

# DOES THE PENALTY ALWAYS FIT THE CRIME? – TREATMENT OF WOMEN OFFENDERS IN SRI LANKA

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## I. INTRODUCTION

The law enforcement and justice system in Sri Lanka has very few female offenders as opposed to their male counterparts. For many years, the three Cs practiced by Sri Lanka Prisons,<sup>1</sup> namely, Custody, Care and Corrections, were applied to rehabilitate the male offenders, which comprised the majority. With the passage of time, as pregnant women, adolescent girls, mothers and persons with disabilities or special needs gradually emerged to be a part of the justice system due to various socio-economic factors, the need to change policy and circumstances at all levels, be it police, courts or prisons arose, and the practice was extended for the betterment of women offenders.

On the international plane, too, the surfacing of “female offenders” attracted a lot of attention and discussion with the number of female offenders increasing in each country. Hence, the Bangkok Rules and the Kyoto Declaration were adopted, as well as the Handbook on Women and Imprisonment produced by the UNODC. Further, “female offenders” was often a topic of various decisions and discussions held at the UN General Assembly, especially what was referred to as the “Doha Congress”.<sup>2</sup> Finally, the issue of female offenders formed a part of the 2030 Agenda for Sustainable Development.<sup>3</sup>

With the changing times, and to be abreast with the best international practices and policies, Sri Lanka braced itself to offer gender equality into State policy by first ratifying key international Conventions and formulating domestic mechanisms that offered females, in general, certain rights. Among them is the UN Convention on Elimination of All forms of Discrimination Against Women (CEDAW) in 1981. Prior to this was the establishment of the Women’s Bureau in the year 1978 to ensure gender equity and equality. The approach was improved with the creation of the Ministry for Women in the year 1983, followed by the Department of Probation and Social Welfare. The decision of the Parliament in 1993 to adopt the Sri Lanka Women’s Charter<sup>4</sup> was the statement-of-principle policy of the Government pertaining to the rights of women. Then came the National Committee for women in 1994, along with the 1996 National Action Plan for Women. This National Committee, at present, is placed under the Ministry of Women and Child Affairs. In the year 2016, with the launch of its “Policy Framework and National Plan of Action (NPoA) to address Sexual and Gender Based Violence (SGBV) in Sri Lanka 2016- 2020”, the policy of zero tolerance for violence against women was exhibited openly. This National Action Plan is an integral part of the Ministry of Women and Child Affairs and reveals that it is in line with the Sustainable Development Goals 2030 of the United Nations and talks much about the rehabilitation and social integration of female offenders. For the first time in Sri Lanka, this National Action Plan introduced the concept of multi-agency cooperation if any correctional methods were to be a success story. At present, 16 stakeholder agencies work together to make the correctional measures and social reintegration of female offenders a success.<sup>5</sup>

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<sup>1</sup> Still the term ‘prison’ is used in place of ‘correctional facilities’.

<sup>2</sup> Thirteenth United Nations Congress on Crime Prevention and Criminal Justice held in Doha 12-19 April 2015.

<sup>3</sup> Goal 5.c of A/RES/70/1.

<sup>4</sup> National Committee on Women, Ministry of Women’s Empowerment and Social Welfare. Women’s Charter, Sri Lanka, [http://eugc.ac.lk/ge\\_eq/wp-content/uploads/2016/04/Womens Charter-1.pdf](http://eugc.ac.lk/ge_eq/wp-content/uploads/2016/04/Womens Charter-1.pdf) accessed 29.09.2021.

<sup>5</sup> Ministry of Women and Child Affairs, Ministry of Justice, Ministry of Law and Order, Ministry of Education, Ministry of National Policy and Economic Affairs, Ministry of Labour and Trade Union Relations, Ministry of Skills Development and Vocational Training, Ministry of Plantation Industries, Ministry of Foreign Employment, Ministry of Health, Nutrition and Indigenous Medicine, Ministry of Disaster Management, Ministry of Parliamentary Affairs and Mass Media, Sri Lanka Police,

Capacity-building, awareness raising of the root causes and underlying consequences have become crucial to prevent any criminal acts being committed by female offenders. The number of female offenders in the system is very few, less than five hundred in all. Out of these, those with death sentences or serving for life – sentenced for mainly being involved in narcotic drug offences – are even fewer. The statistics demonstrate a vast decline of female offenders in the justice system at present.<sup>6</sup>

In this regard, the Constitution, in its Chapter III,<sup>7</sup> has guaranteed equality for women and men and non-discrimination based on sex. Nevertheless, once an offence is committed, the usual criminal justice process would kick in to try the offenders, the police conducting the investigation, prosecution of offenders by the State Prosecutors attached to the Attorney General's Department, the remand or the conviction of the offender and so on and so forth.

## **II. GENDER-RESPONSIVE APPROACHES TO IMPROVE CORRECTIONAL TREATMENT AND SUPPORT IN PRISON**

### **A. The History**

Unfortunately, a considerable majority in the country regard gender inequality as the “norm” and that it should have perpetual succession. The beliefs such as “*a woman's main role is to take care of her home and cook for the family*”, “*it is a man who earns and is responsible for the family*”, “*a woman should obey her husband*” and “*a woman is subject to male dominance*” are embedded in the society even at present, but on a lesser scale. In the old days, the correctional facilities saw no difference to change the common beliefs and, hence, female offenders were treated likewise. However, with the passage of time, the females, too, started to pull the wheel and participated in the formal economic, social and political systems to sustain their families. The participation of females in the areas of income generation was more visible in the economically disadvantaged class. And, as a result of the poor economic conditions and the continuous struggle to move on, and being pushed to the wall more often than not, these females committed or attempted the crimes they later were charged with. Once these female offenders entered the criminal justice system, their families encountered difficulties as a result of their imprisonment. With the revelation of the poor economic conditions of the female offenders in the society, invariably all the stakeholders in the criminal justice system had to necessarily take cognizance of this fact, especially the ones staying in the correctional facilities.

The outcry for women's rights and, therefore, that of women offenders took the stage before long, though the number was still very negligible as opposed to the males in the prisons.

### **B. The Approach**

In handling female offenders, both unconvicted and convicted, two Cs out of the three, “Custody” and “Care”, are looked after by uniformed female staff. The third “C”, the “Correctional” staff, also known as “rehabilitation officers”, wear casual attire. The concept behind this approach is to enable the female offenders to be free in their speech, i.e. to pour their hearts out at all levels; the admission level, initial medical examination, the visits to their bases by rehabilitation officers for assessment and at every occasion thereafter. Thus, whenever a female offender encounters any difficulty, she would not hesitate to seek advice of these rehabilitation officers to solve the issues at hand.

### **C. The Number**

Having a small number of female offenders has very good advantages for Sri Lanka. The female offenders are allocated separate accommodation facilities earmarked for their own convenience. Out of these offenders, the pregnant offenders who are separated from the rest are placed under constant care of the medical and other support staff. The female pregnant offenders are allowed to interact with their families if it appears to be in the best interest of such woman offender. Every endeavour is taken to keep their minds happy and content, considering the circumstances they are faced with. Another interesting fact is that any female offender who wishes to accompany her child inside the correctional centre is permitted to do so. All female

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Department of Divneguma and University Grants Commission.

<sup>6</sup> Volume 40-year 2021; Prison Statistics of Sri Lanka 2021 published by Department of Prisons.

<sup>7</sup> Appendix A.

offenders who either opt to bring their children in are also allocated separate quarters where each of them could remain with their child, encouraging the mother and child to form their bond. Each of these women offenders are encouraged to mandatorily engage in the educational activities, both formal and informal. They further undergo vocational training in order to prepare their smooth integration into the society in the time to come, depending on the length of their sentence. The children inside the correctional facilities are happily in either the day care centre or the preschool, being properly taken care of by the respective teaching staff and caretakers. Even at police stations and in the Courts, facilities have been arranged for female offenders who attend with children. Frequently, the female offenders are granted bail; hence, seldom will they enter the correctional facilities inside the prison.

#### **D. The Facilities**

Sri Lanka Prisons have allowed professionals of all walks of life to visit female offenders with prior permission in order to groom them for better tomorrows. These professionals include teaching personnel, medical staff and service providers and, depending on the requirement of the correctional facility, to train these female offenders to be financially independent upon their release. These outside support efforts will further act as a measure to curb recidivism. It does not end there. Being a small number has its advantages. All the female offenders are allowed to follow their own religious beliefs, engage in prayer sessions and discuss their problems with the clergy if they wish. The clergy attends the correctional centres every week. All religious and cultural events and festivals are commemorated with great enthusiasm within the correctional centres with the assistance of volunteers and the Prison Welfare Associations. In Sri Lanka, there are six correctional facilities where women offenders are housed. They are Welikada, Kalutara, Anuradhapura, Bogambara (Kandy), Angunukolapellessa and Kuruwita. At present, only Welikada and Kalutara correctional facilities have day-care centres and preschools that house children up until they reach the age of five years, which is the required age for the commencement of formal school education. Once a child reaches five years, he or she is handed back to a guardian, failing that to a children's home to receive formal education. A female offender who is with child is, therefore, housed in either Welikada or Kalurata for their own well-being.

All care, custody and correctional female staff of the department of prisons who handle women offenders act with empathy. These officers are trained to be extremely gender sensitive. Most of these officers have either undergone probation training, counselling and psychological training, childcare and other welfare related training themselves or have acquired the tertiary education in the respective fields either prior to or while in service. Thus, it has become very natural for them to attend to the women offenders.

Medical staff from the National Mental Health Care Hospital, Public Teaching Staff and various IGOs and NGOs have come to the rescue voluntarily due the small number present within the correctional facilities. Even the welfare of the children in the day-care and preschool facilities are conducted in such a manner that it maintains the same standards of similar facilities outside. There are state-of-the-art recreational facilities which both the women offenders and their children can use.

### **III. EFFECTIVE USE OF NON-CUSTODIAL MEASURES, TAKING INTO CONSIDERATION WOMEN OFFENDER'S GENDER-SPECIFIC CONDITIONS AND BACKGROUNDS**

The justice system prevalent in Sri Lanka is still a very formidable one. The convictions and other orders of Court, therefore, have much room for improvement to be on par with the international standards, if the concept of the basic unit in the society, "the family", is to be given the utmost importance, be it for married offenders, single mothers or young females. Close scrutiny of the sentences passed or orders issued by Courts could, therefore, easily vary when it reaches the correctional facilities. The women offenders, upon admission, receive detailed explanations of what their "good behaviour" could offer them to serve a much less period than pronounced and their ability to reintegrate to a better society should they put their efforts in the right direction. Even if such counselling may not register on the very first day, it gradually does. The formal education and the other rehabilitation facilities received by a particular inmate varies with the time that she has to serve. Therefore, the correctional authorities carve out individual plans for each women offender, who is accorded individual attention as well, due to the number being small. For those who have received formal

education to some extent, they are permitted to revive and enter into the usual formal system of education. Sri Lanka Prison permits all those inmates if they so wish to sit for the public examinations including attending universities to complete education. There is a male inmate who reads for his Master's degree while being an inmate. The illiterate female offenders could be beginners if they so wish. Depending on the need of each female offender, training sessions based on vocational, technical and other useful methods of self-employment or institutional employment are accorded to them. Vocational training is offered in the areas of garment trade, beauty culture, weaving and all traditional forms of making clothes, including *batik*, hand crafts, preparation of food for sale etc. These activities are introduced with a view of preparing the female offender to be financially independent once she is reintegrated into the society. In addition, library facilities, legal aid clinics, family reunions, health programmes and cultural activities are lined up, which keeps all the women offenders content during their stay in the correctional facility.

The good conduct and behaviour will attract what is usually referred to as the "home leave scheme". This scheme allows a female offender to initially go home for three days. With the passage of time, this period is extended to fourteen days. Thereafter, as of habit, these fourteen-day periods become frequent. If the period of sentence is shorter, such women offenders are allowed to remain at home on licensed conditions immaterial of the penal sentence accorded to them. Home leave has been proved as a measure of successful rehabilitation of these female offenders.

#### **IV. CONCLUSIONS**

Thus, it can be safely concluded that the women offenders in Sri Lanka are much fortunate when compared to their male counterparts. However, there is much room for improvement in all aspects, commencing with the vocabulary that is used, i.e. instead of "prison" using the term "correctional facility" etc. Great efforts have been put in place by the officers to accord proper care and correctional methods for those in their custody with the maximum utilization of the resources that are made available to such officers.

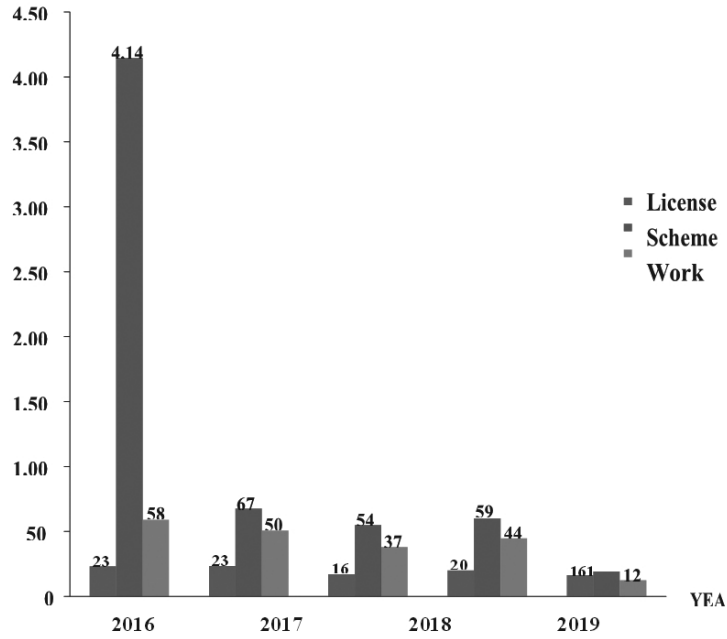
#### **V. RECOMMENDATIONS**

##### **A. The Social Factor**

The psychosocial factor, as shown below, has improved with the change of attitude and appearance of rehabilitation officers in correctional facilities. This could be extended to other law enforcement authorities that constantly engage with women offenders. The women and children desks within the police can be reviewed, wherein the atmosphere is perpetrator friendly, not only for survivors. The 42 desks of "Women in Need" inside police stations, a good blend of private-public partnership must be introduced to police stations.

The officers involved in recidivism prevention must specifically be trained for that purpose. Coordinated community awareness campaigns where frequent community gatherings are held, such as prayer sessions in religious places, school and office gatherings, will produce attractive results and will facilitate constructive lobbying, especially among women. This will enable the women offenders to understand the nature of the offences and the consequences of offending, and what action has to be taken in recidivism prevention where offenders are concerned.

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**PRISONERS RELEASED ON WORK RELEASE ,  
HOME LEAVE AND ON LICENCE SCHEME, 2010 - 2020**

Year	Work Release	Home Leave	Licence Scheme
2010	8,609	632	284
2011	20,034	362	73
2012	9,115	181	130
2013	1,401	498	173
2014	511	477	190
2015	648	774	168
2016	4,145	589	230
2017	675	506	232
2018	547	378	167
2019	599	446	200
2020	189	123	161

Source: Department of Prisons

**PRISONERS ENGAGED ON WORK RELEASE SCHEME, 2010 - 2020**

Year	No. of Prisoners Engaged on Work Release	No. Found Unsuited	Total Amount Earned for the Year (Rs.)
2010	8,609	3	6,465,107
2011	20,034	3	8,082,040
2012	9,115	17	5,609,405
2013	1,401	18	2,118,240
2014	511	4	3,222,900
2015	648	-	3,962,660
2016	4,145	-	4,944,695
2017	675	-	5,106,200
2018	547	-	4,526,040
2019	599	-	4,515,800
2020	189	-	993,820

Source: Department of Prisons

### **B. Medical Services**

A review of the current medico-legal services offered is a must. The 42 Mithuru Piyasa (Naptu Nilayam Centres in Tamil) centres within State hospitals must be extended to all hospitals in correctional facilities. Here, too, the lesser the formalities are, the better the results would be. Both the legal and medical community must be encouraged to assist and support the government initiative to improve the conditions of women offenders on a voluntary basis with the aim to prevent recidivism. The psychological care and counselling facilities should be available on a more frequent basis than at present.

### **C. Access to Justice**

Access to justice must be of the essence at every level. Advanced and effective laws and policies that improve women's access to justice must be formed without further delay. The formidable nature of the Sri Lankan Courts makes women strangers to the system. The long drawn judicial process is a cause for recidivism. It is suggested that cases involving women and children be dealt with *in camera* and by female officers as far as practicable. The legal community should be encouraged to provide *pro bono* services to at least one women offender in need which could produce better results.

### **D. The Legislation**

Sri Lanka very recently amended its Code of Criminal Procedure Act No 51 of 1979 (CCPA), making it compulsory for Judicial Officers to visit police stations at least once a month for inspection. The community service orders in lieu of imprisonment brought in by amendment No 49 of 1985, further amended by Act No 46 of 1999, paved the way for alternatives for all offenders, including women. The police are empowered to detain suspects, including females, for varying lengths of time depending on the offence, initially only for 24 hours; with permission from the court, up to 48 hours. For drug-related and terrorist offences, it is seven days and indefinitely on a Detention Order extended every three months thereafter, issued by the Ministry of Defence. There is an attractive legal and correctional system in place for women offenders at the correctional facilities upon admission.

### **E. Recidivism Prevention**

The main idea of law enforcement should revolve round the concept of recidivism prevention. No doubt that punishments accorded must suit the crime, but a certain amount of flexibility is warranted where women offenders are concerned as their number is small in Sri Lanka. Female perpetrators of minor offences should be encouraged to repent with suitable plans for reintegration into the society with close monitoring. Expedient disposal of the matters is of essence to prevent recidivism. Further, follow-up mechanisms should be introduced, and close scrutiny of the offenders should be kept at all times through community monitoring, similar to what is practiced in Japan under the "volunteer probation officers" scheme. In criminal proceedings, effective use of non-custodial measures at an early stage with rehabilitative interventions, such as community supervision, community service and suspended sentences with close monitoring could be introduced as a deterrence to offenders. The project with the assistance of the World Bank to upgrade the existing six correctional facilities in order to standardize the same as any other day-care and preschool education entity allowing the female offenders to be in close proximity to their residences, as opposed to the two facilities at present, has to be expedited.

The statistics compiled by the department of prisons in Sri Lanka reveal a steep decline of female offenders entering the correctional facilities – a great relief for Sri Lanka as a country.

**VI. APPENDICES**

**Annexure A**

**CHAPTER III – FUNDAMENTAL RIGHTS**

10. Freedom of thought, conscience and religion.
11. Freedom from torture.
12. Right to equality.
13. Freedom from arbitrary arrest, detention and punishment and prohibition of retrospective penal legislation.
14. Freedom of speech, assembly, association, occupation and movement.
- 14A. Right of access to information.
15. Restrictions on fundamental rights.
16. Existing written law and unwritten law to continue in force.
17. Remedy for the infringement of fundamental rights by executive action.

**CHAPTER III – FUNDAMENTAL RIGHTS**

**10. Freedom of thought, conscience and religion.**

Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

**11. Freedom from torture.**

No Person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**12. Right to equality.**

(1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:

Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any Public Corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office:

Provided further that it shall be lawful to require a person to have a sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with a knowledge of that language.

(3) No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, and places of public entertainment and places of public worship of his own religion.

(4) Nothing in this Article shall prevent special provision being made, by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons.

**13. Freedom from arbitrary arrest, detention and punishment and prohibition of retrospective penal legislation.**

(1) No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest.

(2) Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the Judge of the nearest competent court according to procedure established by law and shall not be further held in custody, detained or deprived of personal liberty except upon and in terms of the order of such Judge made in accordance with procedure established by law.

- (3) Any person charged with an offence shall be entitled to be heard, in person or by an Attorney-at-Law, at a fair trial by a competent court.
- (4) No person shall be punished with death or imprisonment except by order of a competent court, made in accordance with procedure established by law. The arrest, holding in custody, detention or other deprivation of personal liberty of a person, pending investigation or trial, shall not constitute punishment.
- (5) Every person shall be presumed innocent until he is proved guilty:  
Provided that the burden of proving particular facts may, by law, be placed on an accused person.
- (6) No person shall be held guilty of an offence on account of any act or omission which did not, at the time of such act or omission, constitute such an offence and no penalty shall be imposed for any offence more severe than the penalty in force at the time such offence was committed.  
Nothing in this Article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by the community of nations.  
It shall not be a contravention of this Article to require the imposition of a minimum penalty for an offence provided that such penalty does not exceed the maximum penalty prescribed for such offence at the time such offence was committed.
- (7) The arrest, holding in custody, detention or other deprivation of personal liberty of a person, by reason of a removal order or a deportation order made under the provisions of the Immigrants and Emigrants Act or the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967 or such other law as may be enacted in substitution therefor, shall not be a contravention of this Article.

#### **14. Freedom of speech, assembly, association, occupation and movement.**

- (1) Every citizen is entitled to—
  - (a) The freedom of speech and expression including publication;
  - (b) The freedom of peaceful assembly;
  - (c) The freedom of association;
  - (d) The freedom to form and join a trade union;
  - (e) The freedom, either by himself or in association with others and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching;
  - (f) The freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;
  - (g) The freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise;
  - (h) The freedom of movement and of choosing his residence within Sri Lanka; and
  - (i) The freedom to return to Sri Lanka.
- (2) A person who, not being a citizen of any other country, has been permanently and legally resident in Sri Lanka immediately prior to the commencement of the Constitution and continues to be so resident shall be entitled, for a period of ten years from the commencement of the Constitution, to the rights declared and recognised by paragraph (1) of this Article.

#### **14A. Right of access to information.**

- (1) Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right held by—
  - (a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law;
  - (b) any Ministry of a Minister of the Board of Ministers of a Province or any Department or any statutory body established or created by a statute of a Provincial Council;



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- (c) any local authority; and
  - (d) any other person, who is in possession of such information relating to any institution referred to in sub-paragraphs (a) (b) or (c) of this paragraph.
- (2) No restrictions shall be placed on the right declared and recognized by this Article, other than such restrictions prescribed by law as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.
- (3) In this Article, "citizen" includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens.  
[Art 14A ins by s 2 of Nineteenth Amendment to the Constitution.]

### **15. Restrictions on fundamental rights.**

- (1) The exercise and operation of the fundamental rights declared and recognised by Articles 13(5) and 13(6) shall be subject only to such restrictions as may be prescribed by law in the interests of national security. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security.
- (2) The exercise and operation of the fundamental right declared and recognised by Article 14(1)(a) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence.
- (3) The exercise and operation of the fundamental right declared and recognised by Article 14(1)(b) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony.
- (4) The exercise and operation of the fundamental right declared and recognised by Article 14(1)(c) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or national economy.
- (5) The exercise and operation of the fundamental right declared and recognised by Article 14(1)(g) shall be subject to such restrictions as may be prescribed by law in the interests of national economy or in relation to—
- (a) the professional, technical, academic, financial and other qualifications necessary for practising any profession or carrying on any occupation, trade, business or enterprise and the licensing and disciplinary control of the person entitled to such fundamental right; and
  - (b) the carrying on by the State, a State agency or a Public Corporation of any trade, business, industry, service or enterprise whether to the exclusion, complete or partial, of citizens or otherwise.
- (6) The exercise and operation of the fundamental right declared and recognised by Article 14(1)(h) shall be subject to such restrictions as may be prescribed by law in the interests of national economy.
- (7) The exercise and operation of all the fundamental rights declared and recognised by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security.
- (8) The exercise and operation of the fundamental rights declared and recognised by Articles 12(1), 13 and

14 shall, in their application to the members of the Armed Forces, Police Force and other Forces charged with the maintenance of public order, be subject to such restrictions as may be prescribed by law in the interests of the proper discharge of their duties and the maintenance of discipline among them.

**16. Existing written law and unwritten law to continue in force.**

- (1) All existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency with the preceding provisions of this Chapter.
- (2) The subjection of any person on the order of a competent court to any form of punishment recognised by any existing written law shall not be a contravention of the provisions of this Chapter.

**17. Remedy for the infringement of fundamental rights by executive action.**

Every person shall be entitled to apply to the Supreme Court, as provided by Article 126, in respect of the infringement or imminent infringement, by executive or administrative action, of a fundamental right to which such person is entitled under the provisions of this Chapter.

**Annexure B** – Mithuru Piyasa Centres in Sri Lanka



**Annexure C** – Interview with ASP Mr Uduwara of Welikada Prison  
Interview with Rehabilitation Officer Ms. Sumadhu

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