



INTERNATIONAL  
CENTRE FOR  
ETHNIC STUDIES

# Intersecting Marginalities

**Social-exclusion of Women with  
Disabilities in Sri Lanka**

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**Nadine Vanniasinkam and Nirmi Vitarana**

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**International Centre for Ethnic Studies  
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2, Kynsey Terrace, Colombo 8

Sri Lanka

E-mail: [admin@ices.lk](mailto:admin@ices.lk)

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**Nadine Vanniasinkam and Nirmi Vitarana\***

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\***Nadine Vanniasinkam** is a researcher at the International Centre for Ethnic Studies. **Nirmi Vitarana** is a development practitioner currently attached to the Australian High Commission in Sri Lanka



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## **Acronyms and Abbreviations**

CBR	Community-based Rehabilitation
DPO	Disabled Persons' Organisation
DS	Divisional Secretariat
GA	Government Agent
GN	Grama Niladhari / Village Officer
GS	Grama Sevaka / Village Officer
HI	Humanity and Inclusion (previously known as Handicap International)
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
NAPD	National Action Plan on Disability
NGO	Non-Governmental Organisation
RDS	Rural Development Society
SSO	Social Services Officer
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WDC	Women's Development Centre
WDO	Women's Development Officer
WRDS	Women's Rural Development Society

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## Introduction

The challenges faced by persons with disability, particularly women with disability, in accessing equal rights is one of the most understudied and underfunded issues among Sri Lankan academia, state policy, and civil society. Despite Sri Lanka being a signatory to the UNCRPD since 2007 and its ratification in 2016, little has been done to enhance the lives and tap into the capabilities of persons with disabilities. According to the 2012 census, 87 out of 1000 persons in Sri Lanka are physically or mentally impaired. Furthermore, disability is significantly more prevalent in women than in men, especially among lower socio-economic strata and in rural districts.<sup>1</sup> An additional dimension of disability in Sri Lanka is a result of the 30-year civil war which was concluded militarily in 2009, causing many civilians to become disabled and face new challenges in the post-war context. While statistics (which can be contested for accuracy and comprehensiveness) on persons with disabilities exist, these numbers are not adequately disaggregated to represent the multiple variables that impact their wellbeing, nor are they translated into tangible and meaningful enablers to exercise and enjoy economic, social, cultural, and political rights. Furthermore, in the institutional landscape, Sri Lanka's centralised system of administrative governance accords the primary duty of administering services to persons with disabilities to the Ministry of Social Welfare and Primary Industries<sup>2</sup> in place of a multi-ministerial model. This is a further indication of the essentialising of the experience of disability and the welfare- or charity-based approach to disability that still prevails.

This paper attempts to fill a gap in research on the types of barriers, exclusions, and marginalities faced by women with disabilities in Sri Lanka. The World Report on Disability (2011) posits that women with disabilities experience the combined disadvantages associated with gender as well as disability,” (p. 8) and this is also acknowledged by Meekosha (2006) who argues that “the image of disability may be intensified by gender” (p. 765) whereby women with disabilities are more likely to be poorer than men with disabilities and achieve lower educational outcomes than men. This paper goes a step further by questioning the assumption of ‘the universality of the experience of disability’ and, instead, approaches women’s experience of disability as diverse and contingent on

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1 Ministry of Health (2014-2015) National Survey of Blindness, Visual Impairment, Ocular Morbidity and Disability in Sri Lanka: A Report.

2 In 2019, While subjects under the Ministerial Portfolio changes with successive governments, welfare continues to be a main approach



multiple intersecting factors such as age, age of disability, marital status, ethnicity, caste, religion, educational background, class, political affiliation, and geographical positioning, which create unique barriers among women. We approach disability as diverse in type and degree, and the experience of being a woman with a disability/disabilities in Sri Lanka as plural and resulting in multiple forms of social exclusion. Thus, this paper adopts the understanding that, for women with disabilities, the choices, decisions and opportunities available to them are determined by multiple layers of intersecting factors. Therefore, disability is viewed not only as an additional barrier which exacerbates existing gender-based inequalities, but also as creating new context-sensitive challenges and inequalities for women. This approach brings to the forefront a critical argument for more context-specific, difference-sensitive and nuanced interventions and policies that cater to the varied needs of women with disabilities which enable them to enjoy their rights in Sri Lanka.

## **Background**

This paper results from qualitative research carried out between 2016 and 2017 as part of a larger intervention aimed at enabling women with disabilities to self-advocate for their rights and for their voices to be integrated into the wider women's rights narrative and post-war governance transitions in Sri Lanka. The program was carried out by Handicap International (now Humanity and Inclusion) and Women's Development Centre, Kandy (WDC) and the research conducted by the International Centre for Ethnic Studies, Colombo (ICES).

The intervention was informed by the understanding that conflict affects women differently, which is propounded by the women, peace, and security agenda (UN resolution 1325). Moreover, Chapter Five of Sri Lanka's LLRC Report<sup>3</sup> illustrates exacerbated vulnerabilities of women with and without disabilities in the aftermath of war which require careful scrutiny and appropriate measures by state parties and peace-building/development actors. The LLRC further asserts that peace building, reconciliation efforts, and the rehabilitation process in Sri Lanka must adopt gendered processes to ensure inclusion of women's concerns. However, the LLRC report is weak in its reflection of how gender, when it intersects with disability, exacerbates vulnerability in women.<sup>4</sup> Furthermore, the report is missing recommendations specific to women with disabilities.

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3 Report of the Commission of Inquiry on Lessons Learnt and Reconciliation <http://slembassyusa.org/downloads/LLRC-REPORT.pdf>

4 Article 6. UNCRPD

The design of the intervention included a coalition of implementing partners holding long-term experiences in their respective sectors of expertise – traction in women’s rights initiatives (WDC), disability rehabilitation interventions in the health sector and disability inclusive development (HI) and social research, human rights promotion and advocacy expertise (ICES). The intent of the tri-party design was to enable a process of iterative adaptation as the program focused on including and mobilising women with disability to engage with mainstream women’s organisations and for the latter to be sensitised on challenges faced by women with disability to collectively advocate for gendered and inclusive rebuilding and reconciliation efforts. The geographical locations of the interventions and research were the districts of Kilinochchi<sup>5</sup> and Kandy<sup>6</sup> where both HI and WDC have had a long-term presence and community engagement, which corresponded to the strategic intent of the intervention. The third partner in the coalition, ICES, located in Colombo, led the research and analysed the evidence and data for informing policy and advocacy. Another significant rationale for the two districts was ethnic, geographic and context representation. The participants of the program (and in the research) in Kilinochchi belong to the Tamil minority and were directly impacted by the war. In Kandy the participants represented the Sinhalese majority and were impacted by inter-ethnic tensions and indirectly impacted by the war. This diverse sample allows the examination of whether ethnicity and cause of disability are significant variables in determining access to equal rights for women with disabilities.

This study was formulated within the larger program to first identify the type and degrees of barriers experienced by women with disabilities in the two districts of Kilinochchi and Kandy, to document the evidence from the research as content into lobby papers and advocacy forums and to define corrective efforts and recommendations for inclusive development and reconciliation processes to be

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- 5 Kilinochchi is a district in the Northern Province of Sri Lanka and consists of a majority Tamil, Hindu population that has mostly been resettled in the area after the war. Post 2009, the number of persons with disabilities has increased, particularly in this province. The 2012 Census reports the rate of 84 persons with disabilities per 1000 persons. According to statistics collected by the Ministry of Health in 2016, there are approximately 13,131 persons with disabilities in the Kilinochchi District and 30.2% of this population’s disability is mobility related. The poverty headcount was reported at 12.7%. Disaggregated statistics on women with disabilities is not available for the two districts nor for the whole country.
  - 6 The Kandy district is located in the Central Province of Sri Lanka and is characterised by hilly terrain and non-motorable roads in the rural interior. The poverty headcount was reported at 6.2% for the years 2012/2013 as reported by the Census and Statistics Department, and there are pockets of acute poverty within the district. The ethnic composition of the district reports at 73% Sinhalese, 13.5% Sri Lankan Moor, 8% Indian Tamil, 4% Sri Lankan Tamil and others. Kandy was also flagged as one of the districts with the highest rate of disability with 101 persons with disabilities in 1000 persons (National Census and Statistics Report, 2012).

adopted by state parties and non-state development actors. The learning from both districts were valuable not only to identify common themes of exclusion of women with disabilities, irrespective of the circumstances of and timeframe of their disability, but to also understand the nuanced differences in women's experiences of exclusion. While experiences of exclusion reflect unique narratives pertaining to individual women, the significant learning and insight was that of a common thread in systemic barriers that had impacted each woman with disability that was interviewed in the study from Kilinochchi and Kandy.

## Research Methods

The research adopted a purposive sampling approach<sup>7</sup> and included six focus group discussions with women's societies<sup>8</sup> (four in Kandy, two in Kilinochchi), 11 key informant interviews with Social Services Officers and representatives of organisations working for persons with disabilities (four in Kandy and seven in Kilinochchi), and 38 individual in-depth qualitative interviews (19 in Kandy and 19 in Kilinochchi) with women with disabilities. These interviews were compared against seven qualitative interviews in Kandy and six interviews in Kilinochchi with women without disabilities belonging to local women's societies.

A key focus of the interviews was to determine discrimination experienced by women in general and from these to distil layers and types of barriers that were unique to women with disabilities. Hence, the interviews with women without disabilities. Another focus was to determine how intersecting dimensions of deprivations create different experiences of disability and exacerbate gendered discriminations and vulnerabilities.

Limitations of the study are its focus on only two geographical locations – Kandy in the Central Province and Kilinochchi in the Northern Province and with respondents representing visual impairment and mobility related disabilities.

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7 A purposive sampling method was adopted with respondents being selected by outreach officers of the Women's Development Centre in Kandy and Handicap International in Kilinochchi. Despite this selection, the researchers (who also co-author this paper) made sure that the participants spoke of their own free will and were not coerced into participating. Verbal consent was obtained from participants after explaining the purpose of the study. Furthermore, the researchers made sure that the districts were well represented by including participants from different district divisions.

8 Women's societies, formally known as Women's Rural Development Societies (WRDSs), are state-led community-based organisations for women. Development programs and welfare programs are largely directed through local community-based organisations, and the women's societies referenced here belong to the category of such community-based women's societies that hold a mandate on addressing women's needs.

While acknowledging that the spectrum of disabilities extends to the intellectual, psychological and hearing impaired, this limited scope was due to the desire for a focused analysis as well as to the limitation of training and research skills available to the researchers to include intellectual, hearing, and psychological disabilities.

## **Conceptual Approaches to Disability**

Disability is approached, understood, and experienced in different ways and continues to be an evolving concept. Historically, disability was perceived as a deviation from the normal. Hence recognition of and response to persons with disability have been shaped by charity stemming from the ideology that persons with disability needed to be helped out and treated with sympathy for their ‘circumstance’. This charity model is qualified by the religious model which views disability as a punishment for wrongdoing or sin, thus deserving of sympathy and charity. In Sri Lanka, this religious approach is influenced by the concepts of ‘karma’ in the context of Hindu and Buddhist beliefs which also view charity as an opportunity to earn merit for the ‘giver’. A third approach, the medical approach, focuses on ‘correcting’ the physical impairment which caused the disability. These three models portray a person centric approach to disability, leaving out the wider sociocultural context and societal barriers which transform an impairment into disability. The social model, on the other hand, attributes the responsibility of disabling a person with an impairment to wider society and contextualises a person’s disability as not a natural state, but one produced by social and physical barriers (of infrastructure, policy, practice, and attitudes) in a community which is averse to difference (Goodley 2016). The social model, however, is limited in that it focuses only on the inequalities and the barriers faced by persons with disabilities and does not inquire into the social, cultural and political<sup>9</sup> processes that produce them. The United Nations Convention on the Rights of Persons with Disabilities has addressed the limitations in the social model by enshrining the protection of civil and political rights and economic, social, and cultural rights through its framework. Thus, it has enabled the international community of persons with disability to lobby

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9 The minority model, developed by persons of colour, critiques the homogeneity of the social model which views ability and bodies from the perspective of the global north. It emphasises the role of race and ethnicity in producing different but equally relevant experiences of disability and the body (See Goodley 2016).



for the realisation of universal human rights and advocate against the removal of barriers and discrimination that hinders their full participation in varying contexts across the world. While the models are useful as a framework of analysis, it is not expected that societies experience a linear transition through one model to another progressively and conform to a universal definition of disability. In multi-cultural societies such as Sri Lanka where religion, customs, and tradition shape social conscience, these models operate simultaneously, as disability is viewed and constructed according to localised norms and rarely on the premise of rights and justice.

### *Intersectionality as an Important Lens*

Paramount to moving beyond the homogeneity of the social model and understanding the diverse processes that produce disability is the concept of intersectionality. Intersectionality was first proposed by Kimberlé Williams Crenshaw – an American lawyer, academic, civil rights activist, and woman of colour. Intersectionality critiques and examines the interplay between long-standing structures of oppression and socially constructed identities such as gender and race. Crenshaw's (1993) definition of intersectionality stems from her activism against discrimination faced by women of colour and challenges 'white' feminism which ignored race, colour, and sexuality as factors impinging on women's autonomy. Thus, intersectionality theory is an exploration of how different types of discriminations intermingle and cause aggravated marginalisation of minorities. Crenshaw (1993) observes that structural intersectionality places 'women of colour' differently at less advantageous positions to 'white' privileged women and thereby depriving the former of support services. Similarly, women with disabilities can also fall into less advantageous positions compared to women (with or without disability) who are privileged by their class, caste and/or ethnicity among other factors. Intersectionality also investigates the prevalence of different types and layers of discrimination and inequality and how they interact to exacerbate vulnerabilities experienced by minorities and already marginalised groups. Thus, it reveals that "the kind of discrimination people have conceptualised is limited because they stop their thinking when the discrimination encounters another kind of discrimination" (Adewunmi 2014). Therefore, intersectionality as a theory attempts to grapple with the "messiness of subjectivity" (Nash 2008; p. 4) and unpack the "simultaneity of multiple oppressions and the complexity of identity"

(Crenshaw 1989; p.140). As a mode of enquiry, it helps to identify different social variables that simultaneously impinge on women's access to equal rights as it underscores that women are not a homogeneous entity and therefore a woman's freedom of choice and agency is determined by her 'social position' and this social position could be determined by a combination of factors such as her race, caste, geographical position, religion and language (Nussbaum 2003). It also exposes dynamics of intra-gender inequality and discrimination, highlighting the differences among and addressing the danger of essentialising the experience of all women. Thus, the Convention on the Rights of Persons with Disabilities (CRPD) asserts the intersectionality between gender and disability and observes that women and girls with disabilities are likely to face multiple forms of discrimination and therefore advise state parties to "take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention" (UNCRPD, art. 6, sec. 2).

### *Intersectionality and social exclusion*

The concept of intersectionality, in "capturing the many interconnected factors that may exclude a person from society, including barriers to education, labour and housing," (Gooding et al. 2017, p. 6), also allows for a nuanced discussion of social exclusion which is defined as "a process and a state that prevents individuals or groups from full participation in social, economic and political life and from asserting their rights" (Beall and Piron 2005, p. 9). Intersectionality paves the way for an understanding that individuals are "simultaneously situated in multiple structures and realms" (World Bank 2013, p.6) which produce multiple advantages or disadvantages when they intersect. This multidimensional nature of social exclusion is underscored by the World Bank (2013) which states that "social exclusion tends to occur along multiple axes at once, so that policies that release just one of these axes of deprivation, such as improved access to education, will not unleash the grip of others" (p. 4). Furthermore, approaching social exclusion through the lens of intersectionality also enables one to look beyond poverty as a key driver of exclusion and turn one's attention to more visible factors such as ethnicity, gender and disability and less visible factors such as sexual orientation, caste, class, and sociocultural attitudes. In examining experiences of social exclusion, the researchers are

aware of the pitfall of approaching women with disabilities as marginalised and agentless by default. Thus, drawing from Sen's (2009) concept of capabilities, social exclusion is approached as the denial of individuals or groups their "ability to achieve various functionings" (p. 233).

This paper draws from the above approaches to understand the multiple spheres of social exclusion faced by women with disabilities and the intersecting factors that contribute to their marginalisation. In doing so, it first examines the discourses around women and disability in the two study sites to understand how disability is framed at institutional and social levels. It then goes on to discuss women with disabilities' experiences of exclusion from education, economic engagement and social and political participation, i.e., their access to social, economic, cultural, civil, and political rights. The conclusion examines Sri Lanka's existing legislative framework and institutional landscape in enabling or disabling women with disability and prescribes recommendations for institutional, practice, and policy reform.

## **“Women like us”: Discourses on Disability**

*No, we don't feel like equal citizens. Wherever we go, society thinks that we can't and that we can never be made right. We are one step less than others. That is how others see us. (Kamalini and Loshini, Kilinocchchi)*

Disability is a change in a person's health condition combined with barriers that make it difficult for the person to function (Mendis and Perera 2019). Disability is also a social and cultural construct which is shaped by language and discourses around it which assign certain traits of inability in persons with disability thus framing and producing ideologies around disability itself. Discourses on disability are shared and at the same time vary depending on the ethno-religious context as the findings in this study show.

During the interviews with key informants representing government bureaucrats, government service providers, and non-disabled women members of village societies three dominant discourses on disabled persons emerged. In Kandy, disability was identified as a moral consequence i.e., a result of the sin of the mother and/or the child which causes a disability in the child, thereby marking both by shame and sympathy. Persons with disability in Kandy, therefore, are

viewed as ‘innocent victims’ (ahinsaka), ‘unfortunate’ (karume), as ‘wretches’ (kalakanniya) and are sometimes associated with ‘bad luck’ (awasanawanthayi). A parallel secondary discourse in Kandy, attributes disability to medical and social implications resulting out of ignorance and inter-marriage between first cousins, which was an accepted practice among the rural community in Kandy. Both views among key informants construct persons with disability as ignorant, unfortunate, and defective and therefore necessitating sympathy, charity, and rehabilitation.

In Kilinochchi, where disability is primarily caused by war and where a majority of the population is seeking reparations for losses during the war, the respondents framed disability around ideas of imperfection (a lost perfection) and exploitation. Derogatory terms such as ‘crooked’ (soththi), ‘lame’, ‘inferior’, and ‘unlucky/bad omen’ (saniyan) as well as sympathetic terms such as ‘vulnerable’, ‘dependent’, ‘shunned’, ‘ignored’, ‘hidden’ and ‘isolated’ are, according to both disabled and non-disabled respondents, used to speak about persons with disabilities. This language both shames and victimises persons with disability. However, within the context of and clamour for limited post-war reconstruction schemes and aid distribution, persons with disability are also constructed (particularly by government officials and non-disabled beneficiaries of social services schemes) as ‘dependent on charity’, ‘lethargic’, ‘always expecting help and handouts’, and using their disability to ‘seek material benefit’. In Kilinochchi, therefore, within a community that has suffered the debilitating conditions of war and which is seeking to rebuild their livelihoods and lives, and where welfare schemes are allocated based on poverty and need, persons with disabilities are viewed by non-disabled persons as competitors to aid, and exploiting their disability for material gain.

While the above applies to both men and women with disabilities, women with disabilities were highlighted as most vulnerable and dependent in Kandy and Kilinochchi. In Kilinochchi this prejudice was further coloured by views of inconsistency in emotional state and temperament not only due to the personal loss of limbs, but also to the physical loss of family and kin. Thus, concerns regarding justice and reparations for women with disability were not viewed as political (i.e., important), but emotional.

The discourses of dependence and vulnerability were also reflected in the narratives of women with disabilities interviewed when describing their



aspirations, social relations, livelihoods and political participation. Some women with disabilities who were forcefully recruited at a young age to join the LTTE, also demonstrated emotional distress and claimed to suffer from feelings of guilt and inadequacy over the shame and trauma caused to their families as a result of their forced conscription and disablement. These women viewed such discourses as barriers to accessing civil, political, and economic rights on an equal footing as non-disabled members in society.

At an institutional level, of significance among persons with disabilities (particularly members of Disabled Persons' Organisations – DPOs), is the exercise of 'naming' – two conflicting approaches to disability are in use. At a meeting on World Disability Day in 2017, where members of all DPOs were congregated for a debate and discussion on the challenges faced by persons with disabilities in the Kilinochchi district, two terms stood out – *maatruthirani* (differently skilled / alternatively skilled) and '*valathukuraivu*' (literally and ironically 'rightless', but actually meaning 'right deficient' as in lacking rightness).<sup>10</sup> These two conflicting terms reflect in the first instance a positive, rights-oriented and enabling definition based on capabilities, while the latter term linguistically aligns with the charity and entitlement approach to persons with disabilities (in its emphasis on deficiency/lack). It was not within the scope of our study to inquire from these organisations the reasons for their choice of terminology. It could, however, be argued that 'naming' for persons with disabilities (at least in the Kilinochchi district) is a political exercise as it can accrue different socio-political and economic benefits within the context of post-war reconstruction.

There is an evident pattern between the community-level discourse on dependence and vulnerability and how Sri Lanka's institutional landscape of disability services is shaped – where in the latter, government initiatives, social protection, and welfare schemes predominate over rights and entitlements of persons with disability. The current institutional landscape and resultant services clearly indicate societies' practice of associating disability with deprivations. Thus, disability continues to be a social welfare issue where the person living with a disability is viewed to be in need of assistance to overcome deprivations. The most significant challenge for disability rights advocacy and rights-based processes is overcoming the norms of charity and attitudes of

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<sup>10</sup> Tamil has a separate word, *urimai*, to refer to entitlement or rights as in human rights. The word *valathu* refers to right as in the direction and also has positive connotations. *Kuraivu* refers to lack or deficiency.

sympathy. In the struggle for a shift from the charity-based approach to a rights-oriented approach, often non-governmental organisations and community-based organisations of people with disabilities are increasingly empowered and are demonstrating leadership. In Kilinochchi, the capacities and empowerment of community-based DPOs and women's organisations are significantly stronger than in Kandy. This is primarily attributed to years of exposure to and input from international development norms and rights awareness due to the influx of humanitarian agencies and aid programs in the war-affected North. However, rights-based approaches to disability are still at formative stages in Sri Lanka and rights discourses are yet to launch into mainstream decision-making and government programme processes.

## **Capabilities/Strengths of Women with Disabilities**

*They know that there is nothing I can't do even though I am a person with a disability. Only what you do in one hour, I will do in one-and-a-half hours. (Sivaranjini, Kilinochchi)*

Measuring capabilities was not a focus of the study and the respondents were not directly asked about their wellbeing and capabilities. However, during the analysis and discussion of this paper the authors agreed on the need to identify dimensions of 'capabilities' among the sample of women with disabilities to portray positive attributes of selected respondents. In correspondence to thematic narratives emerging from the interviews, 'capabilities' were defined as conventional outcomes of education, livelihood, and participation in community association/s. The analysis of these characteristics was informed by self-perceived capabilities emerging from women's narratives and observations of 'agency' and (relative) 'independence' demonstrated by women respondents during interviews. Table 1.1. illustrates the respondents' ability to actualise their capabilities.

*Table 1.1. Number of women with disabilities with access to education, employment, and social participation*

District	Education					Economically Active	Social Participation
	No education	Ordinary Level	Advanced Level	Tertiary	Vocational training		
Kandy	1	6	3	2	8	10	15
Kilinochchi	-	10	3	-	10	11	10

*Source: Estimated with 19 qualitative interviews each in Kandy and Kilinochchi with women with disabilities from the ICES' study on Building Peace and Governance through Participation of Women with Disabilities in Sri Lanka, 2016-2017.*

The data reflects a positive correlation between educational attainment and economic engagement. While this is clear in Kandy, the complexities of the post-war environment in Kilinochchi seem to have hampered women's economic participation despite their educational qualifications (as will be discussed in detail in the subsequent analysis on barriers). Poverty also seems to influence social participation in village associations in Kandy where there has been less interruption of government welfare services. However, this is not the case in Kilinochchi where, despite poverty, social and infrastructural barriers hinder women from accessing post-war rehabilitation and welfare schemes as well as participating meaningfully in village associations.

## **Barriers to Social Inclusion and Intersecting Causalities**

Having discussed the ideological views about persons with disabilities in the two districts and their capabilities, but also sensitive to "the dangers of perceiving 'disabled' lives through negative, tragedy discourses of difference" (Cole 2009, p.565), we now move on to the material deprivations produced by this climate which hinder the enjoyment of economic, social, civil, cultural, and political rights by women with disabilities.

### *a. Access to Education*

Access to education was dependent on various intersecting factors for both the women in Kandy and Kilinochchi. Personal factors such as time/age of disability, type of disability, and personal motivation; household factors such as poverty and attitude of family members and; institutional/community-level factors such as access to transport, access to public buildings, attitudes of educators,

and access to special/integrated/inclusive education intersect to determine the quality and access to education for women with disabilities. However, there was a difference in the way in which these factors impacted women with disabilities in Kandy and in Kilinochchi.

Of the 19 women with disability interviewed in Kandy, eight acquired a disability as toddlers or when in primary school, primarily due to polio, six experienced impairment at birth, two acquired a disability due to medical negligence and delays, one due to intimate partner violence, one due to an accident, and one was assigned as intellectually-disabled by her family, but had never been assessed by a medical professional. One visually-impaired woman and a woman with a motor disability had obtained undergraduate degrees at local universities, one visually-impaired woman had completed the G.C.E A/L examination, four had completed the G.C.E. O/L examination, one had never been to school, and the rest (eleven) had dropped out of school at primary and secondary levels due to disability and challenges in accessing and continuing education in mainstream contexts.

In Kilinochchi, of the 19 respondents all but two women (polio and a road accident), became disabled due to the war. Three were visually impaired (two of whom had leg injuries as well), two had spinal injuries and fourteen had leg or hip injuries. Only three had completed secondary education and passed the G.C.E. Advanced Level examination. One had studied up to grade ten, two had dropped out of school at grade seven, three provided vague answers, while ten had completed the G.C.E. Ordinary Level examination.

In both districts, women who acquired a disability later in life were more likely to have completed secondary education and be employed. In Kandy, where most of the respondents had birth-related disabilities or had acquired a disability as toddlers, only one visually-impaired woman in the sample had reached tertiary level in education<sup>11</sup> – In these circumstances, access to education was possible due to the availability of educational support and materials, particularly for visually-impaired students as opposed to students with other types of disabilities.<sup>12</sup> However, the primary enabling conditions were the social status of the family – the father of the first respondent was a principal of the village school and had made an effort to send his daughter to a residential ‘special

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11 The second respondent who had received an undergraduate degree did so before she became disabled as an adult

12 One of the three respondents who completed the G.C.E. Advanced Level examination is visually impaired

school'. For the second respondent, in addition to support from the family, encouragement from teachers and personal motivation provided access to and enabled completion of education. Positive experiences in education for girls with disabilities, however, is primarily dependent on encouragement from the family, social class, and strength of social linkages.

*In the morning my father would carry me to school and my class teacher was a relative of my mother. Until grade 3, I would go to school using crutches ... I received friendship, support and companionship from other students and teachers alike. It reached a level where I was able to go to and return from school alone by myself. My brother would carry my school bag for me. And then there was a group of village children who accompanied me to and from school. I did my Ordinary Level examination in ... There used to be only one CTB bus that did the run to school. If I was late, the bus would wait for me to arrive with my crutches. An uncle from the village operated that bus, and so, because of that, I was supported.*  
(Ramani, Kandy)

Among the other 17 women with disabilities, one visually-impaired woman had never been to school or received vocational skills training, eight with physical impairments had attended school up to grade 10 and thereafter received vocational skills training, two provided vague responses and of the remaining number of 6 women, the majority, had dropped out of school at grades 3 (1 respondent), 5 (4 respondents) and 8 (1 respondent) respectively. To quote a few reasons for dropping out:

*Anyway, the school had limited teachers and facilities and I was told by teachers they cannot yell in order that Wimala can hear the lesson.* (Wimala's mother, Kandy)

Another woman explains,

*The school in my village is not accessible and because I use a wheelchair, I found it challenging to continue and after grade 6 I dropped out. But I have skills and would like to enrol in mainstream vocational training to have a livelihood option. But mainstream vocational training programs require a minimum educational qualification of grade 10 O/L certificate. It is not my fault that I could not complete an education up to grade 10.* (Sama, Kandy)

What was observed in Kandy is that for the girls with disabilities who were able to access education, it was not so much institutional factors, i.e., support from state structures' inbuilt sensitivity towards the needs of persons with disabilities, but personal networks and class background that facilitated access to these state structures.

Unlike most women with disabilities in Kandy, in Kilinochchi, women's disabilities are predominantly not birth related. Therefore, some of them have bypassed the barriers to access to education (discussed above) that women with disabilities generally face and have even had careers before becoming disabled. The war, however, was a significant interrupter to completing education for many women with disabilities in several ways. Displacement, in addition to disability, is a cause for interrupted education in the district,

*It is because of the war that I was unable to continue my studies and that is why I am unemployed. If I had studied, I would have been employed ... I can't walk and you have to travel to study. I used to use crutches and it is only now that I have stopped using them. I decided to stop using crutches because people look at you in a funny way ... I got good results for my O/Ls. I passed all the subjects. Because there was a war at the time, my grades were not high, but I passed all the subjects. Those who studied after me are now in campus. (Viji, Kilinochchi)*

Furthermore, during the war and the north being controlled by the LTTE administration, several vocational training courses such as nursing and computer studies were offered by the LTTE, but these qualifications are not recognised by the State.

*I did a nursing course under the Movement. If I had a certificate I could work in a hospital. We have no evidence to prove our skills. (Arulmadi, Kilinochchi)*

The stigma attached to certificates issued by the LTTE in other parts of the country during the war and the threat of persecution if identified with the LTTE, immediately after the war, resulted in individuals destroying or hiding their certificates. This has led to women accepting less remunerative forms of employment or seeking home-based livelihood options despite their qualifications.



The experiences from Kilinochchi and Kandy demonstrate that while there are shared institutional barriers such as inadequate state infrastructure to support the needs of persons with disabilities, political context is an additional factor that disables the educational aspirations of women in Kilinochchi. Furthermore, shifts in the political context produce unique and complex barriers for women in general and are aggravated for women with disabilities in relation to access to education and exercising capabilities. During the war, the political regime in the north recruited women into its armed and administrative forces and valorised disability as a sign of patriotism. However, post war, the capabilities that women with disabilities could exercise under the old regime are not recognised under the new regime which views disability as a 'lack'.

The case of the disabled women in Kilinochchi thus clearly points to the power of political and institutional ideologies in both dismantling and constructing 'the condition of disability', granting agency to women with disabilities in times of war and revoking their agency after cessation of war.

#### *b. Access to Employment*

The perception of disability as a 'lack' or 'defect' also has an implication on women's access to employment. Women with disabilities who have completed secondary education and/or received vocational training face numerous barriers in access to livelihoods. Their exclusion is not only from society which views women with disabilities as unemployable and ill-suited for employment. State institutions too provide 'difference-blind', one-size-fits-all livelihood support that is often more a burden than a source of income for these women. Thus, women with disabilities in Kilinochchi, who were once nurses, accountants, or computer operators before becoming disabled or under the LTTE administration during the conflict, find themselves engaged in animal husbandry or sewing as livelihood options in the post-war context. Furthermore, such prescriptive livelihood support is provided with little or no training on management and marketing of products, compelling them into livelihood activities, which are short lived. The interviews revealed weaknesses in the state apparatus in defining livelihood support interventions to respond to needs and skills of recipients informed by data on the existing skills women with disabilities possess. Women with disabilities in Kandy also shared similar circumstances of being presented with conventional and old-school livelihood choices.

*The livelihood options available through the village women's society are 'bag alawanaeka /envelop alawanaeka' (making paper bags / envelopes) which I cannot do because I cannot see. (Kanchana, Kandy)*

Transport was an overarching barrier to pursuing a livelihood,

*There is a lack of job opportunities. Employment is a problem. My sister can't ride a bicycle because of her leg and there is no bus in this area so she stopped teaching. (Kamalini, Kilinochchi)*

*The problem with persons with disabilities is that they request 'give me a job for persons with disabilities' so it is they who restrict themselves to certain limited roles. Here we try to promote a twin track process. The first track is where Employers are made aware of what capacities are available with persons with disabilities and the second track is where we focus on improving employability skills of persons with disability. (Wathsala, Kandy)*

Another significant barrier is not only the gendered discrimination in recruitment, but also the attitude that women with disabilities are incapable of performing well in the workplace, both physically and psychologically.

*Yes, women have fewer opportunities. People think that if you give a man a job, he will do it even if he has a disability. [There is the perception that] Women will be physically affected [i.e., are physically weaker] and if they are disabled, they will be psychologically affected too. (Shanthi, Kilinochchi)*

The assumption of emotional instability associated with women with physical disabilities by society and state institutions further impedes these women from accessing waged employment. Once again, institutional and social barriers force women with disabilities to seek self-employment opportunities and become dependent on livelihood schemes.

### *c. The Burden of Women's Multiple Roles in the Post-war Context*

Another important factor that hinders women and at a greater degree, women with disabilities in Kilinochchi from accessing suitable employment is the new social realities and roles produced for women by the war. Not only has the war

caused disability and impeded women from engaging in a livelihood, but it has also created new and intersecting conditions for women with disabilities which result in multiple realities that influence their access to employment. Women with disabilities in Kilinochchi often find themselves as female heads of households due to the demise or forced disappearance of their husbands due to war or due to desertion by the husband on becoming disabled. In addition to their roles as female heads of households and women with disabilities, the mobility of these women is further restricted by the imposed role as caregivers to other family members with disabilities or with psycho-social needs. These multiple roles of caregiver, female head of household, single mother, and woman with a disability compels women to remain in the home. Thus, they engage in the stereotypical home-based livelihoods that were mentioned above, despite the fact that they possess skills to work in higher capacities. For example, Sumitha, a woman from Kilinochchi with a motor disability, worked as an accountant for several years, but on her husband abandoning her after her disability, she decided to rear cattle at home in order to look after her children.

Access to employment for women with disabilities in Kilinochchi and Kandy are dependent on a mix of personal, household, and institutional factors such as family circumstances, educational achievement, availability and scope of livelihood schemes, and access to transport and gendered attitudes towards disability. Time and cause of disability, however, are variables that produce different experiences for the women in the two districts. For example, some women with disabilities in Kilinochchi, who acquired a disability later in life and who had received vocational training under the LTTE, were found to be positively empowered as they possessed leadership skills and agency, and took the initiative to obtain employment despite institutional barriers. However, their exercise of these capabilities is negatively affected by the complicated nature of their roles as female household heads and caregivers as a result of war. Household barriers, therefore, seem to greatly impact women with disabilities' access to employment despite their personal skills and agency. However, irrespective of regional differences, a common push factor to seek employment for both women with birth-related disabilities and war-related disabilities is if they were also female heads of households with dependents. This circumstance compels women in both Kandy and Kilinochchi to pursue a livelihood despite household barriers and the multiple roles they have to play.

#### *d. Access to Social Participation*

Social participation of women with disabilities is also dependent on individual factors such as the type of disability, age, and self-confidence, household factors such as encouragement from family members, and institutional/social factors such as access to transport, mentoring by other women (with and/or without disabilities) and encouragement by social service officers or Community-based Rehabilitation (CBR) officers.

Isolation within the home space due to problems with mobility, access to public transport, and the inability to travel to participate in temple/kovil festivals or women's society meetings due to inadequate income levels, distance women with disabilities from their peers, both in Kandy and in Kilinochchi. Opportunities for social participation for women and women with disabilities are primarily in Women's Rural Development Societies, Samurdhi groups, and DPOs, but levels of participation varied among the women interviewed.

Of the 19 women interviewed in Kandy, 11 were members in a 'Swashakthi' (DPO) self-help group and of them four were members of women's societies as well. Only two were office bearers, one woman was a President and the other the Secretary of their respective DPO. In Kilinochchi, of the 19 women with disabilities, only seven were members of a Women's Rural Development Society (WRDS) and another three were members of both WRDSs and DPOs. Only three of these women were office bearers, one was the president of a DPO, the second was the secretary of a WRDS and the third was an office bearer in three different village societies.

A primary challenge for women with disabilities who are members of DPOs is that decision makers are almost always men and this is encouraged by the Social Services Officers (SSOs) who manage DPOs.

*Decision makers were always men in our DPO. There was a President who had exceeded his term in office but continued. It was of no use bringing this to the attention of the SSO who prefers to have men as office bearers, especially those who fan their egos.*  
(Kalyani, Kandy)

*There isn't one (DPO) here, but there is one in Kilinochchi that involves all villages (a district DPO). I went for the meeting, but there are bigger people, men, so they don't involve us. We are women and small ones so we elect them. (Shanthi, Kilinochchi)*

In Kilinochchi, women with disabilities preferred to be members of WRDSs due to the revolving loan schemes and livelihood schemes available through the society (unlike in DPOs which is a new concept and lacking in coordination). However, participation in WRDSs is dependent on one's ability to contribute monthly to the savings group. In situations where women with disabilities do not have a personal income to contribute, they are unable to or feel uncomfortable seek/ing membership in WRDSs.

*There is a WRDS in my area and they have called me, but I don't go because I don't have an income to contribute to the savings group. \*\*\* has called me and told me that I can join even though I can't save. I can't ask my family for money. If I had my own money, I could go (Sudharshini, Kilinochchi)*

Exclusion from social participation, therefore, is influenced from outside by gendered discrimination in DPOs and society at large, and from within by perceptions of inadequacy and material poverty among women with disabilities.

However, women with disabilities in Kandy and Kilinochchi, who were active members of Women's Rural Development Societies (WRDSs) and had participated in more than one livelihood training by the government or NGOs, possessed stronger social networks and demonstrated better agency in initiating and running their own small businesses or finding employment in local organisations than their counterparts who remained within the home.

At a personal level, the life experiences of women with disabilities in Kandy and Kilinochchi are also based on the cause of impairment and the life-point at which it was acquired. The private space of women with disabilities in Kandy and Kilinochchi and the daily demands of family responsibilities held significant differences. A larger number of women in Kilinochchi were married, had children, and could be viewed to hold a wider strain of activities, while women in Kandy have had less opportunities at marriage due to being impaired from birth and related social stigma. However, women in Kandy demonstrated loneliness and frustration of not experiencing intimate relationships. Interestingly the

women in Kandy also had the opinion that marriage would only be successful if they married a person with a similar type of disability. For the married women of Kilinochchi, consequences of their impairment involved desertion by spouse, abuse, community marginalisation and absence of adequate social protection or livelihood opportunities.

*e. Access to State Protection and Justice*

As mentioned earlier, ‘vulnerability’ is a word that was often used to describe women with disabilities, and one important aspect of vulnerability is their susceptibility to sexual abuse and exploitation. Both in Kilinochchi and Kandy, disabled and non-disabled women expressed concerns for the safety of women with disabilities and, except for one respondent, none claimed to be victims of sexual abuse or gender-based violence. This vulnerability was closely attributed (by the women) to poor access to state protection and justice.

Seven of the women with disabilities interviewed in Kandy stated that existing laws on preventing violence against women must be enforced. The women also explained that women and girls with disabilities are more vulnerable to sexual and physical violence and despite this fact, when law enforcement authorities are approached, there is lethargy.

*I advocate for disability rights. When a girl with intellectual disability was reported to have been sexually abused by her uncle, I visited the police station with her mother to lodge the complaint. But the police said there were no sufficient facts to record the incident and were dismissive in their treatment. (Nirosha, Kandy)*

This lack of faith in law enforcement officers is echoed in Kilinochchi where women often refrain from seeking the help of the police in cases of desertion by the husband and harassment due to brewing of illicit alcohol and drug abuse. Here, more than disability, being a woman holds implications on legal redress and social stigma. Communication with law enforcement officials who do not speak Tamil also widens the barrier.

*I went to the police, but I don't know Sinhala and I had no way of proving that he was living with someone else. The police didn't believe me. They told me that it was I who was lying. This was an insult and I was embarrassed so I dropped the case. (Sumitha, Kilinochchi)*

This language barrier is further widened by the intersection of disability where,

*There is no sign language interpretation in the justice system. Those with vision impairment don't have eye witness accounts or are not able to describe perpetrators. There are no facilities in the justice system to enable women/girls with disability to report and take legal action against sexual harassment and violence. (Wathsala, Kandy)*

Most of the interviewees expressed concern about the lack of interest among law enforcement officers in following up on complaints and controlling crime and critiqued their gender insensitivity in handling complaints. The respondents in Kilinochchi viewed this in terms of the state's disinterest or nonchalant attitude towards 'what happens to the people in the North.

*I am afraid for my safety. When my mother is out, I keep the door locked. My mother doesn't leave me alone that much. There was a girl who is disabled. She was pushed off her bicycle and her chain was robbed. I am afraid of sexual abuse. This didn't happen before. It has started only after the war ended. Those days the Movement kept everything under control. Now the military lets anything happen here because we are only Tamils - "These are Tamil's, aren't they?" Those days we did not hear of child abuse, but now it has become a normal occurrence. (Sudharshini, Kilinochchi)*

Another aspect of state protection is the welfare schemes available to persons with disabilities. Accordingly, all persons with disabilities are eligible to receive Rs. 3000 as a monthly stipend to help meet their unique expenses. Due to the disparity in the amount of funds allocated and the number of persons with disabilities in each district, the allowance is distributed on the basis of poverty. Hence, the allowance is viewed by Social Service Officers (SSOs), who are responsible for its distribution, as a charitable handout. This is contrary to the opinion particularly in Kilinochchi where the women with disabilities considered the allowance as an entitlement for the physical loss as a result of war. Thus, women, in attempting to access social benefits that they consider themselves being entitled to, are discouraged and demotivated by the condescending attitudes of SSOs.



The conflicting charity and entitlement approaches result in some government officials adopting a tone of scorn or annoyance when distributing livelihood schemes. One respondent in Kandy claimed that SSOs adopt an attitude of superiority and use demeaning language and terminology to keep women with disability in subordination,

*I am visually impaired but am independent with my white cane. I have even travelled to Colombo by myself. But when I visited the Kachcheri for an official matter, I was asking out for the office of the SSO and the WDO, when the SSO heard me and shouted at me “This is a nuisance, there are no handouts now to give. Please don’t waste my time”. This was even before I had the opportunity to approach him. In fact, my query was not about a social protection matter but I was so disheartened that I turned away. (Inoka, Kandy)*

Women with disabilities in Kilinochchi recounted similar experiences in accessing information about the government welfare stipend or applying for it and expressed feelings of embarrassment and discouragement.

A counter argument posed by government officials is their helplessness as they claim that the number of persons with disabilities far exceed the money allocated by the state for the Kilinochchi district. This has led Social Services Officers to devise ad hoc criteria (or point systems) based on their assumptions to decide who receives benefits.

*People who are like me (I don’t get the allowance), who can function even with their disability are getting the allowance. But, those in wheelchairs are not getting the allowance. So where do the points come into the picture? (Menaka, Kilinochchi)*

*I have been getting Rs. 3000 allowance for persons with disabilities. The SSO conducted a study/survey last year and I got the allowance. I got it because I have no husband and my child studied biology. (Sumitha, Kilinochchi)*

On the other hand, the criteria was also seen to be biased in favour of disabled female and male heads of households and against married women with disabilities whose husbands are employed.

*Now I don't get the Rs. 3000 and I went and asked why because I had filled the form in 2013. He said, if my form says Mrs. I won't get the money. I asked, what does that have to do with anything? It is I who am the person with a disability. They said, the husband will earn and look after you. (Vinotha, Kilinochchi)*

Thus, some women with disabilities are also denied their rightful allowance on the basis of patriarchal approaches to the distribution of state allocated funds.

Nepotism is another factor that prevents women with disabilities in Kilinochchi from receiving the monthly stipend whereby government officials are accused of distributing funds among their relatives and acquaintances.

*"When a scheme is introduced for women with disabilities, they don't make it public because it is too much work for them. They just help those whom they know. The marginalised continue to be marginalised. (Subajini, Kilinochchi)*

The inefficiency of government officials was explained by the women with disabilities in Kilinochchi as also stemming from the fact that high ranking government officers such as the Grama Niladhari (GN), SSOs and Women's Development Officers (WDOs) in Kilinochchi are predominantly from Jaffna and thus perceived to be disinterested and insensitive to the unique conditions faced by people in Kilinochchi. This highlights the intra-ethnic tensions among Tamils and the plurality of the experience of conflict within the North whereby Tamils from Jaffna are perceived to be insensitive to the plight and deprivations of Tamils in Kilinochchi.

*GS – RDS – DS – GA<sup>13</sup> – I know who to get my needs from, but they need to know about us. We need access to them. Change can be made only if awareness is raised among the village organisations, the GS, SSO, Samurdhi Officer, RDS, WRDS and DPOs. (Subajini, Kilinochchi)*

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<sup>13</sup> Grama Sevaka or Grama Niladhari (village officer), Rural Development Society, Divisional Secretariat, Government Agent

## **A Question of Social Justice: The Need for Intersectionality in a Rights-based Approach**

The discussion on the barriers to social inclusion in the previous sections provides an overview of the respondents' experiences of livelihood choices and social and institutional support, or lack thereof, for persons with disabilities. In Kandy, access to state protection is viewed as a basic human right which is denied to women with disabilities, whereas, in Kilinochchi, state protection takes on added meaning and is linked with larger issues of justice and post-war reparations. Justice is also not measured in terms of the larger state narrative of North and South, i.e., whether the South receives more aid allocations than the North for persons with disabilities. Instead, the identity of Northern Tamil as a homogeneous entity is problematised by women with disabilities in Kilinochchi who feel discriminated by hierarchies within Tamil state administrative structures. Social protection for women with disabilities in Kilinochchi is thus more than a basic human right - it is an issue of transitional justice where they feel entitled to reparations for disablement in the form of allowances, livelihood and housing schemes. As one woman articulates,

*The government should give women with disabilities a permanent job. We got affected because of the war between the government and their opponents. The government should give us a permanent salary from its funds. Giving us a monthly allowance of Rs. 3000 and making small donations will not work. A person with disabilities, whether they are educated or not, should be given an ordinary job in government institutions. It was the general public that was affected in a war between the two sides. So they should introduce schemes. (Arulmadhi, Kilinochchi)*

This demands a reversal in the psyche of state structures from a charity-based approach to a rights- and reparations-based approach to persons with disabilities. However, the charity and welfarist framework underlying the allowances and livelihood interventions imposed on women with disabilities by the state was reinforced during key informant interviews with government sector stakeholders,

*When you interview persons with disabilities, they will say that the government doesn't do anything for them. This is because they*

*expect something from you. There are three reasons why they lie: (i) poverty, (ii) they expect people to hand things out to them, (iii) if they lie, you might give them something new ... Poverty is the basis on which we decide. (Government officer, Kilinochchi)*

This demonstrates the key contradiction between charity and human rights-based approaches while also emphasising the importance of intersectionality in identifying context-specific entitlements, needs, and vulnerabilities. Thus, state interventions should not resort to uniform application across the country to all ‘vulnerable groups’. State-led livelihood programs, housing schemes, policies, and services need to rethink their approach, survey markets, and skills capacities while also being sensitive to difference variables such as gender, ethnicity, geographical positioning, age, ability, and religion. There is a grave need to rethink ongoing state interventions along gender, intersectionalities and rights-based approaches.

## **Conclusion**

*We try to be equal, but society sees us as deficient. (Thanuja, Kilinochchi)*

*I had heard of the NAPD<sup>14</sup> back in 2014 but am not aware of the implementation status and outcome. We were consulted on the topic of accessibility. In my opinion, despite a disability law and a national action plan, there is no effective implementation. (Nelum, Kandy)*

The exclusionary notions propagated by social discourses, attitude towards and treatment of disability are evidenced by the narratives of women whose identity of ‘disability’ takes precedence over other identities of gender, ethnicity, class, and age. The study finds that the level of disempowerment brought about by disability is the result of an intersection of a number of variables at the individual, household, societal, and broader institutional levels. These variables include ethnicity, age, poverty, social class, and household circumstances. When these variables interact with gender and disability, they aggravate gendered discriminations such as women’s right and access to education, employment,

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social protection, and justice. They also operate differently in Kilinochchi and Kandy.

Ethnicity as a key intersecting factor does not operate in the way in which one might imagine it to (i.e., unequal allocations of funds for persons with disabilities in the North and South). Instead, ethnic and linguistic identity aggravates the discrimination faced by women with disabilities in Kilinochchi in relation to access to state protection and justice. The inability of law enforcement officials to communicate and record complaints in Tamil is an added layer to the shared patriarchal barrier faced in reporting and seeking justice for gender-based violence.

The context of disability i.e., war or birth-related and age at disability also impacted women differently whereby the ability to wield agency through negotiation and advocacy was found to be dependent on the life exposure and opportunities of individual women with disabilities. This was clearly demonstrated by the cohort of respondents in Kilinochchi who already held vocational capacities and were trained in skills since they experienced an impairment at a later stage in life. Women who received some form of training and capacity building, either from mainstream civil society or state organisations, and equipped with an understanding of civil rights and entitlements were more empowered to navigate state structures and revealed greater agency than women with disabilities who had not.

The Committee on the Rights of Persons with Disabilities in article 21 of General Comments on Article 6 observes that ‘Structural or systemic discrimination is difficult to trace because discrimination is routed in hidden or overt patterns of institutional behaviour, cultural traditions and norms, rules and other social structures that lead to unfavourable ‘othering’ of women and girls with disabilities.’ This is evident among women with disabilities in both geographies of Kandy and Kilinochchi who are constantly reminded of their ‘difference’ or ‘deficiency’ by the absence of inclusive infrastructure, social systems and processes that heighten their circumstances of being disabled by restricting full exercise of capabilities and participation in society.

In terms of factors that support ‘capabilities,’ class and the extent of social networks (social capital) has a positive impact on women with disabilities’ access to education, employment, and state welfare schemes. This was evident among women with disabilities (in both districts) with outreach through social networks

and participation in local societies and self-help groups demonstrating greater agency than those who had no exposure. Four women from Kandy and three women from Kilinochchi demonstrated such agency through their leadership in women's societies or DPOs and in advocating for their communities. Similarly, women with disabilities (in Kilinochchi) who had completed secondary education or had been employed or trained under the LTTE displayed independence and agency in pursuing a livelihood and participating in social activities.

The clear distinction between the experiences and agency of women who acquired a disability at birth and those who were disabled due to war calls into question the popular assumption that disability is 'natural'. It draws our attention back to the 'production of impairment' by political processes such as war (Soldatic 2014), social constructs such as ethnicity and gender as well as hegemonic principles of patriarchy and ableism. Women's experience of disability is therefore one of 'Disablement' which is constructed by these different processes which produce a standard set of barriers for women with disabilities, but which are experienced differently due to varying intersections of social, cultural, economic, and political factors.

## **Policy and Practice Recommendations**

The circumstances of women with disabilities brings to light collective layers of exclusion and related injustices in the context of Sri Lanka and urges a review of how legislation and policy translates to practice. A scrutiny of prevailing institutional mechanisms and awareness and attitudes of decision making and service delivery actors is equally important. A rationale for this effort is supported by the following statement of the Committee on the Rights of Persons with Disabilities on Article 6 of the CRPD which observes that 'institutional and structural violence is any form of structural inequality or institutional discrimination that maintains a woman in a subordinate position.' This highlights the State's obligation to facilitate an institutional arrangement that removes attitudinal and physical barriers that have been a recurring experience of women with disabilities as illustrated in this study.

In doing so it is necessary to understand the conditions enabled or disabled by prevailing national legislation. The existing institutional arrangement and their praxis is embedded against Sri Lanka's existing legislative and policy framework

on disability – firstly in the 1996 Disability Rights Bill and the subsequent National Policy on Disability in 2003. It is evident that both frameworks predate the global disability rights framework introduced by the UNCRPD. At a national level, despite the introduction of a National Action Plan on Disability (NAPD) in 2014 by national level government stakeholders, disability rights activists, academics and development practitioners, the action plan remains dormant. A subsequent National Human Rights Action Plan (NHRAP) in 2016 also dedicates sections to the rights of women with disability, enshrined within the chapter on rights of persons with disability, but as this study evinces, adherence to its recommendations and implementation require a multi-stakeholder and multi-ministerial process.

The action plans have been a positive attempt by the government, together with disability rights activists in civil society, academia and development organisations to action policy and enable improvement in praxis. From a foreign policy and global justice perspective, this transformative and reformist approach is critical given Sri Lanka's obligations to international soft laws of the UNCRPD, the Marrakesh treaty, and global development targets under the Sustainable Development Goals (SDG). While the accession to the CRPD and adherence to SDG targets are positive strides to protect the rights of persons with disability by supporting disability-inclusive development outcomes, the prevalent institutional landscape has not kept abreast to achieve the desired objectives.

As evidenced by the study, the institutional arrangement and attitudes of service providers continue to be defined by the 1996 disability rights bill. And while the 2003 National Policy on Disability was an attempt at enabling the rights of persons with disability, the policy was not accompanied by an action plan. The 2014 NAPD and the 2016 NHRAP would only be relegated as effective plans on paper, unless a multipronged (where mainstream development organisations and human rights advocates include the development aspirations of persons with disability and lobby for their rights) and multi-ministerial (responding to intersecting disadvantages) process is adopted. Moreover, development actors and rights advocates should make in-roads into government institutions and influence decision makers to improve capacities of the State to mainstream disability into developmental and service delivery processes.



Most importantly, a transition from hegemonic practices of charity and welfare requires a governing structure and an enforcement mechanism that holds gender and disability as core principles across multiple ministerial programs. This ideological shift and accompanying practice change can be achieved if a multi-ministerial coordination mechanism is given oversight through a national level authority. Ongoing advocacy by disability rights agencies and individuals lobbying for their rights as persons with disability are conceptualising a national-level authority sitting at a high level of government (i.e., Prime Minister's office) to give rise to the realisation of rights of persons with disabilities and to assure that persons with disability are acknowledged and included in national development programs and service delivery plans. The evidence from this study endorses this vision and the adoption of gender and disability inclusion as a regular practice across different tiers of governance.

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# **Intersecting Marginalities: Social-exclusion of Women with Disabilities in Sri Lanka**

**Nadine Vanniasinkam and Nirmi Vitarana**

This paper is a study of women living with disabilities in two regions of Sri Lanka - Kilinochchi, which was directly affected by the 26-year civil war; and Kandy, less directly affected by the conflict. The study interviewed 38 women during 2016 and 2017, to understand how gender intersects with disability to increase vulnerability and hinder social inclusion and participation of women with disability.

The study found that the experience of disability is affected by various intersecting factors such as cause/context of disability, age at disability, social class, educational attainment and family circumstances. However, irrespective of the geographical context, circumstances of disability and unique nuances in the narratives of each respondent, women with disability across the two districts shared experiences of marginalisation resulting from systemic barriers to education, employment, social participation, state protection and justice.

The evidence from the study points to the State's obligation to facilitate an institutional arrangement that removes attitudinal and physical barriers that have been a recurring experience of women with disabilities. Therefore, the paper argues for a scrutiny of systematic exclusion and related injustices experienced by women with disability in the context of Sri Lanka and urges a review of how existing disability legislation and policy translates to practice. It concludes that in order to transition from hegemonic practices of charity and welfare, a governing structure and an enforcement mechanism that holds gender, disability and human rights as core principles across multiple ministerial programmes is necessary. The paper advocates for a national level authority sitting at a high level of government.

There is a paucity of evidence-based research on persons living with disabilities in Sri Lanka. This gap is even more pronounced in the case of women with disabilities. This study is a modest attempt at trying to fill this gap, and at trying to catalyze changes in policy, practice and public opinion.



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