
Establishing Social Justice Through Establishing Anti-Corruption Laws in Sri Lanka: A Rights-Based Analysis.

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Abstract

Corruption in Sri Lanka presents a deeply entrenched social phenomenon that poses a substantial threat to social justice. This paper critically explores corruption and key principles of social justice namely equity, diversity, participation, and human rights within the framework of Sri Lankan law and governance. Even though the constitution guarantees and intends to safeguard democratic values and human rights, widespread and systemic corruption continues to undermine the effectiveness of these protections. The analysis situates corruption not only as a legal violation but as a socio-political condition that creates, socio-economic inequalities, and restricts access to justice, particularly for marginalized communities. The legislative instruments such as the Bribery Act, the Commission to Investigate Allegations of Bribery or Corruption Act, and constitutional provisions on fundamental rights, the study evaluates the extent to which Sri Lanka's legal framework addresses corruption as a barrier to social justice. It further investigates the practical limitations of anti-corruption mechanisms, including political interference, lack of enforcement, and public disillusionment with state institutions. The paper also considers the broader implications of corruption for participatory governance, noting how it erodes public trust and discourages civic engagement in democratic processes.

Keywords: Anti -Corruption, International Standards, Social justice

1. Introduction

According to Jeo Biden “Corruption fuels inequality, siphons off a nation’s resources, spreads across borders, and generates human suffering. It is nothing less than a national security threat

in the twenty-first century,”¹ and also The World Bank defines corruption as the “use of public office for private gain” The Latin words “*corruptiō*” and “*corrumpere*” are even clearer on what this transformational process of decay signals, as they are often associated with the words “destroy” or “destruction” in English. Hence, deep down, corruption refers to the sort of decay that leads to destruction Corruption constitutes a profound threat to sustainable development and good governance, with cascading consequences across social, economic, and environmental domains. It undermines the achievement of the “United Nations Sustainable Development Goals (SDGs) by exacerbating poverty and inequality, perpetuating economic inefficiency, and triggering personal losses through intimidation and bureaucratic obstruction.”² “Dysfunction in both public and private sectors, accompanied by failures in infrastructure and basic service delivery, further entrenches socio-economic disparities.”³ Corrupt practices distort economic and political systems, enabling impunity and eroding judicial impartiality, thereby weakening the rule of law.”⁴ The normalization of such impunity fosters the rise of illiberal populism and facilitates transnational organized crime and terrorism, both of which destabilize democratic institutions and regional security. “Moreover, the state’s capacity to respond effectively to crises whether economic, social, or environmental is significantly diminished, heightening public frustration and fostering societal polarization. “⁵Corruption-related inaction on climate change and biodiversity protection contributes to long-term ecological degradation. “Collectively, these dynamics not only violate fundamental human rights but also engender deep public trust toward democratic governance, weakening the legitimacy and efficacy of state institutions.”⁵

2. Application of Anti- corruption Law in to the Context of Sri Lanka

Bribery and corruption are a well-spoken topic in the contemporary Sri Lankan Society. According to the constitution of Sri Lanka the Article 27. (1) “The Directive Principles of State Policy herein contained shall guide Parliament, the President and the Cabinet of Ministers in the enactment of laws and the governance of Sri Lanka for the establishment of a just and free society”.⁶ And Article 28. “The exercise and enjoyment of rights and freedoms are inseparable from the performance of duties and obligations and accordingly it is the duty of every person in Sri Lanka.” similarly Establishment of the Commission to investigate bribery or corruption by the constitution article 156A (1) “describes as Parliament shall by law provide for the establishment

¹ Andrew R Marshall, ‘The Pandora Papers Should Reinvigorate Biden’s Anti-Corruption Push’ (Atlantic Council, 4 October 2021) <https://www.atlanticcouncil.org/blogs/new-atlanticist/the-pandora-papers-should-reinvigorate-bidens-anti-corruption-push/> accessed 13 June 2025.

² UN General Assembly, *Transforming our World: The 2030 Agenda for Sustainable Development* (21 October 2015) UN Doc A/RES/70/1.

³ Transparency International, *Corruption Perceptions Index 2023* (TI 2023) <https://www.transparency.org> accessed 13 June 2025.

⁴ Susan Rose-Ackerman and Bonnie J Palifka, *Corruption and Government: Causes, Consequences, and Reform* (2nd edn, CUP 2016) 350–355.

⁵ Bo Rothstein and Aiysha Varraich, *Making Sense of Corruption* (CUP 2017) 144–148

⁶ Sri Lanka (Republic of Sri Lanka), *Constitution of the Democratic Socialist Republic of Sri Lanka* <https://www.parliament.lk/files/pdf/constitution.pdf> accessed 13 June 2025

of a Commission to investigate allegations of bribery or corruption.”⁷ And further subsection (c) states that “measures to implement the United Nations Convention against Corruption and any other International Convention relating to the prevention of corruption, to which Sri Lanka is a party.”⁸ While perusing through these sections it can be presumed that both national and international principles are adapted to Anti-Corruption. However, Article 12. (1) “All persons are equal before the law and are entitled to the equal protection of the law”. Gives the perspective of everyone shall be equal in and punishments and assets declarations are common to all the citizens in the country. In the meantime, Article 14 “Freedom of speech, assembly, association, occupation, movement, & c.”⁹ But this does not affect the law of anti-corruption and establishing the social justice. Furthermore, Anti-Corruption Act, No. 9 of 2023 is another important incident in the Sri Lankan history which is established to ensure social justice. And also, recently it is decided that no court expect for the Supreme Court can issue Writs against Commission to Investigate Allegations of Bribery or Corruption (CIABOC) in the case of *Senarathne “Ruvika Ridmani Silva and Tharindu Asanka Matharage v Officer in Charge, Secret Intelligence Unit, Commission to Investigate Allegations of Bribery or Corruption and others* [2025] CA/WRT/0032/2025 (CA, Sri Lanka) [4] (Mohammed Laffar J)”¹⁰

3. Application of International standards on Anti-corruption into the context of Sri Lanka

Recognizing international laws and principles in the context of Sri Lanka is a giant step forward kept in the process of establishing social justice ins the Sri Lanka. Land mark case which recognizes the international law into anti-corruption is *Singarasa v. Attorney General* [(2013) 1 Sri.L.R. 245] Court held that it is a requirement that enabling legislation be enacted in Sri Lanka if any provision of any convention is to be given effect to in Sri Lanka. And Article 156A (c) states that “measures to implement the United Nations Convention against Corruption and any other International Convention relating to the prevention of corruption, to which Sri Lanka is a party.”¹¹

The global architecture of anti-corruption norms is anchored in instruments such as the United Nations Convention against Corruption (UNCAC), the OECD Anti-Bribery Convention, and the FATF standard-setting regime. These instruments not only impose legal obligations but also create peer review, technical monitoring, and benchmarks that countries aim to meet. In Sri

⁷ Sri Lanka (Republic of Sri Lanka), *Constitution of the Democratic Socialist Republic of Sri Lanka* <https://www.parliament.lk/files/pdf/constitution.pdf> accessed 13 June 2025

⁸ Sri Lanka (Republic of Sri Lanka), *Constitution of the Democratic Socialist Republic of Sri Lanka* <https://www.parliament.lk/files/pdf/constitution.pdf> accessed 13 June 2025

⁹ Sri Lanka (Republic of Sri Lanka), *Constitution of the Democratic Socialist Republic of Sri Lanka* <https://www.parliament.lk/files/pdf/constitution.pdf> accessed 13 June 2025

¹⁰ *Senarathne Ruvika Ridmani Silva and Tharindu Asanka Matharage v Officer in Charge, Secret Intelligence Unit, Commission to Investigate Allegations of Bribery or Corruption and others* [2025] CA/WRT/0032/2025 (CA, Sri Lanka) [4] (Mohammed Laffar J)

¹¹ Sri Lanka (Republic of Sri Lanka), *Constitution of the Democratic Socialist Republic of Sri Lanka* <https://www.parliament.lk/files/pdf/constitution.pdf> accessed 13 June 2025

Lanka, for example, “the UNCAC country review mechanism assessed the country’s performance in prevention, enforcement, asset recovery, and international cooperation, combining a legal audit with critical evaluation of actual practices.”¹²

In the context of Sri Lanka, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) is the central body entrusted with investigating and prosecuting corruption offences under the Bribery Act and related statutes. However, multiple institutional assessments reveal that CIABOC’s formal powers have not always translated into effective enforcement. The UNDP’s “Rapid Capacity Assessment” (2024) identified gaps in staffing, technical expertise, budgeting, coordination mechanisms and strategic planning under the expanded anti-corruption mandate.¹³ Sri Lanka frequently enacts laws or frameworks that formally conform to UNCAC or FATF norms, but struggles with practical enforcement in areas such as prevention and asset recovery. Even though Sri Lanka mandates codes of conduct, asset disclosures, conflict-of-interest rules, and integrity training in public agencies, compliance, monitoring, and enforcement remain erratic. ⁴ “The UNCAC country review for Sri Lanka specifically flagged weak inter-agency coordination, few proactive investigations, procedural bottlenecks, and limited use of freezing and restraining orders in asset recovery.”¹⁴

However, Beneficial-ownership transparency and AML regimes have garnered increasing attention in recent literature. As FATF and regional mutual evaluation processes demand stronger, verifiable disclosure systems for beneficial owners, Sri Lanka has begun to respond. Another dimension is the behavioural, organizational, and cultural side of corruption, particularly **whistleblowing**. Legal protections are necessary but not sufficient: an individual’s decision to blow the whistle depends on perceived safety, institutional trust, fear of retaliation, and prevailing norms.

4. Impacts of applying anti-corruption to establish Social Justice in to the context of Sri Lanka

In the Sri Lankan context, corruption functions as both a structural barrier to reform and a direct threat to the principles of social justice. As per the famous quote, “Corruption is a social phenomenon that directly affects equity, diversity, participation, and human rights. Ultimately, it hinders the full realization of justice in all social spheres. As such, it stands as a major obstacle to promoting and recognizing the principles of social justice.”¹⁵ This assertion is especially resonant in Sri Lanka, where longstanding patterns of political patronage, lack of institutional accountability, and weak rule of law have undermined equitable access to public goods and

¹² United Nations Office on Drugs and Crime, *Country Visit Final Report: Sri Lanka* (2018)

¹³ UNDP, *Rapid Capacity Assessment of CIABOC* (2024)

¹⁴ United Nations Office on Drugs and Crime, *Country Visit Final Report: Sri Lanka* (2018)

¹⁵ Kalpana Kannabiran (ed), *Routledge Readings on Law and Social Justice: Dispossessions, Marginalities, Rights* (Routledge 2022) 1

services.¹⁶ The 2022 economic collapse, driven in part by misappropriation of public funds and opaque financial decision-making, laid bare the extent to which corruption erodes the state's capacity to serve its citizens. The resulting poverty, unemployment, and infrastructure failures disproportionately impacted rural and historically marginalised communities, violating the principle of distributive justice.¹⁷ Moreover, corruption restricts public participation by fostering elite capture of decision-making processes, silencing dissent, and enabling impunity for politically connected individuals.¹⁸ As evidenced during the Aragalaya protests, public frustration with endemic corruption has fuelled mass mobilisations demanding not only accountability, but systemic transformation of governance institutions.¹⁹ The judiciary and law enforcement, when influenced by political interests, further entrench partial justice and alienate citizens from the legal system.²⁰ In this light, tackling corruption in Sri Lanka must be approached not solely as a governance reform, but as a moral and constitutional imperative one that seeks to restore faith in institutions, ensure equitable participation, and advance the full realisation of social justice for all communities. Furthermore, it can be stated that Sri Lanka has made meaningful strides in aligning its laws with international anti-corruption standards, but faces persistent operational, institutional, and cultural barriers in converting legal reforms into effective practice. The gaps in enforcement capacity, beneficial-ownership verification, whistle-blower protection, procurement transparency, and cultural trust are well recognized.

5. Conclusion and Recommendations

Addressing corruption as a systemic impediment to social justice necessitates a multidimensional strategy grounded in institutional reform, participatory governance, and technological innovation. The structural independence of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) is fundamental to restoring public trust and ensuring that enforcement efforts are both impartial and insulated from political manipulation.¹ As comparative legal experience has demonstrated, prosecutorial bodies cannot function effectively in politicised environments without autonomy in appointment, budget, and operational mandate.² Equally crucial is the institutionalisation of public participation in anti-corruption policy and enforcement. Citizen engagement not only reinforces the democratic legitimacy of anti-

¹⁶ Transparency International Sri Lanka, *Corruption Perceptions and Institutional Trust Survey 2021* (TISL 2021) <https://www.tisrilanka.org> accessed 13 June 2025

¹⁷ Centre for Policy Alternatives, *Vulnerable Communities and the Economic Crisis* (CPA 2022) <https://www.cpalanka.org> accessed 13 June 2025.

¹⁸ International Commission of Jurists, *Sri Lanka: Impunity Undermines Rule of Law* (ICJ 2023) <https://www.icj.org> accessed 13 June 2025

¹⁹ Asanga Welikala, 'Aragalaya and the Reimagination of the Sri Lankan Republic' (2022) *Verité Research Working Papers* <https://www.veriteresearch.org> accessed 13 June 2025

²⁰ World Bank, *Sri Lanka Development Update – Navigating the Crisis* (World Bank 2022) <https://www.worldbank.org/en/country/srilanka/publication/sri-lanka-development-update> accessed 13 June 2025

corruption measures but also improves their practical efficacy by decentralising oversight and enabling civil society to act as a watchdog.³ Furthermore, safeguarding the identities and privacy of CIABOC officials is essential to preserving the operational integrity of investigations, especially in politically charged or high-stakes contexts where retaliation is a credible threat.⁴ Legal protection for anti-corruption actors must align with international standards on human rights defenders and whistle-blower protection.⁵

Finally, advanced technologies such as artificial intelligence, data analytics, and secure digital platforms can revolutionise the detection and prevention of corruption. ⁶ However, the integration of such tools must be complemented by legal safeguards to prevent abuses and protect individual rights. ⁷ Together, these reforms do not merely enhance institutional capacity; they signify a broader normative commitment to the principles of equity, transparency, and justice. Without such systemic transformations, the pursuit of social justice will remain aspirational rather than actionable.

- Institutional Independence of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC)
- Make public participation a consideration
- Undisclosed the identity of the officers of CIABOC and protecting the privacy of them
- Integration of Advanced Technological Tools in Anti-Corruption Frameworks
- Protection of whistle-blowers

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