

Press Complaints Commission of Sri Lanka

Annual Review 2022

(TO UPDATE)

01. Introduction

The Press Complaints Commission of Sri Lanka (PCCSL) will be celebrating their 20th anniversary next year (2023) in October. It was set up to promote and foster self-regulation through an Editors' Code of Professional Practice for print media journalists. The PCCSL is an independent, voluntary, self-regulatory mechanism set up by the newspaper industry of Sri Lanka, supported by the Newspaper Society of Sri Lanka, The Editors' Guild of Sri Lanka, the Free Media Movement and the Sri Lanka Working Journalists Association. Its affiliates include Sri Lanka Muslim Media Forum, Sri Lanka Tamil Media Alliance and the Federation of Media Employees Trade Union. The PCCSL was inaugurated on October 15, 2003, as a suitable alternative to the regulatory body – the Press Council of Sri Lanka – which was set up under Act No. 5 of 1973 and the removal in 2002, of the Criminal Defamation provisions in the Penal Code.

It works on the principles of Conciliation, Mediation and Arbitration under the Arbitration Act No. 11 of 1995. It is modeled along the lines of similar self-regulatory mechanisms in Scandinavian countries, and South Africa. The High Court of Colombo is empowered to enforce an arbitration award made under the Act to enforce an order of the Dispute Resolution Council (DRC) of the PCCSL.

The Editors' Code of The Editors' Guild of Sri Lanka, which is implemented by the PCCSL, provides for conditional third party complaints. Third party complaints are entertained from six categories viz; environmental groups, animal welfare groups, adults on behalf of minors, an immediate family member of an accident victim, an immediate family member of a person in custody and anyone complaining on behalf of another, provided the prior written permission of the person personally affected is obtained and the Complaint Form signed.

The Colombo Declaration on Press Freedom and Social Responsibility, which is the foundation of the Press Complaints Commission of Sri Lanka (PCCSL), was an outcome of an international symposium held in Colombo in 1998 and revisited twice in 2008 and 2018. The ground-breaking seminar in 1998, was organized by the Newspaper Society of Sri Lanka, The Editors' Guild of Sri Lanka and the Free Media Movement in association with the Sri Lanka Working Journalists Association, the World Association of Newspapers, the Commonwealth Press Union, the International Press Institute, Article 19 and the Media Institute of Southern Africa.

The year (2022) under review saw the country ranked by Reporters without Borders at 146 in the World Press Freedom Index of 180 countries. Sri Lanka was ranked 141 in 2017, 131 in 2018, 126 in 2019 and 127 in 2020 and 2021.

02. Executive summary

The fallout of the COVID-19 pandemic which negatively impacted on the print media in the years 2020 and 2021 led to the devaluing of the dollar resulting in the newspaper industry grappling with shortages of printing materials, high production costs and drop in advertising revenue. All this compelled publishers to increase the cost of newspapers thereby affecting circulation. Journalists continued to work from home due to high operational costs.

The Press Complaints Commission of Sri Lanka (PCCSL) in the midst of this scenario and travel restrictions due to rationing of fuel on a QR Code, continued building on the positive growth made in the previous year and successfully held seven meetings attended by 12 publishers, editors, sub-editors, desk heads, journalists and provincial correspondents. Fourteen meetings were held with 124 members of civil society and students of journalism. During the meetings, the importance of self-regulation and the Editors' Code of Professional Practice were discussed along with the PCCSL process in resolving complaints.

The continued support by the Dispute Resolution Council (DRC) comprising both non journalists and journalists has helped the PCCSL to a great extent.

Indicators that the voluntary independent self-regulatory system is broadly accepted by registered National newspapers printed and published in the country and its success can be measured by the following;

- (a) The number of valid complaints, where Complainants have filled in and signed the Complaint Form thereby accepting the PCCSL process to resolve their complaint. However, Complainants remain sluggish in following up on their initial complaint, while editors are eager to resolve them when informed.
- (b) The number of complaints resolved directly by editors or 'instant complaints' has maintained stability indicating that editors continue to follow the self-regulatory process. The increased number of 'Right of Reply' responses in the form of corrections, clarifications, apologies published by newspapers without formally involving the PCCSL indicates that the advocacy work done by the Commission has made readers write direct to editors and have their 'Right of Reply' published without the intervention of the PCCSL.
- (c) The PCCSL also observes violations of the Code *Suo-Moto* and these are brought to the notice of the respective editors who respond positively by introducing positive steps in their newspapers which help reach the objective of a professional and responsible media.
- (d) The PCCSL has been informed by several publishing houses that because of the intervention of the PCCSL in resolving complaints and training journalists, on the application of the Editors' Code to guide them to be more professional and socially responsible when writing stories, the number of cases filed in courts have significantly reduced.
- (e) The publication of the public notice 'Rights of Readers'. Although, some newspapers do not publish the public notice, they adhere by the PCCSL requirements in resolving complaints.

2.1: Responsibilities of Media Institutions and Personnel

Media institutions/personnel in the print media presently adhere to the Code of Professional Practice of The Editors' Guild of Sri Lanka (TEGOSL) that is enforced by the Press Complaints Commission of Sri Lanka. The Code has been adopted by the Sri Lanka Press Institute, the Sri Lanka College of Journalism, the Newspaper Society of Sri Lanka, the Free Media Movement, the Sri Lanka Working Journalists Association, the Sri Lanka Tamil Media Alliance, the Sri Lanka Muslim Media Forum, the Federation of Media Employees Trade Union, and the South Asian Free Media Association – Sri Lanka Chapter. All media institutions/personnel co-operate with the Press Complaints Commission of Sri Lanka and adhere to the communications of the Commission's Secretariat and the adjudications of the Commission's Dispute Resolution Council.

2.2: Welfare and development of journalists and media freedom:

Media Ministers continue to make statements and promises but nothing materializes. For example, Mass Media Minister Keheliya Rambukwella's who had proposal to the Cabinet in January 2021, to set up a Media Centre for the purpose of conveying accurate information on Government policies and development efforts to the public did not materialize. He also stated that they will broad base the Sri Lanka Press Council Act to bring in the digital and social media platforms in a bid to make the media responsible in reporting also did not materialize.

Media Minister Dulas Alahapperuma on January 03, 2022, said that there are 13 institutions that came under his purview and that they should not be a burden to the Treasury. He also promised to set up a Chartered Institute for Journalists which also did not see the light of day. Commenting on the Media Accreditation card, he said that this has to be renewed once in three years and not like at present, yearly. The only positive step taken for journalists during the year was the State-

sponsored *Asidisi* Insurance Policy where 4,000 journalists were provided with an insurance scheme.

The Year (2022) commenced with Mr. Keheliya Rambukwella being the Media Minister. After a Cabinet reshuffle, Dr. Nalake Godahewa was appointed on April 19, 2022, following the resignation of Mr. Dulas Alahapperuma, who was Media Minister on April 03, 2022 along with other Cabinet Ministers. Presently, Mr. Bandula Gunawardena, who was appointed on July 22, 2022, is the fourth Media Minister appointed between 2021 and 2022.

2.3: Press Council issues:

The Press Council of Sri Lanka comprise seven (7) members: Chairman: Mr. Mahinda Pathirana, Senior Lecturer, Sabaragamuwa University of Sri Lanka. Members of the Board: Mr. Dinith Karunaratne, Director General of Department of Government Information, Dr. Tudor Weerasinghe, Senior Lecturer, Sripalee Campus, University of Colombo, Mr. Prashantha Lal De Alwis, PC, Mr. Gamini Wijewardhana. Attorney-at-Law, Mr. K. G. C. P. Bandara, Journalist, ANCL and Mr. A. Dombagahawatte, Editor, Irida Lankadeepa, Wijeya Newspapers. Mr. Niroshana Thambawita, Press Commissioner.

The Sri Lanka Press Council continues to register the first publication of a newspaper under the Sri Lanka Press Council Law No. 5 of 1973 and as amended in 1994 and 2013.

2.4: Gender issues

Amidst the predominantly male editors, there were three women editors; Ms. Hana Ibrahim, Editor, *Daily/Weekend Express online newspapers*, Ms. Mandana Ismail Abeywickrema, Editor, *The Sunday Morning* and Ms. Vindya Amaranayake, Editor *Ceylon Today (Daily/Weekly)* in addition to quite a few women deputy editors, news editors, features editors, sub-editors and supplement editors.

2.5: Memoriam

Complaints Officer – Sinhala Print, Mr. Kamal Liyanaarachchi passed away on February 20, 2022.

03: Total number of newspapers monitored and their frequency

The total number of newspaper dailies and weeklies published by the end of the Year 2022 in the three language streams was 34 down by two from the previous years.

List of newspapers published and their frequency (Daily/Weekly):

- Sinhala language

Dailies: *Lankadeepa, Dinamina, Divaina, Ada, Maubima and Aruna.*

Weeklies: *Irida Lankadeepa, Silumina, Irida Divaina, Deshaya, Irida Maubima, Lanka, Anidda and Sathi Aga Aruna.*

Total: dailies 06 + weeklies 08 = 14 – (41.17%)

- Tamil language

Dailies: *Virakesari, Thinakaran, Thinakkural and Thamilan. Metro News and Tamil Mirror* went online with no printed version.

Weeklies: *Virakesari Weekly, Thinakaran Varamanjari, Thinakkural Weekly and Vidivelli Weekly.*

Total: dailies 04 + weeklies 04 = 08 – (23.52%)

- English language

Dailies: *Daily Mirror, Daily FT, Daily News, The Island, Ceylon Today and the Morning.*

Weeklies: *The Sunday Times, Sunday Observer, Sunday Island, Ceylon Today (Sunday Edition), Weekend FT and The Sunday Morning.*

Total: dailies 06 + weeklies 06 = 12 – (35.29%)

Besides the above there are several regional newspapers. *Uthayan*, *Valampuri*, *Yarl Thinakural*, *Eelanadu*, *Thinamurasu* and *Kalaikaththir* are published in Jaffna while *Sooriyakanthi* and the *Udayasuriyan* are published in the upcountry. Even these two newspapers have ceased publication.

04. Complaints

During the period under review (January to December 2022), the PCCSL received **41** complaints. The following is a breakdown of complaints against the different language newspapers.

- * Sinhala language press: **29** complaints.
- * Tamil language press: **04** complaints.
- * English language press: **04** complaints.
- * Not against the print media: **04** complaints

04.01. Status of complaints received:

Valid complaints: 32

- * Resolved: **16**
- * Complainant did not proceed: **16**
- * No response from Editor: **00**.

Invalid complaints: 09

- * Out of mandate: **04** (Complaints that do not fall within the purview of the PCCSL).
- * Sub-judice: **01** (Complaints pending in courts).
- * Dismissed: **04** (Not a valid complaint)

Total: 41 complaints

04.02. Complaints were received against the following newspapers:

- The Associated Newspapers of Ceylon Limited: ANCL (Lake House) Newspapers: ***Dinamina*** and ***Daily News***.
- Wijeya Newspapers Limited: ***Irida Lankadeepa***, ***Daily Mirror***, ***The Sunday Times***, ***Lankadeepa*** and ***Ada***.
- Express Newspapers (Cey) (Pvt) Limited: ***Vidivelli***.
- Upali Newspapers Limited: ***Divaina***.
- New Uthayan Publication (Pvt) Limited: ***Uthayan***.
- Ceylon Newspapers (Pvt.) Limited: ***Mawbima***
- Liberty Publishers Private Limited: ***Aruna*** and ***Sathi Aga Aruna***.
- Asia Media Publications (Pvt) Ltd: ***Yarl Thinakkural***.

04.03. Other complaints:

The PCCSL also received complaints for purportedly misleading advertisements published in newspapers, advertorials (paid Editorial content), articles sent for publication that were not published, as well as complaints against online versions of newspapers, websites and Television Stations. These were forwarded to the concerned authorities. There were also complaints of a personal nature which could not be addressed by the PCCSL and were therefore 'dismissed'.

Most of the complaints were made over the telephone and email since the postal service and mobility were disrupted frequently due to the economic down turn forcing travel restrictions impacting postal and courier services. It is mandatory that before the complaint process commences, all complainants have to fill in a Complaint Form and after signing it, forward it to the PCCSL along with the incorrect article or copy and a letter stating the inaccuracy.

04.04. Complaints resolved outside of the PCCSL process (direct complaints):

The PCCSL monitors the daily progress made by Editors in resolving complaints without involving the PCCSL (direct complaints) and has observed that a total of 42 complaints have been resolved

during the year with the publication of a clarification (17), correction/apology (20) or Right of Reply (05). This includes 11 concerning Sinhala language newspapers, 01 Tamil and 30 English.

04.05. Violations of the Code monitored by the PCCSL:

The PCCSL, during the year, monitored violations of the Code in 20 instances in 10 newspapers. Given below is the name of the newspaper in which a violation was monitored and in parenthesis is the number of violations monitored in that newspaper.

The names of the newspaper and their violations are; *Divaina* (01), *Daily Mirror* (01), *Ada* (01), *Maubima* (02), *Aruna* (02), *Thamilan* (02), *Daily News* (01), *Thinnakaran* (02), *Kalaikaththir* (04) and *Yarl Thinakkural* (04).

05. Right of Readers

The 'Rights of Readers' advertisement was sent to all newspapers for publication. The following newspapers carried the public notice on a regular basis while some published it on and off.

They are:

1. ***Wijeya Newspapers Limited:*** *Daily Mirror*, *The Sunday Times*, *Daily FT*, *Ada*, *Deshaya* and *Tamil Mirror*.
2. ***Express Newspapers (Ceylon) (Pvt.) Limited:*** *Virakesari* daily/weekly and *Metro News*.
3. ***Ceylon Newspapers (Pvt) Limited:*** *Ceylon Today* (daily) and *Ceylon Today* (Sunday Edition)
4. ***Asian Media Publications (Pvt.) Limited:*** *Thinakkural* daily.
5. ***Upali Newspapers (Private) Limited:*** *The Island* and *Sunday Island*.
6. ***Anidda Publishers (Guarantee) Company Limited:*** *Anidda*
7. ***Lanka First Rate Publishers (Pvt) Ltd:*** *Lanka*.

Meanwhile, *Maubima* (Daily Edition) and *Maubima* (Sunday Edition), *Divaina*, *Irida Divaina*, *Silumina* and *Thamilan* continue to comply with the PCCSL process, although they do not publish the 'Right of Readers' public notice.

06. Dispute Resolution Council

The Dispute Resolution Council (DRC) met on four occasions; (January, March, September and November). Despite the economic and the fuel crisis making travelling expensive and difficult, the DRC continued to maintain a steady link with the PCCSL assisting in tackling difficult complaints with editors. The Chairman of the 11-member Dispute Resolution Council is former Secretary General of Parliament and Attorney Nihal Seneviratne. The members are: Dr. A. C. Visvalingam, Mrs. Gnana Moonesinghe, Mr. Lucille Wijewardene, Mr. Javid Yusuf and Mr. Dion Schoorman, who are non-media-related members of the Council totaling six. Mr. Siri Ranasinghe, Mr. Pramod de Silva and Mr. P. Balasingham, Mr. Mike Andree and Mr. Nilantha Madurawala joined later in the year to make up the five media-related members on the Council.

07. Membership of PCCSL

Membership of the PCCSL stands at 43 members as of December 31, 2022. There are seven vacancies to be filled.

08. Publicity of PCCSL

08.01. Publicity of the PCCSL in the print media/digital

- ***PCCSL upgraded to 'Associate Member Status':***
- The PCCSL has been upgraded from 'Observer Status' to 'Associate Member Status'. We are available on the AIPCE website: <http://www.presscouncils.eu/>. To be a full 'Member' the organization has to be represented from a European Country. We do not have voting rights but can share knowledge and attend the assemblies and participate in discussions.
- Mr. Lakshman I. Keerthisinghe refers to the Press Complaints Commission of Sri Lanka and defamation while quoting from 'The Other War'.in his article 'Press Freedom and unity in Sri Lanka' in *Daily News* page 07 of May 18, 2022.

- The Press Complaints Commission of Sri Lanka is listed in the 'Europa World Year Book, South Asia 2023.
- Between September 09 and September 16, the PCCSL issued press release following the Annual General Meeting was given wide publicity in the print media.

08.02. Web Page

- The web page – www.pccsl.lk – was updated and contains material necessary for students following Media Studies and Mass Media Degrees, complainants, journalists and research students.

08.03. PCCSL Posts on social media

- The PCCSL continued Posts on social media every week.

09. Awareness and other programmes

09.01. Meetings with publishers, editors and journalists

- The PCCSL conducted a total of seven meetings with 12 publishers, Editors, Desk Heads, sub editors and journalists.

09.02. Awareness programmes with civil society

- The PCCSL, in spite of the economic down turn and restrictions on travelling due to a rigid fuel quota system in place made positive headway by meeting 124 members representing various sections of civil society at 14 meetings. These programmes were well attended by government officials, officials from local government institutions, academics, doctors and heads of institutions. The role of the PCCSL, Rules and Procedures of the PCCSL and the Editors' Code were explained. (Please see awareness chart).

09.03. Book for beginners in Journalism

- The book '*Thrill of journalism in touching and shaping thinking: A beginner's guide*' was held up during the year under review since the CEO is also Convener of the Journalism Awards for Excellence Programme. Journalism Awards for Excellence 2019/20 was held in March and 2021 was held in December. The book consists of 200 pages A5 in size. It has gone through two readings and updates/changes have been done.

10. AGM, Board meetings and PCCSL Secretariat

- The PCCSL Board of Directors continued to meet once a month. The Annual General Meeting (AGM) was conducted by a Webinar (virtual zoom meeting) due to the economic down turn and fuel restrictions on September 07, 2022.
- **Board members:** Mr. Kumar Nadesan (Chairman, nominee of SLPI), Mr. Sinha Ratnatunga (Deputy Chairman, nominee of The Editors' Guild of Sri Lanka), Mr. Nimal Welgama (nominee of the Newspaper Society of Sri Lanka), Mr. Thaha Muzammil (nominee of the Free Media Movement), Mr. Manik de Silva (nominee of the SLPI), Mr. Lakshman Muthuthanthirige (nominee of the Sri Lanka Working Journalists Association), Mr. Dharman Wickremeratne, Mr. M. N. Ameen and Mr. Mohanlal Piyadasa were re-elected by the general membership of the PCCSL.

11. Conclusion

- The PCCSL Secretariat would like to thank the CEO and staff of the Sri Lanka Press Institute (SLPI) for all assistance, the Chairman and the Board of Directors of the PCCSL and the Chairman and members of the Dispute Resolution Council for their invaluable support and advice at all times.
- The Annual Report is available on the PCCSL web page: www.pccsl.lk .

Sukumar Rockwood
Chief Executive Officer

Category and status of complaints received in 2022

Month	Language/Total	Valid complaint	Resolved	Complain-ant did not proceed	No response from Editor	Invalid complaint	Out of Mandate	Subjudice	Dismissed
January	S-02, T-01, E-01, O-01 = Total- 05	02	00	02	00	03	01	01	01
February	S-02, T-00, E-00, O-01 = Total- 03	01	00	01	00	02	02	00	00
March	S-01, T-00, E-00, O-01 = Total- 02	00	00	00	00	02	00	00	02
April	S-00, T-01, E-00, O-00 = Total- 01	01	01	00	00	00	00	00	00
May	S-02, T-00, E-01, O-00 = Total- 03	02	02	00	00	01	00	00	01
June	S-00, T-00, E-00, O-00 = Total- 00	00	00	00	00	00	00	00	00
July	S-02, T-01, E-00, O-00 = Total- 03	03	01	02	00	00	00	00	00
August	S-03, T-00, E-00, O-00 = Total- 03	03	02	01	00	00	00	00	00
September	S-02, T-00, E-00, O-00 = Total- 02	02	00	02	00	00	00	00	00
October	S-05, T-00, E-01, O-00 = Total- 06	06	01	05	00	00	00	00	00
November	S-09, T-01, E-01, O-01 = Total- 12	11	09	02	00	01	01	00	00
December	S-01, T-00, E-00, O-00 = Total- 01	01	00	01	00	00	00	00	00
Total	S-29, T-04, E-04, O-4 = Total 41	32	16	16	00	09	04	01	04

Complaint chart: 2003 – 2023

Year	2003/2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Language																					
Sinhala	129	68	96	93	72	72	53	68	87	101	167	87	87	76	48	56	42	34	29	20	1485
Tamil	21	23	8	17	3	12	33	21	42	33	47	20	15	18	14	5	9	7	4	4	356
English	31	20	20	25	18	31	22	20	29	15	70	17	17	9	12	12	5	8	4	8	393
Other	0	0	0	26	0	7	23	15	18	14	7	18	14	13	5	10	20	8	4	6	208
Total	181	111	124	161	93	122	131	124	176	163	291	142	133	116	79	83	76	57	41	38	2442
Validity of complaint																					
Valid complaint	152	104	87	135	62	70	82	70	131	122	254	85	83	76	60	54	42	41	32	20	1762
Invalid complaint	29	7	37	26	31	52	49	54	45	41	37	57	50	40	19	29	34	16	9	18	680
Status																					
Resolved	49	26	7	32	27	34	38	37	73	58	192	38	29	29	33	20	16	16	16	8	778
Out of mandate	29	7	37	26	23	42	46	39	39	20	23	40	26	21	6	13	13	3	4	5	462
Complainant did not proceed	0	0	0	0	27	25	26	22	49	51	56	46	49	36	21	29	22	25	16	10	510
No response from Editor	0	0	0	0	8	11	3	11	9	13	6	1	3	11	6	5	4	0	0	2	93
Sub judice	0	0	0	0	8	10	3	15	6	21	14	17	20	7	0	9	7	3	1	0	141
Closed/Dismissed	103	78	80	103	0	0	15	0	0	0	0	0	6	12	13	7	14	10	4	13	458