

Public Statement

The Law Society of Upper Canada Expresses Grave Concerns about the Harassment of Human Rights Lawyer Dr. Nimalka Fernando

Toronto – The Law Society of Upper Canada is gravely concerned about the harassment of human rights lawyer Dr. Nimalka Fernando in Sri Lanka.

Reliable reports indicate that during a November 4, 2013, radio program titled “The Way the Country is Moving (Rat Yana Atha)”, death threats and derogatory comments were directed by callers toward Dr. Nimalka Fernando. The radio program was broadcast on state-owned Sri Lanka Broadcasting Corporation (SLBC) and was produced by the Chairman of the SLBC, Mr. Hudson Samarasinghe. The subtitle of the program was “Stoning the Sinner Woman”.

Statements that Dr. Nimalka Fernando had made to a television channel on the previous day were broadcast on the radio program. The television interview was related to a public debate that was prompted by her call for the abolition of abortion laws in Sri Lanka, the promotion of safer sex and a more protective reproductive health approach. She had also stated that she objected to the use of the word “prostitution”.

Listeners to the SLBC radio program had the opportunity to call in and give their opinion. Statements from callers included:

- “We cannot allow persons like Nimalka Fernando to live in this society.”
- “If we do something to them the government will be blamed by the human rights people. We should use a lorry and cause an accident.”
- “There is something called cleaning in the army...We should hand her over to the cleaning system.”

Dr. Nimalka Fernando was described as a 59-year-old divorced woman who had served 30 different organizations and since 1989 had “carried tales”. She was also referred to as a “prostitute”. Most of the callers were men and some identified themselves as retired members of the armed forces. According to reports, Mr. Samarasinghe did not stop callers from making these statements and, in fact, seemed to encourage them.

Dr. Nimalka Fernando has lodged a complaint with the Human Rights Commission of Sri Lanka and the Inspector General of Police. Reports indicate that this is not the first time she has faced harassment as a result of her human rights work. In March 2012, Dr.

Nimalka Fernando, along with three other human rights defenders, was accused of being a traitor and working against the interests of the country to obtain “dollars”. Additionally, the Minister of Public Relations threatened to “break the limbs” of Dr. Nimalka Fernando and three other human rights defenders.

Dr. Nimalka Fernando is the president of the International Movement Against All Forms of Discrimination and Racism (IMADR) and is a prominent human rights activist. She is involved in a number of human rights organizations. She has also actively participated in and contributed to the human rights work of the United Nations, including participating in treaty body committee meetings (committees of independent experts to monitor the implementation of treaties) and sessions of the Human Rights Council for over three decades.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states that “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”

Therefore, the Law Society of Upper Canada calls on the Sri Lankan authorities to,

- a) order a thorough and transparent investigation of the complaint lodged by Dr. Nimalka Fernando;
- b) guarantee in all circumstances the physical and psychological integrity of Dr. Nimalka Fernando;
- c) put an end to all acts of harassment and intimidation Dr. Nimalka Fernando and other human rights defenders in Sri Lanka;
- d) ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e) ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for 46,200 lawyers and 6,000 paralegals in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

The Law Society urges the legal community to intervene in support of members of the legal profession in their effort to advance the respect of human rights and to promote the rule of law.

- 30 -

For more information, please contact Lisa Hall at 416-947-7625 or lhall@lsuc.on.ca.

The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6