



2019 CIVIL SOCIETY ORGANIZATION SUSTAINABILITY INDEX

Asia Region: Sri Lanka Country Report
August 2020

Cover Photo: The Fourth Regional Disability Rights Dialogue, which was held in Yangon, Myanmar in January 2019, focused on opportunities to integrate disability rights into national policies to implement the Association of Southeast Asian Nations' (ASEAN's) Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities. The dialogue was co-hosted by the International Foundation for Electoral Systems (IFES), the General Election Network for Disability Access (AGENDA), and the Union Election Commission of Myanmar (UEC) and was supported by USAID, the Australian Department of Foreign Affairs and Trade (DFAT), the United Kingdom's Department for International Development (DFID), and the U.S. State Department's Bureau of Democracy, Human Rights, and Labor (DRL).

Photo Credit: International Foundation for Electoral Systems (IFES)

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For Sri Lanka

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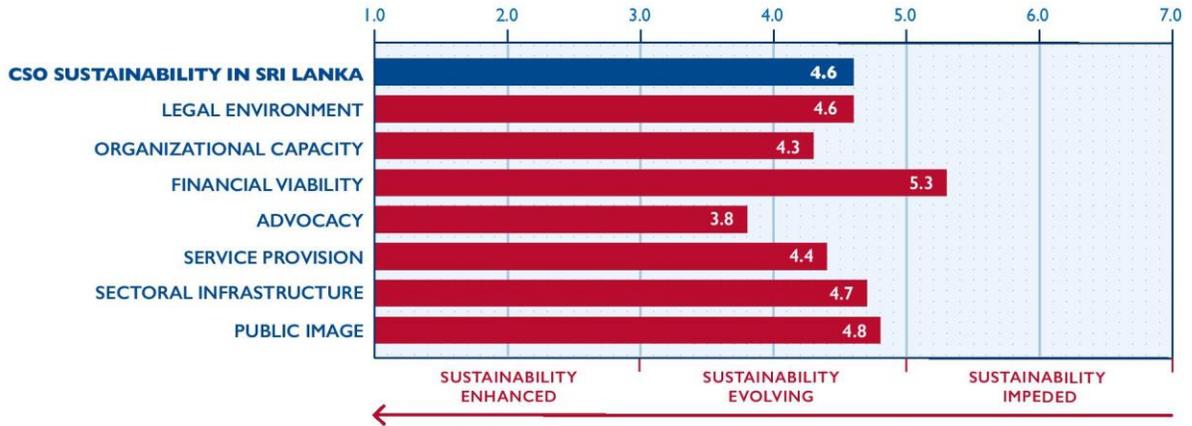
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OVERALL CSO SUSTAINABILITY: 4.6



A series of coordinated suicide bombings hit three luxury hotels in Colombo and three Christian churches in Colombo, Negombo, and Batticaloa on Easter Sunday, April 21, 2019, killing more than 250 people and injuring hundreds more. The Islamic State of Iraq and Syria initially claimed responsibility for the attacks via the news outlet Amaq. Following a parliamentary investigation, however, it was determined that the National Thowheeth Jamaath, an Islamist militant group, was responsible. On April 22, President Maithripala Sirisena declared a state of emergency under the Public Security Ordinance that gave the police and military wide powers of detention, search, and entry. Parliament renewed these emergency regulations monthly for a period of four months before discontinuing them on August 22, 2019. However, President Sirisena issued an order through a gazette on August 22 to ensure that the military remained deployed across the country to assist the police in maintaining law and order.

CSOs responded to community needs immediately following the Easter Sunday attacks. For example, the Family Planning Association (FPA) deployed a team of counsellors to carry out general health assessments and screenings to assess trauma and post-traumatic symptoms of the communities affected by the terror attacks. CSOs also worked to curb widespread disinformation and hate speech propagated on social media platforms. For instance, Watchdog Sri Lanka and Hashtag Generation engaged in fact checking of information shared through social media. Despite these efforts, there was a rise in anti-Muslim sentiment in Sri Lanka after the attacks. Several incidents of mob violence against Muslim places of worship, businesses, and residences took place in Kurunegala and Gampaha in May 2019. In response, the government declared a nationwide curfew and blocked certain social media platforms, presumably to prevent the circulation of content inciting violence against the Muslim community.

In 2019, the good governance coalition formed by United People’s Freedom Alliance (UPFA) and United National Front for Good Governance (UNFGG) entered their fifth and final year in power. Following presidential elections held on November 16, 2019, former Secretary of Defense Gotabaya Rajapaksa from the Sri Lanka Podujana Peramuna (SLPP) was sworn in as the seventh executive president of Sri Lanka. Immediately following his appointment, President Rajapaksa appointed his brother, former President Mahinda Rajapaksa, as the Prime Minister of Sri Lanka.

In early 2019, the coalition government made limited progress on its main promises such as constitutional reform and its anti-corruption campaign. In January, Prime Minister Wickremesinghe presented a report prepared by an expert panel that supported the drafting of a new constitution. However, the constitutional reform process failed to gather momentum throughout 2019. President Sirisena meanwhile publicly attributed Sri Lanka’s 2018 constitutional crisis¹ to the nineteenth amendment to the Constitution, which attempts to reduce the powers of

¹ The constitutional crisis entailed a series of events triggered by the breakdown of the coalition government in October 2018, and President Sirisena’s subsequent attempt to appoint former President Mahinda Rajapaksa as prime minister, a move disputed

the presidency and restore the independence of commissions, including the Elections Commission, Public Service Commission, and National Audit Commission. He further blamed non-governmental organizations (NGOs) for this amendment, which was adopted in 2015.

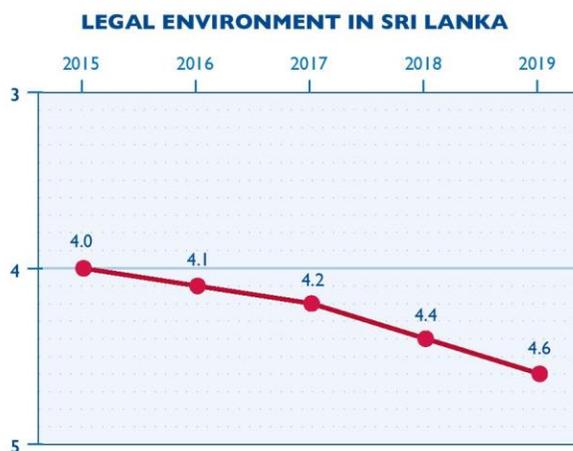
Several key anti-corruption measures were launched in 2019, including through the Open Government Partnership (OGP). Sri Lanka's ranking on Transparency International's Corruption Perceptions Index dropped from 89th in 2018 to 93rd in 2019. Poor progress on the regulation of campaign financing and public access to politicians' assets and liabilities declarations contributed to this decline.

The government also made marginal progress on post-war reconciliation and accountability during the year. The Office on Missing Persons (OMP) opened four regional offices and continued to provide monthly relief to families of missing persons who had obtained certificates of absence, and the Office for Reparations began operations in 2019. The draft Counterterrorism Act (CTA) was under consideration by the parliament sectoral oversight committee on international relations, but little progress was made towards its enactment in 2019. In January, President Sirisena announced his intention to implement the death penalty for drug-related offenses and later declared that he had signed warrants ordering the executions of four prisoners. This action was challenged by twelve fundamental rights petitioners before the Supreme Court in July 2019.

Overall CSO sustainability declined slightly in 2019. The legal environment deteriorated moderately because of ongoing challenges with registration and a considerable rise in state scrutiny and harassment following the Easter Sunday attacks. CSOs' public image worsened significantly as prominent government representatives made hostile statements about CSOs, especially during the presidential election. On the other hand, CSOs' organizational capacity showed slight improvement as their use of information and communications technology was more effective, and advocacy also improved as CSOs engaged effectively on legal reforms and used online and traditional methods to influence public opinion on a wide range of issues. CSOs' financial viability, service provision, and sectoral infrastructure showed little change in 2019.

The Non-Governmental Organization (NGO) Secretariat maintains a directory of NGOs registered under the Voluntary Social Service Organizations (Registration and Supervision) Act, No. 31 of 1980 (VSSO Act). As of December 2019, the directory listed 1,638 NGOs, eighteen of which were newly registered in 2019.

LEGAL ENVIRONMENT: 4.6



The legal environment for civil society deteriorated moderately in 2019, mainly because of challenges associated with registration and increased state scrutiny and harassment following the Easter Sunday attacks.

CSOs may register through six legal instruments: the Societies Ordinance of 1892; Companies Act, No. 07 of 2007; Trusts Ordinance of 1917; Co-operative Societies Act, No. 05 of 1972; Voluntary Social Service Organizations Act (VSSO), No. 31 of 1980; and an Act of Parliament sponsored by a Member of Parliament through a private member's bill. Regardless of the category of registration, in practice, most CSOs also register as voluntary social service organizations under the VSSO Act.

Several bureaucratic procedures continue to create delays in the registration process in 2019. For example, the NGO Secretariat forwards all applications that it receives to the Ministry of Defense; the ministry then makes recommendations to approve or reject registration. In 2019, most CSOs continued to prefer to register as companies. However, following the Easter Sunday attacks, several CSOs that were registered under the Companies Act were requested by their respective banks to also

by the sitting Prime Minister Ranil Wickremesinghe. The crisis was further aggravated when President Sirisena dissolved parliament in November 2018. The Supreme Court issued an interim order suspending the dissolution of the parliament.

register with the NGO Secretariat under the VSSO Act. In addition, banks exercised additional scrutiny over the financial transactions of CSOs with existing accounts, due to terrorist financing concerns.

The NGO Secretariat oversees CSOs in Sri Lanka. The NGO Secretariat remained under the Ministry of National Co-Existence, Dialogue, and Official Languages until December 2019, when, following the election of President Rajapaksa, it was placed under the purview of the Ministry of Defense. In 2019, CSOs continued to oppose a draft amendment to the VSSO Act that would broaden the NGO Secretariat’s powers over CSOs. In August, the NGO Secretariat called for final consultations on the draft amendment, after which the bill was withdrawn. In November 2019, the NGO Secretariat reissued a statement requiring all CSOs to submit information such as registration numbers and personal and contact details for executive directors and board members in order to update the directory of active organizations.

CSOs also raised concerns in 2019 about the proposed CTA, particularly a section on “proscription orders” that could adversely affect CSOs, especially after former Prime Minister Wickremasinghe expressed the government’s intention to expedite the proposed legislation in the aftermath of the Easter Sunday Attacks. Nonetheless, no significant developments took place to pass the proposed legislation during the year.

Following the Easter Sunday attacks, state scrutiny and surveillance of CSOs, particularly those that work with the Muslim community, increased. The United Nations (UN) Special Rapporteur on the rights to freedom of peaceful assembly and association noted that surveillance of CSOs was particularly prevalent in the north and east. For instance, security forces were reported to have intimidated activists and others associated with the Mothers of the Disappeared who were organizing memorial ceremonies for missing loved ones. CSOs’ financial transactions were also subject to increased state surveillance in 2019. For instance, the Financial Crimes Investigation Division (FCID) summoned seventeen organizations connected to Mothers of the Disappeared in the north for questioning.

According to the Inland Revenue Act, No. 24 of 2017, which became operational in 2018, 3 percent of funds received by CSOs from grants, donations, or contributions are subject to a 28 percent tax. Tax reductions and exemptions are available for CSOs engaged in rehabilitation, livelihood support, infrastructure facilities for displaced persons, and humanitarian relief, with no exemptions on earned income. Value-added tax (VAT) was reduced in 2019 from 15 percent to 8 percent, benefiting organizations that provide goods and services, including CSOs that operate social enterprises.

CSOs may compete for government contracts and procurements but sometimes experience bureaucratic delays in the procurement process and payments. CSOs are allowed legally to earn income from the provision of goods and services by charging fees and establishing social enterprises. CSOs can accept funds from foreign donors.

Lawyers and organizations such as iProbono and Women in Need (WIN) continued to provide limited legal assistance to CSOs in 2019. Most grassroots organizations lack access to legal assistance.

ORGANIZATIONAL CAPACITY: 4.3

The organizational capacity of CSOs improved slightly in 2019 as CSOs increased their use of social media platforms such as Facebook, Twitter, and WhatsApp to build constituencies. During the presidential campaign in September, for instance, CSOs’ social media activity played a pivotal role in raising concerns on thematic areas such as environmental policies and women’s rights. The March 12 Movement led by the People’s Action for Free and Fair Elections (PAFFREL) promoted the first public presidential debate to be held in the history of Sri Lankan electoral policies. CSOs also engaged in more traditional activities to build constituencies. For instance, women’s rights CSOs conducted island-wide consultations on reproductive health. Youth-led CSOs such as the National Youth Model UN (NYMUN)



organized workshops in all nine provinces on youth empowerment and capacity building.

Most organizations have strategic plans and visions. However, smaller CSOs are predominantly reliant on project-based donor funding and therefore do not invest too much effort in creating strategic plans since their focus is primarily on their financial sustainability.

Most CSOs continued to lack formal structures and internal governance systems in 2019. Larger CSOs such as Sarvodaya, the Centre for Equality and Justice, and the Centre for Environmental Justice have functioning boards of directors and some urban CSOs have dedicated departments for human resources and finance. In 2019, NYMUN and Watchdog made efforts to improve their organizational structures by appointing permanent staff members, creating boards of directors, and formulating constitutions outlining rules for operation. Some grassroots organizations were able to expand their operations in 2019. For example, the Mothers of the Disappeared formed partnerships with twelve organizations in the north. In addition, some informal movements operated more independently of their founders. For example, the Puttalam Youth Model UN (PYMUN), which was established by the Colombo-based NYMUN in 2017, began to conduct independent activities in 2019.

CSOs continued to find it difficult to retain permanent staff in 2019 because they are unable to offer competitive wages. In addition, CSOs struggle to find staff with the required skills. CSOs faced delays in training and mobilizing staff during the four-month state of emergency. To overcome staffing challenges, CSOs increasingly engage volunteers. For example, youth-led organizations such as NYMUN, PYMUN, and Arka Initiative rely on volunteers to carry out many of their activities. In June 2019, the organization Room to Read, which focuses on education, girls' life skills, and children's reading, became the first CSO in Sri Lanka to be certified as a "great workplace" by the Great Place to Work Institute.

Internet facilities generally are accessible throughout the country through state-owned and private service providers. CSOs increased their use of internet-based technologies in 2019. For instance, Sarvodaya adopted geographic information system (GIS) open source software to support its programming and trained its staff in its use.

FINANCIAL VIABILITY: 5.3



CSOs' financial viability remained unchanged in 2019. CSOs continue to depend mainly on foreign donor funding, with limited access to domestic sources of funding.

Foreign donors continued to support CSOs in 2019. USAID provided \$27 million to Sri Lanka, an increase over \$23 million in 2018; of this amount, \$8 million was allocated to democratic participation and civil society. According to the Australian Department of Foreign Affairs and Trade, the Australian government provided a total of \$28.6 million in overseas development assistance to Sri Lanka in 2018–19 and \$27.1 million in 2019–20. In December 2019, the European Union (EU) delegation to Sri Lanka and Maldives provided approximately \$4.4 million to seven new CSO-led projects under the

European Instrument for Democracy and Human Rights and the Civil Society Organizations and Local Authorities thematic instrument to support human rights and CSOs in Sri Lanka.

CSOs' access to domestic sources of funding, including from the private sector and the government, remained limited in 2019. Companies usually prefer to fund initiatives with tangible outcomes, such as service provision and livelihood development. Most companies do not partner with local CSOs but instead establish separate entities within their corporate structures to run their corporate social responsibility initiatives. For instance, the Dilmah Ceylon Tea Company has established the MJF Charitable Foundation and Hemas Holdings PLC has established the Hemas Outreach Foundation.

CSOs find it challenging to raise funds from their communities and constituencies, although small CSOs sometimes receive individual donations. For example, Room to Read Sri Lanka encourages donations of one dollar and receives \$50 a month from some donors to teach children to read and write. Youth-led organizations such as the Arka Initiative encourage material donations such as sanitary pads for women.

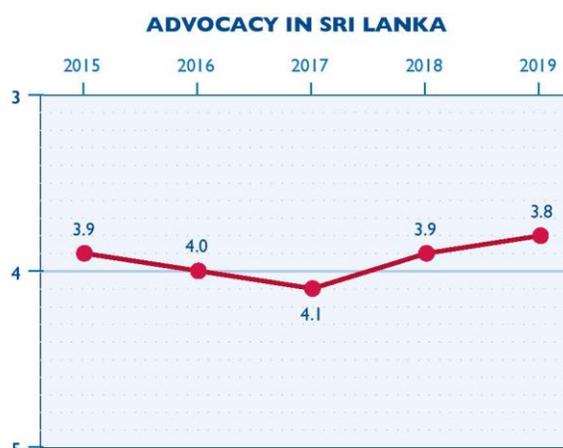
CSOs may compete for government contracts and procurements. Sarvodaya Enterprise, a sister organization of Sarvodaya, has won contracts to build child development centers. Only a few CSOs earn income through service provision. FPA uses social media to market its family planning products, which provide 86 percent of its total revenue, while Sarvodaya charges nominal fees for training, workshops, and other facilitation services.

The lack of adequate financial management systems continued to be a challenge for CSOs in 2019. Most large urban CSOs maintain financial records and routinely conduct independent financial audits, which they publish online. Some smaller CSOs also operate in a transparent manner to comply with donor requirements. After the Easter Sunday attacks, many CSOs took additional steps to maintain financial records in order to avoid undue scrutiny from the state related to terrorist financing.

ADVOCACY: 3.8

CSOs' advocacy was slightly stronger in 2019 as they engaged effectively with the government and the public in areas such as legal reform, transitional justice, and gender rights.

In 2019, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) consulted with CSOs such as Transparency International Sri Lanka and Law Society and Trust on its draft National Action Plan for Combatting Bribery and Corruption. CSOs also worked with other independent commissions, such as the Police Commission and Human Rights Commission of Sri Lanka (HRCSL). CSOs such as Law Society and Trust, Mannar Women's Development Federation, and Families of the Disappeared continued to advocate for the establishment of the Office for Reparations, which was finally launched in April. Several organizations continued to advocate for government action on transitional justice and reconciliation in 2019. For example, CSOs such as the Mannar Women's Development Federation and Families of the Disappeared supported public consultations by the Secretariat for Coordinating Reconciliation Mechanisms and OMP regional offices on reconciliation mechanisms. In December, following the discovery of a mass grave in Mannar, CSOs worked closely with the OMP to consult with involved families. FPA supported an AIDS walk organized by the Ministry of Health in November and conducted public workshops on the need for comprehensive sex education.



CSOs successfully held political actors to account in 2019. In February, five members of parliament (MPs) published their financial statements after Transparency International Sri Lanka publicly called on them to uphold their commitments to open democracy. Several CSOs used the Right to Information (RTI) Act to access information about government activities. For example, Mothers of the Disappeared filed RTI requests with the HRCSL to obtain information about the status of complaints it had lodged with the commission six years earlier.

CSOs' participation in policy advocacy was stronger in 2019. For example, CSOs such as the Movement for the Defense of Democratic Rights and Institute of Social Development organized protests to support tea plantation workers, leading to a 40 percent wage increase in February. The Centre for Environmental Justice organized a "climate strike" to raise awareness about climate change, and youth-led organizations such as Hashtag Generation engaged in policy dialogues on technology-based violence against women and girls. Women's groups and activists continued to campaign for legal and policy reforms to curb sexual exploitation and sexual bribery, and their campaigns led to the inclusion of sexual bribery in CIABOC's National Action Plan. In September, Sri Lankan CSOs took part in the global Sixteen Days of Activism Against Gender-Based Violence (GBV) campaign to raise awareness about sexual harassment on public transport.

CSOs engaged on social media to combat a wave of online disinformation and hate speech after the Easter Sunday attacks. For example, the CSO Watchdog combatted false rumors by fact checking and verifying information in the media, including a video that made false claims against Muslim-owned restaurants. WIN launched the #WhatNow social media campaign to raise awareness about GBV. During the presidential campaign in September, CSOs used social media to influence discussions of the environment, women’s rights, and other policy issues.

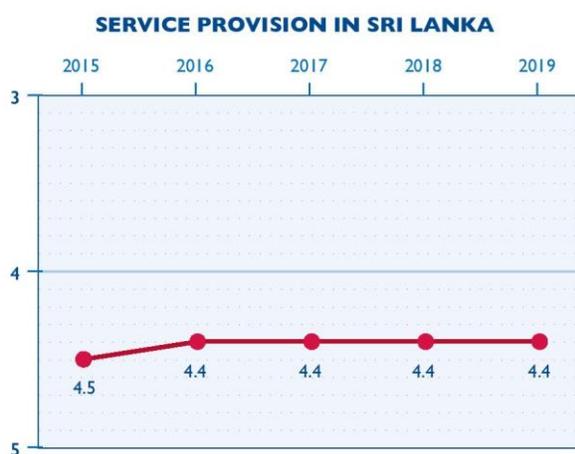
Research also played a key role in advancing CSOs’ advocacy efforts in 2019. For example, in November, FPA collected data on female circumcision through a series of consultations with a diverse group of women. FPA’s study, which was published in December 2019, is expected to inform future advocacy efforts.

During the aftermath of the terrorist attacks, there was also a brief rise in militant nationalist advocacy groups that propagated anti-Muslim sentiments by staging protests and organizing social media campaigns.

CSOs continued to lobby actively on several key issues in 2019. CSOs including Hashtag Generation, Muslim Personal Law Reform Action Group (MPLRAG), Muslim Women’s Development Trust, Eastern Social Development Foundation, and Women’s Action Network helped secure cabinet approval of proposals to amend the Muslim Marriage and Divorce Act (MMDA). However, as several discriminatory provisions were retained in the proposed amendment, CSOs continued to advocate for substantive reforms. In November, Hashtag Generation and MPLRAG urged the government to remove the MMDA’s ban on women serving as *quazi* (judicial officers appointed under the MMDA). Organizations such as the Mannar Women’s Development Federation continued to lobby parliamentary oversight committees to reform the minimum age for marriage. CSOs also lobbied for reform of environmental laws and policies. For instance, the Centre for Environmental Justice conducted public discussions to promote legal and policy reform to prevent lead poisoning of water.

CSOs mobilized against regressive policies and proactively drove legal reform affecting the sector in 2019. For instance, CSO advocacy efforts contributed to the withdrawal of the draft amendment to the VSSO Act.

SERVICE PROVISION: 4.4



CSO service provision remained unchanged in 2019. Although CSO services are limited, organizations continued to provide basic goods and services in areas such as health care, education, livelihoods, and disaster relief. For instance, Room to Read Sri Lanka provided educational facilities to nearly 1,000 girls through its Our Girls program, which aims to ensure that girls complete secondary school. The Arka Initiative supplied women in rural communities in Kalutara and Kandy districts with sanitary products through its new Sustainable Sanitation project, and the Women’s Development Federation continued to provide microfinance and social advancement services in Southern Province.

CSOs were responsive to community needs in 2019. In the aftermath of the Easter Sunday attacks, FPA deployed a counselling unit to carry out health assessments and screenings for trauma in an affected community in Negombo, and Sarvodaya offered support to affected populations in Negombo and Colombo. With funding from the Sarvodaya Development Finance Ltd., Sarvodaya-Colombo provided support to persons identifying the dead and transporting bodies from the morgue. While larger urban CSOs identify community needs by organizing consultations and meetings, smaller, rural CSOs usually rely on their proximity to and knowledge of beneficiaries to identify community needs.

CSOs continued to provide goods and services to beneficiaries beyond their own memberships in 2019. Some CSOs provide capacity building, including training on environmental impact assessments, free of charge. Youth-led CSOs usually charge subsidized participation fees for their events and conferences. For instance, in 2019, NYMUN charged participation fees for its conferences and workshops on youth, peace, and leadership.

CSOs receive limited recognition from the government for their service provision. In 2019, Grassrooted Trust worked with the National Police Commission and Government Medical Officers' Association to provide services to victims of cyber-violence. Some CSO activities in areas such as reproductive health rights, women's rights, and sex education were stopped in 2019 because of pressure from government and religious leaders.

SECTORAL INFRASTRUCTURE: 4.7

The infrastructure supporting the CSO sector was unchanged in 2019. There continued to be a lack of resource centers supporting the sector. Several CSOs re-granted foreign donor funds to smaller organizations during the year. For instance, with funding from the US Embassy, Sarvodaya launched the Small and Mighty Grants program, which offered funding to smaller organizations and individuals, focusing on CSOs with the ability to lead and develop programs but perhaps lacking the capacity to compete for funds. Search for Common Ground re-granted donor funds to youth-led organizations for programs to combat hate speech.

Although issue-based coalitions are largely reactive and short-lived, several CSO coalitions were active in 2019. For instance, Voices of Humans (VOH) collaborated with WIN on the latter's Safe City project, and, with the support of CSO movements such as XRebellionLK, environmental activists worked to increase awareness of the climate crisis. Both coalitions conducted events in public areas of Colombo. During the presidential election campaign, CSOs such as Transparency International Sri Lanka, the Center for Policy Alternatives (CPA), Rights Now Collective for Democracy, and Sarvodaya worked together in PAFFREL's March 12 Movement to sponsor a public debate with candidates. Several informal CSO coalitions addressed GBV, cyber-violence, and sexual harassment on public transportation.

There was no marked change in training opportunities available to CSOs in 2019. Most training is focused on smaller CSOs. For instance, Sri Lanka Preparedness Partnership offered training on effective roles for local CSOs in disaster preparedness, response, and recovery. Such training programs are often offered in the framework of specific programs and do not address CSOs' broader management needs. CSOs continued to lack access to training on human resource, financial, and knowledge management and technology.

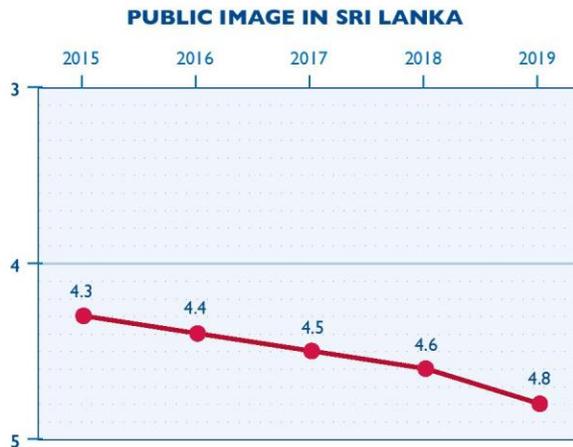
CSOs' partnerships with the government and businesses improved slightly in 2019. The Centre for Equality and Justice signed a memorandum of understanding with the Ministry of Women and Child Affairs to train officials on sexual harassment. VOH conducted capacity-building and positive-thinking workshops for employees of the Western Province Waste Management Authority and, as a part of its MenEngage campaign to end GBV, conducted workshops for officers in several divisional secretariats. CSOs continued to support reconciliation projects nationwide, including engaging in capacity-building workshops for employees of the Office for Reparations. Following the Easter Sunday attacks, youth-led organizations such as NYMUN collaborated with government bodies such as the National Youth Services Council to design and implement de-radicalization programs in local communities. Businesses such as HNB partnered with Sarvodaya Development Finance to support innovative and sustainable products developed by local entrepreneurs.

SECTORAL INFRASTRUCTURE IN SRI LANKA



PUBLIC IMAGE: 4.8

The CSO sector's public image experienced a catastrophic deterioration in 2019 because of heightened government scrutiny after the terror attacks and an increase in negative rhetoric from key politicians during the presidential elections.



Media coverage of most CSO advocacy efforts, including CSOs’ criticism of the government, continued to be largely positive in 2019. Prominent newspapers such as the *Sunday Observer*, *Thinakaran*, *Resa*, and *DailyFT* provided positive coverage of CSO advocacy on the MMDA reforms, and the *Daily News*, *DailyFT*, and *Ada Derena* reported on CSOs’ efforts to raise awareness of such issues as abortion and reproductive health. However, after the Easter Sunday attacks, negative media coverage of CSOs increased. For instance, Wedi Vistara (More Information), a Sinhala-language online media platform, stated that local and foreign NGOs—referring to donor-funded organizations—“damaged and continue to threaten the national security of the country.”

Statements criticizing CSOs by the central government intensified in 2019. In comments on the death penalty, former President Sirisena framed human rights organizations and activists as being lenient towards drug dealers. The former president also blamed the enactment of the nineteenth amendment of the Constitution on civil society, claiming that it was drafted to “please NGOs.” An increase in negative rhetoric from key politicians during the presidential elections were observed. For instance, presidential candidate Gotabaya Rajapaksa’s manifesto stated that he would not pander to the needs of NGOs in his policy to achieve “National Unity through Democratic Governance.” In November 2019, President Rajapaksa further stated that he would not submit to pressure from NGOs. Service-providing CSOs continued to be viewed positively by local government officials.

Public perception of CSOs declined in the latter half of 2019. Political actors referred to CSOs as organizations that are purely motivated by dollars, which increased negative public perceptions of CSOs. Similar sentiments were expressed by the public during the presidential election campaign period. Private sector perceptions of CSOs did not improve in 2019.

CSO’s public outreach improved marginally in 2019, with the majority of CSOs effectively using social media for public outreach.

CSOs do not have a formal code of ethics. Only larger CSOs continue to publish annual reports.

Disclaimer: The opinions expressed herein are those of the panelists and other project researchers and do not necessarily reflect the views of USAID or FHI 360.

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