



Food and land rights

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Over two UPR cycles, Sri Lanka has not received a recommendation concerning food, water or sanitation. Land rights were frequently addressed in conjunction with Internally Displaced Persons and related to issues such as voluntary and safe return to adequate restitution of housing and lands in accordance with international standards. Other related recommendations called for a national housing strategy and plan of action to redress housing shortage, livelihood schemes, social infrastructure and economic empowerment.

NATIONAL FRAMEWORK

There is no legal or policy framework in Sri Lanka to ensure the right to adequate food. This has not been included in the Constitution as a fundamental right and neither in the national agriculture policy. ‘National Strategic Review on Food and Nutrition – Towards Zero Hunger’ and of the ‘Food Production National Program for 2016-18’ —both launched in 2016, are focused at

promoting local and sustainable food production systems but not ensuring access to food as a right.

The right to land and property is also not a constitutionally guaranteed right in Sri Lanka. The Constitution of Sri Lanka recognizes adequate housing only as a directive principle of State Policy, which is not enforceable.

CHALLENGES

High levels of undernourishment and food insecurity

Despite some progress, high levels of malnutrition and micronutrient deficiencies remain in Sri Lanka, particularly affecting children and women. Sri Lanka is one of the highest waste producing countries in the world with the ranking of 128 out of 130 countries. Almost 25 percent of the population are currently malnourished, with 18 percent of pregnant women in a poor nutrition situation in 2015 and a quarter of the children between 6-59 months underweight.

War-affected districts, the plantation estate community and some areas in the north and southeast “...represent the worst levels of under nutrition”.

Livelihood security of small scale producers

Despite launching the Food Production National Program in 2016, in the budget proposals for 2017, the Government envisions a complete transformation of the country’s agriculture sector. Labelling the existing agriculture sector as inefficient and low-income, the Government aims to promote commodity production by targeting global value chains. This poses threats to the livelihoods of small-scale food producers in the country. Large-scale land allocations for commercial agriculture as well as industrial zones, tourism and infrastructure development have already displaced thousands of food producers from their lands and from coastal areas.



CHALLENGES

IMPACT

Negative health and environmental impact of agro chemicals

Sri Lanka is one of the highest users of agro chemicals, which are widely recognised as one of the possible causes of Chronic Kidney Disease of Unknown Etiology (CKDu). The disease is causing serious crisis amongst farming communities in many parts of the island. According to a Presidential Task Force focused on CKDu, 60 Divisional Secretariat areas across 10 districts are considered affected. As of December 2014, there were 40,680 patients officially registered as having been affected by CKDu.

Dispossession of local communities due to militarization and development projects

Conflict related to land and environment has proliferated across the country with militarisation and large development projects continuing to dispossess and displace people. Across the island, lands are taken over by the military for security, tourism or other purposes which seriously undermines the livelihoods of communities. Fisherfolk are facing dispossession and loss of access to the sea owing to large-scale tourism projects. Thousands of urban poor households in Colombo have been forcibly relocated without compensation into high-rises, resulting in multiple social and economic disadvantages.

Gender discriminator provisions of existing land laws

Laws that govern state lands contain discriminatory provisions towards women with regard to intestate succession by giving preference to the older male child. Similarly, the Thesawalamai Law which is applicable to Tamils in the Northern Province discriminates against women by requiring the husband’s consent in all transactions relating to property owned by women.

RECOMMENDATIONS

1. Ensure that the right to food and nutrition are recognized as fundamental rights in the proposed new Constitution or constitutional amendments.
2. Develop a comprehensive national agriculture, fisheries and food security policy that enables ecological food production systems .
3. Develop a comprehensive national agriculture, fisheries and food security policy that protects the rights of small scale producers.
4. Release lands of people displaced by war in the North and East of Sri Lanka and provide them with adequate support to rebuild their lives and livelihoods.
5. Ensure the right to land and safeguard food sovereignty in development projects, ensuring of the right to natural resources of communities.



RECOMMENDATIONS

6. Establish, in collaboration with civil society representatives, a National Land Commission in line with the recommendation presented by the Lessons Learnt and Reconciliation Commission (LLRC) in 2010.
7. Review and eliminate laws that discriminate against women, especially in issues of inheritance and property, and bring in line with international standards

