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# **A Study of War-affected Women with Disabilities in Sri Lanka: Pre-consultation Report**

Dinesha Samararatne

Karen Soldatic

Western Sydney University

Binendri Perera

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**Dinesha Samararatne** LLB Hons (Colombo), LLM (Harvard), PhD (Colombo), Attorney-at-Law is an academic attached to the Department of Public & International Law, Faculty of Law, University of Colombo, Sri Lanka. Her areas of specialisation are human rights law, administrative law and constitutional law. Her recent research is related to judicial interpretation of fundamental rights, rights of women with disabilities, economic, social and cultural rights and constitutional reform.

**Karen Soldatic** is an Australian Research Council DECRA Fellow (2016–19) at the Institute for Culture and Society at Western Sydney University. Her DECRA, entitled 'Disability Income Reform and Regional Australia: The Indigenous Experience', draws upon two previous fellowships at the British Academy International Visiting Fellowship (2012) and The Centre for Human Rights Education, Curtin University (2011–12), where she remains an Adjunct Fellow. Karen's research on global welfare regimes builds on her 20 years of experience as an international, national and state-based senior policy analyst and practitioner.

**Binendri Perera** LLB Hons (Colombo) is a Lecturer (on a temporary basis) at the Faculty of Law, University of Colombo, Sri Lanka, and a freelance researcher at the Law & Society Trust, Sri Lanka. Her main areas of interest are constitutional law, rights of persons with disabilities, language rights and the right to education.

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## **Executive Summary**

Over recent years disability has become a core concern of global, national and local development initiatives. Global development donors are increasingly targeting this area for investment as it is now well recognised that disability inclusion is integral to securing processes of community peace-building for long-term sustainable social cohesion.<sup>1</sup> A growing body of scholarly research and development practice initiatives have emerged in the area in response to this new agenda.<sup>2</sup> Despite these efforts, women with disabilities remain the most marginalised from both the nascent scholarly research and the social policy and practice of disability inclusion.<sup>3</sup>

Women with disabilities are also the most vulnerable group in post-war and post-conflict situations, experiencing the highest levels of gender-related violence, abject poverty, stigmatisation and exclusion.<sup>4</sup> There is an urgent need to understand the impact of long-term war and conflict on women with disabilities, and particularly under transitional arrangements with the end of armed conflict. There is almost no research that examines the day to day lives of women with disabilities within post-war or post-conflict contexts. Nor is there any substantive research that documents their subjective experiences of transitional governance, policy and programming, and how they are included and/or excluded from a society emerging from protracted armed conflict.

This report, drawing upon disability-inclusive methodologies of co-creation, development and engagement, maps the lived experiences of women with disabilities living within the war-affected areas of Sri Lanka. ‘War affected’ is defined in this work to include women from areas where sustained hostilities took place, that is the Northern and Eastern provinces; women from the ‘border-villages’ of the primary areas where hostilities took place; women from a community

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1 Economic and Social Commission for Asia and the Pacific, *Disability at a Glance 2012: Strengthening the Evidence Base in Asia and the Pacific* (Thailand: ESCAP, 2012) <<http://www.unescap.org/publications/disability-glance-2012-strengthening-evidence-base-asia-and-pacific>> accessed 13 December 2017.

2 Nora Groce et al., *Poverty and Disability – A Critical Review of the Literature in Low and Middle-Income Countries*, Working Paper Series No. 16 (London: University College London, 2011).

3 United Nations Commission on the Status of Women, *Rural Women and Girls with Disabilities: Economic Empowerment and Political Participation*, 56th Session of the United Nations Commission on the Status of Women (New York, 28 February 2012).

4 Dinesha Samararatne and Karen Soldatic, ‘Inclusions and exclusion in law: experiences of women with disability in rural and war-affected areas in Sri Lanka’ *Disability & Society* 30, no. 5 (2015): 759.

expelled from the Northern and Eastern provinces and living in Puttalam, as long-term internally displaced persons; women from the Southern Province; and women from the *Malayaha* community.

The research entailed a four-stage process that significantly focused on building the research capacity of women with disabilities and their advocates, enabling their participation in the project as expert knowers of the interstice of gender and disability under transitional arrangements. Spanning a period of more than 12 months of fieldwork, the outcome of the research is a clear set of recommendations to advance the rights of women with disabilities in law, policy and institutional practice:

1. That the Sri Lankan Government implement the United Nations Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All forms of Discrimination against Women, including ongoing periodic review to identify gaps and issues in need of redress in relation to the interstice of gender and disability
2. That the Sri Lankan Government adopt and design mainstreaming strategies of disability inclusion across governmental departments and institutions to ensure that disability rights, accessibility and inclusion are a core consideration of national and local law, policy, infrastructure development and programming, and that this includes high-level annual parliamentary reporting of annual targets, developments and outcomes
3. That the Sri Lankan Government undertake significant reform of the national census survey, particularly redesigning its process of categorisation and disaggregation in relation to disability identity and gender, including, but not limited to, women with congenital disabilities, women with disabilities created due to the war and women heads of household with disabilities, alongside identifying daily activity restrictions and associated levels of required support. Such rich and nuanced data is necessary to ensure the long-term development and implementation of appropriate government policy and funding for progressive disability rights realisation.
4. That the Sri Lankan Government establish a national presidential directed committee to drive the necessary institutional reform to advance disability rights realisation across all parliamentary responsibilities and portfolio areas. This will include the development of reform

strategies with allocated budgetary provisions that encompass broad-scale consultation with disability rights organisations and people with disabilities.

5. That the Sri Lankan Government establish a research and public consultation fund to develop well grounded knowledge of the lived experience of disability, including the central role of public policy in redressing disability discrimination, poverty and disadvantage
6. That the Sri Lankan Government recognise the unique needs of war-affected persons with disability, specifically women with disabilities, and design, develop and implement specific programs to ensure longevity of social inclusion and economic participation of this group
7. That the Sri Lankan Government implement an ‘access to justice’ program to effectively facilitate processes of inclusion for women with disabilities, including physical accessibility of the built environment and sanitation facilities; institutional processes and procedures that are non-discriminatory; and the funding and provision of disability communication facilitators, such as sign interpreters, alongside material in accessible formats, such as braille and plain language formats for all local language groups, and support for people with intellectual disability, and so forth
8. That the Sri Lankan Government implement a disability accessible training program within the national education curriculum on legal literacy to build the capacity of women with disabilities to engage with legal processes and institutions, and to develop the capacity of non-disabled citizens to identify issues of disability discrimination, exclusion and marginalisation
9. That civil society organisations mainstream disability as a core area for programs, research and advocacy, and partner with advocates of the rights of people with disabilities and their organisations in sustained ways, paying due attention to the impact of the intersectionality of gender, disability, ethnicity and so forth, particularly in post-war contexts
10. That international organisations and international donor agencies that exercise a mandate with regard to human rights ensure the inclusion of disability as an area of concern.

## **Acknowledgements**

We are grateful to the women who participated in the study and thereby made it possible for us to deepen understandings about the life experiences of war-affected women with disability. We commend the enthusiastic engagement of the researchers who participated in the training workshop on research. We are particularly thankful for the team of interviewers who partnered with us in this project and for the professionalism and commitment they demonstrated in their work. AKASA (Association of Women with Disabilities, Thalawa), Navajeevana (Tangalle), Women's Development Centre (WDC) and Viluthu (Jaffna) partnered with us in identifying suitable participants for this study and in carrying out the interviews. This project would not have happened without their partnership.

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*Dinesha Samararatne, Karen Soldatic and Binendri Perera*

## **Acronyms**

CEDAW	Convention on Elimination of All forms of Discrimination against Women
NSPD	National Secretariat for Persons with Disabilities
OHCHR	Office of the United Nations High Commissioner for Human Rights
PRC	Public Representations Committee
CRPD	Convention on the Rights of Persons with Disabilities
UN	United Nations



## **1 Background**

### ***1.1 Non-recognition of war-affected women with disabilities in post-war context***

Several international and governmental initiatives have studied the dimensions of war and reconciliation since 2009 in Sri Lanka. International involvement in the war-related human rights issues of Sri Lanka is evident at two levels. Firstly through the resolutions of the United Nations (UN) Human Rights Council, which urge investigation of human rights violations during the period of war.<sup>5</sup> The resolutions call for publication of these findings and establishment of national and international mechanisms for accountability and reconciliation.<sup>6</sup> UN resolution 30/1 (2015) was co-sponsored by Sri Lanka, which indicates the country's cooperation in reconciliation and accountability.<sup>7</sup> While these resolutions do not specify the human rights issues of women with disabilities, the platform is set to focus on a range of issues including the rights of war-affected women with disabilities.

Secondly, there have been several reports compiled by international experts which provide insights on human rights violations, focusing specifically on the period of war. Understanding the nature and scope of human rights violations faced by various people during the war is crucial to identifying and examining their standing in the post-war context, that is, what types of injustices are reproduced within transitional arrangements due to historical injustices and inequalities. Nevertheless, these reports fail to bring into the spotlight the issues faced by war-affected women with disabilities.

The Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka (2011), which focuses on human rights violations during the last stages of war, refers to disability only

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5 Law & Society Trust, *Sri Lanka: State of Human Rights 2013* (Colombo: Law & Society Trust, 2014); Law & Society Trust, *Sri Lanka: State of Human Rights 2014* (Colombo: Law & Society Trust, 2014) <<http://lawandsocietytrust.org/publications/sri-lanka-state-of-human-rights-2014-b620b8542eff7d0cd8ea2ddfb2659bd3.html>>; Law & Society Trust, *Sri Lanka: State of Human Rights 2015* (Colombo: Law & Society Trust, 2015).

6 Human Rights Council, 'Promoting reconciliation, accountability and human rights in Sri Lanka', A/HRC/RES/25/1 (2014) <[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/25/1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/25/1)> accessed 30 November 2017.

7 Human Rights Council, 'Promoting reconciliation, accountability and human rights in Sri Lanka', A/HRC/RES/30/1 (2015) <[https://digitallibrary.un.org/record/812282/files/A\\_HRC\\_RES\\_30\\_1-EN.pdf](https://digitallibrary.un.org/record/812282/files/A_HRC_RES_30_1-EN.pdf)> accessed 30 November 2017.

once.<sup>8</sup> The Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka (2012), which reviews the role played by the UN during the last stages of the war, does not refer to disability at all.<sup>9</sup> The Report of the Office of the High Commissioner on Human Rights (OHCHR) Investigation on Sri Lanka discusses the difficulties faced by persons with disabilities during war.<sup>10</sup> All three reports refer to general and gender-specific violence suffered by women. However, the intersectionality of disability and gender in the post-war context is not appreciated.

Government initiatives in the post-war context, most of which have materialised into effective practice, at first followed a similar pattern. The report of the Lessons Learnt and Reconciliation Commission records persons with disabilities and women as vulnerable groups granted separate sections for discussion.<sup>11</sup> However, the report of the Public Representations Committee on Constitutional Reform (PRC Report) expressly refers to women with disabilities in its suggestions on directive principles of state policy<sup>12</sup> and fundamental rights.<sup>13</sup> The PRC Report recommends affirmative action, emphasising the multiple forms of discrimination faced by women and girls with disabilities.<sup>14</sup> The Report of the Sub-Committee on Fundamental Rights recommends the recognition of several rights of persons with disabilities.<sup>15</sup>

The experiences of war-affected women with disabilities are captured to some extent in the Report of the Consultation Task Force on Reconciliation Mechanisms.<sup>16</sup> This report details the marginalisation and discrimination that Tamil women with disabilities face and how these women

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8 *Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka* (2011)

<[http://www.un.org/News/dh/infocus/Sri\\_Lanka/POE\\_Report\\_Full.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf)> accessed 30 November 2017.

9 *Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka* (2012)

<[http://www.un.org/News/dh/infocus/Sri\\_Lanka/The\\_Internal\\_Review\\_Panel\\_report\\_on\\_Sri\\_Lanka.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf)> accessed 30 November 2017.

10 *Report of the OHCHR Investigation on Sri Lanka* (Geneva: OHCHR, 2015)

<<http://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>> accessed 30 November 2017.

11 Commission of Inquiry on Lessons Learnt and Reconciliation, *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (2011) 293 <<http://slembassysusa.org/downloads/LLRC-REPORT.pdf>> accessed 30 November 2017.

12 Public Representations Committee on Constitutional Reform, *Report on Public Representations on Constitutional Reform* (2016) 88 <[http://english.constitutionalassembly.lk/images/pdf/PRC\\_1.pdf](http://english.constitutionalassembly.lk/images/pdf/PRC_1.pdf)> accessed 30 November 2017.

13 *ibid.* 122–123.

14 *ibid.* 123.

15 The Steering Committee of the Constitutional Assembly, *Report of the Sub-Committee on Fundamental Rights* (2016) 21 <<http://english.constitutionalassembly.lk/images/pdf/01-Fundamental-Rights-ste.pdf>> accessed 30 November 2017.

16 Consultation Task Force on Reconciliation Mechanisms, *Final Report of the Consultation Task Force on Reconciliation Mechanisms*, Vol 1 (Colombo: Secretariat for Coordinating Reconciliation Mechanisms, November 2016) <<http://www.scrm.gov.lk/documents-reports>> accessed 30 November 2017.

have been compelled to provide ‘sexual favours in return for assistance’.<sup>17</sup> Based on these submissions the report concludes that vulnerability has many layers, such as disability, gender, poverty, ethnicity and political identity, that is, affiliation with the Liberation Tigers of Tamil Eelam (LTTE).<sup>18</sup> Yet the report does not make any specific recommendations to assist women with disabilities in war-affected communities.<sup>19</sup>

Whereas international recognition of war-affected women with disabilities in Sri Lanka’s post-war context has, unfortunately, been minimal, governmental recognition of women with disabilities has been inconsistent and inadequate.

## ***1.2 Legal recognition of disability***

While Sri Lanka has accepted obligations under international human rights law in relation to disability, incorporation of these obligations into domestic law has been limited. Legal recognition of the rights of persons with disabilities is further hindered by the executive and legislative entrenched charity-based approach to disability. This section considers the status of legal recognition accorded to disability and the hindrances for such legal recognition.

### *1.2.1 Recognition of disability in accordance with international law*

Ratification and accession to international treaties gives rise to legal obligations which the state parties are bound to give effect to.<sup>20</sup> Sri Lanka has actively recognised disability under international law through ratification and accession of treaties on disability. The United Nations Convention on the Rights of Persons with Disabilities (CRPD)<sup>21</sup> was signed by Sri Lanka in 2007<sup>22</sup> and ratified in 2016.<sup>23</sup> This is the chief treaty which emphasises the gamut of rights enjoyed by persons with disabilities and lays down comprehensive mechanisms for their implementation.

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17 *ibid.* 351.

18 *ibid.*

19 *ibid.* 353–354.

20 MN Shaw, *International Law*, 6th ed (Cambridge: Cambridge University Press, 2008) 133–137.

21 (adopted 24 January 2007, entry into force 3 May 2008) 2515 UNTS 3 (UNCRPD).

22 United Nations, Office of the High Commissioner for Human Rights, ‘Ratification Status for Sri Lanka’

<[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN)> accessed 28 October 17.

23 *ibid.*

The CRPD recognises multiple forms of discrimination faced by women with disabilities, and that often these are compounding in their effects, in the preamble itself and also through a stand-alone article. Article 6 sets out twofold obligations upon the state to eliminate aggravated discrimination faced by women with disabilities and to take positive measures to ensure their liberty, rights, participation and empowerment. Additionally, equality among men and women is a guiding principle as per Article 3 of the CRPD. General Comment 3 of the CRPD elaborates the scope of rights enjoyed by women with disabilities and delineates general and specific obligations of the state to respect, protect and fulfil these rights.<sup>24</sup> General Comment 3 highlights that women with disabilities suffer heightened vulnerabilities during humanitarian emergencies and armed conflicts.<sup>25</sup> These women are more susceptible to sexual violence and they have the least access to assistance and justice.<sup>26</sup>

The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), which Sri Lanka ratified in 1981,<sup>27</sup> prohibits discrimination based on gender and disability in Article 3. This is emphasised in General Recommendation No. 18 of the CEDAW which specifically relates to women with disabilities.<sup>28</sup> General Recommendation No. 30 depicts state obligations towards women in post-conflict situations through reference to the elimination of violence, displacement and disarray, all prevalent in post-war contexts and through promotion of access to tri-generational rights.<sup>29</sup> In its Concluding Observations on the eighth periodic report of Sri Lanka, the CEDAW Committee states that temporary special measures need to be implemented to uphold the rights of women with disabilities.<sup>30</sup> The Concluding Observations further highlight

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24 Committee on the Rights of Persons with Disabilities, 'General comment No. 3 on women and girls with disabilities' (2016)  
<[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD/C/GC/3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD/C/GC/3&Lang=en)>  
accessed 1 December 2017.

25 *ibid.* 12–13.

26 *ibid.*

27 (adopted 18 December 1979, entry into force 3 September 1981) 1249 UNTS 13 (CEDAW).

28 Committee on the Elimination of Discrimination Against Women, 'General recommendation No. 18: Disabled women' (1991)  
<[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_4729\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4729_E.pdf)>  
accessed 1 December 2017.

29 Committee on the Elimination of Discrimination Against Women, 'General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations' (2013)  
<<http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>> accessed 1 December 2017.

30 Committee on the Elimination of Discrimination Against Women, 'Concluding observations on the eighth periodic report of Sri Lanka', CEDAW/C/LKA/CO/8 (2017)

the gender-based and sexual violence faced by women with disabilities in war-affected communities.<sup>31</sup> Furthermore, lack of education, employment opportunities and lack of political participation by women with disabilities is elaborated in the Concluding Observations. They evidence the extent to which women with disabilities are denied the enjoyment of their economic, social and cultural rights.

Sri Lanka also acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled ('the Marrakesh Treaty')<sup>32</sup> in 2016.<sup>33</sup> This treaty combines intellectual property law and human rights law to promote accessibility to books and other printed materials in formats required by persons with visual impairments.<sup>34</sup> This treaty is significant in the promotion of tri-generational rights, as mentioned earlier.

### *1.2.2 Recognition of disability via domestic law*

Domestic legal recognition of disability in Sri Lanka has been weak. The Second Republican Constitution of 1978 does not enshrine rights of persons with disabilities as a stand-alone provision. Disability is not recognised as a prohibited ground of discrimination under Article 12 (2). Neither are persons with disabilities recognised as entitled to equality of opportunities stated under Article 27 (2) (6) of directive principles of state policy. Article 12 (4) records the only recognition of persons with disabilities in relation to 'special provisions' to be made for their 'advancement'. However, Re Local Authorities Elections (Amendment) Bill states that 'special

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<[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LKA/CO/8%20&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LKA/CO/8%20&Lang=En)> accessed 1 December 2017.

31 *ibid.*; prevalence of gender-based and sexual violence against women is noted in the Committee on Economic, Social and Cultural Rights, 'Concluding observations on the fifth periodic report of Sri Lanka', E/C.12/LKA/CO/5 (2017)

<[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fLKA%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fLKA%2fCO%2f5&Lang=en)> accessed 1 December 2017.

32 'The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled' ('the Marrakesh Treaty') (2013)

<[http://www.wipo.int/wipolex/en/treaties/text.jsp?file\\_id=301016#art3](http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=301016#art3)> accessed 22 July 2017.

33 The Official Governmental News Portal of Sri Lanka, 'Sri Lanka Accedes to the Marrakesh Treaty to Increase Access to Print Materials for Print Disabled Persons' (6 October 2016)

<<https://www.news.lk/news/world/item/14622-sri-lanka-accedes-to-the-marrakesh-treaty-to-increase-access-to-printed-materials-for-print-disabled-persons>> accessed 28 October 2017.

34 Kaya Koklu, 'The Marrakesh Treaty – Time to End the Book Famine for Visually Impaired Persons Worldwide', *International Review of Intellectual Property and Competition Law* 45, no. 7 (2014) 737–739, <https://doi.org/10.1007/s40319-014-0266-z>.

provisions' does not amount to affirmative action,<sup>35</sup> which can be demanded by the state as of right.

Judicial interpretation of the fundamental rights of persons with disabilities has been limited to one case which highlights the indivisibility of persons with disabilities in the justice system. In *Dr. Ajith Perera v Attorney General*<sup>36</sup> the court ordered that accessibility regulations of 2006 and 2009 should be immediately implemented. Despite this, such implementation has not yet been achieved.

It must be noted, however, that in the ongoing constitutional reform process some progress has been achieved. Recommendations have been made for comprehensive recognition of fundamental rights and language rights of persons with disabilities in the PRC Report<sup>37</sup> and in the Report of the Sub-Committee on Fundamental Rights.<sup>38</sup>

Current legislative recognition of persons with disabilities is by way of *Protection of the Rights of Persons with Disabilities Act*, No. 28 of 1996, amended by Act No. 33 of 2003 and *Elections (Special Provisions) Act*, No. 28 of 2011. The former legislation is outdated in comparison to international human rights law standards in two ways. Firstly, the definition of disability in terms of dependency<sup>39</sup> gives rise to negative connotations contrary to the dignity, liberty and autonomy of persons with disabilities. Secondly, recognition of the rights of persons with disabilities is limited to accessibility and opportunities in educational and employment spheres.<sup>40</sup> However, these provisions have been implemented as Sri Lankan education policy continues to segregate children with disabilities in special schools for the 'disabled' or in special units available in

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35 *Re Local Authorities Elections (Amendment) Bill* SC (Special Determination) 6/2010.

36 SC FR No 221/2009 SC Minutes 27 April 2011.

37 Public Representations Committee on Constitutional Reform (n 12) 122–124.

38 The Steering Committee of the Constitutional Assembly (n 15) 4–5, 14–15.

39 *Protection of the Rights of Persons with Disabilities Act*, No. 28 of 1996, Section 37.

40 *ibid*, Section 23.

schools.<sup>41</sup> Furthermore, Public Administration Circular No. 27/88, which states that 3 per cent of all government bodies should consist of employees with disabilities, has not been implemented.<sup>42</sup>

The *Elections (Special Provisions) Act* attempts to ensure that franchise, which is a means by which sovereignty of people is exercised in terms of Article 3 of the 1978 Constitution, is enjoyed by persons with disabilities. The Act provides that persons with visual impairment may vote through an accompanying person. This provision in fact violates the confidentiality of such person's ballot and jeopardises their opportunity to exercise their franchise.

While there have been attempts since 2004 to draft new legislation that is on par with international human rights law standards, the legislation has still not seen the light of day. The latest version, which is a draft produced by the Ministry of Social Welfare that does not adequately consider the views of persons with disabilities and advocates, has been with the Legal Draftsman's Department for months without significant progress.<sup>43</sup>

### *1.2.3 Recognition via policy documents*

There have been numerous documents at the policy level that have progressively combined international human rights law standards with the status and needs of persons with disabilities in the domestic context. Few of these documents have detailed plans for implementation as well. Some of these documents, such as the National Policy on Disability of 2003,<sup>44</sup> the Accessibility

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41 Law & Society Trust, *Response to Request for Information from the Special Rapporteur on the Rights of Persons with Disabilities in Sri Lanka* (Colombo: Law & Society Trust, 2016) 11  
<[http://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Disability/ProvisionSupport/NGOs/Law%20and%20Society%20Trust%20Sri%20Lanka.docx&action=default&DefaultItemOpen=1](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Disability/ProvisionSupport/NGOs/Law%20and%20Society%20Trust%20Sri%20Lanka.docx&action=default&DefaultItemOpen=1)> accessed 28 October 2017.

42 Padmani Mendis, *Training and Employment of People with Disabilities: Sri Lanka 2003* (Bangkok: International Labour Organization, 2004) 18 <[http://ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_113197.pdf](http://ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_113197.pdf)> accessed 13 December 2017; National Human Resources and Employment Policy, 'Employment Opportunities for Vulnerable Groups, Disabled Persons and those in Under Developed Regions' (Secretariat for Senior Ministers, Sri Lanka, 2017)  
<[http://www.nhrep.gov.lk/index.php?option=com\\_content&view=article&id=82&Itemid=59&lang=en](http://www.nhrep.gov.lk/index.php?option=com_content&view=article&id=82&Itemid=59&lang=en)> accessed 18 December 2017.

43 International Centre for Ethnic Studies, 'Equality for Persons with Disabilities' (Colombo: ICES, 2016)  
<<http://ices.lk/wp-content/uploads/2016/08/ICES-Disability-Brief-29-Aug-16.pdf>> accessed 28 October 2017.

44 Ministry of Social Welfare, 'National Policy on Disability for Sri Lanka' (Colombo: Government of Sri Lanka, 2003)  
<[http://socialemwelfare.gov.lk/web/images/content\\_image/pdf/legislation/disability\\_policy.pdf](http://socialemwelfare.gov.lk/web/images/content_image/pdf/legislation/disability_policy.pdf)> accessed 30 November 2017.

Regulations of 2006 and 2009,<sup>45</sup> and the National Action Plan for Disability of 2013<sup>46</sup> specifically engage with the concerns of persons with disabilities. Meanwhile, documents such as the National Human Rights Action Plan 2011–2015 and the National Human Rights Action Plan 2016–2020 explore the rights of persons with disabilities in the broader context of human rights. The National Policy on Reconciliation and Coexistence of 2017 also emphasises gender sensitivity as a cross-sectional principle of reconciliation.<sup>47</sup> Yet implementation of all these policies has been extremely weak and ad hoc.

Budgetary proposals for 2018 make specific allocations for entrepreneurship of women, specifically war-affected women.<sup>48</sup> Further finances are allocated for special programs to address the needs of women with disabilities in the North and East.<sup>49</sup> These budgetary allocations mark an important milestone in recognition of war-affected women with disabilities.

#### *1.2.4 Entrenchment of charity-based approach*

Disability is executively and legislatively considered to be a matter under the sole responsibility of the Ministry of Social Empowerment, Welfare and Kandyan Heritage. The positioning of the National Council on Disability, which is the legislative mechanism established to take decisions on disability, and the National Secretariat for Persons with Disabilities (NSPD), which is to assist the former body within the ministry, is a formal affirmation of the ministry's responsibility.<sup>50</sup> The segregation is further entrenched by other governmental bodies not considering persons with

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45 The Gazette of the Democratic Socialist Republic of Sri Lanka, 'Regulations' (17 October 2006) <[http://www.hrcsl.lk/PFF/Llibrary\\_Domestic\\_Laws/regulations/1467\\_15%20Disability%20Rights.%20E.pdf](http://www.hrcsl.lk/PFF/Llibrary_Domestic_Laws/regulations/1467_15%20Disability%20Rights.%20E.pdf)> accessed 30 November 2017; The Gazette of the Democratic Socialist Republic of Sri Lanka (18 September 2009) <[http://www.socialemwelfare.gov.lk/web/images/content\\_image/pdf/legislation/1619-24e.pdf](http://www.socialemwelfare.gov.lk/web/images/content_image/pdf/legislation/1619-24e.pdf)> accessed 30 November 2017.

46 Office of the Cabinet of Ministers, Sri Lanka, 'Press Briefing of Cabinet Decision taken on 2013-12-16: Implementation of the National Action Plan for Disability' (2013) <[http://www.cabinetoffice.gov.lk/cab/index.php?option=com\\_content&view=article&id=16&Itemid=49&lang=en&dlD=5312](http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dlD=5312)> accessed 30 November 2017.

47 Office for National Unity and Reconciliation, 'National Policy on Reconciliation and Coexistence' (2017) <<http://www.onur.gov.lk/images/download/NationalPolicy-English.pdf>> accessed 1 December 2017.

48 Minister of Finance, *Budget Speech 2018* (Colombo: Government of Sri Lanka, 2017) 16, 49 <<https://www.parliament.lk/files/pdf/budget/2018/budget-speech-2018.pdf>> accessed 1 December 2017.

49 *ibid.*, 67.

50 Ministry of Social Empowerment, Welfare and Kandyan Heritage, 'National Council & National Secretariat for Persons with Disabilities' (2017) <[http://www.socialemwelfare.gov.lk/web/index.php?option=com\\_content&view=article&id=6&Itemid=117&lang=en](http://www.socialemwelfare.gov.lk/web/index.php?option=com_content&view=article&id=6&Itemid=117&lang=en)> accessed 30 November 2017.



disabilities in their outreach.<sup>51</sup> Such segregation fuels the perception that persons with disabilities are recipients of welfare rather than holders of rights.

Several benefits are available from the Ministry of Social Empowerment, Welfare and Kandyan Heritage for persons with disabilities by way of financial and other aids. A monthly payment of Rs. 3000 is given to persons with disabilities in economic need.<sup>52</sup> A further Rs. 250,000 is granted for construction of a house as well as aids paid by way of a lump sum for self-employment assistance, educational assistance, medical assistance and medicine and travelling expenses.<sup>53</sup> Under other aids, assistive devices are provided based on individual need.<sup>54</sup> Furthermore, the NSPD conducts courses on sign language and braille.<sup>55</sup> These financial aids link disability with poverty and also subject persons with disabilities to cumbersome procedures in terms of proving eligibility. Discretion accorded to the administrative officers, such as the district secretaries, in these procedures might not serve the purpose at all times.<sup>56</sup>

### ***1.3 Statistics on women with disabilities***

According to the census statistics of 2012, 8.7 per cent of the Sri Lankan population is people with disabilities, of which about 43 per cent are male and 57 per cent are female.<sup>57</sup> This includes women with visibility, audibility, mobility, cognition, self-care and communication disabilities. Prevalence of visibility, audibility, mobility and cognition difficulties in women is significantly higher than in men, with prevalence rates of 60, 23, 47 and 21 respectively per 1,000 persons.<sup>58</sup>

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51 Law & Society Trust (n 41) 14.

52 Ministry of Social Empowerment, Welfare and Kandyan Heritage, 'Services for Persons with Disabilities' (2017) <[http://www.socialemwelfare.gov.lk/web/index.php?option=com\\_content&view=article&id=30&Itemid=151&lang=en#sign-language-courses](http://www.socialemwelfare.gov.lk/web/index.php?option=com_content&view=article&id=30&Itemid=151&lang=en#sign-language-courses)> accessed 28 October 2017.

53 *ibid.*

54 *ibid.*

55 *ibid.*

56 Law & Society Trust (n 41) 7.

57 United Nations Regional Meeting on Disability Measurement and Statistics in support of the 2030 Agenda for Sustainable Development and the 2020 World Population and Housing Census Programme, 'Session 6 – Approaches used to measure disability through censuses: National experiences – Sri Lanka' (2016) <<https://unstats.un.org/unsd/demographic-social/meetings/2016/bangkok--disability-measurement-and-statistics/Session-6/Sri%20Lanka.pdf>> accessed 28 October 2017.

58 *ibid.*

Kandy, Trincomalee and Puttalam are the districts that report the highest populations of women with disabilities.<sup>59</sup>

Employment of persons with disabilities nationally is only at 41.1 per cent, 61.1 per cent of whom are men and only 24.4 per cent are women with disabilities.<sup>60</sup> The statistics on education activities of people with disabilities are not disaggregated according to gender, therefore it remains unclear how many girls with disabilities are accessing appropriate inclusive education, which is critical to assure their transition to employment and economic independence in adult life.<sup>61</sup> Moreover, gender-based statistics of the Department of Census and Statistics do not provide any details about women with disabilities.<sup>62</sup> The lack of disaggregation of national census data in relation to the interstice of gender and disability is clear evidence of the lack of understanding across key domains of public policy, such as transport, planning, housing, education and political participation. Consequently, women with disabilities remain invisible not only in statistical deliberations on the status of people with disabilities as well as the status of women, but also in core public policy debates, infrastructure development and concepts of citizenship wellbeing.

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59 Census of Population and Housing of Sri Lanka (Provisional Data Based on the 5% Sample), 'Information on Disabled Persons' (2012) <[http://socialemwelfare.gov.lk/web/images/content\\_image/pdf/statistics/statics.pdf](http://socialemwelfare.gov.lk/web/images/content_image/pdf/statistics/statics.pdf)> accessed 28 October 2017.

60 Law & Society Trust (n 41) 12.

61 United Nations Regional Meeting on Disability Measurement and Statistics in support of the 2030 Agenda for Sustainable Development and the 2020 World Population and Housing Census Programme (n 57).

62 Department of Census and Statistics, Sri Lanka, 'Gender Statistics: Tables' (2012) <<http://www.statistics.gov.lk/Gender%20Statistics/MoreInfo.php>> accessed 28 October 2017.

## **2 Methodology and Research Design**

The methodological design of the project was grounded in disability-inclusive research principles and practices. Disability-inclusive research methodologies have been developed in direct response to the disability rights movement's demands for research that actively includes people with disabilities in all its stages, from initial identification of the research problem and guiding questions, to approaches to the collection of data and other empirical information, participation in the analysis of the findings and, finally, as key advocates in the dissemination of the research results. Thus, disability-inclusive research methodologies recognise that disabled people are 'expert knowers' of the everyday experiences of disability exclusion, discrimination and marginalisation, and therefore should be actively involved throughout, and directly inform, the core components of the research process.

In their extensive work with people with disabilities across the UK and Australia, Jan Walmsley and Kelley Johnson define disability-inclusive research methodologies as consisting of: 'a range of research approaches that traditionally have been termed "participatory", "action" or "emancipatory" ... Such research involves people who may otherwise be seen as subjects for the research as instigators of ideas, research designers, interviewers, data analysts, authors, disseminators and users.'<sup>63</sup>

To adopt such an inclusive research methodological approach, a number of guiding principles are central throughout the research process:

1. The research questions, methods and processes must be fully accessible to all persons with disabilities of whom the research has relevance
2. People with disabilities are treated with respect, and are acknowledged as experts, within the area of disability lived experience
3. People with disabilities are active participants within the research process, contributing to the formation of questions, the gathering of data and relevant information, the analysis and construction of findings, and finally, dissemination of results

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<sup>63</sup> Jan Walmsley and Kelley Johnson, *Inclusive Research with People with Learning Disabilities* (London: Jessica Kingsley, 2003), 10.

4. Materials, findings and processes are made fully accessible to all disability types, such as the development of plain language ethics forms and research questions, and the presentation of material in a range of alternative formats, such as braille, multiple languages, sign language and so forth.

To ensure the research project met these principles, the research design contained both a capacity developmental component and intensive training in disability policy knowledges and practices. In turn, the research design was staged throughout the project, as outlined below.

### ***Stage 1: Training on conducting semi-structured interviews with women with disabilities***

Research into the area of disability has increasingly highlighted the need to develop the capacity of persons with disabilities in order to ensure their vital participation in the research process as co-producers of disability knowledge and frameworks. This has been identified as critically important to ensure that disability research:

- examines issues of significance for persons with disabilities within their local context
- explores the ways in which persons with disabilities experience unique forms of discrimination, marginalisation and exclusion
- gives meaning and voice to persons with disabilities and their personal narratives of their individual lived experiences
- illuminates broader issues that persons with disabilities collectively experience due to social structures of exclusion and discrimination
- begins to document such experiences in order to fully realise strategies of intervention to further disability rights in law, policy and practice.

To this end, the full-week workshop held from 12 December to 16 December 2016 engaged, trained and developed the capacities of local-level disability advocates and service providers in a range of core skills and competencies with the aim to facilitate and sustain highly effective disability research beyond the life of the project.

### ***Stage 2: Training on disability rights and policy knowledges***

An inclusive training program was held over five days in December 2016 for researchers interested in participating in the research and data collection components. The following core areas of disability training were conducted with local disability advocates and service providers from across Sri Lanka. Training was provided by leading international and national disability and research specialists with extensive expertise in:

- global disability rights and practice
- international and national disability law and policy
- locally adaptive, applied social research methodologies
- disability-inclusive research methods.

The interdisciplinary research training was aimed at building the capacity of local disability advocates and service providers in new disability knowledges and frameworks, and building their capacity to apply these skills as social researchers and as co-producers of locally grounded disability research.

The program was designed and delivered as a partnership between the Law & Society Trust, Dr Dinesha Samararatne from the Faculty of Law, University of Colombo, Dr Karen Soldatic from Western Sydney University and Andi Schubert, Mark Schubert and Shashik Silva of the Social Scientists' Association, Sri Lanka. This multilayered partnership specifically targeted the rich diversity of skills that are required so that disability advocates and service providers can undertake highly effective disability research.

### ***Stage 3: Conducting the interviews in partnership with local organisations***

The third stage of the project involved reaching out to women with disabilities and interviewing them for the purpose of gathering qualitative research material. Semi-structured interviews were carried out in partnership with organisations and persons engaged in promoting the rights of people with disabilities at the regional level. AKASA (Association of Women with Disabilities), Viluthu, Navajeevana (Tangalle) and Women's Development Centre (Kandy) collaborated with the Law & Society Trust in the North Central, North, East, North West, South and Central provinces respectively in this endeavour. Members of these organisations who participated in the workshop in December carried out the interviews with women with disabilities who were identified from the

organisation's local-level disability advocacy. Interviews in the Central and East provinces were carried out by a trainee at the workshop in her individual capacity.

Interviews were carried out in accordance with the ethics of research, subject to the informed consent of the participants. They capture the life stories of women with disabilities of different ages and from different walks of life, their passion towards human rights and how they experienced the enormities of war. A total of 23 interviews were conducted with women with disabilities from the following districts: Anuradhapura, Polonnaruwa, Matara, Kandy, Batticaloa, Nuwara Eliya, Jaffna, Puttalam, Mannar and Mullaitivu.

#### ***Stage 4: Workshop and debrief on 26 May 2017***

A workshop and debrief session was conducted subsequent to carrying out the interviews with women with disabilities in war-affected areas. The session took place on 26 May 2017 at Helpage Sri Lanka, Raththanapitiya, Boralesgamuwa. While sharing experiences, certain trends and similarities were identified, which were documented to contribute to the final analysis of the data and the reporting of the key findings captured here in this report.

#### ***Stage 5: Writing of the report and dissemination of findings***

The final component of the research design involved the written reporting of the research findings, drawing upon the data gathering and analysis stages as outlined above. Multiple dissemination audiences were identified and relevant written reporting formats and styles, such as plain language summaries, braille and short reports, were developed in response to each of the various audiences. The languages used for dissemination are English, Sinhalese and Tamil, alongside broad-scale electronic dissemination.

### **3 Research Findings**

The lived experiences of war-affected women with disabilities, as described in the interviews, provide an in-depth account of their status within the post-war context. These findings are discussed in the following themes.

#### ***3.1 Need for public recognition and acknowledgement***

The post-war public debates, discussions and attempts at law reform – particularly with regard to reconciliation and/or transitional justice – have acknowledged disability only in very marginal ways. There is an urgent need for disability to be recognised and acknowledged in all post-war efforts to improve the quality of life of individuals and wider society. At present people with disabilities are marginalised in the narratives of collective post-war memories.

#### ***3.2 Physical disability caused due to the war***

Disability caused due to the war, whether as a combatant, being shot at or being caught in a bomb blast, for example, is problematic for several reasons. One is that people who acquire disability due to armed conflict are compelled to learn to live with a disability overnight. Another is that the physical disability may be visible while others are invisible, such as embedded shrapnel/bullets or metal plates, clips that are inserted during surgery and so on. The invisibility of the disability takes away from the recognition and accommodation that is sometimes afforded to people who have acquired disabilities that are visible.

The numerous forms of disability that can be caused due to armed conflict should be recognised and taken into account in the determination of post-war policies for reconstruction and reconciliation. Taking disability into account is particularly significant in the development of policies with regard to reparation.

#### ***3.3 Psychological trauma caused due to war, disability, harm and loss to life***

Several types of psychological trauma have been reported by war-affected persons with disability. The severity of the trauma varies widely and is caused by a varied set of incidents. This includes the trauma of facing the war, such as when being displaced or fleeing hostilities. It includes the trauma due to damage to one's own body – physically or mentally. Trauma is experienced

individually, collectively and more widely, for example, as a deeply affected ethnic community or village.

### ***3.4 Stigma associated with disability caused due to the war***

War-related disability has been stigmatised, particularly for women. Former women combatants state that their disability is a permanent public mark of their involvement in the war. War-related disability is stigmatised not only by those outside the community but even within the person's own community. These disabilities also pose a security threat to the individual and their families and communities if they are subjected to military surveillance.

### ***3.5 Stigma associated with disability – culture, religion, gendered norms***

Other forms of stigma experienced by women with disability arise from cultural and/or religious practices. In some communities women with disability are not considered as being suitable for marriage, except perhaps for a man's second marriage or to a man who is socially considered to be lacking in something – such as a man with a disability. Furthermore, superstition considers women with disability as an ill omen to be avoided, particularly during significant celebrations of a family and/or a community. Due to these negative perceptions, women with disability sometimes experience a sense of shame and rejection by their family and community on account of their disability.

### ***3.6 Religion as a source of empowerment and peace***

Particularly war-affected women from the South state that practising Buddhism has been an effective method of dealing with the fear and anxiety related to the war. They note that they feel marginalised from religious institutions due to stigma and lack of physical access. Their response has been to organise their own religious observance ceremonies but also to participate in mainstream religious observances when possible. They state that these engagements have provided them with a sense of peace and wellbeing.

### ***3.7 The individual and the collective dimension of disability***

The experiences of the war for women with disability have an individual and a collective dimension. The widespread nature of their experiences compounds their negative aspects and often



makes these issues seem very difficult to resolve. On the other hand, mobilising collectively has been a positive experience for many women with disabilities, through which they experience a strong sense of empowerment.

### ***3.8 Resilience, empowerment and hopefulness***

Amid the numerous difficulties that war-affected women with disability face, the life experiences of many of them are evidence of resilience. They cope to the best of their ability with the physical, economic, political and social barriers that they have to face. Particularly through collective action, they seek to empower themselves and some of them even nurture hope for a better future. Particularly the war-affected women from the North demonstrate a strong need for justice and accountability for the harm and injustices that they experienced.

### ***3.9 Eligibility for welfare services***

The requirements to be satisfied to receive welfare services and financial grants are sometimes not very clear to target communities. Women with disability are often confused as to their entitlements and are unable to understand the criteria that is applied. They report that there is a lack of uniformity in how eligibility is determined.

### ***3.10 Weaknesses in delivery of welfare services***

Lack of physical access and lack of adequate transport facilities are identified as factors that prevent women with disability from accessing welfare services. Consequently even services that are made available may not be availed of by many deserving individuals due to weaknesses in their delivery.

### ***3.11 Excellent emergency health care coupled with weak regular health care***

Almost all women interviewed for this study stated that the emergency health care they received from state hospitals was excellent. The medical services were professional, efficient and effective. There were no reports of any form of discrimination based on disability, ethnicity or gender. Yet accessing regular healthcare services was difficult due to lack of physical access, lack of adequate transport facilities and delays in the provision of health care.

### ***3.12 Privatisation of burdens associated with living with disability***

Due to the above described reasons, the 'burden' of caring for persons with disability remains primarily within the immediate family. Women with disability are required to care and provide for their family regardless of their disability. In the context of poverty and the marginalisation experienced due to rural living, disability has a very severe compounding impact on their lives.

### ***3.13 Contrasting experiences in the post-war period due to variables such as ethnicity***

The study points to contrasting experiences of women with disability in the post-war period. Sinhalese women commonly spoke of feeling a sense of relief that the war was no more and that risks to life due to the war need not be feared anymore. Women from minority communities living in the North or women who were displaced express continued feelings of anxiety. Some express lack of hope and frustration due to lack of improvement in their quality of life even after the cessation of hostilities.

### ***3.14 Fatigue in engagement***

War-affected women from the North and from the long-term displaced community in Puttalam referred to fatigue in seeking interventions on their own behalf. They described being interviewed multiple times regarding similar issues with minimal benefit or outcomes for themselves or for their community. The lack of progress on the ground seems to have given rise to negative perceptions of studies that are being carried out regarding war-affected communities.

### ***3.15 Reparations***

Reparations for disability caused due to the war and the impact of the war on persons with disability has not been discussed adequately in Sri Lanka. An evidence-based understanding of the nexus between disability, the war and reparations has to be developed prior to a determination of the forms of reparation. Women with disability who have been directly affected by the war anticipate some form of reparation on the grounds of their disabilities.

### ***3.16 Access to justice***

People with disabilities find it extremely difficult to access the legal system as there are no specific facilities to ensure that they are accommodated. The police stations, court houses and court

proceedings are beyond their reach. For people with disabilities, delays in law, prolonged detention of family members, disappearances of family members, land issues and domestic violence are nearly insurmountable legal problems.

### ***3.17 Legal illiteracy***

Legal literacy is poor in general in Sri Lanka but among the community of people with disabilities this illiteracy is acute. They are unable to access even basic explanations of the law, legal procedures and administrative procedures due to their marginalisation from the public sphere. Their access to information is weak and their ability to access different service providers depends on the support that is extended to them by their immediate family.

### ***3.18 Lack of awareness of human rights, transitional justice and constitutional reforms***

Women with disabilities who were interviewed for this study had no awareness of their human rights or about the concept of human rights in general. They were not aware of the idea of transitional justice or about any specific initiatives that were being taken by the government for reconciliation. None of them were aware of the process underway for constitutional reforms.

### ***3.19 Collective mobilisation and support of civil society organisations***

Most women with disability noted that organising themselves to work together, often with the support of civil society organisations, had been their primary source of empowerment. Often it was this support that enabled them to overcome their fears of leaving their home, public engagements and so on. They stated that they were able to face the numerous hardships they experienced due to the support that they received from their local organisations.

## **4 Recommendations**

The following recommendations for government, civil society and international donors should be considered in addressing the findings discussed in the previous section.

### ***4.1 Implement CRPD and CEDAW***

Constitutional, legislative, policy and administrative reforms should be introduced to ensure that Sri Lanka's obligations under the CRPD and CEDAW are fulfilled. Periodic review of these reforms should be carried out to identify gaps and weaknesses in implementation. Respect for the human rights of women with disability as per international human rights treaty law must be assured.

### ***4.2 Mainstream disability with a multisectoral approach***

Disability needs, supports and programs should be mainstreamed to ensure that all sectors address and include disability accessibility and participation within their mandate. Disability should be mentioned specifically and addressed in a targeted manner in all programmatic and policy interventions. This could be through legislative structures that require departmental annual targets and reporting to improve public accountability and outcomes. Disability Access and Inclusion Plans, such as those legislative instruments administered via Western Australian Parliament, are one example that can potentially be adopted.<sup>64</sup>

Furthermore, the heterogeneity of women with disability should be taken into account in policy and programmatic interventions. For instance, ex-combatants with disability, women with disability who faced the last stage of the war and women heads of household with disability are examples of specific groups that require targeted intervention by the state.

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<sup>64</sup> See Government of Western Australia, Disability Services Commission, 'Section Two – Legislation, Codes and Standards' (Perth, no date)  
<<http://www.disability.wa.gov.au/Global/Publications/For%20individuals%20families%20and%20carers/legislation.pdf>> for a full discussion of DAIPs and the high level of parliamentary accountability and transparency adopted within the legislative framework.

#### ***4.3 Redesign the national census survey to capture disaggregated disability data***

The national census survey should be redesigned, particularly its process of categorisation and disaggregation in relation to disability identity and gender, including, but not limited to, women with congenital disabilities, women with disabilities created due to the war and women heads of household with disabilities, alongside identifying daily activity restrictions and associated levels of required support. Such rich and nuanced data is necessary to ensure the long-term development and implementation of appropriate government policy and funding for progressive disability rights realisation.

#### ***4.4 Shift from welfare to rights-based approach with required institutional reform and design***

An Inter-Ministerial Committee should be established under the President to ensure a high level of recognition is provided to the committee. This committee should ensure that disability is no longer a matter for social welfare but that it is recognised as a human rights concern. Departmental inclusion should encompass planning and infrastructure, local government, national statistics and census bureau, education and training, employment and industrial relations, and social welfare.

#### ***4.5 Develop grounded knowledge of disability***

Disability should be understood from the point of view of persons living with disability. This would help avoid stereotyping of people with disabilities and also contribute to developing more meaningful responses to their needs.

#### ***4.6 Develop specific programmes for war-affected persons with disability***

As demonstrated in this report, the experience of acquiring disability due to war, living with disability acquired due to the war, and the experience of the war due to disability is traumatic and gives rise to specific concerns. These should be acknowledged and taken into account in determining post-war programs, policies and legislation, including policies for accountability, justice, reparation and reconciliation.

#### ***4.7 Access to justice***

A specific program must be designed and implemented to ensure access to justice for women with disabilities. Such a program must address physical access, accessibility of services (such as welfare services) and accessibility of institutions, such as the police and the judiciary. Training for police personnel, administrators and the judiciary must involve sensitisation with regard to disability, women's issues and issues related to the armed conflict. The Legal Aid Commission must be made accessible and further strengthened to ensure that people with disabilities have access to justice.

#### ***4.8 Legal literacy***

Public education programs that are accessible must be implemented immediately to address the lack of legal literacy, lack of awareness of measures taken to ensure transitional justice and the current constitutional reform process. Human rights education must be made available throughout the island.

#### ***4.9 Mainstream disability in civil society organisations***

Civil society organisations should mainstream disability as a core area for programs, research and advocacy, and partner with advocates of the rights of people with disabilities and their organisations in sustained ways. The impact of the intersectionality of gender, disability, ethnicity and so forth, particularly in post-war contexts, must be considered.

#### ***4.10 Include disability in the agendas of international human rights organisations***

International organisations and international donor agencies that exercise a mandate with regard to human rights must ensure the inclusion of disability as an area of concern.

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**Annexure 1: List of interviews, March 2017 – October 2017**

<b>Interview</b>	<b>District</b>
1	Anuradhapura
2	Anuradhapura
3	Anuradhapura
4	Polonnaruwa
5	Polonnaruwa
6	Matara
7	Matara
8	Matara
9	Kandy
10	Kandy
11	Batticaloa
12	Batticaloa
13	Batticaloa
14	Nuwara Eliya
15	Jaffna
16	Jaffna
17	Jaffna
18	Jaffna
19	Jaffna
20	Jaffna
21	Jaffna
22	Puttalam
23	Puttalam

## **Annexure 2: Contributors**

### **WORKSHOP ORGANIZATIONS**

#### **Law & Society Trust**

Ms Dinushika Dissanayake

Mr Vijay Nagaraj

#### **Social Scientists' Association**

Dr Pradeep Peiris

### **PROJECT COORDINATOR**

Ms Binendri Perera

### **WORKSHOP TRAINERS**

Dr Karen Soldatic

Dr Dinesha Samararatne

Mr Andi Schubert

Mr Shashik Silva

Mr Mark Schubert

### **FACILITATORS OF MOCK INTERVIEWS AT WORKSHOP**

Mr Subramaniam

Mr Cyril Siriwardene

### **CO-ORDINATION OF MOCK INTERVIEWS**

Mr Cyril Siriwardane

### **VOLUNTEERS AT MOCK INTERVIEW SESSIONS**

Mr W.M.D. Ratnasekera

Ms Nelka Ramani

Ms Subhani Udeshika

Mr Prasanna Lal

## **WORKSHOP PARTICIPANTS**

Ms Kamalawathi Narayanagedara – AKASA, Association of Women with Disabilities (Thalawa)

Ms D.M. Neetha Kumari – AKASA, Association of Women with Disabilities (Thalawa)

Ms W.A. Krishanthi – Navajeevana (Tangalle)

Mr K. Sunil – Navajeevana (Tangalle)

Mr Ushan Indika Samararathna – Navajeevana (Tangalle)

Mr Mohamed Arshad – Viluthu (Jaffna)

Mr Sivakumar Sivavasanthan – Viluthu (Jaffna)

Ms Chamari Imali – Women’s Development Center (Kandy)

Ms Sheroon Shouketh – Women’s Development Center (Kandy)

Ms Vindya Madumali – Women’s Development Center (Kandy)

Ms Lanka Adikari – Women’s Development Center (Kandy)

Mr M.A.M. Cader – CHANGE Humanitarian Organization (Puttalam)

Mr Nandana Kumarasiri – Association of Women with Disabilities (Matale)

Ms Nisha Shariff – Suwa Shakthi Organization (Kandy)

Mr Kasunjith Satanarachchi

Ms Azra Jiffry

Ms Binendri Perera

## **INTERVIEW FACILITATION**

### **Law & Society Trust**

Ms Dinushika Dissanayake

Mr Vijay Nagaraj

### **AKASA, Association of Women with Disabilities (Thalawa)**

Ms Kamalawathi Narayanagedara

#### **Viluthu (Jaffna)**

Ms Inthumathy Hariharathamotharan

Mr Jeyatharshan Yogeshwaran

#### **Navajeevana (Tangalle)**

Ms K.C. Wickramasuriya

Mr K. Sunil

### **INTERVIEWERS**

Ms Kamalawathi Narayanagedara – AKASA, Association of Women with Disabilities (Thalawa)

Ms W.A. Krishanthi – Navajeevana (Tangalle)

Ms R. Komathy – Viluthu (Jaffna)

Ms S.P. Dhinusha – Viluthu (Puttalam)

Ms Nisha Shariff (assisted by Ms Ashra Kamal)

Ms Binendri Perera

### **FACILITATORS OF THE DEBRIEF**

Dr Dinesha Samararatne

Mr Andi Schubert

### **PARTICIPANTS OF THE DEBRIEF**

Ms Kamalawathi Narayanagedara – AKASA, Association of Women with Disabilities (Thalawa)

Ms W.A. Krishanthi – Navajeevana (Tangalle)

Ms R. Komathy – Viluthu (Jaffna)

Ms S.P. Dhinusha – Viluthu (Puttalam)

Ms Nisha Shariff (assisted by Ms Ashra Kamal)

Ms Binendri Perera

### **TRANSLATORS OF INTERVIEWS**

Ms J. Jeyakala

Ms I.M. Dharmadasa

### **INTERNS**

Ms Sajini Fernando

### **ADMINISTRATIVE ASSISTANCE**

Ms Janaki Dharmasena

Mr Prasanna Gajaweera

Ms Harshani Connel

Ms Hasara Fernando

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