

GNI Welcomes Sri Lanka's Plans to Reconsider Online Safety Act

The Global Network Initiative (GNI), a multistakeholder organization with a focus on privacy and freedom of expression in the technology sector, welcomes the Sri Lankan government's [decision](#) to amend the *Online Safety Act (OSA) 2023*. GNI has been closely tracking the OSA since its introduction and reiterates the concerns raised in our previous [statement](#) regarding its implications for privacy and freedom of expression. Despite a previous round of amendments in August 2024, the Act retains some of its most problematic provisions which are fundamentally in violation of the human rights principles Sri Lanka has committed to under national and international law. We therefore urge the new Parliament to adopt a rigorous, transparent and rights-based approach to their revision of the OSA, with expert and multistakeholder input. Ideally, we recommend that the best option for Sri Lanka, one which would support the new government's wider reforms, is to opt for a fresh law that is fit-for-purpose and founded on best practices for human rights from other online safety regulations around the world.

While amendments to the OSA earlier this year made some positive modifications, such as by introducing additional transparency requirements for the Online Safety Commission's operations, it largely failed to address or worsened other aspects of the law. The scope of the Act, which previously applied to Sri Lankan citizens, has been significantly expanded to criminalize any person - regardless of citizenship - committing "an offense under [the] Act in respect of a citizen of Sri Lanka, while being present in Sri Lanka or outside Sri Lanka." This sets a dangerous precedent on the law's extraterritoriality which, if exercised, could lead to conflicts of law and raise serious comity and human rights concerns.

In addition, the definitions of "false" and "prohibited" content remain vague, and coupled with the broad discretionary power and lack of clear guidelines provided to Magistrates to determine the legality of online speech, these are subject to interpretation and arbitrary application, enabling disproportionate restrictions on speech. The law further allows anyone to request the identity and location disclosure of individuals who are deemed to have communicated "prohibited statements," and can subject individuals to criminal liability in the form of prison sentences for up to five years. GNI has [consistently raised concerns](#) against similar provisions in other laws, which have been used to target journalists, human rights defenders, and others for exercising protected speech under international law.

Such violations can be prevented by explicitly incorporating the international human rights principles of legality, proportionality, and necessity within the law's foundational framework, as well as by positively affirming freedom of expression and the right to privacy as guiding principles for its implementation. Procedural safeguards in the form of judicial oversight, impact assessments, and an appeals mechanism are also important to ensure transparency and balance of power. Now with the new Parliament in session, the government has the opportunity to hold thorough consultations with key stakeholders groups, particularly the Sri Lankan civil society.

GNI has been involved in the [shaping of numerous online safety](#) regulations around the world, and has a [breadth of resources](#) that would be useful for the Government of Sri Lanka as it prepares to inquire into the Online Safety Act. Our multistakeholder expertise offers a unique and important perspective on due process and transparency in drafting such critical legislation. GNI therefore remains open to engaging in the review of the OSA and looks forward to supporting the new government and Parliament on drafting a new law founded upon human rights principles and regulatory best practices.

About GNI

GNI is the leading multistakeholder forum for accountability, shared learning, and collective advocacy on government and company policies and practices at the intersection of technology and human rights. Over the last several years, GNI has reviewed, commented on, and helped shape a range of "online safety" bills and intermediary liability laws 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 and digital regulations in a rights-protective manner.