

6th March 2025

Centre for Policy Alternatives (Guarantee) Limited
6/5, Layards Road
Colombo 5
Sri Lanka

Hon. Saroja Paulraj
Minister of Women and Child Affairs
5th Floor
Sethsiripaya Stage II
Battaramulla, Sri Lanka

Dear Madam,

On the occasion of International Women's Day, I write on behalf of the Centre for Policy Alternatives (CPA) to urge immediate attention to urgent law and policy reforms towards women empowerment and gender equality. We recognise your efforts, particularly during the CEDAW intervention in February this year, towards upholding and advancing the rights of women in Sri Lanka. However, considering the ground realities we have seen in our years working with communities across the island, there is much work to be done in this regard.

We believe that your leadership is critical at this moment to drive interventions that address multi-dimensional vulnerabilities faced by women and gender minorities in Sri Lanka. Between November 2024 and February 2025, CPA also wrote to his excellency President Dissanayake and Hon. Harshana Nanayakkara, Minister of Justice and National Integration, to raise issues regarding key interventions that are required in the upcoming months to uphold the rights of the Sri Lankan citizenry, including these vulnerable groups.

CPA's ongoing work with women and other marginalised and vulnerable groups emphasises the importance of engaging diverse stakeholders transparently in shaping the reform process. Collaborative

approaches that take into account diverse perspectives can significantly enhance the effectiveness and sustainability of reform initiatives.

In this regard, annexed to this letter are several areas with relevance to gender and sexual rights where CPA believes intervention is required. These areas have been categorised under the following three-fold framework: **(1) Law Reforms and Policy Interventions, (2) Socio-economic rights, including Access to Land, Livelihoods and Natural Resources and (3) Representation, Reconciliation and Identity.** CPA urges your ministry to prioritise these areas for intervention in the upcoming legislative and policy agenda and hopes that immediate steps will be taken to build a system of justice that reflects the aspirations of all Sri Lankans. CPA also welcomes an opportunity to discuss these matters with you further and offers our continued support in implementing reforms aimed at empowering women and advancing gender equality to transform Sri Lanka.

We look forward to your response and to seeing positive steps in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Paikiasothy Saravanamuttu', with a stylized, flowing script.

Dr. Paikiasothy Saravanamuttu
Executive Director

Interventions Required in the Legal and Policy Agenda

Law Reforms and Policy Interventions	
Constitutional Reforms	<ul style="list-style-type: none"> • A new constitution that introduces key structural reforms including the abolishing of the Executive Presidency, greater accountability and checks and balances and an enhanced Bill of Rights. This includes the removal of Article 16 of the Constitution.
Reform existing laws related to Sexual and Gender-Based Violence (SGBV)	<p>There is a need to examine and update the existing penal laws relating to Sexual and Gender-Based Violence (SGBV).¹ This includes:</p> <ul style="list-style-type: none"> • Reform the offence of rape in the Penal Code to extend proper protections to victims. • Decriminalise the termination of pregnancy. • Sections 365 and 365A of the Penal Code be removed to conform with international standards and to ensure that the rights to privacy and liberty are respected, specifically to the extent of decriminalising sexual acts between consenting adults in private. • Amend the Prevention of Domestic Violence Act No. 34 of 2005 to improve protections given to victims. • Introduce new laws to adequately investigate and prosecute online forms of SGBV. • Update procedural laws to allow for quick and private prosecution of SGBV, which minimizes trauma and revictimization of victims. • Reform and implementation of the Assistance to and Protection of Victims of Crimes and Witnesses Act No. 10 of 2023. • Provide law enforcement officials and prosecutors with training to properly assist victims of SGBV. • Make complaint mechanisms easily accessible for victims of SGBV. • Investigate the root causes of high rates of SGBV in Sri Lanka and implement policies to prevent these occurrences.

¹ “Legal Reform to Combat Sexual and Gender based Violence” (CPA, November 2020). <https://www.cpalanka.org/wp-content/uploads/2020/11/Law-Reform-to-combat-SGBV-PART-1-General-Centre-for-Policy-Alternatives.pdf>

	<ul style="list-style-type: none"> ● Reform the Vagrants Ordinance that leads to the harassment and detention of individuals based on sexual orientation and gender identity.
Online Safety Act No.9 of 2024 and Proposed Amendments	<ul style="list-style-type: none"> ● Repeal the Online Safety Act No. 9 of 2024 and initiate measures to create an inclusive and transparent reform process that is not rushed and factors in diverse viewpoints from multiple stakeholders.²
Legislative/policy reforms to regulate microfinance, microcredit and other means of money lending that impact women's safety and dignity	<ul style="list-style-type: none"> ● Immediate enactment of proposed Credit Regulatory Authority law to establish a standardised regulatory framework for all money lending and the microfinance business in Sri Lanka.³ ● Establishing a national policy framework with an action plan for implementation related to all activities connected to microfinance, micro-credit and other means of money lending in Sri Lanka. ● Upholding language rights as a non-negotiable criterion in regulations related to microfinance, including the Microfinance Act No. 16 of 2016, Finance Business Act No. 42 of 2011 or any future legislation. ● Conducting an evidence-based comprehensive assessment of individuals, particularly women trapped in microcredit loan issues or other unfair lending practices in collaboration with the Statistics Division of District Secretariats, Regional Offices of the Central Bank and respective Divisional Secretariats.
Reforming the Muslim Marriage and Divorce Act No. 13 of 1951 (as Amended)	<ul style="list-style-type: none"> ● Prioritise reform of the Muslim Marriage and Divorce Act (MMDA) and uphold the rights of all women and children.

² "Statement on the Online Safety Act No. 09 of 2024" (CPA, February 2024). <https://www.cpalanka.org/statement-on-the-online-safety-act-no-09-of-2024/>

³ "Brief Commentary on the pressing need for regulatory mechanism for money lending including microfinance in Sri Lanka" (CPA, January 2023). <https://citizenslanka.org/wp-content/uploads/2024/01/Micro-Finance-Policy-English.pdf>

Access to Socio-Economic Rights	
Access to Land, Livelihoods and Natural Resources	<ul style="list-style-type: none"> ● Securing women's access, ownership and control of land. ● Facilitating access to official documentation for land ownership, particularly in communities where land has been passed down through generations without formal legal titles. This could include establishing mobile clinics to assist with the documentation process and legal advice. ● Releasing land illegally occupied by the military and others, which impacts the right to livelihoods, natural resources and cultural heritage, particularly women and women-headed households who bear the economic burdens of such occupation. ● Create partnerships between CSOs and local cooperatives or businesses to establish long-term supply chain support, enabling women to access raw materials, distribution channels and markets both domestically and internationally. ● Offer subsidies and tax incentives to businesses that employ women or source goods and services from women-owned enterprises.
Employment rights	<ul style="list-style-type: none"> ● Immediate Measures to be taken to ensure women's rights to decent working conditions and strengthening regulatory frameworks and monitoring mechanisms to ensure safe workplaces for women. ● Concrete measures should be taken to ensure decent work for domestic workers, many of whom are women, including the ratification of ILO Convention No. 189, which specifically deals with the rights of domestic workers. ● Considering the unpaid care work burdens on women, introducing an integrated care policy approach and infrastructure to encourage women to take up employment. ● Creating an enabling environment for women to take up self-employment opportunities by developing public-private partnerships to empower women to develop adequate entrepreneurial skills and access economic opportunities to strengthen their incomes. ● Strengthen legal and regulatory frameworks to protect the rights of migrant workers. Additionally, providing adequate support for women who are migrating abroad for

	<p>employment, which includes improving cross-sectoral coordination across the different government Ministries to extend support to families of all migrant workers.</p> <ul style="list-style-type: none"> ● Introduce legal provisions to recognise the franchise of migrant workers. This includes introducing a system for migrant workers to register at the Sri Lankan embassy/consul where they reside and a system which allows them to cast their vote at the time of elections.
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Representation, Reconciliation and Identity

Political Representation and Leadership	<ul style="list-style-type: none"> ● Creating an enabling environment for greater female participation in politics. ● While the introduction of the 25% quota for women in local government elections through the Local Authorities Elections (Amendment) Act of 2017 is a positive step, awareness-raising and empowerment initiatives are equally important to ensure its effectiveness ● While enforcing this quota during the 2018 local elections generated initial hope, challenges have arisen. Reports of political parties nominating ‘dummy candidates’ have surfaced, casting doubt on the sincerity of such initiatives and revealing that women’s representation can often be perceived as tokenism rather than a genuine commitment to gender equality. For future schemes of inclusivity and representation to be successful, elected representatives must be willing to continually negotiate in good faith and work towards the greater functioning of the democratic system.
Reconciliation and Identity	<ul style="list-style-type: none"> ● Address the demands for truth and justice by victims of violence including addressing structural reforms such as an independent Office on Missing Persons and an accountability mechanism. ● Ensuring that gender equality is a key consideration on issues such as transitional justice and reconciliation efforts. Incorporate learnings from comparative post-war contexts such as Nepal and Colombia, among others, where reforms in these areas have considered gendered

	<p>perspectives.</p> <ul style="list-style-type: none"> ● Addressing discriminatory practices faced by marginalised groups, which includes women from ethnic minorities and other vulnerable groups who are unable to access basic rights such as safety, employment, education, food, water and land due to their identity. ● Establish mechanisms to respect the intersectional identities of women, particularly women belonging to minority communities.
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