

Rights of persons with disabilities (PwDs)

FACTS

Although Sri Lanka boasts of a diverse populace, there is virtually no recognition of PwDs as a part of the diversity. Census carried out by the Department of Census and Statistics (DCS) in 2012 records 8.7% of the total population as PwDs but concerns remain regarding the definition and criteria for identifying PwDs. (LSD 2016) Regular statistical collections by the government and other national bodies produce conflicting data and therefore there is no reliable official figure on disability and many other issues. (UNESCAP 2003)

RECOMMENDATION

- Take appropriate measures to collect reliable and segregated data on PwDs in Sri Lanka in order to facilitate policy formulation.

FACTS

In practice, persons with intellectual disabilities, paraplegics and those with severe disabilities are frequently denied accommodation in enjoyment of their most fundamental human rights and participation in society.

Economic, geographic, ethnic and gender related barriers as well as severe delays¹ pose heightened challenges for PwDs' accessing justice. Additionally, physical inaccessibility of courts and communication barriers caused by the lack of sign language interpreters, for example, result in further denial of access to justice. (LSD 2016)

RECOMMENDATION

- Take steps to prepare a white paper on enforcing rights of PwDs including the right to justice.

FACTS

Prevailing culture and attitudes, which perceive disability as a penance for past sins and a burden, influence the dominant charity-based discourse on matters relating to PwDs. The attitudinal barriers play a major role in stagnation of policies and regulations. Marginalization of the PwDs is aggravated where intersectionalities operate, namely gender, ethnicity, geographical location, social and economic status. (LSD 2016)

RECOMMENDATION

- Launch a multi-pronged awareness campaign on respecting and accepting PwDs as equal human beings and consider including relevant educational material in school curriculum.

FACTS

The three-decade old war that ended in 2009 contributed significantly to the increase in the number of PwDs in Sri Lanka. Combatants as well as civilians suffered disability. While the soldiers with disabilities in the military are generally viewed as heroes, LTTE ex-combatants are viewed with suspicion and their daily activities are subjected to military surveillance. Discrimination and abuse is multiplied in the case of female ex-combatants. (LSD 2016)

RECOMMENDATION

- Treat war victim PwDs equally in providing government social services and have a special focus on female ex-combatants who are living with disabilities.

FACTS

Women with disabilities (WwD) face additional barriers in accessing education, vocational training, and judicial services. In addition to the discrimination, the overprotective attitudes of their families often amount to oppression. WwD, especially intellectual and psychiatric disabilities, are also vulnerable to experiencing higher rates of domestic violence (which often goes unreported) and desertion by their husbands. Social prejudices and spousal domination are also instrumental in hampering sexual and reproductive rights of WwD. (LSD 2016)

RECOMMENDATIONS

- Establish a special unit/committee in collaboration with Social Services and Women's Affairs Ministries to formulate comprehensive programme to enhance rights of the WwD.
- Include WwD representative in the National Women's Committee under CEDAW.

FACTS

Accessibility standards for PwDs are not implemented even in state institutions and state-run buildings in violation of a Supreme Court ruling. Public transport systems, including train stations, train compartments and buses in Sri Lanka do not support accessibility for PwDs. (DOFJ 2017)

RECOMMENDATION

- Draw up a proper plan for gradual and steady transformation of all public institutions and public transport systems in Sri Lanka making them accessible for PwDs while introducing temporary measures to ease the problem.

FACTS

70.93% of PwDs are not economically active. Lack of physical accessibility, communicational and social barriers affect economic activeness of the PwDs. The employment ratio of PwDs is 41.1%, with an

immediately visible difference between employment of males (61.6%) and females (24.4%). (LSD 2016). When filing vacancies PwDs are not considered although there is 3% quota for them in the state sector. (DOFJ 2017)

RECOMMENDATIONS

- As an initial step take measures to strictly implement the 3% quota policy for PwDs employments and raise the quota to 5%.
- Take steps to recruit more WwD when filing existing vacancies.