

## HUMAN SECURITY AND JUDICIAL ACCESSIBILITY IN SOUTH ASIA: ASSESSING POST-CONFLICT LEGAL REFORMS IN SRI LANKA

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### ABSTRACT

Post-conflict societies need to rebuild both their justice systems and their citizens' trust in state institutions. For Sri Lanka, where decades of civil conflict have been a predominant influence on governance and civil relationships, judicial reform is central to the retention of human security and the advancement of the rule of law. This study seeks to understand the impact of post-conflict judicial reform on access to justice, accountability, and trust in institutions in Sri Lanka. This will help assess the value of legal modernization in human security, particularly in the dimensions of safety, dignity, and equality before the law. Drawing on the Human Security Framework and the Theory of Transitional Justice, the study is qualitatively doctrinal and case-based. Judicial reform policies, human rights commission reports, and a selection of case studies from the years 2009–2024 comprise the sources of data. Each of the three dimensions of institutional independence, the rights of vulnerable persons, and the civic aspect of the justice system was part of the thematic analysis. This study found that Sri Lanka has legalized the receipt of judicial services and has provided more access to legal aid. However, the need to guarantee active neutrality and provide timely resources, victim aid, and accountability for abuse of power within the bridge of civil relationships remains. The research indicates that the incorporation of human security principles into national strategies regarding the judiciary can further reconciliation, strengthen the legitimacy of institutions, and achieve durable peace.

**Keywords:** human security, judicial reform, access to justice, Sri Lanka, transitional justice, post-conflict governance



## INTRODUCTION

The 26-year-long civil conflict in Sri Lanka from 1983 to 2009 resulted in significant political, legal, and social changes and consequences. The long duration of the conflict resulted in military regulations, the emergency regulation framework, and ethnic tensions and altered the relations between the state and the citizens. After the conflict, the rebuilding of the public's trust in the institutions of the state, particularly the judiciary, was an integral part of the reconciliation and national healing process. In the aftermath of the conflict, most scholars agree that the judiciary plays a significant role in any given society to safeguard the people's rights and protect society from any form of new violence and conflict.<sup>1</sup> This contributed to the people's perception of the courts and legal institutions, especially in being fast, accessible, and politically independent.

The post-war period placed judicial reform at the center of peace-building discussions. There was an intertwined need for legal aid, unhampered institutional access, and due process as it related to human security—safety, dignity, and equality before the law.<sup>2</sup> The human security lens clarifies that communities are not secure if there are fears of discrimination, abuse, or other institutional violence. In the Sri Lankan case, there are special ties to the lack of justice, especially post-hostilities, for many war-affected groups, for example, internally displaced persons, ethnic minorities, women, and the poor. Within transitional justice, there exist the principles of long-term reconciliation, and these are centered on the critical and indispensable elements of truth and accountability, institutional reform, and victim processes.<sup>3</sup> These are the principles of Sri Lankan judicial reform post-2009 and peace-building. These principles are what made these judicial reforms a success. These same principles are the reason for the evident failures in other post-2009 judicial reforms in Sri Lanka.

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<sup>1</sup> International Crisis Group, *Sri Lanka's Transition to Stability* (Brussels: ICG, 2019), 18.

<sup>2</sup> United Nations Development Programme, *Human Security Framework* (New York: UNDP, 2016).

<sup>3</sup> Office of the High Commissioner for Human Rights (OHCHR), *Sri Lanka: Promoting Accountability and Justice* (Geneva: OHCHR, 2015), 13–15.



## Research Questions

This study is seeking to understand the changes and improvements that have taken place as a result of the reforms in conflict-driven Sri Lanka. In particular, the study examines the changes and improvements that have taken place concerning the public's level of trust, the rule of law, and accountability. More particularly, this study examines whether there have been such substantive reforms that there have been improvements in the legal protection of the members of marginalized groups, whether there is greater access to justice, and whether other changes have promoted the independence of the law in the country. The study will further seek to understand the challenges and potential of the reforms to promote enduring peace and reconciliation in the country, using the Human Security framework to explore these issues.

## Objectives of the Study

This study focuses on the assessment of the nature and impact of legal modernization in Sri Lanka spanning the years 2009 to 2024. The study assesses the reforms within the legal structures of the state considering human security aspects of safety, dignity, and equality, and tries to determine if these reforms fostered the development of a more dependable and strengthened post-conflict justice system. Hence, the study seeks to assess the extent to which improvements in the judiciary correlate to the greater objectives of reconciliation, peace-building, and legitimacy of state institutions in the country.

## Theoretical Framework

This study utilizes two complementary frameworks. The first is the Human Security Framework, which focuses on the protection of people instead of borders, and the primary objectives of which are to attain freedom from fear and from all forms of structural violence.<sup>4</sup> This framework helps in assessing if the reforms within the judiciary are able to improve the lived realities of people, especially the vulnerable and marginalized. The second is Transitional Justice Theory, which focuses on the elements of truth, accountability, reparations, and institutional reforms in the reconstruction of a society after conflict.<sup>5</sup> In the context of Sri Lanka, debates on

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<sup>4</sup> UNDP, Human Security Framework (2016).

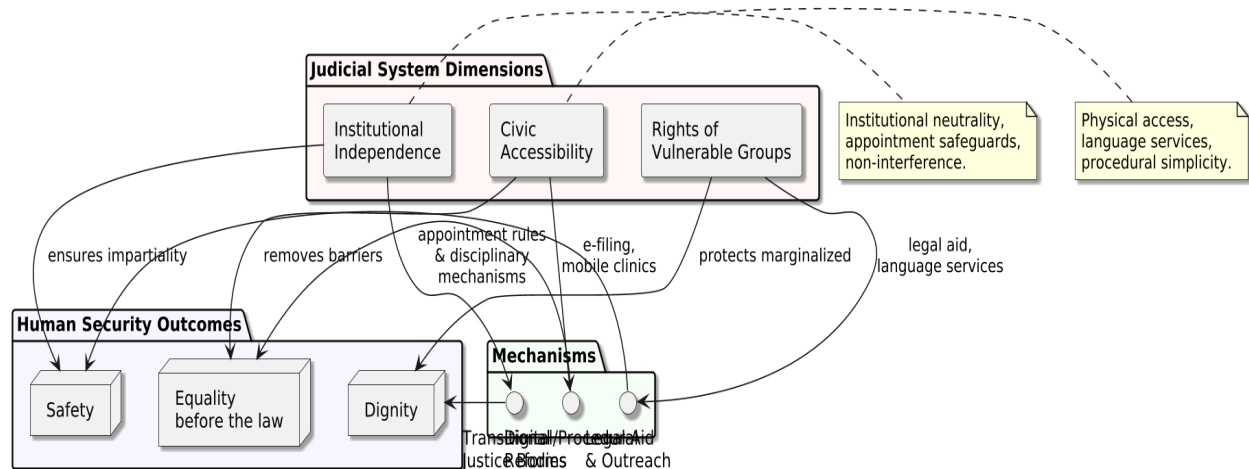
<sup>5</sup> OHCHR, Report on Transitional Justice and Accountability in Sri Lanka (Geneva: OHCHR, 2021).



transitional justice have primarily revolved around accountability for war, disappearance during war, and trust of citizens in the state. These two frameworks provide the basis to assess comprehensively the impact and the gaps of judicial reform. **Figure 1.** Conceptual framework linking human security, transitional justice, and judicial accessibility.

**Figure 1 — Conceptual framework: Human Security ↔ Judicial Accessibility**

Figure 1 — Conceptual framework: Human Security ↔ Judicial Accessibility



Conceptual framework showing how institutional independence, rights of vulnerable groups, and civic accessibility interact to produce human-security outcomes (safety, dignity, equality).

**Source:** Author's illustration, 2025.

## Methodology

This study employs a qualitative doctrinal approach based on primary case law and secondary sources, such as statutes, government policies, and HRCSL reports (2009–2024). Also, other reports by global organizations, academics, and entities focusing on transitional justice will be examined. The study uses the thematic analysis method to study three critical areas: the autonomy of the judiciary, the safeguarding of the defenseless, and public participation in the justice system. This way, the study evaluates the response of the formal legal changes to the human security needs of post-conflict societies and the challenges formal law changes address.



## DISCUSSION

### The Post-Conflict Judicial Reform in Sri Lanka (2009–2024)

There are many things that the Government of Sri Lanka (GOSL) had to do after the end of the war to reconstruct the country's legal and institutional framework. During the post-war period, GOSL undertook a series of changes in the court system across the country aimed at improving the functioning of the courts, modernizing the legal system, and improving citizens' satisfaction and trust in the institutions of the State. GOSL made changes to the constitution that influenced these developments. For example, the Nineteenth Amendment in 2015 aimed at lessening the power of the Executive by restoring some of the control that the Executive had previously exercised over certain institutions, such as the Constitutional Council, which exercises powerful control over the appointment of judges.<sup>6</sup> Some commentators have remarked that this amendment was an attempt to reintroduce some form of Executive control over the Judiciary, which had existed previously, and to introduce some form of order to the control that the Judiciary exercises over other institutions of Government. This was in relation to the control that the Judiciary had over other branches of Government.<sup>7</sup> However, the introduction of the Twentieth Amendment in 2020, which extended the powers of the President of the Republic, caused great concern among many people, as it removed some of the built-in controls that had previously existed to protect the autonomy of the Judiciary.<sup>8</sup>

In court administration and management, and in relation to some of the changes in the constitution, GOSL made changes aimed at modernizing the administration and management of the court system, which resulted in the digitization of courts, better management of records, electronic filing, and legal assistance for some court users.

The Legal Aid Commission in Sri Lanka mentions the gradual growth of certain state-sponsored benefits in the post-war era concerning protective legal assistance for low-income

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<sup>6</sup> Government of Sri Lanka, Nineteenth Amendment to the Constitution (Colombo: Government Printer, 2015).

<sup>7</sup> Jayadeva Uyangoda, Politics of Justice in Post-War Sri Lanka (Colombo: Social Scientists' Association, 2020), 91–95.

<sup>8</sup> Centre for Policy Alternatives (CPA), A Brief Guide to the Twentieth Amendment (Colombo: CPA, 2020).



persons, refugees, and victims of conflict.<sup>9</sup> These modifications were further complemented by the removal of some procedural hindrances and the extension of justice to underserved areas. Enhanced physical infrastructure in the courts, especially in former conflict areas, improved the provision of courts and assistance in various locations affected by the former conflicts.<sup>10</sup>

The reform efforts did not resolve the issues concerning the autonomy and impartiality of the relevant bodies within the accepted and recognized norms of the state. Analysts cite that the alleged control of the country's politics over the appointments and movement of judges has remained, and that control, if present, has a corrupting effect on the dimension of fairness.<sup>11</sup> Politically controversial issues, especially questions of legal and judicial abuse, the lack of justice, the politics of human rights, and the abuse of human rights, when highly publicized, challenge the legal authority of the judiciary. Civil society has provided ample evidence of alleged bias, either major or minor, and the lack of transparency in the processes in question.<sup>12</sup> Those debates continue the struggle to remove legal and political constraints from legal processes, especially where politics has direct relevance to issues of justice.

In constitutive applications of constitutional protections and case law from the post-conflict period, the scope of reasoned outcomes differs in acknowledging possible curtailed rights due to executive overreach, while in other outcomes, the state's authority is extended and reinforced.<sup>13</sup> Scholars attribute these differences to legacies in structures and governance during emergencies, which assign courts primacy of jurisdiction over individual rights in the name of pressing concerns, such as state security.<sup>14</sup> Consequently, attention on the courts to protect rights in the post-conflict era has been primarily shaped by the politics of the time, and thus has been uneven and slow. On balance, the post-conflict period from 2009 to the present has provided judicial reforms in terms of modernization, efficiency, and institutional capacity, and has provided a positive, but

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<sup>9</sup> Legal Aid Commission of Sri Lanka, Annual Performance Report 2019 (Colombo: LAC, 2019).

<sup>10</sup> HRCSL, Annual Report 2018 (Colombo: HRCSL, 2019).

<sup>11</sup> Mario Gomez, "Judicial Independence in Sri Lanka: Trends and Challenges," *Law and Society Trust Review* 29, no. 2 (2018).

<sup>12</sup> International Commission of Jurists (ICJ), *Authority Without Accountability: The Crisis of Impunity in Sri Lanka* (Geneva: ICJ, 2019), 5–8.

<sup>13</sup> Supreme Court of Sri Lanka, SC FR Applications (various cases, 2010–2023).

<sup>14</sup> Asanga Welikala, *Emergency Governance and Judicial Practice in Sri Lanka* (Colombo: CPA, 2017).



insufficient, response to more fundamental concerns of impartiality, full accountability, and public trust.

These concerns intersect with the principles of human security, particularly access to justice in transitional situations for the vulnerable, and the objectives of transitional justice. The following part of this paper aims to provide an assessment of these issues. **Table 1.** Timeline of major judicial reforms and institutional milestones (2009–2024).

**Table 1 — Timeline of Major Judicial Reforms (2009–2024)**

| Year    | Reform / Milestone               | Responsible Body       | Main effect on judiciary / human security                               |
|---------|----------------------------------|------------------------|-------------------------------------------------------------------------|
| 2015    | Nineteenth Amendment             | Parliament / President | Strengthened Constitutional Council; aimed to depoliticize appointments |
| 2016    | Establishment of OMP             | Government / OMP       | Mechanism for missing persons; truth-seeking                            |
| 2020    | Twentieth Amendment              | Parliament / President | Expanded executive powers — impact on independence                      |
| 2020    | Virtual hearings (SC circular)   | Supreme Court          | Enabled continuity during COVID; digital access pilot                   |
| 2022    | Legal aid expansions             | Legal Aid Commission   | Mobile clinics and district offices expanded                            |
| 2023    | Procedural Code amendments       | Ministry of Justice    | Pre-trial case management introduced                                    |
| 2023–24 | Digital courts rollout (phase 1) | Judiciary / MoJ        | E-filing and case-tracking in selected jurisdictions                    |

Chronological summary of key legislative, constitutional, and institutional reforms relevant to judicial accessibility and transitional justice.

**Source:** Author's illustration, 2025.



## Access to Justice and Human Security

The post-conflict recovery of Sri Lanka has had one of its most significant objectives in the expansion of meaningful access to justice. Although the institutional reforms have been geared towards efficiency and consistency in the legal system, the real question is whether these institutional reforms are truly increasing human security in the daily lives of people. Human security is concerned with safety, dignity, and equality before the law; hence, access to justice is not merely a procedural question but a state of affairs that directly determines the capacity of a citizen to live without fear, discrimination, and institutional neglect. Sri Lanka has launched a number of measures to address these issues in the years after 2009, but even now, there is still a high level of disparity across various regions and communities.

Among the most prominent changes that occurred throughout the post-war era, one can point to the gradual growth of legal aid and public legal services. The Legal Aid Commission expanded its operations in the former conflict zones and underprivileged rural areas and provided services to internally displaced individuals, war widows, and low-income families who could not afford legal services but had complicated legal cases in land claims, documents, and estate management.<sup>15</sup> This was further enhanced by the introduction of mobile legal clinics in some districts, where outreach was improved by taking legal services to communities that were either physically or socially inaccessible to the legal system, enabling vulnerable populations to exercise their rights.<sup>16</sup>

Another important aspect of enhancing access to justice was the modernization of judicial infrastructure. Investments in court structures, online case-filing systems, and case-tracking tools served to minimize certain procedural barriers that once lengthened court proceedings. Scholars note that the uneven distribution of technological reforms has limited some of these benefits; in particular, rural courts have inadequate resources, unreliable internet, and insufficiently skilled workers, and are therefore less able to take advantage of digitization, which increases predictability and transparency compared to before, in turn boosting citizens' confidence.<sup>17</sup> Digitization has also

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<sup>15</sup> Legal Aid Commission of Sri Lanka, Annual Performance Report 2020 (Colombo: LAC, 2020).

<sup>16</sup> UNDP Sri Lanka, Access to Justice Programme Evaluation (Colombo: UNDP, 2019).

<sup>17</sup> HRCSL, Annual Report 2019 (Colombo: HRCSL, 2020).



been a matter of concern during times of national disruption, such as the COVID-19 pandemic, when virtual hearings allowed legal proceedings to continue normally, further boosting the accessibility of the courts.<sup>18</sup>

The issue of language access remains a challenge to equal justice. Even though Sinhalese and Tamil are the official languages of the country, these are not uniformly applied, particularly in police stations, local government offices, and lower courts.<sup>19</sup> HRCSL reports indicate instances where Tamil-speaking citizens were unable to file complaints or receive the required documents in their language of choice, thus limiting their participation in legal procedures.<sup>20</sup> There is a high human-security cost to such linguistic disparities, which reinforce patterns of exclusion, including a diminished sense of dignity and trust in state institutions. The problems are especially severe in the Northern and Eastern provinces, where post-conflict grievances overlap with issues of minority rights.

Women and children also face different barriers to justice. Evidence shows that survivors of gender-based violence commonly encounter procedural delays, inadequate victim support systems, and social stigma, all of which are barriers to reporting crimes.<sup>21</sup> In addition, police responsiveness remains inconsistent, with some areas lacking dedicated women's units or proper attention to cases of gender-based violence.<sup>22</sup> Despite the introduction of new laws and guidelines during the post-conflict period to address sexual violence and child protection, the comprehensive implementation of these laws and guidelines requires long-term training, resources, and monitoring processes. In the absence of these, vulnerable groups remain exposed to structural barriers that prevent them from seeking justice safely.

The evidence shows Sri Lanka achieved better access to justice through legal support, infrastructure development, and procedural updates. Human-security principles face several obstacles before they can become standard practice in legal systems because of resource distribution problems and ongoing language barriers, gender discrimination, and slow policy

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<sup>18</sup> Supreme Court of Sri Lanka, Circular on Virtual Court Proceedings (Colombo: Supreme Court, 2020).

<sup>19</sup> CPA, Digitizing the Courts: Opportunities and Limitations (Colombo: CPA, 2021).

<sup>20</sup> HRCSL, Language Rights Monitoring Report (Colombo: HRCSL, 2020).

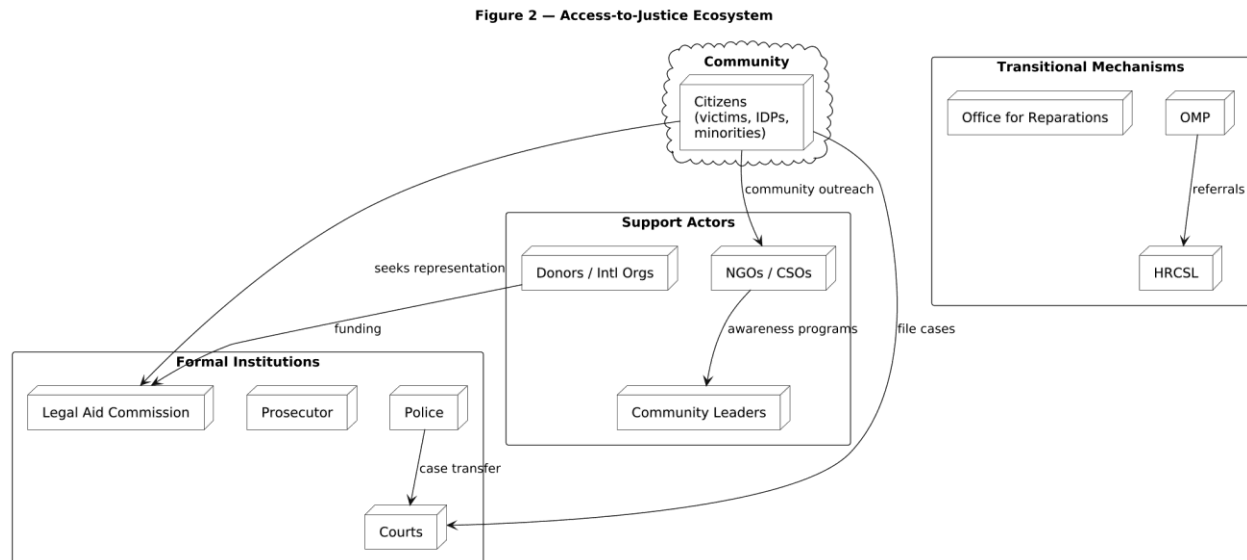
<sup>21</sup> Women and Media Collective, Violence Against Women in Sri Lanka: Trends and Responses (Colombo: WMC, 2021).

<sup>22</sup> UNICEF Sri Lanka, Child Protection Systems Review (Colombo: UNICEF, 2022).



implementation. The dual nature of Sri Lanka's justice system creates a situation where legal frameworks exist but actual access to justice remains unequal. The following section will explore the particular tension which emerges when discussing transitional justice, accountability, and public trust. **Figure 2.** Access-to-justice ecosystem: stakeholders and points of friction.

**Figure 2 — Access-to-Justice Ecosystem (stakeholder map)**



A stakeholder map showing formal and informal justice actors, service providers, and pressure points (language, travel, cost, trust).

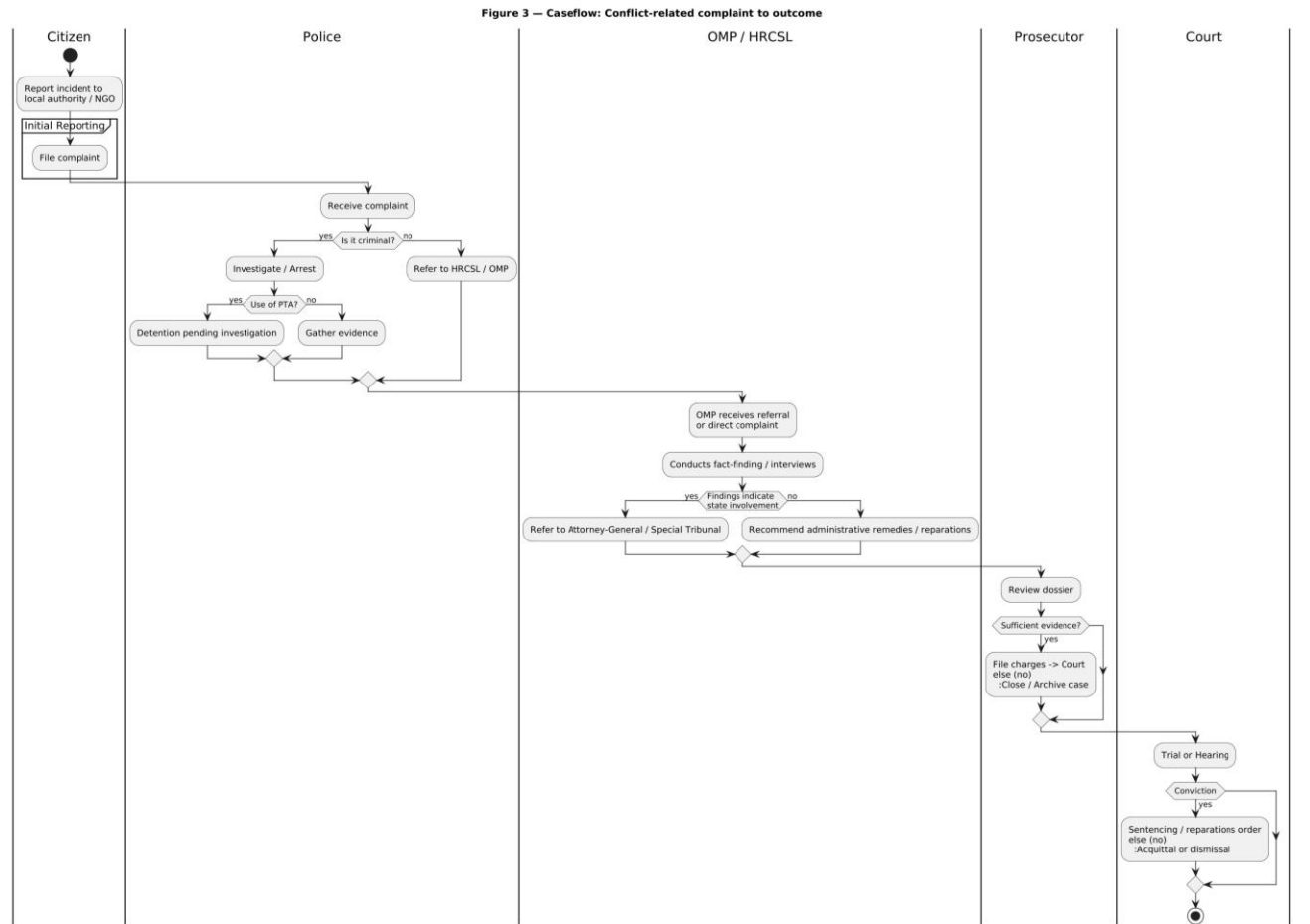
**Source:** Author's illustration, 2025.

### Transitional Justice, Trust, and Accountability

The issue of accountability has been one of the most controversial and politically charged in post-conflict Sri Lanka. Although the end of the war in 2009 provided an opportunity to seek the truth and reform institutions, successive governments were reluctant to implement effective transitional justice, as most prioritized political stability and sovereignty over elaborate accountability mechanisms. This has cast a shadow on both domestic and international perceptions of the country in terms of its adherence to justice. The lack of viable prosecutions for wartime abuses, such as forced disappearances, extrajudicial executions, and torture, has been repeatedly noted by the Office of the High Commissioner for Human Rights as eroding trust in society,

particularly among those who personally suffered during the conflict.<sup>23</sup> **Figure 3.** Caseflow for conflict-related complaints: from reporting to resolution.

**Figure 3 — Caseflow diagram: How a conflict-related complaint moves through Sri Lanka's post-conflict justice system**



**Source:** Author's illustration, 2025.

The formation of transitional justice institutions was intended to address these issues. The establishment of the Office on Missing Persons (OMP) in 2016 was a major institutional change, as it provided families with a formal means of tracing the disappeared and recording cases, indicating not only the massive scale of the problem but also the engagement of the population.<sup>24</sup>

<sup>23</sup> OHCHR, Sri Lanka: Report on Accountability and Justice (2021). → Shortened: OHCHR, Report on Accountability and Justice

<sup>24</sup> Office on Missing Persons (OMP), First Interim Report (Colombo: OMP, 2018).



Nevertheless, the absence of resources, administrative delays, and inadequate political goodwill have hindered the advancement of the OMP.<sup>25</sup> The same applies to the Office of Reparations, which was also established as part of the transitional justice system. Although it provided compensation in a few cases, the lack of a comprehensive reparation policy and the slow pace of implementation reduced its effectiveness in restoring dignity and rebuilding trust among affected communities.<sup>26</sup>

The integrity of the justice system is also directly related to the responsiveness of the state in addressing claims of misconduct within its ranks. Human rights organizations have reported ongoing concerns about police brutality, torture during investigations, and irregularities in detention procedures.<sup>27</sup> The Prevention of Terrorism Act (PTA), with its allowance for long-term detention without charges, has played a significant role in these problems.<sup>28</sup> Even after the government declared reforms to the PTA and introduced amendments to reduce its most abusive aspects, incidents of torture and deaths in custody are still recorded by HRCSL, confirming the inconsistency of accountability for state actors despite the reforms.<sup>29</sup>

Political narratives of the conflict further complicate the relationship between transitional justice and public trust. Conflicting ethnic and national identities shape how various groups understand justice, responsibility, and victimhood. To most Sinhalese-dominated communities, calls to hold wartime leaders accountable are sometimes perceived as threats to national security or as unfair attacks on the military. In contrast, Tamil and Muslim communities continue to face unresolved wartime grievances, resulting in long-lasting feelings of marginalization and mistrust, which complicates policymaking and influences citizens' attitudes toward the judiciary.<sup>30</sup>

Transparency in judicial processes is essential in addressing these complexities. Cases involving open hearings, publicly accessible reports, and victim-centered inquiry procedures demonstrate how transparency can reinforce trust, even when outcomes are contested.<sup>31</sup>

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<sup>25</sup> International Center for Transitional Justice, Sri Lanka's OMP: Progress and Challenges (New York: ICTJ, 2020).

<sup>26</sup> Office for Reparations, Annual Progress Review (Colombo: Office for Reparations, 2021).

<sup>27</sup> Amnesty International, Sri Lanka: Routine Torture in Police Custody (London: Amnesty International, 2017).

<sup>28</sup> Human Rights Watch (HRW), In the Name of National Security: Abuses Under the PTA (New York: HRW, 2022).

<sup>29</sup> HRCSL, Annual Report 2022 (Colombo: HRCSL, 2023), 27–30.

<sup>30</sup> Neloufer De Mel, Reconciliation and Transitional Justice in Sri Lanka (Colombo: ICES, 2021), 66–68.

<sup>31</sup> ICJ, Transitional Justice and the Role of Courts in Sri Lanka (Geneva: ICJ, 2020).



Conversely, a lack of transparency or the perception that legal processes are politically motivated leads to declining public confidence. Reconciliation in a post-conflict society should not be limited to formal regulations; it requires institutions that are credible in addressing claims of abuse and that provide citizens meaningful avenues for redress. Without these conditions, transitional justice cannot fulfill its role of reestablishing the civic relationship between the state and the people.

Finally, although Sri Lanka has established institutions and legal mechanisms intended to promote accountability, their overall effect remains limited due to political opposition, insufficient resources, and unequal enforcement. The full potential of judicial reform, especially in its role in promoting human security, will not be achieved until trust is restored through credible legal processes. This underscores the ongoing challenges described in the following section, where structural inadequacies and institutional vulnerabilities continue to affect the daily experience of justice. **Table 2.** Case studies analyzed: issue, jurisdiction, and key findings.

Table 2 — Summary of case studies used in this article (2009–2024)

| Case (Year)   | Legal issue            | Court / Body           | Outcome (short)                    | Relevance to human security          |
|---------------|------------------------|------------------------|------------------------------------|--------------------------------------|
| Case A (2012) | Enforced disappearance | OMP / High Court       | Pending / partial finding          | Highlights evidence gaps             |
| Case B (2016) | Land restitution       | District Court         | Reparation ordered                 | Shows access problems in rural areas |
| Case C (2018) | Custodial torture      | HRCSL / Police inquiry | Compensation / limited prosecution | Illustrates impunity patterns        |

Short summary table listing each selected case, the legal issue, the decision/outcome, and why it matters for human security or judicial accessibility.

**Source:** Author’s illustration, 2025.



## Ongoing Challenges to Human Security

Regardless of the collection of reforms that have been implemented since the conclusion of the war, there are still many challenges that are in place structurally and systemically, and these are still influencing the lived experience of justice in Sri Lanka. These obstacles debilitate the promise of human security by restricting the safety, dignity, and equality of persons before the law. Formal legal structures have been enhanced, but the execution has not been even across the board, and most of the reforms have not been translated into changes in the lives of common citizens. The inability to overcome deeply rooted barriers, such as delays, lack of resources, impunity, and lack of victim protections, provides an example of the intricacy of developing meaningful reform in a society that emerged out of decades of warfare and political polarization.<sup>32</sup>

One issue here is the delay that is endemic in the court system. Backlogs in the Magistrates, District, and High Courts have continued to increase owing to poor infrastructure, archaic procedural demands, and a low number of judicial personnel to serve the population effectively, resulting in a lack of timely justice and, in some cases, long-term uncertainty, poverty, and emotional suffering. Studies indicate that the benefits of protracted legal proceedings are asymmetrically spread across different jurisdictions, with the most impoverished families, internally displaced individuals, and women seeking protection orders being more likely to face the same risks during the pre-trial process before the courts overturn their convictions.<sup>33</sup> Despite the gains achieved through digitalization and administrative reforms, resources are not evenly distributed, especially in rural and post-conflict areas, which have fewer resources.

The next pressing question is the further problem of the abuse of power and impunity. Cases of torture, illegal detention, and other forms of violence toward people in custody are constantly reported by national and international human rights agencies, and they can be said to be especially prevalent against marginalized populations or those suspected of crime under the guise of national-security laws, which weakens the human security of safety and equality it claims to offer.<sup>34</sup>

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<sup>32</sup> Verité Research, *The Cost of Delays in Sri Lanka's Courts* (Colombo: Verité Research, 2020).

<sup>33</sup> Women and Media Collective, *Access to Justice for Women in Post-War Sri Lanka* (Colombo: WMC, 2020).

<sup>34</sup> Amnesty International, *Locked Away: Torture and Detention in Sri Lanka* (London: Amnesty International, 2022).



Access to language and culture is also not well protected. Although constitutional guarantees provide for the existence of bilingual services, their implementation is quite inconsistent. Translation services in most police stations and lower courts are not uniform, and Tamil-speaking citizens cannot feel included in legal procedures and cannot access justice without legal hurdles.<sup>35</sup> These inequalities confirm the necessity of people-oriented judicial reforms that consider linguistic diversity, social vulnerability, and trauma.<sup>36</sup>

Victim and witness protection remains insufficient, regardless of the enactment of the Assistance to and Protection of Victims of Crime and Witnesses Act in 2015. This lack of protection is supported by law, but in practice, little protection is offered because of logistical constraints, absence of trained personnel, and inadequate coordination of institutions.<sup>37</sup> Victims involved in sensitive cases—such as sexual violence, torture allegations, or politically charged incidents—often hesitate to come forward because they fear retaliation or doubt that the state can protect them effectively.<sup>38</sup> This inability of the state to operationalize reforms to significantly change the lived experiences of citizens is part of a wider issue: the inability of the state to protect its citizens adequately, even when such protection is provided in statutory form.

The incorporation of human-security principles in judicial reform is still imperfect since most policy initiatives have been institutional but not people-focused. Although independence, efficiency, and modernization are important values of a functioning legal system, human security must focus on the conditions of individuals, socioeconomic factors, culture, and the local level of trust in which individuals pursue justice. Without reforms, the law and policy may not yield real benefits in equity or dignity.<sup>39</sup>

On balance, the continuing issues in the justice system of the Sri Lankan state show how reforms at the post-conflict stage can be constrained when structural inequalities and institutional stagnation are still entrenched in the system. In order to have long-term peace and meaningful reconciliation, the justice sector should move beyond formal compliance and embrace human-

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<sup>35</sup> HRW, *Impunity in Sri Lanka: Continuing Challenges* (New York: HRW, 2021).

<sup>36</sup> HRCSL, *Language Rights Monitoring Report* (2021).

<sup>37</sup> Ministry of Justice, *Progress Review on the Victim and Witness Protection Act* (Colombo: Ministry of Justice, 2019).

<sup>38</sup> ICJ, *Challenges in Victim and Witness Protection in Sri Lanka* (Geneva: ICJ, 2020).

<sup>39</sup> Welikala, *Human Security and Post-War Governance in Sri Lanka* (2019).



security principles as the major constituent of legal governance. This preconditions the possibilities of addressing the opportunities and future prospects of building judicial governance, which will be discussed in the following section.

### **Strengthening Judicial Governance Opportunities**

The post-conflict trajectory of Sri Lanka is not only fraught with institutional difficulties but also presents significant opportunities to strategically entrench a human-security model in the justice sector. A shift in the ethos of judicial governance to a people-centered approach would focus on safety, dignity, and equality as core outcomes of judicial proceedings, rather than mere aspirations. The Human Rights Commission of Sri Lanka has observed on numerous occasions that many citizens continue to approach the justice system with trepidation because they fear retaliation, are unsure of the process, and experience constant delays.<sup>40</sup> Addressing these concerns would help the state achieve the desired outcome of improving the quality of justice delivered and increasing citizen trust.

One opportunity lies in developing strategies that prioritize human protection. This involves better victim- and witness-protection systems, trauma-sensitive hearing processes, and judicial training that acknowledges the psychological aspects of post-conflict experiences. Literature on post-war governance indicates that victims are more likely to report a crime or file a complaint when institutions are perceived as neutral and ensure their safety.<sup>41</sup> This can be further enhanced by introducing community-based dispute-resolution services, which allow prompt intervention in conflict situations, alleviate the burden on courts, and make services accessible to rural and marginalized populations.<sup>42</sup>

Another significant avenue for enhancing court governance is technological innovation. Digital filing, remote hearings, and online case tracking have begun to be implemented unevenly in Sri Lanka over the last ten years but have already contributed to reducing administrative delays and increasing transparency, especially in higher courts.<sup>43</sup> Digitalization, when combined with

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<sup>40</sup> HRCSL, Annual Report 2020 (Colombo: HRCSL, 2021), 42–44.

<sup>41</sup> UNDP, Access to Justice in Sri Lanka: National Assessment (New York: UNDP, 2018), 57.

<sup>42</sup> Asia Foundation, Sri Lanka: Strengthening the Rule of Law and Access to Justice (Colombo: The Asia Foundation, 2020), 23–26.

<sup>43</sup> Government of Sri Lanka, Nineteenth Amendment to the Constitution (2015).



procedural simplification and court staff training, has been found in international assessments to effectively help post-conflict countries transition to digital justice structures, where technology ensures that victims of violence have safe and less intimidating access to legal avenues.<sup>44</sup> Anti-corruption reforms also contribute to the potential for strengthening judicial governance. Transparency International and local monitoring organizations have repeatedly emphasized that enhancing the visibility of the judiciary and its processes—including appointments, disciplinary procedures, and prosecutorial decisions—can reduce avenues for misconduct and increase accountability.<sup>45</sup>

Finally, the broader concept of transitional justice provides an opportunity to consolidate judicial legitimacy in the long term. The Office on Missing Persons and the Office for Reparations, despite limited resources, provide institutional spaces for seeking truth, redress, and recognition of harm, which can help bridge the gap between law and lived experience.<sup>46</sup> Scholars posit that transitional justice is effective in ensuring long-term peace only when institutions demonstrate sustained commitment to impartiality, truth, and the dignity of victims.<sup>47</sup> In Sri Lanka, it may be possible to strengthen the judiciary's role in reconciliation as these institutions demonstrate their long-term commitment to these mechanisms. **Table 3.** Recommendations matrix: actions, responsible actors, and expected human-security impact.

**Table 3 — Recommendations matrix (short, actionable)**

| Priority | Action                                       | Lead actor(s)                       | Timeline | Expected human-security impact       |
|----------|----------------------------------------------|-------------------------------------|----------|--------------------------------------|
| High     | Strengthen appointment safeguards for judges | Constitutional Council / Parliament | 1 year   | Greater impartiality; trust increase |

<sup>44</sup> International Crisis Group, Sri Lanka’s Transition to Stability (2019), 18.  
<sup>45</sup> Transparency International Sri Lanka, Judicial Integrity and Anti-Corruption Assessment (Colombo: TISL, 2019), 11–15.  
<sup>46</sup> OMP, Progress Report 2023 (Colombo: OMP, 2024), 10–13.  
<sup>47</sup> De Mel, Reconciliation and Transitional Justice (2021), 66–68.



|        |                                                        |                              |           |                                          |
|--------|--------------------------------------------------------|------------------------------|-----------|------------------------------------------|
| Medium | Scale mobile legal clinics and Tamil-language services | Legal Aid Commission / NGOs  | 1–2 years | Improved access; dignity                 |
| High   | Implement victim/witness protection with resources     | Ministry of Justice / Police | 1–3 years | Safety, increased prosecutions           |
| Long   | Integrate TJ findings into court reforms               | OMP / Judiciary / Parliament | 3–5 years | Reconciliation; institutional legitimacy |

Practical, prioritized reforms—showing short-term, medium-term, and long-term actions, the lead institution, and the anticipated effect on safety, dignity, or equality.

**Source:** Author's illustration, 2025.

## Conclusion

The situation of post-conflict justice in Sri Lanka proves to be characterized by significant success and solutions as well as continued constraints. The years between 2009 and 2024 demonstrate the continuity of the positive trend in the governance of the judicial system, such as the spread of legal aid, digitalization efforts, and gradual institutional changes. They have not only increased the accessibility of procedures but also created new opportunities for citizens, especially in rural or disadvantaged areas, to participate in formal legal processes, which is worthwhile for human security.<sup>48</sup>

One of the key conclusions of this paper is that, despite the fact that Sri Lanka has managed to institutionalize access points into the justice system, substantive justice tends to escape sight. The reports of the human rights bodies constantly demonstrate the lack of speed, the restricted support of victims, and the unsolved problem of the independence of the judiciary that directly harms the human security aspects of safety, dignity, and equality before the law.<sup>49</sup> Historical violence and mistrust are causing factors in the environment, and the simple presence of law

<sup>48</sup> Asia Foundation, *Strengthening the Rule of Law* (2020), 31–33.

<sup>49</sup> HRCSL, *Annual Report 2022* (2023), 27–30.



reforms is not enough; the issue is credibility and experience of justice in the eyes and hearts of ordinary citizens.<sup>50</sup>

These findings have implications not only within the judiciary but also in post-war administration overall. Proper judicial reform, based on human-security principles, can help to promote reconciliation, re-establish institutional legitimacy, and deter neo-escalation of conflict. In Sri Lanka, translating into fair systems that would protect people against future abuse and/or stop recurrence of past abuses requires unrelenting dedication to impartiality, the protection of vulnerable groups, and an open accountability framework.<sup>51</sup>

This analysis suggests a number of recommendations to improve the role played by the judiciary in enhancing long-term peace. To start with, judicial independence needs to be preserved by means of open appointment procedures and effective control systems. Second, to minimize delays and enhance service delivery, the courts should be provided with sufficient resources, be it financial or technological. Third, the state needs to increase the safety of victims and witnesses and enshrine trauma-based beliefs in the justice system. Lastly, national judicial reform approaches ought to be explicitly aimed at incorporating human-security values, and this means that legal modernization should be aimed at benefiting people, and not the institutions themselves. All these measures provide a direction to a justice system that can promote the reconciliation process and a stable, peaceful post-conflict society.<sup>52</sup>

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<sup>50</sup> ICJ, Authority without Accountability (Geneva: ICJ, 2012), 5–8.

<sup>51</sup> OHCHR, Promoting Accountability (Geneva: OHCHR, 2015), 13–15.

<sup>52</sup> Uyangoda, Politics of Justice (2020), 91–95.



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## Author Contributions

Conceptualization, F.A.S. and T.S.M.; Methodology, F.A.S. and T.S.M.; Validation, F.A.S. and T.S.M.; Formal Analysis, F.A.S. and T.S.M.; Investigation, F.A.S. and T.S.M.; Writing—Original Draft Preparation, F.A.S.; Writing—Review and Editing, F.A.S. and T.S.M.; Supervision, T.S.M. Both authors have read and agreed to the published version of the manuscript.

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The authors declare that they have no conflicts of interest.

## Declaration of Generative Artificial Intelligence Use

During the preparation of this manuscript, the authors used ChatGPT to assist with drafting the initial manuscript, refining academic language, and improving the clarity of the arguments.



Grammarly was also used to improve grammar, readability, and overall language quality. Following the use of these tools, the authors carefully reviewed, revised, and validated the entire manuscript to ensure the accuracy and coherence of the content. The authors take full responsibility for the content of this publication.

## Research Ethics Statement

This study is a normative legal research study employing a literature review method to analyze relevant legal materials. It did not involve human participants, animals, interviews, or surveys. Therefore, ethical approval for research involving human or animal subjects was not required.

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## REFERENCES

- Amnesty International. *Sri Lanka: Routine Torture in Police Custody*. London: Amnesty International, 2017.
- . *Locked Away: Torture and Detention in Sri Lanka*. London: Amnesty International, 2022.
- Asia Foundation. *Sri Lanka: Strengthening the Rule of Law and Access to Justice*. Colombo: The Asia Foundation, 2020.
- Centre for Policy Alternatives. *A Brief Guide to the Twentieth Amendment*. Colombo: CPA, 2020.
- . *Digitizing the Courts: Opportunities and Limitations*. Colombo: CPA, 2021.
- Centre for Human Rights and Development. *Barriers to Justice for Vulnerable Communities in Sri Lanka*. Colombo: CHRD, 2021.
- De Mel, Neloufer. *Reconciliation and Transitional Justice in Sri Lanka*. Colombo: International Centre for Ethnic Studies, 2021.
- Fonseka, Bhavani, and L. Jegatheeswaran. *Post-War Justice in Sri Lanka: Rule of Law, the Military and Politics*. Colombo: Centre for Policy Alternatives, 2019.
- Government of Sri Lanka. *The Nineteenth Amendment to the Constitution*. Colombo: Government Printer, 2015.
- Human Rights Commission of Sri Lanka (HRCSL). *Annual Report 2010*. Colombo: HRCSL, 2011.
- . *Annual Report 2013*. Colombo: HRCSL, 2014.
- . *Annual Report 2016*. Colombo: HRCSL, 2017.
- . *Annual Report 2018*. Colombo: HRCSL, 2019.
- . *Annual Report 2019*. Colombo: HRCSL, 2020.
- . *Annual Report 2020*. Colombo: HRCSL, 2021.
- . *Annual Report 2021*. Colombo: HRCSL, 2022.
- . *Annual Report 2022*. Colombo: HRCSL, 2023.



- . *Language Rights Monitoring Report 2020*. Colombo: HRCSL, 2020.
- . *Language Rights Monitoring Report 2021*. Colombo: HRCSL, 2021.
- Human Rights Watch (HRW). *In the Name of National Security: Abuses Under the PTA*. New York: HRW, 2022.
- . *Impunity in Sri Lanka: Continuing Challenges*. New York: HRW, 2021.
- . “We Are Not the Enemy”: Police Abuses Against Minorities in Sri Lanka. New York: HRW, 2018.
- International Commission of Jurists (ICJ). *Authority Without Accountability: The Crisis of Impunity in Sri Lanka*. Geneva: ICJ, 2012.
- . *Authority Without Accountability: The Crisis of Impunity in Sri Lanka*. Geneva: ICJ, 2019.
- . *Transitional Justice and the Role of Courts in Sri Lanka*. Geneva: ICJ, 2020.
- . *Challenges in Victim and Witness Protection in Sri Lanka*. Geneva: ICJ, 2020.
- International Crisis Group. *Sri Lanka’s Transition to Stability*. Brussels: International Crisis Group, 2019.
- Legal Aid Commission of Sri Lanka. *Annual Performance Report 2019*. Colombo: LAC, 2019.
- . *Annual Performance Report 2020*. Colombo: LAC, 2020.
- Ministry of Justice. *Progress Review on the Victim and Witness Protection Act*. Colombo: Ministry of Justice, 2019.
- Office on Missing Persons (OMP). *First Interim Report*. Colombo: OMP, 2018.
- . *Progress Report 2018*. Colombo: OMP, 2019.
- . *Progress Report 2020*. Colombo: OMP, 2021.
- . *Progress Report 2023*. Colombo: OMP, 2024.
- Office for Reparations. *Annual Progress Review*. Colombo: Office for Reparations, 2021.
- Office of the High Commissioner for Human Rights (OHCHR). *Sri Lanka: Promoting Accountability and Transitional Justice*. Geneva: OHCHR, 2015.
- . *Report on Transitional Justice and Accountability in Sri Lanka*. Geneva: OHCHR, 2021.
- . *Sri Lanka: Report on Accountability and Justice*. Geneva: OHCHR, 2021.



- Peiris, G. L. *The Sri Lankan Legal System: Historical Development and Institutional Challenges*. Colombo: Lake House Press, 2017.
- Supreme Court of Sri Lanka. *SC FR Applications* (various cases, 2010–2023).  
———. *Circular on Virtual Court Proceedings*. Colombo: Supreme Court, 2020.
- Transparency International Sri Lanka. *Judicial Integrity and Anti-Corruption Assessment*. Colombo: TISL, 2019.
- UNICEF Sri Lanka. *Child Protection Systems Review*. Colombo: UNICEF, 2022.
- United Nations Development Programme (UNDP). *Access to Justice in Sri Lanka: National Assessment*. New York: UNDP, 2018.  
———. *Human Security Framework*. New York: UNDP, 2016.
- Uyangoda, Jayadeva. *Politics of Justice in Post-War Sri Lanka*. Colombo: Social Scientists' Association, 2020.
- Verité Research. *The Cost of Delays in Sri Lanka's Courts*. Colombo: Verité Research, 2020.
- Women and Media Collective. *Violence Against Women in Sri Lanka: Trends and Responses*. Colombo: WMC, 2021.  
———. *Access to Justice for Women in Post-War Sri Lanka*. Colombo: WMC, 2020.

