

POLICY BRIEF

Integrating Climate Justice into Sri Lanka's Human Rights Framework

Ensuring climate justice for a resilient Sri Lanka while protecting human rights



RIGHT TO LIFE
HUMAN RIGHTS CENTRE

Executive Summary

Following the catastrophic impact of **Cyclone Ditwah** in November 2025, Sri Lanka faces a critical gap in its human rights protection mechanism. During the "Human Rights Day 2025" forum held on December 11, experts highlighted that the traditional "charity-based" approach to natural disasters fails to address the systemic rights violations suffered by victims. This brief synthesizes the opinions of legal, medical, and human rights experts to advocate for a **rights-based approach** to climate resilience, ensuring that environmental justice is recognized as a fundamental human right in Sri Lanka.

Based on the **Disaster Management Centre (DMC)** Situation Report as of **December 17, 2025, at 16:00 hrs**, the following figures describe the impact of Cyclone Ditwah and the subsequent floods in Sri Lanka:

National Summary Statistics

- Total Affected Persons: 1,678,022 (Approximately 1.7 million).
- Total Affected Families: 483,622.
- Deaths: 643.
- Missing Persons: 183.
- Fully Damaged Houses: 6,200.
- Partially Damaged Houses: 96,545.

Displacement and Relief

- Number of Safety Centres: 731.
- Persons Currently in Safety Centres: 70,297.
- Families Currently in Safety Centres: 22,348.

District-Specific Highlights (Hardest Hit)

- Kandy: Reported the highest death toll with 237 fatalities and 73 missing.
- Nuwara Eliya: 89 deaths and 35 missing.
- Badulla: 88 deaths and 11 missing.
- Puttalam: 275,501 persons affected.
- Colombo: 330,464 persons affected.

Source: Disaster Management Centre (DMC), Sri Lanka. *Current Situation Report on 2025.12.17 at 1600 hrs.*

1. Introduction

International Human Rights Day (December 10) serves as a reminder of the inherent dignity of all citizens. In 2025, however, the climate crisis has emerged as the most significant threat to the right to life in Sri Lanka. With the mean annual temperature rising by **0.016 °C per year** and extreme weather events impacting **10 million people** over the last three decades, the disconnect between existing legal protections and the lived reality of victims is stark. The Right to Life Human Rights Centre's forum provided a platform to move the discourse from immediate relief to long-term legal accountability.

2. Insights from the National Policy Dialogue



"Sri Lanka is a country with high environmental risk. In this situation, civil society organizations must include environmental justice in their scope. We need to advocate for the development of evidence-based laws and systems... defenders must deal with the impact of climate change, disasters, and providing services to victims."

- Philip Dissanayake *Executive Director, Right to Life Human Rights Centre-*

Expert Perspectives

Lakshan Dias (Chairman, HR Committee, BASL): Emphasized that the relationship between the victim and the lawyer is critical to protecting rights. He argued that disaster victims must not be treated as "refugees" but as a community whose fundamental rights have been violated. Legal interventions, specifically **Public Interest Litigation (PIL)**, are essential to obtain climate justice for societies affected by global warming.



Dulan Dassanayake (Attorney-at-Law): Pointed out that the primary issue during a disaster is the breakdown of the **Rule of Law**. He noted that failing to perform statutory duties such as the National Council for Disaster Management's failure to meet is a constitutional violation. He highlighted public suspicion regarding the adequacy of warnings during the opening of the **Kothmale sluice gates** and called for truth-seeking regarding disaster responses.



Gautaman Balachandran (Attorney-at-Law): Stressed that a human rights approach is needed from the very start of a disaster response. He exposed structural inequalities, noting that many victims live in high-risk areas due to poverty. He cited the plantation sector (Malayaha Tamil community) as particularly vulnerable, where workers are forced back to work prematurely and lack land ownership, making them ineligible for disaster compensation.



Dr. Vinya Ariyaratne (President, Sarvodaya Shramadana Movement): Observed that while policies exist, implementation is non-existent, and Environmental Impact Assessments (EIA) have become mere "permission seeking" formalities. He urged a focus on community first-responders and criticized media ethics in fundraising during disasters. He estimated that full reconstruction for a disaster of this scale would take at least two years and must be survivor-centered.



3. The Technical & Legal Reality

“The damage to Sri Lanka from this disaster is estimated at approximately \$8 billion. We have been too anthropocentric; if we had acted ‘eco-centrally,’ we could have avoided this situation. We ignored environmental rights in favor of human rights, and that is why our resilience failed.” - Dr. Ravindranath Dabare, President, Environmental Lawyers’ Association



Dr. Dabare highlighted several systemic failures based on current climate trends and legal precedents:

- **Global Inequity:** While developed countries (such as the US) retreat from climate treaties, developing nations like Sri Lanka pay the heaviest price.
- **Enforcement Gaps:** The **Disaster Management Act No. 13 of 2005** and the **National Environmental Act** have failed to prevent the unauthorized filling of wetlands and the violation of riverbank reserves.
- **Missing Planning:** Despite laws existing since the 1980s, no government has successfully implemented a **national land management plan**, leading to unregulated development in landslide-prone areas.
- **Eco-Resilience:** Healthy ecosystems (mangroves, coral reefs) are proven to reduce climate risks, yet Sri Lanka has seen a **17% rainforest biomass loss** in recent decades.

4. Policy Recommendations

Based on the expert consensus, the following reforms are urgent:

A. Legal Recognition of Environmental Rights

- Incorporate the UN General Assembly Resolution **76/300** that officially recognizes the **right to a clean, healthy, and sustainable environment as a human right** into domestic law, officially recognizing the right to a clean, healthy, and sustainable environment as a human right.
- Amend the **Constitution** to move beyond the “Directive Principles” (Article 27) and establish an enforceable fundamental right to a safe environment.

B. Institutional Accountability

- Mandate a **truth-seeking commission** for disaster warnings and responses, investigating the effectiveness of the **Disaster Management Centre (DMC)** during Cyclone Ditwah.
- Remove “investigative powers from those with vested interests” in environmental crimes and establish an independent body to monitor EIAs.

C. Protection for Vulnerable Communities

- Establish a **Land Ownership Framework** for the plantation sector to ensure that Malayaha Tamil families have the legal standing required to receive disaster compensation and rebuild housing.
- Develop **specialized protection protocols** for women, children, and disabled persons in disaster camps, adhering to international **SPHERE standards** (e.g., minimum toilet-to-person ratios).

D. Structural Reform

- Finalize and implement the **National Land Management Plan** to prohibit construction in high-risk zones.
- Shift disaster response from a **militarized command structure** back to civilian-led, local governance to ensure transparency and community engagement.

5. Conclusion

Thirty years of environmental legislation in Sri Lanka has failed to protect the most vulnerable because the law has been treated as a “hollow promise”. Without a transition to an **eco-centric human rights approach**, both our ecology and society will continue to face intensifying shocks. The Right to Life Human Rights Centre calls on the State to “turn subjects into citizens” by ensuring that the right to a safe environment is protected with integrity and urgency.

“Protecting our environment today is protecting humanity’s strength, resilience, and hope for tomorrow.”

