

## GNI Statement on the Draft Online Safety Bill in Sri Lanka

The Global Network Initiative (GNI), a multistakeholder organization focused on freedom of expression and privacy in the technology sector, expresses deep concern about the draft Online Safety Bill in Sri Lanka. The legislation, [drafted unilaterally](#) by the Government and tabled in Parliament on October 3, contains several troubling provisions that would severely curtail users' freedom of expression and privacy rights. While the Supreme Court of Sri Lanka has reviewed the Bill's constitutionality, it has mostly confirmed the government's proposals and failed to address human rights concerns sufficiently.

*GNI appreciates recent indications from government officials that further consultations will be conducted with industry and civil society stakeholders. We encourage the government to ensure these consultations are open, transparent and inclusive.*

Among its more alarming clauses, parts one and two of the draft Online Safety Bill centralize power through an Online Safety Commission appointed by the President. The absence of clear safeguards for the Commission's functions, coupled with vague legal terms such as "false statements" and "prohibited statements," leaves room for potential misuse of authority. The broad and unchecked powers granted to censor a wide range of categories of content conflict with the principles of necessity and proportionality, thereby violating Sri Lanka's international human rights obligations under the International Covenant on Civil and Political Rights (ICCPR).

In addition, provisions in part three of the Bill extending speech prohibitions to users "whether in or outside Sri Lanka," establish clear extraterritorial intent, which if exercised would risk creating conflicts of law and raise serious comity and human rights concerns.

Finally, there remain significant privacy concerns, particularly concerning clause 29, which allows anyone to request the identity or location disclosure of individuals who communicated a *prohibited statement* or a *false statement*. A court may then compel internet services to respond to such requests, putting individuals' right to privacy at risk. Similar provisions in other laws have been misused to go after journalists, human rights defenders, and others for content that is protected under international law.

GNI has consistently advocated for ensuring due process, transparency and the involvement of stakeholders, especially civil society organizations, in drafting critical legislation. To ensure that

Sri Lanka acts consistently with its international obligations and avoids creating disproportionate social and economic consequences, we ask that the Government reconsider the current proposal and extend the period for and allow greater debate and deliberation on the Supreme Court's proposed amendments.

#### *About GNI*

GNI brings together 91 prominent academics, civil society organizations, information and communications technology (ICT) companies, and investors from around the world. Over the last several years, GNI has reviewed, commented on, and helped shape a range of "online safety" bills across several jurisdictions. Our human rights analysis and recommendations for policymakers can be found in the [Content Regulation & Human Rights Policy Brief](#), which uses international human rights principles to analyze a wide range of legislative efforts and provides proactive guidance on how to address online safety in a rights-protective manner. This statement draws on that Brief and readers are referred to it for more detailed analysis.