CONTENTS

	Page		
CONTRIBUTORS			
REVIEWERS			
EVIATIONS & ACRONYMS	xiii		
FOREWORD			
INTRODUCTION			
	xxiii		
	AAII		
ERVIEW OF THE STATE OF HUMAN			
GHTS IN 2014			
Introduction	1		
The 25th Session	5		
2.1 The UNHRC	5		
2.2 Arbitrary arrests and detention	9		
Aluthgama and the Culture of Fear	13		
3.1 The anti-Muslim riot	13		
3.2 Constructing a culture of fear	16		
Free Media and Regime Change	19		
4.1 The freedom of mainstream and social			
media	19		
4.2 The government's response to the new			
'threat'	22		
4.3 The presidential election	25		
Conclusion	26		
	WERS EVIATIONS & ACRONYMS WORD DUCTION FERVIEW OF THE STATE OF HUMAN GHTS IN 2014 Introduction The 25th Session 2.1 The UNHRC 2.2 Arbitrary arrests and detention Aluthgama and the Culture of Fear 3.1 The anti-Muslim riot 3.2 Constructing a culture of fear Free Media and Regime Change 4.1 The freedom of mainstream and social media 4.2 The government's response to the new 'threat' 4.3 The presidential election		

II. JUDICIAL PROTECTION OF HUMAN RIGHTS

1.	1. Introduction		
2.	General Human Rights Context 2014	30	
	2.1 The continued impact of the		
	impeachment of the Chief Justice	31	
	2.2 Crisis in law and order	32	
	2.3 Weak and inefficient non-judicial		
	remedies	35	
	2.4 Monitoring and supervision by the UN		
	mechanisms	36	
3.	Fundamental Rights Jurisprudence 2014	37	
4.	Preliminary Objections to Fundamental		
	Rights Applications	41	
	4.1 One -month time bar	42	
	4.2 Complaints to the Human Rights		
	Commission	44	
	4.3 Jurat in affidavits	46	
	4.4 Executive or administrative action	47	
5	. Right to Equality	48	
	5.1 Access to education	49	
	5.2 Due process	50	
	5.3 Fundamental rights and fiscal		
	management by the State	56	
	5.4 Justiciability of the impeachment of the		
	Chief Justice	57	
1	6. Right to Liberty	59	
*	6.1 Right to freedom from arbitrary arrest and		

59

detention

		6.2 Right to freedom from torture	60
	7.	Compensation	62
	8.	Conclusion: A Judicial Remedy in Crisis	63
III.	RE	CLIGIOUS FREEDOM	
	1.	Introduction	67
	2.	Background: Legal and Judicial Framework	
		and Recent Developments	68
	3.	Attacks on Religious Freedom (2014)	72
		3.1 Attacks on Muslim places of worship	72
		3.2 Attacks on Christian places of worship	73
		3.3 Unwillingness/inability to investigate	75
	4.	Aluthgama the "Virtual Holocaust"	76
	5.	Religious Freedom in the North and East	79
	6.	International Focus on Religious Freedom in	
		Sri Lanka	81
	7.	Conclusion	83
IV.	FR	EEDOM OF ASSEMBLY AND	
	AS	SOCIATION WITH REGARD TO NGOs	
	&c !	CIVIL SOCIETY	
	1.	Introduction	87
	2.	Constitutional Framework	88
	3.	International Legal Obligations	93
	4.	The Regressive Legislative Framework	97
	5.	Lack of Judicial Precedent During 2014	100
	6.	Situation of Rights	101
		6.1 Freedom of peaceful assembly	102

	6.2 Freedom of association	110
	6.3 Media freedom	113
7	Report of the UN Special Rapporteur on the	
•	Right to Freedom of Peaceful Assembly and	
	of Association	115
8.		
0.	Governance	116
	8.1 Militarization of law enforcement	117
	8.2 Suppression of student activities agitating	
	to counter arbitrary decisions of the	
	authorities	118
	8.3 Increase on attacks against peaceful	
	assemblies by unidentified mobs	118
	8.4 Extremist Sinhala Buddhist militant	
	groups engaging in attacks against	
	religious minorities	119
	8.5 Apathy of the judicial and law	
	enforcement agencies in the face of	120
	violations	
	8.6 Crackdowns on the political opposition	121
	8.7 Suppression of dissent	121
	9. Conclusion	122
V.	WOMEN'S RIGHTS	
	1. Introduction	125
	2. International Instruments and Mechanisms	
	Relating to Women's Rights	127
	3. National Laws and Policy Framework	130

	4.	Women's Economic Rights	133
		4.1 Migrant workers	133
		4.2 Women in the Free Trade Zones (FTZs)	137
		4.3 Women tea plantation workers	138
		4.4 Women commercial sex workers	139
		4.5 Women domestic workers	141
		4.6 Women's domestic work	142
	5.	Women's Health Rights	143
	6.	Women's Political Rights	146
	7.	Post-war Rights Violations of Women in	
		Northern Sri Lanka	147
		7.1 Challenges facing women heads of	
		household	147
		7.2 Increased prevalence of sexual violence	149
		7.3 Challenges to women human rights	
		defenders in the North	151
	8.	Gender Based Violence	151
		8.1 Domestic violence	152
		8.2 Rape	153
		8.3 Sexual harassment	155
		8.4 Discriminatory provisions in law	156
		8.5 Media	158
	9.	Conclusion	158
VI.	н	JMAN RIGHTS AND DEVELOPMENT	
	1.	Introduction	161
	2.	An Overview of the Development Agenda of	
		Sri Lanka 2014	162

3.	Incor	porating Human Rights into	
	Deve	lopment Practice	168
		Human development	169
		Right to development	170
		Development in a post conflict society	172
4.		gations and Guarantees	176
		International obligations	176
	4.2	Governments and corporate	
		responsibility	178
	4.3	Constitutional guarantees	179
5.		lementation and Violation of Rights:	
	Special Focus Areas in Sri Lanka		
		Right to housing	182
		Right to land	189
		Right to health/water	193
		,	197
		Right to Livelihood	199
	5.5	Right to education	

6. Recommendations

201