

## THE HUMAN RIGHTS COMMISSION OF SRI LANKA: AN EXPLORATORY ANALYSIS OF ITS MEDIATION MANDATE

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### ABSTRACT

In terms of the Paris Principles of 1993, National Human Rights Institutions should seek amicable settlement of human rights disputes, where appropriate. The *Human Rights Commission of Sri Lanka Act* No. 21 of 1996, vests the Commission inter alia with a mandate to mediate human rights disputes. Nevertheless, the interviews conducted with the stakeholders suggest that the Human Rights Commission of Sri Lanka has instead given prominence to investigate/ hear matters and make recommendations. Oversight on the statutory provisions providing for the enforcement of mediated settlement agreements, strong misbelief that mediation is inappropriate for the resolution of public law matters such as human rights disputes, are few reasons behind the under implementation of the statutory duty to refer fundamental rights disputes for resolution through mediation. Based on the findings emanating from an exploratory analysis of the desk research, interviews and case studies, establishing the potential of mediation as an effective remedy against human rights violations, this paper concludes that, due implementation of this statutory duty, could ensure access to an alternative effective remedy against fundamental rights violations Sri Lanka.

Keywords: mediation, right to an effective remedy, human rights dispute resolution, National Human Rights Institutions, Human Rights Commission of Sri Lanka

## 1. INTRODUCTION

### 1.1. Background

Principles relating to the Status of National Institutions, better known as Paris Principles, provide that the National Human Rights Institutions (NHRIs) with quasi-jurisdictional competence should seek “an amicable

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