

Legal experts and civil society raise concerns over proposed PSTA

As of early 2026, Sri Lanka's proposed Protection of the State from Terrorism Act (PSTA)—intended to replace the widely criticized Prevention of Terrorism Act (PTA)—continues to draw increasing scrutiny from legal experts, civil society groups, and international human rights bodies. The draft legislation, published by the Ministry of Justice in December 2025, remains a proposed bill, with consultations and public debate continuing into 2026. While the government has presented the PSTA as a reform intended to replace the PTA, many observers warn that several provisions risk reproducing the structural flaws that have long characterized Sri Lanka's counter-terrorism framework.

TAMIL LAWYERS FORUM INITIATES ENGAGEMENT'

In response to the proposed legislation, the Tamil Lawyers Forum (TLF) has initiated efforts to engage Tamil political parties, legal professionals, and civil society organizations in examining the potential legal and human rights implications of the draft law. As part of this process, members of the Tamil Lawyers Forum formally handed over their observations and concerns regarding the proposed PSTA to the Secretary of the Ministry of Justice and National Integration on 26 February 2026. Their submission raised a number of legal and human rights issues within the draft bill and called for careful scrutiny to ensure that any counter-terrorism framework complies with international human rights standards. The engagement by legal professionals forms part of a broader effort to encourage inclusive dialogue and informed public discussion on the future of Sri Lanka's counter-terrorism legislation.

A LEGACY OF HUMAN RIGHTS CONCERNS

For more than four decades, the Prevention of Terrorism Act has been widely criticized by victims, lawyers, and international observers for enabling arbitrary arrests, prolonged detention without trial, torture, and other serious human rights violations. Human rights organizations have repeatedly called for the complete repeal of the PTA, arguing that the law is incompatible with Sri Lanka's constitutional guarantees and international human rights obligations. Although the proposed PSTA has been introduced as a replacement for the PTA, critics warn that several provisions within the draft legislation risk reproducing similar powers under a new legal framework.

CONCERNS RAISED BY INTERNATIONAL HUMAN RIGHTS EXPERTS

International human rights mechanisms have also raised serious concerns regarding the proposed legislation. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has warned that several provisions of the draft law remain inconsistent with Sri Lanka's obligations under international human rights law.

According to OHCHR's preliminary analysis, the proposed legislation risks enabling:

- Broad criminalization through vague definitions of terrorism
- Restrictions on freedom of expression, assembly and association
- Substantial executive powers with limited safeguards or oversight
- Arbitrary arrest and prolonged detention
- Exposure to torture, ill-treatment and enforced disappearance.

OHCHR has therefore urged the government to substantially revise the draft legislation to ensure that Sri Lanka's counter-terrorism framework complies with international law and does not replicate the serious human rights violations associated with the PTA.

WIDE DEFINITION OF TERRORISM RAISES ALARM

One of the most widely discussed concerns is the broad, vague definition of terrorism in the proposed law. International experts have warned that the definition includes conduct that falls below the threshold generally recognized under international law for terrorism offences. Terms such as "hurt", "obstruction", or "damage" appear in the legislation without clear thresholds, raising concerns that ordinary criminal acts could potentially be prosecuted as terrorism offences. Human rights organizations have emphasized that terrorism offences should be limited to intentional acts involving serious violence, such as killing, hostage-taking, or severe bodily harm. Amnesty International has similarly warned that overly broad definitions of terrorism create a real risk of arbitrary application and abuse, particularly where national security laws intersect with fundamental freedoms.

CONCERNS OVER DETENTION POWERS

The proposed PSTA has also raised concerns regarding prolonged detention powers and limited judicial oversight. Under the draft framework, detention orders may be issued allowing suspects to be held for extended periods before trial. Critics warn that prolonged detention without meaningful judicial review increases the risk of arbitrary detention, coercion, and ill-treatment, particularly during the early stages of custody when access to legal counsel may be limited. Human rights experts stress that international law requires detention to be exceptional, necessary, and subject to effective judicial scrutiny.

EXECUTIVE POWERS AND RESTRICTIONS ON CIVIL LIBERTIES

Observers have also raised concerns regarding provisions that grant extensive powers to the executive and security authorities, including the authority to restrict movement, assemblies, and activities where perceived security risks exist. The proposed legislation also introduces surveillance and information-related offences that could potentially affect journalistic reporting, research, and civil society advocacy if interpreted broadly. International human rights standards require that restrictions on freedoms of expression, association, and assembly be necessary, proportionate, and clearly defined in law.

CIVIL SOCIETY MOBILIZATION AND PUBLIC CONCERN

Public concerns regarding Sri Lanka's counter-terrorism laws have also been reflected in civil society discussions and demonstrations in several districts. In late February 2026, a protest in Batticaloa brought together religious leaders, civil society representatives, students, and families of victims of enforced disappearances. Participants expressed concerns about the continuation of sweeping security laws and called for meaningful reforms to address longstanding human rights violations associated with counter-terrorism legislation. Civil society groups and journalist organizations have also raised concerns that vague provisions within the proposed legislation could affect peaceful protest, civic engagement, and public expression. Civil society groups and legal experts continue to emphasize that the Prevention of Terrorism Act must be fully repealed, warning that replacing it with legislation that retains similar sweeping powers risks perpetuating the same system under a different name.

THE NEED FOR RIGHTS-COMPLIANT REFORM

Sri Lanka faces legitimate security challenges, but international law requires that counter-terrorism measures be necessary, proportionate, and consistent with fundamental human rights protections.

Legal experts and civil society organizations emphasize that any future legislative framework should:

- Provide a clear and narrow definition of terrorism
- Ensure strong judicial oversight of arrests and detention
- Explicitly prohibit torture and coerced confessions
- Protect freedom of expression and civic participation
- Ensure accountability for abuses by state officials

As discussions on the proposed PSTA continue, many observers stress that meaningful reform requires more than replacing one law with another. Ensuring that Sri Lanka's counter-terrorism framework aligns with international human rights standards and the rule of law remains essential for protecting democratic freedoms and public trust.