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Unveiling Sri Lanka's Human Rights Dilemma: Government Violations Against its Citizens

The Sri Lankan constitution of 1978 sources that the elected president, by popular vote from a national electorate, determines who sits on the cabinet of ministers and other noncabinet ministers in the parliament (*Sri Lanka - Industry* | *Britannica*, n.d.). With this power and more, many think it would create a more unified and peaceful government in Sri Lanka. However, that is far from the truth. One blatant example is Mahinda Rajapaksa, Sri Lanka's former prime minister, who caused one of Sri Lanka's most severe recessions to date, partially due to his three-quarters control of the national budget that comes with the role of prime minister. M. Rajapaksa would refuse to resign for 17 years, despite the heavy corruption and human rights abuse under his power (Shih & Farisz, 2022). He finally resigned in 2022, despite causing more domestic issues, such as a lack of necessities, an uprising in crime, and political corruption. However, he ensured his political powers were not completely out of the picture. M. Rajapaksa used his power at the time to control as much of the government as he could to ensure his brother, Gotabaya Rajapaksa, was next in line for the title of prime minister. G. Rajapaksa has since been using this loophole in the government's constitution to help his family and friends reign in power (Jayasinghe, 2022). In addition to his tactics, G. Rajapaksa, a dictator, has been a force of evil in Sri Lanka's image. He and his group of tyrants have been involved in a series of crimes, including war crimes, alleged murder, torture, and enforced disappearances (Ganguly, 2022), which are linked to his resonating spot as leader of Sri Lanka.

With his power, Gotabaya Rajapaksa has caused various issues for Sri Lankan citizens ranging from economic hardships to socio-cultural conflicts. In fact, "Sri Lanka currently faces its worst economic hardships since its independence in 1948" (Salikuddin, 2022). This profoundly impacts the day-to-day life of an average Sri Lankan citizen. This includes barriers such as inaccessible roads, limited access to public transportation, and little to no access to clean drinking water, requiring families to walk several miles for bare necessities, and more (*Thirst for Life: Access to Clean Water for All in Sri Lanka - Sri Lanka* | *ReliefWeb*, 2022). Given this clear obstruction of human rights, many wonder what they can do about it, given the urgency of this issue and the government's abusive power. For instance, when thousands of people gathered in the capital to protest the government's mismanagement of the economy throughout the years, the government used unlawful force (tear gas and guns) against protesters. They did so in an attempt to "stifle dissent through arbitrary arrests, detention, and torture" (*Sri Lanka*, n.d.).

Furthermore, targeted human rights violations based on gender, age, and minority groups are expected. AsiaNews, an Asian-focused news agency, contends that women are oppressed by the government to remain silent against their sexual and violent oppressions due to their fear of government-styled silencing tactics (murder, disappearances, persecutions). Children are also expected to follow the new norm of dropping out of school and finding jobs to financially support their families (AsiaNewsit, 2023).

The average Sri Lankan household is 3.7 people (Esri, 2022). Nonetheless, it is a greater challenge than ever to meet a basic standard of living. Prices soar while wages decrease to 1135 LKR (3.76 USD) per day on average (Central Bank of Sri Lanka, 2019). Consequently, many citizens have gone from stable, standardized jobs to now being forced to fend for their survival, especially in obtaining food. The largest working sectors are in agriculture, service, and industrial environments (*Popular Job Sectors for*

International Students | Study While You Earn, n.d.). Many have resorted to farming for food and profit to sustain their everyday lives, while others typically own some sort of garden to help with the scarcity of food (*In Sri Lanka, a Village Garden Yields Timeless Lessons in Forest Conservation*, 2017). Due to this shift in job trends, we also see a distinction in the places people live, with a measly 20% of the country's population living in urban areas and the other 80% opting to live in ideal farmland areas (*Urban Population (% of Total Population) - Sri Lanka | Data*, 2018) (*Rural Population (% of Total Population) - Sri Lanka | Data*, 2018). Many farmers have about one hectare worth of land to cultivate (Bandara, n.d.), which approximates the size of a European football field. This land is used to produce staples in goods that are exported such as rice, fruits, vegetables, oilseeds, and more (*Sri Lanka (LKA) Exports, Imports, and Trade Partners*, n.d.). Highlighting the agricultural aspect of the human rights deficit in Sri Lanka is essential because it demonstrates what is arguably one of the biggest impacts their corrupt government has on the nation. It further demonstrates how these issues resonate within the livelihoods of many individuals, as well as the correlation between agriculture and its role in basic human rights. We see this with the scarcity of necessities for life such as water, and with the censorship and fear tactics the Sri Lankan parliament uses on the Sri Lankan people.

"In May, the Ministry of Defence authorized the armed forces to open fire on looters or "anyone causing harm to others". The army was mobilized to police civilian protests on multiple occasions" (*Everything You Need to Know about Human Rights in Sri Lanka 2020*, n.d.). This is just one piece of the countless evidence floating around the world of the cruel, aggressive, and degrading behavior the Sri Lankan parliament has amongst its people. They kill, torture, abuse, starve, and deprive them of bare necessities for their selfish profits such as in the form of economics.

For this reason, I propose three potential solutions. 1. Truth and Reconciliation Commission (TRC). 2. Transitional Justice Mechanisms. 3. Community-Based Initiatives for Reconciliations. I chose these solutions as they are proven, in other nations, to have previously worked on similar instances where a solution for human rights issues was needed.

1. Truth and Reconciliation Commission (TRC) is the term used to describe when a commission of people works together to find what went wrong between two different parties by looking at their prior history. It hopes that they find an area to fix (*Truth and Reconciliation Commissions*, 2010). "The truth and reconciliation process seeks to heal relations between opposing sides by uncovering all pertinent facts, distinguishing truth from lies, and allowing for acknowledgment, appropriate public mourning, forgiveness, and healing" (*What Is Truth and Reconciliation?* n.d.). The Truth and Reconciliation Commission in South Africa allowed victims of apartheid to come forward, acknowledge where things went wrong, and allow for forgiveness (United States Institute of Peace, 2018). Which is why I believe the same shall work in Sri Lanka. Because it promotes healing by providing a platform for both parties to share experience, suffering, and acknowledgment. TRC pushes the idea of national reconciliation by helping people understand the differences in ethnic and societal groups to create a nationalistic sense of unity. Finally, it is overall a non-punitive approach meaning that offering such as reduced sentences and even mercy would possibly be spared if those involved find the courage to step up. However, limited legal accountability would happen alongside political interference. Meaning that TRC would prioritize reconciliations over justice and that political manipulation could still play a hand in this. Victim participation is another limitation meaning that victims could rightfully be uncooperative due to the lack of trust caused by the parliament's manipulation over the years. If this were to be implemented in Sri

Lanka, foreign/unbiased governments could help provide a platform for victims to share their experiences to help with the healing process.

2. Transitional Justice Mechanisms, “Cover the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past conflict, repression, violations, and abuses, to ensure accountability, serve justice, and achieve reconciliation” (United Nations, n.d.). What’s fascinating about this solution is that it has more legal accountability than TRC, due to its specialized courts to prosecute individuals responsible for things like human rights violations. It also includes deterrence because it sends a clear message to anyone in the future looking to do the same. Amongst other nations, it is widely supported in the international community for its legitimacy. Yet this solution costs quite a bit financially, as well as uses tons of human and logistical resources. Fair trials are also cons to these solutions as the protection of witnesses and victims could be at stake depending on who is being charged. Many governments would not like this idea and would be unwilling to go for it as they would not find the need to prioritize these solutions (*FOCUS: TRANSITIONAL JUSTICE*, 2010). I am fairly sure about this idea because of the International Criminal Tribunal which has been previously implemented in Yugoslavia. This helped prosecute people responsible for human rights and war crime violations (United Nations, 2017). In the chance it’s implemented in Sri Lanka, I recommend establishing a special court to prosecute those who are guilty of crimes. This would help show the government’s desire for accountability and change.

3. Community-Based Initiatives for Reconciliation is a type of reconciliation in communities recovering from violent conflict (Androff, 2012). But what distinguishes this from TRC is how this type of reconciliation digs deep into the roots within communities to help solve an issue. In Rwandan courts, this solution has helped with dialogue, social cohesion, and healing at the grassroots levels (*The Justice and Reconciliation Process in Rwanda*, 2014). It may have a limited impact with low trusted communities with high tensions. Additionally, constraints in resources are bound to be expected with funding, expertise, and the overall structure of the solution. However, it allows for local ownership to empower the reconciliation process through response to their needs and priorities (*Community-Based Dialogues for Reconciliation in Libya*, n.d.). It allows for social cohesion and sustainability. Building trust at the grassroots levels by initiating conversation and cooperation instead of violence between societal groups. It also promotes the long-term sustainability aspect of fostering networks and relationships within communities helping beyond initial efforts (Community-Based Reconciliation and Reintegration in Iraq | United Nations Development Programme, 2023). If implemented in Sri Lanka, the nation could invest in community-based initiatives, life forums, or projects. It would hopefully empower communities to recognize grievances and build trust.

Overall, after careful consideration and the context of the human rights issues in Sri Lanka, I think a combination of the Truth and Reconciliation Commission (TRC) and community-based initiatives for reconciliations. Having these combined solutions would provide a platform for victims to share their experiences and for the government to acknowledge their sufferings. It would promote reconciliation, but to add to this solution I chose community-based initiatives to get the problem-solving a bit deeper. These solutions could help with social cohesion and sustainable peace at the grassroots level. Essentially, doing what TRC missed or just plainly, could not do. Furthermore, this solution would have forgiveness but a justice system to provide a somewhat form of closure for those who have suffered. Ultimately the success of this approach is based on the willingness of the government and the engagement of the society which

has every right to disagree. It's important to build trust for a better reconciliation and the parliament has thrown that idea out the window. This unbiased-government-led operation would help in community engagement and in the process of funding which can come from international aid or donations from organizations. It would create a piece of sustainability by creating government programs to help with reconciliations and with regular check-ups on how it's going.

The Sri Lankan government is not an idealistic place. It deprives people of their human rights, resources, and freedom of expression. But only one thing is true, and that there can be a change. People are changing jobs, moving away, and going out as far as pulling kids out of school to help with necessities. And although the citizens of Sri Lanka struggle, they struggle as one. Enduring each hour, day, and week to go by in desperate hope that one day a change shall be made in their political systems. They have some serious bravery, courage, and determination to push through after what their government did to them. Mistrust is there and it makes sense. Nobody would trust someone let alone a group of people who turn their backs on you as soon as you think they won't. Unfortunately, that is the reality for Sri Lankans. With this being said, there must eventually be a solution. The solution of bringing both groups together for a reconciliation program would benefit both parties by assisting in the empowerment of those affected such as the citizens. But also bring prosecution and punishments to those traumatized who have left a distressful message on those who have been a punching bag for them since day 1. For that reason, and all those previously stated, there needs to be a change right now. And I figured it out so that those lost in the battle for equality in all aspects of life are avenged.

References

- Androff, D. (2012). Reconciliation in a Community-Based Restorative Justice Intervention. *Journal of Sociology and Social Welfare*, 39(4). <https://doi.org/10.15453/0191-5096.3700>
- AsiaNews.it. (n.d.). *Parents are unable to send all their children to school because of the economic crisis*. Retrieved April 11, 2024, from <https://www.asianews.it/news-en/Parents-unable-to-send-all-their-children-to-school-because-of-the-economic-crisis-57480.html>
- Bandara, E. (n.d.). *Country Report Sri Lanka*. https://un-csam.org/sites/default/files/2021-01/lk_1.pdf
- Community-based dialogues for reconciliation in Libya*. (n.d.). United States Institute of Peace. Retrieved April 11, 2024, from <https://www.usip.org/programs/community-based-dialogues-reconciliation-libya>
- Community-based reconciliation and reintegration in Iraq*. (n.d.). UNDP. Retrieved April 11, 2024, from <https://www.undp.org/iraq/projects/community-based-reconciliation-and-reintegration-iraq>
- Five things to know about Sri Lanka's crisis*. (n.d.). United States Institute of Peace. Retrieved April 11, 2024, from <https://www.usip.org/publications/2022/07/five-things-know-about-sri-lankas-crisis>
- FOCUS: TRANSITIONAL JUSTICE*. (2010). <https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf>
- Human rights in Sri Lanka*. (n.d.). Amnesty International. Retrieved April 11, 2024, from <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>
- In Sri Lanka, a village garden yields timeless lessons in forest conservation*. (2017, April 3). <https://environment.yale.edu/news/article/back-to-the-garden-sri-lanka-project-yields-lessons-in-villagebased-conservation>

International criminal tribunal for the former Yugoslavia | United Nations < br//> *International criminal tribunal for the former Yugoslavia*. (n.d.). Retrieved April 11, 2024, from <https://www.icty.org/>

Jayasinghe, P. (n.d.). *Why Sri Lanka has a tyrant as president—Yet again*. Al Jazeera. Retrieved April 11, 2024, from <https://www.aljazeera.com/opinions/2022/10/20/why-sri-lanka-keeps-getting-tyrants-as-presidents>

OHCHR: Transitional justice and human rights. (n.d.). OHCHR. Retrieved April 3, 2024, from <https://www.ohchr.org/en/transitional-justice>

Popular job sectors for international students | Study while you earn. (n.d.). Retrieved April 11, 2024, from

<https://www.consultancynepal.com/sri-lanka/popular-job-sectors-in-sri-lanka-for-international-students>

Shih, G. (2022, May 24). Inside the collapse of the Rajapaksa dynasty in Sri Lanka. *Washington Post*. <https://www.washingtonpost.com/world/2022/05/22/sri-lanka-rajapaksa-mahinda-gotabaya/>

Sri Lanka (LKA) exports, imports, and trade partners. (n.d.). The Observatory of Economic Complexity. Retrieved April 4, 2024, from <https://oec.world/en/profile/country/lka>

Sri Lanka. (n.d.). Amnesty International USA. Retrieved April 11, 2024, from <https://www.amnestyusa.org/countries/sri-lanka/>

Sri Lanka wages. (n.d.). Retrieved April 11, 2024, from <https://tradingeconomics.com/sri-lanka/wages>

Sri Lanka's former president must be investigated for war crimes | Human Rights Watch. (2022, July 22). <https://www.hrw.org/news/2022/07/22/sri-lankas-former-president-must-be-investigated-war-crimes>

Sri Lanka—Tea, rubber, tourism | *Britannica*. (n.d.). Retrieved April 11, 2024, from

<https://www.britannica.com/place/Sri-Lanka/Industry>

The Justice and Reconciliation Process in Rwanda. (n.d.).

<https://www.un.org/en/preventgenocide/rwanda/assets/pdf/Backgrounder%20Justice%202014.pdf>

Thirst for life: Access to clean water for all in Sri Lanka - sri lanka | *Reliefweb*. (2022, December 21).

<https://reliefweb.int/report/sri-lanka/thirst-life-access-clean-water-all-sri-lanka>

Truth and reconciliation commissions. (2010, February 7). *International Justice Resource Center*.

<https://ijrcenter.org/cases-before-national-courts/truth-and-reconciliation-commissions/>

Truth commission: South Africa. (n.d.). United States Institute of Peace. Retrieved April 11, 2024, from

<https://www.usip.org/publications/1995/12/truth-commission-south-africa>

What is truth and reconciliation? (n.d.). Retrieved April 11, 2024, from

https://greensborotrc.org/truth_reconciliation.php

World Bank open data. (n.d.). World Bank Open Data. Retrieved April 11, 2024, from

<https://data.worldbank.org>

(N.d.). Retrieved April 11, 2024, from

<https://www.arcgis.com/home/item.html?id=b899ee4d428c45328dfc0b9f27ba6a3f>