

Prevention of Sexual Exploitation and Abuse (PSEA)

Country Mapping of Known Context,
Legislation, Reporting and Referral
Pathways — Sri Lanka

An initiative
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Safeguarding
Community of
Practice



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Prevention of Sexual Exploitation and Abuse (PSEA) – Sri Lanka

This document has been prepared to assist your organisation to better understand a) the general Prevention of Sexual Exploitation and Abuse (PSEA) context b) relevant PSEA legislation and c) available reporting and referral pathways for SEA in a particular country. **This document is not intended to be a definitive analysis of a country's PSEA system and should not be read as such. The information may have been updated at the source since its publication and the reader should follow links provided to fact check before they quote or share this information. It is recommended that you test contact details provided prior to sharing these referral pathways.**

Your organisation must refer to and follow your PSEA Policy when responding to SEA. If a victim/survivor of SEA is under the age of 18 years, consult your organisation's Child Protection Policy.

OVERVIEW OF PSEA ISSUES

Demographics ¹	Sri Lanka is an island in the Indian Ocean, about 28km off the south-eastern coast of India. The total population of Sri Lanka is approximately 21.67 million (2018), ² and about 52% of the population are female. The overall life expectancy is 72 years for males and 78 years for females, with a probability of dying between 15 and 60 years (per 1,000 population) as 191 for males, compared to 73 for females. Fertility rate is 2.21 births per woman, and under-5 mortality rates are 7 per 1,000 live births. Total expenditure on health per capita is \$369 (USD) or 3.5% of GDP. Gross national income per capita is \$9,470. The official languages are Sinhala and Tamil.
Disability ³	The long-standing war in Sri Lanka has resulted in significant rates of physical impairment and mental illness, with the World Report on Disability identifying a disability prevalence rate of 12.9%. Approximately 27.6% of the population in conflicted areas in the North Eastern province experience severe post-traumatic stress impairments. Women and girls with disability are disproportionately impacted compared to males with disability, with lower rates of school attendance, lower rates of employment, and higher rates of poverty, and exposure to SGBV and SEA.
Education ⁴	Sri Lanka is one of only two countries in South Asia recognized by the UN as achieving a threshold considered as 'high' human development. Despite the a 27-year civil war from 1983-2009 and the 2004 Tsunami, the country maintains some of the highest literacy rates in South Asia. Education is compulsory until 16 years of age, with Sinhala, Tamil & English taught at schools. Subsequently, Sri Lanka has the highest reported youth literacy rate in South Asia at 98.77%.
Gender ⁵	Sri Lanka ranks 97 of 187 countries in the Human Development Index and is performing even better for gender with a rank of 74 for its Gender Inequality Index. However, out of the 6.8 million economically active population, 64% are male whereas women only account for one third of the labour force (34%). Women have low representation in government – at municipality and local government level women comprise only 2% of elected officials (2008-2012), with only 5.3% of women elected to Parliament in 2015. According to the findings of the study conducted in 2019 by UNFPA, 90% of Sri Lankan women and girls have faced sexual harassment in public buses and trains at least once in their lifetime.

1 WHO, 2020. [Health Topics: Sri Lanka](#)
2 World Bank, 2020. [Population: Sri Lanka](#)
3 ACFID, 2014. [Sri Lanka Disability Information Sheet](#)
4 WENR, 2017. [Education in Sri Lanka](#)
5 UNDP, 2020. [Sri Lanka: Gender Equity and Equality](#)

Health	Sri Lanka inherited a well-developed healthcare system from British Colonial rule, and the government have strived to maintain it with impressive national health indicators, especially for maternal and child health and HIV/AIDS. The maternal mortality rate, for instance, has declined over the last decade, with 98% of births taking place in hospitals and 99% receiving skilled attendance at birth. There are 3,600 adults aged 15 and over living with HIV/AIDS, 1,000 of whom are female. ⁶ However, there is still much to be done in terms of rights and services for vulnerable sub-populations of women such as young girls from rural backgrounds, widows, sex workers, female headed households and single unmarried women who are vulnerable due to cultural and social norms that stigmatise them and those from sexual minorities (lesbian, gay, bi-sexual and transgender persons). ⁷ Great strides are still required in policies related to adolescent sexual and reproductive health. Key issues include inadequacies in legal protection and policy recognition, particularly vulnerable population groups; legal protection for pregnant adolescents and adolescents living with HIV against discrimination in education settings; implementation of sexual and reproductive health education in schools; gaps between the realities of adolescent sexuality and restrictive or confusing laws and policies; and poor law enforcement against, and redress for, sexual violence. ⁸
Poverty ⁹	4.1% of the population lives below the national poverty line, although 9% of the population are undernourished or experiencing undernourishment. 0.3% of the employed population earn less than \$1.90 per day, two thirds of whom are female.
Public Attitudes ¹⁰	Sexual and domestic violence directed towards women are serious and pervasive. A culture of silence surrounds acts of gender-based violence, with victims deterred from taking legal action and going through legal procedures. Marital 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.
Violence	1 in 3 women experience sexual and gender-based violence in Sri Lanka. ¹¹ This rate is likely far higher when considering violent crimes against women are greatly underreported, and definitions of SGBV are culturally vast and varied (for example, marital rape is often considered the right of the husband). Incidences of rape and incest recorded by the police have increased by 40% in the last 10 years, however existing laws designed to protect women are poorly enforced, SGBV is not taken seriously by Sri Lankan authorities, and less than half of reported crimes against women are solved. Since the end of the civil war in 2009, there has been an increased military presence in northern and eastern regions of the country. The number of assaults in women and girls in these regions has simultaneously risen with and is attributable to the increased number of military and police members. In its complaint, ECCHR points out the extent to which these violent acts and ongoing impunity are closely linked to the antiterrorism law called the Prevention of Terrorism Act. This law from the 1970s, modified in 2011, makes it easier for police and military members to carry out body inspections and 'searches' without having to justify doing so. These searches are often carried out alongside sexual harassment and violence that is specifically of a sexual nature. ¹² 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.

6 UN Aids, 2019. [Country Factsheet: Sri Lanka](#)
7 Arrow, 2015. [Country Profile on Universal Access to Sexual and Reproductive Health in Sri Lanka](#)
8 WHO, 2011. [Advancing ASRH Through Human Rights: Strengthening Laws, Regulations, and Policies: Sri Lanka](#)
9 ADB, 2020. [Poverty Data: Sri Lanka](#)
10 Immigration and Refugee Board of Canada, 2012. [Sri Lanka: Sexual and Domestic Violence, Including Legislation, State Protection, and Services Available for Victims](#)
11 UNDP, 2020. [Sri Lanka: Gender Equity and Equality](#)
12 ECCHR, 2012. [Sexual Violence in Sri Lanka](#)

RELEVANT PSEA LEGISLATION

International Instruments

Sri Lanka has ratified a number of International Treaties, including the Universal Declaration of **Human Rights** (1948) which establishes principles for the rights and freedoms of individuals, the **Convention on the Elimination of all forms of Discrimination Against Women** (CEDAW) (1981) described as an international bill of rights for women, **Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment** (1981), the **Convention on the Rights of the Child** (1991) which sets out the civil, political, economic, social, health and cultural rights of children, and the **Convention on the Rights of Persons with Disabilities** (CRPD) (2007).

At a regional level, Sri Lanka applies the **Incheon Strategy** which provides Asia Pacific (and the world) with the first set of regionally agreed disability-inclusive development goals ensuring disability-inclusive disaster risk reduction and management.

Legal Framework

Age of Consent is 16. Individuals aged 15 or younger are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape or the equivalent local law. Statutory rape law is violated when a man has ‘consensual’ sexual intercourse with a girl aged 15 or younger. Exceptions are made for those under the age of consent who are married. While the **Marriage Registration (Amendment) Act** (1995)¹³ increased the age of marriage to 18 years for all persons except Muslims, the **Muslim Marriage and Divorce Act** allows for marriage from the age of puberty, and allows for the marriage of a girl under the age of 12 years to married with the authorisation of a Quazi judge.¹⁴ If married, there is no age of consent, and therefore the minimum age of marriage for Sri Lankan Muslim girls is technically zero years.

The **Penal Code** (1883)¹⁵ has been amended over the years to make illegal sexual abuse and exploitation (1885), and to broaden the definition of rape to include “with or without her consent” with a minimal custodial sentence (1995). Statutory rape is recognised at 16 years of age. However, marital rape is not considered a crime except in circumstances where the couple has legally separated.

The **Prevention of Domestic Violence Act** (2005)¹⁶ provides for the prevention of any act of domestic violence, but does not legally obligate medical service providers to report possible cases of domestic violence to the police, and nor does it require the setting up of shelters or other facilities making it difficult for women to access or sustain court proceedings.

The **Constitution**¹⁷ provides for the protection of fundamental rights and recognises the right to equality and equal protection of the law as well as protection from discrimination of certain specific grounds, including sex. However, the Fundamental Rights Chapter has limitations, including no retrospective effect, and no provision for judicial review of past legislations – meaning gender discriminatory laws which were in effect at the time this constitution was adopted cannot be challenged and therefore reform of these rely on political will alone. Moreover, the right to culture and religion has so far trumped the right to equality, as evidenced in the Muslim law, as there is no minimum age for marriage and therefore consent.

13 [Marriage Registration \(Amendment\) Act](#) (1995)
14 A Quazi is a male judicial officer to administrate the Muslim matrimonial law in Sri Lanka.
15 [Penal Code](#) (1883)
16 [Prevention of Domestic Violence Act](#) (2005)
17 [The Constitution of the Democratic Socialist Republic of Sri Lanka](#) (2015)

Policies and Mechanisms

The **Women’s Charter** (1993)¹⁸ which does not have legal force, was created as a means of translating CEDAW commitments into context. The Charter spells out steps to take to ensure equal rights of women and provided for the establishment of a **National Committee on Women**. The Committee mandate is to monitor and ensure the implementation of the provisions set out in the Charter through policy, awareness raising, and advocacy. A Gender Complaints Unit has also been established to receive complaints of gender-based discrimination.

Policy Framework and National Plan of Action to address SGBV (2016-2020)¹⁹ vision is to create a violence free life for women and children with zero tolerance for SGBV. The National Action Plan is part of a project under the Ministry of Women and Child Affairs, supported by UNDP’s Strengthening Enforcement of Law, Access to Justice and Social Integration (SELAJSI) Programme.

The **Population and Reproductive Health Policy** (1998)²⁰ includes a separate goal for achieving gender equality and countering violence against women.

The **National Action Plan for the Protection and Promotion of Human Rights** (2011-2016)²¹ is the Government’s response to the recommendation of the Vienna Declaration and Programme of Action to improve the protection and promotion of human rights.

In addition to the legislative and policy frameworks above, Sri Lanka has a number of government bodies tasked with representing the interests of women including Ministry for Women’s Empowerment, Ministry of Women and Child Affairs and Social Security,

REPORTING AND REFERRAL PATHWAYS FOR SEXUAL EXPLOITATION OR ABUSE OR HARASSMENT

Service Name	Description	Coverage	Contact
Law Enforcement			
Police		National	Emergency 119
		Headquarters	T 42111
		IG Helpdesk	T 444480 or 444483
		Telephone Index	Police Telephone Index
Child and Women Bureaus, Police	Staffed primarily with female police officers these Bureau’s	36 divisional offices located within Police Headquarters and most Police Stations throughout the country	T 444444 www.police.lk
Statutory Protection Agencies/Unit (to report abuse to)			
Centre for Gender-Based Complaints	Part of Ministry of Women & Child Affairs and Social Security, the Centre provides onsite legal and psychosocial support to survivors and facilitates action by other agencies in response to complaints	National	T 186055 E secycdwa@gmail.com
			5th Floor, Sethsiripaya Stage II, Battaramulla

18 [Women’s Charter](#) (1993)
19 Ministry of Women and Child Affairs and UNDP, 2016. [Policy Framework and National Plan of Action to address SGBV in Sri Lanka \(2016-2020\)](#)
20 Ministry of Health, 1998. [Population and Reproductive Health Policy](#)
21 National Legislative Bodies and Authorities, 2011. [Sri Lanka: National Action Plan for the Protection and Promotion of Human Rights 2011-2016](#)

Local Health and Medical Services (to refer cases to)

Medical	National Colombo	Emergency 110 T 691111
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Ministry of Health		T 092698 E info@healthmin.wpc.gov.lk
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Child Line	Toll-free 24-hour hotline dedicated to receiving complaints	National T 1929 www.childprotection.gov.lk
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Women Helpline	Provides assistance and relief dedicated to receiving complaints	National T 1938
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Support Agencies (to refer cases to)

Family Planning Association	Counselling for women and children (GBV)	T 555455 http://www.fpasrilanka.org/
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The Welcome House	Crisis intervention centre women and girls in crisis, providing safe temporary shelter, counselling services, police assistance, and connections to medical and legal help.	Colombo T 691871 E welhouse@sltnet.lk
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Women in Need	Counselling, Legal, and SGBV Guidance	6 Crisis Centres Nationally Counselling Sinhala Counselling Tamil Legal Advice T 671411 T 774992555 or 775646555 T 770822444 T 768686555 E connect@winsl.net
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Australian Federal Police and Embassy or Consular (if any person involved is an Australian National)

Australian High Commission		T 463200 21 Srimath RG Senanayake, Mawatha, Colombo 7 https://srilanka.embassy.gov. au/
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