

Sri Lankan government moves to criminalise “hate speech”

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The Sri Lankan government last month presented anti-democratic legislation to the parliament aimed at punishing anyone deemed to be guilty of “hate speech” or advocating class struggle with a two-year jail term.

Entitled the Code of Criminal Procedure (Amendment) Bill, it declared: “Whoever, by the use of words spoken, written or intended to be read, or by signs, or by visible representation, or otherwise, intends to cause or attempts to cause or instigates or attempts to instigate, acts of violence or religious, racial or communal disharmony, or feelings of ill-will or hostility, between communities or different classes of persons or different racial or religious groups, shall be punished with imprisonment of either description for a term which may extend to two years.”

Presenting the amendment, the government claimed that its measures were aimed at stopping hate speech. This is a sham. The legislation constitutes a far-reaching attack on basic democratic rights, allowing the state not only to define any criticism of communal ideologies and campaigns as hate speech but also to criminalise working-class activities and organisations, particularly those advocating class struggle. The phrase “different classes” in the bill makes clear that the measures will target the working class, particularly any person or party fighting for a revolutionary socialist perspective.

After the Sri Lanka Human Rights Commission pointed out on December 17 that the amendment was modelled on the country’s notorious Prevention of Terrorism Act (PTA), the government made a tactical retreat and postponed parliamentary debate on the bill. The PTA, which was introduced by the right-wing United National Party (UNP) government in 1979, was used to repress the Tamil minority as well as political parties and the working class.

However, Deputy Minister of Parliamentary Reforms and Mass Media Karunaratne Paranawithana made clear that the postponement was only temporary. “We have not given up and will bring the law with amendments,” he told the media. Inclusion of PTA regulations in the amendment, he claimed, was simply “a technical fault.”

The government is cynically manipulating widespread public anger and opposition against political provocations organised by various Sinhala chauvinist groups as a pretext to introduce its anti-democratic laws.

“The government has observed a surge of communally harmful sentiments in the recent past,” Paranawithana said. “Such laws were in existence in other countries and Sri Lanka also needed a regulation of that nature as a reconciliatory measure.”

While not naming the communalist groups, Paranawithana was referring to Sinhala Buddhist extremist organisations such as Bodu Bala Sena (Buddhist Brigade or BBS), Sihala Ravaya (Sinhala Voice) and Ravana Balakaya (Ravana Brigade).

In June 2014, the BBS instigated political violence in the southern city of Aluthgama where four Muslims were killed and dozens injured by Sinhala-Buddhist mobs. These organisations repeatedly make provocative communal speeches, encouraging attacks on Muslims and Christians, and their places of worship, and accusing them of destroying the “Sinhala Buddhist heritage.”

While these groups were encouraged under the previous government of President Mahinda Rajapakse, anti-Tamil racism and other forms of communalism have been systematically employed by the Sri Lankan ruling elite and its various governments since independence to divide the working class along racial

and religious lines. The entire state apparatus especially the security forces are thoroughly mired in Sinhala chauvinism.

The government's concerns about "hate speech," like its rhetoric about "democracy," "good governance" and "reconciliation" is thoroughly hypocritical. Both President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe backed the three-decade communal war against the separatist Liberation Tigers of Tamil Eelam and the associated crimes against the working class and poor, as well as the systematic discrimination against Tamils embodied in the country's constitution.

The latest anti-democratic measures in Sri Lanka are part of an international phenomenon. Paranaw ithana referred to "other countries" to justify the government's plans. In Britain for instance a Counter-Extremism Bill has been proposed that will severely curtail freedom of speech, as assembly and movement and ban organisations seeking to "undermine democracy or use hate speech."

In Sri Lanka, the Tamil National Alliance (TNA) along with several non-government organisations (NGOs) and the trade unions, have filed fundamental rights petitions to the Supreme Court opposing the government's "hate-speech" amendment. This opposition, however, simply advises the government to use the existing anti-democratic laws.

Civil society activists and 10 NGOs, for example, issued a statement opposing "the need for new legislation criminalising 'hate speech,'" and pointed out "that there are several legal provisions that already do so." The violence of these groups (referring to Sinhala extremists) was "not a result of lack of legislation to prosecute perpetrators," but a failure to properly use the laws.

The pseudo-left Nava Sama Samaja Party (NSSP) has played a key role in demanding the government ban "hate speech" and strengthen the state apparatus.

A few days after the anti-Muslim mob attacks in Aluthgama in June 2014, NSSP leader Wickremabahu Karunaratne urged the then Rajapakse government to take immediate action to implement even more draconian measures. "How can a speech be banned once the speech is being made? In order to ban, they [the government] have to take a pre-emptive action," he told the *Sunday Leader*.

"They should not allow people, those who incite violence, to speak again. Gnanasara Thero [the Buddhist monk who heads BBS] made a very violent speech at Aluthgama that resulted in atrocities. Even if the government says that they will ban such speeches, I doubt very much they will put anything into practice."

Karunaratne is a leading supporter of the current right-wing government and last January was appointed to its National Executive Council—a top-level, multi-party advisory body.

The principal target of the planned "hate-speech" legislation is the working class and the poor. The Sri Lankan government and the capitalist ruling elite, which confronts mounting debts, a developing global recession and a balance of payment crisis, has turned to the International Monetary Fund (IMF) for a stand-by loan.

The IMF has already demanded spending cuts and wholesale restructuring of the economy. Recently proposed budget cuts include the ending of the state-paid pension system and privatisation of state-owned enterprises. Well aware that major clashes lie ahead, the government is strengthening the state and arming itself with a battery of reactionary laws to use against the working class as it comes forward to defend its jobs, living standards and basic rights.



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