



# **FREEDOM OF EXPRESSION**

Freedom of Expression  
Module

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# The Aims and Outcomes of This Module

## Aims of the Module:

1. Examine the definitions, concepts and issues of Freedom of Expression (FOE)
2. Identify threats to FOE
3. Identify Conditions favorable for FOE
4. Identify the special role played by Media Citizens in the fast-changing new media era
5. Examine their part in monitoring, promoting and defending FOE

## Learning Outcomes:

By the end of this module, you should be able to:

1. Develop a definition of FOE and communicate it to peers
2. Pinpoint specific threats to FOE in the age of new media
3. Reflect and analyze the conditions of FOE in relation to Sri Lanka
4. Identify the role played by Media Citizens as a check and balance agent in monitoring, promoting and defending FOE
5. Outline and predict new forms of challenges faced by Media Citizens in the Web 4.0 and 5.0 era
6. Translate skills acquired in the module to identify one's own role in FOE monitoring, promotion and protection.

## The Number of Learning Hours Required:

	<b>Total number of hours</b>	<b>15 Hours</b>
1.	Tool box 1	3 hours
2.	Tool box 2	3 hours
3.	Tool box 3	2 hours
4.	Tool box 4	2 hours
5.	Tool box 5	2 hours
6.	Community Impact Project	3 hours

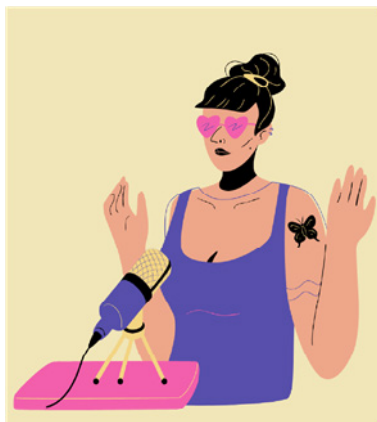
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# Introduction

## Meet Jaani and Kiruthikan!



**Hi I am Jaani!**

**@minuteswithJaani**

*Pronoun: She/Her*

**I run a Podcast called @minuteswithJaani where I talk about what freedom of expression means to young people.**

I have always been interested in human rights especially because of my identity as a queer person. At a very young age, I had to stand up for myself because I was always bullied in school. People found me weird because I was different than them.

Anyway, my podcast is all about helping young people who are feeling the way I once did – like I do not belong and my opinions don't matter.

I am here to explore why freedom of expression (FOE) is fundamentally important for us to be who we are!

**Excited to Meet you!**



**Hi I am Kiruthikan!**

**@kirugallery**

*Pronoun: He/Him*

**I am an artist. I like painting and creating pieces of art for our everyday life. Through art I also spread awareness about human and environmental rights.**

In the age of social media, whilst it is very easy for me to promote my art through my Instagram and Pinterest pages, I struggle a lot in blocking out the negativity and hate comments. Sometimes these comments are actually not aimed at me. Sometimes they are posts targeting a community or a friend. Sometimes it is just a lot of misinformation.

I want to do something about this. But, most importantly, I want to understand what it takes for people to understand the limits to free expression. Is it hate speech and misinformation? Or are there other limits that we should think about? Cyberbullying maybe?

**Let's talk?**



**But, before any of that...How do you feel about Freedom of Expression?**

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**Shall we create a definition for Freedom of Expression? Don't worry, you can revisit this definition later!**

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# TOOL BOX 01

## THE WHAT, WHY AND WHEN OF FREEDOM OF EXPRESSION

**“Our lives begin to end, the day we become silent about the things that matter.”**

**- Martin Luther King <sup>1</sup>**

### **Expected Learning Outcomes:**

- a. Define Freedom of Expression and understand the conceptual framework of Freedom of Expression
- b. Understand the relationship between Freedom of Expression and media citizens
- c. Understand why and when Freedom of expression matter

<sup>1</sup>The speech delivered on March 8, 1965 in Selma, Alabama

## What is Freedom of Expression?

Freedom of expression is fundamentally essential to a truly democratic society. This is because expressing one's self helps a great deal to develop one's personality. Just imagine a situation where you are not allowed to express yourself freely? A Situation where society compels you to be silent...

**Look at the following story shared by Randula, an experienced counselor at a public university in Sri Lanka:**

**During the last Students' Union election cycle, two female students came to me and shared their stories about feeling harassed and threatened for supporting a new female candidate.**

**A bunch of students had asked them,  
"Do you want a female candidate to represent entire studentship?"  
"Why didn't you two, vote for the winning candidate, ah?"  
"Do you want to be radical feminists here? Take your feminism elsewhere!"**

**The story was deeply upsetting to me. It looked like there was no space for anyone to hold dissenting opinions against the majority group. I later came to know that all the students who supported the female candidate was bullied into silence and the female candidacy never came through.**

Just revisit an instance in your university life where you felt harassed or threatened. Describe how did you feel?

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Did you ever feel uncomfortable whenever you felt "not belong"?

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Well, that is what happens when society compels a person to be silent. Every healthy human being has an ability to uphold an opinion; communicate their ideas and experience to others.

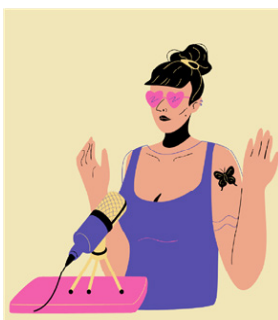
But, freedom of expression is an interesting right. In exercising this right, you cannot force others to only pay attention to what you say or believe. In fact, in exercising your freedom of expression you have to ensure that you do not invade the right of another person's freedom of expression.

Confused? Check out figure 1 below...



Figure 1

@minuteswithJaani: I want to share this interesting story from one of my recent podcast



episodes. My friend Deepal, who is a lecturer, was the invited guest for this episode. He shared a story from his experience in teaching human rights to undergraduates.

### **“NOT A MAYBE”**

**Think twice whether your words/expressions hurt ‘the other’?**

“Hi I am Deepal. I am a lecturer by profession. I want to share one of my experiences on teaching freedom of expression to my undergraduate students at the University.

This story is about two undergraduates Mihin and Rizvan. Mihin is in his final-year and he is a smart student. However, he was once caught bullying a junior student. Mihin got caught bullying Rizvan, a shy first-year undergraduate.

During the interval, Mihin made fun of the fact that Rizvan prays five times daily, and wears a Taqiyah (the traditional hat worn by Muslim men). He started calling Rizvan “thambiyah” (which is not a term of endearment, and is often used in colloquial Sinhala to refer to Muslim men).

Other kids in the cafeteria immediately started laughing. I am actually the 'human rights and multiculturalism' lecturer in the University and I witnessed this whole episode. My immediate reaction was to advise Mihin to stop.

I was actually quite surprised about this whole scenario because Mihin is one of the top scoring students in my human rights course. When I asked him to stop Mihin argued with me. He said,

**"Why should I stop Sir? I have a right to say what I'm thinking in my mind. You taught this during the lecture if I'm not mistaken."**

Mihin's friends started laughing again. Mihin chimed,

**"Sir, I think it's called freedom of expression, isn't it?"**

I was actually shocked. I was silent for a bit and then gathered my thoughts. I told them,

**"No, Mihin you are making a mistake. In fact, you have omitted the most important part of the very lesson on freedom of expression. The freedom of expression never gives you the right to make someone uncomfortable. Plus, it doesn't provide you the right to hurt other people by saying hateful things about them, like what you just said to Rizvan right now."**

Mihin argued, **"May be then! I was just expressing my point of view"**

**"It's not a 'may be',"** I said, my tone was stricter this time.

**"The purpose of learning about human rights and freedoms in your lectures and through your books is to help and coexist with others. Not to hurt them. Every right creates a responsibility or a duty. These duties are certain logical limits in exercising our rights. We should understand these limits. Rights exist for the good of society, not for the bad"**

Later, Mihin looked at Rizvan and said **"Whatever, I'm sorry"**

I hope my explanation went through to Mihin. I am quite sure that the other students who experienced this exchange between me and Mihin, caught the message of it. You should have seen the astonished looks on their faces. However, I must confess that I am quite upset and strongly feel like I should re-explain the freedom of expression lesson in the lecture.

## DID YOU KNOW?

**Freedom of expression** is commonly known as “**freedom of speech**”. These two concepts are used interchangeably. However, it is important to remember that freedom of expression is wider in scope than freedom of speech. Freedom of Expression is also interlinked with another concept called “**the freedom of press**”, which is the lifeblood of journalists.

### What do you think about Freedom of Press?

In some countries, courts have identified freedom of press as the lifeblood of a democratic society! This is because:

- » In the case *Barthold v. Federal Republic of Germany*<sup>2</sup> it was decided that a **free press serves as purveyor of information and also a public watchdog**.
- » In the case *Lingens v. Austria*<sup>3</sup> freedom of press was considered one of the **best means of discovering and forming an opinion on political leaders**.
- » In *Sunanada Deshapriya v Municipal Council of Nuwara Eliya*,<sup>4</sup> 450 copies of Yukthiya newspaper, one of frontline alternative newspapers in the 90s, were seized on the direct order of Mayor of Nuwaraeliya. The newspaper was an ardent critic of the Government and the seizure of the newspapers violated freedom of speech, expression and publication. The Supreme Court allowed the action and ordered the mayor to personally pay damages to the newspaper company.
- » In *Amaratunga v Sirimal*,<sup>5</sup> the petitioners organized a vocal protest, where protestors screamed and drummed against the government. The protestors were arrested. However, the Supreme Court, ruled that the protest amounted to freedom of expression.
- » In *Joseph Perera v Attorney-General*,<sup>6</sup> several members of Revolutionary Communist League issued a leaflet in line with a meeting. The leaflets contained political criticism over the ruling Party of the day. The police arrested the organizers and stopped the meeting subsequently. The Supreme Court held that detention of the Petitioners was a violation of freedom of expression.

These cases are also great examples to understand the various forms in which freedom of expression can be exercised under the law!

<sup>2</sup> [1985] 7 EHRR 3

<sup>3</sup> [1986] 8 EHRR 407 (42)

<sup>4</sup> Case No. 884/92 S.C Application S.C minutes of 10th March 1995

<sup>5</sup> [1993] 1 Sri LR 264

<sup>6</sup> [1992] 1 Sri L.R. 199.

## Media Citizens and Freedom of Expression

In the age of new media, citizens now have more access to public communication of information. Not only are they receivers of information, but they are also proactive communicators as well as creators of information. Put simply, if a person has some form of a smart digital device, they are technically able to create, share as well as receive information in a matter of minutes! This makes everyone a citizen journalist or what we would like to call a “**media citizen**”!



@minuteswithJaani: So, am I a Media Citizen?

@kirugallery: Yes, you and I both!

@minuteswithJaani: Whoa!



## International Legal Instruments: Freedom of Expression is Universal

Historically, humans have been expressing their ideas for centuries. Biologically, human beings find pleasure in expressing themselves to others. Today, freedom of expression is considered universal. There are several international conventions which outline the importance of the freedom of expression.



## Article

# 19<sub>of UDHR</sub>

Every person has the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.<sup>7</sup>

## Article

# 19<sub>of ICCPR</sub>

Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression.<sup>8</sup>

## Article

# 10<sub>of ECHR</sub>

Everyone has the right to freedom of expression.<sup>9</sup>

<sup>7</sup> Universal Declaration of Human Rights [1948]

<sup>8</sup> International Covenant on Civil and Political rights [1966]

<sup>9</sup> European Convention on Human Rights [1950]

## Article

### 9<sub>of</sub> ACHPR

*Every individual shall have the right to express and disseminate their opinions within the law.<sup>10</sup>*

## Article

### 1<sub>of</sub> UNESCO CONSTITUTION

*Collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image.<sup>11</sup>*

## Article

### 13<sub>of</sub> ACHR

*Everyone has the right to freedom of thought and expression.<sup>12</sup>*

<sup>10</sup> African Charter on Human and Peoples' Rights [1981]

<sup>11</sup> Constitution of the United Nations Educational, Scientific and Cultural Organization [1945]

<sup>12</sup> The American Convention on Human Rights [1969]

## Why Does Freedom of Expression Matter?

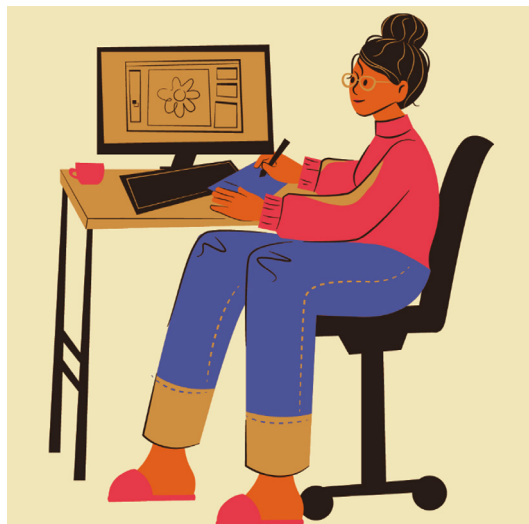
**@kirugallery:** *There are so many ways for us to express ourselves today. Check out my doodles below to find out some of those ways.*



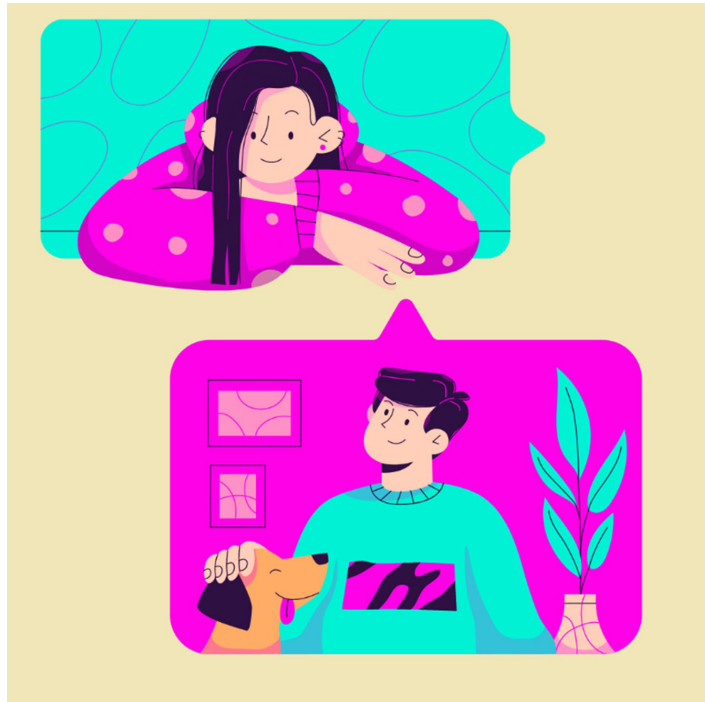
**Dialogue both online and offline. I recently came across this amazing audio-social networking app called 'club house'. People can create a profile in 'club house', join a club of their interest and talk about anything they like! You can meet people from all over the world! How exciting is that?**

**Publication of written materials including newspapers, leaflets, books, pictures, cartoons, social media posts, blog articles and the list goes on...**

**PS: [www.canva.com](http://www.canva.com) is a great way to make my own social media posts, by the way!**

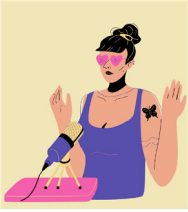


## Word and visual image by electronic media



Various forms of art including painting, music, sculpture and cinema

## Impact Exercise: 1



**@minuteswithJaani:** *Would you like to speak in my Podcast? Here are some questions I am thinking of asking you? Don't worry. You can take time to think of these answers. Try to be as honest as possible.*

a. Who do you identify yourself as?

- i. Male: .....
- ii. Female: .....
- iii. Self-described: .....

b. According to who you identify yourself as, how often do you think of freedom of expression?

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c. When and how was the last time you exercised your freedom of expression in private?

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d. When and how was the last time you exercised your freedom of expression in public?

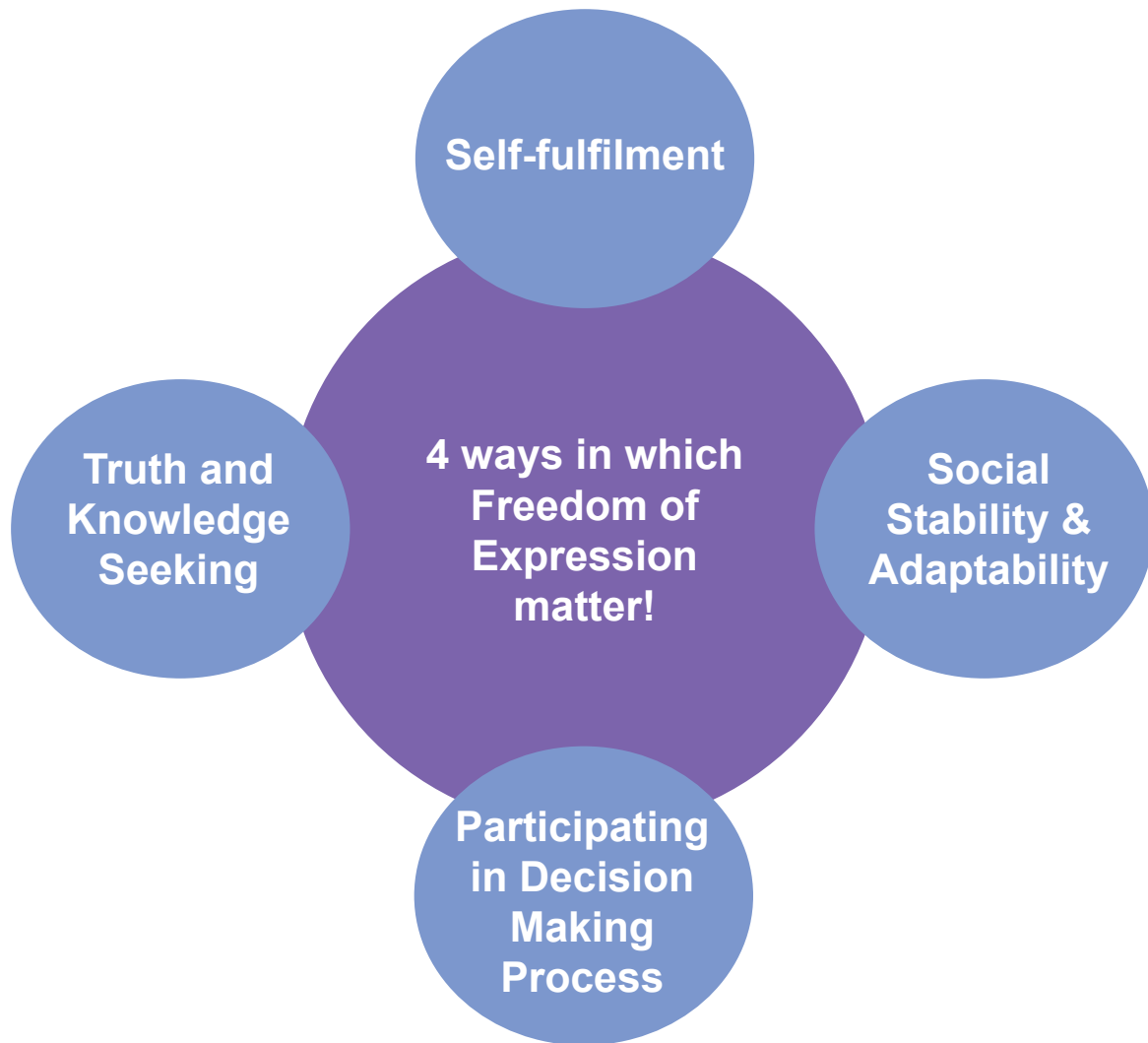
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e. According to who you identify yourself as, why does freedom of expression matter to you? Does freedom of expression matter to your community?

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## When does Freedom of Expression Matter?

**@kirugallery:** *I was inspired by the UDHR and drew the mind map given below (figure 2). This is to express why freedom of expression matters to me. What do you think of it?*



*Figure 2*

## Impact Exercise: 2

**@kirugallery:** Sometime back, I saw some posts on Twitter, where some activists held a demonstration against the government's refusal to allow the burial of Covid-19 patients.

Around 100 people protested in front of the Borella Cemetery in Colombo. They tied white pieces of cloth on its gates at around 5.00 pm on the 13th of December. The demonstration followed several cases of cremating deceased people against the will of their families.

### Let us reflect of this incident:

- a. Do you think the activists were exercising their freedom of expression in the above context? If yes, what action in this demonstration amounts to freedom of expression?

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- b. Why does freedom of expression matter in this situation?

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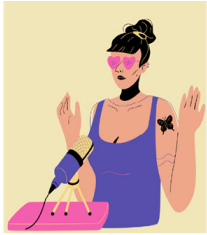
- c. Just imagine a situation where the government bans any such demonstrations (anything like the one in the above scenario), how would it affect the citizens of the country?

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**@kirugallery:** *Do you feel like Freedom of Expression matters when it is actually denied?*



**@minuteswithJaani:** *Yes! When we are compelled to stay silent, we feel restricted. If someone forces me not to post something on my social media or not to talk about a topic over my podcast, I would feel terrible. My freedom of expression is the first thing I can think of, if something like that happens.*

**What do you think?**

# TOOL BOX 02

## WHEN IS FREEDOM OF EXPRESSION AT RISK?

**“I disapprove of what you say, but I will defend to the death your right to say it.”**

- Voltaire<sup>13</sup>

### **Expected Learning Outcomes:**

- a. Identify threats to FOE
- b. Understand who can pose a threat to FOE
- c. Explain the link between FOE and Right to Information

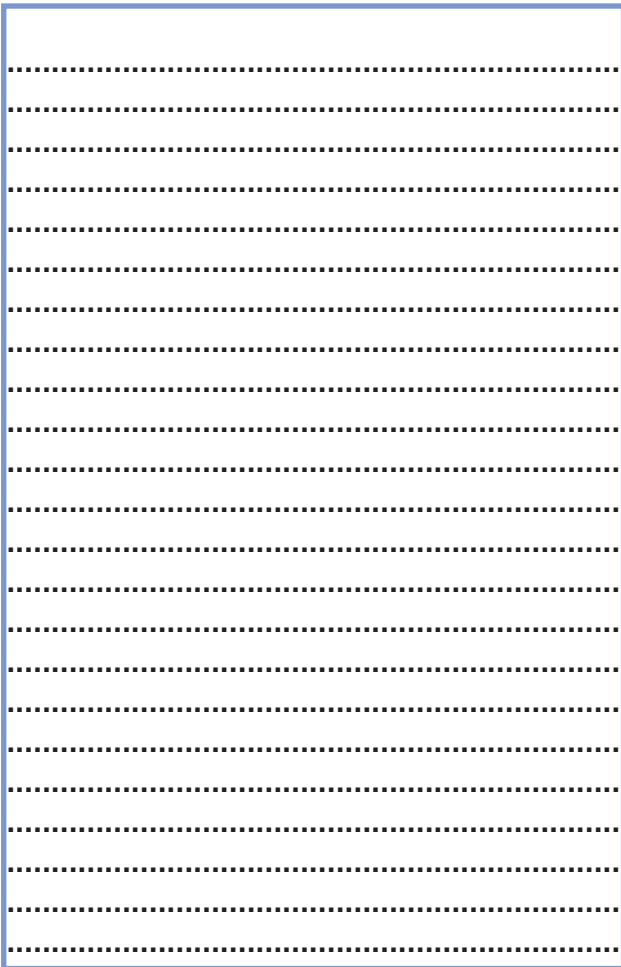
<sup>13</sup> Norbert Guterman, The Anchor Book of French Quotations with English Translations (Originally published in 1963) 188





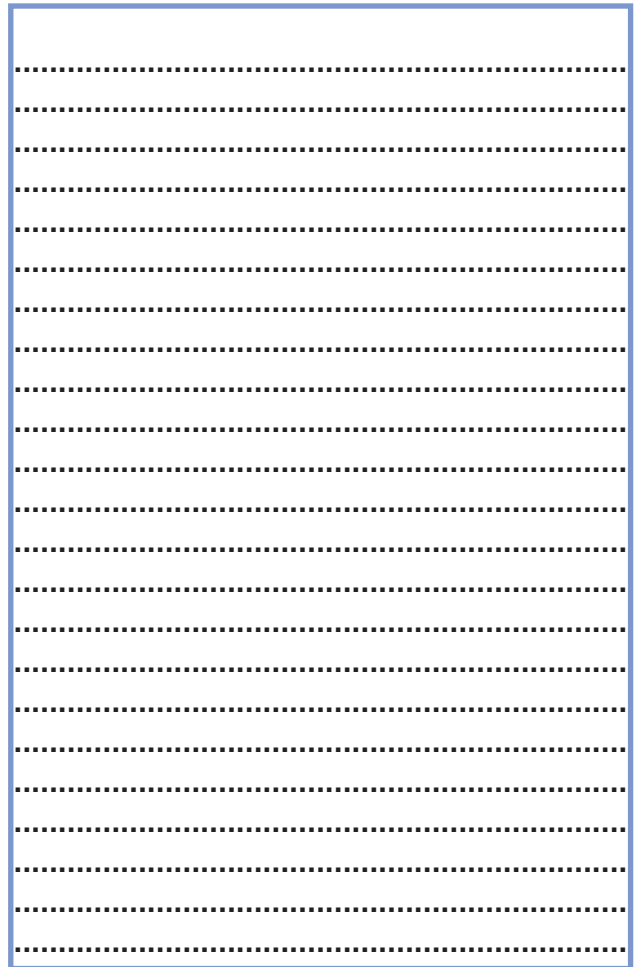
**When defamation, libel, or slander suits are being abused**

Sometimes freedom of expression can be restricted by abusing the law on defamation, libel and slander. This is where, suits are filed demanding huge sums of money as compensation for defamation.

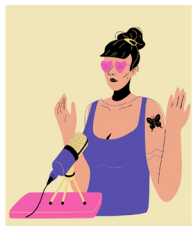


**When there are unfair laws and regulations**

Abusing the law to silence inconvenient voices is unfortunately a popular obstacle to freedom of expression.



## Who Can Pose a Threat to Freedom of Expression?



**@minuteswithJaani:** Well, to me it looks like there are two main groups of individuals who can pose a threat to freedom of expression.

### The State

Unrestricted individual rights cannot exist in a liberal democratic society. Therefore, freedom of expression is also not absolute, and is subjected to certain restrictions imposed by the State. These restrictions may take different forms:

1. *Constitutional restrictions or legal restrictions*
2. *Unconstitutional restrictions*

Most of the time, we can find these limitations in the Constitution of a country. In the Sri Lankan Constitution, restrictions to the exercise of freedom of expression is covered under Article 15 (2).<sup>17</sup>

Constitutional restrictions are imposed on the ground of...	Unconstitutional restrictions
National Security	Censorship of information
Maintaining racial & religious harmony	Prohibition on publishing certain matters
In relation to parliamentary privilege	Ban on importation of publications
Contempt of court	Illegal seizure of printed materials
Defamation	Total ban of publishing
Incitement to an offence	Sealing of a press
	Reduction of circulation or number of pages of a publication
	Punishment for particular conduct

<sup>17</sup> **Read the Article** “The exercise and operation of the fundamental right declared and recognized by Article 14(1)(a) shall be subject to such restrictions as may be 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.”

## Non-state Actors

Today, there is a much larger threat to freedom of expression by non-state actors than ever before. One reason for this is the mushrooming of various types of non-state actors in the public sphere. Particularly, due to the advancement of technology there are a number of non-state actors who can directly as well as indirectly impact our freedom of expression. Can you think of any examples for the following categories outlined in figure 3 given below?

**These actors have control over the information we receive as well as communicate. This impacts our freedom of expression because we form our opinions and make decisions based on the kind of information we receive!**



*Figure 3*





# TOOL BOX 03

## HOW CAN FREEDOM OF EXPRESSION THRIVE?

**“Freedom of expression is a fundamental right and must be held as a cornerstone of democracy. In its absence, government can, and often does, behave with impunity”**

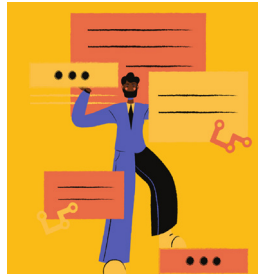
- Sanjana Hattotuwa <sup>18</sup>

### **Expected Learning Outcomes:**

- a. Define Freedom of Expression and understand the conceptual framework of Freedom of Expression
- b. Understand the relationship between Freedom of Expression and media citizens
- c. Understand why and when Freedom of expression matter

<sup>18</sup> Sanjana Hattotuwa, ‘The Right to Information’ (4 February 2002) <https://sanjanah.wordpress.com/2002/02/04/the-right-to-information> accessed 30 December 2020

## Conditions Essential for Freedom of Expression to Thrive



**@kirugallery:** *This week I am doing a challenge called “KNOW-TALK-ACT” on my Instagram to raise awareness on conditions essential for freedom of expression to thrive. I am thinking of collaborating with my friend Nilma. Nilma is a social media blogger, with a huge following. Her Instagram handle is [@islandernilma](#). Here’s what you have to know to become a part of this challenge:*

### Rule of Law

Rule of law is achieved when each and every individual person living in a society is treated equally before the law. This includes both the rulers as well as the ruled.

When there is a gap in the rule of law, there is room for arbitrariness and a culture of impunity.

To ensure democracy and accountability rule of law is essential. For any human being to enjoy their basic fundamental freedoms, rule of law is a precondition.

### Right to Information (RTI)

Right to information allows citizens to easily seek and access information from public authorities.

It empowers the decisions and lives of citizens and leads to more transparent governments. It also strengthens accountability against corruption and monopoly of governance.

### **Independent & Pluralistic media**

Independent media plays the role of a watchdog in society. If our rights are violated by the state or a nonstate actor, we will only get to know about it through independent media.

Pluralistic media is all about having plurality of voices and opinions in society.

### **Active Civil Society**

Active civil society includes nongovernmental organizations and individuals that are independent of government.

Active and well engaged civil society is a prerequisite to a healthy democracy.

### **Responsible Social Media**

In the age of new media, social media is one of most powerful tools to access and share information. To enjoy the freedom of expression, it is important to ensure that social media also reflects democracy, respect and plurality. This requires constant regulation and rejection of hate speech, fake news and misinformation both by individual users and the social media Platforms.

**Consider the environment you live in and try to think of the answers to the following questions:**

- 1. What condition is the strongest where you live?**
- 2. What condition is the weakest?**

## Impact Exercise

@islandernilma: Did you think about the two question above? Okay, now you are ready for the challenge! Here's what you have to do.



Use the meter to mark the

Choose the weakest condition

KNOW- Find out the main reason for this condition to be weak?

TALK - Create a social media post **using** **#KnowTalkAct**

ACT- Take action : write an open letter about an issue or a cause.

# TOOL BOX 04

## FREEDOM OF EXPRESSION AND MEDIA CITIZENS IN SRI LANKA

**“Media is an industry (not charity), but it’s a special kind of business that enjoys special privileges: democratic & societal obligations arise from enjoying Freedom of Expression**

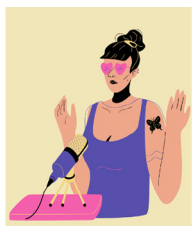
- Nalaka Gunawardene <sup>19</sup>

### **Expected Learning Outcomes:**

1. Understand and assess the Sri Lankan law on FOE
2. Understand the dos and don'ts in exercising FOE

<sup>19</sup> Nalaka Gunawardene, 'Big Media, Social Media & Freedom of Expression in Sri Lanka' (16 March 2019) <<https://www.slideshare.net/NalakaG/big-media-social-media-freedom-of-expression-in-sri-lanka-by-nalakagunawardene-136735937>> accessed 2 January 2021

## Freedom of Expression: The Law in Sri Lanka



**@minuteswithJaani:** *Here's a social media post I created to raise awareness on the laws of freedom of expression in Sri Lanka. I narrowed everything down to three main provisions from our constitution and various other legislations.*

### Article

## 14 (1) (A) of Constitution of Sri Lanka

Every citizen is entitled to the freedom of speech and expression including publication

### Section

## 3 (1) of ICCPR Act No. 56 OF 2007

No person shall...advocate national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence.

## Preamble of RTI ACT No. 12 OF 2016

The Constitution guarantees the right of access to information in Article 14A thereof and there exists a need to foster a culture of transparency and accountability in public authorities by giving effect to the right of access to information and thereby promote a society in which the people of Sri Lanka would be able to more fully participate in public life through combating corruption and promoting accountability and good governance.



**@kirugallery:** *Hey! Can we quickly compare our constitutional right to expression with some other country? I am curious how different or similar it might be...*



**@minuteswithJaani:** *Yes! Why not. How about South Africa? I think it will make a great comparison.*



## Constitution of Democratic Socialist Republic of Sri Lanka

Article 14: Freedom of Speech & Expression

Every citizen is entitled to the freedom of speech and expression including publication

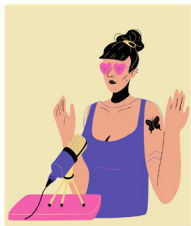
## Constitution of South Africa

Article 16: Freedom of expression

Article 16.1:

Everyone has the right to freedom of expression, which includes-

- a. freedom of the press and other media
- b. freedom to receive or impart information or ideas
- c. freedom of artistic creativity
- d. academic freedom and freedom of scientific research



**@minuteswithJaani:** *Take a minute to compare and contrast.*

1. Is there a difference in terms of who get to enjoy the freedom of expression when you compare the two provisions?

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2. To what extent is freedom of expression guaranteed in the Sri Lankan Constitution? How does it differ from the Constitution of South Africa?

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3. Does Sri Lankan Constitution guarantee “right to information” under freedom of expression?

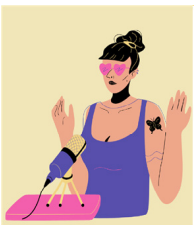
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4. As a media citizen living in the age of new media, do you think the Sri Lankan Constitution practically meets your requirements as a journalist?

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5. Is there anything we can learn from South Africa?

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**@minuteswithJaani:**

*At a first glance, you might feel that the stems of the freedom of expression are too narrow in scope in comparison to the Constitution of South Africa.*

*However, Sri Lankan courts have become the key player in the task of widening its scope. Check out some landmark cases below:*

Completely banning the publication of a regular newspaper under emergency regulations amounts to violation of freedom of speech and expression.

**Visuvalingam v. Liyanage<sup>20</sup>**

**Drumming and clapping fall under “speech and expression” in a protest. Amarathunga v. Sirimal<sup>21</sup>**

<sup>20</sup> [1984] 2 SLR 123

<sup>21</sup> [1993] 1 Sri LR 264

Freedom of expression doesn't mean that we have a right to accept existing mainstream opinions. It also involves the ability to express unpopular ideas.

**Channa Peiris & Others v. AG<sup>22</sup>**

Freedom of expression and speech is not only about the liberty of citizens to speak and write what he chooses. It also involves the liberty of the public to hear and read, what it needs.

**Joseph Perera v. AG<sup>23</sup>**

Permitting the use of loud speakers based on the condition that "speakers should refrain from criticizing the government" is a violation of freedom of speech and expression.

**Mohottige v. Gunatilleke<sup>24</sup>**

### **What you cannot do with your Freedom of Expression?**

Freedom of expression is not unlimited and unrestricted. There are certain practical restraints placed on freedom of expression to ensure that the freedom of others do not get compromised by one's exercise of free expression. Remember rights and duties from toolbox 1?

However, unreasonable restraints on freedom of expression cannot be accepted. This is an important distinction that should be understood by everyone.

Then, what restraints are acceptable when it comes to freedom of expression?

If expressions have the following attributes, they cannot be protected under freedom of expression. (Note: these are only five attributes. Think of other and similar instances where freedom of expression is limited.)

1. Tendency to categorize people based on race, ethnicity, religion, gender, caste, culture etc.
2. Makes assumptions about others based on race, ethnicity, religion, gender, caste, culture etc.
3. Lack of respect for individual privacy
4. Unlawful activities such as child pornography, cyber sexual harassment and cyber bullying
5. Spreading information that is not real or true

<sup>22</sup> [1994] 1 Sri LR 1

<sup>23</sup> [1992] 1 Sri LR 199

<sup>24</sup> [1992] 2 Sri LR 246

## #SAYNOTOLABELLING

Pramila is a feminist media activist. Her research interest largely lies on feminism, investigative journalism and political theory. Recently, she studied how the Social Media Meme Pages in Sri Lanka shared news items in relation to COVID-19 victims. Her main focus was on how gender identities were depicted by the Memes shared by these Social Media pages. Pramila found a number of memes stereotyping the female gender identity negatively.

**“A Corona mum delivers a baby for the first time in Sri Lanka.”  
(SLJOKES, 09-07-2020)**

**“17 persons associated with the COVID woman from Bangadeniya has not been infected” (COLOMBOMEMES, 31-08-2020)**

Pramila wants to write an article for a renowned blog on what she found out.

She titled her article “The Gender Stereotyping Pandemic caused by Meme Pages”. She made following remarks on @minuteswithJaani’s podcast before she finished the article.

- The Covid-19 patients are stereotyped using derogatory terms like “COVID woman”, “female COVID student”, and “corona mums”. Highlighting their gender identity is wholly irrelevant in almost all of these cases. This negative stereotyping subtly disseminates disinformation. It was like women were easily susceptible to the virus and were also the key issue in controlling the virus. In other words, targets of blaming and shaming. However, in general medical terms, any human in this world is likely to be affected by COVID-19. The infection is not their choice, and the spread of the virus is out of their control. Therefore, no person must be labelled and discriminated merely because that person is a COVID-19 patient.
- Meme pages are extremely popular today. Sometimes, citizens tend to rely on these pages for information as opposed to verified news websites.
- Creating content in a way the patients of a specific disease are embarrassed before society violates media ethics. The media personnel who report a news item in a stereotyped manner must rethink whether they can justify their acts in the future days.



# TOOL BOX 05

## THE POWER OF “I” AND “YOU” IN THE WORLD WIDE WEB

**“Apathy is a dangerous thing. Everyone has a part and every contribution helps.”**

- UNESCO Freedom of Expression Toolkit<sup>25</sup>

### **Expected Learning Outcomes:**

1. Understand the role of a media citizen and the nature of FOE in an online world
2. Understand the special role played by Media Citizens as a checks and balance agent in promoting and protecting FOE: Monitoring, protecting and defending

<sup>25</sup> Ming-Kuok Lim (eds), Freedom of Expression Toolkit: A Guide for Students (First Published 2013, UNESCO)  
55

## Media Citizens in Web 4.0 and Web 5.0



**@kirugallery:** *We are all living in the age of the internet. Just like us, the internet also grows old and becomes complex and complicated each second that passes by. My friend Nazly, a software engineer / content creator wrote this blog article on the evolution of the internet last week. What do you think about it?*

**“Have you asked the internet its age?”<sup>26</sup>**

**By: Nazly Cassim**

### **Web 1.0: Only One Way**

Web 1.0 was the beginning of the internet, where users were able to read information on websites, portals and access certain online services. Web 1.0 existed from about 1994 to 2005.

### **Web 2.0: Let's Get Social**

After 2006, social networks including applications which allowed users to engage and communicate with other users started becoming more and more popular. This gave birth to an era of participative communication. We see forums, social networks, blogs and podcasts during this era.

Soon content became user-generated because users were actually building new content, processes and dynamics. This period is called the collaborative web due to this reason. Users were not merely passive users of the internet anymore. They were active participants in nurturing the internet to grow ever more than they could imagine.

### **Web 3.0: 24/7 Connection!**

In 2016, the third stage of internet was characterized based on a series of technological developments. This age is so significant is because the internet became such an integral part of our lives. We were now connected to the internet anytime and anywhere. Check out the figure below to understand some of these developments...

<sup>26</sup> Irene Maida, 'The evolution of Internet, from the beginning to web 4.0' (26 July 2018) Available at: <<https://www.criticalcase.com/blog/what-is-web-4-0.html>> accessed 15 February 2021; NupurChoudhury. 'World Wide Web and Its Journey from Web 1.0 to Web 4.0' (2014) International Journal of Computer Science and Information Technologies, Vol. 5 (6). Available at: <<http://ijcsit.com/docs/Volume%205/vol5issue06/ijcsit20140506265.pdf>>accessed26February 2021

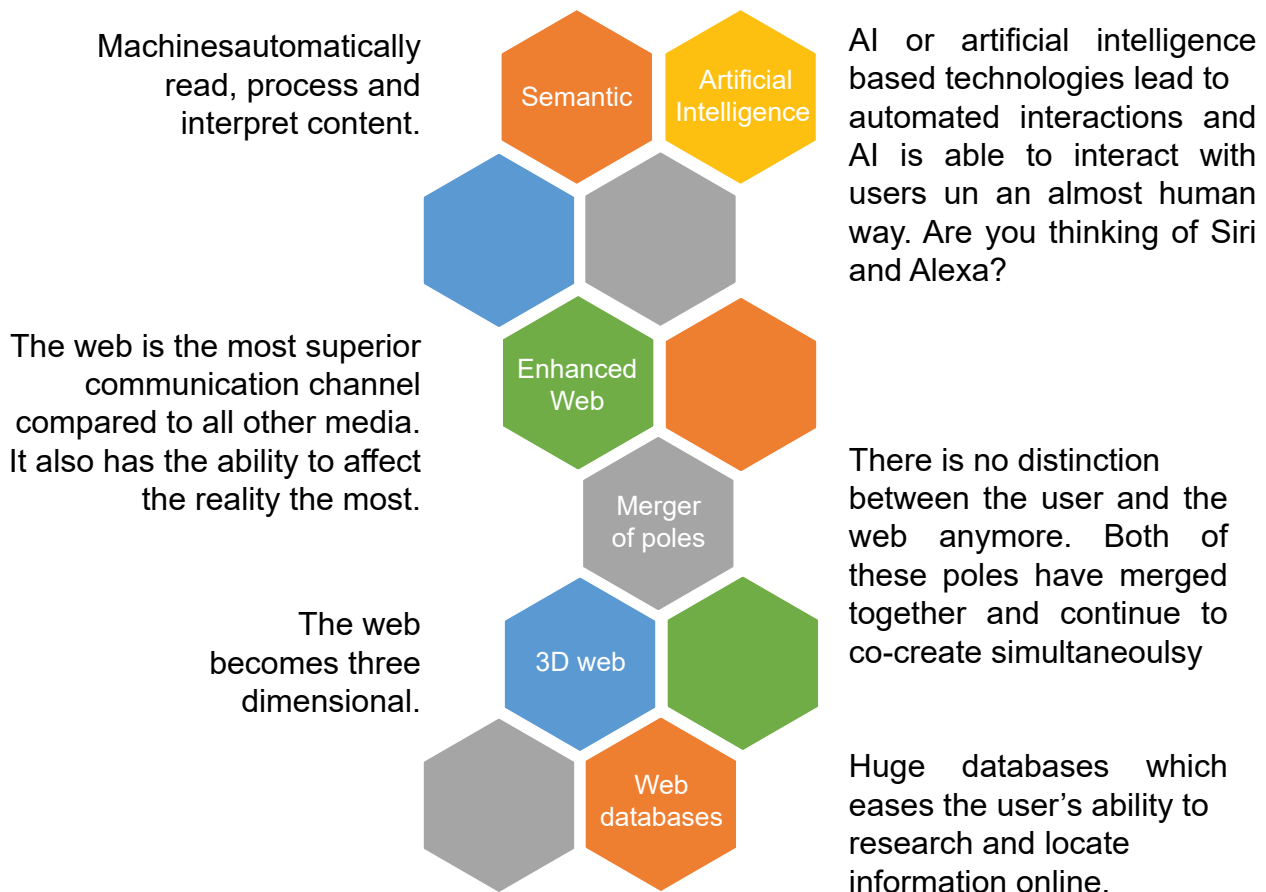


Figure 4

## Web 4.0 and 5.0: Age of the Digital Alter Ego, Quasi-emotive Web and More?

It is predicted that the next age of the internet will be dominated by big data, augmented realities as well as a world wide web which is sensory emotive space<sup>27</sup>. In this age, internet users will not only have a digital alter ego, but are also likely to engage even more through new interfaces like intelligent machines. People will be sharing more about what they are 'feeling' over various web platforms, which will allow technologies to monitor and map-out how people feel in real-time! For example, in the future, you might be able to find how people in Kandy, Sri Lanka 'feel' right now over a quick internet search. These machines will have a greater control on information which will affect the realities around us in a much stronger way.

<sup>27</sup> Ajith Kambil. 'What is your Web 5.0 strategy?' (2008) 29(6):56-58 <[https://www.researchgate.net/publication/235321740\\_What\\_is\\_your\\_Web\\_5\\_0\\_strategy](https://www.researchgate.net/publication/235321740_What_is_your_Web_5_0_strategy)> accessed 26 February 2021

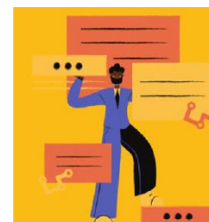


**Do you already have a digital alter ego?  
If you don't think you do...Who would you be if you were to have one?**

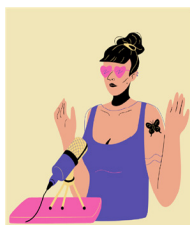
With the emergence of the internet and world wide web, the possibilities for individuals' freedom of expression were endless. Advocates of freedom of expression believed that there were so many ways for people to now truly experience and enjoy the freedom of expression either in simple speech, debate or artistic expression.

When you look at the evolution of the internet, you will notice the transition of the web from a oneway medium to a wholly new user-generated content platform. This transition including social media sites, blogs, podcasts, video streaming platforms paved the way to develop large databases of resources, heavily dependent on user-generated content. This gave birth to a media citizen who is now not only connected to the web to receive information, but is actively cocreating and sharing information over the web using different interfaces.

**@kirugallery:** *This category of media citizens includes us Jaani!*



**@minuteswithJaani:** *Yep. Also, don't forget that the web, and especially social media is an extremely powerful tool to create, access and disseminate information, these platforms have an impeccable impact of anyone's exercise of freedom of expression. In the age of the media citizens, like you and me, these tools are so important to enjoy our freedom of expression. However, to enjoy the freedom of expression, everyone has a role to play! Every contribution matter when it comes to monitoring, promoting and defending our freedom of expression. I wanted to share some tips on this over my podcast.*



**@kirugallery:** *What does monitor, promote and defend freedom of expression really mean for us media citizens?*

## Monitoring

Monitoring involves constantly checking and raising awareness on the state of freedom of expression in the country we live in. You can keep tabs on incidents where freedom of expression is suppressed and how certain laws of the government affects freedom of expression. You can even look into different activities that take place in your community to promote freedom of expression. For example, you can start a blog to monitor and record these instances. Be mindful of sharing authentic and verified information. The last thing you want to do is to share any fake news!

## Defending

When you closely monitor the state of freedom of expression in your community and even country, there may be incidents you might find problematic. Defending everyone's right to freedom of expression plays a major part in these circumstances. This requires actively being an ally of freedom of expression.

**@minuteswithJaani:** *However, verify the information that comes to you before you take a stand You should always know the source of your information!*

When you receive a WhatsApp message or see a social media post shared by someone, before sharing it with anyone else – try to think where they received the information.

Don't just think – but try to locate the source of the information.

The information tree created by the UNESCO Freedom of Expression Toolkit comes in handy for this purpose.<sup>28</sup> The diagram below is an excerpt from the UNESCO Toolkit.

<sup>28</sup> Ibid 22; 57



**Figure 2: “The Information Tree”**

The Information Tree represents the way your information is formed or has flowed. The leaves represent the most obvious part of the information flow including the TV programs you watch, the newspapers you read, etc. The branches represent the most immediate source of the information such as the news agencies, your parents, and friends. The trunk of the tree represents the more legalistic aspect of the information because governmental policies practises and national laws greatly influence what kind of information you can or cannot receive.

*Figure 5– An excerpt from the UNESCO Toolkit on FOE*

## Promoting

Promoting freedom of expression includes raising awareness, networking and celebrating freedom of expression. The most important thing is to start. Initiative is everything!

Start raising awareness using your online presence. Start networking with local organizations who are actively working towards promoting freedom of expression (check the list below for some examples). Everyone is stronger together in making sure that no stone is left unturned.

<b>Freedom of Expression Agencies and Organizations in Sri Lanka</b> <b>Note: This is not an exhaustive list. Just some examples for you to start the</b>	
Human Rights Commission of Sri Lanka <a href="https://www.hrsl.lk">https://www.hrsl.lk</a>	Right to Information Commission <a href="http://www.rticommission.lk">http://www.rticommission.lk</a>
Sri Lanka Development Journalist Forum <a href="https://www.ldjf.org">https://www.ldjf.org</a>	Center for Policy Alternatives <a href="https://www.cpalanka.org">https://www.cpalanka.org</a>
Sri Lanka Press Institute <a href="https://www.slpi.lk">https://www.slpi.lk</a>	Law and Society Trust <a href="https://lstlanka.org">https://lstlanka.org</a>
Transparency International <a href="https://www.tisrilanka.org">https://www.tisrilanka.org</a>	Hashtag Generation <a href="https://hashtaggeneration.org">https://hashtaggeneration.org</a>
Watchdog <a href="https://watchdog.paladinanalytics.com">https://watchdog.paladinanalytics.com</a>	Center for Equality and Justice <a href="http://cejsrilanka.org">http://cejsrilanka.org</a>

## Case Study 1:

Jaani recently started a Tik-tok channel to share her skills in traditional dancing. She came across a tik-tok trend called #CleanUp. There were a number of videos where tik-tok users were dancing to a song called 'Clean up' by a popular artist. The choreography of the dance looked quite easy to replicate, so Jaani started watching a few videos just to see if she can do it too. This is when she came across a troubling video where one of the girls who were dancing pretended that she was cleaning a mirror while dancing. On the mirror, there was an image of what looked like a transgender male. When she was cleaning, it was as if she was trying to erase the reflection of the transgender male. Jaani was wondering whether the video was discriminatory to the transgender community...

1. What do you think of this video?
2. What if there was a reflection of a person belonging to a socially discriminated group of people?
3. Do you think there is a problem with such a video?

## Case Study 2:

Kiruthikan loves playing an online video game called “PUBGIIS”. This was a massive multiplayer online role play-games, where each player had an avatar. The game is so popular because it allows players around the world to play with each other in real time. Although the game is not essentially violent like some games which now get banned in countries, once Kiruthikan started learning about freedom of expression he wanted to see if the game was in any way threatening freedom of expression. Here are a few key observations he made on the nature of the game:

- There were only male and female avatar options in the game.
  - The female avatars of the game wore tight fitted clothes which were always very revealing. In certain instances, male avatars of the game passed nasty comments to the female avatars.
  - The game seemed to portray homosexuality as a crime.
1. What do you think of the observations made by Kiruthikan on the online game?
  2. Have you come across massive multiplayer online games which could be impacting your freedom of expression?

**Take a Moment to Reflect on what you will do...**

Monitor	Defend	Promote
1. ....	1. ....	1. ....
2. ....	2. ....	2. ....
3. ....	3. ....	3. ....
4. ....	4. ....	4. ....
5. ....	5. ....	5. ....

**Impact Exercise**

*@minuteswithJaani: In your view, what are the different possibilities and threats to exercise freedom of expression in Web 4.0 especially for various gender identities? I have tried to write one for each. You can follow me...*

Possibilities	Threats
1. Virtual realities may allow us to step into the shoes of a transgendered identity using an avatar. Could this increase our abilities to empathize and connect?	1. Virtual Think of a virtual reality game... do they stereotype female gender identities?
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## Community Impact Project

To complete this module, you are required to take on a community impact project. In this project you are required to come up with a media product aimed at raising awareness on FOE. Don't worry. There are only five simple rules in implementing this project! Here they are:

- » You will be grouped in order to carry out this project;
- » You are required to design and implement this project;
- » Your project should raise awareness on FOE;
- » Your project should impact a community of minimum 200 people.
- » You should spend a minimum of 3 hours in implementing this project.

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