Chronic Kidney Disease of Unknown Etiology (CKDu) of Sri Lanka in Human Right perspective: With special reference to National and International Human Rights Regime

Aruni H Wijayath
Attorney-at-Law
LL.B, LL.M
CKDu - Reduction of Kidney function over a period of time. 

Etiology - Not Known. 

Most affected population - Rice Paddy Farmers. 

Main Factors - Chronic Expose to agrochemicals and its residues (heavy metals) accumulation (high % of Arsenic, Cadmium contain in water in dry zone).

Estimated death rate - 20,000 (1400 died per year).

Most affected areas in Sri Lanka:
- Anuradhapura
- Polonnaruwa
- Kurunegala
- Hambanthota

17,000 sq. km - 2.5 million people (1/8 population in Sri Lanka).
Kidney - Beans shape pair of organs situated at back of the abdomen below the diaphragm.

**Responsible** for filter blood and excrete waste product mainly Urea from blood stream.

**Urine** is the fluid excretion of kidney and it passes through the bladder.
Access to clean water

Human Rights

United Nations

Lawful Occupation

Right to a Healthy Environment
Fundamental Rights in Sri Lanka (From Article 10-14 of the Constitution)

Expressly declare

★ Right to engage in a Lawful Occupation

Accepted through case law

★ Right to Life
★ Right to a Healthy Environment

Not expressly declare

So far not come across through case law

★ Right to Water and Sanitation
Research Statement

Both National and International Jurisdiction unable to procure sufficient legal protection to CKDu affected individuals and municipal legal provisions incompetent to address the issue of CKDu and its consequences.

Main Objectives

• To analyze existing National and International Human Rights provisions which address CKDu

• To examine the contribution of Human Rights Law and other Domestic Laws in order to protect the present and future generation from CKDu

• To suggest possible legal recommendation to eradicate CKDu from Sri Lanka
Research Methodology

The Normative method is used to complete the work and mainly based on documentary analysis through internet in qualitative manner.

• The Constitution of Sri Lanka, Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) will be critically evaluated through this work in order to examine the nexus between Human Rights and CKDu.

• Further scholarly articles, newspaper articles, research data gathered through the internet, law journal and official reports will be explored.

• This research limited only to internet based articles and journals.
<table>
<thead>
<tr>
<th>Human Right</th>
<th>UDHR</th>
<th>ICCPR</th>
<th>ICESCR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Declare Directly</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Indirect</td>
<td>_</td>
<td>_</td>
<td>_</td>
</tr>
<tr>
<td>Direct</td>
<td>_</td>
<td>_</td>
<td>_</td>
</tr>
<tr>
<td>Indirect</td>
<td>_</td>
<td>_</td>
<td>_</td>
</tr>
<tr>
<td>Indirect</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Healthy Environment</td>
<td>_</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Engage in a Lawful occupation</td>
<td>✓</td>
<td>_</td>
<td>✓</td>
</tr>
<tr>
<td>Access clean water</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Access clean water</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Deaths due to CKDu

Farming is becoming endangered

Soil & water pollute by agrochemical residues

Water resources pollute by heavy metals

**CKDu Violates**

- Right to Life
- Right to Engage in a lawful occupation
- Right to a clean Environment
- Right to access clean water
Conclusion and Recommendations

Fundamental Rights of the Constitution does not procure sufficient room to address CKDu in human right eye.

Therefore the Government should:

★ Expressly declare the Right to life Right to Healthy Environment as fundamental rights of the Constitution
★ Adopt the Resolution 64/292 to territorial jurisdiction to declare the water as Human Right and should amend the Constitution contemporary with the new developments in relation with Human Rights globally
★ Paying strict attention to the report of Constitutional reform committee while introducing the new Constitution as the report contains crucial points which are enable to radiate the Human Right regime in Sri Lankan context
Thank You very much for your attention!

It was honour to share my ideas with you!