

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	755
Land:	Sri Lanka
Kilde:	Women's Action Network - Sri Lanka, Alliance for Minorities – Sri Lanka, Mannar Women's Development Federation, Human Rights Litigation and Advocacy Clinic
Titel:	UN Committee for the Elimination of Discrimination Against Women, Geneva, 3-21 February 2025. Sri Lanka. Ninth periodic report of Sri Lanka on its compliance with the CEDAW
Udgivet:	6. januar 2025
Optaget på baggrundsmaterialet:	17. januar 2025

**UN Committee for the Elimination of Discrimination Against Women,
Geneva, 3-21 February 2025**

Sri Lanka

Ninth periodic report of Sri Lanka
on its compliance with the CEDAW

Submitted January 6, 2025 by

Women's Action Network – Sri Lanka

Alliance for Minorities – Sri Lanka

Mannar Women's Development Federation

Human Rights Litigation and Advocacy Clinic

University of Minnesota Law School

229 19th Avenue South

Minneapolis, MN 55455

Contact: jmgreen@umn.edu

Table of Contents

Glossary of Acronyms and Abbreviations

Introduction.....	1
Legal Framework for Prohibition of Discrimination Against Women.....	1
Gendered Impact of the Prevention of Terrorism Act (PTA) and Related Laws.....	1
The ICCPR Act	3
New Law Restricting NGOs	3
The Vagrants Ordinance.....	4
The Land Development Ordinance (LDO)	4
Constitutional Deficit	4
Stereotypes and Harmful Practices.....	5
Domestic Violence (DV) and Sexual and Gender-Based Violence (SGBV).....	5
Female Genital Mutilation	6
Sexual Bribery.....	7
Human Trafficking.....	8
Impunity and Lack of Access to Justice.....	10
Migrant Women	10
Participation in Political and Public Life	12
Access to Education and FoRB of Girls Belonging to Minority Groups	13
Employment.....	14
Militarization of Land	15
Health	16

Glossary of Acronyms and Abbreviations

CBO – Community-based Organization
CBSL - Central Bank of Sri Lanka
CID - Criminal Investigation Department
C189–90 - International Labour Organization Conventions C189 and C190
DV - Domestic Violence
FGM - Female Genital Mutilation
FoRB - Freedom of Religious Belief
GBV - Gender-Based Violence
GMRO - General Marriage Registration Ordinance
GoSL - Government of Sri Lanka
GR - Government Replies*
HRCSL - Human Rights Commission of Sri Lanka
IDP - Internally Displaced Person
INGO - International Non-Governmental Organization
LDO - Land Development Ordinance
LoI - List of Issues**
LTTE - Liberation Tigers of Tamil Eelam
MMDA - Muslim Marriage and Divorce Act
MOU - Memorandum of Understanding
MP - Member of Parliament
MWDF - Mannar Women’s Development Federation
NGO - Non-Governmental Organization
NGO Secretariat - National Secretariat for Non-Governmental Organizations
OHCHR - Office of the United Nations High Commissioner for Human Rights
OMP - Office of Missing Persons
PM - Prime Minister
PTA - Prevention of Terrorism Act
SGBV - Sexual and Gender-Based Violence
SLFEB - Sri Lanka Foreign Employment Bureau
TID - Terrorism Investigation Division
UNHCR - United Nations High Commissioner for Refugees
WAN - Women’s Action Network
WHO - World Health Organization

*GR - Government Replies (Replies of Sri Lanka to the list of issues and questions in relation to its ninth periodic report (May 14, 2024), U.N. Doc. CEDAW/C/LKA/RQ/9.)

**LoI - List of Issues (List of issues and questions in relation to the ninth periodic report of Sri Lanka, CEDAW (Mar. 6, 2023), U.N. Doc. CEDAW/C/LKA/Q/9.)

Introduction

Since the submission of reports prior to the List of Issues (LoI), women's rights activists have welcomed a number of positive changes, such as the election of a new president, and a female Prime Minister who has a history of working on women's rights issues. The number of women parliamentarians increased from 13 to 22; many of them also worked on women's and children's rights. However, apart from the PM, only one woman has a ministerial position - on women's and children's affairs. Many structural issues and challenges remain. This report provides an update to our report submitted in February 2023 and references its previous discussion of ongoing issues.

Legal Framework for Prohibition of Discrimination Against Women

Gendered Impact of the Prevention of Terrorism Act (PTA) and Related Laws

Laws enacted by the Government in the name of “national security” have impacted the rights the LoI delineates. Women are impacted in multiple ways, discussed in ¶2 (State response to crises), ¶6 (access to justice), ¶7 (transitional justice mechanisms), ¶13 (participation of women in political and public life), and ¶19(c) (women's access to livelihood assistance, housing, and land). In its Replies (GR), the Government does not address the impact of this national security legal framework on women and girls.

The PTA, the ICCPR Act, the De-radicalization Bill, and the Bureau of Rehabilitation Act continue to be used to repress dissent.

The PTA is most directly used against men, but women (particularly Tamil and Muslims, often from poor families) were taken into custody, sometimes for mere association rather than their own actions.¹ All women have been released, but many suffered abuse and mental torture, were denied proper healthcare and legal representation, and were separated from their children.

Male breadwinners have been arrested under the PTA and incarcerated without trial for years—some for over a decade—leading to significant harm to women forced to become heads of households.² Officials have demanded money in exchange for the release of loved ones who have been detained for long periods without trial. (At least one woman has filed a complaint with the Human Rights Commission of Sri Lanka [HRCSL]). Limited options for legal counsel have resulted in financial extortion and pressure to acquiesce to detainee “de-radicalization” programs.

¹ Shreen Saroor, *Women Victims of the Prevention of Terrorism Act*, Colombo Telegraph (Feb. 7, 2022), <https://www.colombotelegraph.com/index.php/women-victims-of-the-prevention-of-terrorism-act>; Ambika Satkunathan, *Living in Hell: The Plight of Prisoners Held Under the PTA*, Groundviews (Jan. 27, 2021), <https://groundviews.org/2021/01/27/living-in-hell-the-plight-of-prisoners-held-under-the-pta/>; Lisa Fuller & Rukshana Rizwie, *Muslims 'targeted with arbitrary arrests' after Easter massacre*, Al Jazeera, (Jun. 16, 2019), <https://www.aljazeera.com/features/2019/6/16/muslims-targeted-with-arbitrary-arrests-after-easter-massacre>.

² *False Terrorism Cases Enable Repression* (Jul. 17, 2024), <https://www.hrw.org/news/2024/07/17/sri-lanka-false-terrorism-cases-enable-repression>.

When detainees are released, even without any charges, they are randomly put on a banned-persons list, which impacts employment access.

Women, and NGOs who support them, are also under surveillance, harassed, and interrogated. Gendered hate speech online vilifies women's rights and community activists. Complaint mechanisms are unresponsive. Victims of online sexual attacks who approach complaint mechanisms have been further sexually harassed by male police officers. Female public figures are particularly targeted when they oppose government repression and abuse of laws like the PTA and MMDA (see *infra*, "Participation").

In October, President Dissanayake walked back his election campaign promise to repeal the PTA.³ The government has continued to use the PTA to arrest members of minority groups⁴ and repress journalists and activists through harassment, bureaucratic delays, and the misuse of policy and military power.⁵ In late October, the TID obtained orders to interrogate three individuals for an alleged plan to attack Israeli citizens, including a 21-year-old who was found "suspiciously near" the Israeli consulate.⁶ Israel, the US, Russia, and the UK issued safety advisories to travelers, impacting tourism and furthering the harmful and false framing of Muslims as extremists.⁷ The tourism industry is an important source of income for women breadwinners who turn to this entrepreneurship for the flexibility to accommodate unpaid household labour.⁸

The Government should immediately review cases of those detained and release political prisoners, and repeal the PTA without replacement. Existing laws such as the Penal Code, the Firearms Ordinance, and the Explosives Ordinance cover the same acts as anti-terrorism laws. While there are implementation issues, these laws do not have the degree of problematic arbitrariness, vague definitions, additional penalties and lack of redress for misuse as the PTA.⁹ Repealing the PTA would give much-needed attention to the prerequisites of a criminal justice system not used for corrupt and discriminatory ends, including bribery, sexual harassment, and attacks on peaceful dissidents and minority groups.

³ Melani Manel Perera, *Lawyers' Collective urges Dissanayake to keep its promise on the anti-terrorism law*, Asia News (Nov. 7, 2024), <https://www.asianews.it/news-en/Lawyers-Collective-urges-Dissanayake-to-keep-its-promise-on-the-anti-terrorism-law-61859.html>.

⁴ Mimi Alphonsus, *Recent Detentions Raise Concerns*, The Sunday Times (Dec. 8, 2024), <https://www.sundaytimes.lk/241208/newRes/recent-detentions-raise-concerns-over-govt-stance-on-repealing-pta-580163.html>.

⁵ INFORM, *Repression of Dissent in Sri Lanka, October 2024* (Dec. 20, 2024), <https://www.inform.lk/repression-of-dissent-in-sri-lanka-october-2024/>.

⁶ *Police obtain detention orders for suspects tied to Israeli security threats*, Hiru News, (Oct. 25, 2024), <https://www.hirunews.lk/english/385996/>.

⁷ *Id.*

⁸ Saman Handaragama, Kyoko Kusakabe, *Participation of women in business associations: A case of small-scale tourism enterprises in Sri Lanka*, Heliyon (2021), <https://doi.org/10.1016/j.heliyon.2021.e08303>.

⁹ Minoli De Soysa, *The Urgent Need to Repeal a Law that Cannot be Reformed*, Groundviews (Sept. 29, 2022).

The ICCPR Act

The ICCPR Act of 2007 has been used to target women protesters, comedians, writers, poets, Tamils who mourn family members who were killed, activists, and journalists in ways that are antithetical to the treaty's fundamental purpose. In May 2024, the HRCSL published its letter to the Inspector General of Police on the misuse of the ICCPR Act.¹⁰ On May 12, four Tamils, including three women, were arrested for allegedly distributing rice porridge at a commemorative event at a Hindu temple.¹¹ The UN Special Rapporteur on freedom of religion or belief noted that the ICCPR Act is "not fully compatible with Article 19 of the ICCPR as it does not guarantee freedom of expression."¹² The ICCPR Act and the PTA continue to be used together to penalize dissent and minorities.

New Law Restricting NGOs

In December 2024, the GoSL announced compulsory registration of all NGOs and INGOs with the National Secretariat for Non-Governmental Organizations (NGO Secretariat).¹³ In the pre-qualifications for registration, the Secretariat restricts the purpose of the organization "to provide necessary relief and services to mentally challenged or physically handicapped, poor, sick, orphaned, and destitute persons and to provide relief to the destitute in times of calamity."¹⁴ This seriously curtails the work on women's rights, justice, and accountability that is led by women's rights activists.

The law also requires that registration documents be sent to the Ministry of Defence, the Ministry of Foreign Affairs, and the relevant line ministries for clearance.¹⁵ The NGO Secretariat signed a MOU with the Central Bank of Sri Lanka (CBSL) stating that the purpose was to address money laundering and terrorism financing.¹⁶ These expanded political and financial controls have the potential to severely limit the activities of women's rights and other NGOs. Board members of women's groups that applied for registration have been repeatedly visited by Ministry of Defence and public security officers; fearing such visits, some board members have resigned.

¹⁰ HRCSL (May 21, 2024) HRC/P/i/E/21/05/24.

¹¹ *Id.*

¹² OHCHR (Aug. 25, 2020), A/HRC/43/48/Add.2.

¹³ *All NGOs and INGOs to come under National Secretariat*, The Sunday Times (Dec. 15, 2024), <https://www.sundaytimes.lk/241215/news/all-ngos-and-ingos-to-come-under-national-secretariat-580949.html>.

¹⁴ *Regarding the registration of organizations under the Voluntary Social Service Organizations (Registration and Supervision) Act No. 31 of 1980*, NGO Secretariat (Dec. 12, 2024), <https://ngoec.gov.lk/news-events/notice>.

¹⁵ Ambika Satkunanathan, *Central Bank, NGO Secretariat and weaponisation of Financial Action Task Force*, The Daily FT (Dec. 23, 2024), <https://www.ft.lk/columns/Central-Bank-NGO-Secretariat-and-weaponisation-of-Financial-Action-Task-Force/4-770882>.

¹⁶ CBSL, Financial Intelligence Unit of Sri Lanka entered into a Memorandum of Understanding with the National Secretariat for Non-Governmental Organizations (Nov. 7, 2024), <https://www.cbsl.gov.lk/en/news/fiu-entered-into-a-mou-with-ngo>.

The Vagrants Ordinance

LoI ¶12(c) discusses the Ordinance’s misuse in the context of trafficking and repeats its prior recommendations for repeal. Though GR ¶85 specifically addressed the possibility of amending the Ordinance, it did not specify what would be revised, nor a date by which a decision would be made for repeal.

In addition to targeting trafficking victims, the Ordinance is also used against sex workers; transgender persons; women in general, especially those working at night; and same-sex couples for arbitrary harassment, arrest and detention.

The Land Development Ordinance (LDO)

Following the important amendment of the LDO referenced in LoI ¶5(a), there should be measures to promote women’s access to state land. GR ¶29 stated that women had equal succession rights to men and were granted joint ownership when granted state land under this program. However, the amount of grants distributed by gender was not included, nor was information about the impact on single women with children and unmarried women. The next step is for the Government to implement a restorative justice program and have special provisions for women to apply for state land allocations.

Constitutional Deficit

Article 16 of the Constitution protects written and unwritten customary laws and practices even if they violate the Fundamental Rights (FR) chapter. Below are examples of discriminatory practices and laws that impact women, girls and/or LGBTQI+ community members.

The **Muslim Marriage and Divorce Act (MMDA)** continues to prevent equality between Sri Lankan men and women. The MMDA provides no age limit for marriage, prohibits two Muslims from marrying under the General Marriage Registration Ordinance (GMRO), allows for the registration of a marriage without the bride present, unconditional polygamy, and non-registration of marriage; and contains unequal, gendered divorce terms.

Other discriminatory religious practices defended as “customary” include the defense of child marriage in contradiction to **Penal Code 360A** (which criminalizes the procurement of children for sexual purposes), bans on women’s head coverings¹⁷ and girls serving as acolytes.¹⁸

Penal Code Sections 365/ 365A criminalize same-sex sexual relations and **Section 399** has been used against transgender individuals. Government officials, including the President,¹⁹ MPs, the

¹⁷ See *infra*, “Education.”

¹⁸ Elise Ann Allen, *Cardinal tries to ban girls from being altar servers*, Catholic Herald (Dec. 19, 2024), <https://catholicherald.co.uk/cardinal-tries-to-ban-girls-from-being-altar-servers/>.

¹⁹ *The stage is set for Sri Lanka to repeal its anti-homosexuality law*, Erasing 76 Crimes (Sep. 26, 2024), <https://76crimes.com/2024/09/26/the-stage-is-set-for-sri-lanka-to-repeal-its-anti-homosexuality-law/>.

Supreme Court,²⁰ and the HRCSL²¹ have made a number of statements in favor of repealing these provisions. However, those opposing LGBTQI+ rights in Sri Lanka allege that promoting gender equality is a “threat to cultural and traditional values.”²² The discriminatory provisions remain.

Suggested Recommendations

- Take active steps to repeal the PTA and Vagrants Ordinance.
- Undertake the review of continuous surveillance of families of detainees, including women who have been released.
- Prevent abuse of the ICCPR Act.
- Discontinue the Cabinet’s decision on compulsory registration of NGOs under the NGO Secretariat, as NGOs are already registered with other relevant authorities.
- Consult NGOs and CBOs throughout the country on their positions on the proposed NGO (Registration and Supervision) Act.
- Implement a restorative justice program to promote women’s access to state land under the reformed land law.
- Repeal Penal Code Sections 365, 365A, and 399 in order to ensure equality for LGBTQI+ persons.
- Reform the MMDA to be in line with the Fundamental Rights chapter of the Constitution (Article 12).
- Reform the GMRO to give Muslim men and women the option to marry under either the MMDA or the GMRO.

Stereotypes and Harmful Practices

Domestic Violence (DV) and Sexual and Gender-Based Violence (SGBV)

While legal protections and programs have expanded (see GR ¶¶58-78), continuing high rates of GBV severely impact women's mental and physical health, with one in three women experiencing violence, leading to depression, anxiety, and suicidal thoughts.²³

Since the COVID pandemic and the continuing economic crisis, WAN has recorded further increases in domestic and sexual violence and curtailed mobility and resources for women’s groups providing victims with protection, legal aid, and other services. The Government’s budget has cut essential services such as livelihood support, and safehouses. Many cases remain unreported; one reason is that because of the lack of legal remedies, many victims choose not to report. More

²⁰ *Id.*

²¹ *HRCSL Urges Justice Minister’s Support for Penal Code Reform Decriminalising Same-Sex Conduct in Line with Supreme Court Determination*, LNW (Jan. 8, 2024), <https://lankanewsweb.net/archives/49845/hrcsl-urges-justice-ministers-support-for-penal-code-reform-decriminalising-same-sex-conduct-in-line-with-supreme-court-determination/>; see HRCSL (Aug. 15, 2024), HRC/P/I/E/15/08/24.

²² *Id.*

²³ *Violence Against Women*, WHO (Mar. 25, 2024), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

shelters are needed since women are now asked to leave within 14 days. Some women, such as those who are pregnant due to rape, may need shelter until the baby is adopted.

Especially in Sri Lanka's North and East, civil society state surveillance and intimidation derail responses to victims' needs, including victims of DV.

Suggested Recommendations

- Take measures to increase the number of shelters for domestic and sexual violence victims in all regions of Sri Lanka.
- Ensure that SGBV victims of all genders have free and fair access to culturally appropriate, unbiased, effective, and immediate resources to address the crimes committed against them, including the removal of mandated mediation.
- Streamline data collection on SGBV and ensure that law enforcement produces accurate data.
- Take measures to inform victims of their options for reporting abuse and accessing professional resources.

Female Genital Mutilation (FGM)

A 2024 WAN study conducted across nine districts in Sri Lanka (with a significant Muslim population) and a sample of 800 participants indicates that FGM is prevalent within the Muslim community, and the practice is growing. Almost 70% of the interviewees reported that FGM is considered a religious requirement to mark newborn girls as Muslims. This issue is further complicated by the medicalization of FGM, with procedures carried out in private medical clinics, despite a Health Ministry circular banning its performance in government hospitals.

FGM in Sri Lanka falls within the World Health Organization (WHO) classification Type 1, which refers to the partial or total removal of the clitoral glans and/or the prepuce or clitoral hood, and Type 4, which includes all other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping, and cauterizing the genital area.²⁴ A majority of those affected appear to have experienced the Type 4 form of FGM of a nick, scrape, pinch, or slight cut to the clitoris or thereabouts. Victims of this practice are newborn girls, or girls at seven days, nine days, 15 days, or 40 days after birth. Consequently, victims have no memory of the procedure.²⁵

The practice is institutionally promoted by several Muslim political and religious collectives.²⁶ In the case of the Dawoodi Bohra community, it is believed to be mandated by their leadership. In

²⁴ Ibrahim, Zainab & Tegal, Ermiza, *Towards understanding female genital cutting in Sri Lanka*, Family Planning Association of Sri Lanka (Dec. 2019) at 6, https://www.fpasrilanka.org/sites/default/files/2023-11/towards_understanding_female_genital_cutting_in_sri_lanka.pdf.

²⁵ *Id.*

²⁶ In 2018, these groups demanded the withdrawal of a Parliamentary circular preventing medical professionals carrying out FGM (<http://www.dailymirror.lk/article/Muslim-groups-call-for-female-circumcision-to-be-medicalised-155186.html>) and the Centre for Islamic Studies criticized the Health Ministry's denunciation of FGM and prohibition of doctors from any involvement in the practice (Banerji, Annie, *Sri Lankan Islamic center*

response to women complaining about the practice, these groups advocated medicalization as opposed to a ban. At the level closest to the practice, FGM is protected, promoted, and carried out mainly by women in the communities. Most often, mothers, grandmothers, and mothers-in-law have been described as insisting on the practice being continued. In turn, the close involvement of family and community members links to low reporting and accountability. The practice is carried out by “Ostha Mamis,” medically untrained female traditional practitioners, many of whom are elderly.²⁷

Many justifications are given by those who promote or practice this form of violence. The reasons appear to be, broadly, that it is required by religion, it is necessary to continue tradition, it is perceived as necessary for health reasons (for cleanliness, to prevent infection, or to make childbirth easier), or to control women’s sexual desire and conduct, i.e. to prevent girls being promiscuous, prevent women from being unfaithful to their partners, or to control excessive emotions.²⁸ Reasons vary and are often contradictory and based on medically inaccurate information.²⁹ Those advocating against the practice appear to be motivated by memories of the experience and concerns for the safety and well-being of girls and women.³⁰

Suggested Recommendations

- Systematically document and report FGM as a hidden threat to children’s and women’s health.
- Develop localized guidelines for healthcare professionals to identify and address FGM sensitively.
- Raise science-based awareness on FGM prevalence and risks at community, policymaker, and medical levels.
- Strengthen community healthcare providers' capacity, especially nurses and midwives, to raise awareness and support FGM victims.

Sexual Bribery

We welcome the 2023 amendment of the Bribery Act (LoI ¶19(b)) and ask that the Committee clarify actions to ensure women can make complaints and secure relief for violations.

Suggested Recommendations

- Implement clear, confidential, and accessible complaint procedures to allow victims of sexual bribery meaningful relief.

condemns ban on female circumcision as 'affront', Reuters, July 12th, 2018, <https://www.reuters.com/article/us-sri-lanka-women-fgm-idUSKBN1K12OZ>).

²⁷ Ibrahim & Tegal, *supra*, n.24.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

Human Trafficking

Trafficking inside Sri Lanka is increasingly prevalent due to hardships exacerbated by COVID-19 and the economic crisis. Traffickers recruit women and girls from rural areas into urban centers where they are forced to engage in sex or other forms of labour in private homes, salons, spas, or hotels and in the commercial sex industry. Traffickers exploit children, forcing them to work in hotels, on beaches, or in festivals, particularly in coastal regions of the country. Child domestic workers are often sexually, physically, and psychologically abused.

The well-established Middle Eastern Kafala system, which obligates workers and their legal residency to contractual relationships with their employer, capitalizes on trafficked labour.³¹ There has also been an increase in Sri Lankans being trafficked from the United Arab Emirates (UAE) to “cybercrime camps” in Myanmar after being recruited to the UAE; in October 2024, the PM requested the Thai government’s assistance in rescuing Sri Lankans from the camps.³²

An example of the lack of support for those abroad can be found in the 2024 case of Sri Lankan workers in Lebanon. After the bombing in October, 7,600 mostly female garment factory workers were left to find shelter and care without aid from their home country.³³ At least one Sri Lankan national was injured. Many of the workers, whose residency is tied to their employers, have nowhere to live. Employers have sometimes fled the country, leaving the workers stranded and homeless.

Many Sri Lankans have been trafficked and detained while traveling illegally in boats to India and Australia. Since May 2022, the Sri Lankan Navy has intercepted at least ten such boats. According to the Department of Immigration and Emigration, labour migration to countries in the Gulf and Middle East has increased; most trafficked to Middle Eastern countries are female domestic workers.

In late 2022, a group of Sri Lankan women who had traveled (on tourist visas) to the UAE were trafficked into the sex trade in Oman and sold for 1-2.5 million rupees. The trafficker’s link was intercepted and the Government recalled a diplomat from Sri Lanka’s consulate in Oman. Women’s groups have been told the officer’s diplomatic passport was rescinded and that CID filed charges. No other information was available.

The trapped women were repatriated, but no compensation has been paid for their abuse. The traffickers were also accused of discouraging women from returning to Sri Lanka unless they paid millions for overstaying. The shelters these women were kept in Oman were overcrowded and they

³¹ Amnesty International, *End Kafala: Justice for Migrant Domestic Workers in Lebanon* (Apr. 24, 2019), <https://www.amnesty.org/en/latest/campaigns/2019/04/lebanon-migrant-domestic-workers-their-house-is-our-prison/>

³² Sulochana Ramiah Mohan, *Sri Lankans trafficked to Myanmar cyber camps from UAE on the rise*, Ceylon Today (Nov. 12, 2024), <https://ceylontoday.lk/2024/11/12/sri-lankans-trafficked-to-myanmar-cyber-camps-from-uae-on-the-rise/>.

³³ Mimi Alphonsus, *Dozens of Sri Lankan workers seek shelter from Lebanon bombings*, The Sunday Times (Oct. 6, 2024), <https://www.sundaytimes.lk/241006/news/dozens-of-sri-lankan-workers-seek-shelter-from-lebanon-bombings-573382.html>.

were abused there, too. On August 10, 2022, WAN filed a complaint with the HRCSL about a young woman mistreated by a Sri Lankan embassy official in Oman who demanded sexual bribery for her return home.

Throughout 2024, foreign ministry officials reported that about 500 Sri Lankan men, including veterans, have been lured to Russia under false pretenses and pressed into Russian military service on the front lines in Ukraine.³⁴ In one instance, four women wrote to the Russian Embassy in Colombo on 2nd December 2024 on behalf of their sons and husband who had been trafficked to Russia to fight.³⁵ These men's families each paid about six million rupees to an agent who promised to transport the men into Western Europe.³⁶ Instead, the men were taken to Russia and forced to sign a Russian-language contract and undergo fifteen days of training before being deployed to Ukraine's front lines.³⁷ Some are now dead; others are missing or injured.

The GoSL has been unsuccessful in repatriating them irrespective of families' pleas, asserting that the situation is complex because many of these men voluntarily went to Russia to obtain Russian citizenship and good pay.

There are also significant barriers to accessing support services for victims of human trafficking. For example, victims are required to obtain a magistrate's order to receive services from shelters, which involves seeking law enforcement assistance. Law enforcement lacks a comprehensive understanding of human trafficking and proper training on how to prove the requisite elements of trafficking. The requirement that victim-witnesses travel to courts prevents poor victims in Sri Lanka and abroad from pursuing legal remedies.

Suggested Recommendations

- Take steps to eliminate the requirement that victims of human trafficking must obtain a magistrate's order to access resources.
- Take steps to rescue trafficked victims, including moving the anti-trafficking unit from the Ministry of Defence to the civil administration (noting that the Ministry is composed of military men, and some of the senior military officers are alleged to be trafficking men to Russia).
- Take measures to establish shelters available to both female and male victims of human trafficking (noting the need for separate shelters and the larger number of women victims), especially in the Middle East.
- Take urgent action to establish strong bilateral agreements with countries receiving women migrants to protect their human rights, including labour protections.

³⁴ Janak Raj Sapkota, *Russia's use of South Asian fighters in the Ukraine war*, Friedrich Naumann Fdn. (Aug. 19, 2024), <https://www.freiheit.org/south-asia/russias-use-south-asian-fighters-ukraine-war>.

³⁵ Letter of Feb. 12, 2024, *Requesting for an Urgent Action to Rescue Forcefully Recruited Sri Lankan Tamil Men*, on file with authors.

³⁶ *Id.*

³⁷ *Id.*

Impunity and Lack of Access to Justice

The Government has continually failed to adequately investigate and hold perpetrators accountable for GBV, human trafficking-related violence, violence against members of the LGBTQI+ community, and enforced disappearances. Lengthy, drawn-out judicial processes and delays in court proceedings often intimidate or dissuade victims from pursuing justice. Many women remain unaware of their rights, whether relevant laws apply to their circumstances, and/or how to access counseling, support, and legal services.

The 2024 OHCHR report details delay and structural issues with transitional justice mechanisms - the lack of a judicial mechanism, the limitations in other mechanisms, the lack of legal accountability, and the failure to address the fates of the disappeared.³⁸ Almost all SGBV crimes committed by soldiers during Sri Lanka's civil war have yet to be prosecuted. Tamil women especially have not achieved justice for the wartime crimes committed against them and their family members.

Accountability for public officials who have committed acts of sexual bribery is lacking. Often, officials are only transferred to a different department as punishment for their actions.

Survivors of SGBV also face many barriers to accessing justice including the lack of money for a lawyer and the often lengthy and cumbersome process of gathering evidence. These barriers cause many women to abandon their cases. Court backlogs, lack of victim and witness protection, and lengthy judicial processes also deter women from seeking formal redress. Social stigma, victim-blaming, and continued economic dependence on male perpetrators prevent victims from seeking help or accessing legal remedies.

Suggested Recommendations

- Take steps to collect information and annually publish updated statistics on domestic violence and human trafficking cases disaggregated by sex, ethnicity, sexual orientation, gender identity, age, and socio-economic status.
- Prosecute all known cases of sexual violence and sexual bribery including by law enforcement and military officials.
- Increase access to formal justice mechanisms for survivors of gender-based violence.
- Take steps to ensure that access to justice includes adequate, affordable, and culturally appropriate legal counsel, access to gender-sensitive complaint mechanisms, and fair, timely remedies.

Migrant Women

Enforcement gaps and limited support systems leave women vulnerable to exploitation and inadequate healthcare, while the lack of female leadership in key institutions like the Sri Lanka Foreign Employment Bureau (SLFEB) hampers progress on addressing gender-specific issues.

³⁸ OHCHR (Aug. 2024), A/HRC/19, ¶¶36-59.

Migrant workers do not receive social payments, education or welfare benefits from the Sri Lankan government.³⁹ Sri Lanka's universal healthcare system excludes non-citizens, such as refugees and migrants, from full access to social services.⁴⁰ This exclusion—combined with the 2024 closure of the UNHCR office and the lack of formal asylum processes—leaves refugees and asylum seekers, particularly women, highly vulnerable.⁴¹ Without access to social payments or welfare benefits, these groups are forced to rely on international aid or private means for critical medical care.⁴² Many depend on ad hoc arrangements or international organizations, which often have limited capacity, further diminishing access to essential services like education and healthcare.⁴³

Sri Lankan female migrant workers face significant challenges in healthcare access and overall protections, both abroad and upon returning home. Many operate under informal contracts that deny them legal protections, including access to healthcare, and expose them to exploitation, abuse, and unsafe working conditions.⁴⁴ Even under bilateral labour agreements with host countries, enforcement is inconsistent, and promised healthcare provisions are often not delivered.⁴⁵ Employers frequently neglect obligations to provide medical care, forcing women to bear the financial burden of treatment or forgo care altogether.⁴⁶ While mandatory insurance schemes exist in some cases, their coverage is often insufficient, and financial and legal support for abused or exploited women remains inadequate.⁴⁷

The systemic failure of Sri Lankan institutions to protect and provide compensation for female migrant workers is highlighted by cases like that of Kali Amma in Oman, where abuse and neglect were dismissed by authorities.⁴⁸ The absence of women in leadership roles within the SLFEB exacerbates these challenges.⁴⁹

³⁹ ILO, *The care economy and decent work in Sri Lanka: Opportunities, challenges and future trends* (Apr. 1, 2024) at 61. <https://www.ilo.org/publications/care-economy-and-decent-work-sri-lanka-opportunities-challenges-and-future>

⁴⁰ Thulasi Muttulingam, *Refugees in Sri Lanka: Old and New Challenges*, Groundviews (Jun. 20, 2021), <https://groundviews.org/2021/06/20/refugees-in-sri-lanka-old-and-new-challenges/>.

⁴¹ Ruki Fernando, *Sri Lanka Falls Short in its Responsibilities Towards Refugees and Asylum Seekers*, Groundviews (Jun. 20, 2024), <https://groundviews.org/2024/06/20/sri-lanka-falls-short-in-its-responsibilities-towards-refugees-and-asylum-seekers>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Cntr. Migration Rsch & Dev., *Bilateral Labour Agreements Between Sri Lanka and Other Jurisdictions: A Critical Legal Analysis* (2023), https://www.cmr.lk/en/publications/reports/Bilateral_Labour_Agreements_Between_Sri%20Lanka_and_Other_Jurisdictions_A_Critical_Legal_Analysis_CMRD.pdf.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Kali Amma Goes to Court to Demand Justice for Domestic Workers Who are Oppressed in the Middle East*, Mawrata News (Jun. 8, 2023), <https://mawratanews.lk/news/kali-amma-goes-to-court-to-demand-justice-for-domestic-workers-who-are-oppressed-in-the-middle-east-i-sri-lanka-latest-news/>.

⁴⁹ *New Board of Directors*, SLFEA (2024), <https://slfea.lk/new-board-of-directors>.

Sri Lanka's reliance on remittances from female workers, especially in the care sector, further impacts women.⁵⁰ This economic dependency discourages investment in domestic care services, leaving women at home disproportionately affected by the lack of resources and support.⁵¹

In October 2024, investigations were initiated into widespread allegations of fraud and corruption within the SLFEB.⁵² These allegations implicated members associated with the previous government and the irregularities in processes related to domestic workers embarking on overseas employment for the first time.⁵³ Reports suggested that these workers, many of whom sought opportunities in Gulf Cooperation Council countries, faced exploitation due to dubious recruitment practices facilitated by the Bureau's leadership even before leaving Sri Lanka.⁵⁴

Suggested Recommendations

- Take actions to protect refugee women and children through asylum processes and ensure UNHCR its full mandate.
- Investigate and address gender bias within institutions like the SLFEB.
- Ensure the SLFEB board has over 50% women and includes migrant returnee women.
- Strengthen the enforcement of bilateral labour agreements to ensure women have access to healthcare and safe working conditions.

Participation in Political and Public Life

While there is a 25% quota for women at the local level, women's meaningful participation in politics is hindered by the lack of resources and support from political parties, and harassment. An investigation by WAN and MWDF into online attacks against women politicians and public figures during the 2024 Parliamentary Elections reveals a rise in such attacks and the Election Commission's and other monitoring bodies' failure to act. Women activists working on family law reforms, particularly the MMDA, face online backlash from diaspora and organized networks, framing them as traitors and increasing their vulnerability to physical attacks. This undermines their grassroots work and connections with survivors. Additionally, before the 2024 elections, women's rights groups were targeted online, including the leak of sensitive funding information, and women politicians supporting family law reforms faced attempts to disrupt the reform process. Following Dr. Harini Amarasuriya's appointment as PM, criticism from fellow politicians rooted

⁵⁰ *Sri Lanka: Remittances Percent of GDP*, Global Economy (2023), https://www.theglobaleconomy.com/Sri-Lanka/remittances_percent_GDP; IOM Sri Lanka, *IOM Sri Lanka Country Strategy 2021-2022*, https://srilanka.iom.int/sites/g/files/tmzbd11601/files/documents/iom-sl-country-strategy_2021-and-2022_2.pdf.

⁵¹ *Id.*

⁵² *Minister Launches Investigations into Alleged Fraud and Corruption at Foreign Employment Bureau*, *Mawrata News* (Oct. 13, 2024), <https://mawratanews.lk/politics/minister-launches-investigations-into-alleged-fraud-and-corruption-at-foreign-employment-bureau/>.

⁵³ *Id.*

⁵⁴ *Id.*

in societal biases⁵⁵ accused her of not adhering to "Sri Lankan principles," citing her unmarried status and lack of children as supposed shortcomings.⁵⁶

In all these cases, social media companies such as Meta have not taken down the harmful content because, 1) there is weak support provided to local content moderators and 2) claims about the high threshold for content to be categorised as 'political' according to the platform's community standards. This lack of content moderation affects local women running for the first time, and established women politicians. Despite the grave harms caused to their personal and political lives, women are failed by local processes that aren't equipped to handle these cases such as the Computer CID and the SL Computer Emergency Readiness Team, and content moderation policies by large social media companies such as Meta.

Suggested Recommendations

- Take steps to stop the harassment of women's groups, especially those that work on access to justice, accountability and law reform.
- Take steps to protect Muslim women's rights activists who are at the forefront of legal reform from attacks and humiliation, especially from their own communities' anti-reform groups.
- Take steps to strengthen regulation of private companies to prevent online harassment.
- Ensure women are given over 50% nominations in upcoming local and provincial elections.
- Amend the Elections Act to grant the Election Commission the mandate to promote women's political participation and monitor and act on gender-based attacks.
- Fully implement the National Action Plan on Women, Peace and Security (2023-2027) - especially increasing the number of women in public office.

Access to Education and Freedom of Religious Belief (FoRB) of Girls Belonging to Minority Groups

Women and girls belonging to minority groups require respect for their religious beliefs in order to access a full education similar to that of other religions and ethnicities.

In 2024, 70 visibly female Muslim students took their Advanced Level examinations, but their results were withheld. The Department of Examinations alleged that the candidates violated examination rules by covering their ears during the exam.⁵⁷ Statements provided by the students claim that they had adhered to examination rules by wearing hijabs showing their ears.

This level of control and policing over attire prevents girls from minority groups from practicing their religion or belief as per Article 14(1) of the Constitution and thereby limits participation in their own education, exacerbating stereotypes about the engagement of minority girls and women in education.

⁵⁵ Geethika Dharmasinghe, *Dilith's World, Where Harini is not a Lankan Woman*, Daily News (Oct. 1, 2024), <https://www.dailynews.lk/2024/10/01/featured/640593/diliths-world-where-harini-is-not-a-lankan-woman/>.

⁵⁶ *Id.*

⁵⁷ HRCSL (Jul. 11, 2024), HRC/P/I/E/11/07/24.

Suggested Recommendations

- Enforce the Constitution's Article 14(1) to grant girls from minority groups equal education.
- Ensure that girls' access to education is articulated alongside their freedoms of religious beliefs, to allow them to practice their religion or belief without exception.

Employment

Sri Lanka does not have a specific law to address sexual harassment at work and consecutive governments have discussed ratifying and implementing International Labour Organization Conventions C189 and C190 (C189–90). Ratification needs to be expedited.

PM Amarasuriya has noted that “A large chunk of unremunerated work done by women...is not included in...statistics.... 60% of [unremunerated] care-giving work...is done by women. It is while doing these tasks and in addition to it that they also engage in economic activities...women work at least 14 hours a day. Men work only 9 hours.”⁵⁸ While an MP, now-PM Amarasuriya noted that participation in unpaid care work makes women more vulnerable to higher rates of inflation, weakened social protection systems and exploitative work conditions.⁵⁹ Amarasuriya emphasized that while taking care of family and community members is important for society, it should not be seen as only a woman's responsibility.⁶⁰

The Standup Movement⁶¹ Executive Director has noted the shift into care work by free trade zone workers (predominantly women) due to the COVID-19 pandemic and the economic crisis. 50% of formal government factory workers lost their jobs but need to remain in the free trade zones to get seasonal work, such as care and domestic work. Manpower agencies hire these women on a daily basis and deploy them in homes for domestic work or to provide care for elderly and sick persons in their homes, in hospitals, disabled care centers, and mental health facilities. There is no contract between the caregiver directly with the employer. Instead, the manpower agencies take the payment directly. In some cases, women are pressured to take up work in informal and unsafe settings through manpower agencies that are not required to provide safe working conditions. The caregivers are not paid minimum wage or social security assured to other workers in the country. Even if there is abuse while doing this care work, these women cannot complain.

Due to the high number of manpower agencies' presence in free trade zones, up-country tea-plucking women and women who lost their jobs in the agricultural sector are coming to these free trade zones to find jobs and are forced into unprotected, poorly paid care work. This also induces

⁵⁸ Fact Check by Verite Research, *MP Amarasuriya: Women are contributing more but counted less in the labour force* (Aug. 17, 2023), <https://factcheck.lk/factcheck/mp-amarasuriya-women-are-contributing-more-but-counted-less-in-the-labour-force/>.

⁵⁹ Harini Amarasuriya, *Keynote address delivered by MP Dr. Harini Amarasuriya - Regional Conference on UCW*, Women and Media Collective (Oct. 25, 2022), <https://womenandmedia.org/keynote-address-delivered-by-mp-dr-harini-amarasuriya-ucw-regional-conference/>.

⁶⁰ Pujanee Galappaththi, *Unpaid caretakers: The forgotten woman?*, The Morning (Oct. 18, 2020), <https://www.themorning.lk/articles/101503>.

⁶¹ Standup Movement Lanka, Facebook, <https://www.facebook.com/StandUpMovementLK/>.

more women to go to Middle Eastern countries to provide care work through these manpower agencies as undocumented or trafficked workers.

The Government perpetuates these conditions by not properly tracking the evolution of women in the informal sector, especially regarding unpaid care work.

Suggested Recommendations

- Ratify and implement C189–90 to prevent gender-based violence and sexual harassment in the workplace and recognize and legalize domestic work.
- Protect the right to participate in and lead trade unions and protect workers against discrimination.

Militarization of Land

The situation of the Muslim internally displaced persons (IDPs) who were forcibly evicted from Sri Lanka's Northern Province in 1990 by the LTTE is a persistent and underreported issue, even 15 years after the end of the civil war. Their exclusion from the official IDP databases exacerbates their struggles to return to their homes and rebuild their lives.

Women and girls face specific problems when they try to return, often after losing their male family members. They are not able to trace their ownership documents (sometimes deliberately destroyed) and locate their property and are unable to file legal cases to access their property. There is also a lack of response from government officers to help this population return to their own villages since the return of the northern Muslims is heavily politicized.

Women-headed households in these communities are most vulnerable and some of them have given up hope of returning. Correcting this oversight is crucial not only for ensuring that the returning community's needs are addressed but also for ensuring women and girls of this community are treated with dignity after being displaced for decades. A comprehensive, inclusive approach to IDP data and policy, one that explicitly includes the Muslim community with a gendered approach, is necessary to secure their rights and pave the way for just and lasting solutions in the post-war context.

The Muslim Women's Development Trust ongoing IDPs project has found that disputes remain between the hosts and IDP community regarding land, occupation, receiving government jobs, and medical facilities. In one particular case of the Karamba Division in Puttalam District (where they have been resettled), the land is still owned by the government. Hence women entrepreneurs are unable to register their small businesses, impacting their income and livelihoods.

Suggested Recommendations

- Create and enforce displaced women's access to land and other natural resources to enhance their livelihoods.
- Resettle war-impacted IDPs to their land, especially northern Muslims who are not included in the Governmental IDP database.

Health

Women and girls in Sri Lanka face multiple healthcare challenges exacerbated by systemic inequalities, legal discrimination, and socio-economic factors. Despite relatively positive reproductive health indicators, such as low maternal mortality and high life expectancy, overall health outcomes for women are poor.⁶²

Legal and cultural barriers, including discriminatory laws around marriage, land ownership, and abortion, limit women's autonomy and contribute to their health struggles. High rates of GBV are discussed above.

Recent crises (COVID and economic) and significant medical sector corruption have produced an overall lack of access to free healthcare services, and women are acutely affected.⁶³ Child marriage and adolescent pregnancies limit girls' development, especially in the context of the ongoing economic crisis, which has led to early marriages due to financial hardship.⁶⁴

Nutritional deficiencies, particularly anemia and undernutrition, are widespread among women, with socio-cultural biases causing women's health needs to be deprioritized in households.⁶⁵ The economic crisis has worsened food insecurity, impacting pregnant and breastfeeding women the most.⁶⁶ Poor healthcare infrastructure, particularly in maternity wards and well-women clinics, further hinders women's access to essential health services, such as cancer screenings and reproductive health care.⁶⁷

Moreover, menstrual health issues, including poor hygiene and period poverty, are significant concerns.⁶⁸ Cultural taboos prevent many women from seeking care for conditions like endometriosis and polycystic ovary syndrome.⁶⁹ Impacted by economic crises, women's healthcare needs are not adequately met, and the lack of accessible services contributes to their deteriorating health.

⁶² *Protecting Sri Lanka's Health Care System*, Hashtag Generation (Apr. 7, 2024), <https://hashtaggeneration.org/protecting-sri-lankas-health-care-system/>.

⁶³ *Id.*

⁶⁴ Girls Not Brides (last accessed Jan. 4, 2025), <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/sri-lanka/>.

⁶⁵ *Foregoing Meals to Make-Do. The Impact of Sri Lanka's Economic Crisis On Maternal Nutrition*, Amnesty International (Jul. 2023), 9, <https://www.amnesty.org/en/wp-content/uploads/2023/07/ASA3768722023ENGLISH.pdf>.

⁶⁶ *Id.* at 12.

⁶⁷ *Id.* at 6.

⁶⁸ *Menstrual Health in Sri Lanka: A timeline*, UNFPA (last accessed Jan. 4, 2025), <https://srilanka.unfpa.org/en/publications/menstrual-health-sri-lanka-timeline>.

⁶⁹ Lakna Paranamanna, *Breaking Taboos and Empowering Communities*, UNICEF (Jun. 3, 2024), <https://www.unicef.org/srilanka/stories/breaking-taboos-and-empowering-communities>.

Suggested Recommendations

- Reform laws and policies to ensure women's autonomy and access to comprehensive healthcare, with stronger protections against GBV.
- Improve healthcare access, especially for rural women, and address nutritional and menstrual health issues, while supporting girls to prevent child marriage and teen pregnancies.