



**Sri Lanka's Compliance with the Convention on the Elimination of All Forms of
Discrimination Against Women:
The Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The Centre for Equality and Justice

Anti Death Penalty Asia Network

Freedoms Collective Trust

and

The World Coalition Against the Death Penalty

for the 90th Session of the Convention on the Elimination of All Forms of Discrimination
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The Centre for Equality and Justice (CEJ) is a women's organization based in Colombo that works towards the achievement of gender justice by promoting gender equality and women's human rights, and advocating for the commitment to international human rights standards and fostering partnerships with grassroots level women's networks. CEJ's areas of work include preventing and addressing sexual and gender-based violence, peacebuilding and reconciliation, human rights including, sexual and reproductive health and rights, language rights of women, youth and marginalized groups, sexual bribery and cyber sexual and gender-based violence.

The World Coalition Against the Death Penalty is a volunteer-based non-government

organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Anti Death Penalty Asia Network (ADPAN) is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from 20 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman, and degrading punishment and that the death penalty should be entirely abolished internationally.

Freedoms Collective Trust (FCT), established in 2020, is an organization which facilitates access to justice for marginalized individuals and communities that have experienced violations of fundamental rights, actively monitors proposed legislation to ensure their compliance with constitutional protections and fundamental rights, and engages in facilitating the submission of mercy petitions for persons on death row as well as seeking redress for other challenges faced by persons on death row.

EXECUTIVE SUMMARY

1. This report addresses Sri Lanka's compliance with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women, especially with regard to its use of the death penalty, particularly with respect to articles 1-2, 5(a), 12 and 15(1) of the Convention, as well as General Recommendations 19 and 35 on gender-based violence against women, General Recommendation 24 on women and health, and General Recommendation 33 on women's access to justice. This report supplements the report that the authors submitted in January 2023 at the list of issues stage and provides relevant updates.¹
2. In March 2024, the Department of Prisons published detailed statistics for 2023, including relevant information about the death penalty. In 2023, Sri Lankan courts sentenced 101 persons to death, an increase from 33 in 2021 and 47 in 2022.² Courts sentenced 99 of those 101 people to death for murder, including two women.³ The March 2024 report provides detailed information about people under sentence of death, including their sex, race, religion, marital status, literacy, prior convictions, income, use of drugs and alcohol, and occupation, but does not disaggregate those additional characteristics by sex, representing a missed opportunity for better understanding the women who are under sentence of death and the circumstances that may have contributed to them coming into conflict with the law.⁴
3. Sri Lankan courts have sentenced eight women to death since 2019.⁵ The Sri Lankan Ministry of Justice has not published an updated number of total persons under sentence of death,⁶ but officials have disclosed that as of January 2024, 1,187 people were on death row.⁷ Publicly available information does not disaggregate these figures by sex or gender.

Sri Lanka fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

I. Sri Lanka continues to sentence women to death and may be at risk of resuming executions.

4. The coauthors' report at the list of issues stage provided a description of the status of Sri Lanka's de facto moratorium on executions,⁸ and since that time the Attorney General in

¹ The Advocates for Human Rights, the World Coalition Against the Death Penalty, and the Cornell Center on the Death Penalty Worldwide, *Sri Lanka's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 30 Jan. 2023, available at <https://www.theadvocatesforhumanrights.org/Res/Sri%20Lanka%20CEDAW%20DP%20FINAL.pdf>.

² Statistics Division, Prison Headquarters, *2024 Prison Statistics of Sri Lanka* (Colombo, Nov. 2023), 51. Also available online at: <http://prisons.gov.lk/web/wp-content/uploads/2024/05/prison-statistics-2024.pdf>.

³ Statistics Division, Prison Headquarters, *2024 Prison Statistics of Sri Lanka* (Colombo, Nov. 2023), 45. Also available online at: <http://prisons.gov.lk/web/wp-content/uploads/2024/05/prison-statistics-2024.pdf>.

⁴ Statistics Division, Prison Headquarters, *2024 Prison Statistics of Sri Lanka* (Colombo, Nov. 2023), 63-68. Also available online at: <http://prisons.gov.lk/web/wp-content/uploads/2024/05/prison-statistics-2024.pdf>.

⁵ Statistics Division, Prison Headquarters, *2024 Prison Statistics of Sri Lanka* (Colombo, Nov. 2023), 63. Also available online at: <http://prisons.gov.lk/web/wp-content/uploads/2024/05/prison-statistics-2024.pdf>.

⁶ State Ministry of Prison Reform and Prisoner's Rehabilitation, *Progress Report 2022* (accessed Nov. 27, 2024), 92. Also available online at https://www.moj.gov.lk/images/pdf/progress_report/2022/Ministry_of_Justice_E.pdf.

⁷ Information on file with FCT's consultant obtained through national right to information legislation.

⁸ The Advocates for Human Rights, the World Coalition Against the Death Penalty, and the Cornell Center on the Death Penalty Worldwide, *Sri Lanka's Compliance with the Convention on the Elimination of All Forms of*

February 2023 announced in the Supreme Court that the President had given an undertaking not to resume executions, and in November 2024 voters in Sri Lanka have elected a new president and have given the left-leaning National People's Power coalition a two-thirds majority in parliament.⁹ Since the election, Sri Lanka has continued to support the biannual UN General Assembly resolution calling for a moratorium on the use of the death penalty, a resolution it has supported since 2007, with the exception of one year in which it abstained.¹⁰ In December 2024, Sri Lanka again voted in favor of the moratorium resolution.¹¹ It appears, therefore, that Sri Lanka's newly elected President Anura Kumara Dissanayake will follow the lead of former President Ranil Wickremesinghe and resist pressure to resume executions.¹²

5. **Suggested recommendations** relating to the current status of the death penalty:

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim, impose a formal moratorium on executions.
- In publishing annual statistics, ensure that any personal or demographic information regarding people under sentence of death is disaggregated by sex, and in that regard include disaggregated data about each person's relationship to any victim(s) or codefendant(s).

6. **Suggested questions:**

- Please provide information about the two women sentenced to death in 2023 for murder, as reported by the Department of Prisons report. Whom did these women kill? Did the defense present any gender-related evidence of self-defense or mitigation? Please also provide this information for any other women currently under sentence of death for murder.

II. Sri Lanka does not limit the death penalty to the most serious crimes, and as a result women in conflict with the law face discrimination within the criminal legal system (List of Issues Paragraph 5, Articles 1-2, 15(1)).

7. In Paragraph 5 of the List of Issues, the Committee requested information regarding the State party's measures taken in line with articles 1 and 2 of the convention to accelerate the reform

Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty, 30 Jan. 2023, ¶¶ 7-16, available at <https://www.theadvocatesforhumanrights.org/Res/Sri%20Lanka%20CEDAW%20DP%20FINAL.pdf>.

⁹ Anbarasan Ethirajan, Swaminathan Natarajan, and Ishara Danasekara, *Landslide win for new Sri Lankan president's left-leaning coalition*, BBC (Nov. 15, 2024). Available online at: <https://www.bbc.com/news/articles/crr9n2w0lyzo>.

¹⁰ International Commission Against the Death Penalty, UNGA Moratorium Resolution, <https://icomdp.org/unga/> (last visited Dec. 16, 2024); United Nations Meeting Coverage and Press Releases, *Texts on Trafficking in Women and Girls, Death Penalty Moratorium among 9 Draft Resolutions Approved by Third Committee*, UN Doc. GA/SHC/4431 (18 Nov. 2024), <https://press.un.org/en/2024/gashc4431.doc.htm>.

¹¹ World Coalition Against the Death Penalty, *Two thirds of the United Nations General Assembly vote in favor of the 10th resolution for a moratorium on the death penalty*, Dec. 20, 2024, <https://worldcoalition.org/2024/12/20/two-thirds-of-the-united-nations-general-assembly-vote-in-favor-of-the-10th-resolution-for-a-moratorium-on-the-death-penalty/>

¹² Bharatha Mallawarachi, *Who is Anura Kumara Dissanayake, Sri Lanka's new Marxist president?*, World News (Sept. 23, 2024), <https://apnews.com/article/sri-lanka-dissanayake-marxist-president-b451271b4bd9bf4318a76b599fe9d0b0>.

process for discriminatory laws.¹³ In its replies, Sri Lanka states that “[r]eports submitted by the Criminal Law and Civil Law Sub-Committees on Domestic Violence are referred to the [Ministry of Women, Child Affairs and Social Empowerment].”¹⁴

8. **Suggested recommendations** relating to the scope of Sri Lanka’s death penalty:

- Amend the Penal Code and other relevant laws to eliminate the death penalty as a possible punishment for any crime other than “the most serious crimes.”
- Eliminate the consideration of “aggravating factors” that have the effect of discriminating against women in conflict with the law for drug-related offenses, such as committing the offense near a location where children attend activities.
- Commute the sentences of the women on death row who were sentenced to death for a killing that arose in the context of gender-based violence or for any offense that did not entail an intentional killing committed by the woman.
- Ensure that courts responsible for sentencing in capital cases consider how abuse and relationships characterized by coercive control may mean that a partner coerces or manipulates a woman into engaging in drug-related activities, and how past trauma can make women more susceptible to manipulation.

9. **Suggested questions:**

- For a murder committed in a context of gender-based violence, how do law enforcement and judicial authorities take into account gender-related mitigating circumstances in capital proceedings?
- Under what circumstances does the criminal justice system, including in capital cases, consider mitigating factors related to the backgrounds of women in conflict with the law, including evidence of trauma, economic pressures, child marriage, domestic and gender-based violence, as well as psycho-social and intellectual disabilities and other disabilities?

III. Sri Lanka fails to ensure equal access to justice for women (List of Issues Paragraph 6; Articles 5(a), 15(1); General Recommendations No. 19, 33, 35).

10. In paragraph 6 of the List of Issues, recalling the Committee’s general recommendation No. 33 on women’s access to justice, the Committee requested information regarding “measures taken to provide capacity building to judges, prosecutors, lawyers and the police and other law enforcement officials specifically related to the Convention.”¹⁵ In its replies, Sri Lanka describes a 2018 “[a]wareness programme . . . for judicial officers on CEDAW and women’s

¹³ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the ninth periodic report of Sri Lanka* (Mar. 6, 2023), U.N. Doc. CEDAW/C/LKA/Q/9, ¶ 5.

¹⁴ Committee on the Elimination of Discrimination against Women, *Replies of Sri Lanka to the list of issues and questions in relation to its ninth periodic report* (May 14, 2024), U.N. Doc. CEDAW/C/LKA/RQ/9, ¶ 34.

¹⁵ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the ninth periodic report of Sri Lanka* (Mar. 6, 2023), U.N. Doc. CEDAW/C/LKA/Q/9, ¶ 6(a).

rights,” but makes no mention of any training for judges presiding over cases in which women are in conflict with the law or for prosecutors or defense counsel involved in such cases.¹⁶

11. Judges handling cases in which women are charged with capital crimes do not have adequate gender-sensitive training. The coauthors’ report at the list of issues stage explains that sentencing courts often fail to account for a woman’s experience as a survivor of gender-based violence and often neglect other gender-specific mitigation evidence.¹⁷
12. Moreover, women are more likely to face prolonged domestic violence due to barriers that discourage them from seeking legal redress. For example, many women in Sri Lanka fear losing custody of their children, losing their homes, or destabilizing their lives and the lives of their children if they seek legal relief.¹⁸ In addition, “many victims also have negative perceptions of the law, courts, and legal mechanisms and fear going to court houses themselves or standing in the witness box.”¹⁹ When they do seek legal redress, they encounter violence and discrimination within the legal system and experience revictimization. Many victims also fear returning home after seeking legal relief out of fear that the perpetrator will retaliate against them.²⁰
13. Social stigma and victim blaming also keep women from seeking any legal remedy. In Sri Lanka, there are several myths and misconceptions that deter women from seeking relief, such as: *gedera gini pitata geniyanna epa* (don’t take family disputes to the outside world); *gaanuunama ewasanna oona* (women should learn how to be patient); and *pirimiunama ohoma thamai* (boys will be boys).²¹ In addition, many in society believe that if a woman goes to the court house she brings dishonor to the family.²²
14. In addition to these social barriers, Sri Lanka also lacks adequate and accessible legal services for women, including legal aid, which creates a risk of violations of fair trial rights.²³ This is

¹⁶ Committee on the Elimination of Discrimination against Women, *Replies of Sri Lanka to the list of issues and questions in relation to its ninth periodic report* (May 14, 2024), U.N. Doc. CEDAW/C/LKA/RQ/9, ¶¶ 35-37.

¹⁷ The Advocates for Human Rights, the World Coalition Against the Death Penalty, and the Cornell Center on the Death Penalty Worldwide, *Sri Lanka’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 30 Jan. 2023, ¶¶ 18-22, available at <https://www.theadvocatesforhumanrights.org/Res/Sri%20Lanka%20CEDAW%20DP%20FINAL.pdf>.

¹⁸ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 8. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

¹⁹ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 8. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

²⁰ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 8. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

²¹ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 9. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

²² The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 9. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

²³ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 9. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

especially true for Tamil women and Muslim women, as detailed in the report at the list of issues stage.²⁴

15. Access to justice is particularly limited in certain areas of Sri Lanka, such as Jaffna and Mullaitivu, due to the aftermath of the war. For example, there are “insufficient service providers in the districts to address the concerns of women.”²⁵ The majority of women in Jaffna speak Tamil,²⁶ but there are “few Tamil speaking women police constables in the Northern and Eastern provinces” and women seeking to report sexual and gender-based violence are often uncomfortable or reluctant to do so in front of male officers.²⁷

16. **Suggested recommendations** relating to access to justice:

- Enhance gender-sensitivity programs to include specific training programs on handling cases involving female defendants.
- Establish mandatory trainings for judges on gender-based discrimination, domestic violence, gender-based violence, and tactics of coercive control that can lead to women committing death-eligible offenses, consistent with article 5(a) of the Convention.
- Adopt comprehensive safeguards to ensure respect for the due process and fair trial rights of women in conflict with the law who are charged with capital crimes, including providing them with timely access to effective legal representation prohibiting admissibility of evidence obtained through torture or other ill-treatment.
- Require that court-appointed attorneys in capital cases against women defendants have prior experience in capital cases and have training regarding gender-based violence, gender-specific defenses, and gender-specific mitigation.
- Codify gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, human trafficking, and family caretaking responsibilities.
- Increase the number of court-appointed interpreters, especially interpreters who speak Tamil.

²⁴ The Advocates for Human Rights, the World Coalition Against the Death Penalty, and the Cornell Center on the Death Penalty Worldwide, *Sri Lanka’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Relating to the Death Penalty*, 30 Jan. 2023, ¶ 22, available at <https://www.theadvocatesforhumanrights.org/Res/Sri%20Lanka%20CEDAW%20DP%20FINAL.pdf>.

²⁵ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 9. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

²⁶ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 9. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

²⁷ The Asia Foundation, Women in Need, *Why Accessing Justice is Challenging for Victims of Sexual and Gender Based Violence?* (2019), 10. Available online at https://asiafoundation.org/wp-content/uploads/2024/08/Sri-Lanka_-Inside-Justice-Summary-Report.pdf.

17. Suggested question:

- What steps are being taken to increase the number of Tamil-speaking court-appointed interpreters and the availability of legal textbooks available in Tamil?

IV. Detention conditions for women and their young children violate international human rights standards, and detention centers do not address concerns specifically affecting women (Article 12, General Recommendation No. 24).

18. Women in detention experience inhumane conditions. Women live in tiny cells, with thin mats to sleep on, no access to hygiene products, and no ventilation, and they receive extremely limited visitation rights.²⁸ The Department of Prisons has no budget allocation for women's hygiene products.²⁹ A study of prisons conducted by the Human Rights Commission of Sri Lanka (HRCSL) found that prisons do not distribute sanitary napkins "unless a donation is made to the prison by an external organization."³⁰ Women without regular family visits obtain sanitary napkins "by completing tasks, such as washing dishes or clothes, for other inmates who have an adequate supply in return for sanitary napkins and toiletries."³¹ Women on death row are relatively more likely than their counterparts serving other sentences to receive sanitary napkins from prison authorities, but still just 44% state that they have been provided sanitary napkins.³²
19. HRCSL also reported that women have limited access to rehabilitation opportunities and cannot "engage in industrial work, such as weaving and cultivation or be sent on work release schemes. Instead, they are primarily engaged in sewing or maintaining the cleanliness of the premises. If women had the opportunity to engage in a diverse range of work and receive training in professions/skills, it could also provide better employment opportunities post release."³³
20. Sri Lankan detention facilities house far more people than they are intended to hold.³⁴ Because of overcrowding, three to four prisoners often share cells meant for one.³⁵

²⁸ World Coalition Against the Death Penalty, *Reflecting on the links between the death penalty and gender-based violence*, (accessed Nov. 27, 2024), <https://worldcoalition.org/2022/11/25/reflecting-on-the-links-between-the-death-penalty-and-gender-based-violence/>.

²⁹ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 580. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

³⁰ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (Nov. 25, 2020), at 26, https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf.

³¹ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (Nov. 25, 2020), at 26, https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf.

³² Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 580. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

³³ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (Nov. 25, 2020), at 26, https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf.

³⁴ U. S. Department of State, Bureau of Democracy Human Rights, and Labor, *2022 Country Reports on Human Rights Practices: Sri Lanka* (2022), 8. Also available online at: https://www.state.gov/wp-content/uploads/2023/02/415610_SRI-LANKA-2022-HUMAN-RIGHTS-REPORT.pdf.

³⁵ United States Department of State, Bureau of Democracy, Human Rights, and Labor, *Sri Lanka 2023 Human Rights Report* (accessed Nov. 27, 2024), 14. Also available online at <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/sri-lanka/>.

21. Sri Lanka is aware of the problems associated with its overcrowded prisons, and has released a report describing various strategies to address the issue in the short-, medium-, and long-term timeframes.³⁶ In this report, the Sri Lankan Department of Prisons also discussed the limitations of the prisons' very old infrastructure.³⁷ HRCSL further describes the crumbling roofs and walls in prison buildings as a threat to the lives of inmates, warning that in the event of a natural disaster or calamity, prison authorities would not be able to respond in a swift and safe manner.³⁸
22. HRCSL has documented that prisons also have limited light sources and ventilation, and the lack of ventilation combined with the overcrowding makes most prisons dangerously hot.³⁹ Just 67% of the women under sentence of death have any sleeping materials at all, and many use thin yoga mats or blanket-like materials instead of sleep mats.⁴⁰
23. HRCSL's study confirms that the overall state of healthcare in detention is below national standards, and imprisoned women have worse access to such healthcare, because prison hospitals are typically located in the men's wards which are separated from the women's living facilities.⁴¹ HRCSL reports that "doctors visit the female section only on certain stipulated days and times, and cannot be accessed outside of that time. Consequently, access to medical treatment at night time is severely limited and women would have to suffer symptoms until the next time the doctor visits. There is also an inadequacy of female medical personnel in the prison healthcare system."⁴² Preventative care does not include screening programs for cancers primarily affecting women that are regularly performed for people living outside of detention facilities.⁴³
24. Children under age five are permitted to stay with their mothers while they are imprisoned.⁴⁴ Yet the detention conditions in which the children live are often detrimental to child development, with many facilities lacking developmentally appropriate education and nutrition.⁴⁵ At many detention facilities, the conditions for women with young children are no

³⁶ Sri Lanka Department of Prisons, *Prison Overcrowding: Short-Mid-Long Term Plan to Overcome the Challenge* (2021). Also available online at: <http://prisons.gov.lk/web/wp-content/uploads/2021/11/prison-overcrowding-overcome-plan.pdf>.

³⁷ Sri Lanka Department of Prisons, *Prison Overcrowding: Short-Mid-Long Term Plan to Overcome the Challenge* (2021). Also available online at: <http://prisons.gov.lk/web/wp-content/uploads/2021/11/prison-overcrowding-overcome-plan.pdf>.

³⁸ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), vi. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>

³⁹ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 99-100. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

⁴⁰ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 100-103. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

⁴¹ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 581. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

⁴² Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (Nov. 25, 2020), at 26, <https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL-Concise-Version.pdf>.

⁴³ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 581. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

⁴⁴ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 590. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

⁴⁵ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 589. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

different than for any other persons in prison.⁴⁶ There is no evidence suggesting that Sri Lanka has plans to improve the conditions faced by children in this situation.

25. Suggested recommendations relating to detention conditions:

- Expand the use of alternatives to imprisonment, such as those set forth in the Community Based Corrections Act No. 46 of 1999.⁴⁷
- Ensure there are safeguards in place to promote the safety, privacy, and health of women in detention facilities, including access to adequate toilets, sanitation, and feminine hygiene products, consistent with the Bangkok Rules.
- Ensure that all women in detention have access to preventative, female-specific healthcare, including screening for cervical and breast cancers.
- Identify potential new detention facility locations to ease the problems associated with overcrowding.
- Ensure women with children are in detention facilities that have adequate resources to support a child's early development.
- Provide gender-sensitive psychological and psychiatric support to women under sentence of death.

26. Suggested questions:

- What steps are being taken to ensure women in prison have adequate access to health care, given that most detention facilities keep the healthcare professionals on the men's ward side?
- How do authorities ensure that detention conditions for women are consistent with the Bangkok Rules?

One woman who was incarcerated complained that she was given un-boiled carrots and potatoes for her, presumably very young, child.

⁴⁶ Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (2021), 592. Also available online at: <http://www.humanrights.asia/wp-content/uploads/2021/01/Prison-Report-Final.pdf>.

⁴⁷ For further information, see Human Rights Commission of Sri Lanka, *Prison Study by the Human Rights Commission of Sri Lanka* (Nov. 25, 2020), at 33-34, 84-85, <https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL-Concise-Version.pdf>.