to those engaged in advocacy and activism. Sri Lanka lacks an 'ICT Observatory' to discern relevant trends and document specific examples, so evidence tends to be anecdotal.

An initiative worth mentioning is Manthri. lk -- a trilingual website that tracks the performance of the 225 Members of Parliament in Sri Lanka. It goes by the official record (Hansard), analysing and coding each statement which is fed into a customised system developed by the website owner and operator - Verite Research, a think tank that provides strategic analysis and advice for decision-makers and opinion-formers.[208]

[208] http://www.manthri.lk/?locale=en

The recent experience of many civil society organisations has been that advocacy campaigns are more effective when they use a combination of online/social media and more conventional approaches such as press conferences, media statements, public marches and, where warranted, peaceful street demonstrations.

Recommendations

- The government should establish a Media Development Fund and/or a Media Diversity and Development Agency to actively support the development of a more diverse media industry through support for community media operations and small commercial media entities. A useful model is the Media Diversity and Development Agency of South Africa (http://www.mdda.org.za), set up by an Act of Parliament in 2002.

- The ICT Agency should review its policies and strategy for rural tele-centres (*Nenasala*s), as the spread of mobile phones (especially smartphones) has completely changed the dynamics of how urban and rural Lankans access and share information. In doing so, it should evolve a more differentiated approach addressing information needs of various marginalised groups (including, but not limited to, those with disability and older people).

5 03 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

As at January 2016, the new government has yet to announce a revised ICT policy. Until a new policy is introduced, it may be assumed that the ICT policy thrust of the government is drawn from the e-Sri Lanka project, originally introduced in 2003 by the last Ranil Wickremesinghe government that was in office from 2001 to 2004.

The e-Sri Lanka project was launched 'to use ICTs to develop the economy of Sri Lanka, reduce poverty and improve the quality of life of the people'. That vision was pursued through a five programme strategy, viz:
- building the implementation capacity;
- building information infrastructure and an enabling environment;
- developing ICT human resources;
- modernizing government and delivering citizen services; and
- leveraging ICT for economic and social development, through public-private partnerships.

A sixth strategy area, on e-society, was added later.[209]

The Information and Communication Technology Agency (ICTA) was set up in 2003 as the apex ICT policy implementing body in Sri Lanka. ICTA is mandated "to take all necessary measures to implement the government's policy and action plan in relation to ICT". [210]

ICTA's facilitation and promotional work for a dozen years has produced benefits such as these[211]:

- Local Languages Initiative was to ensure that ICT can be used in Sinhala and Tamil, based on national, international, interoperable standards, and to ensure that ICT in Sinhala and Tamil is easy to use. It is now possible to type in Sinhala and Tamil, exchange information in Sinhala and Tamil using computers, and browse the web in Sinhala and Tamil without having to download various fonts.

- In addition to .lk, the country code top level domains (ccTLD), it has become possible (since 2011) to use Internationalised Domain Names (IDN) in Sinhala and Tamil. This allows all people who do not use English to have easier access to Internet resources. Now registering of domain names can also be done in Sinhala and Tamil under the ccTLDs .ලංකා and. இலங்கை. [212]

---

[209] http://www.icta.lk/index.php?option=com_content&view=article&id=25&Itemid=233&lang=en

[210] An overview of Sri Lanka's ICT sector is found on this World Bank website: http://broadbandtoolkit.org/Case/lk/3

[211] Main source: http://www.icta.lk/attachments/article/1247/Ideas%20Actioned,%20v%205.pdf

[212] http://වෙබ්.ලක්වසම.ලංකා/index.php/si/

- Efforts have been made to make ICTs more accessible to persons with disabilities. To bridge the lack of standardization and teaching tools, a sign language dictionary in Sinhala and Tamil was developed, along with an eLearning course that allows anyone to learn Sri Lankan sign language. (Sign language used by hearing impaired people around the world varies from country to country.) Impaired Aid is a suite of applications for those who cannot see and those who cannot hear. It includes software for conversion of local language text to Braille.[213]

- Bhasha Guru helps Sinhala speakers to learn speaking in Tamil and vice versa. This is available for free download from the Google app store.[214]

- ICTA has set up a network of tele-centres named *Nenasala* (Sinhala for 'knowledge centre'), meant to support ICT needs of rural areas. By end 2015, over 1,000 such centres had been set up, albeit with varying degrees of community integration. *Nenasala*s are meant to provide information and communications support for poverty reduction, economic development and peace-building.[215]

- ICTA has also established the Government Information Centre (GIC) to provide information related to citizen services provided by various government agencies. This service, which operates a website http://www.gic.gov.lk/gic/ and a call centre (short code 1919), offers its free service in all 3 languages (Sinhala, Tamil, English).[216]

However, there remain unresolved issues especially on technology standards. Due to long delays in adopting Unicode characters for the local languages, other systems had been developed by printers who continue to use them instead of Unicode compliant ones. Local language fonts also lack full versatility, e.g. in functions like optical character recognition (OCR). Sri Lanka's digital content generation and sharing needs full interoperability, compatibility and versatility of Sinhala and Tamil characters. The respective keyboards also need streamlining and standardizing.

Internet Infrastructure

Until recently, fiber optic cables have not been used widely in Sri Lanka and the majority of the fiber networks in the country

[213] http://www.wsis-award. org/winner/impaired-aid-3720100424

[214] http://www.mobogenie. com/download-bhasha-guru-1184238.html

[215] http://www.nenasala.lk/ index.php?option=com_content&view=article&id=86&Itemid=523&lang=en

[216] http://www.icta.lk/index. php?option=com_content&view=article&id=1494:government-information-center-1919&catid=131:main-projects&Itemid=234&lang=en

are being used only for the purpose of transporting backhaul traffic, i.e. wholesale level Internet bandwidth. The regulator TRCSL has entrusted Sri Lanka Telecom to strengthen the National Backbone Network (NBN), so as to cater to future needs of all ICT operators of the country.[217]

Telecom operators need to ensure that their broadband speeds do not drop or fluctuate within a wide range as more users sign up and pressures on their network increases. Such increase of backhaul capacity has not always happened, leading to consumer frustration and complaints. On its website, TRCSL offers a simple broadband speed test but user awareness is still low on broadband consumer rights.[218]

Sri Lanka receives its international Internet connectivity through two major submarine cable systems: South-East Asia–Middle East–Western Europe (SEA-ME-WE), and the Fiber-Optic Link Around the Globe (FLAG). There are three submarine cable landing stations operated by SLT and Lanka Bell. Connectivity is also obtained through two regional submarine cables, Bharat Lanka and Dhiraagu.

LIRNEasia's 2012 study of broadband in Sri Lanka highlighted the quality of service issues. As its summary noted: "A key challenge is…bringing a product of adequate quality to consumers. Budget broadband/budget telecom models mean low cost and therefore low prices. But they also mean low quality. This is indeed the case with Sri Lankan broadband. While the Sri Lankan mobile broadband performs better than Sri Lankan fixed broadband various quality of service measures, when compared with the developed world Sri Lankan consumers get less value for money on broadband. Part of the reason is bad advertising (promising broadband speeds that are possible theoretically, but not in reality). But a bigger part is the infrastructure – in particular, bottlenecks in international connectivity due to high prices."[219]

Enabling greater access

The new government has recognized the need for affordable Internet connectivity with a reliable quality standard. Two specific initiatives illustrate this commitment.

- **Free Public WiFi:** In December 2014, Maithripala Sirisena's election manifesto,

[217] Strategies for the promotion of broadband services and infrastructure: a case study on Sri Lanka. ITU and the Broadband Commission for Digital Development. 2012. http://www.broadbandcommission.org/Documents/publications/BB_MDG_SriLanka_Final.pdf

[218] http://www.trc.gov.lk/2014-05-12-13-25-54/broadband-speed-test.html

[219] Broadband in Sri Lanka: Glass Half Full or Half Empty? http://www.infodev.org/articles/broadband-sri-lanka
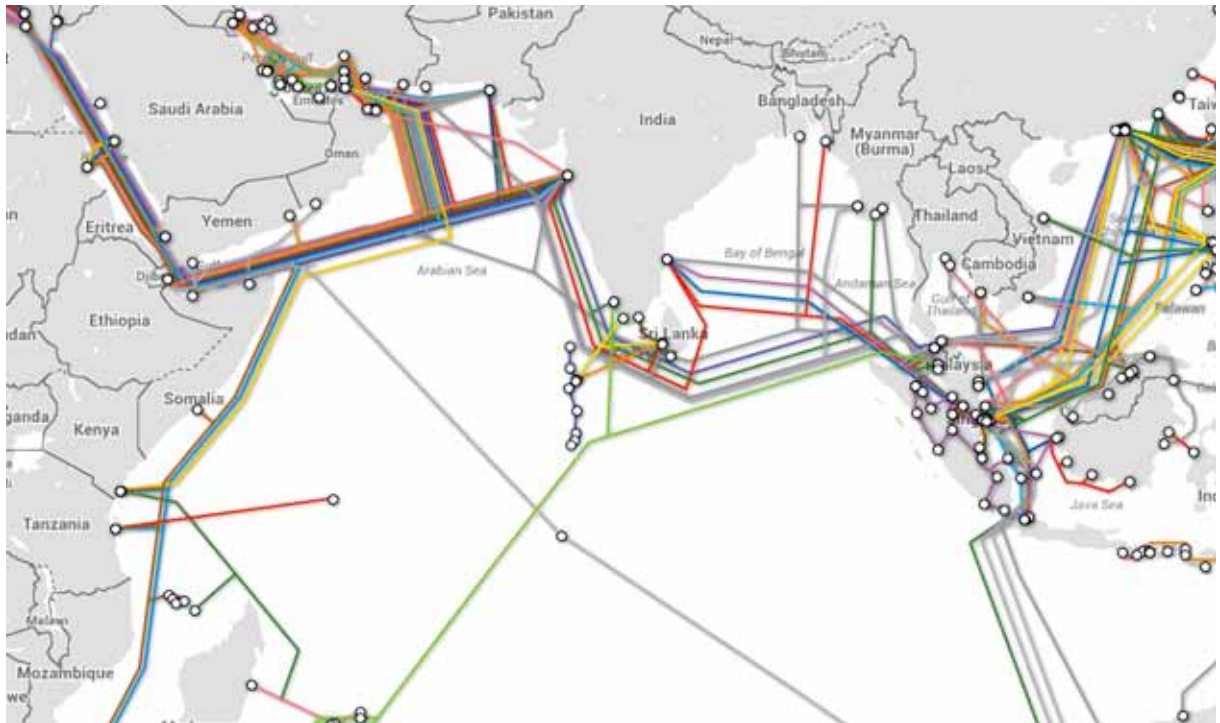
National Backbone Network (NBN)

in its section on media freedom, pledged to "adopt a media development policy for managing communication technology and social media for the good of society" (but did not elaborate). The only specific promise was to set up free public WiFi zones at key public places across the island – implementing this commenced in March 2015 with the participation of telecom operators. By mid February 2016, 206 such WiFi zones had been set up according to ICTA.[220]

- **Google Loon Partnership:** In July 2015, ICTA signed a memorandum of understanding with Google, Inc., to spread wireless Internet access throughout the island through a partnership with Google Project Loon. This involves setting up a network of 13 high-tech balloons strategically positioned some 20 km above the island. These helium-filled and solar-powered balloons will act as 'floating cell towers' that distribute 3G mobile signals wider than ground-based towers can. When commissioned in 2016, ICTA says this system could "make Sri Lanka potentially the first country in the world to have universal Internet access".[221]

[220] http://www.freewifi.lk/hubs.php

[221] http://www.lankabusinessonline.com/google-loon-project-to-cover-sri-lanka-with-3g-internet/

Submarine cables connecting Sri Lanka to global information infrastructure.
From TeleGeography Submarine Cable Map at http://www.submarinecablemap.com

Open data

'Open Data' means that certain types of data should be freely available for everyone to use and republish as they wish, without restrictions from copyright, patents or other mechanisms of control. The open data approach is especially applied to scientific data and government data. During the past few years, Sri Lanka's public sector has been slowly moving towards open data.

The Sri Lanka Open Data Initiative, started in 2013, is operated by ICTA in collaboration with other agencies. Its goal is to make "core

government development, demographic, statistical and expenditure data available in a useful digital format for researchers, policymakers, software solution developers and the general public". It proactively places online machine-readable datasets (i.e. data that is not 'locked in' and can be analysed with other software).[222]

As at February 2016, Sri Lanka Open Data Initiative shared 89 datasets from 9 public sector entities. Nearly half of these came from the Department of Census and Statistics and the Central Bank of Sri Lanka. Among the other participating agencies are the Police

---

[222] https://www.data.gov.lk

Department, Import and Export Department, Board of Investment and the Department of Motor Traffic.

While there are many strong arguments for opening up public data, there is a need to guard against potential misuses, for example on privacy of individuals. User guidelines and ethical frameworks need to evolve. Sri Lanka does not yet have these.

Recommendations

- The government, through the Ministry of Telecommunications and Digital Infrastructure, should adopt a clear and coherent ICT policy which takes full advantage of digital technologies and opportunities for promoting governance, democratic pluralism and the public interest. There is a need for better awareness at policy and regulatory level of challenges such as privacy protection and cyber security. Citizen consultations should be held with a view to developing a new policy.

- The ICT Agency should solve all outstanding issues on Sinhala scripts on a priority basis, as this bottleneck hinders the development of local language digital content. ICTA needs to ensure full interoperability, compatibility and versatility of Sinhala and Tamil characters.

- Considering the increasingly networked economy and society, the government should ensure that there is adequate international connections between Sri Lanka and the global Internet infrastructure, and that the National Backbone Network is adequate and robust. At the retail level, TRCSL should ensure that all telecom operators maintain broadband quality standards so that consumer interests are safeguarded.

- The government should extend its open data policy, already articulated in the Sri Lanka Open Data Initiative, across the entire public sector including public universities and public funded research institutes. This would lead to proactive sharing of data that has been gathered and stored using taxpayer funds, leading to a culture of data-driven public discussion and debate.

- Sri Lanka's public universities should considering setting up an 'ICT Observatory' to undertake multidisciplinary action research on ICTs' impact on society, culture, politics and the economy. Such a body can also play a leadership role in promoting cyber literacy that is currently low.

▲ **Citizen journalists cover issues of fellow citizens while....Cartoon by Gihan de Chickera, Daily Mirror 18 June 2014**

▼ **Social media enables Lankan citizens to access stories that mainstream media hesitates to cover - Cartoon by Awantha Artigala, Wijeya Newspapers**

▲ Using official
proceedings,
Manthri.lk asseses
Parliamentarians'
performance and
ranks them

Infrastructural capacity is sufficient to support Independent and pluralistic media

Collation of Recommendations

Indicator	Relevant Recommendation
5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution	1. The government should develop, through a consultative process with the broadcast industry, a clear strategy and timeline for transiting from analogue to digital broadcasting in television. Once adopted, the strategy's implementation in a fair and transparent manner should be done by the independent broadcast regulator proposed to be set up. It is important to resolve the various analogue era policy and regulatory anomalies before digital transition is completed.
	2. On multi-platform media content dissemination, the Media Ministry should make it a public obligation for the state broadcasters to maintain programme repositories online (comparable to BBC's iPlayer: https://en.wikipedia.org/wiki/BBC_iPlayer). Such archiving would be particularly useful for educational and research purposes.
	3. Sri Lanka's media organisations should develop digital media strategies that take into account the most suitable digital platforms and tools to produce content and engage multiple audiences through their delivery. Digital strategies should also include institutional policies and best practices for social media use, intellectual property rights, archiving and capacity building.
5.2 Marginalised groups have access to forms of communication they can use	4. The government should establish a Media Development Fund and/or a Media Diversity and Development Agency to actively support the development of a more diverse media industry through support for community media operations and small commercial media entities. A useful model is the Media Diversity and Development Agency of South Africa (http://www.mdda.org.za), set up by an Act of Parliament in 2002.

Indicator	Relevant Recommendation
5.2 Marginalised groups have access to forms of communication they can use	5. The ICT Agency should review its policies and strategy for rural tele-centres (*Nenasalas*), as the spread of mobile phones (especially smartphones) has completely changed the dynamics of how urban and rural Lankans access and share information. In doing so, it should evolve a more differentiated approach addressing information needs of various marginalised groups (including, but not limited to, those with disability and older people).
5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities	6. The government, through the Ministry of Telecommunications and Digital Infrastructure, should adopt a clear and coherent ICT policy which takes full advantage of digital technologies and opportunities for promoting governance, democratic pluralism and the public interest. There is a need for better awareness at policy and regulatory level of challenges such as privacy protection and cyber security. Citizen consultations should be held with a view to developing a new policy.
	7. The ICT Agency should solve all outstanding issues on Sinhala scripts on a priority basis, as this bottleneck hinders the development of local language digital content. ICTA needs to ensure full interoperability, compatibility and versatility of Sinhala and Tamil characters.
	8. Considering the increasingly networked economy and society, the government should ensure that there is adequate international connections between Sri Lanka and the global Internet infrastructure, and that the National Backbone Network is adequate and robust. At the retail level, TRCSL should ensure that all telecom operators maintain broadband quality standards so that consumer interests are safeguarded.

Indicator	Relevant Recommendation
5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities	9. The government should extend its open data policy, already articulated in the Sri Lanka Open Data Initiative, across the entire public sector including public universities and public funded research institutes. This would lead to proactive sharing of data that has been gathered and stored using taxpayer funds, leading to a culture of data-driven public discussion and debate. 10. Sri Lanka's public universities should considering setting up an 'ICT Observatory' to undertake multidisciplinary action research on ICTs' impact on society, culture, politics and the economy. Such a body can also play a leadership role in promoting cyber literacy that is currently low.

Annexes

1

Sources and Persons consulted

This study was driven by a combination of literature review, personal interviews with key stakeholders, and focus group discussions.

The literature review took into account various books, academic papers, advocacy group reports, published news media reports, media op-ed articles, blogs and other sources that are in the public domain. Sources going back to the past 20 years were consulted in some cases, but most were published during the past few years. The key sources and references are given in footnotes.

For the Rapid Assessment conducted during March – April 2015, a number of persons were informally consulted by its author Nalaka Gunawardene through face-to-face interviews, phone calls or emails that elicited information, clarifications and viewpoints. In particular, inputs from the following persons are acknowledged with much gratitude (Designations given are those valid at the time of interviews).

- Karunaratne Paranavithana, Secretary, Ministry of Media
- Dr Charitha Herath, Former Secretary, Ministry of Media and Information
- Wijayananda Jayaweera, Media consultant and media rights advocate
- Toby Mendel, Executive Director, Centre for Law and Democracy (CLD), Canada
- Dr. Pradeep N Weerasinghe, Senior Lecturer in Mass Media Studies, University of Colombo

- Ms Hana Ibrahim, South Asia Free Media Association (SAFMA) – Sri Lanka Chapter
- Ms Dilrukshi Handunnetti, Former Associate Editor, *Ceylon Today* newspaper
- Asoka Dias, Country Representative, Asian Media Information and Communication Centre (AMIC)
- K W Janaranjana, Chief Editor, *Ravaya* newspaper
- Sumith Chaaminda, Senior Analyst and Head of Politics, Verite Research
- Arun Arokianathan, Editor, *Sudar Oli* newspaper
- Sukumar Rockwood, CEO, Press Complaints Commission of Sri Lanka (PCCSL)
- Kumar Lopez, CEO, Sri Lanka Press Institute (SLPI)
- Sam de Silva, Innovation Advisor for Asia, InterNews
- Dileepa Abeysekera, advertising professional
- Ms Sandya Salgado, social marketing professional
- Ranga Kalansooriya, Regional Advisor for Asia, International Media Support (IMS)

For the full assessment, the research team of the Secretariat for Media Reforms interviewed selected media stakeholders using a structured questionnaire and later transcribed them. The following persons granted such interviews (listed in no particular order):

Name	Affiliation	Interview date
S G Punchihewa	Writer, columnist and critic	2015.05.06
Dr Rohan Samarajiva	Communications scholar; former Director General, Telecom Regulatory Commission	
Ms Sumithra Rahubaddha	Novelist; formerly of Sri Lanka Administrative Service	2015.06.08
Jayantha Fernando	Director – Legal, ICT Agency	2015.05.29
Fred Gamage	President, Web Journalists Association	2015.04.27
Gairika Perusinghe	Former chairman, ITN Sri Lanka	2015.04.28
Rosmand Senaratne	Former General Manager, Swarnavahini and former chairman, ITN Sri Lanka.	2015.06.17
Priyantha Kariyapperuma	Former Director General, Telecom Regulatory Commission; Advisor to Siyatha TV	2015.06.17
S Sri Kajan	Editor, Daily Virakesari	2015.06.14
Shan Wijetunge	Senior Manager, Advocacy & Public Relations, Transparency International Sri Lanka	2015.04.26
C V Wigneswaran	Chief Minister of Northern Provincial Council	2015.06.07
Lal Kantha	Former Member of Parliament, Janatha Vimukthi Paramuna (JVP)	2015.04.27
Indika Jayaratne	Director (News) - Sri Lanka Broadcasting Corporation (SLBC)	2015.04.28
Ms Krithika Dharmaraja	Lecturer, Journalism Unit, University of Jaffna	2015.06.06
Fr Ruban Mariyampillai	Visiting lecturer, University of Jaffna	2015.06.06
Susara Dinal	Channel Head Sirasa TV	2015.04.21
Samira Kalupe	Head of Finance and Human Resources. Lanka Broadcasting Network.	2015.04.25

K Kunarasa	News Editor, Thinakaran	2015.06.21
Kanchana Marasinghe	Producer, Sri Lanka Broadcasting Corporation	2015.04.19
Harsha Wijayawardhana	Head of Department/Consultant, University of Colombo School of Computing (UCSC)	2015.04.28
H M Jackson	Director General (Engineering) Sri Lanka Broadcasting Corporation	2015.04.21
Newton Gunaratne	Former ahairman, ITN	2015.04.29
Hema Nalin Karunaratne	Managing Director, Heritage TV	2015.04.26
Edmond Ranasinghe	Former Editor, Divaina and The Island	2015.06.21
Vijitha Yapa	Former Editor, The Island, Sunday Island and Sunday Times	2015.06.19
Mohan Samaranayake	Former chairman, Sri Lanka Rupavahini Corporation; commentator on international affairs	2015.04.28
Thilina Samarasooriya	Director - Training & Foreign Relations, Sri Lanka Broadcasting Corporation (SLBC)	2015.04.19
Somaratne Dissanayaka	Chairman, Sri Lanka Rupavahini Corporation (incumbent at the time of interview)	2015.04.19
Saman Athaudahetti	Additional Secretary (Media) to the Prime Minister of Sri Lanka	2015.04.28
B K S Ravindra	Additional Secretary, Ministry of Mass Media	2015.05.17
Charitha Herath	Former Secretary, Ministry of Mass Media	2015.05.06
Prof Dhammika Ganganath Dissanayake	Former chairman of Sri Lanka Rupavahini Corporation and ITN Sri Lanka;	2015.04.17
Nanda Muruttetuwegama	Chairman, Sri Lanka Broadcasting Corporation	2015.04.23
S M Marikkar	Former Channel Head, Sirasa FM	2015.04.22

In addition, those who participated in the five focus group discussions are named along with summaries in Annex 3.

2

Research Support Team

Valuable research and interview assistance for the Rapid Assessment was provided by Ameer Hussain who visited and consulted with several Tamil language media organisations and professionals.

For the full report, the following team provided research assistance and support in various ways, working under the overall supervision of Dr Pradeep N' Weerasinghe, Head, Department of Mass Media, Sri Palee Campus, University of Colombo.

Research Associates:
Sajitha Lakmali
Kumeshi Prabashini
Dilan Singappuli

Research Assistants:
Lakshiri Wijesinghe
Chamodi Kaluarachchi
Fathima Shamila
Dinithi Wijerathne
Nipuna Kariyawasam
Pubudu Pathirana
Indira Nawagamuwa

3

Summary of Focus Group Discussions

Focus Group Discussion with National Collective of Provincial Journalists (9 June 2015)
Participating: Kanchana Kumara Ariyadasa, President; Rohana Siriwardena, Secretary; T M Janoo Kichilan, Treasurer

- Ideally, provincial journalists should be engaged in this pursuit on a full time basis. There are a few among us who manage this by contributing news to multiple media outlets. But most cannot do so as payments for their reporting is very low.
- Media outlets for which we report have little or no obligations to us. We get paid little, and have no other benefits. We have no employment contract or salary details, so cannot even apply for a bank loan. Even when one of us dies, there is no expression of condolences from Colombo media companies.
- Many provincial journalists are known and respected in their areas. They don't need the media accreditation issued by the government to gain access to sources or events. In some cases, provincial journalists are more influential than local politicians.
- Most provincial journalists have established their trust with sources and can access news and information even without legally guaranteed right to information. But RTI would make it easier and faster.
- Some provincial journalists think that they cannot criticize government officials or politicians. This is a misconception. The challenge is to gather evidence and report

without bias or ideology. Some among us have criticised public officials or politicians even in the state media.

- Sadly, we have no control whatsoever on the news agenda of media companies for whom we report. Some media outlets want our coverage to be centred on local politicians. But we want to focus on people's problems, issues and solutions.
- We want to evolve into a Provincial Journalists Cooperative, with legal status and registration with the government's Department of Cooperatives. Such an entity can collectively support welfare and professional development of provincial journalists.
- Provincial journalists need an enabling environment in which they can carry out their journalism activities with freedom, dignity and self-respect. We are not Samurdhi beneficiaries (recipients of poverty alleviation cash transfers from government), so don't wish to be treated as such by anyone!
- We need to regular upgrading of our knowledge and skills. While occasional training workshops are useful, we would like to see a more systematic effort in capacity building.
- We are struggling to get organised. Even registering our collective has been delayed for 3 years by bureaucratic procedures. Eventually, we want to evolve to a trade union.
- We are concerned by some media outlets promoting any citizen to report their local events through videos captured using mobile phones. Having a smartphone does not make anyone a journalist. A reporter needs to have some grounding in ethics, too.
- Our long-term vision is to develop our own provincial newspapers and community radio services, so we can cover our local stories in greater depth and detail. Market viability of such media is a huge challenge. A cooperative can provide the financial foundation needed for such ventures.

Focus Group Discussion with Sri Lanka Muslim Media Forum (8 June 2015) Participating: M S Ameen Hussain, Media trainer and consultant; Javed Munawwer, Assistant Treasurer; Thaha Muzamil, Vice President

- Our media is divided along linguistic, religious and political lines. We need media reforms to overcome these divisions and evolve as an industry.
- Journalists in Sri Lanka face many difficulties in the line of their work. There are laws, regulations and procedures in government that restrict information. We are hopeful that when the Right to Information law is enacted, this situation will improve.
- Public officials have historically been trained to restrict, not share, public information. They go to great lengths to block information. We need a change of such attitudes.
- Journalists have devised ways of accessing even restricted information, but they face enormous risks in reporting such

information related to corruption, political scandals and administrative blunders, etc. Ensuring the safety of journalists and media organisations is a vital part of promoting democracy.

- Many restrictions were imposed during the civil war on freedom of expression. Now, more than six years after the war ended, why are these curbs being continued? We are no longer under Emergency Regulations. But some public sector procedures introduced during the war continue. These need to be changed.

- The 19th Amendment to the Constitution is a progressive step forward: it also recognized the right to information as a fundamental right. But we need public education on how to assert these rights in the public interest.

- Ideally, we should have an effective system of self-regulation in our media so that the state does not need to get involved. We have the Press Complaints Commission (PCCSL) since 2003, but it is not yet a fully effective system – because it is voluntary, not obligatory, to abide by its rulings. Perhaps PCCSL should be empowered to impose fines or have other punitive powers on media that does not correct proven lapses.

- Editorial freedom is under siege in Sri Lanka from state and corporate sources. There is regular interference by politicians and advertisers. We need laws to guarantee editorial freedom of journalists and editors.

- We also need a complaints mechanism and self-regulatory body for radio and television broadcasters in Sri Lanka. During 2009-2011, some discussions were held on setting up such a body, but it has not happened.

- Just as we demand and expect greater transparency in the government, we also need greater transparency in the media sector itself. For example, appointments and promotions in many media companies lack clear policies and procedures.

- We need to better engage and involve readers and audiences in how media content is determined and produced. Right now, we have mostly passive media consumers.

- Some private media companies do not pay EPF, ETF (pension benefits) to their journalists. Journalists in many private media are not allowed to join trade unions or participate in union activities.

- Our journalists need training and capacity building in knowledge, skills and ethics but this is not going to be accomplished by random short-duration workshops. We need a more systematic approach to training. Some media organisations and journalists do not see the value of training, so we need to promote the demand side too.

- No matter how hard we try to train journalists, some of them have an attitude problem (that they don't need any training). This must change.

- Media owners probably don't like their journalists' capacity being built and the standard of journalism going up – because then journalists will have to be paid better!

- We do not have media pluralism in Sri

Lanka today. We have many outlets, but they are driven by a certain, narrow agenda.

Focus Group Discussion with Sri Lanka Press Association (8 June 2015) Participating: Upul Janaka Jayasinghe, National Organiser; Narendra Rajapakse, Vice President; Pushpa Ilangatilake, Executive Committee member

- There are huge labour rights and HR issues in media companies. Many journalists are employed without a letter of appointment. There is widespread exploitation.
- All journalists should be issued with a letter of appointment, and the Code of Ethics for journalists gazetted in 1981 can be part of that letter.
- Code of Ethics is not respected or heeded by most media in Sri Lanka. The Editors' Guid has taken it forward to some extent, and got most newspapers to commit to the Right of Reply. But how many newspapers actually respect that right? Not many.
- Promotion of media freedom should be accompanied by a proper regulation of media as well as an ethically responsible media. We can learn much from India on this.
- We have concerns whether Press Complaints Commission is sufficiently empowered to act when a media outlet violates ethics and defames individuals or entities. In our view, the PCCSL itself needs to be monitored and regulated.
- We need an independent media commission. There should be no state or government representatives or nominees in that commission. All commissioners should be competent and respected individuals, and they should serve a single, fixed term (2 years).
- There needs to be a minimum qualification to enter journalism. Such national media qualification should be quality assessed and certified. It should become mandatory for all those who wish to work in the media from 2015 onwards.
- Every media company should be required to adopt its own code of ethics, which should be disclosed to the public. Media consumers can then assess their conduct against it.
- Every media company should also have their own Ombudsman who can look into staff grievances and reader complaints, and resolve as many of these as possible at that level.
- Salaries of journalists and other media workers should be linked to educational qualifications and training certification. Salary increments should take into account the acquisition of new skills and competencies.
- Media companies should ideally standardize their salary scales. This would prevent some companies 'poaching' journalists from another company by paying a few thousand rupees more.
- Media freedom is most restricted by media owners. So the media reform process needs to become a movement that involves everyone – media employees, managers, owners, regulators and media consuming public.

- Journalists and other media workers in Sri Lanka are not properly organised or united when compared to other sectors like banking. We need a strong alliance that can network and unify 15 media associations.
- The journalist in Sri Lanka lacks dignity and self-respect. Most don't take pride in their profession. This needs to be changed slowly by raising professional standards of media.
- State advertisements are given only to selected media companies, which creates market anomalies. There is, in fact, a Cabinet memorandum that says state sector advertisements should only be given to state media. This needs to be revisited and clarified.

Focus Group Discussion with Sri Lanka Working Journalists Association (4 June 2015)
Participating: Lasantha Ruhunage, President; Kanchana Marasinghe

- Airwaves are a public property, so everyone who uses spectrum needs to be accountable to the public. Broadcasters cannot do whatever they please with their licenses.
- Broadcast regulation does not mean regulating their editorial content. It is the use of spectrum and overall balance and ethical conduct that needs regulation.
- Telecom Regulatory Commission (TRC) has not managed the frequency spectrum well. We need an independent broadcast commission to cover licensing, spectrum management and overall regulation of the broadcast industry. We need to streamline the status quo before moving into digital broadcasting.
- There is a code of ethics – the Code of Professional Practice – adopted by the Editors' Guild of Sri Lanka. But we wonder how many of the editors, even those who were involved in adopting this Code, actually practise it in their own daily media work?
- We have media associations and societies, but need to evolve into a media sector trade union. We highlighted this as a key point in the "Charter for a Democratic and Pluralist Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka" that we drafted in 2005 and is known as the Tholangamuwa Declaration.
- We need to ensure that journalists and other media workers are free to form trade unions in their work places and/or join existing trade unions without fearing repercussions from their employers or loss of jobs.
- We realize that many media owners today acknowledge the need for media reforms. We need their support and participation for media reforms to succeed.
- We have to move beyond placard-carrying, slogan-shouting kind of trade union activism to one that is based on negotiations with all stakeholders including media owners. Sri Lanka Press Institute is the platform we have for this.
- We need letters of appointment for all journalists and other media workers, but

that is not enough. The power equation between owner and individual employee is not a balanced one. Thus we need to develop collective agreements with media owners. This practice is commonplace in other industries, so why not in the media?

- Much of what happens inside our media companies is done informally through connections and favours. Some journalists are happy with this and don't see the need to organize as a trade union. But we need such evolution to professionalize the sector.

- The state-owned Press Council of Sri Lanka should be abolished, and the Press Council Act should also be repealed or replaced. But we recognise the need for a complaints mechanism for media, so we have to strengthen the Press Complaints Commission.

- We don't yet have laws guaranteeing the protection of media's sources. But courts in Sri Lanka have recognized that journalists need not disclose their sources. Our entire media industry is based on trust and confidentiality we can offer sources disclosing information in the public interest.

Focus Group Discussion at the Jaffna Press Club (2 May 2015)
Participating: Dharmapalan Vinojit, Vigneshwaran Kajeevan, Rathnam Dayabaran and Sriramachandran Mayudaran

- In a multicultural society like ours, the media can either promote ethnic harmony or divide people. National reconciliation is still not a priority for all our media. This is because most media have no clear policy on reconciliation.

- Compared to the situation in other areas of Sri Lanka, media freedom of media practitioners in the Northern Province is still lagging behind and problematic.

- Even after the change of government in January 2015, Northern journalists continue to experience threats and arrests due to their professional work. We are not free to report or comment on the ground realities of Jaffna and the Northern Province in our media.

- There are political and societal factors inhibiting free and open reporting in the Northern Province. This does not serve our media consuming public or the media industry.

- We are not seeking freedom to do whatever we please. All we ask is that we be allowed to report based on journalistic principles and ethics. Is that too much to ask for?

- We have pressures from outside as well as from within the media industry. Sometimes we as reporters are not allowed to cover all aspects of a given incident or

issue. We have to risk our jobs and even life and limb to give the full story to our public.

- In spite of these limitations, we are committed to upholding the public interest as much as we can. We have built up resilience during the war years and are not easily deterred.
- We try not only to highlight problems that the Northern people face, but also look for solutions. We cannot solve many problems but advocate certain measures that need to be taken by government, business or civil society.
- We feel isolated from the rest of media community in Sri Lanka. We have tried very hard to engage, but the (southern) media community does not seem to reciprocate.
- Looking at the Lankan media as a whole, there still is considerable stereotyping of ethnic and religious minorities. During the war, some newspapers equated all Tamils as Tigers. While this no longer happens, old prejudices are lingering among some journalists and editors. Our society and media community are both polarized along ethnic lines.
- There is a need for more robust and better organised regional or provincial level media in Sri Lanka. Why should the media industry remain so concentrated around Colombo?
- Against many odds, we are working hard to sustain several local level newspapers in Jaffna. We try to cover local news, but our analysis and commentary is not narrowly focused on our areas. We try to adopt a national perspective where needed.

- There is something like a 'class divide' between the national level media and the provincial or local level media in Sri Lanka. The former gets all the recognition and easier access, but the latter has to struggle to even get noticed! In a healthy media ecosystem, we should have room for both these kinds to co-exist and thrive.
- We recognise that there are gaps in the professionalism of provincial journalists. We are keen to improve our professionalism for which we need all the help we can get.
- Media demands accountability from everyone else in society, but we in the media must also be accountable to the public. For this we need media regulation. Readers and audiences need to have mechanisms through which they can comment or complain about specific media content or any violations of media ethics.

4

Statement on Freedom of Expression and Media Freedom
For the attention of political parties contesting in General Election 2015

Issued on 21 July 2015 in Colombo by:
Secretariat for Media Reforms
Sri Lanka Press Institute (SLPI)
Free Media Movement (FMM)
Sri Lanka Working Journalists' Association (SLWJA)
Sri Lanka Press Association
Jaffna Press Club
Sri Lanka Muslim Media Forum
National Alliance of Provincial Journalists
National Alliance of Community Broadcasters
Young Journalists Association

Since the Presidential Election on 8 January 2015, some progress has been made with regards to freedom of expression (FOE) and media freedom in Sri Lanka. These include: steps being taken to end threats against and pressure on media organisations and journalists; the unblocking of political websites that were arbitrarily blocked; the 19th Amendment to the Constitution recognizing the right of access to information as a fundamental right; and the government extending an open invitation to exiled journalists to return to Sri Lanka.

▲ **Media advocacy groups presenting priority recommendations for media reforms ahead of General Election 2015**

But much more remains to be done to improve FOE and media freedom situation in Sri Lanka, and to ensure a more conducive environment for the media. Such policy, legal and structural reforms would require the political will of all political parties in the next Parliament of Sri Lanka.

In view of this, we urge the political parties contesting in the General Election to be held on 17 August 2015 to give a firm commitment to the following specific measures for meaningful media freedom and reforms.

These are not listed in any order of priority.

1. **Right to Information:** A right to information law, which gives individuals the right to access information held by public authorities, should be adopted. The new Parliament should pass, on a priority basis, the Right to Information Bill that was finalised in May 2015 with inputs from media stakeholders.

2. **Media Self-Regulation:** The Press Council Act No. 5 of 1973 should be repealed, and the government-controlled Press Council should be abolished. The self-regulatory body established in 2003 by the media industry, known as the Press Complaints Commission of Sri Lanka (PCCSL), should be strengthened and ideally its scope should be expanded to cover the broadcast media as well.

3. **Law Review and Revision:** Civil and criminal laws that pose various restrictions on media freedom should be reviewed and revised to bring them into line with international standards regarding freedom of expression. Such laws include the Prevention of Terrorism Act, the Official Secrets Act, sedition laws, and the rules on contempt of court and Parliamentary privileges.

4. **Crimes Against Journalists:** An independent Commission of Inquiry should be created with a mandate and adequate powers to investigate past killings of, threats to, disappearances of and other attacks on journalists, media workers and media outlets, with a view to ensuring that those responsible are prosecuted and that appropriate compensation is paid to the victims and their families.

5. **Broadcast Regulation:** Comprehensive legislation on broadcasting should be adopted in line with international guarantees of freedom of expression. This should provide for, among other things, proper planning in relation to the frequencies allocated to broadcasting, including through the digital transition, a three-tier system of broadcasting which recognises public, commercial and community broadcasters, and obligations on broadcasters to be balanced and impartial in their coverage of politics and other matters of public concern. An independent Broadcasting Authority should be set up to regulate the entire broadcasting sector in the public interest. This regulator should ensure a fair, pluralistic and efficient broadcasting system.

6. **Community Broadcasting:** The broadcasting regulation to be introduced should support the development of community broadcasting services owned and operated by communities through clear definitions of what constitutes a community broadcaster, a tailored licensing process, and lower fees for frequency allocation and other concessions.

7. **Restructuring State Media:** The three State broadcasters – the Sri Lanka Rupavahini Corporation (SLRC), the Sri Lanka Broadcasting Corporation (SLBC) and the Independent Television Network (ITN) – should be transformed into independent public service broadcasters which enjoy editorial independence, have

◢ **Seetha Ranjani, Convenor of Free Media Movement, speaks at press conference on media reforms, 21 July 2015**

a clear mandate to serve the public and benefit from public funding which does not compromise their independence. Measures should also be taken to ensure that Associated Newspapers of Ceylon Limited (ANCL or Lake House) can operate independently of government and enjoy editorial freedom. A public consultation should determine the most appropriate way forward.

8. **Preventing Censorship:** No prior censorship should be imposed on the media. Where necessary, courts can review media content for legality after publication on an urgent basis. Laws and regulations that permit censorship – including the Public Performance Ordinance – should be reviewed and amended to bring them into line with international standards.

9. **No Blocking Political Websites:** There should be no attempts to limit online content or social media activities contravening fundamental freedoms guaranteed by the Constitution and international conventions. Restrictions on illegal content may be imposed only through an independent judicial process which ensures that fundamental rights to access information and freedom of expression are not hindered.

10. **Privacy and Surveillance:** The state should respect and protect the privacy of all citizens. There should be strict limits to the state surveillance of private individuals' and entities' telephone conversations and electronic communications. In exceptional situations, such surveillance should only be permitted with judicial oversight and according to a clear set of guidelines.

Contacts:
Dr Pradeep N Weerasinghe and Ms Kumari Welagedera
Secretariat for Media Reforms
Email: pnweera@yahoo.com
Web: www.sardglobal.org

5

Radio and Television Channels in Sri Lanka

(Source: Lanka Market Research Bureau, 2015)

Channel name	Language	Channel name	Language	Channel name	Language
E FM	English	Isira FM	Sinhala	Y FM	Sinhala
Fox FM	English	Lak FM	Sinhala	You FM	Sinhala
Gold FM	English	Lakhanda	Sinhala	Shakthi FM	Tamil
Kiss FM	English	Neth FM	Sinhala	Sooriyan FM	Tamil
Legends 96.6	English	Ran FM	Sinhala	Tamil FM	Tamil
Lite 87	English	Rangiri Dambulu	Sinhala	Thendral	Tamil
Radio SL	English	Rhythm FM	Sinhala	Therai FM	Tamil
Real FM	English	Seth FM	Sinhala	Thesiya / Varthaka	Tamil
Red FM	English	Shaa FM	Sinhala	Varnam FM	Tamil
Sun FM	English	Shree FM	Sinhala	Vasantham	Tamil
TNL Radio	English	Sinha FM	Sinhala	YAL FM	Tamil
Yes FM	English	Sirasa FM	Sinhala		
Buddhist	Sinhala	Sith FM	Sinhala	**SLBC's Regional Radio Services**	**Language**
City FM	Sinhala	Siyatha FM	Sinhala	Kandurata	Sinhala
FM Derana	Sinhala	SLBC Commercial	Sinhala	Rajarata	Sinhala
Hiru FM	Sinhala	SLBC National	Sinhala	Ruhuna	Sinhala
		V FM	Sinhala	Uva	Sinhala
		Vidula	Sinhala	Wayamba	Sinhala
		VIP	Sinhala		

Television channels	Broadcast method	Language	Television channels	Broadcast method	Language
ART TV	Terrestrial	English	Rangiri Sri Lanka	Terrestrial	Sinhala
CCTV International	Terrestrial	English	Rupavahini	Terrestrial	Sinhala
Channel Eye	Terrestrial	English / Tamil	Shakthi TV	Terrestrial	Tamil
CSN / Carlton	Terrestrial	English / Sinhala	Sirasa TV	Terrestrial	Sinhala
ETV	Terrestrial	English	Siyatha TV	Terrestrial	Sinhala
Hiru TV	Terrestrial	Sinhala	Swarnavahini	Terrestrial	Sinhala
ITN	Terrestrial	English / Sinhala	The Buddhist	Terrestrial	Sinhala
MTV Sports (renamed in 2016 as TV 1)	Terrestrial	English	TNL	Terrestrial	Sinhala
			TV Derana	Terrestrial	Sinhala
Nethra	Terrestrial	Sinhala	Varnam TV	Terrestrial	Tamil
NTV	Terrestrial	English	Vasantham TV	Terrestrial	Tamil
			YOU TV	Terrestrial	English

6

Radio and Television Channels in Sri Lanka

Registered Institutions for Radio or TV Licences in Sri Lanka

This table is adapted from Ministry of Media website, with a few annotations added. However, data accuracy is not independently verified. Accessed on 31 January 2016 from:

http://www.media.gov.lk/images/pdf_word/licensed-institutions-tv-radio.pdf

It is not clear from this table which of the licensees have not yet commenced or sustained broadcast operations.

	Licensee	Type of Licence	Issue date	Remarks
1	Sri Lanka Broadcasting Corporation (fully state-owned)	Radio Authorised by Act of Parliament	Legacy broadcaster	Sri Lanka Broadcasting Corporation Act No 37 of 1966
2	Sri Lanka Rupavahini Corporation (fully state-owned)	Terrestrial TV Authorised by Act of Parliament	Legacy broadcaster	Sri Lanka Rupavahini Corporation Act No 6 of 1982
3	Independent Television Network ITN Sri Lanka (State-owned enterprise)	Terrestrial TV	Legacy broadcaster	Company wholly owned by the government of Sri Lanka
4	Colombo Communication (Pvt) Ltd., later transferred to EAP Network (Pvt) Ltd	Radio Terrestrial TV	01.04.1992 28.07.1993	
5	Maharaja Organization (Pvt) Ltd	Radio Terrestrial TV	12.05.1992	
6	Teleshan Network (Pvt) Ltd	Radio Terrestrial TV	08.10.1992	
7	IWS Holding (Pvt) Ltd	Terrestrial TV Direct-to-Home (DTH)	11.01.1995 31.10.1997	
8	Asia Broadcasting Corporation (Pvt) Ltd	Radio Terrestrial TV	17.11.1995 16.05.2008	Licence is reissued on 21.02.2008
9	Television and Radio Network	Terrestrial TV Radio Cable TV	30.05.1996	

Licensee	Type of Licence	Issue date	Remarks
10 Grant Communication (Pvt) Ltd	Cable TV	15.07.1996	
11 The Southern Development Authority (Pvt) Ltd	Cable TV Pay TV	24.10.1996	
12 Dynavision (Pvt) Ltd	Direct-to-Home (DTH) Terrestrial TV	31.10.1997	
13 Ru Ras Lanka (Pvt) Ltd	Radio	01.01.2004	
14 Asset Radio Broadcasting (Pvt) Ltd Changed name from 18.06.2007 to Dialog Television Pvt Ltd	Radio TV (Satellite) Cable	09.02.2004	
15 Power House (Pvt) Ltd	Radio Terrestrial TV	29.02.2004 19.10.2005	
16 MGM Networks (Pvt) Ltd Changed name to MGMR Network Pvt Ltd from 10.11.2006)	Radio Terrestrial TV	14.09.2005	
17 Lanka Television Network (Pvt) Ltd Changed name to Dumee International (Pvt) Ltd	Radio Terrestrial TV	18.01.2006	
18 Voice of Asia Network (Pvt) Ltd	Radio Terrestrial TV Cable TV Satellite TV	16.02.2006 14.05.2004	
19 People's Media Network (Pvt) Ltd	Radio Terrestrial TV	31.05.2006	
20 Rangiri Sri Lanka Media Network (Pvt) Ltd	Radio Terrestrial TV	09.10.2006 16.08.2011	
21 Sky TV and Radio Network (Pvt) Ltd	Satellite TV / Cable Tv (Amended date)	12.12.2006 (23.02.2007)	
22 Lanka Broad Band Network (Pvt) Ltd	Cable TV	29.03.2007	
23 Sri Lanka Telecom (Pvt) Ltd	Internet Protocol Television (IPTV)	09.04.2007	

	Licensee	Type of Licence	Issue date	Remarks
24	Lak Viru TV and Radio Network (Pvt) Ltd	Radio	12.04.2007	
25	Lak View Broadcasting (Pvt) Ltd	Radio Terrestrial TV	25.05.2007	
26	The Buddhist Broadcasting Service	Satellite TV	22.06.2007	
27	Sat Net (Pvt) Ltd	Radio Terrestrial TV	19.07.2007	
28	Friend Media (Pvt) Ltd	Regional Radio	16.10.2007	
29	Tharunyata Hetak Media Network (Pvt) Ltd	Radio (Canceling date)	25.02.2008 (23.05.2008)	Cancelled
30	LTTE Peace Secretariat	Radio	11.11.2002	Cancelled on 07.01.2009
31	Tea Small Holding Development	Radio	08.12.2000	Cancelled
32	Yellow Win Media (Pvt) Ltd	Radio Terrestrial TV	18.03.2008	
33	Future Sat Com Holding (Pvt) Ltd	Terrestrial TV	13.05.2008	
34	VIS Broadcasting Network Pvt Ltd	Radio Terrestrial TV	16.05.2008	
35	Mobitel (Pvt) Ltd	Mobile TV	24.06.2008	
36	Sri Global Television Company	Radio Terrestrial TV	27.11.2008	
37	City Cable Links (Pvt) Ltd	Cable TV	19.01.2009	To be operated in Colombo Municipal Council area
38	Ask Media (Pvt) Ltd	Terrestrial TV	22.06.2010	
39	Carlton Sports Network (Pvt) Ltd	Terrestrial TV	03.03.2011	
40	Ritz Asia (Pvt) Ltd	Terrestrial TV	03.03.2011	
41	Lanka Cable and Satellite Network	Cable TV	24.02.2011	

7

Highlights of the Public Perceptions Survey 2015

The sample of the study consisted of randomly selected 800 respondents, representing Sinhalese and Tamils. The survey was conducted between July and October 2015, in all the provinces of Sri Lanka. A structured questionnaire was developed in both languages to collect data for the survey (i.e. Sinhala and Tamil). Telephone interviews and field surveys were administered to collect data. The survey team comprised students and lecturers of mass media at Colombo University's Sri Palee Campus.

Preferred language

Survey respondents were asked about their preferred language of the media messages.

Table 1:
Preferred language of the media messages

Language	No. of respondents	%
Sinhala	514	64.3
Tamil	223	27.9
English	63	7.8
Total	800	100

Asked if language was a barrier for accessing media messages, 73% said no and 27% answered yes. This suggests that a majority of respondents find media messages delivered in their preferred languages.

Credibility of media messages

When asked how they ranked the level of credibility of media content they consumed, a majority of respondents opted for the 'neutral' answer. Table 2 summarises these answers.

Table 2: Credibility of media messages

Credibility ranking	No of respondents	%
Highly credible	32	4.0
Fairly credible	344	43.3
Neutral	392	48.9
Not very credible	12	1.4
Totally not credible	20	2.4
Total	800	100

The most trusted types of media

Most respondents said they trusted television the most (56%), followed by newspapers (20%) and the Internet (21%). There is a trend among the young generation to turn to the Internet as a source of news and information. Notably, radio's trust levels are very low among this sample.

Table 3: The most trusted medium

Most trusted media type	No of respondents	%
Internet	169	21.1
TV	448	56.0
Radio	16	1.9
Newspaper	160	20.1
Gossip	7	0.9
Total	800	100

In addition, Table 4 reveals that the most influence medium is television (52%), followed by the Internet (24%). Importantly, the Internet is already more influential than newspapers or radio.

Table 4: The most influencing media

Most persuasive media	No. of respondents	%
Gossip	33	4.1
Internet	195	24.4
TV	412	51.5
Newspaper	133	16.6
Radio	27	3.4
Total	800	100.0

Freedom to express ideas through media

Respondents were asked whether they have an opportunity to express their ideas freely through mass media. A clear majority felt there was no such freedom.

Table 5: Freedom to express ideas through media

Freedom to express ideas	No of respondents	%
Yes	231	28.8
No	569	71.2
Total	800	100.0

Usage of foreign media for information

Despite there being a multitude of national and local media outlets, a sizeable number of the sample also uses foreign media.

Table 6: Usage of foreign media for information

Usage of foreign media	No. of respondents	%
Yes	341	42.6
No	459	57.4
Total	800	100.0

Furthermore, more than two thirds of respondents have trust on the foreign information sources.

Table 7: Trust on foreign sources

Trust on foreign sources	No. of respondents	%
Yes	540	67.5
No	260	32.5
Total	800	100.0

Sources of everyday information

Table 8a and table 8b show how state and private media sources are used as sources for everyday information. In terms of the state media, television (63%) plays is the most significant source for everyday information, followed by print media (61%) and radio channels (40%).

Table 8a: State sector sources

Sources of everyday information	Print media No. of respondents	%	Radio channel No. of respondents	%	TV channel No. of respondents	%
Yes	484	60.5	322	40.3	503	62.9
No	316	39.5	478	59.7	297	37.1
Total	800	100.0	800	100.0	800	100.0

The same view is shown even in the private media sources (Table 8b) - respondents highly depend on television (68%), than the other information sources i.e. print media 56% and radio (45%) for their everyday information.

Table 8b: Private sector sources

Sources of everyday information	Print media No. of respondents	%	Radio channel No. of respondents	%	TV channel No. of respondents	%
Yes	444	55.5	358	44.7	545	68.1
No	356	44.5	442	55.3	255	31.9
Total	800	100.0	800	100.0	800	100.0

Table 8c shows that social media is used for everyday information by close to a third of the sample.

Table 8d shows that mobile phone and SMS are used significantly for everyday information by 44.1% of respondents.

Table 8c: Social media source

Use social media source	No. of respondents	%
Yes	250	31.3
No	550	68.7
Total	800	100.0

Table 8d: Mobile Phones and SMS news alert

Use mobile phones and SMS news alert	No. of respondents	%
Yes	354	44.2
No	446	55.8
Total	800	100.0

Public meetings have ceased to be sources of everyday information for most people.

Table 8e: Public Meetings for everyday information

Public Meetings for everyday information	No. of respondents	%
Yes	84	10.5
No	716	89.5
Total	800	100.0

Media literacy: Awareness of media ownership

Table 9 shows the media ownership awareness of the respondents. Accordingly, most respondents are aware that media is owned by the state and private sectors (73%).

Table 9: Media Ownership

Media Ownership	No. of respondents	%
State only	90	11.2
Private sector only	16	2.0
State and private sector	586	73.3
Public	108	13.5
Total	800	100.0

Trust in TV and Radio news
Respondents were further asked if they trusted news on television and radio news. Results show that 37% of the respondents have no trust on television and radio news while 39% of are neutral. Only 24% said they trusted radio or television news.

Table 10: Trust on TV and Radio news

Trust on TV and Radio news	No. of respondents	%
Yes	192	24.0
No	295	36.9
Neutral	313	39.1
Total	800	100.0

In addition, it was examined whether respondents are satisfied with the television and radio news. Table 11 shows that only 22% of the respondents are satisfied with the news on television and radio, while majority of the respondents are not satisfied (41%).

Table 11: Satisfaction of TV and Radio program

Satisfaction of TV and Radio program	No. of respondents	%
Yes	178	22.3
No	331	41.4
Neutral	291	36.3
Total	800	100.0

Influences on the News

Influences on the content of news were examined in two perspectives: influence of the government and of private sector ownership. Table 12a areveals the influence of the government on the content of the state owned media news. Accordingly, it shows that 61% of the respondents have an attitude that government influences the content of the news of the state owned media.

Table 12a: Government influences on content of state owned media news

Government influences on content of news	No. of respondents	%
Strongly agree	180	22.5
Agree	307	38.4
Strongly Disagree	182	22.8
Disagree	51	6.4
No Idea	80	9.9
Total	800	100.0

Table 12b shows the attitudes of the respondents on the content of the news of private owned media: only 46% of respondents believe that private media owners have an influence on the content of the news.

Table 12b: Private Sector owner influences on the content of news

Private Sector owner influences on the content of news	No. of respondents	%
Strongly agree	88	11.0
Agree	283	35.4
Strongly Disagree	234	29.2
Disagree	133	16.6
No Idea	62	7.8
Total	800	100.0

Opportunity for complaining on media content

There are no sufficient opportunities for making complaints against any misleading or offensive media content: only 33% of respondents agreed that there are opportunities for complaining against media content.

Table 13: Opportunity for complaints

Opportunities are available for complaints against media outlets	No. of respondents	%
Strongly agree	54	6.7
Agree	207	25.9
Strongly Disagree	233	29.1
Disagree	220	27.5
No Idea	86	10.8
Total	800	100.0

Rebuilding Public Trust

An Assessment of the Media Industry and Profession in Sri Lanka

This report, produced by a participatory research process that took over a year, provides a comprehensive assessment of the environment for media sector's development in Sri Lanka. It is based on UNESCO's Media Development Indicator (MDI) framework, which looks at the different factors which should contribute to media development, including the legal framework, economic conditions, human resource development, the technological environment and safety, as well as the actual state of media development in the country.

"This Assessment comes at a very timely point for Sri Lanka, given that the country now appears to be embarking on a programme of reform and renewal in the media sector, as evidenced by the recent constitutional amendments to provide for a constitutional guarantee for the right to information. It represents an invaluable tool to help those engaged in media reform to identify priorities and key directions."

**- Toby Mendel, Executive Director,
Centre for Law and Democracy (Canada)**

Key topics:
Mass Media, Journalism, Media Regulation, Media Policy
Freedom of Expression, Media Freedom, Media Development
Journalism Education, ICTs, New Media

9 789553 958006