

## **Convention on the Rights of Persons with Disabilities**

**Report submitted by States parties under Article 35(1) of the Convention**

**Initial Report due in 2018**

**Sri Lanka**

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## **Abbreviations**

Children with Disabilities (CwD)  
Convention on the Rights of Persons with Disabilities (CRPD)  
Department of Census and Statistics (DCS)  
Department of Social Services (DSS)  
Government of Sri Lanka (GOSL)  
Human Rights Commission of Sri Lanka (HRCSL)  
Ministry of Education (MOE)  
Ministry of Health (MOH)  
Ministry of Social Welfare (M/SW)  
National Council on Persons with Disabilities (NCPD)  
National Institute of Mental Health (NIMH)  
National Secretariat on Persons with Disabilities (NSPD)  
Persons with Disabilities (PwD)  
Women with Disabilities (WwD)

## **Introduction**

1. Sri Lanka signed the International Convention on the Rights of Persons with Disabilities (CRPD) on 30<sup>th</sup> March 2007, and ratified same on 8<sup>th</sup> February 2016. Accordingly, the Convention entered into force for Sri Lanka on 9 March 2016.
2. The present initial report, submitted pursuant to Article 35(1) of the CRPD, provides a detailed account of the implementation of the CRPD in Sri Lanka. It focuses on the relevant policy, legal and institutional measures adopted by Sri Lanka as well as on their implementation. Sri Lanka considers the preparation of the present report as an opportunity to take stock of its policies and plan more effective measures to implement the CRPD in collaboration with the relevant stakeholders.
3. As a party to many international human rights instruments, Sri Lanka is committed to the promotion and protection of human rights. By ratifying the CRPD, Sri Lanka has demonstrated its deep commitment to building an inclusive and empathetic society founded on equality and justice.

### **I. Methodology and consultation process**

4. The report has been prepared based on the guidelines on periodic reporting to the Committee on the Rights of Persons with Disabilities (CRPD/C/2/3).
5. A committee with cross-sectoral representation was formed by the Ministry of Social Welfare (M/SW) to prepare the present report in consultation with a range of stakeholders. For this purpose extensive discussions were held with government institutions, including the National Council on Persons with Disabilities (NCPD), National Secretariat on Persons with Disabilities (NSPD) and independent stakeholders such as the Human Rights Commission of Sri Lanka (HRCSL) and civil society organisations and the general public.

### **II. Background**

6. As per the Department of Census and Statistics (DCS) report of 2017, the population of Sri Lanka as of 2016 stands at 21.203 million, indicating a population growth rate of 1.1% per annum.
7. The population living below the poverty line is approximately 4.1% (DCS, October 2017). Average per capita income is \$4065<sup>1</sup>. The Labour Force of Sri Lanka for the fourth quarter of 2018, stands at 8,477,854, with the population aged 15 or above (economically active population) standing at 35.4%. The employment to population ratio is 52.2 (per 100 persons) and unemployment is 4.6%. Unemployment is reported to be higher among the urban

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<sup>1</sup> source: World Bank, 2017 <http://www.worldbank.org/en/country/srilanka/overview>

population than the rural population. Female and male participation in the labour force is 34.3% and 73.2% respectively<sup>2</sup>.

8. Sri Lanka has always maintained a high rank in the UN Human Development Index - 76 (2018) due to its strong social welfare policies and programmes.

### III. Prevalence of disability in Sri Lanka

9. As of the last population census conducted in 2012, the number of persons with disabilities (PwD) in Sri Lanka constituted 8.7% of the population<sup>3</sup>. The Department of Census and Statistics during the Census of Population and Housing in 2012, have followed the recommendations by the Washington Group on Disability Statistics to identify 'difficulties' in order to obtain statistics related to disabilities.

10. The categorization of the census data pertaining to disabilities is as follows:

*Table 1: Population with Difficulties (5 years and above) – by the type & level of difficulty*

Type of Difficulty	Number of persons in difficulty	% to total Cases	Number of persons not possible at all	% to total Cases	Difficulty published in census	% to total Cases
Seeing	968,265	62.2	28,674	20.3	996,939	61.6
Hearing	354,871	22.8	34,206	24.2	389,077	24.0
Walking	662,200	42.6	72,013	51.0	734,213	45.4
Cognition	301,192	19.4	42,497	30.1	343,689	21.2
self-care	142,583	9.2	54,992	39.0	197,575	12.2
Communication	133,623	8.6	47,210	33.5	180,833	11.2
Total Cases	1,555,536		141,096		1,617,924	

*Note:* Number of persons in difficulty includes both having " some difficulty" and " a lot of difficulty"

*Source:* Census of Population & Housing 2012

#### *Population with Difficulties – by Sex:*

Male : 695,263  
Females : 922,661

<sup>2</sup> Department of Census and Statistics -

[http://www.statistics.gov.lk/samplesurvey/LFS\\_Q4\\_Bulletin\\_WEB\\_2018\\_final.pdf](http://www.statistics.gov.lk/samplesurvey/LFS_Q4_Bulletin_WEB_2018_final.pdf)

<sup>3</sup><https://www.ohchr.org/Documents/Issues/Disability/RightAccessJusticeArticle13/CSO/DisabilityOrganizationsJointFrontSrilanka.pdf>

*Table 2: Population with difficulties (5 years and above) – by ethnicity & level of difficulty*

Ethnicity	Number of persons in difficulty		Number of persons not possible at all		Difficulty published in census	
	Male	Female	Male	Female	Male	Female
Sinhalese	508,193	692,681	52,419	59,944	532,410	716,347
Sri Lanka Tamil	75,207	95,580	6,602	6,882	78,766	98,954
Indian Tamil	33,173	40,361	2,131	2,299	34,207	41,408
Sri Lanka Moor	43,861	58,494	4,706	5,285	46,372	61,073
Burgher	1,388	1,964	150	203	1,471	2,052
Malay	1,305	1,926	151	165	1,389	1,993
Sri Lanka Chetty	189	286	27	27	199	297
Bharatha	35	43	2	7	36	46
Other	382	468	44	52	413	491

*Note:* Number of persons in difficulty includes both having " some difficulty" and " a lot of difficulty"

*Source:* Census of Population & Housing 2012

*Table 3: Population with difficulties – by Province & level of difficulty:*

	Number of persons in difficulty		Number of persons not possible at all		Difficulty published in census	
	Male	Female	Male	Female	Male	Female
Western	161,789	230,592	18,291	21,782	170,945	239,867
Central	96,280	126,484	7,707	8,715	99,906	130,017
Southern	80,562	108,806	9,133	10,381	84,472	112,621
North	37,180	47,409	3,352	3,428	38,987	49,103
East	46,456	59,085	4,483	4,551	48,974	61,393
North western	80,557	115,288	8,536	10,316	84,392	119,187
North central	42,038	54,223	3,986	4,283	43,872	56,000
Uva	46,839	57,317	4,080	4,116	48,739	59,038
Sabaragamuwa	72,032	92,599	6,664	7,292	74,976	95,435

*Note:* Number of persons in difficulty includes both having " some difficulty" and " a lot of difficulty"

*Source:* Census of Population & Housing 2012

- The Sri Lankan survey (2014) on National Blindness, Visual Impairment, Ocular Mobility and Disability conducted by the Vision 2020 Secretariat of the MOH in collaboration with the International Centre for Eye Health Department of Clinical Research, Faculty of Infectious & Tropical Diseases and the London School of Hygiene & Tropical Medicine, reports that the prevalence of disability is 'significantly higher in females than in males' (especially among



lower socioeconomic strata and in rural districts), while there were no reported differences by ethnicity<sup>4</sup>.

12. In addition, the conflict which lasted almost three decades, left large numbers of, both, combatants and civilians, with injury and/or permanent disabilities. Data and services provided with regard to the personnel from the armed forces who have been permanently or partially disabled as a result of their active engagement in the conflict have not been captured in this report. The Ministry of Defence and the Ranaviru Seva Authority conduct various programmes in this regard. The former in fact employs personnel with disabilities, in various facilities of the Ministry at different levels. The Ranaviru Seva Authority is mandated to look into the welfare of the disabled personnel retired from service and the families of those who are permanently disabled and diseased.

#### **IV. GENERAL PROVISIONS OF THE CONVENTION**

##### **Articles 1 to 4 of the Convention**

13. The prevailing Protection of the Rights of Persons with Disabilities Act No. 28 of 1996, the key legislation on PwD in Sri Lanka, defines “person with disability” as,

*“any person who, as a result of any deficiency in his physical or mental capabilities, whether congenital or not, is unable by himself to ensure for himself, wholly or partly, the necessities of life”.*

14. This encompasses both medical and socio-economic aspects of disability. It is also in line with the classification of disability published by the World Health Organization<sup>5</sup> in that period.
15. The classification of types of disability used by the Ministry of Social Welfare (M/SW) for programme development encompasses people who have visual, speech, hearing, mobility, intellectual, and psychiatric disability and disability arising as a result of epilepsy and other causes. It also encompasses multiple disabilities, which is a combination of two or more of these various disabilities in a single individual<sup>6</sup>.
16. For the collection and analysis of data on PwDs, the DCS has used the term “Persons with Difficulties”, as may be noted in the previous section. In gathering data during the Census of Population & Housing of 2012 in the ‘Handbook of Enumerators’ published by the DCS has categorized disability under six(6) heads, namely, seeing, hearing, mobility, cognition, self-care, communication; which are then further categorized based on the degree of difficulty, i.e. having

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<sup>4</sup><file:///C:/Users/admin/Documents/Disability%20legislation/Related%20Documentation%20-%20Sri%20Lanka's%20position/ICES-Disability-Shadow-Shadow-Report-31-Jan-17-3.pdf>

<sup>5</sup> WHO: International Classification of Functioning, Disability and Health (ICF), WHO Geneva, 2001

<sup>6</sup> National Policy on Disability for Sri Lanka, published by the Ministry of Social Welfare in May 2003

difficulty, permanent difficulty. The official translation of the relevant Chapter of the said Handbook is attached as Annex A.

17. Even prior to the ratification of the CRPD, the GOSL has taken many steps to to protect and promote the rights of PwDs. There are several constitutional and legislative safeguards already in force to recognize and support people with disabilities. The following are some of the key instruments which form the framework to protect the rights of PwDs:

#### Constitutional safeguards:

The Sri Lankan Constitution contains a separate Chapter on Fundamental Rights. The scope of these rights has been expanded through the jurisprudence of the Supreme Court of Sri Lanka, which has the jurisdiction to grant equitable relief including compensation for the violation of these rights. Article 12, which guarantees equality before the law to all persons (12 (1)) and nondiscrimination on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds for all citizens (12 (2)) also provides for special provision to be made for by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons (12(4)).

A new Bill of Rights is currently being considered as part of constitutional reforms. A Parliamentary Sub-Committee on Fundamental Rights has already presented its final report. The report included explicit rights to life and privacy and extended the right to nondiscrimination by including additional grounds such as disability, gender identity and sexual orientation.

#### Specific Laws & Policies related to protection of the rights of PwDs:

- *1988 Public Administration Circular No. 27* – instructs that 3% of vacancies in public services and public companies should be filled by PwDs "possessing requisite qualifications and whose disabilities would not be a hindrance to the performance of duties" (Annex B)
- *1992 Trust Fund Act for the Rehabilitation of the Visually Handicapped* provides for education and training opportunities; financial assistance; housing provision and welfare schemes; marketing of products made by people with visual impairments; action to eliminate conditions which prevent gaining of equal rights and opportunities. (Annex C)
- *1996 Right of persons with Disabilities Act No. 28* is considered the seminal piece of legislation to give effect to the national policy on the rehabilitation, welfare and relief of persons with disabilities. It established the National Council (NCPD), to ensure the promotion, advancement and protection of the rights of persons with disabilities, as well as the National Secretariat for Persons with Disabilities (NSPD). It also established a National Fund for PwDs to be used under the purview of the Council. (Annex D)
- *1999 Ranaviru Seva Authority Act* provides for the care and rehabilitation of members of the armed forces and police force who have become disabled in action. It also promotes the welfare of members of the armed forces and police with disabilities and the dependants of

members of the armed forces and police who have been killed or are missing in action. This Act covers the provision of housing, medical care, access to basic and higher education through scholarships. It also supports the setting up of industrial, agricultural and commercial ventures with a view to providing employment to the members of armed services who were disabled in action. (Annex E)

- *1999 Special Educational Society (Incorporation) Act No. 3* addresses the rehabilitation of disabled persons, by providing educational services and engaging them in social services, awarding grants, providing aid and assistance to victims of natural disasters, protecting the rights of disabled persons, and provision of nutritious food, medical facilities, vocational training and employment to disabled persons. (Annex F)
- *2003 National Policy on Disability* provides a comprehensive and progressive and holistic framework in Sri Lanka, for equality and opportunity for people with disabilities. This policy promotes community-based rehabilitation (CBR) and partnership with NGOs (Annex G)
- *2006 Disabled Persons (Accessibility) Regulations, No. 1* applies to all public buildings, public places and to places where common services are available, to which buildings, places and services PwDs have access. It gives the specifics in the construction of new buildings which require public access be made accessible to PwDs. Any buildings constructed prior to the gazetting of these regulations were given three years with which to comply with the regulations. The Regulation also instructs that 10% of all public transportation be made accessible to PwDs. (Annex H)
- *2011 Elections (Special Provisions) Act No. 28* provides special provisions for any voter who is subject to a disability. (Annex I)
- *2013 National Action Plan for Disability* has been designed for implementation of seven thematic areas namely, Empowerment, Health and Rehabilitation, Education, Work and Employment, Mainstreaming and Enabling Environments, Data and Research and Social Institutional Cohesion. Nearly Rs. 65 billion has been allocated by the Government in the Medium Term Budgetary Framework 2014 - 2016 for the implementation of the Government Policy Framework on empowering the differently able community and mobilizing them as an equally useful segment of the society<sup>7</sup> (Annex J)

Other related national policies:

- *1996 National Health Policy* provides for the improvement of the quality of life: reducing preventable diseases, running health programs on disability and health measures to prevent disability. Also provides for early childhood development of children with

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<sup>7</sup> Press briefing of Cabinet Decision taken on 2013-12-16

[http://www.cabinetoffice.gov.lk/cab/index.php?option=com\\_content&view=article&id=16&Itemid=49&lang=en&dID=5312](http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=en&dID=5312)

disabilities in rehabilitation; and Development Centers with individual services, pre-schools, house visits, assistance devices, parental counselling and awareness for children suffering from acute and chronic mental illnesses (Annex K)

- *2005-2015 Mental Health Policy of Sri Lanka* – the main objectives of the policy were to provide mental health services of good quality at primary, secondary and tertiary levels; to ensure the active involvement of communities, families and service users; to make mental health services culturally appropriate and evidence based; and to protect the human rights and dignity of all people with mental health disorders. The Ministry of Health is in the process of revising the Policy for the next period in keeping with changes and developments in society and healthcare. (Annex L)
- *2012 National Human Resources Policy* – identified the lack of accurate data and systems of training support and continuous monitoring as the barriers to generating employment for vulnerable sector of society, including PwDs. recognized persons with difficulties. Recommended specific action to assist same (Annex M)
- *2014-2018 National Guidelines for Rehabilitation Services in Sri Lanka* – developed to provide rehabilitation information on structure, process, content and networking for policy planners and programme implementers to provide better sustainable rehabilitation health service for PwDs in the country. (Annex N)

Human Rights frameworks that recognize disability rights:

- *2011 - 2015 National Action Plan for the Protection and Promotion of Human Rights* – addresses both civil and political rights, as well as economic and social rights, with an emphasis on Sri Lanka's treaty obligations (Annex O)
- *2017 - 2021 National Human Rights Action Plan (NHRAP)* – Chapter 6 of this document explicitly addresses the Rights of Persons with Disabilities. While recognising the existing framework and related Action Plans on this topic, this Chapter further outlines areas for improvement and concrete actions to further the rights of PwDs. The NHRAP recognised PwDs as a cross cutting issue relating to all the thematic areas in the Action Plan and accordingly addressed this issue in all thematic chapters. (Annex P)

In addition, Sri Lanka has sectoral disability regulations that cover education, employment, rehabilitation, health information and technology, building code, transportation, poverty alleviation and social security/welfare. A few of the General laws with special provisions for PwDs are as follows:

- *1996 Social Security Board Act 17* which establishes a Social Security Board to manage the social security benefit scheme for self-employed persons, includes provisions to draw gratuity benefits and a pension in case of partial or permanent disability (Annex Q)

- *1997 General Educational Reforms* introduced the inclusion of children who have disabilities in the ordinary classroom (an approach which started in the early 1970s). Changes in teaching, the curriculum, counselling, career guidance, school-based management and new strategies for teacher education, were all promoted to benefit children who have disabilities within inclusive education. Child assessment on entry to and continuously through primary school also helps to identify children with disability. (Annex R)
18. The laws and policies highlighted above reflect the legislative measures, executive action and framework for the protection of the rights of PwDs. In particular, the Fundamental Rights Chapter of the Constitution ensures that the Rights of PwDs are justiciable before the highest court of the land.
  19. The Right of persons with Disabilities Act No. 28 of 1996 which is the main piece of legislation which is in force with regard to the protection and promotion of the rights of PwDs in Article 23 had recognized the following Rights a decade before the adoption of the Convention:
    - non discrimination on the ground of disability *“in the recruitment for any employment or office or admission to any educational institution”*
    - On accessibility, *“no person with a disability shall, on the ground of such disability, be subject to any liability, restriction or condition with regard to access to, or use of, any building or place which any other member of the public has access to or is entitled to use, whether on the payment of any fee or not”*
  20. Furthermore, the new legislation that is being drafted titled ‘Protection of the Rights of Persons with Disabilities’ in line with the commitments in the CRPD will provide a comprehensive legal framework for the protection of rights of PwDs in Sri Lanka. Almost all rights as identified by the CRPD have been included in the draft legislation to be achieved progressively. Further, the concept of “reasonable accommodation” has been defined as necessary and appropriate modification and adjustment to ensure that PwDs enjoy or exercise human rights and fundamental freedoms on an equal basis with others. Such accommodation is applied in the fields of education, sports and employment and other fields, and could apply to modification or adjustments to an application process or the environment under which a position is held or customarily performed. However, the definition also provides exceptions where reasonable accommodation imposes disproportionate or undue burden.
  21. 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 in 2016.

## **V. SPECIFIC RIGHTS**

### **Article 5: Equality and non-discrimination**

22. Article 12(2) of the Constitution of Sri Lanka provides that *“no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or*

*any such grounds.*” As a non-exhaustive list, this Article can be read to include guarantees on the grounds of disability.

23. In addition, Article 12(4) also provides that *“Nothing in this Article shall prevent special provision being made, by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons.”*

24. The interest of Sri Lanka to ensure recognition of the rights of PwDs and enshrine non-discrimination on the ground of disability has been evident in the explicit inclusion of same in the drafts of proposed amendments to the Constitution at consecutive points in the country’s constitutional development:

(a) The Constitution Bill of 2000 contained an enhanced Bill of Rights. This Bill did not become law.

(b) In 2009, the Inter Ministerial Committee on Human Rights made proposals for a draft Chapter to replace the current Chapter on Fundamental Rights in the current Constitution. This included the right to equality and freedom from discrimination in Article 12; which was formulated as follows:

*“no person shall be arbitrarily discriminated against on any ground including on grounds such as race, gender, sex, sexual orientation, maternity, marital status, caste, ethnic or social origin, color, age, disability, religion, conscience or belief, political or other opinion, culture, language, place of birth and place of residence.”*

(c) The Report of the Sub-committee on Fundamental Rights of the Constitutional Assembly<sup>8</sup> presented in 2016, under the title ‘Right to equality and freedom of discrimination’ states that,

*“(3)a No person shall be arbitrarily discriminated against on any ground including race, gender, sex, sexual orientation, gender identity, maternity, marital status, parental status, caste, ethnic or social origin, age, disability, religion, conscience or belief, political or other opinion, culture, language, place of birth, or place of residence”*

(d) The Report on Public Representations on Constitutional Reform presented in May 2016 by the Public Representation Committee requested that the Constitution should specifically enshrine the principle of disability as a normal part of human variation<sup>9</sup>. It has proposed that non-discrimination on the ground of disability be enshrined in the Bill of Rights, including under considerations of ‘Citizenship’ and ‘Access to Information’.

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<sup>8</sup> <https://english.constitutionalassembly.lk/images/pdf/reports-2018/Fundamental%20rights%20report%20English%20final.pdf>

<sup>9</sup> [http://www.constitutionnet.org/sites/default/files/sri\\_lanka\\_prc\\_report-english-final.pdf](http://www.constitutionnet.org/sites/default/files/sri_lanka_prc_report-english-final.pdf)

(e) The NHRAP of 2017 – 2021 has also identified the need for the explicit recognition of PwDs both in the fundamental rights chapter and in a comprehensive Bill of Rights that includes economic, social, civil and political rights.

25. Article 23 of the Protection of the Rights of the Persons with Disabilities Act No. 28 of 1996 as noted in para 20 above was upheld in the case of *Dr Ajith Perera v. Attorney General [SCFR No 221/2009]* filed in the Supreme Court of Sri Lanka where the court held that,

*“in terms of the protection of the Rights of Persons with Disabilities Act no. 28 of 1996, as amended, and the regulations made thereunder, no person should be discriminated against on the ground of disability...”* (Annex S)

### **Article 8: Awareness-raising**

26. The GOSL takes cognizance of the fact that awareness raising is required to combat stereotypes and prejudices surrounding disability. To that extent, the Government has formulated a diverse set of policies to raise public awareness of disability.

27. One of the core elements of the mandate of the NCPD includes efforts to make the public aware of the conditions and needs of PwDs through publications and other programmes. The NSPD has also commenced a programme for training government officers in sign language; braille methodology, mobility and orientation.

28. To raise awareness of mentally disabled persons and remove any social stigma attached to mentally disabled persons, the National Institute of Mental Health has also engaged in organizing public walks over recent years with the participation of Senior Government Officials and Public Representatives.

29. Private individuals, such as Corporal Gamini Karunaratne, who was injured on the front-line of the conflict, journeyed in his wheelchair from Nothern most tip to the Southern most tip of the island to raise awareness of the difficulties faced by PwDs and also demonstrate that disabilities are no barrier to a productive living. The private sector also organizes runs and other events to raise funds and awareness of Mental Health issues.

30. Additionally, the Ministry of Health, National Institute of Health Sciences, Family Health Care Bureau, Provincial Ministries of Health Services and the Regional Departments of Health Services Training intends to conduct awareness programmes on disability sensitivity and disability specific healthcare for all levels of health services personnel, with particular attention to the primary care level.

31. Under the NHRAP 2017 - 2021, press and private media institutions are to conduct disability sensitization programs and training of media personnel along with a disability module to increase awareness of and stronger sensitization for PwDs over time. This would be through

an increased number of such programmes, conducted at Government Ministries, departments, and other local authorities. Furthermore, under the NHRAP, the Ministry of Public Administration and Management and Provincial Councils are to conduct disability inclusion training for the public sector.

32. GOSL also aims to introduce disability studies to the curricula of teacher training institutions, universities and other higher education centers.
33. Sri Lanka has a proud history of social engagement and assistance to PwDs and other segments of society that are in need. This is reflected in Sri Lanka's culture of community level charity, commonly known as *Shramadhana*, where PwDs are assisted in procuring their essential needs.

### **Article 9: Accessibility**

34. Article 12(3) of the Constitution of Sri Lanka which deals with non-discrimination with regard to access, provides as follows,

*"No person shall, on the grounds of race, religion, language, caste, sex or any one such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion."*

35. While this Article does not specifically include prohibition of discrimination on the ground of disability, the term "any one such ground" indicates that this list is non-exhaustive. Further, the culture of Sri Lanka has always assured that PwDs suffer no such discrimination in access in practice.
36. To strengthen this Constitutional provision, this right is captured in the Protection of the Rights of Persons with Disabilities Act no. 28 of 1996 in Article 23(2) states that,

*"No person with a disability, shall on the ground of such disability, be subject to any liability, restriction or condition with regard to access to, or use of, any building or place which any other member of the public has access to or is entitled to use, whether on the payment of any fee or not".*

37. This provision has been strengthened by Disabled Persons (Accessibility) Regulations, No. 1 of 2006 published in the Government Gazette Extraordinary No 1467/15, where "access" has been defined as;

*"ability of a person to enter into, approach, pass to and from and have use of any public building or public place, and the facilities and services provided therein, or any place where common services are available, without the assistance of any other person"*



38. The provisions of aforesaid regulations are applicable to all public buildings, public places and to places where common services are available, to which buildings, places and services PwDs have access. It has also specified that all existing public buildings, public places and places where common services are available, shall within a period of eight years from the coming into operation of these regulations, be made accessible to PwDs in compliance with same.
39. The Regulations of 2006 also specify that the State shall provide a minimum of ten percent (10%) of public transportation accessible to PwDs in accordance with the specifications and design requirements as set out in same. The regulations also provide for audible traffic signals and automatic visual indicator systems for the benefit of persons with different disabilities.
40. In addition to the technical standards for designing the physical environment to facilitate the access of PwDs provided in the Regulations of 2006, the Ministry of Health has also published a handbook entitled “Design Considerations on Accessibility for Persons with Disabilities” in 2015 (Annex T). This handbook also recognizes that problems related to accessibility in health institutions prevail, with limited access to main entrances, poor signs and sign boards, limited access to upper floors, poor disable friendly toilets specially in hospital wards, poor lighting, limited access to dispensaries and laboratories, movement between buildings as well as lack of access to car parks and corridors.
41. The 2006 Regulations also specify that no certificate of conformity is to be issued by the relevant authority to any building, construction, reconstruction or renovation of a public building, unless the relevant authority is satisfied that the plan referred to is in compliance with the standards set by these regulations.
42. In the case of *Dr Ajith Perera v. Attorney General [SCFR No 221/2009]* held that,  
  
*“no person should be discriminated against on the ground of disability and their mobility restricted in a manner which precludes or impedes them from enjoying equally their inherent right for access, safety and accommodation in day-to-day life at man-made public buildings, public places and facilities provided therein.”*  
  
The judgment also ordered that that compliance with the Court Order is mandatory in order to gain approval of building plans, to certify the buildings on completion and to issue the certificate of conformity. All authorities who are empowered to issue such certificate have been made equally responsible with the owners, and the former is to refrain from issuing the certificate to all new constructions violating the said Court Order.  
  
Further, the Order states that *“failure to comply with the said court order shall be a serious punishable offence, and shall attract punitive repercussions as set out in the law.”*
43. In a subsequent case of *Dr. Ajith CS Perera v. Minister of Social Services & Social Welfare and Chairman of the National Council for Persons with Disabilities & others [SCFR No. 273/2018]* held that,

*“there has been and there continues to be, substantial non-compliance and non-enforcement of the provisions of the Act and the Regulations [of 2006], and that ..... “the aforesaid failure on the part of the State and its agencies to satisfactorily implement and enforce the provisions of the Act and the Regulations has cause substantial prejudice to... persons with disabilities”*

The Court further held that, *“failure to comply could entail the liability to be prosecuted in the Magistrate’s Court for the commission of an offence under the Act, and, if found guilty, to be liable to punishment, as set out in the Act”*.

44. The Ministry of Housing and the Urban Development Authority (UDA) intends to establish mechanisms to receive complaints and take legal action against owners of public buildings that do not conform to regulations of accessibility. The Ministry of Skills Development and Vocational Training is also working towards making all training centers be physically accessible to all PwDs in the medium term. Sri Lanka also has several ICT accessibility projects, including improving payphone access for people with disabilities.
45. The 2003 National Policy on Disability in Sri Lanka, reviewed the possibility of altering existing bus stations and railway stations, in order to ensure greater accessibility to public facilities, such as toilets, for PwDs.
46. Thus, the GOSL remains effortful to develop and consolidate a system of policies and laws to ensure that PwD have access, on an equal basis, in all aspects of public life.

#### **Article 10: Right to life**

47. While there is no direct provision to safeguard the right to life in the Constitution, the Supreme Court of Sri Lanka has interpreted Articles 11 and 13(4) of same to include the Right to Life<sup>10</sup>.
48. The 2016 Report of the Sub-committee on Fundamental Rights of the Constitutional Assembly<sup>11</sup> under the heading of ‘Inherent Rights of the person’ recognizes that, *“every person shall have the inherent right to life, dignity, equality, freedom, security of the human person”* and *“no person shall be arbitrarily deprived of his or her life or published with death”*.
49. Sri Lanka, legally, culturally and religiously, does not allow for the deprivation of life of anyone based on any type of disability at any stage in life.

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<sup>10</sup> *Sriyani Silva (wife of Jagath Kumara – deceased) vs. Iddamaloda, OIC Payagala Police Station & others* [2003] 1 SLR ; *Lama Hewage Lal (deceased) Rani Fernando (wife of deceased) & others vs. OIC Minor offences, Seeduwa Police Station & Others*

<sup>11</sup><https://english.constitutionalassembly.lk/images/pdf/reports2018/Fundamental%20rights%20report%20English%20final.pdf>

## **Article 11: Situations of risk and humanitarian emergencies**

50. In the aftermath of the 26 December 2004 Tsunami, significant steps were taken by the Government of Sri Lanka towards putting in place a disaster risk management framework. This includes the enactment of Sri Lanka Disaster Management Act, No. 13 of 2005 and the Disaster Risk Management Roadmaps Vol I and II on “Towards a Safer Sri Lanka”.
51. Having experienced a three decade long conflict, and in the face of the increase in the frequency of natural disasters due to climate change and unplanned development among other reasons, the GOSL has recognized PwDs among vulnerable groups of persons who need special provisions for protection. Accordingly, the National Policy on Disaster Management of Sri Lanka of 2013<sup>12</sup>, which is a core component of Sri Lanka’s national regime for disaster management, articulates the Guiding Principles for disaster management in Sri Lanka. In this regard, Article 4.2 provides as follows:

*“Maintain equity in resource distribution during a disaster based on the severity and the vulnerability. Priority should be given to more vulnerable groups such as children, differently abled, senior citizens and women etc”*

52. As per the Act of 2005 and the National Policy on Disaster Management, the Disaster Management Centre (DMC) is carrying out Disaster Risk Reduction (DRR) activities at all levels, in all sectors in line with the National Disaster Management Plan (NDMP) and the National Emergency Operation Plan (NEOP), which incorporate disability and gender perspective. In all emergency response activities, priority is given to the vulnerable groups.
53. The Ministry of Disaster Management and the DMC have also trained officers at district and divisional levels to conduct post disaster rapid needs assessment with special emphasis on PwDs. In its preparation of Risk Maps, focus is given to identifying vulnerable persons in each community, ie PwDs, pregnant women, children, elderly, as well as their location to be utilized in Search and Rescue Operations. The Evacuation centres and routes to same for the location of these persons are pre-identified, notified to the DMC and approval sought to ensure their suitability and accessibility. These Risk Maps are also shared with the Tri Force and Police personnel who are closely associated in the evacuation and rescue operations in times of natural disasters.
54. Community based disaster risk management initiatives at the *Grama Niladhari* level have served to integrate ecosystem-based approaches, climate change, gender, and disability concerns at the community level to promote disaster mitigation. Together with the Risk Maps, the DMC with its various stakeholders conduct disaster preparedness drills at the grassroots level, which gives special focus on ensuring the welfare of the identified vulnerable groups.
55. The Disaster Management (DM) officers placed at all District Secretariat levels monitor the situation at pre, during and post disaster stages, with special emphasis on vulnerable groups

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<sup>12</sup><http://www.disastermin.gov.lk/web/images/pdf/draft%20dm%20policy.pdf>

of people. DM officers of the district also conduct visits to all evacuation centres and camp sites in the event of an emergency to evaluate the situation and ensure that international standards are adhered to by the appointed Camp Management Team.

56. Notification of impending disasters, such as tsunami warnings are broadcast in the area on various media. Systems have also been put in place to get the message to persons with various disabilities through the Disaster Management Sub Committees set up in each community. Focal points are set up in places where vulnerable persons are housed for the information to be disseminated.

#### **Article 12: Equal recognition before the law**

57. The Constitution of Sri Lanka guarantees equality for all before the law and with respect to the enjoyment of their civic rights in all aspects of the law, via multiple provisions within it. According to Article 12(1), it is held that, "*All persons are equal before the law and are entitled to the equal protection of the law*".
58. This obligation of equal recognition has been interpreted to ensure equity in treatment of all persons, irrespective of their physical, mental, or socioeconomic status. Sri Lanka does not bar those PwDs from full participation as citizens, own or inherit property, control their own financial affairs, or to have equal access to bank loans, mortgages and other forms of financial credit.
59. Report of the Sub-committee on Fundamental Rights of the Constitutional Assembly<sup>13</sup> presented in 2016, under the title of 'Inherent Rights of the Person' provides that, "*Every person shall have the right to recognition as a person before the law*". Further, under the subtitle, 'Right to equality and freedom from discrimination' the Sub Committee proposes that, "*All persons are equal before the law and have the right to the equal protection of the law*".

#### **Article 13: Access to justice**

60. Sri Lanka, following the end of the civil war, is undergoing a period of transitional justice and truth-seeking, at which PwDs are also ensured access. Provisions have been formulated to ensure that PwDs are guaranteed full participation in the procedures of transitional justice, and full accessibility to such institutions, under the NHRAP. Provisions have also been made to enable the use of Sign language in court proceedings.
61. The final report of the 11 member Consultation Task Force (CTF) comprising entirely of civil society members who led the Public Consultations on the design and implementation process of the mechanisms for truth seeking, justice, reparations and non-recurrence, in line with the UNHCR Resolution 30/1, outlined recommendations for reparations for physical violence and injury, including disability.

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<sup>13</sup> <https://english.constitutionalassembly.lk/images/pdf/reports-2018/Fundamental%20rights%20report%20English%20final.pdf>

62. The Report of the Sub-committee on Fundamental Rights of the Constitutional Assembly<sup>14</sup> has also articulated that *“every person has the right of access to justice through courts or any other tribunal”*.
63. In the case of *Dr. Ajith CS Perera v. Minister of Social Services & Social Welfare and Chairman of the National Council for Persons with Disabilities & others [SCFR No. 273/2018]* issued a further Direction to the NCPD acting together with NSPD to take *“measure to provide facilities to assist, by way of legal advice and assistance, persons with disabilities and others who wish to enforce their rights... by recourse to the High Court or the Magistrate’s Court, as the case may be”*

#### **Article 14: Liberty and security of the person**

64. Article 13(1) of Sri Lanka’s Constitution states that *“no person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest”*. In addition, Article 14(1) of the Constitution further guarantees all citizens the freedom of speech, assembly, association, movement and return to Sri Lanka. In this manner, the supreme law of Sri Lanka protects the liberty and security of the person, including PwDs.
65. In addition, Sri Lanka enacted legislation on to give effect to the International Convention for the Protection of All Persons From Enforced Disappearance, through its Act no. 5 of 2018.
66. No legislation exists in Sri Lanka that permits the arbitrary institutionalization or the deprivation of liberty of any persons with any form of disability. Any PwD who have been deprived of liberty due to medical necessity is ensures the full enjoyment of their remaining human rights.

#### **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

67. Further, Article 11 of the Sri Lankan Constitution ensures that *“no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*
68. Having acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1994, and its Optional Protocol to in 2017, Sri Lanka enacted enabling legislation entitled *“Convention against Torture and other cruel, inhuman or degrading treatment or punishment”* Act no. 22 of 1994. This Act does not specify any protected group of persons, but lays down a blanket prohibition against torture, cruel, inhuman or degrading treatment.
69. Report of the Sub-committee on Fundamental Rights of the Constitutional Assembly<sup>15</sup> under the topic of ‘Freedom from torture’ outlines that *“no person shall be subject to torture or to*

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<sup>14</sup> *ibid*

<sup>15</sup> *ibid*

cruel inhuman or degrading treatment or punishment”. Moreover, the report goes on to state that “no person shall be arbitrarily deprived of his or her bodily integrity”.

70. Sri Lanka has never had any practice that permitted medical or scientific experimentation on PwDs. Any medical or experimental instrument or medicine administered determined as necessary for their wellbeing has been under medical supervision and with the free and informed consent of the PwD, or legal guardian.

#### **Article 16: Freedom from exploitation, violence and abuse**

71. The Sri Lankan Constitution enshrines the freedom from exploitation for every citizen, having it as part of the Chapter on Directive Principles of State Policy and Fundamental Duties that guide the State. Article 27(7) of this Chapter of the Constitution states that “the State shall eliminate economic and social privilege and disparity and the exploitation of man by man or by the State”.
72. The protections of all laws related to women and children also extend to PwDs, given the non-discriminative nature of the law with respect to any Sri Lankan citizen.
73. The Subcommittee report on Fundamental Rights also voiced the need to give “every citizen who has a disability or special needs” the right to be protected by his or her family and by the state
74. Furthermore, the Ministry of Justice, in conjunction with the Ministry of Law and Order and the National Child Protection Authority (NCPA), is aiming to enact provisions in the short-term under the NHRAP 2017 - 2021, to strengthen an environment that does not tolerate child abuse and violence against children in any form.

#### **Article 17: Protecting the integrity of the person**

75. The rights guaranteed to every citizen of Sri Lanka, whether through the Fundamental Rights articulated in Chapter III of the Constitution, or the protection of their person through the Penal Code of Sri Lanka, also extend to all PwDs.

#### **Article 18: Liberty of movement and nationality**

76. Article 14(1)h of the Fundamental Rights Chapter of the Constitution guarantees “*the freedom of movement and of choosing his residence within Sri Lanka*”; and 14(i) “*the freedom to return to Sri Lanka*”.
77. The Citizenship Act No. 18 of 1948 provides that citizenship of Sri Lanka could be acquired by reason of descent and also registration. There are no provisions that would preclude any person, irrespective of any disability from obtaining citizenship if born to Sri Lankan parents.

Every newborn child of a Sri Lankan citizen can be registered upon birth, while in the country or outside through a Sri Lankan Mission abroad.

### **Article 19: Living Independently and Being Included in the Community**

78. Sri Lanka's Constitution, under Article 27(2)c of its Chapter on Directive Principles of State Policy and Fundamental Duties, pledges to the realization of an adequate standard of living for all citizens, which includes that of housing and clothing.
79. The GoSL provides a monthly allowance to disabled people with low family income and provides financial assistance for surgeries, medicine and for self-employment. Through the Social Service Officers of each of the Divisional Secretariats, the NSPD provides for an income support scheme to support PwDs. This includes a monthly allowance of Rs. 5,000.00 for low income PwDs.
80. The 2019 National Budget of the GOSL adjusted the annual provision to LKR 4,320 million<sup>16</sup> with a view to increasing the monthly allowance payment above, under the title of "support for low income disabled persons". At present, 32,000 PwDs receive these allowances through the Divisional Secretariats. The budget for this category is projected to be increased in 2019, with all PwDs waitlisted at the Divisional Secretariats to receive benefits being cleared in the coming months. The monthly allowance is also under review to be raised in accordance with the rising cost of living.
81. Community Based Rehabilitation (CBR) Programmes aimed at placing the responsibility for people with disabilities on the community are also in place. "Rural Rehabilitation Committees" have been established at the village level by Social Service officers of the Department of Social Services (provided 18 days training for this role). The Committees involve village officials, community members, trained volunteers, and members selected from families of people with disabilities. Awareness programmes help identify and recruit volunteers (trained for 12 days) who then identify people with disabilities through home visits, liaising with their families and the community to link people with disabilities to relevant health and social services. The purposes of the CBR programmes implemented are indicated in the National Policy on Disability of 2003, pg 59.
82. CBR programmes exist both within the government and non-governmental sectors. As part of the CBR process, 'self-help groups' are created comprising of PwD and their families to equip the stakeholders with skills and knowledge. According to the Unit, 492 officers conducted training in accordance with the WHO manual and the national policy on disability, in 2016.
83. Presently, private welfare societies maintain '*nivasa*', or residential support for the disabled, and as of 2016, 115 such *nivasa* were registered under the Department of Social Services.

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<sup>16</sup> National Budget 2019

84. The Visually Handicapped Trust Fund Act establishes social, educational and vocational assistance mechanisms for people with vision impairment. It includes educational and vocational training facilities for the visually handicapped. To this extent, the fund aims:
- to provide educational and vocational training facilities for the visually handicapped, to create employment opportunities for the handicapped and where necessary;
  - to provide them, with financial assistance and guidance for self-employment, to provide housing facilities to the visually handicapped to enable them to pursue academic courses or to obtain vocational training;
  - to provide facilities for the marketing of products manufactured by the visually handicapped;
  - to take action to eliminate conditions that prevent visually handicapped persons gaining equal rights and equal opportunities;
  - to provide facilities for vocational training education to visually impaired persons;
  - to provide guidance and financial assistance for self employment when necessary and employment opportunities for visually impaired persons;
  - to provide opportunities to follow scholarly courses and vocational training; and
  - to remove any obstacles that would prevent visually impaired persons exercising equal rights and opportunities

#### **Article 20: Personal Mobility**

85. The freedom of movement is also applicable to persons with disabilities, with public transport having special allocations of seats for the disabled. Public and private bus transportation in the country specifically reserves seats for disabled persons. Free bus passes are provided to former soldiers with disabilities, and transport allowances are paid to children attending special schools and those who attend vocational training institutions.
86. The Ministry of Transport intends to launch initiatives to provide greater access to public transport for PwDs in the long term, under the NHRAP 2017 - 2021. These initiatives would be strengthened by the appointment of a group of experts and through consultations with civil society. A proposal has also been brought to Cabinet by the Minister of Transport in January 2018 to establish an environmentally friendly Bus Rapid Transit System that is easily accessible for the elderly and disabled passengers in the city of Colombo.
87. However, it has been acknowledged that the public transport system of Sri Lanka – buses and trains – in spite of the Accessibility Regulations of 2006 and other recommendations of the Health Ministry in this regard, has not been adapted accordingly and remain difficult to access by PwDs as well as the elderly population.
88. There also exist specialized pedestrian crossings for the blind, along most major roads in the country. Pavement markers denoting a change in terrain are also present along major roads in Colombo.



89. Sri Lankan currency bears a feature to enable visually impaired people to identify the denomination of various banknotes – a series of embossed dots, which can be sensed by touch. However, these user-friendly features for the visually impaired can become worn out with usage. Also consecutive denominations only differ by 5 mm from each other and the difference is limited to length. The Central Bank of Sri Lanka has also taken steps to introduce a feature for coins (different edges) to facilitate identification/usage by persons with visual impairments.
90. Upon the submission of a recommendation letter by a Divisional Secretary on behalf of a PwD in the District, the M/SW has provision to provide the following assistive devices, as per their need: Tricycles, Wheelchairs, Elbow, Commode Wheelchair, Hearing Aid, Crutches, and Spectacles. As of June 2017, 45 mobile service programs have been conducted around the country. 23 crutches, 24,712 spectacles, 97 wheelchairs, 18 special chairs, 49 forearm crutches and 135 white canes have also been provided to PwDs at a total cost of 55.5 million Rupees.
91. The GOSL also intends to grant tax exemptions and subsidies for the manufacture and importation of assistive devices. This activity is to be conducted under the auspices of the Ministry of Finance and Mass Media, and the M/SW. The relevant tax exemptions and subsidized rates for this endeavor are to be announced in due course.

#### **Article 21: Freedom of expression and opinion, and access to information**

92. The right to freedom of expression and opinion is enshrined within Article 14(1)a of the Sri Lankan Constitution. The 19<sup>th</sup> Amendment to the Constitution also introduced the right to information as a Fundamental Right. Under this, every citizen shall have the right to access any information as provided for by law, within requirement for the exercise or protection of citizens' rights.
93. The National Policy on Disability for Sri Lanka acknowledges Sign Language as the language of communication for all individuals suffering from a severe loss of hearing or deafness. The Cabinet of Ministers accepted sign language as a recognized language in Sri Lanka in response to a Cabinet paper submitted by the then Minister of Social Welfare and Empowerment in 2010. All state media have been advised to have at least 50% of their news programs made available in both print and visual media in accessible formats for PwDs in the short to medium term. At present, 'Rupavahini News' (the State run News Agency) is accessible for persons with hearing disabilities, as there is real-time use of sign language to translate the programme. In 2008 *Sri Lanka Sign Dictionary* was created by Deaf Sri Lankans in association with the Central Federation of the Deaf. Under Ministry auspices 50 persons have been trained in Sign Language at the School of Social Services.
94. In addition to this Constitutional guarantee to persons with disabilities, the NHRAP plans to increase the accessibility of communication and information for sign language users.

95. The Sub-committee report on Fundamental Rights in its section on “Rights of citizens with disabilities or special needs” states that the “persons with disabilities have a right to seek and receive information through all forms of communication of their choice including augmentative and alternative means and modes of communication”. It also outlines the responsibility of the State to provide adequate facilities for PwDs to exercise the right to communicate and seek information through all forms of communication such as Braille, large print, sign language, visual media as well as simplified versions.

#### **Article 22: Respect for privacy**

96. Case law reveals how Sri Lankan courts have managed to strike a balance between the freedom of expression, as guaranteed by Article 14(1)a of the Constitution, and the right to privacy. For example, Sri Lanka’s Court of Appeal had observed, in the case of *Sinha Ratnatunga v. The State*<sup>17</sup> judges held that the press may not make unwarranted incursions into the private domain of individuals and thereby destroy right to privacy.
97. The Sri Lankan Telecommunication Act No. 27 of 1996 provides for protection of data and regulates the interception of telephone communications. According to Sections 53 and 54(1) of this Act, the interception of telecommunication transmissions and the disclosure of their contents is an offence subject to penalties including imprisonment. Furthermore, the Sri Lankan Computer Crimes Act No. 24 of 2007 introduced a comprehensive legislative framework to protect computer users from unauthorised access to computers and unlawful interception of data.
98. Over the years, due to the efforts of Social Service Officers attached to District Secretariats, regulations, provision of facilities to PwDs and due to awareness raising PwDs have been able to openly engage with other members of society. Parents of Children with disabilities have been able to overcome their religious and cultural prejudices to enroll their children in educational institutions as well as in vocational training programmes to support independent living.

#### **Article 23 - Respect for Home and the family**

99. At present, there are no laws that discriminate persons with disability from pursuing matrimony. No existing acts or legislation draws any distinction to marriage or parenthood based on disability.

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<sup>17</sup> <https://www.lawnet.gov.lk/wp-content/uploads/2016/11/020-SLLR-SLLR-2001-V-2-SINHA-RANATUNGA-v.-THE-STATE.pdf>

*Table 4: PwD (5 years and above) – by Marital Status & level of difficulty*

Marital Status	Number of persons in difficulty		Number of persons not possible at all		Difficulty published in census	
	Male	Female	Male	Female	Male	Female
Never married	112,043	104,974	28,749	24,284	127,824	117,758
Married (Registered)	479,465	501,950	30,935	26,621	492,951	513,117
Married (customary)	29,585	36,293	2,087	2,447	30,355	37,045
Widowed	33,408	233,411	3,362	20,351	34,341	238,956
Divorced	1,840	3,269	261	261	1,988	3,410
Legally separated	1,369	2,293	147	175	1,440	2,384
Separated (not legally)	6,023	9,613	691	725	6,364	9,991

*Note:* Number of persons in difficulty includes both having " some difficulty" and " a lot of difficulty"

*Source:* Census of Population & Housing 2012

100. No laws, regulations or practices exist in Sri Lanka where the child is separated from the parents because of a disability of either the child or both of the parents. Social Service Officers work with low income families at grassroot level to ensure that adequate support is provided for the family in handling a child with special needs. This includes periodic visits to the family, registration and provision of an allowance through government schemes and through supporting their requests to enroll children in a school of their choice.

#### **Article 24 - Education**

101. The GOSL understands that reaching higher education is a challenge, especially to those with severe conditions of disabilities.

*Table 5: Distribution of children not attending school by age group (2016)*

Main reason for currently not attending school	
Not interested in education/education not considered valuable	77,730
Financial difficulties	14,922
Disabled	19,213
Chronic illness	4,709
Unsafe in school and its environment	3,853
Other	32,821
Total	153,248

*Note:* provided by the Ministry of Education in July 2019

*Table 6: PwDs (5 years and above) – by Educational Activity and level of difficulty*

Educational activity	Number of persons in difficulty		Number of persons not possible at all		Difficulty published in census	
	Male	Female	Male	Female	Male	Female
Preschool education	1,044	943	135	93	1,132	1,010
School education	25,998	23,828	3,396	2,864	28,440	25,871
Undergraduate/ Postgraduate education	760	1,204	59	84	802	1,274
Vocational/ Technical education	1,374	731	303	140	1,606	839
Other educational activity	4,009	3,722	575	443	4,312	3,954
Not studying	630,548	861,375	61,764	71,240	658,971	889,713

*Note:* Number of persons in difficulty includes both having " some difficulty" and " a lot of difficulty"

*Source:* Census of Population & Housing 2012

Students with Disabilities absorbed into the Government University system<sup>18</sup>:

*Table 7: Academic Year 2016/2017*

Course of Study	Total	Subjects			
		Arts	Commerce	Biological Science	Physical Science
Blind Students	15	15			
Disabled students	90	70	12	4	4
Total	105	85	12	4	4

*Table 8: Academic Year 2015/2016*

Course of Study	Total	Subjects			
		Arts	Commerce	Biological Science	Physical Science
Blind Students	25	25			
Disabled students	68	48	9	8	3
Total	93	73	9	8	3

102. It may be noted that special units, which has integrated special education programmes within regular government schools, had been implemented from the late 1960s for CwDs. In 2015, the Ministry of Education (MOE) initiated the following additional programmes in furtherance of the Right to education of CwDs:

<sup>18</sup> Data received from the University Grants Commission (UGC) in May 2017

- establishing special education child development resources in all national schools
- providing special education needs students assistance to participate in examinations
- providing buildings, equipment and human resources for the special education resource units
- reducing the age of entrance of special education needs children from 4 – 9
- not considering their age in the Year 5 Scholarship Examination, GCE (O/L) Examination and GCE (A/L) Examination
- identifying that 1% of the student population in universities should be those with special education needs
- providing resources for teachers of special education needs children for home-schooling, community schooling, through coordination with local government authorities
- holding special extracurricular sports activities with students with special needs in provincial and national levels

103. Further, the MOE conducted the following programmes from 2015 in furtherance of the right to education of PwDs<sup>19</sup>:

- Training programmes for 386 special education teachers on how to identify children with special needs<sup>20</sup>;
- Education camps for children with special needs at the provincial level;
- A redesign of the *e-thaksalawa* programme, an IT education programme, for students with special needs in grades 1-5;
- Compilation of a handbook for education professionals on identification of children with special needs, evaluation and on learning-teaching methodology;
- Construction of new buildings for special education in 3 schools and renovation of special education classrooms of 16 schools;
- The purchase of 31 sets of sports equipment, 30 exercise sets, 75 sets of Braille equipment, 20 laptops, 25 printers for special education children;
- Provision of allocations to provinces to obtain 4000 pairs of spectacles and 50 hearing aids;
- The repair of buildings and fences of the special education resource centre to be constructed at Venivelkola Kanishta Vidyalaya, Kahathuduwa, Homagama; and
- Celebration of the International Day of PwDs, with 300 participants including 135 disabled students.

104. Currently, there are four options for Children with Disabilities (CwDs) to access education:

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<sup>19</sup> Furuta, H. (2009). Responding to Educational Needs of Children with Disabilities: Care and Education in Special Pre-Schools in the North Western Province of Sri Lanka. *Japanese Journal of Special Education*, 46, (6), 457-471.

<sup>20</sup> Hettiarachchi, S., & Das, A. (2014). Perceptions of 'inclusion' and perceived preparedness among school teachers in Sri Lanka. *Teaching and Teacher Education*, 43, 143-153.

<http://dx.doi.org/10.1016/j.tate.2014.07.003>

- specialized schools
- special education units within regular education schools
- inclusive regular education schools
- special resource centers attached to regular education schools

105. There are 704 Special Education Units attached to the mainstream schools to cater to the needs of children with disabilities (CwD) and 25 special schools for those who are severely disabled and unable to adapt to conditions in a normal classroom coming under the purview of the MOE. All special schools are registered and a Special School Code of Registration is being implemented. The programmes currently conducted for children with special educational needs are listed below.

- Special education units have been established in schools where trained instructors take care of children with disabilities at the outset and absorb them into mainstream classes depending on progress
- Inclusive education in mainstream classes where teachers are trained to care for children with special needs.
- Special schools are run by the private sector for children with severe disabilities. These schools are financially assisted by the government.
- A special center for children affected by autism as a model national center is located in Colombo
- A Braille press for printing Braille books for children with visual impairment has been established.

106. CwDs or with parents with disabilities in low income families are also provided an educational allowance up to Rs. 10,000/- as a one-time payment.

107. School education plays a key role in the preparation of children to undertake vocational training and employment and integrate them as members of the community. The DSS plays two key roles in children with special education needs. One role is in the preschool age before they undertake formal education and the other is once schooling is completed.

108. Social Services Officers who work at the grassroots level have confirmed that these initiatives have encouraged families to send their disabled children to school. 281 children have benefited from this assistance and the Government has spent Rs. 2.3 million on these initiatives. The success of these endeavours is evident: overtime, an increase has been observed in the number of children with special needs receiving education. Several visually impaired or otherwise disabled children have entered university in recent years and serve as lecturers, professionals, activists, etc. Local universities have also worked to ensure that disabled students are provided facilities to engage in their education without impediment.

109. Child Guidance centers, such as the Center in Nawinna, Maharagama, also provide assistance and guidance for the mental development of Children. The Daisy Lanka Foundation has created 200 local-language and 500 English-language digital talking books, including school

curriculum textbooks and university materials. The books, produced by sighted and blind students working in pairs, will be disseminated through schools for the blind and a postal library. This will allow access to a wider range of materials for the blind than currently available in Braille. Local-language talking books will also help those who are illiterate or have low vision.

- Child Guidance Centres: preparing children with special needs to embark in formal education.
- Vocational Training Centres: preparing children with special needs after education to become productive members of the society.

110. Future envisaged developments:

- Under the NHRAP, the MOE expects to have 50% of schools in each education zone staffed and equipped for disabled students along with increased opportunities for students with all types of disabilities to access tertiary education in the public sector, so as to ensure quality education to PwDs in the medium term.
- The MOE also intends to provide reasonable accommodation and the provision of other facilities (communication/IT) in primary and secondary schools, for CwDs.
- The MOE and the University Grants Commission (UGC) plans to formulate further regulations, which prohibits all forms of discrimination for PwDs in education, and provide disability equality training for students and teachers in the short term and medium term. Both institutions also aim to have periodic reviews on the quality of education and teaching methods applied by teachers trained on disability inclusive education.
- Under the NHRAP, Ministry of Health, MOE and Provincial Councils propose to launch programs such as the Early Childhood Care and Development (ECCD) and teacher training curriculums for the disabled. The success of this initiative would be measured by the number of centers established and the percentage of children with disabilities registered in the ECCD Program.
- The Center for Disability Research, Education and Practice in the Faculty of Arts of the University of Colombo, for example, intends to provide study options for professionals and others including PwDs, families and communities as well as to encourage and enhance disability-related learning and courses for career development.

**Article 25: Health**

111. Sri Lanka's free and universal healthcare system, which has been in place since the country gained independence, has ensured that PwDs, even from low income backgrounds, have access to high quality healthcare without any discrimination.
112. In addition, a PwD and their family whose income is less than Rs. 6,000 are provided with financial assistance up to Rs. 20,000 as 'medical assistance' on a priority basis. So far as up to 2017, 240 PwDs have benefited from this program on which the government has spent 3.7 million thus far. PwDs can also apply for medicine and travelling assistance for surgical needs up to Rs. 20,000.
113. The GOSL also conducts campaign to provide free cataract services free of charge, as visual impairment is becoming highly prevalent in Sri Lanka's aging society. Lenses are also now provided free of charge. CwDs are also provided free ocular implants in cases of congenital deafness.
114. Furthermore, the 2003 National Policy on Disability for Sri Lanka aims to ensure the provision of *"effective medical interventions for prevention, early detection, diagnosis and treatment of disability and disabling conditions, rehabilitation and necessary referrals and counselling for individuals who have disability and family members"*. Prevention of disability begins from the womb itself; with the GOSL health services conducting campaigns for eradicate Rubella and other diseases free of charge in all parts of the island.
115. While ramps are ubiquitous at all state hospitals, the facilities offered to PwDs upon entrance have to be improved. To this end, pilot projects have been undertaken to establish disability counters (at a lower height and equipped with those trained in attending to the needs of PwDs) and train nurses in Sign Language. In the meantime, Social Services Officers are placed in all District Level hospitals to assist PwDs at present.
116. As noted in para 41, the MOH has also taken steps to issue guidelines in adapting public buildings to ensure disable-friendly access. Further, the MOH is liaising with the relevant departments on the subject of HIV & AIDS and Malaria to translate the informational material into audio and Braille formats to ensure accessibility to information by PwDs.
117. Healthcare for disabled persons is provided on the basis of their free and informed consent, and in cases this is limited, their legal guardians. To ensure that obtaining such consent is legally required, the NSPD is to develop regulations to be put in place to be adopted by all healthcare service providers.
118. Due to the availability of free high quality healthcare in Sri Lanka, PwDs require no health insurance policies to access government healthcare. However, disability and elderly healthcare insurance extended by private companies may require better regularization.
119. According to the Family Health Bureau, in 2015, 5% of maternal deaths in Sri Lanka were among single women who were divorced, unmarried, or widows. According to the National



Family Planning Program Review, vulnerable women are reluctant to access family planning services due to fear of stigmatisation. This data highlights the need to address the issue of discrimination and stigmatisation and increase the quality of family planning services<sup>21</sup> especially among vulnerable groups such as girls and women with disabilities.

120. Future plans to enhance services for PwDs:

- Improve accessibility for PwDs in hospitals and other healthcare facilities that provide priority treatment and services for PwDs and CwDs
- MOH offices and regional/provincial Departments of Health services intends to develop a programme with the consent of the persons with disability to issue Priority Cards (based on the degree of disability) that can be used for identification and increased access across all sectors in the medium to long term
- The MOH, Family Care Bureau and the National Institute of Health Sciences intend to make available printed resource material in local languages to educate health personnel on disability specific health care services and referrals in the medium term according to the NHRAP 2017 - 2021.

121. Sri Lanka also has a number of NGOs established to assist PwDs. The Cerebral Palsy Lanka Foundation of Sri Lanka (CPLF) is one such non-profit organization set up primarily to assist persons affected by Cerebral Palsy (CP) and to support their families. CPLF is the first and the only organization in Sri Lanka established specifically for people with CP. Among their most recent activities was the donation of wheelchairs for Children with CP in Kurunegala.

### ***Mental Health***

122. Section 77 of the Penal Code provides an exception to criminal liability as follows:

“Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.”

123. The Code of Criminal Procedure Act provides that until a person of unsound mind who has to face any inquiry or trial before a court, become capable of making his own defense the inquiry or trial against him should be postpone. Further, it is the responsibility of the Government to provide necessary treatment until he recovers so that he is become capable to making his own defense

124. While the minimum age for criminal liability is 12 years, in the case of those persons with intellectual disability, the court considers the developmental age of the person, instead of the minimum age.

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<sup>21</sup> <http://www.ft.lk/article/627127/Family-planning--Because-her-future-is-our-future>

125. Sri Lanka was a pioneer in establishing asylums for the mentally disabled. The first ordinance concerning the mentally disabled was introduced as early as 1839. By 1847, the first hospital for the mentally ill was built in Borella. The Angoda Hospital in Sri Lanka, today called the National Institute of Mental Health (NIMH)<sup>22</sup> was established as far back as 1926 to provide compassionate and humane care for persons with mental disabilities. Until year 2000, mental health services were limited to tertiary-care institutions, namely specialist hospitals such as the NIMH, teaching hospitals affiliated to medical faculties, and provincial general hospitals. This trend started to change in 2000, where the focus of the health sector was shifted to integrating mental health into the already well-established primary health care delivery in the island. Therefore, today the NIMH has moved from a centralized based treatment to community-based treatment so that mentally ill persons can receive treatment at base hospitals and clinics and continue to live within their communities.
126. Significant changes were introduced including the adoption of the Mental Health Policy of Sri Lanka in January 2005, following the devastating tsunami that struck the island in December 2004. The main objectives of the policy were to provide mental health services of good quality at primary, secondary and tertiary levels; to ensure the active involvement of communities, families and service users; to make mental health services culturally appropriate and evidence based; and to protect the human rights and dignity of all people with mental health disorders. Under this policy,
- At the national level, the MOH jointly with the Sri Lanka College of Psychiatrists conducts a one-year diploma course in psychiatry. Through the course, all 25 districts in the country are covered and each district has at least one doctor with a diploma in psychiatry.
  - 253 medical officers of mental health have been trained and deployed, who work under the supervision of consultant psychiatrists.
  - In addition over 4,367 volunteers, selected from communities, which includes family members who had a relative with a mental illness, and volunteers who had an interest in mental health; are given basic training in mental illness and the skills to look after a mentally ill person at home. This provides a sense of community ownership in mental health service delivery, and also helps increase acceptance and trust in communities, thereby reducing stigma regarding mental health issues as well as enhance the acceptance of mental health treatment.
  - A special Mental Health Hotline (1926) was launched by the GOSL in October 2018 to aid those struggling with mental health issues. This complements the work done by certain other NGOs in providing support services in mental health

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<sup>22</sup> [https://issuu.com/nimh.angoda/docs/nimh\\_sri\\_lanka\\_annual\\_report\\_2016](https://issuu.com/nimh.angoda/docs/nimh_sri_lanka_annual_report_2016)

127. In addition to treating mentally ill patients within its premises, the NIMH also carries out follow-ups on patients once they are discharged into the care of families or institutions. The NIMH has many units and facilities specifically geared to address the medical and psychosocial needs of mentally ill persons. These include, a Geriatric Psychiatric Unit, Perinatal Psychiatric Unit, Learning Disability Unit, Radiology Unit and a Forensic Psychiatric Unit. The NIMH also has a psychiatric intensive care unit focusing on emergency admissions operating on a 24-hour basis. For patients who have been discharged, the NIMH offers day-treatment, rehabilitation facilities and therapy, to prevent relapses through community based mental health care programs.
128. The NIMH also has several outreach clinics, located in Delgahawatta, Raja Mawatha, Lunawa and Pannipitiya. These outreach clinics are mainly focused on follow up treatment and monitoring discharged patients. To widen the services given to patients in the community, a Colombo Outreach Ambulance Service was started in 2013. Such services ensure the prompt assessment and treatment of patients who are difficult to bring to hospital using conventional transport.
129. The NIMH also engages in outreach and liaison services to the Prison Hospital in Welikada, Colombo. Such treatment is given for those who may lapse into mental illness or who already suffer from such illnesses. The community forensic psychiatry unit under the NIMH also conducts regular visits to adolescent detention centres at Makola and Ranmuthugala.
130. A learning disability unit was also established by the NIMH in 2008. The unit rehabilitates clients with learning disability and associated behavioural problems and trains parents and guardians to provide care for patients with special needs.
131. The government has also recently established another school of nursing in Mulleriyawa to teach prospective nurses in caring for and providing medical assistance to mentally ill persons. A total of 1,969 students were trained in such schools of nursing in various parts of the country in 2016.

#### **Article 26 - Habilitation and rehabilitation**

132. The National Guidelines for Rehabilitation Services in Sri Lanka (2014 – 2018) published by the Directorate for Youth, Elderly and Disabled Persons of the MOH, has been prepared within the framework of the National Health policy of 2013, Health Development Master Plan 2007 – 2016 and the National Health Development Plan 2013 – 2017, National Policy on Disability and the National Plan on Ageing. This Guideline has utilized the definition for PwDs as accepted by the WHO Global Disability Action Plan 2014 – 2021, and complies with the health-related Articles of the CRPD, specifically Article 25 and 26. The main objective of these Guidelines is to provide adequate information to planners and implementers on appropriate levels of rehabilitation services that should be made available to PwDs of Sri Lanka.

133. The Guidelines refer to four types of health institutions for the provision of effective, appropriate and accessible rehabilitation services. They are (i) rehabilitation hospitals (ii) hospitals with rehabilitation departments (iii) hospital with rehabilitation services and (iv) hospitals with no rehabilitation services. Individuals with disabilities supported by their family members and other caregivers are the core component of all rehabilitation actions and given the primary focus.
134. Assistive devices and technologies required by PwDs are presently being provided by the NSPD. Sri Lanka is also working to adopt the list of assistive devices as recognized by the WHO.
135. The Ranaviru Seva Act (1999) provides for the care and rehabilitation of members of the armed forces and police force who have become disabled in the line of duty and promotes their welfare as well as dependents of those killed or missing in action.
136. The DSS and its network of Social Service Officers and Social Development Officers work at the grass root level, with the understanding that rehabilitation and welfare begins at home and the immediate community. Towards this end CBR programmes are conducted. The GOSL, NGOs and private institutions work in partnership to provide disability services through CBR programmes. Special services such as speech therapy and physiotherapy are provided by volunteers in the homes of children with disabilities who cannot go to school, whilst the community supports the programme by providing hearing aids, wheelchairs, crutches and other items needed.
137. However, it has been noted that rehabilitation services extended to PwDs are not sufficient to meet the need. Thus far, in government hospitals, rehabilitation services have been developed in Trincomalee, Batticaloa, Kilinochchi and Jaffna hospitals. There is also a need to increase the number of physiotherapists with the capacity of treating PwDs, which presently number less than 500 for the country. Further, there are less than 100 professionals engaged in the occupational therapy.
138. National Health Strategic Master Plan 2016 - 2025 (Rehabilitative Services) by the MOH, intends to conduct the following activities to upgrade and enhance existing infrastructure and capacity building for disabled persons. It includes increasing;
- the number of health institutions with accessibility facilities for persons with disabilities;
  - the proportion of secondary level health institutions equipped with all categories of trained Human Resource for disability rehabilitation;
  - the number of medical officers to implement advocacy programmes for key stakeholders on disability care and rehabilitation;
  - the existing development of human resources for disability care and rehabilitation;
  - the number of provincial level disability care and rehabilitation teams that are to be established;

- financial assistance for promotion of disability care and rehabilitation

139. Other plans targeting the improvement of rehabilitation services include:

- The Ministry/SW under the 2003 National Policy on Disability aims to train human resource development personnel to ensure adequately competent personnel at all levels of rehabilitation.
- The MOH and Provincial Ministries of Health plans to establish Health Clinics to provide rehabilitation services (including Prosthetic and Orthotic and Wheelchair workshops) to provide assistive devices and mobility aid equipment for persons with disabilities from poor income categories to war affected districts in the medium term under the NHRAP 2017 – 2021.

### **Article 27 - Work and employment**

140. Recognising the need to make special provisions for persons with disabilities to access employment, the GOSL through many stakeholder Ministries and Departments such as M/SW, Ministry of Labour and Trade Union Relations, Ministry of Public Administration and Management, Department of Social Services, has taken many steps in this regard.

141. Firstly, the GOSL recognizes that discrimination against PwDs when recruiting for employment must be eliminated. By law, as noted in para 19 of this report, the 1996 Act makes provisions for non-discrimination towards PwDs in employment. As noted above, the 1988 Public Administration Circular and its subsequent amendments have also created quotas for the employment of PwDs in the government, semi-government and private sectors. Action was also taken to make the Heads of Institutions aware of the necessity to implement the 1988 Circular, by Public Administration Circulars No. 01/99 and 01/18. The Government has also taken steps to recruit PwDs into the Public Management Services and Sri Lanka Information and Communication Services which come under the Combined Services Division.

142. The 2003 National Policy on Disability for Sri Lanka also provides for vocational counselling and guidance services to persons with disabilities on the best manner of vocational training and skills development available to them, for a sustainable future mode of livelihood.

143. The Ministry of Labour and Trade Union Relations has taken a decision to prohibit discrimination on the basis of disability in employment, specially in recruitment processes. To give legal effect to this decision, new provisions have been incorporated under the fundamental principles of the proposed new Employment Act which is at present in discussion stage. The proposed provision states that,

“It shall be an offence against this Act for an Employer, Manpower Supply Agency or Employment Agency to discriminate against any person in any of the terms and conditions

of hiring, employment, remuneration, promotion or termination of employment on the basis of gender, race, origin, ethnicity, language, creed, caste, age, family or marital status, or disability”

144. Further, with a view to providing livelihood support, low income families with PwDs are provided financial assistance up to Rs. 25,000 for the purpose of commencing self employment. As at 2017, 301 PwDs or families of PwDs have commenced self employment under this program.
145. With a view towards improving the employability of persons with disabilities, the DSS of Sri Lanka presently provides the following:
- Vocational Training for persons with disabilities such as, Lathe machine courses, Basic computer courses, Carpentry courses, Wood carving courses, Therapeutic massaging courses, Industrial sewing courses
  - Artificial limbs and eye lenses for the disabled
146. The Ministry of Skills Development and Vocational Training (M/SD&VT) has implemented a policy of inclusive vocational training for persons with disabilities. Priority is accorded to women heads of households and females with disabilities under this program. To date nine Vocational Training Centres are in operation, providing training for 1,200 student, with 10 more centres to open in 2019. The National Budget has allocated 38 million for 2018 for this purpose. This includes expenditure incurred by the training centres on meals, uniforms, equipment/material and a daily allowance for students for transport purposes. These individuals were trained in a diverse range of courses, such as IT, electronics and mechanics.
147. The National Council for the Blind, Sri Lanka National Federation of the Visually Handicapped, Central Council for the Disabled, Nailandre Home at Ragama, Anandapura Home at Katana, Ashokapura Home at Hemmathagama, Sun Flower Institution at Mulleriyawa are engaged in providing vocational training to PwDs<sup>23</sup>.
148. The Employers’ Federation of Ceylon, in 2000, created the Employers’ Network on Disability<sup>24</sup>, which has members from over 500 companies in Sri Lanka, representing over 400,000 employees. The Network was established with the goal of boosting the employment of PwDs in Sri Lanka. In addition to holding seminars on inclusion, the Network on Disability has developed a database of jobseekers with disabilities, developed a code of good practices for the hiring of PwDs and organizes job fairs. The Network also works to ensure that its outreach efforts are as accessible as possible. For example, the

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<sup>23</sup>[http://siteresources.worldbank.org/DISABILITY/Resources/Regions/South%20Asia/IICA\\_SriLanka.pdf](http://siteresources.worldbank.org/DISABILITY/Resources/Regions/South%20Asia/IICA_SriLanka.pdf)

<sup>24</sup> <http://www.employers.lk/services/efc-network-on-disability>

organization supported Sri Lanka Airlines to create a CD-ROM to teach basic sign language to employers participating job fairs, in order to be able to communicate with deaf jobseekers. The Network's activities also go beyond hiring. They have also developed a Barrier Free access Handbook in partnership with Standard Chartered Bank, with the purpose of advising employers on making 'reasonable accommodation' in the workplace. The Network additionally supports education and training programmes to match the needs of employers.

- 149.** The 2002 National Human Resources and Employment Policy (NHREP)<sup>25</sup> for Sri Lanka mandated awareness training programmes for parents to increase their involvement in training and employment activities which are currently being conducted by the government for PwDs. The GOSL has also introduced a scheme to provide special concessions to those who employ PwDs, including tax concessions, exemption from statutory payments and other forms of financial assistance. Moreover the NHREP has outlined the government's commitment to more proactively and effectively address issues relating to PwDs such as mainstream poverty reduction, community development as well as income generation programs.
150. Some of the activities which are ongoing in this regard under the NHRAP 2017 – 2021 are as follows:
- the M/SW has been tasked with identifying service programmes for people with mental and physical disabilities.
  - the MOH alongside the MOE are reviewing the existing program structures to increase their participation in decision-making positions. They have also been assigned to recommend capacity enhancement measures for persons with disabilities in the medium term.
  - Job placement and career guidance facilities for disabled persons are also to be set up
  - government encourages affirmative action programmes by providing information and linkages to potential employers and soft skills training to potential employees who are disabled.
  - Tax concessions have also been identified as a way to incentivize the hiring of PwDs in the medium term.
  - the Ministry of Labor and the Employers Federation of Ceylon, in conjunction with trade unions, intend to alter private sector company policies to ensure that PwDs are able to secure jobs and are treated in a fair and equal manner. -the NEDA, VTA, TVEC, NIE together with the Ministry of Skills Development and Vocational Training has been tasked with the provision of training, linkages to markets and financing to eligible PwDs (with a focus on women) in the medium term
  - District secretaries and Divisional Secretaries are directed to establish an independent fund to strengthen the capacity of DPO's and support such DPO's to acquire skills in the medium term under the NHRAP

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<sup>25</sup> <file:///C:/Users/admin/Downloads/7.%20National%20HR%20and%20Employment%20Policy.pdf>

151. Other initiatives include, the Ministry of Labor and the Ministry of Public Administration, together with Provincial Councils, implementing measures (such as examinations) to validate the need for qualified PwDs to have equal opportunities to obtain employment in the public sector
152. Sri Lanka's private sector is also forging ahead with changing perceptions from charity to autonomy and independence of PwDs. For example, in 2018, the Pizza Hut franchise in Sri Lanka opened its first branch staffed almost entirely by persons with hearing disabilities. To encourage this type of initiative, the 2019 National Budget has allocated Rs. 200 million for private entities that recruit at least five persons with disabilities. Salary subsidy of 50% per person, to an upper limit of Rs.15,000/- per person per month for a period of 24 months.
153. The Parliamentary Subcommittee report on Fundamental Rights states that "every citizen who has a disability or special needs" has the right to work in appropriate conditions consistent with his or her possibilities and capacities with fair remuneration that assures a dignified life.

#### **Article 28: Adequate standard of living and social protection**

154. The GOSL provides the following for the purpose of ensuring adequate housing for PwDs:
- One time allowance of SLRs 250,000 for construction of a new house
  - Renovation of an existing house of Rs. 15,000
155. The above do not include budget provisions made separately for the expenditure incurred in the management of institutions/homes that house persons with severe and permanent disabilities. It also does not include provisions made to the Ministry of Defence, under which they provide services to support former military personnel and currently serving personnel with disabilities.
156. The Ministry of Housing, Construction & Cultural Affairs ensures that PwDs are not discriminated against in any of the housing projects conducted under the Ministry. In the housing projects scheduled for 2020, special consideration will be given to PwDs<sup>26</sup>.
157. The Social Security Board Act No. 17 of 1996 provides pension and insurance benefits for PwDs in the case of accidents or old age.
158. Further, through the NHRAP 2017 - 2021, the Government has established mechanisms within District and Divisional Secretariats to provide PwDs with social protection and poverty alleviation schemes in the medium term. Under this program, as at 31 August 2016, Rs. 35.995 million had been provided for the construction or renovation of 375 houses.
159. The Ministry of Housing and the Ministry of Resettlement also intends to ensure housing or other such facilities for PwDs who request for such support in the mid to long term.

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<sup>26</sup> Data given by the Ministry of Housing, Construction and Cultural Affairs in June 2019



160. Future plans to develop the standards of living of PwDs include:
- The NHRAP plans to establish a separate governmental scheme to provide income-generating mechanisms to support women with disabilities; inclusive of a proper mechanism for training, counselling and follow-up, (e.g. the Ministry of SDVT has declared a policy of inclusive vocational training for persons with disabilities in the medium term. The relevant performance indicator according to the NHRAP is the percentage of tax exemption for women entrepreneurs with disabilities).
  - The Urban Development Authority (UDA) also plans to allocate a certain proportion of houses in public sector schemes, specific to PwDs, over the course of the NHRAP's implementation.
  - The GoSL also plans to provide support services for person with disabilities who are homeless or without any permanent shelter.
161. The Sub Committee Report on Fundamental Rights also advocates for the necessity to ensure the rights to equal opportunity for PwDs in all aspects of life. The State is to promote PwDs access to built environment, transportation, information and communication and all other facilities and services open to and used by the public in urban and rural areas. Furthermore, the State hopes to ensure the progressive identification and elimination of all barriers to accessibility for disabled persons.

#### **Article 29: Participation in political and public life**

162. In Sri Lanka, PwDs are eligible to participate in political and public life on an equal basis with all citizens. There are no Constitutional barriers towards the participation of persons with disabilities in any aspect of political or public life in Sri Lanka. Every citizen of Sri Lanka has the right to vote provided that the citizen is at least 18 years of age and his/her name is included in the electoral register.
163. In order to increase participation in electoral processes, the Election Commission and other electoral monitoring agencies endeavour to provide the best facilities as possible, including:
- Physically disabled persons who cannot use modes of public transport to reach a polling station to cast their vote can also request for special transport facilities, by requesting the Returning Officer of the district under Article 83(4)d of Parliamentary Elections Act No. 01 of 1981 or Article 82 (4) (d) of Presidential Elections Act No. 15 of 1981
  - reasonable accommodation at all polling stations for people with all types of disabilities so as to facilitate elderly voters and voters with disabilities to cast their votes at polling stations

- within the polling area, priority is given to voters with disabilities for the issuance of ballot papers
  - at all time election officials on duty provide assistance to disabled voters where needed
  - Elections (Special Provisions) Act No. 28 of 2011 makes provision for a voter who is subject to disability to be accompanied by a persons when voting at elections.
164. A PwD has also held Ministerial portfolio denoting a disabled friendly environment in Sri Lanka. The first person with a disability to hold such a portfolio at the Provincial level was in the third Uva Provincial Council, where the post of Provincial Minister for Agriculture, Irrigation, Livestock and Land was held by a PwD, attorney-at-law<sup>27</sup>.
165. During his tenure he heavily advocated creating a disabled friendly environment in Sri Lanka and initiated a pilot project in Monaragala, making it the 'First Disabled-Friendly/Age-Friendly District in Sri Lanka' with the assistance of WHO. In 2011 the Uva Provincial developed a policy to achieve universal inclusion in this district by 2018, starting with the city of Wellawaya. The policy is addressing the gaps in accessibility to the built environment as well as targeting the inclusion of persons with disabilities and older persons. Since the start of the project, approximately 50,000 persons with disabilities have benefitted<sup>28</sup>.
166. The 1996 Act on the Rights of Persons with Disabilities indicate that all organizations working in this area have to be registered within the databases of the NCPD. At present there are over a hundred such organizations registered with the NSPD.
167. This includes 'Self Help Groups' which are vital partners of the Social Service Officers at grassroot level. These groups, comprising PwDs and/or their families are the first respondents and supporters of all PwDs in that area. Members are also closely involved in indicating the types of needs of the PwDs in the area and coordinating the provision of financial and other assistance to those in need of same.
168. Sri Lanka also has many organizations directly dealing with PwDs, led by the Sri Lanka Confederation of Organizations of the Handicapped People. Some members of this Confederation are: the Sri Lanka Federation of Visually Handicapped, Sri Lanka National Federation of Visually Handicapped, Association of Physically Handicapped Technicians, Sri Lanka Federation of the Physically Handicapped, Association of Hearing Impaired People, Organization of the Parents of the Disabled Persons, Organization of Ladies with Disabilities and Sri Lanka Sports Board of Disabled People. The Joint Disability Front of Sri Lanka, is an umbrella body of organisations 'of' and 'for' PwDs in Sri Lanka, includes over 30 members.

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<sup>27</sup> <http://www.ifes.org/news/remembering-senarath-attanayake-sri-lankan-politician-and-advocate-disability-rights>

<sup>28</sup> <https://zeroproject.org/policy/pol183110skl-factsheet/>

This organization also represents PwDs at national level, and also submitted a report in tandem with Sri Lanka's State Party report at previous UPR cycle.

### **Article 30: Participation in cultural life, recreation, leisure and sport**

169. The National Budget for 2018 has set aside 15 million to facilitate recreational activities for the differently-abled.
170. Sri Lanka's commitment to providing opportunities for its disabled athletes was empowered by its national blind cricket team reaching the semi-finals of both ICC Blind Cricket World T20 tournaments, held in 2012 and 2017. In addition, the national blind cricket team has had active and successful participation in the longer format of the game, in ICC sponsored tournaments. At the inaugural Deaf-ICC T20 World Cup, Sri Lanka's team won the series which saw competition from 7 other South Asian countries.
171. Sri Lanka has also given weight to the participation of athletes with disabilities in other forms of sport. Sri Lanka has been participating in the Paralympics Games since 1996 and continues to send athletes to participate and compete in such international sporting events. In 2016, at Rio de Janeiro, Sri Lanka achieved its first medal in the Paralympics.
172. Further, the Sri Lankan Federation of the Visually Handicapped has been promoting sports and recreation for the visually handicapped since 1974. Such sports include Cricket, track and field events and indoor games.
173. The Ministry of Tourism Development and Christian Religious Affairs, Sri Lanka Tourist Board and the Ministry of National Heritage aims to make all public places such as monuments and sites of cultural importance be accessible to wheelchair users.
174. The Ministry of Social Welfare also organizes district, regional and national level competitions in various art and cultural fields for the specific participation of PwDs. The DSS and the NSPD also organizes cultural evenings and promotional walks for PwDs on an annual basis.
175. Future plans
  - As per the NHRAP 2017 – 2021, the Ministry of Sports and the MOE is set to launch sports, educational and training curricula in all schools including the adaptation of modules on disability sport. The NHRAP measures the performance of this objective by the percentage of schools with disability specific modules in sports curricula.
  - The Ministry of Sports is looking into the possibility of ensuring at least one intra-school event per year for students with disabilities and one disability specific inter-school event per year, under the NHRAP.

## **VI. SPECIFIC SITUATIONS**

### **Article 6 - Women with disabilities**

176. Sri Lanka ratified the Convention on the Elimination of All forms of Discriminations against Women (CEDAW) in 1981. The GOSL has also taken note of General Recommendation No. 18 of the CEDAW which specifically related to women with disabilities.
177. The GoSL has identified women with disabilities (WwD) as an especially vulnerable group in society and are subjected to marked discrimination and recognizes certain intrinsic discriminatory practices prevailing in the country. In this context, the NCPD and NSPD have taken the following progressive measures to address such discrimination through a diverse array of programs to provide an enabling environment for women; encouraging their development, advancement and empowerment. Among these initiatives are:
- Welfare poverty alleviation and social security programmes for vulnerable groups, particularly mothers with disabilities
  - Programmes which enhance women's right to employment, quality of employment, promoting a gender-sensitive environment in workplaces and eliminating sexual harassment and exploitation of workers
  - Skills development and technical and vocational training programmes to address the demand in the labour market
178. The Ministry of Women and Child Affairs (M/W&CA), together with the M/SW, plans to strengthen organizations of women with disabilities through awareness.
179. Special note has also been taken care of WwD in post-conflict situations<sup>29</sup>. In addition, the M/W&CA has also worked with the DMC to develop a manual on protecting all women from Sexual and Gender Based Violence (SGBV) during humanitarian and emergency situations.
180. The programme 'Ayata Diriyak – Ratata Saviyak' (Encouragement for her who is a strength to the country) launched by the M/W&CA, which envisages economic and social empowerment of WwDs, is based on the policies of the SDGs and CEDAW. The outcomes envisaged are:
- Develop 40 women with disabilities to be entrepreneurs
  - Get the involvement of all women in the country's development process
  - Reduce violence and abuse against women and children
  - Protect human rights of every citizen in the country

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<sup>29</sup> Dinesha W.V.A. Samararatne & Karen Soldatic (2015) Inclusions and exclusions in law: experiences of women with disability in rural and war-affected areas in Sri Lanka, Disability & Society

- Increase the number of secured family units by 40
- Reduce the level of dependency mentality

## Article 7 - Children with disabilities

*Table 9: Population with difficulties (5 -19 years and above) - by selected age groups and level of difficulty*

Age Group	Number of persons in difficulty		Number of persons not possible at all		Difficulty published in census	
	Male	Female	Male	Female	Male	Female
5-9	14,961	12,963	3,336	2,709	16,991	14,554
10-14	12,942	11,136	3,198	2,488	14,910	12,617
15-19	13,004	12,712	3,616	2,898	15,174	14,494

*Note:* Number of persons in difficulty includes both having " some difficulty" and " a lot of difficulty"

*Source:* Census of Population & Housing 2012

181. Sri Lanka signed the Convention on the Rights of the Child in 1990 and ratified in 1991. As a follow-up to the UNCRC, the government of Sri Lanka formulated the Children's Charter in 1992. It also signed and ratified the ILO Convention 138 on the Minimum Age for Employment, alongside Convention C182 on the Worst Forms of Child Labour. In this regard, Sri Lanka identifies the minimum age of employment to be 14 years.
182. Sri Lanka has a history of addressing the needs of CwD, dating back to 1912, when the first school for the deaf and blind was established.
183. The National Health Policy (1996) provides for the improvement of quality of life and early childhood development of CwDs in rehabilitation including pre-schools, house visits, assistive devices, parental counselling and awareness for children suffering from acute and chronic mental illnesses.
184. According to the general education reforms of 1997, the GoSL introduced the concept of 'inclusive education'. This policy allows CwDs to be integrated into ordinary classrooms. At present, children with disabilities obtain education in government schools either through inclusion in the ordinary classroom or in special education units attached to ordinary schools. Please refer Article 24 on Education of this report for more details in this area.
185. The National Policy on Disabilities of 2003 endorsed compulsory education to all disabled children aged between 5 – 14 years.
186. At present, a total of 525 special education units are functioning within formal government schools. Approximately 5,088 children access State sponsored education either in special education units or inclusive mainstream classrooms in formal schools. In addition, by 2014,

- 25 special schools Special Schools CwDs under the MoE with 2,795 students were projected to be opened.
187. The NCPD and NSPD have implemented a strategy to provide Rs. 10,000/- worth of equipment for school going CwD and those whose parents are disabled. As of 2017, the NCPD and NSPD notes that over 363 disabled children have received educational assistance.
188. GOSL has also supported NGOs which assist disabled children in various parts of the country. To this extent, tax concessions have been given to such NGO-monitored 'homes' in situations where the government may face certain constraints in establishing such homes for disabled schools.
189. Organizations in the forefront of work for children with disabilities such as Senehasa Education Resource Research and Information Centre (SERRIC) work towards inclusion of children with special developmental needs into mainstream education through clinical care, training of relevant personnel including parents. One of the primary activities is advocacy at District level to ensure that no child is left out. So far, large advocacy programmes, "Senehasa Gamata", has been conducted in Ratnapura, Ampara, Monaragala, Anuradhapura and Pollonnaruwa to identify all children in each District. All relevant service sectors in the District was involved in screening and providing for the needs of these children and the families. Monitoring is done by SERRIC
190. Sri Lanka Association for Child Development (SLACD) with its multidisciplinary workforce of health professionals has conducted clinics, training workshops for community healthcare staff and teachers on early detection and intervention in autism and other developmental disorders. SLACD has collaborated with Ministry of Education to train Primary School Teachers in all National Schools in the country and ISAs attached to Zonal Education Offices. All Grade 1&2 teachers have been trained as a result in identification and intervention in children with autism and developmental disorders and several training modules have been produced.
191. The government has also taken initiatives to allocate funds for the establishment of reading centers for disabled children.

## **VII. SPECIFIC OBLIGATIONS**

### **Article 31: Statistics and data collection**

192. At present, statistics of disabled persons are compiled by the DCS Sri Lanka. In addition, Sri Lanka's Central Bank also makes available its data on the number of disabled persons in a number of reports. The DCS, Ministries of Health, Education and M/SW also gather specific data relevant to their mandates at national, provincial, district and divisional levels.

193. Having recognized the need for comprehensive, accurate data in the formulation of policies and allocation of budgets, special provisions have been made in the 2019 National Budget to conduct a special Census on PwDs, enabling the Treasury to make accurate provisions for the delivery of services and set targets for the line agencies.
194. The NHRAP 2017 – 2021 also proposes to develop data and statistics in accessible formats and related technology to ensure non-discrimination. These are subject to data protection and protocols to ensure privacy of PwDs.
195. The DCS has already introduced questions to identify disability status of the persons into regular household surveys, such as Sri Lanka Labour Force Survey (2018 survey onward), Household Income and Expenditure Survey (new questions are included to 2019 survey), especially to cater to the need of calculating related SDG indicators. The 2021 Census of Population and Housing scheduled will include detailed questions on disability (based on the Washington Group questions) in the survey questionnaire.

### **Article 32 - International cooperation**

196. Article 27(15) of the Constitution of Sri Lanka states that,  
*“The State shall promote international peace, security and co-operation, and the establishment of a just and equitable international economic and social order and shall endeavour to foster respect for international law and treaty obligations in dealings among nations”.*
197. The GOSL also take note of Goal 17 of the SDGs which promote global partnerships in achieving sustainable development. Sri Lanka understands the necessity of and advantages that can be gained by international collaboration, particularly in issues pertaining to disability.
198. Sri Lanka also hosts UN agencies, International Organizations and NGOs which deal with issues pertaining to disabled persons. A few are as follows:
  - ‘The Organization for Rehabilitation of the Handicapped’ has registered with the Tertiary and Vocational Education Commission (TVEC) of Sri Lanka. The main objective of the Organization is to provide a decent job in the labour market for disabled persons through quality vocational training.
  - ‘Humanity and Inclusion’ has been working in Sri Lanka since 2004. Their Physical and Rehabilitation Project aims to optimize the quality and access to physical rehabilitation services in Sri Lanka for vulnerable populations with injuries and disabilities. To date this organization has provided and fitted 3,115 prosthetic and orthotic devices, conducted 2,291 physical therapy sessions, and provided 1,119 mobility devices.

199. Sri Lanka attends the Conference of State Parties to the Convention on the Rights of Persons with Disabilities held at the UN Headquarters, New York. The country has also had extensive engagement with the process of the UPR, having accepted a number of those recommendations of the Working Group towards implementation in relation to the rights of PwDs.
200. Sri Lanka also acceded to the Anti-personnel Mine Ban Convention on the 13<sup>th</sup> of December, 2017. As a State Party to the Convention, Sri Lanka is committed to the programme towards victim assistance and rehabilitation, with the assistance of several civil society organizations.

### **Article 33 - National implementation and monitoring**

201. Sri Lanka works towards the welfare and empowerment of PwDs through a gamut of institutions in different sectors, to ensure targeted provision of services and compliance with the laws and policies related to PwDs as noted in para 17 & elsewhere in this report:

Ministry of Social Welfare

National Council for Persons with Disabilities (NCPD)  
National Secretariat for Persons with Disabilities (NSPD)  
Department of Social Services (DSS)

Ministry of Health, Nutrition & Indigenous Medicine

Directorate for Youth, Elderly & Persons with Disabilities

Ministry of Education

Non-formal and special education branch

Ministry of Skills Development & Vocational Training

Ministry of Home Affairs

Divisional Secretariats – Social Services desk

Provincial Councils

Provincial Social Service Departments

202. Recommendations under the NHRAP 2017 – 2021 in this regard includes:

- recommends the appointment of a committee to carry out an independent review of the performance of the NCPD
- Consultations are to also to take place with stakeholders in government and civil society regarding other actions that can be taken to facilitate PwDs.
- The establishment of a disability portal website that acts as a clearinghouse of information



- institutional arrangements are to be made by HRCSL, Constitutional Council and Parliament for the monitoring and evaluation of disability rights implementation in accordance with CRPD Article 33(2)
  - implement the National Policy on Disability, which is to be reviewed and revised through consultations with stakeholder groups in government and civil society
203. The M/SW, together with all stakeholders has reviewed and revised disability legislation to ensure consistency with CRPD. The reviewing of existing legislation in all areas with a disability rights based approach is to begin with the appointment of a committee as necessary.
204. Furthermore, the M/SW, together with all central and Provincial Ministries implementing disability programs, are to secure budgetary allocations for the provision of services and programs for PwDs to ensure the realization of their rights.
205. National implementation is also financially supported by the Treasury which has dedicated allocations towards 'Support for low income disabled persons', 'national counseling programme', as well as allocations for the National Fund for Disabilities and Visually Handicapped Fund, charity homes for the elderly and severely disabled, special schools and for the provision of assistive devices. The Ministry of Defence allocates a considerable sum of financial assistance towards the welfare of retired and serving personnel with disabilities and their families.
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