



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

25 January 2012

LKA103947.E

Sri Lanka: Sexual and domestic violence, including legislation, state protection, and services available for victims

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. General Situation

Sources report that sexual and domestic violence directed towards women are "pervasive" (US 8 Apr. 2011, Sec. 6) and "serious" problems in Sri Lanka (Freedom House 2011). An article by the United Nations' (UN) Integrated Regional Information Networks (IRIN) quotes a representative of the UN Population Fund as saying that "[t]he prevalence of gender-based violence is reported to be high and widespread, cutting across class, race, ethnicity and religion" (UN 27 Nov. 2008). However, a 2010 Asian Human Rights Commission (AHRC) report on the state of human rights in Sri Lanka states that young women who belong to low social castes or ethnic minorities are more likely to become victims of sexual abuse (2010, 46).

Sources also indicate that violence against women in Sri Lanka is increasing (*Daily News* 9 Mar. 2009; UN 27 Nov. 2008; *ibid.* 3 Apr. 2008, para. 20). A summary, prepared by the Office of the UN High Commissioner for Human Rights, of a submission by 32 stakeholders to the UN Human Rights Council states that women were specifically targeted during the civil war in the country (*ibid.*). In its *Freedom in the World 2011* report, Freedom House likewise states that "[v]iolence against women, including rapes, increased along with the general fighting in the civil conflict, and has also affected female prisoners and interned IDPs [internally displaced persons]" (2011). In a report on the situation of women in the north and east of the country, the International Crisis Group notes that there are indications that violence against women and children throughout Sri Lanka has "worsened" as a result of the civil war (20 Dec. 2011, 2).

1.1 Statistics on Violence Against Women

Some observers note the lack of "disaggregated data" concerning violence directed against women (Sri Lankan NGO Collective 14 Oct. 2011, 23; WHO n.d.), as there are no systems in place to collect gender-specific information (*ibid.*). According to a shadow report prepared for the UN Committee Against Torture by a collective of Sri Lankan non-governmental organizations (NGOs) dedicated to human rights, "it is not possible to assess the true extent of crimes against women" because of this lack of information (Sri Lankan NGO Collective

14 Oct. 2011, 23).

Nevertheless, some figures on sexual and domestic violence were found in several sources consulted by the Research Directorate (ibid.; IPS 22 Mar. 2011; UN 27 Nov. 2008.). The UN's IRIN reports that, according to the officer responsible for the Bureau for the Prevention of Abuse of Children and Women of the Sri Lanka Police Department, "[p]olice stations nationwide routinely record between 8,000 and 10,000 cases of violence against women per month" (ibid.). An article from the Inter Press Service (IPS) news agency, however, states that the Police Bureau for the Protection of Women and Children receives from 8,000 to 10,000 cases of "domestic violence" annually (22 Mar. 2011).

Other sources state that, according to figures recorded by the Police Bureau for the Protection of Women and Children, in 2006, there were 353 reported cases of rape and 963 cases of sexual harassment, while, in 2008, there were 303 reported cases of rape, 841 cases of sexual harassment, and 89 cases of domestic violence (compared to none in 2006), as well as 15 cases of "grave sexual abuse" (Sri Lankan NGO Collective 14 Oct. 2011, 23; WMC July 2010, 38). According to the United States' Department of State's *Country Reports on Human Rights Practices for 2010*, in 2009, the Police Bureau received 714 complaints of grave violent crimes and 2,391 complaints of minor crimes against women, and reported 175 incidents of rape in the country from January to August 2009 (US 8 Apr. 2011, Sec. 6).

1.2 Women's Self-reporting

Sources agree that violent crimes against women in Sri Lanka are greatly underreported and that the number of cases that are reported are not representative of the number of actual incidents (AI 7 Nov. 2011; AHRC 2010, 46; UN 27 Nov. 2008; WHO n.d.). Several sources explain that a culture of silence surrounds acts of gender-based violence in the country (IPS 22 Mar. 2011; AHRC 2010, 46; UN 27 Nov. 2008). According to the AHRC report, most women feel that it is better for them not to reveal that they have been victimized (2010, 46). In correspondence with the Research Directorate, the President of the Institute of Gender and Development Studies of Sri Lanka explained that victims are deterred from taking legal action and going through legal procedures that will force them to openly discuss personal information and relive the events without consideration for their privacy and the trauma they have endured (InGaDS 2 Jan. 2012). Sources also report that a victim of sexual violence may suffer a loss of reputation and social standing and have her options for marriage limited (ibid.; AHRC 2010, 46). As an example of the social stigma a victim may suffer, the AHRC notes a case it has followed wherein a 15-year-old rape victim was refused access to her school by the principal who stated that the victim "was a disgrace and a bad example for other students" (ibid., 49).

Domestic violence in particular is reportedly common in Sri Lanka (US 8 Apr. 2011, Sec. 6; Freedom House 2011). Several sources report that more than 60 percent of women in the country are victims of domestic violence (IPS 22 Mar. 2011; UN 27 Nov. 2008; AHRC 2010, 51). The AHRC report states that this figure comes from a survey conducted by the Ministry of Child Development and Women's Empowerment [also Affairs] in 2006 (ibid.). (Further details from the survey were not found among the sources consulted by Research Directorate.) The AHRC report adds that "commonly perpetrated forms of domestic violence include physical and sexual violence, threats and intimidation" (ibid.). The report also states that "[m]arital and domestic rapes are everyday life for many married

women and hardly ever reported, as they are not even considered rapes, but the right of a married man" (ibid., 46). According to the International Crisis Group report, there are indications that domestic violence is increasing (20 Dec. 2011, 13).

1.3 Situation in the North and East

Sources report that women in the former conflict zones of the civil war are particularly vulnerable (International Crisis Group 20 Dec. 2011, 1; US 8 Apr. 2011, Sec. 6; Freedom House 2011). In the wake of the war, the areas formerly controlled by the Liberation Tigers of Tamil Eelam in the north and east of the country have gained a significant Sri Lankan military presence, which has reportedly led to sexual harassment and abuse of female civilians by security forces (International Crisis Group 20 Dec. 2011, 26-27; US 8 Apr. 2011, Sec. 6; Freedom House 2011). The AHRC suggests that government security forces were allowed to use sexual violence as a weapon during the war, which has encouraged them to continue to act without fear of consequences (2010, 46). According to the International Crisis Group, the Sri Lankan government has refused to acknowledge or investigate allegations of sexual violence by security forces during and after the end of the war (20 Dec. 2011, 14).

Sources report that, as a consequence of the civil war, many households in former conflict areas lost their male family members and are now headed by women (International Crisis Group 20 Dec. 2011, 1; UK Mar. 2011, 292; AWID 1 May 2009). This has left many girls and women in these areas vulnerable (US 8 Apr. 2011, Sec. 6; Freedom House 2011; UK Mar. 2011). The International Crisis Group explains that widows, particularly young ones, are viewed as bad luck in Tamil culture and that, some Tamil women are thought of as being widows, "even in cases of divorces, desertion or detention" (International Crisis Group 20 Dec. 2011, 4 n. 14). The report adds that "[w]idows who were - or were believed to have been - raped are doubly stigmatised and especially vulnerable" (ibid.).

Sources report that the armed conflict created a climate of violence that continues to be felt by women through domestic violence (ibid., 2; AHRC 2010, 46; AWID 1 May 2009). According to the International Crisis Group, an increase of alcohol abuse among Tamil men of the north and east has been a contributing factor to a growth in domestic abuse (International Crisis Group 20 Dec. 2011, 29). Sources also report that domestic violence was prevalent in displacement camps (ibid., 26; IDMC 7 May 2010).

2. Legislation and State Protection

Sexual abuse and exploitation are illegal according to the *Penal Code* of Sri Lanka (Sri Lanka 1885, Art. 363, 365B; see also US 8 Apr. 2011, Sec. 6). However, marital rape is only considered a crime if the couple are legally separated (International Crisis Group 20 Dec. 2011, 12; US 8 Apr. 2011, Sec. 6). In 1995, an amendment to the *Penal Code* also made sexual harassment a criminal offence (Sri Lanka 1885, Art. 345; see also US 8 Apr. 2011, Sec. 6). The *Prevention of Domestic Violence Act* was implemented in 2005 (Sri Lanka 2005; AHRC 2010, 51; WHO n.d.). The Act provides for the issuing of protection orders for any person who has been subjected to, or is likely to be subjected to, domestic violence (Sri Lanka 2005; AHRC 2010, 51-52; UN 24 Mar. 2010, Sec. 50). However, a shadow report submitted to the UN Committee on the Elimination of All Forms of Discrimination Against Women by the Women and Media Collective (WMC), an NGO that advocates against violence and

discrimination against women (WMC n.d.), notes that the Act does not legally obligate medical service providers to report possible cases of domestic violence to the police (WMC July 2010, 35). The WMC shadow report also states that the setting up of shelters or other facilities is not required by the Act, "making it difficult for women to access or sustain court proceedings" (ibid.).

Sources indicate that existing laws designed to protect women are poorly enforced (AI 7 Nov. 2011; Freedom House 2011; US 8 Apr. 2011, Sec. 6). Amnesty International reports that gender-based violence "is not taken seriously" by Sri Lankan authorities (7 Nov. 2011). The AHRC report likewise indicates that law enforcement officers often discount complaints regarding sexual or domestic violence (2010, 49). According to the International Crisis Group report, "[t]he government has mostly dismissed women's security issues and exacerbated fears, especially in the north and east" (20 Dec. 2011, i). The President of the Institute for Gender and Development Studies stated that there have been several reported cases of victims being further harassed and extorted by police officers when attempting to make complaints (InGaDS 2 Jan. 2012).

Sources indicate that many law enforcement officers, as well as the public, are not fully aware of the laws designed to protect women from violence (WMC July 2010, 36; *Daily News* 9 Mar. 2009). In 2009, the Sri Lankan newspaper *Daily News* reported that the Sri Lankan Child Development and Women's Empowerment minister had acknowledged this lack of awareness and stated that even some of the judiciary in the country were not well aware of the laws protecting women (9 Mar. 2009). However, the President of the Institute for Gender and Development Studies stated that the Ministry of Women's Empowerment and NGOs have led programs to make police officers aware of the *Prevention of Domestic Violence Act* and sensitive to gender issues (InGaDS 2 Jan. 2012). In a contribution to the combined fifth, six and seventh periodic reports for Sri Lanka under the UN Convention on the Elimination of All Forms of Discrimination Against Women, Sri Lankan authorities also stated that judges, law enforcement officers, prosecutors and judicial medical officers have received training regarding abuse of women and children and the implementation of the Act (UN 24 Mar. 2010, Sec. 21). The Sri Lankan authorities also reported that a series of training and awareness programmes have been carried out by the police to sensitize its officers to issues surrounding the abuse of children and violence against women (ibid.).

The AHRC notes that there are lengthy delays in the prosecution of sexual assault cases (2010, 47-48). The WMC similarly says that there are often delays of between five and twelve years before court cases dealing with sexual violations are concluded (July 2010, 37). According to the AHRC, the long delays in court proceedings and the "impunity enjoyed by the perpetrators" have contributed to the *de facto* decriminalization of rape (AHRC 2010, 50).

According to the AHRC, the Sri Lankan government operates several agencies and departments that oversee the enforcement of Sri Lanka's international and domestic commitments in promoting gender equality and combating gender violence, including the Women's Bureau of Sri Lanka, the National Committee on Women and the Ministry for Child Development and Women's Empowerment (ibid., 52). *Country Reports 2010* notes that the Police Bureau for the Protection of Women and Children conducted community awareness programs, which prompted women to file complaints (US 8 Apr. 2011, Sec. 6). According to the Sri Lankan government, the Police Bureau for the Protection of Women and Children also operates 36 specialized desks that are supervised by district police officials across the country (UN 2 May 2008).

However, according to the joint report from the Sri Lankan NGO collective, the women's desks are often staffed by men (14 Oct. 2011, 23). The report also notes that the desks in the north are often staffed by Sinhala speakers, although the complainants are principally Tamil (Sri Lankan NGO Collective 14 Oct. 2011, 23).

3. Support Services

Country Reports 2010 states that "[s]ervices to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counselling, [are] generally scarce due to a lack of funding" (US 8 Apr. 2011, Sec. 6). According to the AHRC report, since there is no official protection offered to victims or witnesses, women expose themselves to greater danger by reporting a crime (AHRC 2010, 49). The report states that women must protect themselves by taking refuge with relatives or the "few" NGOs that can offer shelter (ibid.).

According to the shadow report by the WMC, from 2005 to 2009, 219,825 clients called on the services of Women in Need, an NGO that offers support services to women who are victims of domestic violence (WMC July 2010, 35). However, the WMC report states that only about 101 women filed for protection orders (ibid.) The website of Women in Need shows that it has offices throughout Sri Lanka (WIN n.d.a), operating nine crisis centres, eight one-stop crisis centres, five police station counselling desks and eight women's resource centres (ibid. n.d.b). The Women in Need website also states that it operates two shelters for women and children in Sri Lanka (ibid. n.d.c). Women in Need's first shelter, the location of which is not given, "can accommodate up to 15 women and children at any given time" and provided refuge for 137 women and children in 2010 (ibid.). Women in Need's second shelter was opened in the southern city of Matara in September 2010 (ibid.). Women in Need's website notes that the shelters support women and children who have obtained protection orders through the *Prevention of Domestic Violence Act* (ibid.).

The AHRC report states that, in addition to Women in Need, private organizations that provide shelters include Welcome House, the Salvation Army and the Women Development Centre, situated in the city of Kandy [in Sri Lanka's central province] (AHRC 2010, 54). The AHRC report also notes the existence of the Kandy Human Rights Office, which it calls "the only refuge for victims [of rape] in Sri Lanka" (ibid., 47). According to an article by the IPS, a program called Mithuru Piyasa provides aid to victims of domestic violence at the Matara Hospital, 160 kilometres south of Colombo (IPS 22 Mar. 2011). The program provides counselling and legal aid to women who seek treatment for injuries due to domestic violence (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). 7 November 2011. "Sri Lanka: Urgent Need to Prosecute Security Agents Involved in Torture."
<<http://www.amnesty.org/en/news/sri-lanka-urgent-need-prosecute-security-agents-involved-torture-2011-11-07>> [Accessed 9 Dec. 2011]

Asian Human Rights Commission (AHRC). 2010. *The State of Human Rights in Sri Lanka in 2010*. (AHRC-SPR-010-2010)
<<http://www.humanrights.asia/resources/hrreport/2010/AHRC-SPR-010-2010.pdf>> [Accessed 9 Dec. 2011]

Association for Women's Rights and Development (AWID). 1 May 2009. Kathambi Kinoti. "Crisis in Sri Lanka." <<http://www.awid.org/Library/Crisis-in-Sri-Lanka>> [Accessed 14 Dec. 2011]

Daily News [Colombo]. 9 March 2009. Nadira Gunatillele. "Laws Exist, People Unaware - Minister." <<http://www.dailynews.lk/2009/03/09/news20.asp>> [Accessed 8 Dec. 2011]

Freedom House. 2011. "Sri Lanka." *Freedom in the World 2011*.
<http://freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2011&country=8137&pf> [Accessed 9 Dec. 2011]

Institute for Gender and Development Studies of Sri Lanka (InGaDS). 2 January 2012. Correspondence from the President to the Research Directorate.

Inter Press Service (IPS). 22 March 2011. Amantha Perera. "Parliamentarian Breaks Silence on Domestic Violence." <<http://ipsnews.net/news.asp?idnews=54949>> [Accessed 6 Dec. 2011]

Internal Displacement Monitoring Centre (IDMC). 7 May 2010. "IDP News Alert." <[http://www.internal-displacement.org/8025708F004D31AA/\(httpIDPNewsAlerts\)/6EDCF3E26BA1E7F0C125771C0043DF42](http://www.internal-displacement.org/8025708F004D31AA/(httpIDPNewsAlerts)/6EDCF3E26BA1E7F0C125771C0043DF42)> [Accessed 8 Dec. 2011]

International Crisis Group. 20 December 2011. *Sri Lanka: Women's Insecurity in the North and East*. Asia Report No. 217.
<[http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf)> [Accessed 20 Dec. 2011]

Sri Lanka. 2005. *Prevention of Domestic Violence Act, No. 34 of 2005*.
<[http://documents.gov.lk/Acts/2005/Prevention%20Act%20No.%2034%20of%202005/H%2022927%20Prevention%20\(E\).pdf](http://documents.gov.lk/Acts/2005/Prevention%20Act%20No.%2034%20of%202005/H%2022927%20Prevention%20(E).pdf)> [Accessed 19 Dec. 2011]

_____. 1885 (amended 2006). *Penal Code* Penal Code. (Refworld)
<<http://www.unhcr.org/refworld/pdfid/4c03e2af2.pdf>> [Accessed 19 Dec. 2011]

Sri Lankan NGO Collective. 14 October 2011. *Joint Alternative Report from the Sri Lankan NGO Collective to the Committee Against Torture*. (Office of the United Nations High Commissioner for Human Rights)
<http://www2.ohchr.org/english/bodies/cat/docs/ngos/NGOCollective_SriLanka47.pdf> [Accessed 12 Dec. 2011]

United Kingdom (UK). March 2011. Foreign and Commonwealth Office. "Section VII: Human Rights in Countries of Concern: Sri Lanka." *Human Rights and Democracy: The 2010 Foreign and Commonwealth Office Report*. <<http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf>> [Accessed 8 Dec. 2011]

United Nations (UN). 24 March 2010. Committee on the Elimination of Discrimination Against Women. *Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women: Combined Fifth, Sixth and Seventh Periodic Reports of States Parties: Sri Lanka*. <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/288/38/PDF/N1028838.pdf?OpenElement>> [Accessed 8 Dec. 2011]

_____. 27 November 2008. Integrated Regional Information Networks (IRIN). "Sri Lanka: Violence Against Women on the Rise." <<http://www.irinnews.org/report.aspx?reportid=81693>> [Accessed 6 Dec. 2011]

_____. 2 May 2008. Human Rights Council. *National Report Submitted in Accordance with Paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1: Sri Lanka*. (A/HRC/WG.6/2/LKA/1) <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/132/02/PDF/G0813202.pdf?OpenElement>> [Accessed 8 Dec. 2011]

_____. 3 April 2008. Human Rights Council. *Summary Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15 (C) of the Annex to Human Rights Council Resolution 5/1: Sri Lanka*. (A/HRC/WG.6/2/LKA/3) <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/127/09/PDF/G0812709.pdf?OpenElement>> [Accessed 12 Dec. 2011]

United States (US). 8 April 2011. Department of State. "Sri Lanka." *Country Reports on Human Rights Practices for 2010*. <<http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>> [Accessed 9 Dec. 2011]

Women and Media Collective (WMC). July 2010. *Sri Lanka Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women*. <http://www2.ohchr.org/english/bodies/cedaw/docs/ngo/WMD_SriLanka48.pdf> [Accessed 9 Dec. 2011]

_____. N.d. "The Women and Media Collective." <<http://www.womenandmedia.net/>> [Accessed 23 Jan. 2012]

Women in Need (WIN). N.d.a. "Contact Us." <http://winsl.net/index.php?option=com_content&view=article&id=21&Itemid=17> [Accessed 18 Jan. 2012]

_____. N.d.b. "Welcome to Women in Need." <http://winsl.net/index.php?option=com_content&view=article&id=1&Itemid=1> [Accessed 18 Jan. 2012]

_____. N.d.c. "Temporary Shelter." <http://winsl.net/index.php?option=com_content&view=article&id=11&Itemid=10> [Accessed 18 Jan. 2012]

World Health Organization (WHO). N.d. "Gender-based Violence (GBV) Basic Information Sheet: Sri Lanka." <http://www.whosrilanka.org/LinkFiles/WHO_Sri_Lanka_Home_Page_GBV_Count_ry_Factsheet.pdf> [Accessed 6 Dec. 2011]

Additional Sources Consulted

Oral sources: Efforts to contact representatives of the Kandy Human Rights Office, Law and Society Trust, the Women and Media Collective, and the World Health Organization in Sri Lanka, as well as the Director of the Sri Lanka Women's Bureau, were unsuccessful. A representative of Emerge Global did not provide information within the time constraints of this Response.

Internet sites, including: The Asia Foundation; Asia Pacific Forum on Women, Law and Development; Australia Refugee Review Tribunal; Centre for the Study of Human Rights, University of Colombo; Commonwealth Human Rights Initiative; European Country of Origin Information Network; Engagingmen.net; Family Rehabilitation Centre; The Global Virtual Knowledge Centre to End Violence Against Women and Girls; Human Rights Commission of Sri Lanka; Institute for Gender and Development Studies; Kartini Asia; Kandy Human Rights Office; Law and Society Trust; Organisation mondiale contre la torture; Sarvodaya; Sri Lanka — Ministry of Child Development and Women's Empowerment; United Nations — Secretary-General's Database on Violence Against Women, Stop Violence Against Women, UNiTE to End Violence Against Women; Women Living under Muslims Laws.

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.