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THE CASE OF THE INVISIBLE MAN: PROTECTING THE RIGHTS OF THE MALE MIGRANT WORKER



Photo : ILO Apex Image

Foreign Employment (SLBFE) nor the agency had taken any action against the employer”, said the son of Sarath Vasantha Kumara of Kegalle. Sarath had gone to Saudi Arabia as a horse rider in 2011.¹

Many others like Sarath are forced by dire circumstances to look for greener pastures on foreign soil, only to discover at great cost, that the grass is not always greener on the other side. The discourse on migrant workers in Sri Lanka is focused on the concerns of housemaids working in the Middle-East and is often considered to be exclusively a women’s issue. As a result, the concerns of men who migrate for employment have either fallen through the cracks or been subsumed into a very much gendered mainstream discourse. This is in spite of the fact that men constitute 51 per cent of the overall departures for foreign employment as of 2011. Such an increase may be explained by the policy decisions made by Sri Lanka to encourage male migration.

Identifying Rights and Vulnerabilities

The focus on female migrant workers is also predicated on the fact that society perceives women as more vulnerable. While this may be true in certain areas such as sexual violence, statistics indicate that compared to 5801 complaints received by SLBFE with regard to female registered workers, 1552 complaints concerned male workers. It is significant that among these were 70 complaints regarding male workers

being sexually harassed. Furthermore, 59 complaints were on the deaths of male workers compared to 49 complaints on the deaths of female registered workers.² Therefore, men are not, by any means, placed in less arduous working environments or rendered less vulnerable by virtue of their sex.

On the contrary, male migrant workers may face particularized problems on account of their gender. Male migrant workers are often required to pay high recruitment fees by unlicensed sub-agents, resulting in them going into debt.³ In order to pay such high recruitment fees, some migrants agree to salary deduction schemes severely and detrimentally affecting their income. As a result of preference by recruiters to hire women as employees in the garment industry, agents require a high placement fee from male workers which is used to bribe the employees in order to secure a placement. Such expenses only help to dig the hole of indebtedness deeper for the male migrant.

Article 1 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁴ defines a ‘migrant worker’ as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. The Convention goes on to further classify migrant workers into special categories such as inter alia, “seafarer”, which includes a fisherman, and refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national, and “worker on an offshore installation” refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national, or “project-tied worker” which refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer.

The significance of these classifications goes beyond technicalities. As per Article 57 of the Convention the nature of rights afforded to a migrant worker may vary based on the particular category into which the migrant worker and members of his or her family fall. Furthermore, Article 3 asserts that the Convention does not protect inter alia, persons who are in a foreign country in the capacity of trainees, and seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment. Male migrant workers, engage in varying employment, be it as

¹ ‘Hundreds of Migrant Workers Return in Sealed Coffins’, The Sunday Leader, October 5, 2014.

² ‘Sri Lanka: Good Practices to Prevent Women Migrant Workers from Going into Exploitative Forms of Labour’, Malsiri Dias & Ramani Jayasundere, GENPROM Working Paper No. 9.

³ United States Department of State, 2013 Trafficking in Persons Report - Sri Lanka, 19 June 2013.

⁴ UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, A/RES/45/158.

unskilled workers, construction laborers, or as seamen. They do so under dire conditions working in ‘Korea having to abide by the work norms of the employer and, in the Middle East, especially in the Kingdom of Saudi Arabia (KSA) and Qatar, working overtime for no extra payment.’⁵ A lack of proper understanding of the nature of their employment can result in an ambiguity in the framework of rights applicable and may in certain cases, completely deny a worker of the protection regime guaranteed under the Convention.

Furthermore, it is often the case that, after the point of entry in the foreign country, migrant workers are made to sign altered contracts which may significantly affect the nature of their status and thereby protection. Awareness of the nuances of systems of rights attached to varying employment categories would enable migrant workers to make an informed choice which would ensure their safety and wellbeing.

Training that caters to everyone

It is imperative that in order for migrant workers to be secure when they are abroad that they receive proper training on the skills necessary to navigate a foreign culture and most importantly that their legal rights while abroad be impressed upon them before departure. As per Article 33 of the Convention, Sri Lanka as the state of origin has an obligation to provide information to the migrant workers and members of their families of the rights guaranteed to them under the Convention, the conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State. Such information must be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.

The SLBFE is charged by law with the responsibility to fulfill this obligation. However, a general criticism made by returning migrant workers is that the training provided by the Bureau does not fully equip migrant workers with the necessary knowledge and skills to ensure their own safety and well-being while abroad.⁶ Additionally, rather than customizing the training to fit varying needs of different categories of workers, the majority of such training programmes cater to female domestic workers. Unlike for female workers, the State does not statutorily oblige male workers to enroll in training programs. The only training programme open to male migrant workers is one which provides training for sewing machine

operators.⁷ Therefore, the SLBFE rather than erring on the side of guaranteeing the protection of each individual worker, seems to have opted for a policy of administrative expedience of catering to the majority at the expense of workers in under-represented sectors.

Risk Factors: From Victim to Wrongdoer

Most migrant workers are at the risk of being trafficked. Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons,⁸ defines trafficking as the act of recruitment, transportation, transfer, harbouring or receipt of persons, through the means of threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments benefits to a person in control of the victim for the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labor, slavery or similar practices and the removal of organs. The process of human trafficking is set in motion even prior to the migrant worker’s departure from Sri Lanka, at the hands of licensed labor recruitment agencies, most of who are members of Sri Lanka’s association of Licensed Foreign Employment Agencies, and their unlicensed sub-agents.⁹ Once in the receiving State, migrant workers are often subject to exploitation in multiple forms ranging from sexual exploitation to forced labor.

While trafficking is by and large a common concern for both male and female migrant workers, human smuggling is an issue more specific to males. According to the United Nations Convention on Transnational Organized Crime and its Protocol Against the Smuggling of Migrants,¹⁰ smuggling constitutes “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or a permanent resident”. An illustration of human smuggling is the case of dozens of young men



Photo : ILO Apex Image

7 Supra note 2, at p. 10.

8 UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

9 Supra note 5.

10 UN General Assembly, Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

5 Supra note 2, at p. 10

6 United States Department of State, 2013 Trafficking in Persons Report - Sri Lanka, 19 June 2013.

attempting to illegally get into countries such as Italy, Germany or Australia via fishing boats. Such actions are not committed through the sole initiative of the migrant workers. It is a fragment of a larger organized criminal enterprise. The migrant worker has to pay exorbitant fees in order to be able to risk his life by traveling to a foreign country in the form of human cargo.¹¹

While one may recognize the severe economic conditions that push a human being to undertake such an endeavor, a migrant worker involved in human smuggling is not seen in the same light as one exposed to human trafficking. This is due to the fact that being subject to deceit and coercion being an integral part of trafficking, it puts the migrant worker in the position of the victim. On the other hand, human smuggling is committed with the complicity of the person being smuggled and necessarily involves committing illegal acts in order to enter a foreign country. Consequently, at the point of entry to the foreign state, the individual seeking employment has already violated the law of such State. Therefore, to advocate for the protection of rights of such individuals becomes a more tedious task given that the migrant worker is not merely a victim but one who is also on the wrong side of the law. Although, possibly due to this culpability on their part, human smuggling has received less attention in policies pertaining to rights of migrant workers, one must bear in mind that these individuals, as nationals of Sri Lanka, are equally the responsibility of the State as much as any other citizen.

Filling the Blanks

The purpose of this article by no means was to trivialize the plight of the female migrant worker. However, for too long the only male presence in the migrant worker narrative has been the demonization of the father who neglects his children while their mother slaves away in a foreign land. The amount of research and literature which explore the concerns, which are unique to male migrant workers are scarce at best. The time for a narrative that is closer to the reality is overdue, to provide visibility to the male migrant worker, who is as deserving of protection as his female counterpart.

Vishakha Wijenayake¹²

CAN THE LAW PROVIDE AN AVENUE FOR POSITIVE SOCIAL CHANGE? THE INTRIGUING CASE OF 'RATNAPURA BATTI'

A little over a month ago a short video captured on a mobile phone went viral in Sri Lanka. It depicted a police officer apparently beating a prostrate woman with a belt or cable at the bus stand in Ratnapura town. After being picked up by a number of media outlets, the footage sparked an intense public debate that led to the police sergeant being identified and interdicted and the woman being assisted to file a fundamental rights case.

The case of 'Ratnapura Batti' (as she has become known) could be seen as another sad example of the corruption and violence of the police and the prejudices of certain members of 'respectable society' who have chosen to support an allegedly violent police sergeant over a self-confessed sex worker and drug addict. However this story might also be interesting for another reason. Apart from her own personal courage at coming out and telling her story so frankly, Batti's case raises interesting questions regarding the role of the law and in particular the courtroom in providing a space for those who are otherwise excluded from society to claim their right to speak and be heard. Whether or not the fundamental rights case Batti has filed delivers the 'justice' she is seeking remains to be seen (many of us will no doubt be watching in January 2015 when the case is to be heard). In the meantime, her story provides an important opportunity for those of us working within the legal field to reflect on the advantages and disadvantages of using law as a tool for social activism.

Over the last 60+ years the human rights movement has worked hard to develop legal frameworks and mechanisms as a means of protecting and promoting the basic rights of all human beings. Advocates of this approach say that law provides a language of legitimacy and authority, which can be a powerful tool when speaking 'truth to power'. Critics have argued in response that law is by its nature too conservative, too wedded to existing power structures to really open up radical possibilities for social change.

Empirically, research shows that there have been cases where public interest litigation has opened up avenues for people otherwise ignored by society, politicians and state institutions alike. In India, it has been used by many marginalized groups to hold the authorities to account, starting with *Hussainara Khatoon & Ors v Home Secretary, State of Bihar [1979] AIR 1369*, in which the Supreme Court upheld the rights of prisoners to free legal

¹¹ Supra note 2, at p. 15.

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aid and a speedy trial. Meanwhile a study done of the early anti-discrimination cases in the US found that even where the plaintiffs were ultimately unsuccessful, the cases still provided a useful means of provoking public debate: a process which slowly led to shifts in public attitudes. Similarly, a recent study of Chinese plaintiffs' attempts at using newly implemented 'rule-of law' reforms as a means of redressing administrative and other structural injustices found that while many did not get the outcome they desired, they still felt empowered by the process. Aside from their own personal learning, the courtroom provided a new avenue for political participation and social activism.

At the same time, some feminist legal scholars have expressed skepticism at whether the law offers genuine possibilities for challenging the status quo. In my own work on both national and international rape trials, I have found that all too often victims are only able to receive recognition before the law when they perform particular roles: usually that of the 'ideal victim'. This may (on occasion) give them a positive legal outcome but often fails to properly capture their identity or experience of violation. Nor does it necessarily leave them feeling particularly empowered or society's prejudices and assumptions fundamentally challenged.



Photo : Benzene Aseel

Courts also do not operate in a social vacuum. The strict social hierarchies that are evident throughout Sri Lankan society frequently make it extremely difficult for marginal or excluded individuals to access justice, however much the letter of the law may appear to be on their side. I have found this repeatedly to be the case in recent research I have conducted, looking at Sri Lankan police practices in relation to human rights. All too often the victims of ill-treatment, violence and abuse are those who are all but

invisible to society. Thus despite the existence of legal protections, few members of either the legal or broader community feel strongly enough to advocate on behalf of these social outcasts. This is something no doubt Batti knows all too well, which is why I am sure she has been more than a little pleasantly surprised by the support she has received.

For this reason many of us in the human rights community have been pleasantly surprised by the Supreme Court's decision to grant leave to proceed in this case. It provides a small but positive sign that the judiciary is taking seriously its responsibility under Chapter III of the Constitution, at least in this particular case. The law may not have been the catalyst for provoking public outrage at Batti's treatment nor offering her redress: that seems to have more been the outcome of social media. However the law does potentially offer a site for Batti to lay claim to rights that all too often appear to be abstract and theoretical. This is important not only for Batti but has broader ramifications for the effective promotion and protection of human rights in Sri Lanka. It suggests that, while the legal system often fails to deliver its promise of justice, when used alongside other social mechanisms it may nonetheless provide a platform on which individuals can claim agency, and human rights can be introduced into public debate as something tangible.

With this in mind, regardless of the outcome, Batti's fundamental rights petition has opened up an important possibility. It is not only providing an otherwise disenfranchised member of the society with her one opportunity to feel like a citizen. It is also offering an opportunity for those of us committed to ensuring respect for the dignity and rights of all members of the community (including the 'unpopular' ones) to use this case as a vehicle for both provoking reflection on current attitudes and for challenging them. At the same time, it requires careful navigation to avoid the temptation to constrain Batti's story and identity to one that will receive sympathy but ultimately do little to shift prevailing views about gender, class and morality. In that sense the importance of this case lies as much in its ability to stimulate possibilities for positive social change as in its ability to provide the acknowledgment and redress Batti is seeking.

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BAN BOTTOM TRAWLING TO PROTECT THE LIVELIHOODS OF FISHERMEN IN SRI LANKA

Bottom trawling is a ghastly process that brings untold damage to sea beds that support ocean life. It's akin to using a bulldozer to catch a butterfly, destroying a whole ecosystem for the sake of a few pounds of protein. We wouldn't do this on land, so why do it in the oceans?

Former U.S. National Oceanic and Atmospheric Administration chief scientist Sylvia Earle

The use of mechanized bottom trawlers in Sri Lankan waters is a threat to the conservation and protection of marine resources. Mechanized bottom trawlers are mainly used by Indian fishermen encroaching upon Sri Lankan waters in the North. In April 2014 it was reported that around 2,000 Indian trawlers crossed the boundary line to enter Sri Lankan waters. There are also certain cases of Sri Lankan fishermen also using bottom trawlers within Sri Lankan waters.

Bottom trawling is a method of fishing which involves the use of a large net with heavy weights, which is dragged across the seafloor. The fishing gear consists of a cone-shaped net towed on the bottom, with the end of its body in a cod end, in order to retain the catch. Mechanized bottom trawling is an unsustainable fishing practice causing immense destruction to the ecosystem:

1. Damage to the marine habitat – The fishing gear digs through the seabed, disrupting seafloor habitats, which are used by adult species as spawning areas, and by juveniles for shelter and protection.
2. Wastage – Trawlers are unselective and indiscriminately catch every organism and object it encounters. According, to Dr. Steve Creech, a fishery biologist with decades of experience working on small scale fisheries, for every pound of shrimp caught by bottom trawlers, between four and ten pounds of marine resources are discarded as 'by-catch'.
3. Depletes resources – Dr. Steve Creech, further explained, that discards of bottom trawlers often consist of juveniles of valuable species, which results in preventing these species from reaching maturity. This prevents these species from being able to reproduce, and thereby affects the population of these species in the long term.

The destructive impact of these vessels ultimately destroys the livelihood of fishermen who depend upon

marine resources. Northern fishermen, in particular, are affected as they are forced to compete for resources with Indian fishermen encroaching upon Sri Lankan waters. As of 2013, around 192,000 households in Sri Lanka, were dependent upon fishing as a source of livelihood. 41,000 households were based in the Northern province alone.



Photo : Denish C

The duty to conserve marine resources in the sea is embodied in international legislation, namely, the UN Convention on the Law of the Sea (UNCLOS) and the UN Fish Stocks Agreement. Duties include the utilization of environmentally safe fishing gear and practices to maintain biodiversity, minimization of wastage and discards, and prohibition of destructive fishing practices.

Sri Lanka, as a signatory to the abovementioned international agreements has a duty to ensure that its fishing practices comply with the conservation and management measures contained therein¹

The question is, given the destructive impact on marine resources – how has Sri Lanka taken measures to protect the marine environment against mechanized bottom trawlers?

The current legislative regime provides that fishermen (local and foreign) must acquire a license/permit in order to engage in fishing activities in Sri Lankan waters.² Fishing boats must obtain an additional license to carry out

¹ Sri Lanka became a signatory to the UNCLOS on 10th Dec 1982 and ratified the Convention on 19th July 1994. Sri Lanka became a signatory to the Fish Stocks agreement on 09th October 1996, and ratified the Agreement on 24th Oct 1996

² Local fishing boats acquire the license under the Fisheries and Aquatic Resources Act No. 02 of 1996, and foreign fishing boats acquire the license under the Fisheries (Regulation of Foreign Fishing Boats) Act No. 59 of 1979.

trawling activities in the seas, coastal waters and estuaries of Sri Lanka.³ Licenses, however, will not be granted in respect of inland waters (i.e. Public River, lake, lagoon, stream, tank, pond, channel and any other public area of fresh or brackish water). These legislative provisions indicate that other than for inland waters, bottom trawling in Sri Lankan waters is not an activity which is explicitly banned. Instead, it is an activity governed by a licensing regime.

The licensing system is wholly inadequate in providing a suitable means of regulating this activity for several reasons. It is difficult to control these trawlers, as in some cases, political influence is exerted to continue using trawlers without the required licenses. Checking and ascertaining whether trawlers are in fact fishing with proper licenses is problematic, due to the lack of proper control and monitoring mechanisms.

Other jurisdictions such as Hong Kong, New Zealand and Belize, have adopted complete bans on bottom trawling, with positive results for the sustainability of their marine resources. Similarly, a ban on bottom trawling in Sri Lanka, by way of a legislative enactment prohibiting the practice in all Sri Lankan waters, could be the best possible solution to this problem, in terms of Sri Lankan and Indian trawlers:

- Sri Lankan trawlers – An explicit prohibition on bottom trawlers, would remove the need for a licensing regime. This would overcome the problems associated with mismanagement and weak regulatory practices currently in place. It could also reduce the practice of trawlers obtaining licenses or approvals through political influence, as such trawlers should not be in Sri Lankan waters in the first place.
- Indian trawlers - The UNCLOS requires States fishing in waters belonging to another State, to comply with conservation measures employed by the State.⁴ India, being a signatory to the UNCLOS, is bound to comply with the provisions of this Convention.⁵ Sri Lanka can use grounds of conservation of marine resources, as a means to negotiate with its Indian counterparts, and call for the suspension of any Indian mechanized bottom trawlers fishing in Sri Lankan waters. A failure to do so could possibly provide grounds for international action on grounds of environmental protection of marine resources.

The destructive impact of these vessels results in depriving

fishermen of their current resources, and prevents the regeneration of marine resources, thereby depriving fishermen of future resources as well. Legislative action prohibiting bottom trawling could be the most effective step towards protecting the livelihoods of these fishermen.

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OVERVIEW: STATUS OF PERSONS WITH DISABILITIES IN SRI LANKA



Photo : Meena Kadri

From inaccessibility to the built environment, to education, healthcare, employment, travel and leisure, there are several areas in which the needs of persons with disabilities should be addressed.

After the end of a 30 year war the number of persons with disabilities has increased significantly. While there have been several efforts to uplift and improve their situation, the general grievances of persons with disabilities remains the same.

The Legislative Process relating to Persons with Disabilities in Sri Lanka

To date, the key legislation that governs persons with disabilities in Sri Lanka is the Protection of the Rights of Persons with Disabilities Act no.28 of 1996. It sets up a National Council for Persons with Disabilities, with the Minister of Social Services as the chairman, to promote the interest and rights of persons with disabilities. This piece of legislation does not have a rights based approach to disability and fails to clearly set out the role of the state in endorsing an inclusive disability policy at a national level.

³ Gazette Extraordinary No. 948/25 of 1996

⁴ Article 61(4) of the UNCLOS

⁵ India became a signatory to the UNCLOS on 10th December 1982 and ratified the Convention on 29th June 1995.

Globally there has been a shift on how disability is looked at and this has given rise to two divergent models: the Medical Model and the Social Model of Disability. The Medical Model of Disability views disability as a ‘problem’ that belongs to the disabled individual which is not an issue of concern to anyone other than the disabled person. The other, more progressive model, the Social model draws on the idea that it is society that disables people, through designing everything to meet the needs of the majority of people who are not disabled. The Social model shifts the burden onto society at large to reduce, and ultimately remove, disabling barriers, that exclude a disabled individual from leading a full and effective life. The Social Model moves away from the sympathy–social welfare centric view on disability to one that empowers disabled individuals to engage and exercise their rights in society equally with other citizens.

Abandoning the approach of viewing the disabled as “objects” of charity, and instead regarding them as “subjects” with rights, was further bolstered by the Convention on the Rights of Persons with Disabilities (UNCRPD) 2006. This Convention gives emphasis to universal human rights principles such as inherent dignity, individual autonomy, the principle of non-discrimination, full and effective participation and inclusion in society, equality of opportunity and accessibility.

Sri Lanka was one of the first countries to sign this declaration in 2007 but being a dualist nation it has failed to give effect to the convention as yet.

Ministry of Social Services proposed to draft a new bill based on the 2003 National Policy on Disability to bring Sri Lankan legislation in line with the UNCRPD. In 2006 a new bill was drafted which attempted to address disability through a Rights based approach. This Bill established a Disability Rights Authority which was to be an autonomous body. However, the Ministry of Social Services was piqued by the diminution of its authority and rejected the 2006 Bill and proposed a new Bill in 2010 named the Protection of the Rights of Persons with Disabilities Bill. This Bill established a National Council for persons with Disabilities chaired by the Minister. There was staunch opposition to the 2010 Bill which was drafted without consulting any of the Disability Rights stakeholders and it considerably diminished the Rights espoused in the 2006 Bill.

Furthermore the 2010 draft bill violated the Paris Principles which requires implementation and monitoring of a UN Human Rights Convention to be by an autonomous body at a national level.

Due to the serious criticisms of the 2010 bill, the Minister of Social Services was to re-consider his position. In May 2014 the Disability Rights Bill of 2014 was proposed by

the Disability Rights Movement in Sri Lanka. This Bill was an improved version of the 2006 Bill and replaced the problematic post of the ‘Disability Rights Authority’ with a ‘Disability Rights Commission.’ The Commission was to consist of persons who have experience, capacity and recognition in matters related to disability and would include disabled persons, professionals, academics and three officers from Ministries relating to employment, vocational training, health, education etc.

Unfortunately, this too was rejected by the Minister and presently the Disability Rights Legislative process has not reached any certain terms.

Legislative Changes

In the Supreme Court case of *Dr. Ajith C.S. Perera v. Attorney General and others [S.C. (FR) 221/2009]* it was held that all new public buildings should be made accessible to persons with disabilities. The Court ordered that in order to certify buildings on completion, disabled persons should have access to buildings, washrooms and public facilities. In addition, Accessibility Regulations Gazette 1619/24 (2009.09.18) provides ‘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 persons with disabilities in compliance with the provisions of these regulations.’ Accordingly this regulation states that by 2017 all public buildings should be made accessible for persons with disabilities.

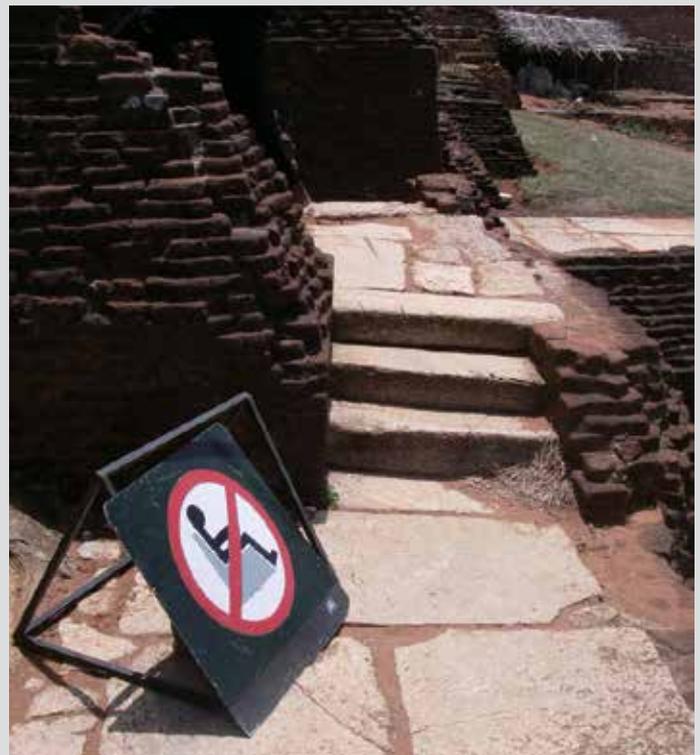


Photo : Jason Turgeon

Elections (Special Provisions) Act no. 28 of 2011 was enacted to enable a disabled voter to be accompanied by a person, when voting at Elections. The person accompanying the disabled person may mark the ballot paper in the presence of the polling officer and another member of the polling staff. According to the amendments to the Presidential Elections Act no.15 of 1981, for a person with a disability to cast his/her vote they must produce a certificate of Eligibility in accordance with the 5th Schedule to the Act which includes a declaration by the applicant, a certificate by a Grama Niladhari and a Government Medical officer.

Social Changes

There have been several positive steps taken by the private sector to employ persons with disabilities. Leading companies, banks, institutions have been more open to the idea of employing and integrating disabled persons.

Higher Education institutions such as the University of Colombo have taken the lead in promoting the Right to Education and Employment for the disabled. The “Support Center for Students with Disabilities” of the Faculty of Arts is now one of the foremost centers in South Asia for persons with visual impairments with its state of the art assistive software.

There has also been much support for para-athletes in Sri Lanka. As a result, Sri Lanka was able to secure 14 medals at the Asian Para Games 2014 in South Korea.

The Future for persons with Disabilities in Sri Lanka

While there have been commendable moves by the public and private sector to change the status of persons with disabilities, much needs to be done for disabled persons to fully exercise their rights as equal citizens in Sri Lanka.

The individual autonomy of disabled persons continues to be undermined as they are still very much dependent on others to fulfill their basic needs. Purchasing packaged milk packets, medicine and other basic goods are still difficult tasks for the visually impaired, as there is no Braille embossing on packaged goods. Taking a bus or a train is almost impossible for a wheelchair user who cannot access a train station or board a bus without assistance.

What is important to keep in mind is that while the state does play a significant role in bringing about change in favour of disabled persons, it is not exclusively the state’s responsibility. From simple changes in the sympathetic expressions and questions we may ask from a disabled person to the welcoming attitude one has when employing or admitting into school a disabled person, the issues and prejudices can be addressed by positive steps taken by individuals, communities, public-private entities, and the nation as a whole. ‘Disability’ is not exclusively an issue concerning only the disabled individual but instead a challenge which society as a whole must face.

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