

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN**

66th Session (13 February–3 March 2017)



SRI LANKA

Women Living with Disabilities

Report submitted by:

International Centre for Ethnic Studies

No. 2, Kynsey Terrace, Colombo 8

Sri Lanka

www.ices.lk

This report may be posted on the CEDAW website

January 2017

International Centre for Ethnic Studies

For 34 years, the International Centre for Ethnic Studies (ICES) has contributed to the world of ideas and has informed policy and practice through research, dialogue, the creative arts and other interventions. The ICES vision is contained in a desire for a world that celebrates diversity in all its multiple shades. The mission of ICES is to deepen the understanding of ethnicity, identity politics, conflict and gender, and to foster conditions for an inclusive, just and peaceful society nationally, regionally and globally, through research, publication, dialogue, creative expression and knowledge transfer.

The ICES has been an important player in the areas of reconciliation, justice, gender, social inclusion and human rights and has been particularly influential in shaping policy and public imagination on issues of gender equality, ethnic diversity and constitutional reform in Sri Lanka. The institution has contributed to the development and promotion of minority and group rights and has previously worked closely with the United Nations' Special Rapporteurs, the several Working Groups and with the Treaty Bodies.

In the past, ICES maintained a 'special category' consultative status with the United Nations ECOSOC and served as the Secretariat to former UN Special Rapporteur on Violence against Women and former Director of ICES, Radhika Coomaraswamy. In recent years ICES has carved a niche for itself as a centre for the study and promotion of diversity within a framework of democracy and human rights.

The ICES has played three broad roles: one of research, the other of policy advocacy and a third of providing space for dialogue. It has also used the creative arts to ignite the public imagination and promote truth, beauty and diversity.

Background

The General Recommendations of the CEDAW Committee note that the reports of State parties '**provide scarce information on disabled women**'.¹ As a response to this, ICES has prepared this report to highlight some key issues relating to the rights of girls and women with disabilities.

The World Report on Disability (2011) estimated that more than one billion people in the world live with a disability. In Sri Lanka, the UNESCAP estimated in 2006 that 7% of the total population lived with some form of disability. The Sri Lankan Ministry of Health stated in 2014 that the number of people with disabilities is likely to increase to 24.4% by 2040.² The Sri Lankan survey on National Blindness, Visual Impairment, Ocular Morbidity and Disability (2014) reports that the prevalence of disability is 'significantly higher in females than in males' (especially among lower socio-economic strata and in rural districts), while there were no reported differences by ethnicity. In February 2016, the Sri Lankan Government acceded to the United National Convention on the Rights of Persons with Disabilities (UNCRPD). Paragraph (d) of the preamble of the Convention includes and reaffirms rights upheld by the Universal Declaration of Human Rights (UDHR) and other UN Conventions such as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on All Forms of Discrimination Against Women (CEDAW).

¹ http://www.globaldisabilityrightsnow.org/sites/default/files/related-files/286/General_Recommendation_No_18_Disabled_Women_English.pdf

² <http://newsfirst.lk/english/2014/02/disabled-persons-sri-lanka-will-increase-upto-24-2-2040/21877>

Article 6 of the Convention highlights the responsibility of state parties to recognize that girls and women with disabilities experience multiple layers of discrimination and therefore those countries that ratify the CRPD have an obligation to protect, promote and realize the rights of women with disabilities. While the CEDAW does not explicitly address the rights of women with disabilities, General Recommendation 18 of the CEDAW Committee requires state parties to provide information on the status of women with disabilities, in their periodic reports. Paragraph (q) of the preamble in the CRPD recognizes that women with disabilities are 'at greater risk, both within and outside of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation'. In the context of the government of Sri Lanka's periodic submission to the CEDAW, and the government's new responsibility to uphold the CRPD, this report attempts to highlight the status of the rights of women with disabilities derived from our ongoing preliminary research in two districts in Sri Lanka: Killinochchi and Kandy.

ICES – Disability Research and Advocacy

Since 2013, ICES has engaged in advocacy on the rights of persons with disabilities. The ICES has hosted a series of discussions on the draft disability law; the voting rights of disabled persons; disability and reconciliation; and disability and constitutional reform. In 2016, ICES presented a submission to the Consultation Task Force (CTF) on Reconciliation Mechanisms highlighting the need **for 'disability inclusive' reconciliation and transitional justice processes and mechanisms**. In 2016 ICES participated in drafting the National Action Plan on Human Rights.

In November 2015, ICES partnered with Handicap International and the Women's Development Centre in Kandy, to identify socio-political and economic barriers faced by women with disabilities. The research focuses on women with disabilities in two districts: Killinochchi in the Northern Province (which was directly affected by the war), and Kandy in the Central Province, which was indirectly impacted by war and shows a prevalence of Sinhala-Buddhist radical ideologies. The research attempts to understand if women with disabilities have been consulted and included in the post-war rebuilding and development planning efforts and have had opportunities to engage in reconciliation processes and related dialogues and debates in the country. The research aims to understand if efforts at restoring economic and social stability after the war has included women with disabilities.

The study is a qualitative research and uses three schedules of semi-structured questionnaires to interview key informants/experts (KII/EI) consisting of government and non-governmental stakeholders; focus group discussions (FGD) with community based groups and organizations (including disabled peoples organizations); and in-depth interviews with women with disabilities.

This report is based on the data so far gathered from 15 focus group discussions with community-based women's groups, village rural development organizations, and 10 key informant interviews, (6 from Kandy, 3 from Killinochchi and 1 at the national level). This report also draws on the outcomes of the advocacy meetings conducted by ICES since 2013.

While the research continues, we have derived information that highlights rights violations faced by women with disabilities at social, economic and political levels. The ICES hopes that the CEDAW Committee will consider these matters in making its observations on the state party report.

Issues:

1. Non-Representation at National Decision Making Forum

Prevailing gender policies³ and legislation⁴ are not disability inclusive while disability policies are weak in being women inclusive and gender sensitive. While Sri Lanka's disability law of 1996⁵ predates the coming into force of the CRPD, the law set out to establish a decision making consultative committee at the national level. This committee – **National Council on Persons with Disabilities (NCPD)** – was mandated to advise the Minister of Social Services on determining ongoing welfare programs earmarked for persons. NGO members to this committee are appointed by the President on the recommendation of the Minister of Social Welfare and Services. There are currently, **no women with disabilities at the decision-making level of the NCPD**. This does not provide an opportunity for women with disabilities to directly influence disability policy. During an interview with a visually impaired woman in Kandy (who was also an office bearer in the district's blind council) she observed that disability policies and practices are not sensitive to women "it is those experiencing the disability who actually understands the pain and difficulty and not the outsider".

2. Barriers to Formal Education

The level of education among women with disabilities is significantly lower compared to men with disabilities according to the 2001 census (p 5).⁶ Only two women with visual impairment in Kandy and one woman with an amputated leg (war affected) in Killinochchi had been able to study up to Grade Twelve at the Advanced Level. However, none of them were able to pass through the Advanced level examination. Other women with disabilities interviewed had been able to access formal education up to grade 5 and then were forced to drop out due to discrimination in the classroom, absence of trained teachers and ineffective methods of teaching. In Kandy one woman respondent who had become blind during childhood, had never been to school. In Killinochchi, most of the women's education had been discontinued due to the war and they are unable to continue their education due to economic dependency and mobility issues.

³ http://eugc.ac.lk/ge_eq/wp-content/uploads/2016/04/Womens_Charter-1.pdf

⁴ [http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/prevention%20of%20domestic%20violence%20act/sri%20lanka%20-%20prevention%20of%20domestic%20violence%20act%20\(2005\).pdf](http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/asia/prevention%20of%20domestic%20violence%20act/sri%20lanka%20-%20prevention%20of%20domestic%20violence%20act%20(2005).pdf)

⁵

http://www.hrcsl.lk/PFF/Library_Domestic_Laws/Legislations_related_to_Employment/Protection%20of%20the%20Rights%20of%20Persons%20with%20Disabilities%20Act%20No%2028%20of%201996.pdf

⁶ <http://www.statistics.gov.lk/PopHouSat/PDF/p8%20Disabled%20Chapter.pdf>

One type of discrimination feeds into and aggravates other deprivations faced by women with disabilities. And through the interviews it was evident that 90% of the women with disabilities we interviewed were of low economic standards due to limited or no opportunities to completing education and skills training.

3. Limited Economic Opportunities

In Killinochchi and Kandy, women with disabilities asked repeatedly for the setting up of industries that can provide them with secure wage employment: ‘what we need is employment and economic opportunities. Micro-credit programs cannot support our small industries and cottage based livelihood – because everyone is doing it here. All NGOs provide household based livelihood options where our markets are limited and so we fail after a few months. **“We need wage employment options based on our skills and on-the job training opportunities”.** ‘If women with disabilities are able to capture a market for a product or skill, they will not give it up. Seizing a market is essential’. The National Employment Policy of 2002 states that ‘the government will provide opportunities for the disabled’ to acquire skills and knowledge to make them eligible for employment. However, both government and NGO interventions have focused on **self-employment schemes.**⁷ The Ministry of Social Services together with NGOs, roll out conventional self-employment projects for women with disabilities with micro-credit schemes or start up grants being at the core of such interventions. A significant percentage of such interventions fail in improving the economic levels of women with disabilities because they are unable to compete with globalized market dynamics. Both in Killinochchi and Kandy, what was called for is livelihood assistance that ensures long term and sustainable income generation for women.

Of the interviewees only two women in Killinochchi were employed at a small audit company and photo studio while the other women with disabilities interviewed did not hold a routine and stable income generating activity. They were from poor and low-income categories but dependent on the income of other household members for their sustenance. One woman in Kandy is an entrepreneur and rents a small shop space where she services and repairs wrist watches, clocks and phones. One visually impaired respondent in Kandy claimed that she was receiving the pension scheme of her deceased father, while two women with disabilities claimed receiving the welfare subsidiary of 3000 LKR a month, from the Ministry of Social Empowerment. None of the interviewees in Killinochchi were receiving the government scheme of 3000 LKR, although they applied but are still wait-listed. One woman who was interested in starting up her small enterprise stated ‘because we have a disability, banks and leasing companies do not allow us access to loans, even when we reference a guarantor.’

⁷ http://staging.ilo.org/public/libdoc/ilo/2003/103B09_555_engl.pdf

4. Barriers in the built environment/infrastructure and transportation

All the women interviewed in both districts highlighted inadequate transportation facilities and barriers in the built environment as a key challenge. The women were not able to function independently and access services, livelihood opportunities mainly because government infrastructure did not adhere to accessibility standards⁸. All the women interviewed were from poor and low-income categories, and lived in rural villages in Kandy and Killinochchi and therefore were dependent on public transportation. All the women interviewed in Kandy said that they were dependent on a family member or a friend to accompany and assist them when using public transportation and this dependency limited their mobility and independence. In both districts, rural roads, the distance between houses and locations of public service infrastructure, including banks, religious places and community centres were significant and posed a challenge that deprived them from participating in public life freely.

5. Barriers to Independently Exercise Their Franchise

‘Of the estimated 14.5 million eligible voters, around 2 million are physically disabled persons.’⁹ Women with disabilities, especially wheelchair users, visually impaired persons and those with mobility disability reported facing barriers to accessing polling stations to cast their vote that are traditionally set up in public buildings such as schools, religious places, and community centres.

All the women with disabilities interviewed had exercised their vote at the recent two elections. However, of the women interviewed there were five women who were visually impaired and claimed that **their vote was marked by the ‘Presiding Officer’ at the polling booth because they are not able to read and mark the polling card.** ‘I enjoy going to the polling station on election day and casting my vote’ stated a woman with visual impairment in Kandy ‘and I go with my sister but at the polling box, I am alone and assisted by an officer who mark the polling card for me’. Women with mobility impairment who use wheelchairs and/or crutches claimed that while they were granted priority (not needing to remain in line) to enter the polling booth, the layout of the desks and seating of officials within polling booths, **hindered easy maneuvering of wheelchair and/or limited space to access the polling box with ease.** During the focus group discussions, women with disabilities suggested the introduction of postal voting, electronic/phone based voting and braille polling cards.

6. The Need for Customized and High Quality Assistive Devices

All the women interviewed noted that the assistive devices provided by the Ministry of Social Empowerment and Welfare is of poor quality or generic in design and the ‘one-size fits all’ approach was not sensitive to the degrees of disability experience by the women. **The women with disabilities interviewed had different degrees and types of disability.** They sought

⁸ http://www.hrcsl.lk/PFF/Library_Domestic_Laws/regulations/1467_15%20Disability%20Rights.%20E.pdf

⁹ http://www.sundaytimes.lk/100117/News/nws_73.html

assistive devices including prosthesis and orthoses, wheelchairs, crutches and white canes that take into account each individual's disability. In both districts, NGOs played a more significant role than the government in assisting women with disabilities for their rehabilitation, therapy needs and fitting them with customized assistive devices.

Key informants observed that while the Community Based Rehabilitation program implemented by the government (Ministry of Social Empowerment) identifies community members (including children) with disabilities and follows up on referrals with the Health Ministry for rehabilitation and fitting of assistive devices, there is a disconnect between the two sectors. There is need for coordination between representatives of the two Ministries and this point is discussed below.

7. The Need for a Multi-Sectoral Mechanism and An Independent Rights Monitoring Mechanism

Disability services and rights advancement should not be the responsibility of any one single Ministry or Department. The protection, promotion and realization of the rights of persons with disabilities, especially women with disabilities, requires coordination among several government entities. This **multi-sectoral approach has been recognized in the National Action Plan on Disability (NAPD)**. The NAPD was approved in parliament in 2014 and endeavors to address disability rights, and services through a collaborative process among several Ministries: Health, Education, Social Services, Justice, Labour and Foreign Affairs. However, this Action Plan has not been funded or implemented.

Drawing on the interviews with disabled women in the two districts, and the outcomes of several advocacy meetings with disabled persons and disability rights organizations, ICES suggests that the Government consider the following:

1. A **Coordination Mechanism located at the highest levels of government** that enables the Ministries of Women's Empowerment, Children, Health, Education, Social Services, Justice, Labour and Foreign Affairs to coordinate activities on the rights of disabled persons, including disabled girls and women.
2. The establishment of an **independent 'Disability Rights Commission'**, set up by statute, whose members are appointed by the President on the recommendation of the Constitutional Council (as set up by the Constitution of Sri Lanka), to protect, promote and realize the rights of disabled persons including disabled girls and women.

Recommendations to the CEDAW Committee

The Government of Sri Lanka establish by statute, an **independent 'Disability Rights Commission'**, to protect, promote and realize the rights of disabled persons including disabled girls and women.

The Government of Sri Lanka establish a **High-Level Coordination Mechanism** to enable the Ministries of Women's Empowerment, Children, Finance, Health, Education, Transport, Housing and Construction, Social Services, Justice, Labour and Foreign Affairs, to **coordinate their activities on the rights of disabled persons, including disabled girls and women.**

The Government of Sri Lanka draft a new law on the Rights of Persons with Disabilities, drawing on the values and rights contained in the CRPD, with the **full participation of persons with disabilities including women and young girls with disabilities.**

The Government of Sri Lanka provide **financial and other resources to implement the National Action Plan on Disability** and provide mechanisms for women and girls with disabilities to participate in its implementation.

The Government of Sri Lanka implement fully the 'Disabled Persons Accessibility Regulations No 1 of 2006' and **ensure that all public buildings are accessible to disabled women and girls.**

The Government of Sri Lanka take steps to ensure **10% of public transportation** be made accessible to persons with disabilities, including women and girls with disabilities.

The Government of Sri Lanka consult with the Elections Commissions to ensure that all **polling stations are accessible** and all processes related to the conduct of elections at the National, Provincial and Local level, **enable disabled persons, including disabled women, to exercise their franchise freely and independently.**

The Government of Sri Lanka facilitate the provision of **secure employment opportunities for disabled women.**

The Government of Sri Lanka ensure the provision of **high-quality and customized Assistive Devices to disabled girls and women.**