

Sri Lanka - Human Rights Scorecard ¹

Sri Lanka, officially known as the Democratic Socialist Republic of Sri Lanka, is an island country situated in the Indian Ocean, south of India. The Portuguese controlled the coastal areas of the island in the 16th century and the Dutch in the 17th century. The Tamil and Sinhalese kingdoms were demolished through colonialism and the governments were formally united under British rule in 1815. The country was granted independence in 1948. The British called the island 'Ceylon' but this was changed in 1972 to Sri Lanka². Clashes between the majority Sinhalese and ethnic minority Tamil populations ensued in a 26-year civil war (1983-2009). The Liberation Tigers of Tamil Eelam (LTTE) fought for an independent Tamil state in the North, but lost to government forces.

Official language: Sinhala, Tamil

Ethnic groups: Sinhalese 74.9%, Sri Lankan Tamil 11.2%, Sri Lankan Moors 9.2%, Indian Tamil 4.2%, other 0.5% (2012 est.)

Government: Unitary state, Semi-presidential system, Constitutional republic

President: Maithripala Sirisena

Prime minister: Ranil Wickremesinghe

Death penalty: None

Population: 22.2 million

Life expectancy: 76.8 years

Under-5 mortality: 9.80 per 1000 (2015)

Adult literacy: 92.6 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ³



0.766 – High Human Development ⁴

According to the UNDP, Sri Lankans enjoyed a gross national income per capita of \$10,789, could expect to have on average 14.0 years of schooling. Compared to other countries with comparable gross national income per capita, this is a very high HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Partially respected ⁵

There were several reports that the government or its agents committed arbitrary or unlawful killings. These instances have been attempted to be addressed by the government.

Freedom from disappearance



Respected ⁶

There were no reports of politically motivated disappearances.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected ⁷

The constitution prohibits torture and cruel treatment. However, there are reports of police and military forces abducting, torturing, and sexually abusing citizens. The UN indicates police investigators use torture and ill treatment routinely. All of the reported victims were men of Tamil origin.

Freedom from arbitrary arrest or detention



Partially respected⁸

The law prohibits arbitrary arrest and detention, but such incidents occurred, although at a decreased rate compared with 2015.

Freedom from denial of fair public trial



Respected⁹

The law provides for an independent judiciary, and the government generally respected judicial independence.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected¹⁰

The law does not explicitly include a right to privacy. Reports have shown instances where government authorities enter homes and monitor communications without judicial or other authorization.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹¹



Score: 141, Rank: 0 / 179 – Highly controlled, limited or intimidated¹²

In March 2016, the ministry of parliamentary reform and mass media ordered all news websites to register with the government or face illegal status. Most investigations of journalists' murders go unresolved. However, Tamil media is often the target of attacks and censorship.

Freedom from academic censorship



Respected¹³

The constitution provided for the freedom of assembly and association, and the government generally respected these rights.

Freedom of peaceful assembly and association



Partially respected¹⁴

The law provides for the freedoms of assembly and association, but the government restricted these rights in a limited number of cases.

Freedom of religion



Partially respected¹⁵

The constitution states every person is "entitled to freedom of thought and religion" However, local police and government officials align themselves with Buddhist nationalist organizations. Notably, there are acts of violence towards the Muslim minority, especially by the Sinhalese.

Freedom of movement



Partially respected¹⁶

The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." The government at times restricted these rights.

Protection of refugees and stateless persons



Largely disrespected¹⁷

The law does not provide for the granting of asylum or refugee status. Refugees and asylum seekers are not legally permitted to work or enroll in the government school system, but many work informally.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{18 19}



3.5 / 7 – Partly free²⁰

There are ongoing reforms to the constitution and electoral processes. The government has taken steps to combat corruption. Sri Lanka has ratified the international Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²¹



3 / 7 – partly free²²

Sri Lanka has ratified the international Covenant on Civil and Political Rights (ICCPR). There are ongoing reforms to the constitution and electoral processes. The government has taken steps to combat corruption.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²³



Score: 36%, Rank: 95 / 175 – Corrupt²⁴

Sri Lanka has ratified the United Nations Convention against Corruption (UNCAC). However, the government remains heavily influenced by corruption.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²⁵

The Human Rights Council of Sri Lanka has jurisdiction to inquire into human rights violations. After an allegation is established, the HRCSL may recommend financial compensation or refer the case for disciplinary action.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁶



Dangers facing minorities [Tamils, Muslims]²⁷

According to Minorities Rights Group International, Sri Lanka's ethnic minorities at risk are the Muslims and Tamils.

Rights of women (*World Economic Forum Gender Gap Index*)²⁸



Score: 67.3%, Rank: 100 / 142 – Unequal rights²⁹

Women in Sri Lanka face major discrimination. The position of inequality changed dramatically since 2006, which ranked Sri Lanka at number 13 in the world for parity.

Rights of Children (*KidsRights Index Overall Score*)³⁰



Score: 58.1%, Rank: 122 / 165 – Somewhat protected³¹

Social policies give access to state sponsored health and education programmes, even to children in rural areas. Boys and girls have access to basic needs of health care and education.

Rights of persons with disabilities



Partially respected³²

Despite various laws forbidding discrimination against disabilities, discrimination occurred in employment, education, and provision of state services, including public transportation. Children with disabilities attended school at a lower rate than other persons.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected³³

Both local and Indian origin Tamils maintained they suffered longstanding, systematic discrimination. The Muslim community reports attacks on their property. The Vedda aboriginal population face a lack of government documentation and right to their land

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{34 35}

Sri Lankan law supports discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the country. Antidiscrimination laws prohibited discrimination based on sex but did not prohibit discrimination based on sexual orientation and gender identity.

Section 8: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³⁶

The law provides for the right of workers to form and join unions of their choice, with the exception state law enforcers. Except for workers in public service unions, workers in services industries have the legal right to bargain collectively

Freedom from forced or compulsory labour



Partially respected³⁷

Sri Lankan law prohibits all forms of forced and compulsory labor, but penalties were not sufficient to deter violations. The government generally enforced the laws, but resources, inspections, and remediation efforts were not adequate.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³⁸

The minimum age for employment is 14, although permits the employment of younger children by their parents or guardians. The law prohibits hazardous work for persons under age 18. The government did not effectively enforce all laws and penalties were not sufficient to deter violations.

Right to acceptable conditions of work



Partially respected³⁹

The government sets occupational health and safety standards. Workers have the right to remove themselves from dangerous situations, but many workers were unaware of such rights or feared that they would lose their jobs if they did so.

Right to employment



5.0% - Low unemployment⁴⁰

The unemployment rate in Sri Lanka has dropped from 14.7% in 2006 to 5.0% in 2016.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² "Sri Lanka" The World Factbook. May 9, 2017. Accessed June 1, 2017 <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>

³ The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed June 1, 2017 <http://hdr.undp.org/en/composite/HDI>

⁴ "Human Development Indicators" UNDP, based on 2016. Accessed June 1, 2017. <http://hdr.undp.org/en/countries/profiles/LKA/>.

⁵ "Sri Lanka 2016 Human Rights Report" U.S Department of State. 2016. Accessed June 1, 2017. <https://www.state.gov/documents/organization/265760.pdf>.

⁶ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ Ibid. U.S Department of State.

¹¹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹² "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. Accessed June 1 2017. <https://rsf.org/en/sri-lanka>.

¹³ "Country Reports on Human Rights Practices for 2016 Sri Lanka." U.S Department of State. January 1, 2016. Accessed June 1, 2017.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁴ "Sri Lanka." World Report 2017: Sri Lanka. January 1, 2016. Accessed June 1, 2017. <https://www.hrw.org/world-report/2017/country-chapters/sri-lanka>.

¹⁵ "Sri Lanka." International Religious Freedom Report for 2013. January 1, 2016. Accessed June 1, 2017.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁶ "Sri Lanka." World Report 2017: Sri Lanka. January 1, 2016. Accessed June 1, 2017. <https://www.hrw.org/world-report/2017/country-chapters/sri-lanka>.

¹⁷ "Sri Lanka." World Report 2017: Sri Lanka. January 1, 2016. Accessed June 1, 2017. <https://www.hrw.org/world-report/2017/country-chapters/sri-lanka>.

¹⁸ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁹ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed June 1 2017 <https://freedomhouse.org/article/freedom-world-2017-freedom-decline-continues-amid-rising-populism-and-autocracy>

²⁰ "Sri Lanka." Freedom in the World 2017: Sri Lanka. January 1, 2017. Accessed June 4, 2017. <https://freedomhouse.org/report/freedom-world/2017/sri-lanka>

²¹ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed June 1, 2017 <https://www.freedomhouse.org/report/freedom-world-2017/methodology#VldwWzHF98F>

²² "Sri Lanka." Freedom in the World 2014: Sri Lanka. January 1, 2014. Accessed November 25, 2014. <https://freedomhouse.org/report/freedom-world/2014/Sri-Lanka-0#.VIHLzGG9e8>.

²³ Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²⁴ "Sri Lanka." Corruption by Country. January 1, 2016. Accessed June 4 2017. <http://www.transparency.org/country#LKA>.

²⁵ "Country Reports on Human Rights Practices for 2013 Sri Lanka." U.S Department of State. January 1, 2013. Accessed November 23, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁶ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.

²⁷ "Sri Lanka." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.

²⁸ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁹ "Sri Lanka." World Economic Forum. January 1, 2017. Accessed June 4 2017. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=LKA>

³⁰ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³¹ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed June 4 2017. <http://www.kidsrightsindex.org/>

³² "Country Reports on Human Rights Practices for 2016 Sri Lanka." U.S Department of State. January 1, 2016. Accessed June 4, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³³ Ibid. U.S Department of State.

³⁴ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2016. Accessed June 4 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁵ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁶ "Country Reports on Human Rights Practices for 2016 Sri Lanka." U.S Department of State. January 1, 2017. Accessed June 4, 2017.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State.

³⁹ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

⁴⁰ "Global Employment Trends." International Labour Organization. January 1, 2016. Accessed June 4 2017. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.