

NATIONAL STATUS REVIEW ON THE PROTECTION OF HUMAN RIGHTS OF THE YOUTH OF SRI LANKA

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Political Rights of the Youth in Sri Lanka

Recommendation 01 - Adopt measure to allow members of government to come from diverse backgrounds and from marginalized communities based on ethnicity, gender, caste, or any other ground: by;

1. discriminatory policies.
Empowering the legal framework by adopting more stringent and comprehensive non-
2. Establish minimum quotas, as done in the Local Government Ordinance, to allow minimum application seats for members of disenfranchised communities.

Rationale for recommendation 01 - Many obstacles to equal political and public participation exist. These barriers may include direct and indirect discrimination on grounds such as race, sex, religion, political opinions, ethnicity, disability, or other status. Therefore, public authorities should not enforce laws, policies, and programs which are discriminatory or arbitrary manner.

Another obstacle that can be highlighted is the Right to information, which is a fundamental human right that establishes that every citizen can seek or access information from public or government bodies as well as empowers the right to inspect any government document, subject only to few exceptions. Right to information ensures a democratic society and protects its political rights. In Sri Lanka, the Right to Information Act of 2016 came into effect with the promise of open government and accountability. However, the right to information is violated in many instances such as the existence of lack of cohesion, accountability and transparency in many governmental agencies.

The Sri Lankan political system needs to better reflect the **pluralism and diversity** in the country. Sri Lanka requires a unifying political value system that accommodates the country's multi-ethnic and multi-religious reality. Sri Lanka has a democratic political system in which the weight of numbers predominates through the principle of majority rule. This reflects the popular belief that majority rule is the primary element of democracy. People from diverse backgrounds and marginalized communities are often ignored and discriminated against.

The problem on the ground remains that governmental decision-making has failed to be pluralistic on both **symbolic and substantive** matters of importance. This is due to the absence of understanding of democracy as being a consultative process, rather than a tool to accommodate and represent only a chosen community of people within the state. While decision making, they seem to deviate from the focal point, which is the uniform betterment of every single individual.

Recommendation 02 - calls upon the state to fully comply with International Conventions and Declarations (it is widely accepted that the declarations in the UDHR are to be complied with due to its performance globally as Customary International Law such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Rationale for recommendation 02 - The rights to freedom of expression (Article 19 UDHR) and peaceful assembly (Article 21 ICCPR) are enshrined in International Human Rights Law, including in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), as well as many national legal systems. The right of Peaceful Assembly is recognized as a fundamental right of all Sri Lankan citizens by virtue of the Article 14(1) (b) of the Constitution of Sri Lanka. The ICCPR Act in Sri Lanka further reinforces the domestic validity of the right.

The rich history of protests in Sri Lanka stands testament to the consistent and active exercise of this right by the citizenry on many occasions. Rooting from diverse causes such as public protests against constitutional violations, yearlong sit-ins by the mothers of the disappeared after the Civil War, displaced families demanding the release of their homelands in the North to trade union demands, protests have been a customary method of airing public grievances in Sri Lanka.

In Sri Lanka however, there are many instances of how the government has used force and intimidation to suppress the free exercise of the right for peaceful assembly. Incidents involving the deployment of tear-gas and water cannons against protesters, intimidation by the security forces including disproportionate surveillance measures and the use of extreme physical violence resulting in casualties and deaths has not been uncommon and is highlighted in the current political and economic crisis the country is facing.

In March 2022, the UN High Commissioner for Human Rights, Michelle Bachelet, similarly reported to the Human Rights Council that ‘the Government’s response to criticism has constricted democratic and civic space’.

As the party to the International Covenant on Civil and Political Rights (ICCPR), the Sri Lankan government has the duty to respect, protect and fulfil fundamental freedoms enshrined under the treaty. This includes the right to freedom of expression and peaceful assembly. Any use of force must only be the minimum amount necessary, targeted at specific individuals, and proportionate to the threat posed.

Recommendation 03 - Calls upon the state to enforce the rule of law and make the Criminal Justice and Policing systems adhere to adequate due process and efficiency in their conduct to dispense justice more effectively and equivalently. The state can consider these non-exhaustive options

1. Increase accountability amongst state actors and officials by minimising levels of impunity; having more accessible reporting systems; and implement independent units to deal with reports, such as to maintain a check and balance system.
2. Additionally improve the efficacy of CERT and other Government institutions when receiving and investigating complaints.

Rationale for recommendation 03: The state has a duty to provide restorative and punitive justice just as much as their duty to enforce the law. Given that no state is capable of perfectly eradicating crime, when it does occur, the CJS need to be able to dispense justice effectively, equally, and efficiently.

Recommendation 04 - Urges the state to take all feasible resolutions to allow persons of various socio-economic backgrounds compete on fair grounds, this can be accomplished by

1. Establishing a campaign finance regulatory framework to include a ‘hard cap’ or a strict upper bound limit on finance and funds utilized for campaigns in parliamentary and local government elections.
2. Mandating the disclosure of all funding sources utilized by participants in parliamentary and local government electoral campaigns.

Rationale for Recommendation 04:

Adopt measure to allow members of government to come from diverse backgrounds and from marginalized communities based on ethnicity, gender, caste, or any other ground; by:

1. Empowering the legal framework by adopting more stringent and comprehensive non-discriminatory policies.
2. Establish minimum quotas, as done in the Local Government Ordinance, to allow minimum application seats for members of disenfranchised communities.

Civil Rights of the Youth in Sri Lanka

Recommendation 1: Adopt the ‘Zero-Tolerance Policy’ on torture

Rationale for Recommendation 1: In December 2017, the UN Working Group on Arbitrary Detention stated that the use of torture by Sri Lankan security forces on Tamil detainees continues. According to the report Tamils were arrested, detained, beaten and kept under surveillance even after they were released. Additionally, dozens of Tamils also remain held under Sri Lanka’s Prevention of Terrorism Act, and dozens more who had been through Sri Lanka’s “rehabilitation” programs “continue to be subject to harassment and surveillance by the authorities”.

Adopting the Zero-Tolerance Policy would commit Sri Lanka to fight torture, recognize victims regardless of their affiliation, and remove incentives for torture, cruel, inhuman, or degrading treatment. Additionally, it would also create a safe space for victims, family members, and witnesses who will be protected from reprisal and will have the right to defend themselves against torture by anti-torture actors.

Recommendation 2: Criminalize enforced disappearances

Rationale for Recommendation 2: Sri Lanka has the world's second-highest number of enforced disappearances, with a backlog of 60,000 to 100,000 cases dating back to the late 1980s. Thousands of persons, predominantly Tamils, were forcibly disappeared in state custody between 2005 and 2015. To date, Sri Lanka's domestic systems have persistently and manifestly failed thousands of victims and their families, fuelling calls for an international investigation by the UN.

In August 2016, the Sirisena government established the Office of Missing Persons (OMP) as a means of delivering transitional justice. The OMP's goal was to find thousands of people who had gone missing as part of Sri Lanka's commitment to the UNHRC to promote "reconciliation, accountability, and human rights" as part of Resolution 30/1. However, the Office has been unsuccessful in its efforts for a variety of reasons. As a result, perpetrators of war crimes and enforced disappearances continue to elude capture and roam free to date.

Therefore, Sri Lanka must expedite the implementation of laws criminalizing enforced disappearances and ensuring that this crime would be punished with consequences commensurate with its grave nature.

Recommendation 3: Conduct investigations of the past attacks on journalists

Rationale for Recommendation 3: From 2005 to 2015, attacks on journalists escalated in Sri Lanka. The government repressed journalists critical of the war effort and the administration's corruption throughout the latter years of the decades-long civil war, which concluded in 2009. This campaign claimed the lives of dozens of journalists, including Lasantha Wickrematunge (murdered), Keith Noyahr (abducted and tortured), Upali Tennakoon (assaulted), and Prageeth

Eknaligoda (disappeared). Additionally, in the recent anti-government protests which began on

the 31st of March, 2022 at least nine journalists have been injured after being harassed or attacked by police.

In order to protect free media on the island, it is important that the government investigate previous and ongoing attacks on journalists independently and impartially, and bring perpetrators accountable.

To facilitate such investigations, it is important that the government design and implement structural changes such as:

- (1) establishing an independent investigative commission specifically focused on violence against journalists;
- (2) implementing a robust victim and witness protection regime; and
- (3) establishing procedures to ensure the prosecutor's, judiciary's, and CID's independence in cases involving a journalist.

Recommendation 4: Implement an anti-sexual harassment policy in government sector institutions

Rationale for Recommendation 4: In Sri Lanka, sexual harassment is a criminal offence under Section 345 of the Penal Code. Furthermore, the Constitution guarantees the right to equality and equal protection of the law including the prohibition of discrimination on the basis of sex (Article 12 (1) & (2)). Sri Lanka's international legal obligations under CEDAW (the Convention on the Elimination of All forms of Discrimination Against Women) and the ILO (International Labour Organization) Convention 111 titled 'Discrimination in Respect of Employment and Occupation' also require the prevention of sexual harassment in the workplace and the provision of remedies for victims of sexual harassment.

Despite all of these above-stated provisions, several government sector institutions don't always have anti-sexual harassment policies. In the rare instance that they do, there is so much stigma around reporting cases of sexual harassment, that victims prefer not reporting such instances.

Organisations must ensure that all employees at all levels are aware of the necessity of anti-harassment training in terms of company rules and social responsibility. Additionally, all complaints and investigations are kept confidential, and information is shared only with those who need to know to the extent possible. Punishments must also be stated, to increase deterrence.

Economic Rights of the Youth in Sri Lanka

Recommendation 1 - Revamp health services to be more youth friendly

Rationale for Recommendation 1 - Sri Lanka has facilitated citizens', including the youth's, right to health majorly through universal free healthcare. In addition, Sri Lanka specifically provides Adolescent and Youth Friendly Health Services (AYFHS) via three service models i.e., hospital-based, field-based and centre-based. Despite AYFHS being in force since 2005, aspects highlighted by MDG agenda such as HIV/AIDS, Non-Communicable Diseases, Mental Health and Injuries are yet to be properly addressed. Therefore, the health services in Sri Lanka should be strengthened to cater to ensure the right to health of youth. Following are the steps recommended by the National Strategic Plan on Adolescent and Youth Health 2018-2025.

- Streamline the AYFHS
- Improve the capacity of health and non-health staff to deal with health issues among adolescents and youth
- Strengthen health promotion at schools including school health services to cater for adolescents and youth
- Strengthen the services for adolescents and youth with chronic diseases and behavioural issues

Recommendation 2 - Ensure equal access to quality education for all children.

Rationale for recommendation 2 - Education is a fundamental instrument of empowering individuals, especially those economically deprived and socially marginalized. Despite the Constitutional requirement to ensure all persons' right to universal and equal access to education at all levels and free education ensured through its national education policy, the data presented by the Household Income and Expenditure Surveys of 2012-13 and 2016 reported that around one-fifth of children from financially poor families drop out of school after the age of 14 years and another two-thirds after the age of 16 years with the main causes being "poor educational progress" and "not willing to attend".

Access to quality education is an even severe concern for children with disabilities. A report commissioned by UNICEF Sri Lanka has found out that 23.5% of children aged 5-14 with disabilities are excluded from mainstream education.

Therefore, in order to ensure productive participation of youth in the economy, equal access to quality education for all children, including children with financial issues, with disabilities, should be enforced.

Recommendation 3 - Safeguard the right to work for the persons with disabilities.

Rationale for recommendation 3 - The 2011 census report presents that 8.7% of the population are persons with disabilities. When focusing on the rights of PWD's for employment in Sri Lanka, it is apparent that they have and are facing various challenges in pursuing employment of their choice, without being discriminated against. It was noted during the consultations that although there are exceptions, many in the society seem to undermine the capabilities of PWD's which thereby acts as an obstacle for them to pursue their careers. Although Sri Lanka recognizes the right to work of all its citizens, the extent to which this right is protected is dubious with regard to the persons with disabilities. This is under the circumstances of several laws and national policies being in place. It was noted during the consultations that although there are exceptions, many in the society seem to undermine the capabilities of PWD's which thereby acts as an obstacle for them to pursue their careers. As of 2021, the government estimated that there are around 200,000 work-eligible PWD's in Sri Lanka. The national statistics for the year 2021 reported that around 85% of the working-age population of PWD's are unemployed while the rate is reported to be 71% in 2022. The unemployment may be due; unemployed by choice, but however a large number is forced to be unemployed due to limited opportunities. It was further highlighted that although the legislation of Sri Lanka specifies that 3% of the workforce in public services and companies should include work-eligible PWD's, there is a lack of public monitoring of this commitment in action. Therefore, the protection of the right to work of persons with disabilities should transform beyond the policy stage to the implementation stage as ensuring right to work is crucial to assist the economic activity or economic independence of persons with disabilities. However, there is a lack of opportunities for PWD' for vocational training. There are only 19 government-led vocational centres for PWD's all around Sri Lanka while they further keep the PWD's apart from their non-disabled peers by offering segregated learning opportunities. The contributors from the consultation sessions, further mentioned that these issues related to employment have worsened with the Covid19 pandemic and the current economic crisis in the country. Following measures may help the proper implementation:

- It is recommended to enable the disabled by initially changing the stereotypes existing in the society related to the PWD's.
- Creation of a network for disabled people to connect with prospective employers.
- Allocation of an employment quota for people with disabilities across all sectors.
- Creation of incentive schemes for employers to employ persons with disabilities.
- Proper mechanisms of monitoring the implementations of the above-mentioned law related to the inclusion of PWD's in public services and companies should be established.

Social Rights of the Youth in Sri Lanka

Recommendation 1 - Take necessary steps to create accessibility to sexual and reproductive health information for young people. Inclusion of sexual and reproductive health education in the school curriculum.

Rationale for recommendation 1 - The topic of sex education is considered often a taboo within the cultural background of Sri Lankan society. However, it has hindered creating awareness among school children of their changing bodies, biological needs, knowledge of safe sex practices, sexual diversities, and sexually transmitted diseases. Majority of schools have (unintentionally/intentionally) adopted a backward teaching curriculum on sex education despite the syllabus of subjects such as Health education consists of lessons on reproductive systems of humans.

As teachers often fail to teach the required lesson, students adopt unsafe conceptions and measures. This has also led to diminishing relationships with one's own parents, distancing two generations. Due to the severe misinformation and lack of awareness among youth on sexual and reproductive rights, we can specially identify that the LGBTQIA+ youth of Sri Lanka are disproportionately marginalised. Therefore, Sexual and Reproductive Health and Rights education needs to be incorporated into the curriculum in a comprehensive manner.

Recommendation 2: Create an inclusive environment at schools, receptive to physical, emotional realities/ requirements of students.

- Appoint trained counsellors at schools to create awareness and address cases of bullying, neglect, depression.
- Implement a zero tolerance hate speech policy in schools
- Granting of scholarships to disadvantaged students in order to give access to diverse and inclusive learning environments
- Assure school and classroom diversity quotas for ethno-religious minorities in homogenous ethno-religious regions.

Rationale for the recommendation 2:

Adolescence, usually defined as the period between 10 and 19 years of age, is generally considered the phase of transition from a “child” into an “adult”. At the same time adolescents constitute an important social and demographic group accounting for almost one fifth of the total population in Sri Lanka. Prone to varying, emotional, physical vulnerabilities, a need for a system of support at schools are the need of the hour. As WHO states, Depression, anxiety and behavioural disorders are among the leading causes of illness and disability among adolescents. At the same time Sri

Lanka have recorded bleak statistics in past; marking a peak of 47 per 100,000, in rate of suicides in 1995, ranking Sri Lanka as the country with the 2nd highest rate of suicides in the world.

Therefore, mental issues of school children should be dealt with by providing counselling services, battling hate speech, enabling equal opportunities especially during the present crisis situation of the country.

Recommendation 3: Further enhance peace education in the school curriculum.

Rationale for the recommendation 3:

Sri Lanka has adopted a National Policy on Social Cohesion and Peace Education in 2008. It suggested strategies such as forging peace through curriculum, Teaching and learning of the Second National Languages, training teachers, co-curricular activities and even research on Education for Social Cohesion and Peace in other countries.

Although these adoptions have introduced peace education to school curriculum, models of peace education can be further developed. The lack of knowledge of ethnic conflict; its origin, dynamics and perspectives lead to misunderstandings and further renewal of clashes. Therefore, the need to teach students of history and events of ethnic issues in Sri Lanka is necessary though peace education.

Another model that can be introduced is story-telling and sharing testimonies. Japan has adopted a method in sharing testimonies through archives, museums to inculcate anti-war sentiments within listeners. This model could assist in informing students of different narratives of war.

Recommendation 4 - Ensure equality in wage rates irrespective of gender.

Rationale for recommendation 4-

Article 7 (1) of *International Covenant on Economic, Social and Cultural Rights* states: Fair wages and equal remuneration for work of equal value without distinction of any kind

The issue of unequal wage rates and discrimination based on gender is still relevant at present. As mentioned by the International Labour Organisation, “in the private sector, female workers can earn anywhere between 30-36 per cent less than their male counterparts- for doing exactly the same job”.

According to the Department of Census and Statistics, 65.7% of the economically active population in Sri Lanka are male, while 34.3% are female. This reflects the glaring disparity

within the labour force based on gender differences. Women have less opportunities of finding employment and the quality of the employment that they do find is an area of concern.

Recommendation 5- Marriage laws must be updated to require consent from intending spouses.

Rationale for recommendation 5-

Article 10 (1) of *International Covenant on Economic, Social and Cultural Rights* states: Marriage must be entered into with the free consent of the intending spouses

The Muslim Marriages and Divorce Act (1954) which governs Muslim marriages in Sri Lanka does not define a minimum age for marriage. Further, as the involved persons in validating the marriage are the bridegroom and male guardian (wali) and conductor of ceremony (Article 17 (2) a, b, c). There is a human rights concern for the quality of informed consent for underage brides who are less than 18 years of age at the time of marriage, as the Sri Lankan common Marriages Act deems the legal age of marriage at 18 years of age. This is an issue that affects the youth in Sri Lanka who belong to the Muslim community.

Recommendation 6- Ensure all parts of the LGBTQIA+ community equal, non-discriminatory access to healthcare, education, employment and accommodation.

- Decriminalize same-sex relationships and display of affection which are criminalized according to the sections 365, 365A and 399 of the Penal Code.
- Address the insensitivity and lack of knowledge by the medical personnel to the health needs of LGBTQIA+ people.
- Ensure respect for the rights and fundamental freedoms of LGBTQIA+ persons by investigating and sanctioning acts of discrimination and violence against such persons.
- Provide gender-sensitive trainings to authorities handling gender-based violence cases and intensify its efforts to investigate allegations of sexual violence by the security forces and ensure that perpetrators are prosecuted.
- Implement a framework of legal reform which actively prevents and prohibits discrimination against LGBTQIA+ persons in the context of education, housing, employment, accommodation and access to healthcare.
- All elected, appointed, and civil public servants should be given required sensitivity training on gender and sexuality.

Rationale for recommendation 6- Ever since same-sex consensual relationships were criminalised under the Penal code in 1883, members of the LGBTQIA+ community in Sri Lanka have continued to face discrimination solely due to their identity in several aspects of their lives, including having their rights stripped off. This was exemplified by the *Flamer-Caldera v. Sri Lanka* case. Over the last decade there have been multiple cases of members of the LGBTQIA+ community being arrested and subjected to forced physical “examinations”.

Recommendation 7- Implement effective steps to eradicate gender-based and sexual violence and ensure gender equality in terms of opportunities given to minority groups.

- Improve vocational training of youth and measures relating to access to justice, legislative reform and implementation of gender responsiveness at all levels of governance and policy making.
- Design and implement strategies to address stigma towards victims and survivors, as per the National Human Rights Action Plan, the National Plan of Action for addressing Sexual and Gender-Based Violence and the Declaration on Preventing Sexual Violence in Conflict.
- Equip all police stations with a women's desk, private rooms, and a sufficient number of female police officers, with a view to better ensuring women's and girls' access to justice.
- Accelerate the process to establish a transitional justice system that includes an equal participation of women, that relies on personnel trained to deal with cases of sexual violence and violence against women, and whose rulings are transparent and public.
- Strengthen measures to criminalize conjugal violence and marital rape.
- Enhance holistic rights-based education and awareness to minimize gender-based violence and violence against minorities.
- Propose to invest in collection of data disaggregated by gender and age to monitor youth policies' impact on young women.

Rationale for recommendation 7- Even before the pandemic, the Women's Wellbeing survey shows that 1 in 5 (20.4%) women in Sri Lanka have experienced sexual and/or physical violence by an intimate partner in their lifetime; and 1 in 4 women (24.9%) in Sri Lanka have experienced sexual and/or physical violence since the age of 15 (2019). Despite these overwhelming statistics, over the course of several decades, little to no changes have been made to legislation governing the issue of gender-based violence. Whilst the implementation of non-legislative methods to be put into effect, the only way to truly combat the issue of gender-based violence, is to criminalize the acts and ensure that a perpetrator is not allowed impunity in such a case.

Cultural Rights of the Youth in Sri Lanka

Recommendation 1- Ten Year National Plan for a Trilingual Sri Lanka.

Rationale for recommendation 1: Language barriers have existed as a historic grievance in Sri Lanka with various policies put into practice at various moments in Sri Lankan political history like the Sinhala Only Act in 1956. Chapter IV of the 1978 Sri Lankan constitution states that both Sinhala and Tamil are official languages of the country. Despite this recognition, many believe the wording in the constitution is faulty, and gives more prominence to Sinhala (with the exception of the northern and eastern areas) as the official language of Sri Lanka, placing Tamil in a secondary position by default. In order to avoid language discrimination, the law also states that citizens have the right to services and communication in either Tamil or English in areas where Sinhala is the language of administration, with access to translators, but in practice this is not the case. According to activists, many Tamils have to handle much of the daily official businesses in Sinhala. During the war, most of the 15,000-strong police force in the north could not speak Tamil. Further the way how Sri Lanka's education system embraces its language diversity is also problematic. In terms of the constitution, "A person shall be entitled to be educated through the medium of either of the national languages," but Tamil has yet to be promoted for greater integration at the school level, say activists.

Recommendation 2 - Ensuring equal opportunities/ representation. Representation in the decision-making process for all ethnicities.

Rationale for recommendation 2 -

Sri Lanka has a composition of 75% Sinhalese majority, 15% Tamils and 9% Muslims. If these numbers are to reflect in the parliament could consist of; 169 Sinhalese MPs, 34 Tamil MPs and 20 Muslim MPs. Despite this, the present parliament has only 28 Tamil and 18 Muslim MPs which is roughly 20% of the total representation of the Sri Lankan parliament. Further, currently the parliament has 29 national list seats and out of them 8 are occupied by minority MPs where there are 5 Tamils and 3 Muslims. The 46 minority MPs currently in the parliament come from Jaffna (9), Vanni (6), Batticaloa (5), Digamadulla (3), Trincomalee (2) and Nuwara Eliya (5) where 30 out of these 46 come from just 6 districts while the 8 coming from the national list belong to the 4 districts: Kandy (4); Colombo (2); Kegalle (1) and Badulla (1). Thus 12 out of 22 electoral districts have not sent a single minority MP. A main feature of these 12 are that in all 12 of them the majority Sinhalese community accounts for more than 70%. Of these, 5 districts – Gampaha, Galle, Matara, Hambantota and Monaragala – the Sinhalese account for more than 90% and there is not a single minority group having a representation over 5%. Further, it is further noticeable that the ethnic representation in public offices remains at a low level. It is important that such offices located in areas with higher minority populations, have more public officers representing the relevant ethnic minority.

Recommendation 3- Regulate media (mainstream/ social media) to avoid misinformation/ disinformation, hate speech against ethnicities, communities and ensure authentic media release.

Rationale for recommendation 3:

The mainstream media of Sri Lanka has a due responsibility to ascertain the prevention of hate speech, incitement to racial hatred and racial violence against any race, groups of another colour or ethnicity. Furthermore, there should be reassurance that local media are not spreading misinformation in order to fulfil ulterior motives.

Apart from mainstream media, there is a large amount of disinformation propagated through social media platforms in Sri Lanka. According to the Ministry of Justice, almost 17% of Sri Lanka’s social media activists’ profiles are fake. Nevertheless, there is no proper law or system in place to monitor and regulate media in Sri Lanka to that extent.

Germany has approved a bill criminalizing all forms of hate speech and defamatory fake news. Singapore has introduced the Protection from Online Falsehoods and Manipulation Act which bans misleading online information. These are exemplary for Sri Lanka who had not passed the Online False Truths Bill and Hate Speech Bill as of yet. However, Sri Lanka is currently at a critical moment where legal provisions are vital to counter misinformation in the media.

Environmental Rights of Youth in Sri Lanka

Recommendation 1 - Ensure the right to a clean and healthy environment.

Rationale for recommendation 1-

Right to a clean and healthy environment is a universally accepted norm which falls under substantive rights and is reflected although indirectly in the constitution of Sri Lanka. In indication of a clean and healthy environment, water quality and sanitization of the country is a significant indicator to be analysed.

Few rural areas of Sri Lanka still have not fulfilled the adequate supply of clean water and sanitation facilities. For example, in the Galgamuwa area, the availability of water and sanitation facilities has been reported very low. Although rich with water resources, due to unplanned constructions, the resources have been adversely affected. For example, the impact on ground water sources such as Rambakan Oya and Kalametiya Lagoon where natural water quality parameters provide evidence for the damage inflicted by development projects. In addition, certain illegal activities such as sand mining have affected the natural quality of water resources in Deduru Oya where it is reported that water has shown a brackish quality. The issue has been further aggravated with intentional threats to water bodies supported by political agendas and influences. Right to clean water hence must be ensured in Sri Lanka to achieve a healthy environment for communities.

Recommendation 2- Ensure right to information and engage in decision making process

Rationale for recommendation 2-

By ensuring the right to information and enabling public engagement in policy making procedural rights under environmental rights will be fulfilled. The National Environment Act introduced an internationally accepted process called Environmental Impact Assessment (EIA) as part of the strategy to achieve sustainable development. By providing information on impacts of development projects, it acts as a mechanism of utmost importance to ensure public involvement in the decision-making process as well.

However, in Sri Lanka, the EIA process lacks transparency, accountability in evaluating, monitoring and approving development projects. Ineffective processes in Environmental Impact Assessment (EIA) curtails space for legal action in case of violation of laws and regulations. Moreover, lack of public consultation in the EIA process catalyses ineffectuality. Examinations are often politically motivated which curtail the accountability measures secured through the EIA's.

The interlink between authorities/ agencies/ institutions lacks information and knowledge sharing. This has led to technical errors in regulating, monitoring, and even conservation

practices overseen

by the relevant authorities. Data availability at national level and sub national level are inadequate in environment related areas such as microplastic pollutants, light or noise pollution and urbanization impacts towards wildlife and impacts of development projects on wildlife. This is due to the lack of research and development, outdated data storage mechanisms, and access inhibition due to tedious administrative processes.

Furthermore, corruption among the executive level officials in agencies such as the Department of Wildlife Conservation, Forest Department must be prevented; authorities are often blamed for withholding records and data, denying open requests of right to information.

End Notes

¹See the Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organization in special consultative status to the Human Rights Committee 19 February 2016, A/HRC/31/NGO/73, which states that “the practices adopted by the Government, in conjunction with a lack of accountability for past violations, contribute to the continued existence of a climate of intimidation and fear, which, in turn, has a chilling effect on the full enjoyment of freedom of assembly.” See also, ‘Freedom Of Assembly In Sri Lanka [1] | Sri Lanka Brief (Srilankabrief.org, 2013) <<https://srilankabrief.org/2013/05/freedom-of-assembly-in-sri-lanka1/>>

²It is reported that, in the North and East, intelligence officers harassed Tamils in their homes and threatened those travelling to events to discourage participation.

³Information collected from consultation Sessions held for data collection where contributors from civil society organizations shared their expertise.