

# Sri Lanka Country Profile

March 2003

## Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)

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## Table of Contents

<b>1. INTRODUCTION.....</b>	<b>1</b>
<b>2. CONTEXT.....</b>	<b>3</b>
2.1 PEOPLE WITH DISABILITIES.....	4
<b>3. LEGISLATIVE FRAMEWORK.....</b>	<b>5</b>
3.1 CONSTITUTION OF THE REPUBLIC OF SRI LANKA .....	5
3.2 PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES ACT, NO. 28 1996 .....	5
3.3 RANAVIRU SEVA ACT .....	6
3.4 THE VISUALLY HANDICAPPED TRUST FUND ACT .....	6
3.5 QUOTAS .....	6
3.6 REGULATIONS REGARDING ACCESSIBILITY.....	6
3.7 SOCIAL SECURITY BOARD ACT NO.17 OF 1996 .....	6
3.8 EMPLOYEES TRUST FUND.....	7
3.9 WORKMAN’S COMPENSATION ACT CHAPTER 139 OF 1934.....	7
3.10 THE WAGE BOARD ORDINANCE NO.27 OF 1941 .....	7
3.11 INTERNATIONAL COMMITMENTS .....	7
<b>4. IMPLEMENTATION.....</b>	<b>9</b>
4.1 INSTITUTIONAL FRAMEWORK .....	9
4.1.1 Ministry of Social Welfare .....	9
4.1.2 Ministry of Employment and Labour .....	11
4.1.3 Ministry of Tertiary Education and Training .....	11
4.1.4 Samurdhi Authority of Sri Lanka: Poverty Alleviation Programs.....	12
4.1.5 Employers’ Organisations Policies and Programmes.....	12
4.2 POLICY .....	13
4.3 CONSULTATIVE MECHANISMS .....	14
4.4 ENFORCEMENT .....	14
4.5 EMPLOYMENT PROMOTION MEASURES .....	14
4.5.1 Employment services.....	14
4.5.2 Support for self-employment and income generation for people with disabilities.....	15
<b>5. OUTCOMES AND IMPACT .....</b>	<b>17</b>
5.1 OPEN EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES.....	17
5.2 EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DISABILITIES IN PROTECTED WORK ENVIRONMENTS .....	18
5.2.1 Sheltered employment .....	18
5.2.2 Work centres .....	18
5.3 SELF-EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES.....	19
5.4 BARRIERS AND GAPS .....	19
5.4.1 The right to choose one’s mode of livelihood.....	19
5.4.2 Self-employment.....	19
5.4.3 Open employment.....	20

5.4.4 Gender.....	20
5.4.5 Severity of disability.....	20
5.4.6 Policy and legislative support.....	21
5.4.7 Assistive devices.....	21
<b>6. CONCLUDING COMMENT .....</b>	<b>23</b>

## List of Tables

<i>Table 1.</i>	<i>Self-help groups, NGOs and special schools - information regarding vocational training and follow-up employment provided.....</i>	<i>25</i>
<i>Table 2.</i>	<i>Self-help groups, NGOs and special schools - information regarding numbers given self and open employment provided for the years.....</i>	<i>26</i>
<i>Table 3</i>	<i>Listing of primary advocacy organizations of disabled persons in Sri Lanka with type and number of membership, geographic scope, objectives and employment-related activities.....</i>	<i>27</i>

## 1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millennium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for Sri Lanka is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in Sri Lanka concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Sri Lankan delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities*

– *the Impact of Legislation (Asia and the Pacific). Project Consultation Report, Bangkok 17 January*’, ILO 2003.

## 2. CONTEXT

Sri Lanka, a small island off the southern tip of India, has a history going back over 2500 years. It was originally colonized primarily by Indo-Aryan tribes from North India and in much lesser numbers by Dravidians from South India. Their descendants later came to be called the Sinhalese and Tamils respectively. Indigenous kings generally ruled the country until the advent of the Portuguese in the 16<sup>th</sup> Century. The Portuguese conquered the coastal regions and were later replaced by the Dutch who were in turn replaced by the British. In 1815 the British defeated the last Sri Lankan King who ruled in the hill country and brought the whole island under their rule. Independence was granted in 1948. Sri Lanka became a parliamentary democracy and has remained so since.

Two decades of civil war and terrorist activity came to an end in early 2002 with the signing of a cease-fire agreement between the new Sri Lankan Government, in office since December 2001, and the Liberation Tigers of Tamil Eelam (LTTE), a separatist group in the north and east of the country. The country is now in a state of peace for the first time in two decades. The peace initiative of the new government has received wide support from the people of the country and from the international community.

A ceasefire agreement between the Government of Sri Lanka and the “Liberation Tigers of Tamil Eelam (LTTE)” in January 2002 and the peace talks planned to commence in July 2002 have increased the likelihood of permanent peace and resurgence in the economy. Peace talks between the Government of Sri Lanka and LTTE have started and the progress is very satisfactory.

With a population of 18.73 million<sup>2</sup>, Sri Lanka is ranked 89 out of 173 on the Human Development Index (HDI), according to the UNDP Human Development Report of 2002. Key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 69.5 years for men and 75.3 for women;
- Educational Attainment, measured as the gross enrolment ratio, was 68 per cent among boys and 71 per cent among girls; and
- Standard of living, measured as annual per capita GDP, was US\$ 3,279 in 1999
- Adult literacy rate was 91.6 per cent with a higher rate recorded for men (94.4 per cent) than women (89 per cent).

Over a fifth of the population are estimated to live below the poverty limit. The labour force is estimated to be 6.6 million, and the unemployment rate 7.6 per cent.<sup>3</sup> In an economy which is highly trade-dependent, the service sector is the predominant employer (45 per cent), followed closely by the agricultural sector (38 per cent) with the remainder of the labour force are employed in industry.<sup>4</sup>

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<sup>2</sup> The Island (Colombo) 22 May 2002, Revealing Figures: Census 2001 Midweek Review.

<sup>3</sup> Central Bank of Sri Lanka: Economic and Social Statistics of Sri Lanka, 2001.

<sup>4</sup> World Fact Book: Country Sri Lanka, July 2001.

## ***2.1 People with disabilities***

Data related to types of disability, principal causes of disability, literacy levels, education, employment status, and income levels are not available centrally. Much of this information is collected by community volunteers, but this has not been collected and collated.

Since identification of disabled persons is done in a way that is relevant to each community definitions used have a local/cultural interpretation and may not be suitable for international comparative studies.

An estimated 300,000 persons in Sri Lanka within the age group 18-60 with some form of disability according to a recent Community-Based Rehabilitation survey. Of those people, about 40,000 are educationally qualified, while the remainder have very low educational skills.<sup>5</sup>

The National census in 2001 included a planning committee on the disability component with representation from the National Council for Disabled Persons. Questions used in the disability schedule will elicit information regarding sex, age, age at onset, cause of disability, body part affected, educational level attained, present residence, whether vocational training was obtained and current employment if any.<sup>6</sup> The preliminary report of the National census was released in December 2002. According to the report people with disabilities constitute 1.629 of the population. This figure is inaccurate due to identified lapses in the collection of statistics. The number of disabled persons in Sri Lanka is approximately 10 per cent of the population (1.9 million). In 2001 38,000 students took the General Certificate of Education examination.

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<sup>5</sup> Report of an ILO Technical Consultation, Singapore, 1999, p71.

<sup>6</sup> Department of Census and Statistics: Information obtained from Senior Statistician, Census Division, June 2002.



### **3. LEGISLATIVE FRAMEWORK**

The Constitution of the Republic of Sri Lanka and the Protection of the Rights of Persons with Disabilities Act, No. 28 1996 are the main legal instruments concerned with the employment of disabled persons. The Ranaviru Seva Act No. 54 of 1999, The Visually Handicapped Trust Fund Act No. 9 of 1992, Social Security Board Act No. 17 of 1996 Regulations regarding Accessibility and Wages Board Ordinance No 27 of 1941 impact upon the support and promotion of employment of disabled job seekers and disabled employees. Employees Trust Fund and Workmen's Compensation Act Chapter 139 of 1934 are also relevant.

#### ***3.1 Constitution of the Republic of Sri Lanka***

Article 12 of the Constitution which deals with fundamental rights, guarantees in Clause (1) that "all persons are equal before the law and are entitled to equal protection of the Law". In the anti-discrimination Clauses (2) and (3) disability is not mentioned. However Clause (4) "allows for special provision being made by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons".<sup>7</sup>

#### ***3.2 Protection of the Rights of Persons with Disabilities Act, No. 28 1996***

An Act called the "The Protection of the Rights of Persons with Disabilities Act, No. 28 1996" was certified in October 1996.<sup>8</sup> The Act established the National Council for Persons with Disabilities and provided for the establishment of a National Secretariat for Persons with Disabilities to assist the Council in the discharge of its functions.

The only rights mentioned specifically in the Act are related to non-discrimination in employment and education, and access to the built environment. The Act therefore does not truly reflect the protection of all rights. There is no particular mention of other economic rights and of civil, social, cultural and political rights.

This Act unambiguously states "...No person with a disability shall be discriminated against on the ground of such disability in recruitment for any employment or office..."<sup>9</sup>. This is extended to include not only "...admission to any educational institution..." but any restrictions "...with regard to access to, or use of, any building or place which any other member of the public has access to or is entitled to use, whether on the payment of any fee or not."<sup>10</sup>. In the event of a contravention of the above provision, the provision can be enforced by a written petition to the High Court, which may grant relief as it deems "...just and equitable in the circumstances."<sup>11</sup>

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<sup>7</sup> Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.

<sup>8</sup> Parliament of Sri Lanka: Protection of the Rights of Persons with Disabilities Act, No. 28 1996

<sup>9</sup> Protection of the Rights of Persons with Disabilities Act, No. 28 1996 Part V, Section 23.1 Provisions for the protection and advancement of Persons with Disabilities.

<sup>10</sup> Protection of the Rights of Persons with Disabilities Act, No. 28 1996 Part V, Section 23.2 Provisions for the protection and advancement of Persons with Disabilities.

<sup>11</sup> Protection of the Rights of Persons with Disabilities Act, No. 28 1996 Part V, Section 24 Remedy for the contravention of the provisions of Section 23.

### **3.3 *Ranaviru Seva Act*<sup>12</sup>**

The Ranaviru Seva Act No. 54 of 1999 was enacted by Parliament by which the Ranaviru Seva Authority (RVSA) was set up to provide for the after care and rehabilitation of members of the armed forces and police who have been disabled in action. It also provides for the RVSA to look after the welfare of the families of those killed or missing in action. One of the main activities of the RVSA is assisting disabled ex-combatants to secure gainful employment through facilitating vocational training, microfinance and job placement.

### **3.4 *The Visually Handicapped Trust Fund Act*<sup>13</sup>**

This Act set up the Trust Fund for the Visually Handicapped. The functions of the Trust Fund are to provide educational and vocational training opportunities for the visually handicapped, to create employment opportunities for poverty reduction, provide financial assistance and guidance for self-employment, and to support the marketing of products made by visually handicapped persons,. Other functions are to give assistance for housing, to implement schemes for the welfare of the visually handicapped, assist projects undertaken by registered NGOs working for visually handicapped persons, and to take action to eliminate conditions that prevent visually handicapped persons gaining equal rights and opportunities.

### **3.5 *Quotas*<sup>14</sup>**

The Government, according to by Public Administration Circular No.27/88 dated 18 August 1988, instructed all ministries, departments and corporations to allocate 3 per cent of the job opportunities in the public sector to persons with disabilities who have the requisite qualifications and “whose disability would not be a hindrance to the performance of his duties”. The effectiveness of this has been poor.<sup>15</sup>

### **3.6 *Regulations regarding accessibility*<sup>16</sup>**

Regulations providing accessibility to the built environment, to transportation and to communication were drafted and approved by the legal draftsman and is awaiting further procedures.

### **3.7 *Social Security Board Act No.17 of 1996*<sup>17</sup>**

This Act provided for the establishment of a Social Security Board for the management of a Social Security Benefit scheme for people who are self-employed. People who have disability who are self-employed can contribute to this scheme. Benefits include compensation for accidents at work and pension on retirement from work.

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<sup>12</sup> Parliament of Sri Lanka: Ranaviru Seva Act No. 54 of 1999.

<sup>13</sup> Parliament of Sri Lanka; The Visually Handicapped Trust Fund Act No. 09 of 1992.

<sup>14</sup> Ministry of Public Administration: Public Administration Circular of 27/88 dated 8 August 1988.

<sup>15</sup> G. Wanniarachchi: *The NGO Perspectives in Employment of Persons with Disabilities*, in Report on the Symposium for Promoting the Employment of Persons with Disabilities (Dept. of Social Services, December 1998).

<sup>16</sup> National Secretariat for Persons with Disabilities: *Information obtained from Director*, May 2002.

<sup>17</sup> Parliament of Sri Lanka: Social Security Board Act No. 17 of 1996.

### ***3.8 Employees Trust Fund***

Employees contribute 3 per cent of their wage to this fund, which provides financial payments to employees in the event of disability including scholarships to schools for the children of members.

### ***3.9 Workman's Compensation Act Chapter 139 of 1934<sup>18</sup>***

This law provides compensation to workers' who become disabled on the job. No return to work schemes are included.

### ***3.10 The Wage Board Ordinance No.27 of 1941***

People with disabilities in this ordinance are defined as "non able bodied". Disabled persons are given "easy" work and are paid less than non-disabled persons.

### ***3.11 International commitments***

Sri Lanka ratified the Asian and Pacific Decade declaration 1<sup>st</sup> April 1993.<sup>19</sup> It has not yet ratified the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

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<sup>18</sup> Amendment Act No 15 of 1990

<sup>19</sup> ESCAP Proclamation Document.



## **4. IMPLEMENTATION**

### ***4.1 Institutional framework***

There are a number of institutions promoting the employment of people with disabilities through varied policies and programmes. These include governmental departments, employers' organisations and non-governmental organisations. Government departments responsible for the employment of people with disabilities include the Ministry of Social Welfare, the Ministry of Employment and Labour and Ministry of Tertiary Education and Training. Within these departments there are a number of bodies working in specific areas to enhance the employability of disabled persons. In addition, the Samurdhi Authority also works through its poverty alleviation programs to maximise employment for people with disabilities.

#### **4.1.1 Ministry of Social Welfare**

The Ministry is the main body responsible for the formulation of policies, guidelines, laws and work programmes related to disability, and monitors and assists service provision and development activities of both the governmental and non-governmental organisations.

Three per cent of the job opportunities in the public sector are allocated for persons with disabilities under a quota scheme authorised by a decision of cabinet and all the government departments and ministries were informed via Public Administration Circular of 27/88 dated 18 August 1988. This circular was sent again in 1998.<sup>20</sup> In this regard instructions have been issued to all the ministries, departments and corporations on this matter.

Both The National Council for Persons with Disabilities and the National Secretariat for Persons with Disabilities come within the framework of the Ministry of Social Welfare.

##### *4.1.1.1 National Council for Persons with Disabilities*

The Council consists of 20 members appointed by the President on the recommendation of the Minister of Social Welfare including representatives of Disabled People's Organizations and Disability-related Organizations (at least 51 per cent) representatives of relevant ministries, departments, professionals and NGOs. Its role is to promote, advance and protect the rights of disabled persons in the country and to advise the Government on these matters. The Minister of Social Welfare is the Chairman of the Council and the Ministry Secretary is the Secretary of the Council. The National Secretariat for Persons with Disabilities was established in 1995 to implement the decisions of the council.

Vocational training programmes for disabled persons are implemented through the Department of Social Services.

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<sup>20</sup> Ministry of Public Administration: Public Administration Circular of 27/88 dated 08<sup>th</sup> August 1998.

#### 4.1.1.2 Department of Social Services

The Department of Social Services is the state body responsible for providing vocational training to persons with disabilities.

Services are provided in six centres run directly by the department with 559 places with an annual intake of about 350. The Department provides a small-scale job placement service for persons with disabilities. It also serves as a link between prospective job candidates and employers by maintaining a register of job seekers. With regard to self-employment, the Department provides tool kits and small-scale grants for starting up small businesses or cottage industries to those who complete courses at their VTCs and wish to set up in self-employment.

In addition, a further eleven vocational training centres are run by the NGOs registered at the department. Grants of SLR 40/- per day per trainee are paid by the department to these NGOs. These centres have a total number of places of approximately 366 and an annual intake of about 217,

The NGOs registered are the Sukhitha VTC Horana, Sarvodaya VTCs at Kalutara and Moratuwa, the Islamic Centre for Physically Disabled Children, VTC Balangoda, St Joseph VTC for the Deaf at Wattala and Weralugama, VTC run by the Association of Disabled Women at Talawa, VTC run by the Central Council of Disabled Persons Bandarawela and that run by Rehab Lanka.

At provincial level responsibility for vocational training and employment for people who have disability is delegated to the Provincial Ministry of Social Services. The Secretary of the Ministry is the Chief Accounting Officer, and a Director of Social Services is responsible for program management. To assist him in this task there is a Provincial Assistant Director of Social Services and field officers called Social Service Officers (SSOs) in every division (sub-district) of the province.

The main activities related to vocational training and employment carried out by this local administration are the following:

- provision of grants for self-employment. This varies between provinces and is between SLR 5,000 – 10,000<sup>21</sup>. Applications are made through the Social Service officer in the Divisional Secretariat;
- provision of grants and other support to vocational training centres. They are given grants of SLR 40/per-day/per trainee and ad hoc grants on request, for maintenance.
- provision of assistive devices such as hearing aids, wheelchairs, tricycles and other mobility equipment and eye glasses to those below a certain income level;
- giving financial disability benefits to destitute disabled persons.

#### 4.1.1.3 National Community Based Rehabilitation Programme

The Ministry of Social Welfare manages the National Community Based Rehabilitation Programme to facilitate the government policy of inclusion. While programme implementation is devolved to local communities, it is supported by provincial, district and divisional administrations, both local government and the various relevant sectors.

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<sup>21</sup> SLR 95 = I US\$ as at 01 May 2002.

Centrally, all sectors presently involved in making opportunities available and accessible to people who have a disability are encouraged to meet in a national inter-sectoral body. This body includes representatives also from larger NGOs.

Where individuals may have been isolated at home the Community-Based Rehabilitation (CBR) program and grants provided by local government has enabled them to set up their own or to participate in the family's agricultural income-generating activity in some way. Some have been assisted to set up agro-based enterprises such as mushroom cultivation and bee keeping. Other areas for self-employment have been in the service sector (dress-making, carpentry, repair of bicycles, radio/TVs and in small enterprises (welding, keeping poultry and goats etc.<sup>22</sup> Skills training is arranged when necessary through the Provincial Ministry of Social Services and NGOs.

#### **4.1.2 Ministry of Employment and Labour**

The Ministry of Employment and Labour has an increasing role in ensuring mainstream employment of people with disabilities.

Preparing for the implementation of a new National Employment Policy which will include people who have disability in mainstream training and employment systems such as the Human Resource Placement Service, the Department of Labour has started collecting data on disabled job seekers. The data so collected will assist the department in detailed planning and programming. Particular emphasis is to be placed on influencing private sector enterprises to employ disabled job seekers, and in promoting the public sector to fulfil its responsibility and implement the three per cent quota system.<sup>23</sup>

These tasks will be carried out by the Human Resource Placement Service (HRPS) of the department through a network of fifty five labour offices throughout the country. Seventy five Human Resource Placement Officers are based at these offices. They carry out the tasks of registration of job seekers and of job vacancies and of job placement. Under a separate program, which the department is planning to implement for the socio-economic re-integration of ex-combatants with ILO support, they will be given more training to increase their capacity for vocational guidance and counselling. Under this program the HRPS is to have a fully computerized and comprehensive data bank.

#### **4.1.3 Ministry of Tertiary Education and Training**

The Ministry of Tertiary Education and Training is responsible for vocational training policies and programmes.

It operates six large vocational training institutions as well as a project specifically for skills development.<sup>24</sup> In addition, the Ministry<sup>25</sup> registered courses run by 252 training centres in the private sector and 112 in the NGO sector. Since there is no qualitative monitoring of courses,

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<sup>22</sup> P. Mendis, Vocational Training and Employment for People who have Disabilities – Sri Lanka's Community-Based Rehabilitation Experience, in Report on Symposium for the Promoting the Employment of Persons with Disabilities, (Department of Social Services, December 1998).

<sup>23</sup> Department of Labour: Information obtained from the Commissioner Human Resource Placement Services, 31 May 2002.

<sup>24</sup> P. Mendis: Report on Fact-finding Assignment on Employment-related Services (ILO Area Office Colombo April 2002).

<sup>25</sup> Tertiary Education and Vocational Training Commission, *Directory of Tertiary and Vocational Training* (TEVT) Institutions, 2001.

there is no guarantee of standards. These courses are more market orientated, supplementing rather than competing with, opportunities provided by government centres. They are not as limited by lack of resources as government centres as exemplified by the increasing number of centres offering courses in Information Technology.

People with disabilities utilise mainstream vocational training centres, distributed throughout the island. No special statistics of disabled trainees are maintained by mainstream training centres. Special arrangements have been made by the Sri Lanka Army for disabled ex-servicemen to be given vocational training at these mainstream centres.

The ILO implemented “Start and Improve Your Business” project now works with twenty partners (state, private sector and NGO) throughout Sri Lanka and provides entrepreneurship training to promote employment creation through small business enterprises. In addition, another project in the process of being implemented also with ILO support to enhance the employment prospects of disabled ex combatants.

#### **4.1.4 Samurdhi Authority of Sri Lanka: Poverty Alleviation Programs**

The Samurdhi Movement implemented by the Samurdhi Authority of Sri Lanka is the major poverty alleviation program in the country with the vision of the empowerment of the poorer segments of society. All persons who have disability with monthly family incomes of less than SLR 1000/- are entitled to benefit from this program just as any other citizen. No separate statistics are therefore kept about the participation of persons who have disabilities.

Program implementation uses three basic approaches.<sup>26</sup> Firstly, the Welfare Approach by which all beneficiaries are provided with a monthly relief allowance. The second activity is the Rural Development Approach focussing on development of rural infrastructure such as clearing of waterways, tanks and irrigation systems and building of roads and such works that will support income-generation activities of beneficiaries. The third and perhaps most important is the Samurdhi Bank Union Approach which facilitates savings and supports income-generating activity in the form of small enterprises and self-employment. The latter provides opportunities for skills and entrepreneurship training, for microfinance and avenues for marketing. At the end of the year 2000 the number of shareholders in the Samurdhi Banks stood at 1,571,200. This would include a number of disabled persons/their families.

#### **4.1.5 Employers’ Organisations Policies and Programmes**

The Employers’ Federation of Ceylon, the largest Employers Forum in Sri Lanka with a membership of 457 companies, set up an “Employer Network on Disability” in 1999 to promote the employment of disabled job seekers among its membership.

The Network was set up to act as a link between the business community, disabled people’s organizations and various other bodies in employment-related services including government and NGO vocational training and employment providers and Funding Agencies. In this respect, the EFC took the initial step of forming a Steering Committee with 15 member companies that represent the Hotel, Plantation, Manufacturing and Banking sectors. One of the recommendations made by the Steering Committee was to increase awareness among employers and to dispel negative attitudes about the recruitment of persons with disabilities

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<sup>26</sup> Sri Lanka Samurdhi Authority: Triple Development Approach of the Samurdhi Program, W.G. Mithraratne, 2000.



and so create and expand job/career opportunities in the competitive labour market. This was also the primary objective of the workshop held in May 2001 that was attended by employer representatives, government officials, and representatives of institutions involved in disability issues and NGOs.<sup>27</sup>

Discussions at the seminar revealed the dearth of information both about disabled job seekers and their prospective employers. In order to remedy this and to plan an effective course of action a study is presently being carried out of the current status regarding the employment of people with disabilities. The study also includes information on the availability of employable skills as well as the skills required by employers in the private sector and the legislative framework needed to promote open employment of disabled persons. Data already obtained from the study is incorporated in the EFC database and website. The final report is expected at the end of June 2002. A plan of action will be made thereafter to increase employment opportunities for disabled persons in the private sector.<sup>28</sup>

Other major organizations said to have island-wide coverage are the Central Organization of the Deaf, Spinal Injuries Association and the Sri Lanka Confederation of Organizations of Handicapped People. The Association of Disabled Ex-Servicemen serves the interest of that group. All these are involved in some degree of advocacy work.

Two other district disabled people's organizations do a significant amount of advocacy and employment-related work in their own districts, lobbying with other NGOs and with the state sector. They are the Association of Disabled Women in Anuradhapura and the Organization of People who have Disability in Kandy.

Some of these organizations together with others not listed above have come together recently to set up an umbrella organization calling themselves the Joint Front of Disability Organizations. With a membership of 14 organizations their vision is to represent people who have disability in the country and ensure the protection and promotion of their rights.

## **4.2 Policy**

A "Draft National Employment Policy for Sri Lanka<sup>29</sup>" was presented to the public on 1 May 2002 by the Minister of Employment and Labour and opened for discussion.

In the Draft policy 7 initiatives were formulated for the development of the country's Human Capital. Initiative 5 calls for "Fulfilling Social Obligations". It makes special mention of providing opportunities to all sectors of society without any form of discrimination, and disabled persons have been identified as one of 4 marginalized groups. Their issues will be addressed in policy and strategy formulation and in recommendations.

Specifically, "the government would provide opportunities for the disabled to upgrade their knowledge and skills to facilitate them in securing, retraining and advancing in suitable employment thus enabling them to integrate into the community or society and enter active economic and social life".

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<sup>27</sup> ILO: Employment of People with Disabilities – the impact of Legislation (Asia and Pacific Region), Country – Sri Lanka, draft, (Geneva May 2002).

<sup>28</sup> Employers Federation of Ceylon: Information obtained 10 June 2002.

<sup>29</sup> Ministry of Employment and Labour: Draft National Employment Policy for Sri Lanka, 1 May 2002.

Key strategies for people who have disability that have been listed in the draft policy are that vocational training and guidance will be provided to upgrade skills and enhance employability or be engaged in self-employment etc; placement and employment services will be provided to the disabled through the proposed Employment Sourcing and Delivery System (ESDS) to facilitate securing suitable employment; image and public perceptions regarding the disabled will be uplifted through awareness and other programs; employers will be encouraged to employ appropriately trained and skilled disabled workers by recognition of such practices as “Best Practices” by the Ministry of Employment and Labour.

The strategies specify that placement and employment services will be provided to disabled persons through the proposed Employment Sourcing and Delivery System to facilitate securing suitable employment. This means that people who have disability will have full access to the countrywide Human Resource Placement Service (HRPS) operated by the Ministry of Employment and Labour. They will also have equal access to on-line Internet-based Services as well as Centre-based Delivery Networks to link up with potential employers.

### ***4.3 Consultative mechanisms***

The National Council for Persons with Disabilities, the National Secretariat for Disabled Persons and The Swedish Organisation of Handicapped International Aid Foundation SHIA Sri Lanka provide the main consultative mechanisms in employment-related matters.

### ***4.4 Enforcement***

The Protection of the Rights of Persons with Disabilities Act provides for the enforcement of its non-discrimination clause through the court system. In the event of a contravention, the provisions can be enforced by written petition to the High Court which may grant relief as it deems just and equitable in the circumstances.

### ***4.5 Employment promotion measures***

#### ***4.5.1 Employment services***

The Ministry mandated to implement the Government’s employment policy is the Ministry of Employment and Labour. The Draft National Employment Policy is discussed in 4.2 above (impending legislation) and the role of the Department of Labour and its job placement service is discussed in 4.1.2 above.

The Ministry of Tertiary Education and Training, through the Skills Development Project, the National Apprentice and Industrial Training Authority, the Vocational Training Authority, the Department of Technical Education and Training (refer 4.1.3) and the National Youth Services Council which is under the purview of the Ministry of Youth Affairs, has developed a network of 52 career guidance and counselling centres distributed island wide. The Ministry of Employment and Labour also has a network of 30 career guidance centres. All these state sector activities are for the age group 18–29 years.<sup>30</sup>

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<sup>30</sup> P. Mendis: Report on the current capacities of service providers in Sri Lanka with focus on services related to job placement, (ILO Area Office, Colombo, April 2002)

To date, job-seekers with disabilities have not been specifically targeted by the mainstream job placement, career guidance, and counseling centers.

The Department of Labour is currently collecting data with a view to including people who have disability in its Human Resource Placement Service (HRPS). It will take steps to encourage the private sector to provide employment to people who have disabilities and the public sector to implement the 3 per cent employment quota. There is no data available on the proportion of persons with disabilities in mainstream systems and success rates.

The Department of Social Services has a job bank and placement service for disabled persons. This is, however, insignificant in terms of demand. Only 150 persons were placed in the year 2000 and 167 in 2001. A database is currently being prepared and no statistics can be made available as yet.

At divisional (sub-district) social service officers carry out tasks of placing individuals who have disability in open employment. No further data is accessible.

Some of the Vocational Training Centres run by the state and by NGOs have job placement officers. Some successful trainees are found placement but there is no regular follow-up.

#### **4.5.2 Support for self-employment and income generation for people with disabilities**

The Department of Social Services provides tool kits to the value of US\$ 105 for starting up small businesses or cottage industries to those who complete courses at their VTCs and wish to set up in self-employment.<sup>31</sup> Through Social Service Officers based at sub-district level Provincial Councils provide small-scale grants for self-employment. The amount varies between the provinces, and is in the range US\$53–106. Annual Provincial Council allocations for this purpose generally allow for about 50 individuals to be given such grants.

The National Community-Based Rehabilitation Program is managed centrally by the Ministry of Social Welfare while implementation is devolved to the community with the support of the divisional, district and provincial administrations. Employment opportunities are found so that it makes it possible for the individual to continue to live at home. These have largely been in self-employment because of the difficulty in finding open-employment in peripheral areas.

Being an agrarian economy, the most common avenue of employment has been in the agricultural sector. Where individuals may have been isolated and idle at home (mostly through over-protection and only seldom through neglect or indifference), the CBR program has enabled them to set up their own or to participate in the family's agricultural income-generating activity in some way. Some have been assisted to set up agro-based enterprises such as mushroom cultivation and bee keeping. Other areas for self-employment have been in the service sector (dress-making, carpentry, repair of bicycles, radio/TVs and in small enterprises (welding, keeping poultry and goats etc.<sup>32</sup> Skills training is arranged and grants obtained when necessary through the Provincial Ministry of Social Services.

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<sup>31</sup> Department of Social Services Information obtained, May 2002

<sup>32</sup> P. Mendis, Vocational Training and Employment for People who have Disabilities – Sri Lanka's Community-Based Rehabilitation Experience, in Report on Symposium for the Promoting the

The NGOs FRIDSRO CBR, Navajeevana and Sarvodaya also provide some employment support services, although in terms of the demand for income generation on the part of people who have a disability, the numbers reached by these NGOs is very low.

## 5. OUTCOMES AND IMPACT

### 5.1 *Open employment opportunities for people with disabilities*

A few enterprises have been employing people who have disability for the past several decades, but this is very much on an individual basis, so that most often one finds a single employee with disability in a few companies. The disability group that has most opportunities in open employment is those with visual disability. The Sri Lanka Federation of the Visually Handicapped maintains a list of members who are in open employment. As at June 2002 it lists 113 individuals employed in 57 companies.<sup>33</sup> This includes 30 females. When 3 or more persons are employed in one enterprise it usually is in the packaging industry, often in tea packaging and some times tea sorting. One group of companies is known to employ 36 visually handicapped persons in its packaging and paper-sack making sections in 3 factories<sup>34</sup>.

Other private sector companies very occasionally employ as many as 5-6 persons who have other disabilities. One such example is a private commercial bank which employs a group of 6 young people (5 males and 1 female) who have communication disability and use sign language. Since they were employed 12 years ago, the group carries out the task of sorting currency notes to detect those that should be discarded, sitting together at a table in an area of very high security. Their supervisors, who have changed over the years to be promoted to higher posts, learned to use sign language so as to be able to communicate with them.

The Company that has moved furthest towards providing employment to persons who have disability on the basis of equal rights is one which manufactures plastic moulded products. 21 of the total of 291 employees (7.2 per cent) are those who have disability, and they have been distributed throughout the factory. They are employed under the very same conditions as other workers.

Tables 1 and 2 provide information about individuals who have been placed in open employment after being given vocational training by NGOs and DPOs or directly without vocational training. There are no teleworking, home-based or other non-traditional employment structures in the open market, nor are there any that have developed as a result of advances in information technology, and the internet. Training courses in the use of computers has very recently been started by the 6 DPOs mentioned earlier, but no data is available either about numbers trained or placed thereafter.

These few examples described above are all situated in and around Colombo, except for one DPO in Bandarawela and another in Anuradhapura. People who have disability in the periphery have even fewer opportunities for open employment. People who use wheelchairs are seldom to be seen in any place of work. In spite of the 3 per cent quota system introduced into the public sector (See 3.5 Quotas) people who have disability are seldom to be seen in state sector facilities.

With the introduction of a new employment policy, the establishment of the Employer's Network on Disability and the expected resurgence in the economy as a result of the state of

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<sup>33</sup> Sri Lanka Federation of the Visually Handicapped: *Visually Handicapped Persons Presently in Employment*, Mimeo Communication 2002.

<sup>34</sup> Sri Lanka School for the Visually Impaired: Information obtained from Principal, June 2002.

peace in the country, it is hoped that open employment opportunities for people who have disability will receive the necessary stimuli for expansion (including in the Information Technology sector).

## ***5.2 Employment opportunities for people with disabilities in protected work environments***

The practice of Protected Work Environments has not developed very much in Sri Lanka. Neither are there set-aside programs, enclaves and supported employment programs.

### **5.2.1 Sheltered employment**

The only three known sheltered environments have been described earlier and are the following:

- Sri Lanka Foundation for Rehabilitation of the Disabled
- Chitra Lane School for the Special Child
- Sri Lanka Council for Mental Health (Sahanaya)

Additional data available from these sheltered workshops is shown in Tables 1 and 2.

#### **Sri Lanka Foundation for Rehabilitation of the Disabled**

The Foundation manages “Rehab Lanka” which is a workshop providing employment for persons with disabilities and earning some income for the organisation. The workshop has three sections: tailoring, welding and carpentry. People with disabilities manage it and a percentage of the profits are distributed among the employees. Employment is usually given to youth who have completed training at VTCs run by the Department of Social Services. They remain at this workshop for some time to gain experience in practical skills as apprentices, and then move into self-employment or, occasionally into open employment. Statistics regarding these activities are given in Table 2. Further information about this organisation is in Table 3 (see page 24).

#### **Chitra Lane School for the Special Child**

The school accommodates 7 girls and 6 boys, all past pupils, at a sheltered workshop (Table 2). They carry out such activities as screen-printing and adding decorative accessories to garments and making bakery products. Profits are shared, and each individual earns about US\$15.80 monthly.

#### **Sri Lanka Council for Mental Health (Sahanaya)**

The Day Centre run by Sahanaya for people who have disability as a result of mental illness serves both as a skills training centre and a sheltered workplace in that individuals continue to attend this centre for long periods. They continue carrying out the same production activities even after becoming proficient in their manufacture. This is the only NGO doing any kind of vocational activity for people with this disability.

### **5.2.2 Work centres**

Two work centres are known and are described below:

### **Nylander Producers Cooperative Society Ltd.**<sup>35</sup>

Four families live together with 2 unmarried persons, and two others attend daily. Both sets of parents and all four others have mobility disability. Four are male and four female. They have lived together in one compound as members of a Cooperative Society since 1988. Very occasionally when a member leaves for one reason or another, a new member is selected by group consensus. Members get together to produce toys for export to Germany and Sweden, and special wheelchairs-to-order for the local market. Orders for toys are received via e-mail through contacts in those countries. A Trust in the name of the Swedish founder of the home that first brought the members together in 1983 called the Nylander Trust is based in Sweden. This trust provides sustained financial support to the group and especially to support them in economically bad times. The group is going through one such bad period currently due to the decrease in orders for toys from Europe.

### **Production Centre for Visually Disabled Women**<sup>36</sup>

This centre accommodating 10 destitute women who have visual disability aged between 25 – 35 years was set up 2 years ago in Seeduwa, not far from Colombo. It is supported financially by the Visually Handicapped Trust Fund.. Textile-based products produced by inmates of the centre are marketed through the sales outlet of the Department of Social Services VTC at Seeduwa.

## ***5.3 Self-employment opportunities for persons with disabilities***

Through the provision of tool-kits and grants both the Department of Social Services and Provincial Councils provide self-employment opportunities for persons with disabilities. So does the Samurdhi Poverty Alleviation Program. However no data is available either about numbers or about incomes. Disability-related NGOs and DPOs have facilitated self-employment and all information available about this is in Tables 1 and 2. It is very likely that persons who have disabilities are employed in the informal sector, but the extent of it cannot be projected since no information has been collected about them. There are no special government or NGO programs such as special marketing schemes and tax breaks.

## ***5.4 Barriers and gaps***

### **5.4.1 The right to choose one's mode of livelihood**

With limited opportunities in open employment, self-employment is often the only option available to disabled persons in Sri Lanka. Some, however few in number they may be, do not have even this option and everything that goes with it (family life, social interaction) and have only the option of sheltered or protected employment.

### **5.4.2 Self-employment**

Even for those who choose self-employment, most do not have opportunities for vocational training. Observations in the community-based programs reveal that those already in self-employment have used their innate abilities and skills, or used skills learned from family

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<sup>35</sup> Nylander Producers Cooperative Society: Information obtained through interview, June 2002.

<sup>36</sup> Sri Lanka Council for the Blind: Information obtained from General Secretary, July 2002.

members and neighbours to generate an income. While for those with natural entrepreneurial skills self-employment is a success, for others it is not. The biggest constraints they face are lack of managerial skills, the inability to plan ahead and to use savings judiciously for improving one's enterprise. No knowledge of market demand leading to poor selection of activity, inaccessibility and increasing costs of raw materials, poor access to credit and difficulties in marketing in a deteriorating economic environment also contributed to failure.<sup>37</sup>

### **5.4.3 Open employment**

The Swedish Handicap Foundation, International Aid Foundation (SHIA) has, in the past made a significant contribution to the placement of disabled persons in mainstream employment. It reported that the attitudinal barriers posed by employers were the most difficult to overcome.<sup>38</sup> Their job placement officer often had to make five to ten visits before he could persuade and employee to take on an individual who had disability as an employer or even as an apprentice. They believe that successful placement achieved the best publicity to win the confidence of employers.

Placing individuals from rural areas in urban mainstream employment was, in SHIAs' experience, not a success. High costs of urban living, relatively low wages, difficulty in finding accommodation and problems of adjusting to urban life-styles all contributed to this. A follow-up survey many years later of people placed by SHIA revealed that nearly 50 per cent had left their original places of work either in search of more remuneration or had gone back to their rural homes.<sup>39</sup> For the majority of people with disabilities, living in rural areas, the introduction of the Protection of the Rights of Disabled Persons Act has not yet had any significant improvement on their standard of living.

### **5.4.4 Gender**

Females who have disability feel state that they have inadequate opportunities for economic independence, both in the area of acquisition of skills and in income generation.<sup>40</sup>

### **5.4.5 Severity of disability**

From the perspective of the severity of disability, most persons who have obtained placement in open employment are by and large those who have mild to moderate degrees of disability with the exception of individuals who have no sight at all. One could describe them as those who can be quite independent in the workplace, have no particular special needs, and who can interact well with others in the workplace. On the other hand, people who use wheelchairs, have intellectual disability, disability as a result of mental illness and those who use sign language are seldom seen in open workplaces.

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<sup>37</sup> P. Mendis, Situation of People who have Disabilities in Sri Lanka, International Comparative Study on Disability Policies and Programs in the 21<sup>st</sup> Century in Asia and the Pacific, Social Work Research Institute, (Tokyo, November 2001).

<sup>38</sup> G. Wanniarachchi, The NGO Perspective in Employment of Persons with Disabilities, in Report on the Symposium for promoting the Employment of Persons with Disabilities, (Department of Social Services, December 1998).

<sup>39</sup> *ibid.*

<sup>40</sup> Association of Disabled Women, Anuradhapura: Information obtained May 2002.



#### **5.4.6 Policy and legislative support**

Minister of Social Welfare appointed a committee on the 7<sup>th</sup> August 2002 to draft a National Policy on Disability. The twelve members include disabled persons representing the different disability groups. Vocational training and employment are extensively covered in the policy. Lack of substantive policies and legislative support impact severely on the economic situation of people who have disability and on the range of their economic choices. For the majority of people with disabilities living in rural areas, the introduction of the Protection of the Rights of Disabled Persons Act has not yet had any significant improvement on their standard of living.<sup>41</sup>

#### **5.4.7 Assistive devices**

For individuals who depend on assistive devices, the gaps and barriers related to these are faced before others related to vocational training and employment. With those who have mobility disability initial problems are related to the inadequate supply and distribution of appropriate tricycles which could perhaps take them to a facility not too far away, and of the relatively high costs of wheelchairs. For those amputees who have prostheses and those who have profound deafness and use hearing aids, initial problems faced are the difficulty in repairing and replacing these. Procurement of these devices has become a little easier over the last few years to most people.

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<sup>41</sup> Op cit. 134.



## 6. CONCLUDING COMMENT

Priority should be given to instituting a legislative framework that will provide equality of employment opportunities and appropriate conditions in the workplace for people who have disability (emphasizing particularly women who have disability, based on the forthcoming National Employment Policy. The Study commissioned by the EFC with ILO support the Report of which is due shortly, has been called upon to recommend the legislative framework necessary.

When UN Agencies support employment-related projects, a clause which calls for the inclusion of people (particularly women) who have disability as target beneficiaries should, as a rule, be included. This will have a positive impact on other state and NGO sectors working in this area.

The draft National Employment Policy<sup>42</sup> currently under discussion will hopefully be accepted in the near future. That will bring with it formal government policies and strategies for the mainstreaming of training and employment opportunities for disabled persons, and the fulfilment in large part, of their economic rights.

Translating the strategies into practice will call for major changes in peoples, structures and systems. This will require the maximum support of all sectors of society and of international partners. Disabled persons will have to be ready to move away from sheltered and protected lifestyles and out into the real world. Persons who have disability and those who have not will have to learn to accept each other and work side by side towards reaching common goals and targets. Workplaces will need to be adapted to meet special needs of ordinary citizens. Training and employment systems will need to demonstrate flexibility and their social conscience to give all citizens of this country the equal right to contribute to its economic development. This will be Sri Lanka's challenge.

The legislation specific to people with disabilities in Sri Lanka contains a non-discrimination clause in employment with a provision for its enforcement through the court system.

The government has introduced a 3 per cent quota system for employment of disabled persons in the public sector through a Public Administration Circular to this effect. The Human resource Placement (job placement) Service implemented by the Department of Labour is presently taking steps to include job seekers with disabilities. A draft National Employment Policy currently under review provides for inclusion of people who have disability in mainstream vocational training and employment.

In addition, through the Employers' Federation of Ceylon (EFC) an Employer Network On Disability has been established to contribute to the promotion of employment opportunities for disabled job seekers. There are a number of NGOs active in promoting employment and income generating activities for disabled persons on a small scale. For the majority of people with disabilities, living in both urban and rural areas though the introduction of the act has not yet had any significant improvement on their standard of living.

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<sup>42</sup> Ibid.



**Table 1. Self-help groups, NGOs and special schools - information regarding vocational training and follow-up employment provided**

Name of organization	Types of courses offered (number)	Disability types included	Number given training for the years 2000 and 2001			Follow-up employment			
						self		open	
			m	f	total	m	f	m	f
DPOs									
SL Council for the Blind	02	Visual	11	6	17	n.a.	n.a.	04	04
SL Federation of the Visually Handicapped	02	Visual	08	02	10	n.a.	n.a.	n.a.	n.a.
SL Foundation for Rehabilitation of Disabled	04	physical, hearing	27	10	37	-	-	-	10
Central Council of Disabled Persons	05	various	135	50	185	57	09	74	45
Association of Disabled Women, Anuradhapura	02	various	-	31	31	-	08	-	12
SUB-TOTAL			181	99	280	57	17	78	71
NGOs									
Sarvodaya	04	Physical, hearing.	-	90	90	-	86	-	-
Navajeevana	07	Various	92	77	169	61	53	10	09
Fridsro CBR	12	various	32	33	65	4	4	-	-
SUB -TOTAL			124	200	324	65	143	10	09
Special Schools									
School for the Blind	08	Visual	n.a.	n.a.	50	n.a.	n.a.	25	
School for the Deaf	12	Hearing	n.a.	n.a.	200	n.a.	n.a.	n.a.	n.a.
The Chitra Lane School for the Special Child	05	intellectual	50	31	81				
School for Physically Handicapped Children, Thihariya	11	Physical, visual, hearing	Listed in Table 6						
Ceylon Association for the Mentally Retarded	n.a.	intellectual	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
SUB-TOTAL			50	31	331				
TOTAL									

Source: statistics obtained from collation of information sent in response to questionnaire circulated May 2002

**Table 2. Self-help groups, NGOs and special schools - information regarding numbers given self and open employment provided for the years 2000 and 2001**

Name of Organization	Disability-types included	Mainstream training or sheltered employment				Self employment			Open employment		
		courses	m	f	total	m	f	total	m	f	total
<b>DPOs</b>											
SL Council for the Blind	Visual	-	-	-	-	n.a.	n.a.	29	01	02	03
SL Federation of the Visually Handicapped with grants as microfinance	Visual	-	-	-	-	21	15	36			
SL Foundation for Rehabilitation of Disabled	various	-	--	-	-	-	-	-	60	16	76
Sheltered workshop			17	15	32						
Central Council of Disabled Persons	Various	-	-	-	-	42	50	92	-	-	-
Association of Disabled Women (with loans as microfinance)	various	-	-	-	-	48	29	77	-	-	-
SUB TOTAL						111	94	234	61	18	79
<b>NGOs</b>											
Sarvodaya (mainstream training)	various	-	48	24	72	-	20	20	-	60	60
Navajeevana	various	-	-	-	-	11	23	34	09	10	19
Fridsro CBR	various	-	-	-	-	01	04	05	-	03	03
SUB TOTAL mainstream training			48	24	72						
SUB TOTAL self & wage employment		-				12	47	59	09	73	82
<b>Special Schools</b>											
School for the Blind	Visual	-	-	-	-	-	-	-	-	-	-
School for the Deaf	Hearing Imp.	-	-	-	-	-	-	-	-	-	-
The Chitra Lane School for the Special Child, (sheltered workshop)	intellectual		06	07	13						
School for Physically Handicapped Children, Thihariya	Physical, visual, hearing	-	-	-	-	-	-	-	-	-	-
Ceylon Association for the Mentally Retarded	intellectual	-	-	-	-	-	-	-	-	-	-
SUB TOTAL (sheltered workshop)			23	22	45						

Source: statistics obtained from collation of information sent in response to questionnaire circulated May 2002

**Table 3 Listing of primary advocacy organizations of disabled persons in Sri Lanka with type and number of membership, geographic scope, objectives and employment-related activities**

	Name of organization	Representation	No. of members	Geographic scope	Objectives	Employment-related services
1	Central Council for the Deaf	Hearing Impaired	1300 +	Islandwide	Development & use of sign language, legislation etc	Not available (n.a.)
2	Central Council of Disabled Persons	All types	20,000	Islandwide	Encourage setting up of self-help groups and assist them, promote CBR etc,	Vocational training, facilitate self and open employment
3	Spinal Injuries Association	Wheelchair users	n.a.	Islandwide	n.a.	Computer skills training to wheelchair users at rehabilitation Hospital
4	Sri Lanka Council for the Blind	Visually Handicapped	100	Islandwide	Collaborate with the government, affiliate with other organizations working for the blind etc	Skills training in telephone switchboard operating, computer operating
5	Sri Lanka Federation of the Visually Handicapped	Visually Handicapped	3000	Islandwide	Meet the needs and aspirations of the visually handicapped community and improve their quality of life	Telephone operators, computer operators
6	Sri Lanka Foundation for Rehabilitation of the Disabled (Rehab Lanka)	All types	n.a.	Islandwide	n.a.	Vocational training, , facilitate self and open employment
7	Association of Disabled Women, Anuradhapura	various	800	Anuradhapura district	Organize and empower women with disabilities	Vocational training, placement, self-employment, microfinance
8	Association of People who have Disabilities, Kandy	various		Central Province	Promote and protect the rights of disabled persons	Assist CBR activities in these areas.

Source: responses obtained to questionnaire circulated, May 2002

n.a. = not available