



Human Rights Report: Methsevena State House of Detention, Gangodawila

**Monitoring & Review Division
Human Rights Commission of Sri Lanka**

Human Rights Report: Methsevena State House of Detention, Gangodawila

01. Introduction

Responding to complaints of human rights violations, including detention without proper court orders, poor living conditions and the detention of children and people with psychiatric problems, the Human Rights Commission (hereinafter "the Commission") has undertaken an investigation of Methsevena State House of Detention. The objective of this report is to draw attention to the human rights situation at Methsevena and to ensure compliance with international and domestic human rights standards. The data is collected from surprise visits by the Commission in March and July of 2004.

First, the report describes the responsibility of the Commission. Second, the report outlines Methsevena State House of Detention, including the detention of women without proper court mandate, the conditions of detention, and the detention of children and women with mental health problems. Each section lists the conditions observed by the Commission and recommends changes in Methsevena's policy, as well as changes in the Government's priorities and funding, to resolve human rights abuses. Lastly, the report summarizes the Commission's recommendations and concludes with an overview of human rights protections for women and children in detention.

02. Human Rights Commission

According to Section 10 of the *Human Rights Commission of Sri Lanka Act No. 21 of 1996*, the Commission functions as follows:

- (a) to inquire into, and investigate, complaints regarding procedures, with a view to ensuring compliance with the provisions of the Constitution relating to fundamental rights and to promoting respect for, and observance of, fundamental rights;
- (b) to inquire into and investigate complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution thereof by conciliation and mediation in accordance with the provisions hereinafter provided;
- (c) to advise and assist the government in formulating legislation and administrative directives and procedures, in furtherance of, the promotion and protection of fundamental rights;
- (d) to make recommendations to the Government regarding measures which should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards;
- (e) to make recommendations to the Government on the need to subscribe or accede to treaties and other international instruments in the field of human rights; and
- (f) to promote awareness of, and provide education in relation to, human rights.¹

According to Section 28(2), "Any person authorized by the Commission in writing may enter at any time, any place of detention, police station, prison or any other place in which any person is detained by a judicial order or otherwise, and make such examinations therein or make such inquiries from any person found therein, as may be necessary to ascertain the conditions of detention of the persons detained therein."

¹ Section 10.

Pursuant to these powers, the Commission has conducted two surprise visits to Methsevena, during which representatives toured the facility, interviewed detainees and met with the Chief Supervisor and other officers.

03. Methsevena State House of Detention

Maintained by the Social Services Department of the Western Provincial Council, Methsevena State House of Detention in Gangodawila is the only state women's home in Sri Lanka. Methsevena serves as a prison, a rehabilitation centre, a vocational training school,² a spice packing industry and a garment factory.³

Situated on five acres of land, the facility is divided into five parts: (1) the administrative building; (2) the psychiatric ward; (3) an old building, which houses non-working women, vocational training rooms and the Department of Social Services stores; (4) a newly built two-story building, which houses non-working and working women and children; and (5) the Jeb Memorial Building, an eight room hostel for working women.

The administrative building is clean, cool and in good condition. Similarly, the Jeb Memorial Building, which houses about four or five women per room is in satisfactory condition. However, only three or four of the eight rooms are presently in use. The psychiatric ward and old building are in poor condition, while the new building is in slightly better condition, but requires significant attention.

The premises around the new and old buildings are in serious disrepair. The open space surrounding the living quarters contains old playground equipment, open sewage and litter, including broken glass. The living quarters are cramped and dark, housing up to twenty women in one room, and lack basic necessities. The curtains, bedding and floors are dirty, and flies are rampant. In a room that houses almost twenty recent detainees, the supervisors have removed the beds to prevent escape through the windows. Until they are accustomed to the facility, these women have only thin, dirty mats and sheets for sleeping.

The worst conditions plague women living in the psychiatric ward.⁴ During the July visit, several women with mental illness were lying on the ground, dressed in threadbare and dirty clothes, surrounded by flies and bugs.

Women with mental illness, non-working women and children have little to do; some crowd in corners listening to music over the loudspeakers or tend to children. The few women who can afford soap wash clothing; others sleep all day. During the July surprise visit, many women and children were ill with the flu.

04. Description of Detainees

According to the files of Methsevena State House of Detention and displayed in Table One, 312 women and children resided in the home in March 2004. Of the total, 278 were women,⁵ 16 were children⁶ and 18 were mothers.⁷ Additionally, 73 women are reported as having mental health problems. According to the Chief Supervisor, most women who arrive at Methsevena have a low

² The home provides training in Coir Industry, dress making and Juki Machine Operating.

³ After completing six months of detention, detainees may join garment factory employment.

⁴ See Section 05. for a more detailed discussion on the human rights situation for women with mental health problems at Methsevena.

⁵ For this study, *women* includes married women, unmarried women and early-married girls.

⁶ Although the detention centre is for women, women are permitted to keep children until they turn five years.

⁷ For this study, *mothers* are women detainees with young children.

level of education prior to detention.⁸

Table One, Different Types of Detainees by Month

| Types of inmates | Year/Month | | | | | | | | | | | | | | |
|-----------------------|------------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|---------|----------|-------|
| | 2003 | | | | | | | | | | | | 2004 | | |
| | January | February | March | April | May | June | July | August | September | October | November | December | January | February | March |
| Women | 254 | 259 | 274 | 279 | 296 | 283 | 287 | 282 | 273 | 270 | 236 | 267 | 266 | 270 | 278 |
| Children | 21 | 27 | 28 | 23 | 23 | 26 | 20 | 22 | 25 | 17 | 25 | 21 | 27 | 18 | 16 |
| Mothers with Children | 16 | 23 | 22 | 22 | 17 | 19 | 18 | 19 | 22 | 22 | 21 | 19 | 24 | 17 | 18 |
| Total | 291 | 309 | 324 | 324 | 336 | 328 | 325 | 323 | 320 | 309 | 282 | 307 | 317 | 305 | 312 |
| No. of New entrances | 31 | 26 | 29 | 19 | 22 | 32 | 23 | 15 | 26 | 17 | 16 | 17 | 29 | 17 | 45 |
| No. of Escaped | 7 | 6 | 11 | 11 | 12 | 15 | 6 | 42 | 8 | 11 | 17 | 3 | 3 | 4 | 25 |
| No. of Released | 13 | 8 | 5 | 4 | 5 | 3 | 5 | 7 | 10 | 10 | 4 | 16 | 16 | 19 | 8 |

Source: Data files, Methsevena State Detention Centre, Gangodawila⁹

05. Detention without Proper Court Order

Of grave concern to the Commission are the women and children detained without proper court mandate. These detainee situations fall into four categories: (1) women detained without a release date (no-date detainees); (2) women detained beyond their sentence; (3) women who are denied release because they have no guardian willing to care for them; and (4) women detained for a non-criminal offence.¹⁰

05.1 No-date Detainees

According to the Chief Supervisor, magistrates send women for detention without specifying release dates. Further, Methsevena releases a detainee only when a guardian, usually a husband or parent, is willing to accept the woman and/or child. These policies have led to the indefinite detention of 178 women and 15 children presently living at Methsevena. Table Three lists the reasons for detaining the 111 no-date detainees,¹¹ Table Four describes the 13 No-date detainees with children and Table Five highlights the indefinite detention of the 54 no-date detainees with mental health problems.

⁸ For example, most detainees cannot recognize monetary notes and as a result, they receive minimal wages for prostitution and other work.

⁹ The source for all data contained in charts in this report is the personal files of detainees at Methsevena Detention Centre unless otherwise noted.

¹⁰ Children and women with mental health problems likely fall into all of these categories but are examined separately in Sections 06 and 07.

¹¹ Table Three does not account for all no-date detainees. For instance, these figures do not include no-date detainees with mental problems, detainees at the home after the expiration of detention period, no-date detainees with children or children.

Table Three, No-date Detainees

| Reasons for Detention, According to files | Number |
|---|---|
| Abused and escaped | From domestic work 3 From child's home 1 From other 1 |
| Adultery | 3 |
| Astray | 1 |
| Attempted suicide | 1 |
| Begging | 1 |
| Future progress/remand | 2 |
| No guardians | 2 |
| Not mentioned in the file | 3 |
| Prostitution | 1 |
| Protection | 5 |
| Quarrel | 1 |
| Referred from child's home | 1 |
| Vagrancy | 85 |
| Total | 111 |

Table Four, No Date Detainees/Mothers with Children

| No. | Age of Child(ren) | Reason for Detention, According to files |
|-----|-------------------|--|
| 1. | 1 yr, 5 mo. | Protection |
| 2. | 3 yrs. | Vagrant |
| 3. | 4 yrs. 2 yrs. | Vagrant |
| 4. | 3 yrs. | Vagrant |
| 5. | 3 yrs. | Vagrant |
| 6. | 9 mos. | Vagrant |
| 7. | 9 mos. | Vagrant |
| 8. | 3 yrs. 1 yr. | Vagrant |
| 9. | 3 yrs. | Vagrant |
| 10. | 3 yrs. | Vagrant |
| 11. | 1 yr. | Vagrant |
| 12. | 1 ½ yrs | Vagrant |
| 13. | 7 mos. | Vagrant |

Table Five, No-date Detainees with Mental Illness¹²

| Reason for Detention, According to Files | Number of Detainees |
|--|---------------------|
| Adultery | 1 |
| Astray | 16 |
| Begging | 3 |
| Cripple | 1 |
| Deaf | 3 |
| Epilepsy | 1 |

¹² See Appendix 1 for a table of all 54 no-date detainees with mental health problems and duration of detention.

| | |
|--|-----------|
| Mental illness | 12 |
| No mention | 6 |
| Protection | 1 |
| Psycho | 3 |
| Sent from Sethsevena due to harassment from elders | 1 |
| Suspicion | 3 |
| Vagrancy (idling) | 3 |
| Total | 54 |

Of the 54 no-date detainees with mental illness, 31 have lived at Methsevena longer than 5 years. One woman has lived at the detention centre 29 years.¹³ Another cause of indefinite detention, as well as the constitutional and international prohibitions against arbitrary detention, is examined in the next section.

05.2 Detainees Being Held after their Sentence

According to the Chief Supervisor, some women are held after their release date because they are reluctant to leave the detention centre without a source of income. Others remain in detention because they have no guardian to accept them, a problem that is examined in the next section. Table Six analyses the detention of the ten women held after their release date.

Table Six, Detainees Being Held after their Sentence

| No. | Reason for Detention | Court's sentence (yrs) | Duration detained |
|-----|--------------------------------------|------------------------|-------------------|
| 1. | Vagrancy | 3 | 3 yrs, 3 mos |
| 2. | Vagrancy | 3 | 4 yrs, 9 mos |
| 3. | Vagrancy | 1 | 1 yr, 4 mos |
| 4. | Adultery | 2 | 4 yrs, 4 mos |
| 5. | Vagrancy | 2 | 3 yrs, 6 mos |
| 6. | Sent by Guardians for rehabilitation | 2 | 8 yrs, 11 mos |
| 7. | Abused and escaped | 1 | 1 yr, 2 mos |
| 8. | Vagrancy | 1 | 2 yrs, 3 mos |
| 9. | Theft | 2 | 3 yrs, 5 mos |
| 10. | Vagrancy | 1 | 2 yrs, 9 mos |

Indefinite detention, caused by the non-specification of a release date or the detention beyond one's release date, infringes detainees' human rights and poses organizational, funding and space problems for the institution. Further, indefinite detention violates Sri Lanka's constitution, international covenants and the ordinances for which most of the women are detained.

The Constitution of Sri Lanka protects citizens from arbitrary arrest, detention and punishment. Article 13(2) notes:

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

¹³ The specific problems faced by detainees with mental illness are addressed in Section 07.

by law.¹⁴

Similarly, international covenants, which pose a persuasive model for human rights obligations, prohibit arbitrary detention. The *Universal Declaration of Human Rights* holds that “No one shall be subjected to arbitrary arrest, detention or exile.”¹⁵ According to the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, “a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law.”¹⁶ Therefore, under the Constitution and international instruments, it is imperative that judges and magistrates assign release dates for detainees.

Further, Sri Lankan ordinances allocate appropriate punishment for certain offences. The Vagrant’s Ordinance, under which most women at Methsevena have been detained, defines several categories of punishable vagrancy: (1) riotous or disorderly behaviour in a public street; (2) idle and disorderly behaviour; (3) rogue and vagabond behaviour; and (4) incorrigible rogue behaviour. A person who behaves in a riotous or disorderly manner in a public street is liable to a fine not exceeding five rupees and a person convicted of idle and disorderly conduct, which includes begging and wandering as a prostitute, is liable for detention not exceeding 14 days or for a fine not exceeding ten rupees. A rogue or vagabond¹⁷ is liable for one month detention or a fine of 20 rupees and an incorrigible rogue¹⁸ may be sentenced to four months detention. Further, any person who solicits another “for the purpose of the commission of any act of illicit sexual intercourse or indecency” may be subject to detention for a period not exceeding six months, a fine not exceeding 100 rupees or both.¹⁹ The ordinance permits the commitment of a female offender to a house of detention, but emphasizes that she shall only be detained there until the expiration of her sentence, as outlined in the ordinance.²⁰ Despite the maximum punishments set forth by ordinance, many women at Methsevena are serving longer than the specified sentences or are serving a sentence without a release date.

According to the Houses of Detention Ordinance, which defines *vagrant* as “any person found asking for alms; [and] any person not being physically able to earn, or being unwilling to work for, his [or her] own livelihood and having no visible means of subsistence,” any vagrant may be detained in a house of detention “until he avails himself of suitable employment found for him, or until he is removed or discharged.” Furthermore, the superintendent of the houses “shall use his best endeavours to obtain suitable employment outside the house for the vagrants admitted thereto.” The Minister may direct the management of detention homes to enforce a range of regulations, including with respect to discharge, and may “at any time order any person detained in a house of detention to be discharged.”²¹

¹⁴ Italics added for emphasis.

¹⁵ Universal Declaration of Human Rights, Adopted and proclaimed by General Assembly resolution 217 A(III), 10 Dec. 1948).

¹⁶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 39, Adopted and proclaimed by General Assembly resolution 45/111, 14 Dec. 1990.

¹⁷ See Chapter 44: Vagrants, An Ordinance to Amend and Consolidate the Law Relating to Vagrants, 1 Jan. 1842. Under Section 4, a rogue or vagabond is: (1) a person convicted of being idle and disorderly a second time; (2) an idle and disorderly person who resists arrest; (3) one who wilfully exposes himself or herself in an indecent manner; (4) one who exposes wounds or deformities to gather alms; or (5) one who collects alms under false pretences.

¹⁸ *Ibid.* An incorrigible rogue is: (1) a person convicted three or more times of being idle and disorderly; (2) one convicted twice of being a rogue or vagabond; or (3) one who escapes from a place of legal confinement before the expiration of commitment.

¹⁹ *Ibid.* Section 7(1)(a).

²⁰ *Ibid.* Section 8.

²¹ Chapter 45: Houses of Detention, An Ordinance to Provide for the Establishment of Houses of Detention for Vagrants, Section 9(2), 20 May 1907.

Because the definition of *vagrant* enumerated by the Houses of Detention Ordinance does not clearly reflect the definition provided by the Vagrant's Ordinance and because it allocates unconditional power regarding the release of detainees to the Minister, the ordinances are problematic. It is critical that the Government work to resolve the discrepancies between the two ordinances, to develop a uniform definition of *vagrancy* and to ensure that the Houses of Detention Ordinance guarantees the constitutional protection from arbitrary detention. Also imperative is discussion between the Human Rights Commission, the Department of Social Services, the Department of the Judiciary and local Magistrates. The State should urge judges and magistrates to determine and enforce appropriate release dates for every detainee. Further, the State should develop and implement a formal procedure regarding detention and release to ensure that women are released according to the sentence.

05.3 Refusal to Release without Guardian

The refusal to release adult women detainees without the permission of a guardian, usually a husband or a parent, poses gender-based human rights concerns. According to Section 13 of the Vagrant's Ordinance, a peace officer may detain a *girl*, defined as a female under the age of 16, who engages in prostitution in a place of safety for a period not exceeding seven days. Under Section 13(3)(c), the Magistrate's order to detain a girl until the charges have been brought or until the conviction or discharge of the person charged "may be carried out notwithstanding that any person claims the custody of the girl."²² If the Magistrate may order release or detention of a girl under the Vagrant's Ordinance without guardian permission, the Magistrate and detention centre supervision should not have the power to mandate guardian approval for release of women older than 16 years of age.

However, absent legislation that provides that women should be released without regard to guardianship, women face severe obstacles to release. It is critical that legislation explicitly note that female detainees are subjected to no more barriers to release than male detainees. Therefore, the State should amend the Houses of Detention Ordinance to include a provision that *all* adult detainees should be released upon expiration of their sentence, notwithstanding that any person claims custody of the detainee.

The Chief Supervisor raised concerns about the number of women who continued to violate the Vagrant's Ordinance, particularly by engaging in prostitution and begging, upon release. However, former detainees' susceptibility to continue prostitution and begging follows from the lack of income and self-sufficiency, which can be addressed by vocational training, employment, life skills classes and education during detention. Rather than require a guardian for release, Methsevena should provide rehabilitative tools that empower women to live self-sufficiently.²³

05.5 Detention for Non-criminal Behaviour

According to their files, some women are detained for "mental illness," "begging" or "astray."²⁴ However, these actions do not constitute punishable offences under Sri Lankan law. The Constitution of Sri Lanka specifies, "No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his [or her] arrest."²⁵ Article 13(6) asserts that "No person shall be held guilty of an offence on account of any act or omission which did not, at the time of such act or omission, constituted such an offence." Therefore, detention is unconstitutional for the large population of women and children detained

²² *Supra* n.17, at 13(3)(c).

²³ These recommendations are expounded upon in the following sections.

²⁴ See Tables Three, Four, Five and Six for examples of reasons for detention.

²⁵ The Constitution of the Democratic Socialist Republic of Sri Lanka, Chapter III, Article 13(1).

at Methsevena for behaviour not specifically prohibited by law.

To assure that women are not detained for non-criminal offences and to accommodate the women who have no place to go upon expiration of their sentences, Methsevena should convert at least part of the detention centre into a shelter. Further, Methsevena should refer children and women with serious mental illness to institutions, such as children's homes or mental hospitals, which adequately meet their needs.²⁶

06. Detention of Children

Presently 16 children younger than five year of age²⁷ are living in detention at Methsevena. Most of the children have no other guardian willing to care for them. Although it is preferable to keep young children with a parent, their rights are gravely violated when they are forced into detention. The children are negatively impacted because they lack access to a regular paediatrician, vital vaccinations, sanitary conditions and age-appropriate social interaction.

It is recommended that the State consider the option of referring children to another facility, such as SOS Village. In a more appropriate institution, children will live in sanitary conditions, receive regular medical care, engage in age-appropriate social and educational activities and have the freedom of mobility denied to them by detention.

07. Detention of Women with Mental Health Problems

Women with mental health problems live in a separate ward in the old building and receive monthly clinics conducted by Angoda Mental Hospital for the 73 women with psychological problems. Most of these women have been detained for non-punishable behaviours, listed as "mental illness," "deaf," "cripple" and "epilepsy."²⁸ The women with mental health problems, particularly the women with serious mental illness, face specific problems in detention. First, the psychiatric ward is plagued by the worst living conditions in the facility. Most women wear filthy, torn clothing. Small rooms house up to twenty women, and many are lacking bedding and lighting. Second, the women lack necessary mental health and medical services. A monthly clinic is grossly inadequate to address the specific issues faced by women with mental illness. Third, the detainees with mental illness have nothing to do. Most wander around the ward or sleep. Fourth, the detainees with mental health problems lack adequate supervision because the institution does not provide a regular supervisor in the psychiatric ward. Instead, other detainees, unpaid for their work, serve as caretakers for the women with mental illness.

It is recommended that women with serious mental illness are referred to mental hospitals or other institution specifically designed to aid mental health needs. Until this transition is complete, it is imperative that detainees who supervise the women in the psychiatric ward are compensated for their work. The state should employ other detainees to assist with the upkeep of the ward, including laundry and mopping. The State should hire a full-time supervisor, in addition to a counsellor and social worker, to plan activities for women with mental health problems, including education, music, exercise and creative instruction to develop skills and encourage social interaction.

08. Conditions of Detention

The conditions of Methsevena Detention Centre are analysed according to five categories:

²⁶ See the following sections on children and women with mental health problems for more detailed discussions.

²⁷ One child is older than five, but has not been referred elsewhere because he has a disability.

²⁸ See, for example, Table Five, which examines the detention of the no-date detainees with mental illness.

(1) food; (2) health; (3) sanitation; (4) training; and (5) resources.²⁹

08.1 Food

The meal prepared during the July 1 surprise visit consisted dhal, rice and one vegetable. The meal was nutritional and balanced, and the cooking area, utensils and dining room were clean. The detainees who prepare meals are paid for their work.

It is recommended that Methsevena continue to provide nutritional meals in a clean environment and to compensate the kitchen staff for their work.

08.2 Health

The health and counselling facilities at Methsevena are substandard, particularly for women with mental health problems and children. The approved cadre for health staff members calls for three nurses, but does not provide for a permanent doctor, paediatrician, psychological counsellor or social worker. The present staff includes one nurse and one Social Service Officer, hired to provide counselling services, but forced to eliminate counselling programmes in order to meet the demand for general supervision and security. As a result of insufficient staff and funding, many women and children were sick with the flu during the July visit and most of the children lack vital vaccinations.

Due to congestion and poor sanitation, there is a heightened risk of spreading communicable diseases. Most women and children lack access to healthy drinking water, a major cause of preventable sickness. As detailed above, the health provisions for women with mental health problems are considerably insufficient.

It is critical that the Government consider health initiatives a priority at Methsevena. The Government should take immediate steps to hire two nurses to meet the total number of nurses approved by the cadre, and to introduce a permanent doctor to the cadre. As long as children remain at the detention centre, the Government should provide weekly visits by a paediatrician and should ensure that children receive necessary medicine and vaccinations. The Government should also guarantee access to healthy drinking water.

Methsevena should refer women with serious mental illness to mental hospitals for appropriate care and treatment. To meet the mental health needs of women without serious mental illness, the detention centre should introduce the positions of Psychological Counsellor and Social Worker to the approved cadre and recruit immediately. The Psychological Counsellor should attend to mental health issues, including counselling for survivors of domestic and sexual violence, while the Social Worker should focus on rehabilitation programmes. The Social Worker should be responsible for investigating the family background of detainees, who often give false names upon arrival, to contact family members upon release and determine health backgrounds.

08.3 Sanitation

Women and children at Methsevena lack the resources essential for sanitary upkeep. There is inadequate clothing, beds and pillows, particularly among detainees in the old building and among women with mental health problems. Recently detained women sleep on the floor without a mattress until they are accustomed to the facility. The women are denied a proper bed because several have utilized the bed to escape. Several women in the psychiatric ward and the old building were lying on the ground in unsanitary conditions, surrounded by bugs and flies.

²⁹ See Appendix 1 for “Results of Surprise Visits to Methsevena,” a table that summarizes the problems and recommendations mentioned in the following sections.

The physical grounds are in disrepair, littered with trash and open sewage. Flies are rampant, especially around the women in the psychiatric ward and the old building. There are only 20 toilets for more than 300 women and children. Due to overuse, nearly all of the toilets are flooded.

The women and children at Methsevena lack basic personal hygiene items, because they must purchase the products themselves. Because few women are compensated for their work, most cannot afford soap, toothpaste, feminine products and shampoo. There is a shortage of water and wash cloths. As a result, most women and children use dirty, torn clothing, bedding and towels.

Human rights norms require that the Government guarantee safe and sanitary living conditions. The Government should take immediate measures to rid the property of open sewage and dangerous litter on the premises. Women and children should have free access to personal hygiene items, including as soap, shampoo, toothpaste and feminine products, as well as instruction on personal hygiene. The Government should take measures to provide and monitor the upkeep of essential resources, including clothing, towels, pillows and sheets, mattresses and beds. The detention centre should also provide beds to recent detainees and seek other methods, such as stringent monitoring, to prevent escape. The Government should provide an adequate water source for bathing and washing clothes, as well as healthy drinking water and sufficient toilets. It is recommended that the Government compensate detainees to complete household chores, including daily mopping, cleaning curtains and bedding, assisting with the laundry and personal hygiene of children and women with mental illness, and collecting garbage from the grounds. If necessary, Methsevena should seek community funds and charitable contributions for the personal hygiene, beds and toilets that will contribute to more sanitary and safe living conditions.

08.4 Training

Most women at Methsevena are unemployed. Among the women who work, some leave the facility for employment and others remain at Methsevena. Women who leave are employed by a garment factory or in cleaning, due to an agreement between Methsevena's Welfare Society and the Government. The women who work outside the facility are paid for their work and live in better conditions than non-working women or women working inside the centre.

The women who work inside the institution are trained in the coir, spice or sewing industry or provide services at the detention centre. For instance, several detainees care for the children or women with mental illness, clean or cook. The women who cook are the only women working inside the institution who are compensated for their work. Because the women are expected to purchase their own hygiene items, including soap, few can afford the basic necessities. As a result, most of the women and children have dirty clothing, towels and bedding.

Of concern is that women working inside Methsevena Detention Centre work without pay. Even women in the coir, spice and sewing industries, whose products are sold for profit, are unpaid. Instead, the profit is retained by the Welfare Office, and it is unclear for what the money is used. Although their efforts are regarded as "training," the women are not awarded a certificate upon completion of vocational programmes.

The women and children have few opportunities for hobbies, sports, music, dancing or exercise. Although the women have skills and show interest, particularly in music and dancing, the detention centre lacks funding and space for instruction. Because few women work and there are no scheduled hobbies, most women sleep or wander around the facility all day.

The Government should prioritize the rehabilitation and training of women in detention by providing opportunities for paid employment. To promote cleanliness and sanitation, the

Government should provide funds to hire detainees to complete daily chores at the detention centre, as well as child care and care for the mentally ill. The Government should assure that all women are paid for their work. The Centre should organize instructional classes regarding budgeting and saving. Only when they are empowered to make and save money and to train for and obtain employment will women detainees develop the skills and confidence to generate income and live self sufficiently upon release from detention.

08.5 Resources

Detainees at Methsevena are further hindered by a lack of resources, including space, staff, mechanisms to communicate home and resources upon departure from the Centre. According to the Chief Supervisor, the most pressing issue is space. Due to the development of stores by the Department of Social Services in space previously used by Methsevena, detainees have limited space for bedding. Five acres of land is inadequate for more than 300 women and children, particularly because the psychiatric ward covers a large area. The Chief Supervisor compared Methsevena to Ridiyagama Detention Centre in Ambalantota, which is situated on 20 acres of land, serves fewer detainees and offers agricultural training.

The approved cadre accounts for 63 staff members: three nurses, 21 attendants and 17 supervisors. Despite the cadre, the present staff includes only 24 people: one nurse, 14 attendants and nine supervisors. Due to the staff shortage, it is difficult to prevent communicable diseases and escape from the home. Further, the home has hired male supervisors for female wards, which has led to sexual relations between staff and detainees.

Detainees have limited contact with family at home, and as a result, have difficulty developing socially and have no place to go upon release. While detainees lack access to papers, pens, envelopes and stamps,³⁰ they also face barriers communicating with family due to illiteracy. Additionally, many women have given false addresses and are reluctant to disclose or do not know their home addresses.

It is recommended that the Government oversee significant changes to the structure of Methsevena Detention Centre. First, discussed in previous sections, the Centre should not house women with serious mental illness and children because it does not offer adequate services to address the specific needs of these vulnerable populations. The space currently utilized for these populations should be converted into additional housing for detainees. Second, the Centre should make efficient use of available space, including the Jeb Memorial Building. The space presently used for the Department of Social Services stores should be converted into additional housing and the stores should be moved elsewhere. Third, as detailed earlier, the Centre should be at least partly converted into a shelter, so that women who remain in the shelter are granted considerably more freedom than in detention.

It is imperative that the Government meet the staff shortage by providing funding to fill every vacancy in the approved cadre. The Government should develop a commitment to hiring women staff members, namely for counselling and health services. To aid rehabilitation, Methsevena should establish a Career Guidance Programme, designed to inform and prepare detainees and releasees for employment. A Career Guidance Counsellor should be responsible for creating alliances with local organizations and providing temporary and permanent workers.

To assist communication home, Methsevena should supply writing paper, pens, envelopes and stamps and should develop a mail collecting service. The centre should hire a detainee to direct the mail system and to assist illiterate detainees send letters.

09. Recommendations

³⁰ For instance, during the July visit, one woman requested writing utensils to write home.

As a result of the surprise visits to Methsevena State House of Detention, Gangodawila, the Commission urges the following:

1. Immediately address the problems associated with detention without the proper court mandate, including no-date detainees, detainees held after their sentence, the refusal to release detainees without a guardian and the detention of women who have not committed punishable offences.

- a. Resolve the discrepancy regarding the definition of *vagrant* in the Vagrant's Ordinance and the Houses of Detention Ordinance. Amend the Houses of Detention Ordinance to include a provision that *all* adult detainees should be released upon expiration of their sentence, notwithstanding that any person claims custody of the detainee.
- b. Meet with the Departments of Social Services and Judiciary and local magistrates. Formalize a uniform sentencing procedure that requires judges and magistrates to specify a release date upon sentencing, that mandates detention only upon a charge or conviction of a punishable offence and that prohibits a house of detention from detaining adult women simply because they have no guardian.
- c. Convert at least part of the detention centre into a shelter for women.

2. Address the specific needs of children and women with mental illness.

- a. Refer children to an institution that provides services for children, such as SOS Village.
- b. Recruit and hire a paediatrician. Ensure that children have received all vital vaccinations.
- c. Refer women with serious mental illness to mental hospitals or other institutions. Convert the psychiatric ward into additionally housing for detainees.
- d. Compensate the women who work as caretakers for the mentally ill. Pay other detainees to clean and supervise the psychiatric ward.

3. Guarantee healthy, safe and sanitary living conditions.

- a. Priority funding to fill the vacancies in the approved cadre, including two nurses, seven attendants and 12 supervisors. Add the following positions to the approved cadre: (1) a permanent doctor and/or paediatrician; (2) Psychological Counsellor; (3) Social Worker; and (4) Career Guidance Counsellor. Give preference to female officers for these positions.
- b. Provide a healthy water supply and personal hygiene items, including soap, shampoo, toothpaste and feminine products.
- c. Provide and monitor the upkeep of essential resources, such as beds, mattresses, bedding and pillows, towels and wash cloths and clothing.
- d. Provide at least 10 additional toilets.
- e. Take steps to rid the premises surrounded the facility of open sewage and litter.

- f. Employ detainees to complete daily cleaning and upkeep of the grounds.
- g. Utilize space more efficiently to avoid overcrowding. Convert the space utilized for the Department of Social Services stores and the unused space in the Jeb Memorial Building into housing.

4. Reinstate the rehabilitative mission of Methsevena Detention Centre.

- a. Hire a Career Guidance Counsellor prepare detainees for work during and after the detention period.
- b. Encourage vocational training and compensate women who participate. Award a proper certificate upon completion of unpaid vocational training programmes.
- c. Implement programs targeting the interests of the women, including educational, art, music, exercise and self-sufficiency. Provide basic training on recognizing monetary notes, budgeting and saving.
- d. Introduce a mail collecting and sending service to aid communication with families. Provide paper, pens, envelopes and stamps. Employ a detainee to oversee the project and assist illiterate women in corresponding home.

10. Conclusion

Following the information gathered from the initial surprise visit to Methsevena State House of Detention, Gangodawila, there are several fundamental women's rights that should be addressed. Women should have access to basic facilities, including health care, education or vocational training, clean water and mechanisms by which to communicate with family. The Judiciary should specify a release date for every detainee and the state should provide appropriate resources for innocent children forced to live in detention. Women with serious mental health problems should be served by Mental Hospitals and detainees should be referred to Psychological Counselling for mental health concerns. The women detainees should have access to efficient rehabilitation programmes and career guidance, as well as a Social Worker for social integration skills. Further, the State should establish a shelter in the home for women who lack a place to return.

Sri Lanka should not only recognize women's rights within Methsevena Detention Centre but should also provide services and shelters for women with children, women with mental illness and homeless women in order to build the framework for eliminating human rights violations against women.