

Policy Dialogue on Combating the Misuse of Law, Science, and Media: Tackling Disinformation and Misinformation



**Recommendations
and Strategies**

Policy Brief



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JOURNALISTS FOR RIGHTS



RIGHT TO LIFE
HUMAN RIGHTS CENTRE

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“The false accusations not only ruined my career but also caused immense suffering to my family. My children were particularly targeted and traumatized. I implore the media and the public to ensure such baseless and harmful incidents do not happen again.”

- Mr. Mohamed Shafi Shihabdeen, a medical doctor who faced false allegations of sterilizing women during caesarean surgeries

Introduction

This policy brief outlines the discussions and key points raised during the policy dialogue on the misuse of law, science, and media. The event, held on May 21, 2024, in Colombo, was organized by the Right to Life Human Rights Centre in collaboration with Journalists for Rights. The dialogue aimed to address the damaging impacts of misinformation and disinformation propagated through irresponsible journalism and other opportunistic objectives.

Background

In the aftermath of the 2018 Easter Sunday attacks, Sri Lanka has faced significant challenges in balancing national security with human rights protections. Misuse of legal frameworks, such as the International Covenant on Civil and Political Rights (ICCPR) Act and the Prevention of Terrorism Act (PTA), has raised concerns about the indirect punishment of individuals, particularly affecting minority communities and exacerbating social divisions.

Key Points from the Dialogue



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1. Impact of Irresponsible Journalism:

- Case Study: False Allegations Against Dr. Shafi:

- Prof. Hemantha Senanayake highlighted the case of Dr. Shafi, a Muslim doctor falsely accused of sterilizing 4,000 women. This unfounded claim, propagated by the media, damaged Dr. Shafi's reputation and created public hysteria.

- The media's failure to verify facts led to widespread belief in the allegations, even among medical professionals, severely undermining trust in the medical sector.

“Media holds immense power and must exercise responsibility. The false allegations against Dr. Shafi, accusing him of sterilizing 4,000 women, illustrate the devastating impact of irresponsible reporting. This baseless claim propagated without verification, eroded public trust in the medical profession and caused significant harm to Dr. Shafi, his family, and the broader community. We must ensure that the media rigorously checks facts to prevent such damaging misinformation. Upholding journalistic integrity is crucial to maintaining societal trust and safeguarding the professional relationships essential for a functioning healthcare system.”

2. Broader Implications of Misinformation:



- *Democratic and Societal Impact:*

- C. Dodawatta discussed how the spread of false information distorts societal realities and undermines democracy, leading to chaotic and violent public responses.

- He called for media reforms, improved public media literacy, and mechanisms to combat misinformation and hate speech.

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“The deliberate spread of misinformation and disinformation by the media undermines democracy and distorts societal realities. The false accusations against Dr. Shafi exemplify the chaotic and violent repercussions of such irresponsible journalism. Media reform and enhanced media literacy are crucial to combat this information disorder. We must advocate for stringent media regulations and promote public awareness to prevent the spread of false information. Only through responsible reporting and informed consumption of news can we protect our democratic values and ensure a well-informed society.”

3. Investigative Challenges:



- Law Enforcement Perspective:

- Former CID Director Shani Abesekara shared his experience in investigating the Dr. Shafi case. Despite thorough investigations finding no evidence to support the allegations, the media’s persistent narrative caused irreversible damage to Dr. Shafi and his family.

“The investigation into Dr. Shafi’s case revealed no evidence supporting the false sterilization claims, yet the media’s persistent narrative caused irreversible harm. This case highlights the destructive power of irresponsible journalism. Thorough investigations and medical examinations disproved the allegations, but the damage to Dr. Shafi and his family was immense. It is crucial to promote media forensic studies and enforce accountability to prevent such incidents. The media must prioritize accuracy and integrity to avoid devastating consequences for individuals and communities.”



4. Professional Ethics and Responsibility:



- Legal and Medical Professionalism:

- Dulan Dasanayake criticized the lack of professionalism among various sectors, including the legal and medical fields, and emphasized the importance of ethical conduct and professional integrity.

- He stressed the need for collective action to restore public trust and uphold professional oaths and responsibilities.

“The premature condemnation of Dr. Shafi by media, legal, and medical professionals underscores a serious lapse in ethical conduct. The false allegations severely damaged public trust in the healthcare system. Upholding professional integrity is essential for maintaining this trust, which is critical for the health sector’s development. We must collectively reinforce ethical standards and hold professionals accountable to prevent similar incidents. Only through unwavering commitment to our professional oaths can we restore and sustain public confidence in our institutions.”

Doctors and lawyers are bound by ethical standards that ensure the protection and respect of human life and the fair treatment of individuals. Medical practitioners take an oath to maintain the utmost respect for human life and to not use their knowledge contrary to the laws of humanity. They are guided by principles of good medical practice, which mandate that doctors must not exploit patients’ vulnerabilities with personal beliefs, and they must treat colleagues with respect, avoiding any behavior that could undermine trust or professional relationships. Furthermore, they must challenge colleagues whose behavior does not align with these ethical standards and avoid making malicious or unfounded criticisms that could harm patient trust.

In the legal profession, Article 13(5) of the Constitution underscores the right to the presumption of innocence until proven guilty, a fundamental aspect of due process and fair trial. However, in the case of Dr. Shafi Shihabdeen, this right was violated as he faced a trial by media, leading to his premature conviction in the court of public opinion. This highlights the crucial need for adherence to ethical guidelines across all professions to safeguard justice and public trust.

5. Consequences of Misinformation:

- The dialogue also addressed other false stories propagated by the media, such as those involving kidney and testicle trade and the forcible cremation of Muslim bodies during the COVID-19 pandemic. These incidents further exemplify the harmful consequences of irresponsible reporting.

In December 2022, a rumor surfaced in Sri Lanka alleging that human testicles were being removed from young men and sold at a private hospital in Colombo. This prompted investigations by the Colombo Crimes Division and the Ministry of Health. However, there were doubts about the credibility of these claims, with some suggesting it was a distraction from ongoing investigations into illegal kidney trade rackets ([ONLANKA](#)).

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During the COVID-19 pandemic, Sri Lanka enforced a controversial policy mandating the cremation of all COVID-19 victims, including Muslims, whose religious beliefs require burial. This policy, which began in March 2020, was justified by the government on the grounds that burials might contaminate groundwater, despite lacking scientific evidence and contrary to World Health Organization guidelines allowing both cremation and burial.

The policy led to significant distress among the Muslim community, as it denied them the ability to perform religious burial rites. The forced cremations sparked local and international condemnation, highlighting the policy's discriminatory nature and the government's disregard for religious rights. The United Nations and various human rights organizations criticized the practice, noting it exacerbated religious intolerance and communal tensions in Sri Lanka.

After sustained pressure from local and international groups, the Sri Lankan government reversed the policy in February 2021, allowing for the burial of COVID-19 victims, thus restoring the religious rights of the Muslim community and addressing a significant source of communal distress. (UN News) (Amnesty International) (Human Rights Watch) (Amnesty International).

Policy Recommendations

1. Media Reforms and Accountability:

- Implement stringent media regulations to ensure factual reporting and prevent the spread of misinformation.
- Promote media literacy among the public to enable critical evaluation of news sources and reduce susceptibility to false information.

2. Strengthening Professional Ethics:

- Reinforce ethical standards and accountability mechanisms within the legal, medical, and journalistic professions.
- Encourage professional bodies to actively address breaches of conduct and support ethical practices.

3. Public Education and Awareness:

- Launch public awareness campaigns to educate citizens about the impacts of misinformation and the importance of verifying information before sharing.
- Foster a culture of critical thinking and informed decision-making among the public.

4. Legal and Policy Reforms:

- Review and amend existing laws, such as the ICCPR Act and the Prevention of Terrorism Act, to prevent their misuse and protect minority rights.
- Establish robust oversight and accountability mechanisms within the legal system to prevent similar future incidents.

Conclusion

The policy dialogue underscored the urgent need for a comprehensive approach to tackle the misuse of media, law, and science. Media accountability, professional ethics, and public education are crucial to mitigating the harms of misinformation and disinformation. By addressing these issues, Sri Lanka can work towards a more just, equitable, and informed society, safeguarding human rights and national reconciliation during its post-crisis transition.