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Fighting Domestic Violence

Pro Bono Initiative

Asia

In association with



Sri Lanka

Domestic Violence Legislation



“Research by the International Centre for Ethnic Studies reveals that less than 1% of women who experience domestic violence in Sri Lanka will seek protection under the PDVA.”

Sri Lanka

1 Legal provisions

1.1 What are the relevant statutes and codes?

In Sri Lanka, domestic violence is primarily governed by the Prevention of Domestic Violence Act No. 34 of 2005 (PDVA) and Articles 11 and 27 of the Constitution of Sri Lanka, which states the following:

The State shall promote with special care the interests of children and youth, so as to ensure their full development, physical, mental, moral, religious and social, and to protect them from exploitation and discrimination. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The PDVA does not create the new offense of "domestic violence"; instead, it defines domestic violence as follows:

- (a) acts of physical violence, which constitute only those offenses already recognized under Chapter XVI of the Penal Code (i.e., murder, manslaughter, assault, wrongful confinement or restraint)
- (b) a pattern of cruel, inhuman, degrading or humiliating conduct of a serious nature directed toward an aggrieved person

The PDVA allows "any person" who suffers or who is likely to suffer this violence to seek protection from a magistrate's court, which is empowered to summarily issue an interim protection order to be valid for 14 days.

A protection order, which is valid for 12 months, barring the aggressor from committing further acts of violence and entering the victim's residence, among other things, can then be sought based on evidence.

The PDVA focuses on ensuring the safety of the victim by providing a civil remedy, while preserving the right to initiate separate civil or criminal proceedings as permissible.

The Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015 is also relevant. The main objective of this act is to uphold and enforce the rights and entitlements of victims of crimes and witnesses, and to provide a mechanism to promote, protect, enforce and exercise these rights and entitlements.

1.2 What is the controlling case law?

Research by the International Centre for Ethnic Studies reveals that less than 1% of women who experience domestic violence in Sri Lanka will seek protection under the PDVA. It is still not a matter that women want to take before a court of law; as a result, there is limited relevant case law.

1.3 What are the specific parts of the court system that address domestic violence?

The magistrate's court is responsible for overseeing cases of domestic violence.

1.4 What types of proceedings (civil or criminal), submissions or orders can a domestic violence victim sue/begin against an abuser?

Section 2 of the PDVA warrants that "any person" in respect of whom an act of domestic violence has been, is or is likely to be committed to make an application to the magistrate's court for a protection order for the prevention of the act of domestic violence. Accordingly, men, women and children alike are allowed to enjoy the protections guaranteed in the PDVA if they can establish a domestic relationship between the parties.

2 Introduction: framework guiding domestic violence law

2.1 Are there civil and criminal legal remedies for domestic violence victims?

The PDVA mainly governs domestic violence in Sri Lanka.

In Section 23 of the PDVA, domestic violence includes "physical or emotional harm done by the spouse, ex-spouse or cohabiting partner to the other."

Section 2 of the PDVA states that the aggrieved party can file for a protection order from a magistrate's court upon ill-treatment. However, a retrospective view in 2020 showed that it has been nearly impossible for women to report violence due to being confined to their homes during the COVID-19 pandemic and lockdown.¹

2.2 Is protection from domestic violence identified in national law as a human right?

The Constitution of Sri Lanka provides a series of fundamental rights, which are akin to human rights. Regarding domestic violence, there is no express provision; however, the following could arguably cover domestic violence:

11. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.²

Nevertheless, the following allows a waiver in terms of conflict with any existing laws:

16. (1) All existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency with the preceding provisions of this Chapter.³

Amnesty International notes the following in its 2020 human rights review for Sri Lanka:

There was continued impunity for sexual and gender-based violence, despite repeated assurances by consecutive governments to tackle the issue. A total of 142 rapes and 42 cases of "serious sexual abuse" against children were reported to the police in just the first 15 days of the year.⁴

2.3 Has your country signed and ratified the Council of Europe's Istanbul Convention (2011) preventing and combating violence against women and domestic violence (CETS No. 210)?

Sri Lanka has not signed or ratified the Istanbul Convention.⁵

2.4 If it has ratified the Istanbul Convention, how has this convention been implemented into national law?

The Istanbul Convention is not applicable to Sri Lanka.

2.5 If it has not ratified or signed the Istanbul Convention, is it envisaged that your country will do so?

N/A

2.6 If it has ratified the 1979 Convention, how has the recommendations part of General Comment No. 35 been implemented into national law?

Sri Lanka signed (1980) and ratified (5 October 1981) the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁶

The CEDAW General Comment No. 35 adopts the term "gender-based violence against women" to make explicit the gendered causes and effects of violence. Paragraph 26 of General Comment No. 35 requires state parties to: (i) adopt legislation prohibiting all forms of gender-based violence against women and girls, harmonizing national law with the CEDAW; and (ii) repeal any laws that constitute discrimination against women.⁷

In 2016, Sri Lanka launched the National Action Plan to address sexual-based and gender-based violence with the aim of creating a violence-free life for women and children with zero tolerance for sexual-based and gender-based violence in Sri Lanka, formulated using a multi-sectoral approach with engagement from key ministries representing nine sectors.

However, Amnesty International noted in its 2020 human rights review for Sri Lanka that there was continued impunity for sexual-based and gender-based violence, despite repeated assurances by consecutive governments to tackle the issue.⁸

2.7 If the 1979 Convention has not been ratified or signed, is it envisaged that your country will do so?

N/A

3 Similarities and differences in terminology

Term	Definition
Domestic violence	<p>In Sri Lanka, the PDVA primarily governs domestic violence. Section 23 of the PDVA defines domestic violence as physical or emotional abuse/harm done by a spouse, ex-spouse or cohabiting partner.⁹</p> <p>Emotional abuse means a pattern of cruel, inhuman, degrading or humiliating conduct of a serious nature.</p> <p>See also Schedule 1 of the PDVA for a full list of the physical acts covered.</p>
Stalking	This is not defined.
Harassment	Section 345 of the Penal Code (Amendment) Act No. 22 of 1995 defines sexual harassment as unwelcome sexual advances by words or action by a person in authority, in a working place or any other place, and causing sexual annoyance or harassment by assault or criminal force.
Victim	This is not defined.
Abuser	The abuser can be a spouse, ex-spouse or cohabiting partner of the victim, specific other relations of the victim, or specific other relations of the victim's spouse, ex-spouse or cohabiting partner. ¹⁰
Civil protection order	<p>Under Sections 10-13 of the PDVA, there are two types of protection orders: an interim protection order (valid for 14 days) and a protection order (valid for 12 months). Both prohibit perpetrators from committing acts of domestic violence.</p> <p>The court can prohibit a perpetrator from: (i) entering the victim's residence (including shared and temporary residences), place of employment and school; (ii) occupying a shared residence; (iii) preventing the victim from entering or remaining in their residence; (iv) having contact with the victim's child (or granting conditional contact); (v) preventing the victim from accessing shared resources; (vi) contacting the victim; (vii) committing violence against anyone assisting the victim; (viii) following the victim; (ix) selling or making other financial arrangements regarding the family home; and (x) other detrimental conduct toward the victim.</p> <p>Supplementary orders can be used: (i) to seize the perpetrator's weapons; (ii) for police to accompany the victim to collect their personal property; (iii) to order the perpetrator/victim to go to counseling/rehab sessions; (iv) to place the victim in confidential temporary accommodation; (v) to monitor and report to the court on how the order is being complied with; (vi) to order the perpetrator to provide urgent financial support for someone they are responsible for; and (vii) to financially support the victim's residence.</p> <p>If the perpetrator fails to make any payments due, the court can direct their employer to pay part of their salary toward this payment.</p>

Term	Definition
Causes of action	This is not defined.
Marital rape	Sri Lankan law explicitly permits marital rape unless the parties are judicially separated (Section 393 of the Penal Code excludes marital rape from the definition of rape) and permits the marital rape of children over 12 years old. This is in conflict with Sri Lanka's family law, which sets the minimum age of marriage at 18 years old, although laws such as the Muslim Marriage and Divorce Act have no minimum legal age of marriage.

3.1 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

N/A

4 Protection for domestic violence victims and relief granted

4.1 Civil protection orders

4.1.1 Are there civil protection orders available to victims of domestic abuse?

Yes. Section 2 of the PDVA warrants "any person" in respect of whom an act of domestic violence has been, is or is likely to be committed to make an application to the magistrate's court for a protection order for the prevention of the act of domestic violence. Accordingly, men, women and children are allowed to enjoy the protections guaranteed in the PDVA if they can establish a domestic relationship between the parties.

4.1.2 Who can petition for civil protection orders?

Please see Section 4.1.1.

4.1.3 Are there temporary custody of a child or child support orders?

Yes, this can be imposed through an interim protection order under the PDVA.

4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victim frequents?

Yes, by issuing an interim protection order under Section 4 of the PDVA. The magistrate's court is empowered to issue an interim protection order to be valid for 14 days on receiving an application under the PDVA without the burden of the victim having to prove their case. A protection order is valid for 12 months, which can be sought based on evidence presented in court.

A protection order can also bar the aggressor from committing further acts of violence and entering the victim's residence, among other prohibitions.¹¹

4.1.5 Are there any other types of emergency, preventive and civil protection orders?

N/A

4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

Where the aggrieved person is a child, an application may be made on behalf of the child by: (i) a parent or guardian of the child; (ii) a person with whom the child resides; (iii) a person authorized in writing by the National Child Protection Authority established under the National Child Protection Authority Act No. 50 of 1998; or (iv) a police officer on behalf of an aggrieved person.

A "child" means a person who is under the 18 years old.¹²

4.1.7 Are there different types of civil protection orders, e.g., for a short-term period?

Yes, three types of protection orders are available to any person in respect of whom an act of domestic violence has been, is or is likely to be committed.

Interim protection order

When considering an application for an order, the court will do one of the following:

1. If satisfied that it is necessary to issue an interim protection order until the conclusion of the inquiry into the application, it will immediately issue an interim protection order and make an order to hold an inquiry in relation to the application for an interim protection order.
2. Where satisfied that it is not necessary to issue an interim protection order in the circumstances, it will make an order to hold an inquiry in relation to the application for an interim protection order.

In determining whether to issue an interim protection order, the court will consider the urgent need to prevent any act of domestic violence and the need to ensure the safety of the aggrieved person.

Issuing an interim protection order prohibits the respondent from committing or causing the commission of any act of domestic violence.

Protection order

The respondent (i.e., the person committing the act of domestic violence) will be served with notice to attend the court on a specific date. Where the respondent is present in court, the court will look at the application for the protection order and consider any evidence previously received, any further affidavits or oral evidence as it deems necessary. This is known as the inquiry.

After the inquiry, where the court is satisfied that it is necessary to issue a protection order, the court will issue a protection order considering the need to prevent any act of domestic violence from being committed and the need to ensure the safety of the aggrieved person.

Where the respondent appears in court and does not admit to the act or acts of violence but does not object to the issuance of a protection order, the court will issue a protection order considering the need to prevent any act of domestic violence from being committed and the need to ensure the safety of the aggrieved person.

A protection order will prohibit the respondent from committing or causing the commission of any act of domestic violence.

Supplementary order

Where a protection order has been made and where the court believes that it is reasonably necessary to protect and provide for the immediate safety, health or welfare of the aggrieved person, the court may order additional provisions by way of a supplementary order.¹³

4.1.8 Are *ex parte* orders permitted without the aggressor being present?

If the respondent to the application for an order (i.e., the person committing the act of domestic violence) does not appear and the court is satisfied that the notice to attend court has been served, the court will continue with considering the application for a protection order using the evidence previously received, any further evidence by way of affidavits or any oral evidence recorded in the absence of the respondent.

Based on the above, if satisfied by the evidence it has before it, the court may decide that it is necessary to issue a protection order.¹⁴

4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

Yes, please see Section 4.1.7.

4.1.10 How long do the orders last?

An interim protection order will remain in force until a protection order is issued by the court or the interim protection order is vacated. A protection order will remain in force for a period not exceeding 12 months.¹⁵

4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographic information, e.g., police reports, convictions, etc.

- PDVA: <https://www.refworld.org/pdfid/4c03ba2f2.pdf>
- National Authority for The Protection of Victims of Crimes and Witnesses: https://www.moj.gov.lk/index.php?option=com_content&view=article&id=65&Itemid=218&lang=en
- Sri Lanka Criminal Defence Practice Manual: https://www.ibj.org/wp_main/wp-content/uploads/2020/04/English-4.pdf
- Sri Lanka: Sexual and domestic violence, including legislation, state protection and services available for victims: <https://www.refworld.org/docid/4f4f33322.html>

4.2 Steps for receiving a protective order

4.2.1 What documentation is needed to obtain a civil protection order?

The application must be submitted in the format set out in Schedule 2 of the PDVA. Affidavits of any person who has knowledge of the previously mentioned acts of domestic violence should be attached to the application.

4.2.2 Does the victim need to attend a hearing?

Typically, only an affidavit is required for an interim protection order (which lasts for 14 days), but a court may call a victim or witness under oath to give evidence.

Victim attendance and testimony at the inquiry to determine whether a full protection order is appropriate is at the discretion of the court.¹⁶

4.2.3 Can you request remedies?

The PDVA provides for the following remedies.

Interim protection order

This prohibits the respondent from committing or causing the commission of any act of domestic violence for a period of 14 days. The victim may request that the order prohibit the respondent from the following:

- (a) entering a residence or any specified part of it shared by the aggrieved person and the respondent, as well as entering the following places of the aggrieved person:

- (i) residence
- (ii) place of employment
- (iii) school
- (b) entering any shelter in which the aggrieved person may be temporarily accommodated
- (c) preventing the aggrieved person who ordinarily lives or has lived in a shared residence from entering or remaining in the shared residence or a specified part of the shared residence
- (d) occupying the shared residence
- (e) having contact with any child of the aggrieved person or having contact with the child other than based on satisfying any conditions it may consider appropriate, where the court is satisfied that it is in the best interest of the child
- (f) preventing the aggrieved person from using or having access to shared resources
- (g) contacting or attempting to establish contact with the aggrieved person in any manner whatsoever
- (h) committing acts of violence against any other person, whether it be a relative, friend, social worker or medical officer who may be assisting the aggrieved person
- (i) following the aggrieved person to cause a nuisance
- (j) engaging in other conduct that will be, in the opinion of the court, detrimental to the safety, health or well-being of the aggrieved person or other person who may require protection from the respondent as the court may specify in the protection order
- (k) selling, transferring, alienating or encumbering the matrimonial home to place the aggrieved person in a destitute position

Full protection order

This includes the same prohibitions as an interim protection order for 12 months.

Other remedies may be sought under the Penal Code and the Civil Code.

4.2.4 Are there time limits?

No, although the time since the act of violence and the submission of the application may be relevant to the court's assessment of whether an order is necessary/appropriate.

4.2.5 Are there different rules in emergencies?

Interim protection orders can be granted almost immediately, without a full inquiry.

4.3 Judicial discretion

4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

The magistrate's court is empowered to issue an interim protection order to be valid for 14 days on receiving an application under the PDVA without the burden of the victim having to prove their

case. A protection order is valid for 12 months and it can be sought based on evidence presented in court.

A protection order can also bar the aggressor from committing further acts of violence and entering the victim's residence, among other prohibitions. In imposing prohibitions, the court is required to balance the accommodation needs of the applicant and the children and any hardship that may be caused to the aggressor.¹⁷

According to Articles 4 and 8 PDVA, in determining the issuance of a protection order, including an interim protection order, the court will consider the urgent need to prevent any act of domestic violence from being committed and the need to ensure the safety of the aggrieved person. Before issuing a civil protection order, the court can examine the people involved or any other material witness.¹⁸

A victim is able to seek an interim protection order when the case is filed, which the court has the discretion to grant, and a date for the inquiry must be fixed no more than 14 days from the date of the application. However, in reality, the inquiry does not take place within this stipulated period, thus limiting the success of the PDVA in addressing the urgency of the situation. The court can proceed with the inquiry without the presence of the respondent on the condition that it is satisfied that the notice has been served. There is no provision to ensure that serving the notice is expedited, thus further creating a delay when it is not served on time.¹⁹

4.3.2 Are there age limits on who can obtain orders?

No, but there are age limits for making an application for a civil protection order. According to the PDVA, an application for a protection order can be made by an aggrieved person or, where the aggrieved person is a child, on behalf of the child by the following:

- (a) a parent or guardian of the child
- (b) a person with whom the child resides
- (c) a person authorized in writing by the National Child Protection Authority established under the National Child Protection Authority Act No. 50 of 1998
- (d) a police officer on behalf of an aggrieved person

According to Article 23 of the PDVA, a "child" means a person who is under 18 years old.²⁰

4.4 Restitution and remedies available to victims

4.4.1 Can victims obtain reimbursement for costs and restitution paid?

Under the PDVA, when making an application for a protection order, the court may make a supplementary order for the following:

1. for the respondent to provide urgent financial assistance to any person, where the respondent has a duty to support the person
2. for the respondent to make payments and provide facilities as necessary, to enable the aggrieved party to continue to occupy any residence in which the aggrieved party will reside during the period of the operation of the order

An order under the above considerations will only be made after a proper inquiry, and by having regard for the financial needs and other resources of the aggrieved person and the respondent.

The above rules will not affect the rights of any person under the Maintenance Act No. 37 of 1999. On the failure of the respondent to make any payment ordered under the above, the court might direct an employer of the respondent to directly pay to the aggrieved person a part or the whole of the financial assistance ordered by the court.

4.4.2 Can they recover wages and profits lost?

N/A

4.4.3 Is a separate civil process required?

A civil process (application for a protection order) is available. It is not clear whether this is mandatory.

5 Prosecutorial considerations

5.1 Police procedures

5.1.1 When do the police get involved in domestic disputes or legal actions?

Sri Lanka has a separate police department to address matters concerning women and children — the Women and Children Bureau — and this is where cases can be initially reported.

The police have an obligation to protect victims of domestic violence. They may attempt mediation, but unsolved or serious domestic violence cases are referred to the court.

5.1.2 What circumstances affect law firm involvement?

N/A

5.2 Standard of proof

5.2.1 Is proof required by any legal means?

N/A

5.2.2 Are there any requirements regarding evidence and documents?

N/A

5.2.3 Is proof "beyond a reasonable doubt" required?

N/A

5.2.4 Is the standard of proof different for *ex parte* orders?

N/A

5.3 Affirmative defenses

5.3.1 Are affirmative defenses available to the accused?

While silent on the specific issue of domestic violence/violence against women, the Sri Lanka Criminal Defence Practice Manual notes various criminal act defenses, including the following:²¹

- Self-defense and defense of a third party: Nothing is an offense merely by reason of it being done with the knowledge that it is likely to cause harm if it can be done without any criminal intention to cause harm and in good faith for the purpose of preventing or avoiding other harm to a person or property (Section 74 of the Penal Code). The right of private defense in no case extends to inflicting more harm than it is necessary to inflict for the purpose of defense (Section 92(4) of the Penal Code).
- Involuntary intoxication: Nothing is an offense that is done by a person who, at the time of doing it, by reason of intoxication is incapable of knowing the nature of the act or that they are doing what is either wrong or contrary to the law, provided that the

thing that intoxicated them was administered without their knowledge or against their will (Section 78 of the Penal Code).

- An accused person may seek to argue a defense of consent (Section 80 of the Penal Code).

5.3.2 Is willful intent required?

N/A

5.3.3 Are false accusations punishable for the victim?

N/A

5.3.4 How is consent discussed in the law?

N/A

5.3.5 Is self-defense or insanity a defense?

Please see Section 5.3.1.

5.4 Witness status

5.4.1 What is a witness's duty to testify honestly and completely?

According to the PDVA, the provisions of Chapters V and VI of the Code of Criminal Procedure Act No. 15 of 1979 will be applicable to compel the attendance of the respondent and any person required by the applicant to give evidence and to require any document necessary for the purposes of this act to be produced. However, we could not find any specific reference to the duty to testify honestly and completely.

5.4.2 Who may abstain from testifying in certain situations?

N/A

5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

N/A

5.4.4 Are there any laws that provide special protections to children who are testifying in domestic violence proceedings?

Yes, as stated in the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015.

5.4.5 Can children be called upon to testify?

Yes, the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015 contains specific rights that are applicable to child victims or witnesses.

5.4.6 What is the effect of a child victim on the charges against the offender?

N/A

5.5 Penalties and sentencing; penalty enhancements

5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

The Criminal Procedure Code provides for suspended sentences to be imposed; where the given punishment is a term of imprisonment of less than two years, the court will impose a suspended sentence valid for a certain period. This is generally given in the case of all first-time offenders. The sentence for the offense only becomes operative if the person commits the same offense again within the stipulated period. In this event, the person will have to serve the sentence handed down for the first offense as well as for the second.²²

5.5.2 Are there criminal penalties?

The PDVA does not create a criminal offense of domestic violence but, rather, it provides for a scheme by which victims of prescribed types of domestic violence can get protection orders against the forms of domestic violence described in the act.

Schedule 1 of the PDVA sets out the offenses that can constitute domestic abuse, including all of the offenses contained in Chapter XVI of the Penal Code (offenses affecting the human body), extortion and criminal intimidation or attempting to commit any of these offenses.²³

5.5.3 What is the result of a violation of an existing order for protection?

According to Article 18 of the PDVA, an order is enforced as follows:

A respondent against whom an Interim Order or a Protection Order, as the case may be, has been issued and has failed to comply with such Order, such respondent shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding 10,000 Rupees or to imprisonment of either description for a term not exceeding one year or to both a fine and imprisonment.

5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

In cases of domestic violence, the police may prosecute the abuser under the relevant provisions of the Penal Code to obtain a conviction with a fine or imprisonment. Alternatively, the abused person could bring a civil action to obtain compensation. The only remedy a person is provided by the PDVA is a protection order against future violence and there is no grant of relief or compensation for abuse already suffered.²⁴

Even after an application is made under the PDVA, many applicants withdraw their application or agree to settle the matter before the protection order is issued. Some lawyers think that the settlement rate is as high as 90%. The reasons identified for this high dropout rate include economic vulnerability and financial dependency, fear of retaliation, social isolation, community pressure, concern about losing custody of children, a deep emotional bond with their partner and wanting to preserve and improve their relationship.²⁵

Many women survivors of domestic violence prefer to file a case under the Maintenance Act. The Maintenance Act allows a spouse who is unable to maintain themselves to apply for maintenance

from the other spouse, provided that they have sufficient means to do so and they have neglected or unreasonably refused to do so. The Maintenance Act also provides that where a parent with sufficient means neglects or refuses to maintain their child, then the child is entitled to make a claim for maintenance. Once an application is received and the evidence is considered, including the evidence given by the respondent, the court can order the respondent to make a monthly allowance as maintenance at a rate fixed by the magistrate as they see fit. The amount is determined with regard to the income of the person and the means and circumstances of the spouse. Before an order is made, the respondent is required to show cause, if any, why an order should not be made and furnish to the court details of their income.²⁶

5.6 Post-release restrictions

5.6.1 Does the law notify the victim of the offender's release from custody?

N/A

6 Special issues

6.1 Battered woman syndrome

- 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered woman syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)**

We did not find any information on battered woman syndrome in Sri Lanka.

6.2 Domestic violence in the workplace

- 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?**

N/A

- 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?**

N/A

- 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?**

N/A

6.3 Immigration

- 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents of your country from using immigration laws to perpetrate domestic violence against their spouse?**

N/A

- 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?**

N/A

- 6.3.3 Does domestic violence law discuss asylum accessibility?**

N/A

6.4 Armed forces

6.4.1 Can a victim seek a military protective order if the abuser is in active military?

N/A

6.5 Child custody and child/spousal support

6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

N/A

6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

N/A

6.6 Housing rights of domestic violence victims

6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

N/A

6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

N/A

6.6.3 Can an order exclude the abuser from the residence?

N/A

6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

N/A

Endnotes

- ¹ <https://www.colombotelegraph.com/index.php/a-study-on-the-rise-of-domestic-violence-against-women-in-sri-lanka-during-the-lockdown/>.
- ² <https://www.parliament.lk/files/pdf/constitution.pdf>.
- ³ <https://www.parliament.lk/files/pdf/constitution.pdf>.
- ⁴ <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>.
- ⁵ <https://www.coe.int/en/web/istanbul-convention/key-facts>.
- ⁶ <https://indicators.ohchr.org/>.
- ⁷ <https://www.uk-cpa.org/media/3952/wip-report-final-3.pdf>.
- ⁸ <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>.
- ⁹ <https://www.colombotelegraph.com/index.php/a-study-on-the-rise-of-domestic-violence-against-women-in-sri-lanka-during-the-lockdown/>.
- ¹⁰ Section 23 of the PDVA for the full list.
- ¹¹ Domestic violence in Sri Lanka: the power of alternative discourse | openDemocracy.
- ¹² Section 2 of the PDVA: <https://www.refworld.org/pdfid/4c03ba2f2.pdf>.
- ¹³ Sections 5, 10 and 13 of the PDVA: <https://www.refworld.org/pdfid/4c03ba2f2.pdf>.
- ¹⁴ Section 7 of the PDVA: <https://www.refworld.org/pdfid/4c03ba2f2.pdf>.
- ¹⁵ Section 5(3) of the PDVA: http://www.childprotection.gov.lk/Child_Related_ACTs/Prevention%20of%20Domestic%20Violence%20Act,%20No.%2034%20of%202005.pdf.
- ¹⁶ H 22927 (E) Prevention Domestic.p65 (childprotection.gov.lk).
- ¹⁷ <https://www.opendemocracy.net/en/5050/domestic-violence-in-sri-lanka-power-of-alternative-discourse/>.
- ¹⁸ <https://www.refworld.org/pdfid/4c03ba2f2.pdf>.
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