



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

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Just Atonement Inc. (JAI) is a legal non-profit that connects and trains advocates to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Sri Lanka.

SUMMARY OF CONCLUSIONS

1. **Sri Lanka should take decisive action to combat climate change, ensuring adequate protection for its most vulnerable communities.** Increased temperatures, extreme precipitation events, and sea level rise threaten the nation's health, housing, and economy. We commend Sri Lanka for its climate initiatives thus far, encompassing clean water, green development, and greenhouse gas emissions. Sri Lanka should follow through with these programs, as well as adopt more aggressive long-term adaptation goals, defending future human rights.

2. **Sri Lanka should strive to ensure equality for marginalized communities across social, civil, and political spheres.** Ensuring equal political rights for all groups would be a strong step towards furthering human rights goals. Protections of due process should be strengthened, including ending arbitrary detainment and inhumane treatment. Additionally, violence and discrimination based on gender and sexual orientation should receive increased attention within the legal system.



CLIMATE CHANGE

Impacts of Climate Change

3. **Sri Lanka is especially vulnerable to climate change.** This is due to a combination of factors, including geography, climate, resource scarcity, and a dependence on agricultural income. Current research predicts that the Northern and Northwestern provinces, which already contain high levels of poverty, will face severe impacts from climate change. This will result in a disproportionate impact on the country's poorest communities, further exacerbating inequality. Additionally, climate change is likely to create an undue burden on women and ethnic minorities, due to historical exclusion, societal norms, and their outsized presence in climate-vulnerable industries.

Temperature

4. **Sri Lanka's average annual temperature is projected to continue to increase regardless of future emissions scenarios.** Even though average temperature rise in Sri Lanka is likely to be marginally lower than the global average, it could still increase by up to 2.0°C by the middle of the 21st century, and 3.2°C by the end, compared to the 20th century average¹. Temperatures are predicted to increase the most in areas further inland, and potentially in the months from March to July.

5. **Both minimum and maximum temperatures are projected to increase under all scenarios, rising faster than average temperatures.** These temperature extremes pose a significant threat to daily life, as they exert significant influence on human health, agricultural productivity, and ecosystems.

Precipitation

6. **Precipitation patterns will likely change throughout the country,** and evidence tends to point toward a trend of increased precipitation. It is very likely that the frequency and intensity of extreme precipitation events will continue increasing with temperature.

Sea Level Rise

7. **It is virtually certain that relative sea level rise will continue in Sri Lanka throughout the 21st century.** As a low-lying island, Sri Lanka is identified as being highly sensitive to increases in sea level rise, especially when combined with storm surges. Sea levels in the region are expected to rise by 0.1-0.2m during the next 50 years², and by the 2030s 230,000–400,000 people could reside in exposed coastal floodplains³. A significant portion of the population is currently residing in particularly at-risk areas within 1 km of the coast.

¹ World Bank Group (2020). "Climate Risk Country Profile Sri Lanka."

² Palamakumbure, L., Ratnayake, A.S., Premasiri, H.M.R. et al. (2020). "Sea-level inundation and risk assessment along the south and southwest coasts of Sri Lanka." *Geoenviron Disasters* 7, 17 <https://doi.org/10.1186/s40677-020-00154-y>. (accessed May 24, 2022).

³ World Bank Group (2020). "Climate Risk Country Profile Sri Lanka."



Consequences of sea level rise such as beach erosion, flooding, and inundation of lowlands and wetlands will impact settlements, land use systems, and commerce across coastal regions.

Natural Disasters

8. **Sri Lanka will likely face continued and increased incidence of natural disasters.** It is estimated that Sri Lanka has an average annual loss of approximately \$313 million from disasters⁴, almost the entirety of which are caused by climate. The most common hazards currently are flooding and landslides, followed by cyclones, storm surges, droughts, and high winds. These events can lead to a loss of life, livelihoods, and infrastructure. Natural disasters especially impact rural communities, who already struggle with limited access to government services and unreliable infrastructure.

9. **The predicted increase in extreme precipitation will lead to increased flooding risks.** Flooding is a key hazard in Sri Lanka. Flooding is associated with decreased clean water supplies and wastewater sanitation, which impact the right to water, the right to health, and the right to life.

10. **The predicted increase in extreme precipitation will likely lead to increased landslide risk.** Already, it is estimated that ~20% of the nation's surface area is exposed to landslide events⁵. Landslides most often are caused by weakened rocks or soil making up a sloped area of land. Soil that is waterlogged, exposed, or has been cut into for housing or road development is more vulnerable to the elements. Landslides often impair access to basic necessities, including potable water and food.

11. **Droughts are likely to escalate in severity and frequency.** While Sri Lanka will likely continue to receive abundant rainfall annually, it will increasingly fall in uneven and unpredictable patterns. The rise in extreme precipitation events will leave longer periods in between rain falls, impacting water supply.

12. **Incidence of chronic heat stress as well as the annual probability of a heatwave are likely to continue to increase significantly under all future emissions pathways.** Research demonstrates that the human body struggles to maintain a safe core body temperature when ambient air rises above 35°C, and even short exposure can result in serious illness or even death. While Sri Lanka is already facing complications arising from extreme heat events, it is predicted that ambient temperatures will more routinely reach over 30°C, with the number of days exceeding 35°C significantly increasing⁶.

⁴ Cook, Samantha Jane (2020). "Contingent Liabilities from Natural Disasters: Sri Lanka." World Bank.

⁵ World Bank Group (2020). "Climate Risk Country Profile Sri Lanka."

⁶ IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S.L.

Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M.I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T.K. Maycock, T. Waterfield, O. Yelekçi, R. Yu, and B. Zhou (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, In press, doi:10.1017/9781009157896.



Health

13. **Climate change will likely bring increased incidence of disease transmission.** There will likely be a rise in transmission of water-borne diseases due to expected flooding and extreme precipitation events, and vector-borne diseases due to changes in temperature. Specifically, the prevalence of dengue, dysentery, hepatitis, typhoid, malaria, and diarrheal diseases are predicted to increase.

14. **Climate change will likely adversely impact the productivity of fisheries.** Sri Lanka's population is heavily dependent on local fisheries for protein intake. There are currently few effectively enforced policies in place to protect these fisheries from overuse.

Economy

15. **Climate change will directly and indirectly adversely impact the productivity of Sri Lanka's agricultural sector.** Rice plants have been shown to have a high sensitivity to increases in temperature during the growing season. Rice is also vulnerable to changes in rainfall frequency and intensity. Heavy rainfall during the planting and vegetative stages can damage or drown plants. Conversely, water scarcity during the early and late vegetative stage often stunts growth and can result in crop failure. Higher temperatures and water stress have also been associated with decreased yields for Sri Lanka's other key crops, namely tea, coconut, and rubber. Sea level rise will impact coastal agriculture through increased soil salinity, saltwater intrusion, and loss of arable land.

16. **Climate change will affect the tourism industry.** Sea level rise, storm surges, and associated coastal erosion will impact scenic beaches and popular coastal towns. Temperature changes, water scarcity, and habitat destruction will impact ecosystems in popular wildlife areas, likely leading to a loss of biodiversity. Increased ocean temperatures and carbon dioxide levels will negatively impact marine ecosystems and coral reefs through processes such as coral bleaching and ocean acidification. An increase in unmitigated natural disasters may also deter tourists from visiting the country in general.

Sri Lanka's Climate Change Policies

17. **We commend Sri Lanka for the climate change initiatives it has prepared over the past few years.** Sri Lanka has committed towards minimizing greenhouse gas emissions in accordance with the Kyoto Protocol, created a Water Sanitation and Hygiene program, and started cooperating with the United Nations Development Programme and the World Bank to generate a plan for economic recovery focused on climate friendly principles. However, due to COVID-19 and the current economic crisis, these important initiatives remain largely unimplemented.

Recommendations

18. **Curate a long-term national response strategy to ongoing sea level rise and changes in weather patterns, taking into consideration various response options, including**



protection, accommodation, and planned relocation. We recommend that Sri Lanka work with adaptation experts to mitigate the worst impacts of climate change, and avoid maladaptation in climate change planning, consistent with IPCC recommendations. We also recommend that Sri Lanka implement the climate initiatives it has announced as swiftly as possible.

19. **Prepare for increased incidence of natural disasters and their impact on human rights.** Art 11 of the International Covenant on Economic, Social and Cultural Rights recognizes the right to an adequate standard of living, which includes the right to health, water, and sanitation. By building climate-resistant infrastructure, disseminating information on disaster preparedness, and streamlining disaster relief, Sri Lanka can better protect these rights in the face of extreme heat and precipitation events. Additionally, policies should be adopted to prevent occupational hazards during natural disasters to protect the right to safe and healthy working conditions (Art 7 of the ICESCR).

20. **Implement mitigation and adaptation strategies for increased risk of disease transmission.** Art 12 of the ICESCR recognizes the right to the highest attainable standard of health, which necessitates the prevention, treatment, and control of diseases, including proper medical care. Special considerations must be made to assure that these protections are not limited to developed urban areas.

21. **Regulate the nation's fishing industry to ensure its long-term survival.** Art 11 of the ICESCR codifies the right to adequate nutrition, specifically highlighting the importance of the adoption of best practices to ensure efficient resource use. Therefore, requirements that protect against overfishing should be implemented and enforced.

22. **Seek to diversify the nation's economy.** Article 11 of the ICESCR acknowledges the right to the continuous improvement of living conditions. Sri Lanka's largest economic sectors will be adversely impacted by climate change, and without any adaptation efforts, living standards could very well decrease. Therefore, investment in nonagricultural industries should be increased to diversify other sources of income and employment.

23. **Support adaptive measures in agriculture.** Art 11 of the ICESCR recognizes the right to adequate food, which includes improving the production of food using the best available knowledge. Therefore, there should be increased education and incentives for farmers to use climate resistant crops, and to improve on-farm water management and weather-dependent cultivation cycles.

24. **Increase conservation efforts within the tourism industry.** The tourism industry should increasingly adopt practices that align with ecotourism principles to protect the longevity of the industry and by extension. This will direct funds towards the conservation of beaches, wildlife areas, and biodiversity hotspots. This will help protect the right to a healthy environment in Sri Lanka.

25. **Take additional measures to protect communities who face a disproportionate impact from climate change.** The International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, and



Convention on the Elimination of All Forms of Discrimination against Women prohibit discrimination. The ICESCR protects the equal right to an adequate standard of living. To protect these rights, women, ethnic minorities, and individuals with a lower socio-economic status should be given special consideration in public policies and adaptation efforts.

DEMOCRACY AND THE RULE OF LAW

26. **Sri Lanka has failed to codify and enforce equal political rights for all groups.** Tamils and other minority groups face institutionalized discrimination that inhibits their ability to fully and safely engage in the political process. For example, language laws and naturalization procedures adversely impact Tamils' political participation. Men are also disproportionately represented in positions of power, with women making up a small fraction of Parliament and the presidential cabinet.

Recommendations

27. **Foster an environment where all voices are represented in the political process.** The ICCPR, ICERD, and CEDAW recognize the right to political participation and call for States to take action to eliminate racial and gender-based discrimination, respectively, in the realization of this right.

HUMAN RIGHTS VIOLATIONS

28. **The Prevention of Terrorism Act (PTA) in its current form violates the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment, as well as Article 7 of the ICCPR, both of which Sri Lanka has ratified.** Under the PTA, Tamils, Muslims, political opponents, human rights activists, and others have been arbitrarily detained for years, frequently facing torture while in government custody. Amendments to the PTA adopted in March 2022 are insufficient to prevent abuse.

29. **Women and girls face significant violence and discrimination.** Gender-based rape and domestic violence are widespread, with few perpetrators facing consequences. Marital rape is still not criminalized unless the couple is separated. Inaction by the State to prevent gender-based violence violates the CEDAW, which instructs States to take appropriate measures to eliminate discrimination against women, as well as the Convention on the Rights of the Child, which instructs states to take proper measures to protect children from sexual abuse.

30. **The Muslim Marriage and Divorce Act makes Muslim women and girls susceptible to child marriage, marriage without consent, and disproportionate restrictions on divorce.** This violates Article 16 of the CEDAW, which states that child marriages should have no legal effect and that both parties to a marriage must give full consent and be given the same rights during the dissolution.

31. **Sexual minorities face institutionalized discrimination.** Sections 365 and 365A of the Penal Code are interpreted and employed to criminalize consensual sex between two same-sex individuals. Additionally, Section 399 disproportionately impacts transgendered individuals.



These laws go against ICCPR obligations to guarantee non-discrimination, protect individual privacy, and prevent arbitrary arrest.

Recommendations

32. Replace the Prevention of Terrorism Act with counterterrorism legislation meeting international human rights standards.

33. Bolster protections for women and girls from prejudice in the legal system. Further institutional resources should be allocated to investigate and prosecute gender-based crimes. Proposals bringing the Muslim Marriage and Divorce Act into compliance with the CEDAW should be presented to parliament.

34. Prevent police targeting based on sexual orientation or gender identity. The Penal Code should be amended to remove ambiguous language and enforced as to comply with the principles of non-discrimination in the ICCPR.

Acknowledgements

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