



Franciscans International
A voice at the United Nations



Human Rights Office
Kandy

NGO Joint Submission

Franciscans International and Human Rights Office of Kandy Diocese

for the 9th periodic report of Sri Lanka

**90th Session of the CEDAW – Committee on the Elimination of
Discrimination Against Women**

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Introduction

1. This is a joint submission by Franciscans International (FI) and Human Rights Office of Kandy Diocese in Sri Lanka (HRO). FI is a faith-based International Non-Governmental Organization (INGO) with General Consultative Status with the ECOSOC Council of the United Nations (UN). Franciscans International was founded in 1989 to bring to the attention of the United Nations the concerns of the most vulnerable and to advocate for stronger protection of all human rights.
2. Human Rights Office of Kandy Diocese (HRO) is a Catholic organisation established in 2008 under the jurisdictions of the Bishop of Kandy, incorporated in the parliament Act no 17 of 1983 as part of the Catholic Bishops' Conference in Sri Lanka. HRO campaigns to establish the rule of law by taking up individual cases of victims of torture, and victims of rape, gender-based violence, domestic violence, families of the disappeared and of prisoners. HRO helps facilitate victims' access to justice via legal assistance, but also other services, including medical, psychological and educational assistance, and accompanying victims and their families until victims are integrated back into society.
3. The structure of this submission is based on the list of questions issued by the Committee. FI and HRO provide responses to the relevant questions from information provided by Franciscans and their network in Sri Lanka. The information in the specific cases documented below comes from anonymized interviews conducted with representatives of HRO in November 2024.
4. Sri Lanka is one of the largest tea producers in the world. The tea industry plays a crucial role in the national economy and culture. The sector provides direct and indirect employment to over 1 million people, including workers in plantations, processing factories and distribution networks. Indian Tamils of Sri Lanka or upcountry Tamils, also known as Indian Tamils or Malaiyaha Tamil, were brought by the British from the southern part of India. They have been working in Sri Lankan tea plantations since the 19th century, under British colonial rule.
5. The Government of Sri Lanka has continuously failed to guarantee the economic, social and cultural rights of tea plantation workers in the northern, eastern and central parts of the country. Female workers face compounding challenges, deprivation and marginalisation due to systemic inequalities, socio-economic conditions and gender norms embedded in the plantation system. These challenges can be seen across many areas such as employment conditions, access to healthcare, gender-based violence, access to education, trafficking and access to justice.

Access to justice and sexual and gender-based violence against women (question 6b and question 11 from the list of issues)

6. The tea plantation workers in the northern, eastern and central regions of Sri Lanka are mostly Tamil speakers, with women making up around 65% of the total tea workforce.¹ They constantly face

¹ See "Gender Equality in Sri Lanka. Factsheet", by Ethical Tea Plantation, August 2023, available at <https://etp-global.org/wp-content/uploads/2023/10/Gender-Equality-in-Sri-Lanka-Factsheet.pdf>

linguistic challenges that infringe upon a broad range of their rights. The most common manifestation of this is the significant barriers faced by Tamil-speaking women, who are victims of gender-based violence. They experience difficulties when they submit complaints at police stations due to the language. Tamil-speaking Police Officers are primarily posted in the Northern Province and in some areas in the Eastern Province. Otherwise, the police speak Sinhala. When Tamil victims visit police stations in the Central and Uva Provinces, they are unable to communicate with the officers present. The Police officers who only speak Sinhala document the complaints in Sinhala. If translations do take place from Sinhala to Tamil or vice versa, there is no guarantee of correct translations. Thus, there are several instances where the documentation of the cases often contains errors, which in turn will jeopardise the cases.

7. Furthermore, Court procedures in Sri Lanka mostly work in Sinhala or English. Even if cases of gender-based violence against women tea plantation workers are heard, the evidence is often only translated into these two languages. Consequently, Tamil speakers are unable to understand proceedings during hearings. The Constitution of Sri Lanka recognises Tamil and Sinhala as the national languages. It also recognises that Sinhala and Tamil shall be the languages of the Courts throughout Sri Lanka. Thus, the exclusion of the Tamil language in the court proceedings infringes upon the constitutional right of equality before the law for Tamil-speaking citizens, in particular women and girls who are victims of gender-based violence in the tea plantation areas.
8. The following are documented cases of sexual abuse of girls in tea plantations. The first case is regarding a 16-year-old girl² from Holyrood plantation of Talawakelle in Nuwara Eliya District of Sri Lanka. On 12 August 2001, she was raped by two men when she was on her way home from Sunday school at St. Patrick's Church Talawakelle. She was taken forcefully by men in a van and then raped inside the vehicle. Soon after the incident she lodged a complaint to the Talawakelle Police station. Since there were no police personnel who could read or write in Tamil, she had difficulties at the police station making her complaint. The complaint taken down did not align with the information she provided, favouring the perpetrator of the crime. The case is still pending. The court delay has further aggravated the situation, with the case (HC 48/2010) still being heard at the High Court of Nuwara Eliya after 23 years.
9. The second case is regarding the sexual abuse of a 15 year-old student.³ She lived with her mother, a younger sister and her grandmother on the Hapugastenne tea plantation in Maskeliya, Central Province. The family only spoke Tamil. Her family was even more vulnerable and marginalised on the plantation as it consisted only of women living together. On 25 February 2017, she was brutally sexually abused, allegedly by one of the male workers at a corner shop in the tea plantation area. Her family was afraid to report the incident to the authorities. The situation was made more difficult by the fact that the victim and the family only spoke Tamil, and that there was no police officer who spoke Tamil. Finally, with the help of her school, she filed a complaint at the police station. With further legal assistance,⁴ a case (HC 95/2019) was lodged at Nuwara Eliya High Court. The Court took 5 years to consider the case. On 4 December 2024, the Court issued a verdict, giving an 8-year sentence to the accused, along with a fine of LKR 5,000. The judge also ordered the accused to pay LKR 250,000 as compensation, failing which a further 2-year period of imprisonment would be added.

² The identity of the victim is known and withheld due to security reasons.

³ The identity of the victim is known and withheld due to security reasons.

⁴ The legal assistance was provided by the Human Rights Office in Kandy, the co-author of this submission.

10. The third case is regarding a 13-year-old girl,⁵ who was raped on 8 November 2007. She was raped by her neighbour, who was 43 years old at that time, while she was alone at home in Periya Dankanda plantation, Rattota, in Matale District in the Central Province of Sri Lanka. She lived with her father, a grandmother, two young sisters, and a brother in a small room. Her mother was working overseas as the wages paid by the tea plantation sector were too little for the family to have a decent life. The accused forced the victim to consume alcohol before raping her. When she was accompanied to the police station by her family members, the policewoman refused to take up the complaint and requested that she come back the following day as there was no officer who understood Tamil to record her complaint. HRO supported the victim and brought the case to the High Court of Kandy (HC 29/2011) and the accused was sentenced to 10 years of imprisonment after a lengthy trial.

Recommendations for the Government of Sri Lanka

- Ensure access to justice for all victims of gender-based violence in a timely manner.
- Ensure that victims of gender-based violence are provided with necessary assistance including language, in compliance with the constitutional provisions.
- Ensure that law enforcement officers in Central and Uva Provinces are able to receive complaints and assist victims of gender-based violence in Tamil and that court proceedings are translated into Tamil.

Trafficking and exploitation of prostitution (question 12 from the list of issues)

11. In 2022, 1.5 million Sri Lankans worked in the Middle East, Japan and South Korea, primarily in the construction and domestic sectors.⁶ 70% of those migrant workers are women or girls, and several of them are faced with exploitation and sexual abuse due to inadequate legal protections in their host countries.⁷ The COVID-19 pandemic and the economic uncertainty that it brought forced rural youth to cities in Sri Lanka and beyond. As a disproportionately marginalised group, women and girls from tea plantations often fall prey to job recruiters and traffickers that lure them to Colombo with offers of well-paid employment, and instead they end up as sex slaves in massage parlors, brothels, hotels and resorts or find themselves treated abusively in garment factories or as domestic servants.⁸ Alternatively, these women and girls are trafficked abroad where they face debt bondage and abusive working conditions, including the withholding of wages. A lack of access to education and the economic vulnerability of families are the main reasons for teenage girls on plantations falling prey to traffickers.

12. We received information regarding a case of a girl⁹ living in the West Dayagama tea plantation of Diyagama in Nuwara Eliya District of the Central Province of Sri Lanka. She had one elder brother and 4 younger sisters, and they all lived with their mother and father in a 10 x10 feet line room. The room was cramped, housing 8 people and the girls did not have access to proper hygienic/sanitary products. In November 2020, during the Covid 19 pandemic, she was sent to work in Colombo as a

⁵ The identity of the victim is known and withheld due to security reasons.

⁶ Women congregations address human trafficking in Sri Lanka, Global Sisters Report, Thomas Scaria, 1 August 2024, available at: <https://www.globalsistersreport.org/news/women-congregations-address-human-trafficking-sri-lanka>

⁷ Ibid

⁸ Ibid 6

⁹ The identity is known and withheld due to security reasons.

domestic worker at the house of Rishad Bathiudeen, a sitting Member of Parliament in Sri Lanka, who was a member of the opposition at the time. The family was forced to send her off since the mother was the only earner in the family and could not afford to take care of all the children on her meagre plantation wages. The girl worked at various houses belonging to relatives of Mr. Bathiudeen, including at Mr. Bathiudeen's personal residence. During this time, she was not allowed to engage in any form of contact with his family and was completely cut off from home. On 3 July 2021, her family received news that she had been admitted to Colombo General Hospital with severe burn injuries. Later, she succumbed to her injuries. The postmortem revealed that she was sexually abused and repeatedly raped at Mr. Bathiudeen's residence. Mr. Bathiudeen was not home at the time of the incident, as he had been serving in jail since April as police investigated him in connection with the 2019 Easter Bombings. The inquiry into the death is currently pending before the Colombo Magistrate courts. There is suspicion that she may have been burnt. Prior to this case, seven other underage girls from the same tea plantation were found to have been illegally trafficked to Mr. Bathiudeen's residence, and some of them were also raped and subsequently committed suicide. The girls were trafficked by the same broker that arranged the domestic worker position for the girl in question.¹⁰

Recommendations for the Government of Sri Lanka

- Ensure that the National Strategic Action Plan to Monitor and Combat Human Trafficking (2021 – 2025) places as much focus on internal labour trafficking as it does on international trafficking and that increased labour inspections are carried out within the tea plantation sector.
- Address the root causes making women and girls on plantations vulnerable to trafficking, including unequal wages for women, lack of education, lack of access to alternative livelihood opportunities and chronic poverty.

Education (question 14a from the list of issues)

13. The tea plantation sector has the lowest literacy and computer literacy rate in Sri Lanka. According to census data from 2019, the literacy rate was 82.7% in the tea plantation sector compared to the national rate of 92.9%.¹¹ Earlier data shows a big disparity in the female literacy rate on plantations at 74.7%, versus the national female literacy rate of 90.6%.¹² The computer literacy rate was 17.7% in the tea plantation sector compared to the national rate of 39.5%.¹³ The distances between the tea plantations and schools play a major role in the inability of children to access education. Most students have to travel 6-8 km on foot to the nearest school. Most schools located in the tea plantations are poorly equipped with limited access to laboratory and technological facilities. They

¹⁰ How a Death Exposed a History of Sexual Assault at a Rich Politician's Home, Vice, Kris Thomas and Pallavi Pundir, 12 August 2021, available at: <https://www.vice.com/en/article/death-domestic-worker-sexual-assault-srilanka-bathiudeen/>; Colombo Magistrate Court Case Number: B 52944-2/2021

¹¹ Caritas Sri Lanka, 10 December 2021, available at: <https://www.caritaslk.org/news/pre-orientation-for-the-plantation-programme-at-mahagastota-nuwaraeliya/>

¹² Inadequate schooling in Sri Lanka's plantations, World Socialist Website, 17 April 2009, available at: <https://www.wsws.org/en/articles/2009/04/sled-a17.html>

¹³ Sri Lanka Department of Census and Statistics, 2023, available at: <https://lankastatistics.com/social/computer-and-digital-literacy-rate.html>

are also understaffed, and teachers lack the appropriate training to be able to teach in a manner that is up to national standards.¹⁴

14. The UN Special Rapporteur on contemporary forms of slavery during a visit to Sri Lanka in 2021, reported that the quality of education and facilities in schools on tea plantations are substandard, and there is a high turnover of teachers. Access to quality education for children living on tea plantations is also limited.¹⁵
15. In addition, patriarchal family structures and attitudes towards education and matrimony on tea plantations contribute to a high drop-out rate for girls. Only 53% of female children complete primary schooling, only 24% attend secondary school and only 4% graduate high school.¹⁶ Girls are pushed to either marry early or start working in garments or tea estates.

Recommendations for the Government of Sri Lanka

- Address the shortage of qualified teachers of subjects such as English and Information Technology that are vital for employment.
- Ensure that existing kindergarten nurseries on plantations are able to access trained staff and resource materials to ensure that they are a viable childcare option for younger siblings, in order to ensure that older girls are not missing or dropping out of school as a consequence.

Employment (question 15 from the list of issues)

16. Female workers make up over 60% of the workforce in the tea plantation industry.¹⁷ There is a huge disparity in income between plantation households and the national average – plantation households earn an average monthly income of LKR.34,804 compared to the national average of LKR 62,237.¹⁸ As of 10 September 2024, the minimum daily salary for tea plantation workers has been fixed by the Wages Board at LKR1,350 (4.5 USD). In addition to this, an attendance promotion special allowance of LKR 350 has been fixed, for a daily total of LKR 1,700. This has come after a tense battle between authorities and plantation companies, subsequent to a Gazette notification issued in May 2023 by former Labour Minister Manusha Nanayakkara announcing the raising of the minimum wage. Twenty-one (21) plantation companies filed a petition challenging this decision of the authorities as arbitrary and stating that they are unable to pay such high wages.¹⁹ The Supreme Court found in favour of the plantation companies and ordered the Wages Board at the Labour Department to pay

¹⁴ Bandaranayake, Rathnayake Mudiyansele; Miles, Glenn M.; Davis, Jarrett D.; Stenersen, Madeline; and Umrani, Anjum (2023) "The Experiences of Children on Sri Lanka's Tea Plantations: Labor and Sexual Exploitation, Violence, and Inadequate Education," Dignity: A Journal of Analysis of Exploitation and Violence: Vol. 8: Iss. 2, Article 2., available at: <https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1377&context=dignity>

¹⁵ A/HRC/51/26/Add.1, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, Visit to Sri Lanka, 6 July 2022, available at: <https://documents.un.org/doc/undoc/gen/g22/400/41/pdf/g2240041.pdf>

¹⁶ Ranil Peiris, Peter Mozellus, Sirkku Männikkö Barbutiu and Thomas Westin, Bridging the digital divide in Sri Lankan tea estate areas, May 2015, available at: https://www.researchgate.net/publication/281490717_Bridging_the_digital_divide_in_Sri_Lankan_tea_estate_areas

¹⁷ Inter Press Service, On Sri Lanka's Tea Estates, Maternal Health Leaves a Lot to Be Desired, 23 September 2024, Kanya D'Almeida, available at: <https://www.ipsnews.net/2014/09/on-sri-lankas-tea-estates-maternal-health-leaves-a-lot-to-be-desired/>

¹⁸ Sri Lankan Government Department of Census and Statistics, Household Income and Expenditure Survey (HIES) 2016, available at: [HouseholdIncomeandExpenditureSurvey2016FinalResults.pdf](https://www.statistics.gov.lk/HIES/HIES2016/FinalResults.pdf)

¹⁹ The Morning, Estate sector minimum wage hike: SC interim injunction bars Labour Min. Gazette, 5 July 2024, available at: <https://www.themorning.lk/articles/xyPdpJoSfjEfJ4aFALmg>; Daily News, Wages Board approves Rs. 1,700 for estate workers, 13 August 2024, available at: <https://www.dailynews.lk/2024/08/13/admin-catagories/breaking-news/607198/wages-board-approves-rs-1700-for-estate-workers/>

the minimum wage, instead of the companies. An additional incentive has also been instituted for workers, wherein they can earn an extra LKR 50 per kilo of tea plucked above the norm (typical amount of tea plucked on an estate, varying between 12-20 kg a day depending on estate and weather conditions), without an upper limit.

17. It remains to be seen whether this daily wage will be paid out in practice. At present, there are huge disparities in wages and working hours between men and women. These longer working hours also come on top of childrearing and household responsibilities. While female workers work from 8am-5pm, and male workers only work from 8am-1pm, they receive the same wages.²⁰ As female workers are engaged in the plucking of tea leaves, contrary to male workers who are engaged in the processing of the tea in factories, their work is much more physically demanding due to the lack of mechanisation. Women's pay slips often reveal huge deductions, simply labelled as "other deductions", meaning that far less wages are actually paid out than work done. A pay slip obtained by HRO from Brooksrage Plantation Ltd. in Central Province, shows gross earnings of LKR 33,935 with "other deductions" totalling LKR 15,475. These deductions, often coming to almost half of gross earnings, are made without any kind of justification, or for failing to meet daily targets or arriving minutes late to work.²¹

Recommendations for the Government of Sri Lanka

- Implement strict controls on tea plantations to ensure that women are receiving wages commensurate with their labour and are not being penalised with arbitrary wage deductions.
- Ensure that the new daily minimum wage of LKR 1,350 and the attendance promotion special allowance of LKR 350, totalling LKR 1,700, agreed upon by the Wages Board in August 2024, is implemented without delay for all tea plantation workers.

Health (question 16b from the list of issues)

18. The maternal mortality rate on tea plantations was 36 per 100,000 live births in 2017, compared to 31 nationally.²² Malnutrition amongst women and girls is widespread, with the rate of malnutrition for mothers of reproductive age rising to 33% for those living on plantations, as compared to a national rate of 16%. Water, sanitation and hygiene are a major concern, with 40% of the estate population not having access to proper toilet facilities, and only 43% have access to non-contaminated sources of water (as compared to 90% nationally).
19. Since many households do not have access to a private toilet, women are forced to utilise shared toilet facilities exposing them to hygiene and safety risks. As women bear the responsibility of

²⁰ Colombo Telegraph, Status of Female Workers in Plantation, Mathavakala Mathavan, 24 February 2023, available at: <https://www.colombotelegraph.com/index.php/status-of-female-workers-in-plantation/#:~:text=The%20female%20literacy%20rate%20remains,until%20GCE%20'O'%20level.>

²¹ Sri Lanka Campaign for Peace and Justice, 200 Years of Broken Promises, 17 October 2023, available at: <https://srilankacampaign.org/200-years-of-broken-promises/>

²² Ethical Tea Partnership Global, Women in tea factsheet, February 2021, available at: <https://etp-global.org/wp-content/uploads/2023/10/Women-in-Tea-Factsheet.pdf> ; Marcotrends.net, available at: <https://www.marcotrends.net/global-metrics/countries/LKA/sri-lanka/maternal-mortality-rate#:~:text=Sri%20Lanka%20maternal%20mortality%20rate%20for%202020%20was%2029.00%2C%20a.a%203.23%25%20decline%20from%202017.>

fetching water and often must travel up to 3km to find clean water sources, they are left in vulnerable situations during these journeys.²³ Schools in plantation areas lack provisions for menstrual hygiene, leading to the increased absenteeism of adolescent girls during menstruation. The lack of healthcare facilities and hospitals nearby affects women disproportionately, with elderly, pregnant or sick women, or those with sick infants or children, having to travel up to 20 km on rough, steep and dilapidated roads, exposing them to safety risks.

20. A testimony was given by a 38-year-old man²⁴ who is a labourer and whose wife worked as a tea plucker. The couple had 3 children, aged 5 months, 3 years and 12 years, at the time of the incident. When her youngest was born, his wife could only afford to take 3 months of maternity leave due to the financial burden of the additional child. Two months into her return from maternity leave, she contracted pneumonia due to the working conditions, particularly the long working hours spent outside in chilly, rainy conditions. His wife required urgent assistance and an ambulance was called. Due to the condition of the roads and the distance to the nearest hospital, it was too late to save her by the time she reached the emergency room.

Recommendations for the Government of Sri Lanka

- Ensure access to safe water, sanitation and menstrual hygiene infrastructure for women on plantations and in schools to ensure that women and girls are not exposed to disproportionate risk.

Disadvantaged groups of women (question 19c and question 20 from the list of issues)

21. Most of the tea plantation workers in Sri Lanka have been living and working in the tea estates for generations, since the British colonial period. Despite having occupied homes for more than 100 years, families on tea plantations have traditionally not been able to own land.²⁵ Successive administrations have promised land and property ownership to plantation workers but have failed to deliver. Workers are forced to live in barrack-style “line houses” built in colonial times and owned by plantation companies, in which 5-10 people share a space that is 10x12 feet in dimension.²⁶ Many of these houses lack windows, cooking facilities, running water and electricity, and latrines are shared between several families. Living in such cramped conditions increases the risk of gender-based violence and the spread of communicable diseases, particularly among women and children.
22. The ability of workers to occupy line houses is tied to their employment status, leaving them at the mercy of their employer. This means that one family member must continuously work on the plantation, and the criteria through which this is enforced is very severe.²⁷ If at least one family

²³ World Bank blogs, Sri Lanka: 3 ways to ensure women benefit from water and sanitation services, Aroha Bahuguna, 12 August 2020, available at: <https://blogs.worldbank.org/en/endpovertyinsouthasia/sri-lanka-3-ways-ensure-women-benefit-water-and-sanitation-services>

²⁴ The name and the identity are known and withheld for security reasons.

²⁵ A/HRC/51/26/Add.1, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, Visit to Sri Lanka, 6 July 2022, available at: <https://documents.un.org/doc/undoc/gen/g22/400/41/pdf/g2240041.pdf>

²⁶ A/HRC/51/26/Add.1, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, Visit to Sri Lanka, 6 July 2022, available at: <https://documents.un.org/doc/undoc/gen/g22/400/41/pdf/g2240041.pdf>

²⁷ Anonymised interview conducted with a Franciscan Friar based in Uwa Province, 17 December 2024;

member does not report to work every 14 days, the whole family is evicted from their dwelling.²⁸ Forced evictions, occurring without judicial or demolition orders, are common.²⁹

23. HRO documented a case of a worker³⁰ on the Rahthungoda tea plantation in the Nuwara Eliya District in Central Province who constructed a house with her brother on land that was given to them due to their work on the plantation. After the death of her brother, she was evicted. Her absence from the house for a short period of time was given as the reason for her eviction. She was also told that neither she nor her brother owned the house or the land in any way, shape or form and that all of it was under the management of the tea plantation.

Recommendations for the Government of Sri Lanka

- Ensure that tea plantation workers who have been denied land rights for two centuries are finally able to acquire land and own their own houses by proceeding with Government and Parliamentary approval to allow the Ministry of Labour and Foreign Employment to enact the special laws required to guarantee land deeds.

²⁸ Ibid

²⁹ Ibid 27, Ibid 21

³⁰ The name and identity are known and withheld due to security reasons.