



## **Human Rights Commission of Sri Lanka**

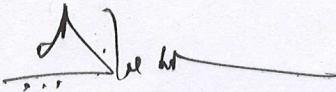
### **Presidential Election – 2024 Guidelines for Police Officers**

The Human Rights Commission of Sri Lanka (HRCSL) emphasises the citizen's right to vote, engage in public affairs, and have a free and fair election as per the 1978 Constitution of Sri Lanka and Sri Lanka's international human rights obligations. Accordingly, the following guidelines must be followed by Sri Lanka Police during the pre-election period, on the day of the election and during the post-election period.

- a) Article 12 of the Constitution of Sri Lanka guarantees that all persons are equal before the law and are entitled to the equal protection of the law. Accordingly, all complaints regarding election violence during the pre-election period, on the day of the election, and during post-election period should be received and investigated in a manner that does not violate Article 12 of the Constitution. In the event Sri Lanka Police fails to take any action, or omits or neglects the duty to take action regarding a complaint, Sri Lanka Police will be held accountable for violating such constitutionally guaranteed fundamental right.
- b) All complaints received by Sri Lanka Police should be investigated impartially and without any prejudice to any political party. The failure to conduct investigations properly due to political influence or due to any other reason shall be considered a violation of Article 12 of the Constitution.
- c) No person shall be subjected to torture, cruel, inhuman or degrading treatment or punishment by any police officer, either through the initiative of the police or upon instigation of others.

- d) All action against hate speech taken by Sri Lanka Police must be taken in accordance with the International Covenant on Civil and Political Rights (ICCPR) Act, No.56 of 2007, the relevant provisions of the Penal Code of Sri Lanka, and other relevant laws and subordinate legislation. Furthermore, these laws should not be enforced in a manner that violates the fundamental rights of the people or any candidate or in a manner that violates the freedom of expression of the people as guaranteed by Article 14(1) of the Constitution. Guidelines issued by the HRCSL relating to section 3 of the ICCPR Act are attached herewith for your reference.
- e) Laws relating to election campaigns should be enforced fairly to all persons. All political party candidates and independent candidates should be treated equally as per Article 12(2) of the Constitution. Accordingly, "No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds". Thus, unequal treatment or discrimination especially based on political opinion is a violation of Article 12(2) of the Constitution.
- f) Licenses and permits to use loudspeakers, conduct election meetings or have processions should be issued by the Sri Lanka Police in accordance with election laws, the Police Ordinance and any other relevant laws and regulations. No license or permits should be issued in a manner that unduly advantages or disadvantages any particular political party. In the event licences or permits are not issued in an impartial manner as mentioned above, such act or omission shall be a violation of Article 12 of the Constitution.
- g) Pamphlets, posters, signs, flags, banners and photographs of election candidates should be displayed in accordance with election laws. Any special treatment provided by Sri Lanka Police to a political party or candidate in removing or displaying any of the above shall be a violation of Article 12 of the Constitution.
- h) Sri Lanka Police should strictly enforce the law against any person who violates another person's right to vote. The failure to do so shall be a violation of Articles 12 and 14(1) of the Constitution.
- i) Sri Lanka Police should provide adequate security at polling stations and other relevant locations to ensure all efforts are taken to conduct a free and fair election in accordance with the law.
- j) The law should be equally enforced against any political party or person who violates election laws regardless of their personal status or political power. It is the duty of police officers to strictly enforce the law against any person who causes damage or misuses public property, which includes state-owned vehicles, buildings and premises. The failure to enforce the law against such persons is a violation of Article 12 of the Constitution.

- k) Prevention of election related violence, including post-election violence is the duty of Sri Lanka Police. Accordingly, as previously experienced, in situations where political power is leveraged for election violence, Sri Lanka Police should take all measures as per the law to uphold the law and prevent any violation of fundamental rights of the people.
- l) All necessary steps should be taken to ensure campaigning activities during the election period and the post-election celebrations are conducted in a manner that does not cause distress to the general public.



Justice L. T. B Dehideniya  
Chairman  
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