

Executive Summary

Submission to the Minister of Justice, Sri Lanka on combating violence against women and children in Sri Lanka

June 2025

Violence against women and children is rampant and pervasive in Sri Lanka. In 2023 alone, over 25,000 cases of domestic violence were reported.¹ 2 in every 5 women in Sri Lanka experience some form of violence by their partners² and over one third of female deaths are due to intimate partner violence.³ Domestic violence is largely underreported. In 2016, for example, only 28% of women sought help from authorities.⁴ In 2023, 5550 cases relating to child abuse were pending in the Magistrates Courts.⁵ Approximately one third of cases of sexual offences in the High Courts are related to children. The persistence of domestic violence is fueled by continuing administrative inaction, apathy and failure to design and implement preventative strategies, and a culture of impunity. Out of 130,000 police reports of family disputes, only 1% result in protection orders,⁶ reinforcing a culture of impunity. To address this grave and persistent issue, the undersigned attorneys at law of Sri Lanka and members of the civil society, submit the following recommendations in the interest of mitigating and preventing Sexual & Gender Based Violence (SGBV) in Sri Lanka to the Hon. Minister of Justice.

A. Fast track investigation and prosecution of SGBV

The right to equal protection of the law is guaranteed under Article 12(1) of the Constitution of Sri Lanka. The right to a speedy trial is an inalienable human right for both the victim and the accused. However, Sri Lanka's justice system operates within a *de facto* culture of impunity caused by excessive delays in concluding trials. Sri Lanka Police's Grave Crime Abstract of 2015 and 2019 reveal that despite over 1000 recorded cases of rape, convictions are rare or non-existent. It has also been reported that the average time between lodging a complaint and the completion of trial is 10 years. Such delays disrupt every aspect of a child's life and lead to depletion or diminishing of the value of evidence. Therefore, the following proposals have been prepared to address this issue.

¹ Statistics from Police records mentioned by Hon. Member of Parliament, Dr. Kaushalya Ariyaratne in her maiden address to Parliament.

² Women's Wellbeing Survey (2019), Department of Census and Statistics

³ 'Unnatural deaths of women and girls in Sri Lanka' (February 2018), United Nations Fund for Population Activities

⁴ Report by Department of Census and Statistics (2016)

⁵ [Shocking number of child abuse and rape cases overwhelm Lanka's Magistrates' Courts – The Island](#)

⁶ [Violence kills over 350 Lankan women in past 4 years | Print Edition - The Sunday Times, Sri Lanka](#)

Proposal 1 – Establishment of specialized ‘Fast – Track Courts’ to try SGBV

To mitigate laws delays and to act as a deterrent against SGBV crimes, it is proposed to establish fast – track courts with prosecutors who are specially trained in investigation and trials of sexual violence crimes. Such courts were established in India, following the rape and murder case of ‘Nirbaya’ in 2012.

Proposal 2 – Abolish non – summary inquiries for all cases of SGBV

As outlined in Chapter XV of the Code of Criminal Procedure Act No.15 of 1979, non – summary inquiries were created to eliminate cases lacking *prima facie* evidence to support charges of murder or rape. But non summary inquiries have become lengthy criminal trials, proceeding into years of litigation. This significantly contributes to the inordinate delays of legal proceedings. Moreover, it benefits the defense due to repeated examinations, which also retraumatizes the victim. Thus, it’s proposed to abolish the requirement of non – summary inquiries in SGBV crimes for all victims and for SGBV crimes to be directly indictable by the Attorney General.

Proposal 3 – Establishment of Pre – Trial Chambers

To mitigate delays, it is recommended to amend the Judicature Act/Code of Criminal Procedure to establish pre - trial chambers, where procedural steps will be concluded. Appointing new judges to these chambers is recommended as they can familiarize themselves with the procedures. To speed up trials, pre-trial rules should require parties to submit witness summaries and estimated examination times. Judges would review and adjust these estimates, then enforce them during trial to prevent delays and irrelevant questioning.

Proposal 4 – Adopt measures to eliminate factors that significantly contribute towards laws delays

It is proposed that the Hon. Minister of Justice consult with the Judges of the Supreme Court of the possibility of formulating rules governing the conduct and etiquette of attorneys. These rules would specify that requests for postponements should only be made in exceptional circumstances beyond the attorney’s control, create a comprehensive list of valid grounds for postponement, and define what constitutes ‘personal grounds’ for such requests. Moreover, it’s recommended that judges of the original courts be provided with a ‘Practice Direction’, outlining the circumstances under which applications for postponement may be considered. It’s also proposed that Hon. Justice Minister considers adopting measures to ensure trials and inquiries are held daily on consecutive days, to achieve timely adjudication and expeditious conclusion of proceedings.

B. Law and Procedural Reforms

Proposal 5 – Amend the Penal Code to criminalize marital rape

Marital rape is one the most common forms of domestic violence, and is identified in the definition of violence against women in the private sphere in Article 2(a) of the Declaration on the Elimination of All Forms of Violence against Women of 1993. However, section 363(b) of the Penal Code excludes married women and women who are ‘de facto’ separated from the man, as opposed to being judicially separated, from the definition of ‘rape’, giving perpetrators the opportunity to commit the crime with impunity. Thus, it is proposed that the Penal Code be revised to criminalize marital rape without qualification.

Proposal 6 – Amend the Prevention of Domestic Violence Act No. 34 of 2005

The Prevention of Domestic Violence Act does not criminalize a new offence as ‘domestic violence’. Instead, the victim is required to make a second and separate criminal complaint against the perpetrator under the Penal Code as the Act only identifies conduct punishable under the Penal Code. The Act is also silent as to remedies in the form of compensation or relief for abuse already suffered by the victim. Therefore, it is proposed that the Act should incorporate parallel legal recourses leading to penal consequences against perpetrators, which requires only a singular complaint as well as compensation to be paid to the victim by the offender. Moreover, it is also proposed to establish State – funded shelters and services to protect women and children who are financially dependent on their abusers and/or from poverty-stricken backgrounds.

Proposal 7 - Issue Regulations/ Circulars to the Sri Lanka Police to ensure that complaints of domestic violence are immediately recorded, investigated and action taken in terms of the law.

In terms of domestic violence cases, the Sri Lanka Police have not acted on their statutory duties under the Criminal Procedure Code and the Police Ordinance. This has led to worsening the gravity and frequency of domestic violence. Treating such cases as ‘family disputes’ and trivial matters, leads to them being dismissed at the police station itself. Therefore, it is proposed that the Inspector General of Police be formally directed to issue circulars and directions to all police stations to strictly comply with the provisions of the Code of Criminal Procedure Act No.15 of 1979 and the Police Ordinance No. 16 of 1865 as amended, ensuring the timely and efficient recording of complaints.

Signatories

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⁷ ⁷The ‘Gender Justice Legal Network’ (GJLN) is a network of specialized Sri Lankan lawyers established in 2020 by Legal Action Worldwide (LAW), that has assisted over 950 victim-survivors of sexual and gender-based violence and child abuse through legal services and other essential services.