

Seeking Human Rights in Sri Lanka is like looking for water on the moon

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The world Human Rights Day was on the 10th December. The event passed in Sri Lanka without anything to celebrate in terms of any kind of positive achievements in the area of human rights. In fact, looking for human rights in Sri Lanka is becoming increasingly like looking for water on the moon or in the desert.

Permissiveness of corruption which has now begun to permeate all areas of life, virtually destroying all mechanisms of good governance, destroys the possibility of achieving any human rights either in the field of civil and political rights or social, economic and cultural rights. Naturally the groups that suffer most are the most vulnerable groups in society such as women, children, the elderly and the minorities.

The system of the executive presidency that exists in Sri Lanka, which is very similar to a system of absolute power in the system of the monarchies, has undermined the parliamentary system and the judicial system which had developed to some extent in the past. In the recent decades the admiration for dictatorships which developed in the two major political parties, the UNP and the SLFP helped to promote the system of the executive presidency. The president in Sri Lanka is above the law and there is nothing in the legal system that can exercise any form of checks and balances in order to control the abuse of power by the president.

The development of any abuse of power encourages the forces of violence within society. Sri Lanka today is one of the most violent societies where there is great permissiveness of extrajudicial killings. In the recent decades extrajudicial killings have taken the form of disappearances or various kinds of killings after arrest and while in police or military custody.

Accompanied with extrajudicial killings are the various possibilities that exist for prolonged detention without any recourse to judicial remedies. Under emergency and anti terrorism laws people have been kept for many years in detention without any possibility of obtaining meaningful redress from the courts. Intervention by the courts has been prevented by various kinds of suspensions of the ordinary laws of criminal procedure and constitutional provisions.

Added to these are heavy psychological pressures which have been created under the name of nationalism in order to discourage any kind

of sympathy for victims of human rights abuse. The judicial remedies such as habeas corpus and fundamental rights provisions have suffered greatly due to such pressures generated by nationalism. The discouragement of the legal profession from providing a vigorous service to the citizens to defend rights has also contributed to the decline of human rights in Sri Lanka.

The use of torture is endemic in the policing system in Sri Lanka and added to this is the use of torture in preventive detention under the prevention of terrorism laws and the emergency regulations. All possibilities of finding redress against torture have been suppressed by deliberate denial of the investigative mechanisms into the complaints of torture and other abuses of human rights.

The mechanism of investigation into complaints of human rights abuse through the legal provisions of the criminal procedure code has been suppressed by deliberate political manipulations which virtually leaves the possibility of investigations in the hands of political authorities. The secretariat of the Ministry of Defense has developed a draconian system of controls on the security apparatus that has the capacity of interfering in all investigations into human rights abuses.

This interference has been used to encourage underground elements and some sections of the security forces themselves to engage in illegal activities towards those considered to be unacceptable elements to the government. With this an enormous psychology of fear and intimidation has been created within the country.

The abuse of civil rights has a direct impact on the economic, social and cultural rights in the country. The attacks on journalists which are known globally have placed Sri Lanka among the worst countries for the suppression of freedom of expression. The assassination of journalists has also lead to the fleeing of journalist from the country. Added to this is the self-censorship that has spread due to extreme forms of fear of repercussions.

Manipulating this situation the government has geared up its propaganda mechanism to all state media and the abuse of the media is one of the most visible factors in the country. Even the use of language in the state media has so degenerated and the political attacks on individuals and the abuse of individuals take place through television and radio programmes generally throughout the day. The entire state media is being used for political purposes, particularly for manipulation of the electoral system to the detriment of all opposition political parties.

Under these conditions it is the poor that naturally suffer the most. The suppression of the trade unions and the organizations of the ordinary folk among the farmers as well as the students and others have taken many visible forms. The general deterioration of the living standards is the complaint of all the population including the middle

class. Skyrocketing of the prices of essential goods, the enormous problems in the transport systems, the breakdown of the health system and the degeneration of the educational system are among the most frequently heard complaints. However, all organized forums of discussions of such discontent have been suppressed by various forms of violence that is constantly being perpetrated on the population.

Under all these circumstances the assertion of any kind of rights has become extremely difficult in Sri Lanka. It is no exaggeration to assert that seeking human rights in Sri Lanka is as difficult as looking water on the moon or in the desert.

This situation that exists in all parts of the country exists to most unbearable extent in the north and the east. People living there are victims of absolute impunity. Those who dare to make any complaint about their tormentors run a real risk to their lives, liberty and whatever that is left of their properties. Displacement has become a normal affair in the homeland of the Tamil and Muslim populations.

P.S.

The AHRC is publishing its 2009 annual human rights report on Sri Lanka. A pre-publication version of the report can be downloaded at:
<http://material.ahrchk.net/hrreport/2009/AHRC-SPR-009-2009-Sri-Lanka-HRReport2009.pdf>