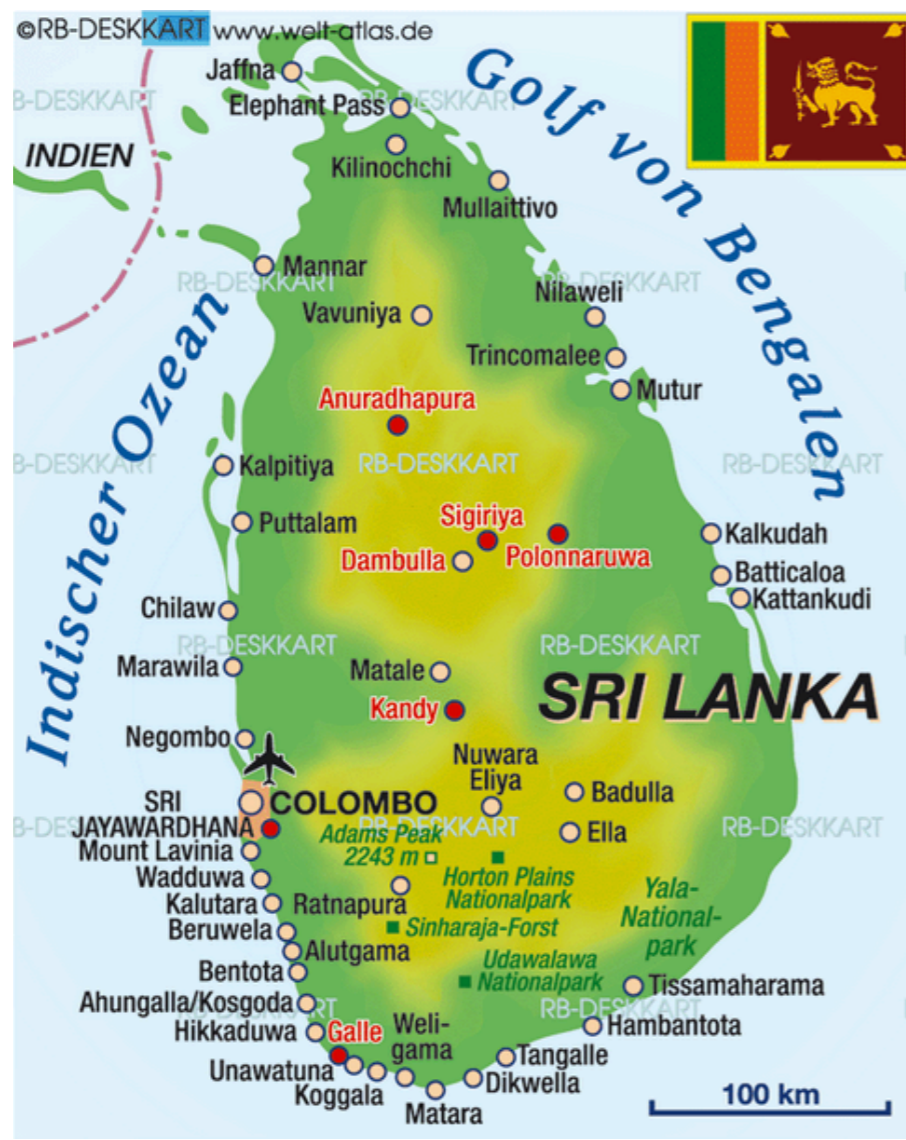


TRIBUNAL ON EVICTIONS 2017

Sri Lanka



HOUSING RIGHT

The Sri Lankan Constitution recognises only civil and political rights, not socio-economic rights. Therefore, there is no express provision to safeguard citizens' housing rights in its fundamental rights chapter.

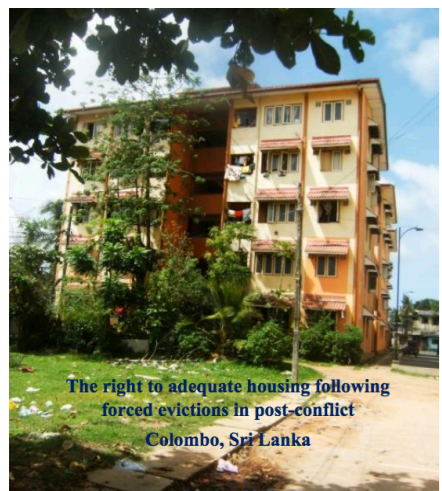
Article 14(1)(h) of the Constitution deals with the freedom to choose one's residence, and provides that:

Every citizen is entitled to the freedom of movement and of choosing his residence within Sri Lanka.

The only constitutional protection of housing rights is in the Directive Principles of State Policy. **Article 27(c) of the Constitution** provides that the State must ensure :

The realisation by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing and housing, the continuous improvement of living conditions and the full enjoyment of leisure and social and cultural opportunities.

The Directive Principles are declaratory only and are not justiciable in a court of law.



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Sri Lanka Brief



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FORCED EVICTIONS

The Government of Sri Lanka is party to a range of international conventions which oblige states to protect against forced evictions, most obviously the International Covenant on Economic, Social and Cultural Rights (ICESCR).

One of the difficulties of enforcing this obligation is distinguishing forced evictions from other forms of legally sanctioned displacement. Large-scale development in urban areas almost inevitably results in some people having to move house and this is not always referred to as forced eviction. In Sri Lanka, it is called „resettlement“ both officially, as well as in public and media discourse and there is a long history of such movements across the country related to development, conflict and natural disasters (Muggah 2008).

General Comment 7 of the Committee on Economic, Social and Cultural Rights (CESCR) recognises that the explicit exemption of „legal“ forms of displacement from the internationally accepted definition of forced evictions is extremely problematic, since it assumes the relevant law is just. There is also frequently disagreement over what is „voluntary“ since it is very common for evictions to be formally voluntary but highly coerced in practice. At a minimum, the law should ensure that displacement is absolutely necessary, potential risks are addressed and compensation is appropriate. In Sri Lanka, the government adopted a National Involuntary Resettlement Policy (NIRP) in 2001 in an effort to address these obligations. Where the NIRP has been applied, evaluations are very positive and the impacts of forced evictions have clearly been alleviated.

Unfortunately, the NIRP has been erratically applied ...

Source : The right to adequate housing following forced evictions in post-conflict Colombo, Sri Lanka,



Evictions – How many ?

villagers of Panama, Some have permits and deeds to their land, others were occupying state land. 1400 people evicted, 30% women & 50% children.

Evictions – Causes

To develop a touristic complex : In August 2010, a group of armed people evicted 350 families from Panama and burnt their houses and belongings. Several villagers were injured. Later the villagers found out that the land was intended to be used for a tourism development. Three years after the eviction, the villagers found out that in the occupied land a tourist hotel is being built.

An unapplied judicial decision : However, a Pothuvil Magistrate Court order from 30 th March that the armed forces could not prevent the villagers from entering their own land. On 7 th April, the villagers again occupied their own land and started to settle there. In May, they started to build temporary huts and to cultivate their land. Fishing in the sea however is still prohibited for the villagers. Therefore, since April 2016 the villagers have occupied their own land but the land has still not been handed over officially, one and a half years after the cabinet decision to do so.

Evictions – Case of Mr S.S. (couple, both over 60 years, 5 children)

When Mr S.S. visited the local authorities in 2009 to solve an administrative problem, he was deprived of the documents proving his land ownership.

on July 17 th 2010, masked men invaded the family's land, hit Sundaram Somaradam with iron bars and set fire to his house.

«I will remain to my land even they kill me !»

HABITAT WORLDMAP

GO TO THE WEBSITE : WWW.WM-URBAN-HABITAT.ORG

WEBSITE UNDER CONSTRUCTION

