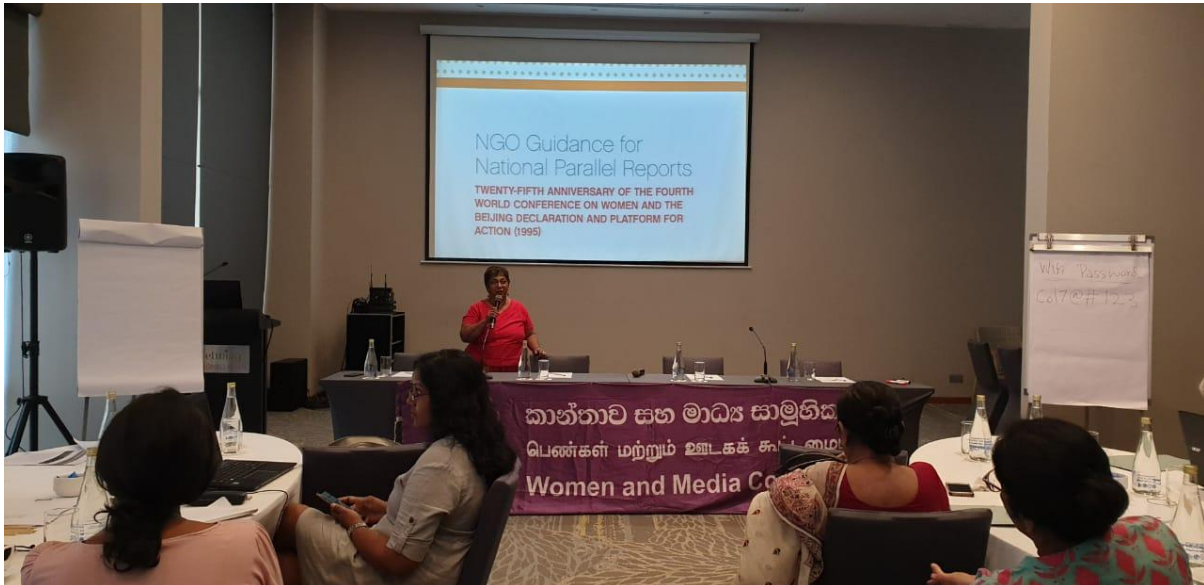


# NGO PARALLEL REPORT: PROGRESS ACROSS THE 12 CRITICAL AREAS OF CONCERN

## COUNTRY REPORT– SRI LANKA



Women and Media Collective

July 2019

## Acknowledgements

This report was prepared in consultation with women's organisations in Sri Lanka. The Women and Media Collective organised two consultations in Colombo with organisations working on women's rights and gender equality in the country. The *NGO Guidance for National Parallel Reports: Twenty Fifth Anniversary of the Fourth World Conference on Women* and the *Beijing Declaration and Platform for Action (1995) of the NGO Committee on the Status of Women/New York* were used to guide the discussions at these two meetings. The NGO Guide was translated from the English to the Sinhala and Tamil languages and also distributed via email to other organisations. A planning meeting was held in Colombo in June 2019, followed by a meeting in July 2019, to finalise the Parallel Report with wider representation of organisations from around the country. Published data available and relevant was used to substantiate information included in the report.

The Women and Media Collective would like to thank all the organisations and independent researchers who came together to share their views and concerns and also to write up briefs on specific issues which were fed into the final report. We would like to thank Anupama Ranawana for undertaking the task of putting the report together.

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Programme Director

Women's Economic Rights and Media

14 July 2019



## Executive Summary

The report contained within provides a sustained, participatory reflection on the implementation of the Beijing Platform for Action in Sri Lanka over the past five years. It notes that while steps forward have been taken, many challenges still remain. Some of these are long-term issues, while others, such as the impact of the Easter 2019 bombings and the rise in cyber violence are noted as emergent challenges. Overall, the report notes that while there are several policies, national action plans, charters and initiatives in place to address the discrimination faced by women and LBT persons in Sri Lanka, weak political will in pushing for the achievement of gender equality, as well as recurrent disputes at the level of political leadership, overshadow the goal of comprehensive implementation of these policies and programmes.

A few key recommendations from this report are as follows:

- Greater action is needed to promote women in public life.
- Although a 25% quota for women in politics was introduced in 2017, there is still a need to implement accountability mechanisms to ensure democratic processes are put into effect in the operations of local councils.
- Democratic spaces opened over the last five years for public advocacy for women's rights, rights of the LBT community, rights of women and girls living in post-war areas, reparations for survivors of the war, and reconciliation mechanisms were instituted. The critical issue still remains the roll out of these spaces and policies and the political will to ensure the rights of all are safeguarded
- Marital rape remains legal despite recommendations from the CEDAW Committee. A key recommendation here would be the implementation of laws need to be that criminalise marital rape and to ensure the rights of the LBT community.
- The decriminalization of homosexuality is also an urgent recommendation.
- Non-recognition and non-valuing of unpaid care work is a major factor in patriarchal norms leading among other factors, to domestic violence. There is an urgent need to review and revise labour force definitions to include unpaid care workers in the labour force. There is a need to value the contribution of unpaid care work in the country's Gross Domestic Product.
- At present, the government is considering the provision of childcare services for women employed in the government sector. However, there is a critical need to ensure (i) safe and regular public transport for women to be able to utilise such facilities, (ii) safe and accessible childcare services in proximity to women's residences, and (iii) regulations to ensure the private sector provides childcare services for employees.
- There is a need for legislative provisions that are gendered and conflict perspective centred.
- The National Policy on Durable Solutions for Conflict Affected Displacement in 2016 recognized the need to protect the rights of IDPs as a critical step towards reconciliation and peacebuilding. However, there is no accountable mechanism to ensure such protection in the policy framework.
- Addressing the major lacuna in national programmes that is the very low priority given to gender in environmental impact assessments, even in social impact assessments


## Priorities, achievements, challenges and setbacks

1. What have been the most important achievements, challenges and setbacks in progress towards gender equality and the empowerment of women over the past 5 years?

Several legislative and policy measures, which have directly or indirectly focused on or impacted on women, were introduced by the government of Sri Lanka (GOSL) during the last five years,. These have included legislative and policy measures with regards to human rights, expanding legislation with regards to the right to health and, the health of adolescents, acknowledgement of the rights of those living in post-war areas of the country, recognition of progressive measures for reconciliation and reparations post war, introduction of a national minimum wage formulation of National Plans of Action on preventing violence against women and girls and on preventing sexual and gender-based violence, and the introduction of a quota for women in local government. This section will look at some of these measures; more detail can be found in the sections that follow.

The **National Minimum Wage Act No. 3 of 2016** stipulated the national minimum monthly wage for all workers (women and men) in any industry or service and the national minimum daily wage of a worker. **However, a minimum wage for domestic workers was not included in this Bill.** The Domestic workers Union (facilitated by the Ceylon Red Flag Union) have been advocating for a law to secure the rights of Domestic Workers.

The **Action Plan on the Protection and Promotion of Human rights 2017-2021** brings into focus the rights of women and social protection for women and girls including the prevention of violence against women and the girl child across the country. While mechanisms are in place, challenges remain in terms of the effective implementation of programmes and comprehensive evaluation of the impact on the target populations. The



The economy continues to depend significantly on the labour of women in garment factories, in overseas domestic services and in plantations, but their economic rewards and social recognition are hardly commensurate with their contribution to national development.

mechanisms for implementation as well as ethical media reporting of cases of violence against women and girls remain of serious concern. Accountability for those missing as a result of the three decades of war which had ended in 2009, and recognition and support for female-headed households now exists but this has not moved towards any concrete progress. The National Integration and Reconciliation Policy (2017) includes key proposals to ensure the rights of, among others, internally displaced persons, families of missing persons, war widows, ex-combatants and soldiers.<sup>1</sup> Information from North and the East of the country indicates significant drawbacks in the implementation of the policy. Institutions such as the Office of Missing Persons (OMP), the office of National Unity and Reconciliation (ONUR) have

<sup>1</sup>Text related particularly to ex-combatants can be found under the section on 'Equality', 'National Coexistence & Diversity', and 'Ownership' – which are all under the *Policy Principals* Section of this policy.

been set up as mechanisms for accountability and reparations for survivors of the war.

An age-appropriate sex education module was developed by the National Institute of Education in 2018 including contraceptive information to older adolescents. As yet this has not been fully implemented.

It is imperative that a sexual education module is utilised in all government schools, given the increasing numbers of unplanned and under-aged pregnancies reported.

**The National Policy on National Integration and Reconciliation (2017)** indicates the need to proactively examine the obstacles faced by the respective sectors, including female heads of households, war widows, children and youth, internally displaced communities, families of the missing and disappeared, ex-combatants and **soldiers, differently-abled persons, resettled communities, socially marginalized persons and to work alongside them in exercising their rights, define and implement actions to address these obstacles towards co-existing under progressive and equal conditions.**

The **National Health Strategic Master Plan 2016-2025** is committed to achieving equitable universal health coverage free of cost with financial protection due to increasing out-of-pocket expenditure of people. The current low budgetary allocation for health needs to be reviewed as healthcare expenditure per person is expected to continuously grow due to ever-increasing healthcare demands.

The **National Strategic Plan for Adolescent Health 2013–2017** addresses the vulnerability of adolescents to teenage pregnancies, HIV/STI and violence, and the Adolescent Health Services Package does not discriminate according to age or marital status.

Homosexuality remains criminalised, which results in the lesbian, bisexual and transgender community remaining vulnerable to continued discrimination and violence both within the domestic sphere and in society. Marital rape remains unrecognised despite recommendations from the CEDAW Committee. A key recommendation here would be the implementation of laws need to be that criminalise marital rape and to ensure the rights of the LBT community.

In response to decades of civil society advocacy, the government passed **the Local Authorities Elections (Amendment Act)** for a 25% quota for women in local government in 2017. The local government elections of 2018 increased the representation of women from less than than 2% to almost 25% with almost 2000 women coming into local government. Within months of taking their seats in local councils, the women faced challenges from male counterparts and systematic discrimination in budget allocations and equal participation in decision-making processes.

Action is required here to implement accountability mechanisms introduced to ensure democratic processes are put into effect in the operations of local councils.

Post-war reconciliation efforts were seriously challenged again post the Easter bombings in 2019 when widespread violence broke out against the Muslim community. In the following months, a dress code for employees in the public sector that requires women to only dress in sari was re-enforced. This violated the right to culturally appropriate clothing particularly of the non-Sinhala communities resulting in Muslim women being harassed when seeking public services, as well as in government schools.

A **National Action Plan for the Prevention of Violence Against Women and the Girl Child** was prepared by the Task Force on Prevention of Violence against Women and the Girl Child at the request of the office of the Prime Minister in 2016. A **Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV)** in Sri Lanka 2016-2020) was also developed in 2016 with the support of UNDP. This plan highlights the importance of including men as well as perspectives on masculinity to bring about gender justice. Among some of the steps undertaken is the focus on public transport by the Ministry of Women's Affairs and the Men

Engage Alliance in Sri Lanka. These are positive steps by government to ensure a safe and secure society for women and girls. The implementation of these policies remains weak and the impact is yet to be determined.

A draft Policy on Gender is currently being prepared which aims at pulling together key priority areas across the social, economic and political areas including existing policy and, recommendations for a coherent the gender equality policy framework for the country.

In 2018 the government first abolished a four decade old unimplemented regulation that prevented women from buying, or being employed at a place producing or selling liquor and, re-imposed the regulation within a week. This was strongly challenged by women using media as well as resort to legal provisions. Several women's organisations filed a fundamental rights petition seeking an Interim Order against the ban, citing provisions of equality and discrimination in CEDAW as well as the right to equality of the Sri Lanka Constitution. The Supreme Court gave leave to proceed with the petition. <https://www.news.lk/news/business/item/21312-sc-grants-leave-for-women-rights-activists-fr-petition>

2. Which of the following have been important for accelerating progress for women and girls in your country?

Overall, there has been some progress in the following areas:

- Equality and non-discrimination under the law and access to justice
- Quality education, training and life-long learning for women and girls
- Poverty eradication, agricultural productivity and food security
- Eliminating violence against women and girls
- Access to health care, including sexual and reproductive health and reproductive rights
- Political participation and representation
- Right to work and rights at work (e.g. gender pay gap, occupational segregation, career progression)
- Women's entrepreneurship and women's enterprises
- Unpaid care and domestic work / work-family conciliation (e.g. paid maternity or parental leave, care services)
- Gender-responsive social protection (e.g. universal health coverage, cash transfers, pensions)
- Basic services and infrastructure (water, sanitation, energy, transport etc.)

However, further attention is required on all of the areas identified above as well as:

- Strengthening women's participation in ensuring environmental sustainability
- Gender-responsive budgeting
- Digital and financial inclusion for women
- Gender-responsive disaster risk reduction and resilience building
- Changing negative social norms and gender stereotypes

Sri Lanka's constitution guarantees (among others) equality and non-discrimination on the basis of sex, religion or race. There are major issues in comprehensive implementation of policies. The change in government in 2015 facilitated the introduction of a number of measures to address the rights of women and girls living in post-conflict areas (see above). Democratic spaces opened up for public advocacy for women's rights, rights of the LBT community, rights of women and girls living in post-war areas, reparations

The introduction of a 25% quota for women in Local Government is a positive step in recognising substantive discrimination against women.

for survivors of the war, and reconciliation mechanisms were instituted. The critical issue still remains the roll out of these spaces and policies and the political will to ensure the rights of all are safeguarded.

Comprehensive measures need to be developed to address this within the Ministry of Finance and also to monitor and evaluate the reality of gender mainstreaming in terms of instituting and clear programmes towards gender equality in all sectors of government. As a result of strong advocacy by women's organisations and the National Committee on Women to integrate gender-responsive budgeting, the national budget for 2019 for the first time acknowledged gender as a component of budget allocations that needs to be addressed. The issue is that this falls short of integrating gender-responsive budgeting at the national, provincial and local levels of governance. For example, there is still no policy that recognises women as farmers; women are recognised only as home gardeners in the national policy on agriculture.

3. Over the past five years, has the state acted to prevent discrimination and promote the rights of women and girls who experience multiple and intersecting forms of discrimination?

As noted above, several legal provisions and policies have been put in place/developed over the past five years which shows a degree of commitment by government to address gender equality. Sri Lanka has a rapidly ageing population where an estimated 25% will be elderly (over the age of 60) by the year 2030. **Women live longer than men and hence there needs to be specific targeted relief programmes for elderly women in place.** The rights of elders is recognised in policy and some concessions such as travel on public transport at reduced or no cost, a monthly (nominal/low) social security stipend is provided. Physical access to public transport remains unaddressed, as are challenges for the elder to travel to social service offices/post offices to collect the monthly stipend.

The discrimination faced by women from the Muslim community, particularly after the Easter bombings of 2019, is yet to be addressed by the state in an effective manner. Laws that criminalise the LBT communities, the absence of law to criminalise marital rape, weak implementation of laws and policies to protect women with disabilities against violence and discrimination in accessing gainful employment, the absence of sex-disaggregated data on poverty, of persons with disabilities are serious concerns.

**Strong advocacy for recognition of these rights needs to continue until there is evidence of political will and legal and policy reform to address these lacunae.**

4. Have conflicts, climate-induced or other disasters or other events affected the implementation of the BPfA/CEDAW in your country?

Sri Lanka is listed as the second most vulnerable country to climate change in the Global Climate Risk Index 2019.<sup>2</sup> Women are vulnerable, as deforestation deprives the access of poor rural women to natural resources such as fuelwood, food, and water; raw materials for industries and cultivation; and herbal medicines. Women and men in urban low-income neighbourhoods face environmental health hazards from industrial effluents, pollution of canals, and pollution from garbage in the absence of landfills. In this sector, there has been little focus on developing policy and implementation of the BPfA and CEDAW in Sri Lanka.

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<sup>2</sup> <http://www.germanwatch.org/en/16046>



## Inclusive development, shared prosperity and decent work

5. What actions has your country taken to advance gender equality in relation to women's role in paid work and employment?

In 2018, women's labour force participation, at 33.6%, remained at less than half that of men, at 73%. Similarly, the unemployment rate of women, at 7.1%, is more than double that of men, at 3%.<sup>3</sup> The legal framework governing equality and employment clearly outlaws all form of discrimination, not only against women, but on the basis of race, religion, etc.<sup>4</sup> However, social and cultural

The legal framework governing equality and employment clearly outlaws all form of discrimination, not only against women, but on basis of race, religion, etc. However, social and cultural factors, as well as individual prejudices cause discrimination in numerous ways against the employment of women.



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<sup>3</sup> [http://www.statistics.gov.lk/samplesurvey/LFS\\_Annual%20Bulletin\\_2018.pdf](http://www.statistics.gov.lk/samplesurvey/LFS_Annual%20Bulletin_2018.pdf)

<sup>4</sup> There is no special legislation to ensure equal opportunities in employment at present in Sri Lanka, although a draft Equal Opportunity Bill was canvassed several years ago as an initiative of some non-governmental organisations active in advocacy on social issues. One of the main reasons for the lack of interest in enacting such legislation was the view that the fundamental right to equality enshrined in the Constitution was sufficiently broad in scope to provide the protection contained in the Bill. For instance, any person who is denied recruitment or career advancement on the basis of gender, even in the private sector, may seek a declaration from the District Court that his/her fundamental right to equality has been violated. However, the long delays involved in litigation in Sri Lanka, makes it unlikely that any aggrieved party would seek to resolve such a dispute through legal means.



factors, as well as individual prejudices, cause discrimination in numerous ways inhibit the employment of women.

The *National Minimum Wage Act No. 3 of 2016* stipulated the national minimum monthly wage for all workers (women and men) in any industry or service and the national minimum daily wage of a workers. However, minimum wages for domestic workers was not included in this Bill. Domestic workers and Trade Unions, mainly the Ceylon Red Flag Union, have been advocating for a law to secure the rights of Domestic Workers.

In **May 2018, the Cabinet approved the introduction of a single Act incorporating service conditions** to remove prevailing discrepancies and Acts and Ordinances enforced by the Labour Department and introduce flexible conditions (without prejudice rights currently enjoyed by workers) to suit existing needs in the country. The following acts are in place: Wages Board Ordinance, Shop and Office Act, Employment of Women, Young Persons and Children's Act and Maternity Benefit Ordinance. Respective female employee will be entitled to eighty-four (84) working days of leave in total if the confinement results in the birth of a live child. Previous limitations that were imposed in relation to the third or subsequent child, in which case a woman employee was only entitled to forty-two (42) working days as maternity leave, has been removed. The proposed Act is yet to be submitted to Parliament. There are deep concerns that the proposals would impinge on the social protection of women workers in the formal sector, for example, the pro rata maternity benefits that also include part-time workers in the formal sector.

There is a need to codify sexual harassment taking place at the workplace

. A few private sector companies have instituted some policies on the prevention of sexual harassment in their respective institutions. There are no such regulations that cover the government sector at present. This also requires setting up a mechanism to monitor harassment.

Laws pertaining to health and safety in the workplace are not enforced universally and there are no mechanisms in place to monitor and assess implementation.

While sex work is not criminalised, there is no legal provision for the protection of sex workers who are hence subject to harassment and intimidation by police under the Vagrancy Ordinance.

There are about 325 garment factories in Sri Lanka employing 283,000 workers, the majority of whom are women. The industry is mainly located in the Export Processing Zones (EPZs) of Sri Lanka although factories outside the zones too enjoy the status of EPZs by a law that allows for this. The garment industry in Sri Lanka is owned by local entrepreneurs but it is dependent on the big retail brands which place orders and buy from the factories.

Most of the workers receive minimum wages and depend on overtime work to make ends meet. The workers' ability to influence their conditions is very weak as most of them are not organized into trade unions. Sri Lanka laws regarding unionisation are based on all eight ILO Core Conventions which are ratified by Sri Lanka; however, in practice, unionization with the EPZs is restricted.

A relatively small share of Sri Lanka's population is covered by pension fund. An Asian Development Bank (2011) study estimated it at 10%. The Public Service non-contributory **old age Pension Scheme**, covers a large majority of the 1.37 million public sector employees when they reach retirement age (55 for men and 50 for women). Women have the option of retiring at 50 but can continue to be employed till 55. This includes programmes for survivors of war (widows and orphans), military pensions, teachers' pensions, and local government pensions. **The Employees' Provident Fund (EPF)** provides for the payment of superannuation benefits to persons employed

in the private and corporate sectors, through a contributory mechanism provident fund. This old-age benefit is a lump sum of employee (8%) and employer (12%) contributions plus interest at retirement.

All workers i.e., Permanent, Temporary, Casual, Contract, Piece-rate wages, learners and apprentices who are employed in private and public sector are eligible to be benefited by the **Employees' Trust Fund (ETF)** The employer of every employee to whom this Act applies is liable to pay an amount equal to 3% of an employee's total earnings. Persons who are self-employed and migrant workers are also eligible for ETF membership on a voluntary basis.

Unfortunately, this is not so in the case of the majority of the informal sector workers and the self-employed persons. For the most part, they are left to fend for themselves even when incapacitated by age and by life contingencies of disability. Many of them are left without any source of income of their own to fall back on and are forced to rely on the quantum of the family support. **The fact that almost two-thirds of total employment in Sri Lanka is informal is cause for serious concern.** Among both employed males and females a majority (63.5% for males and 55.6% for females) are working in the informal sector.

Mainstream trade unions are male dominated. There is no adherence to democratic processes to ensure equal opportunity within TUs for women to rise to leadership positions. Women-led TUs are few and can be found in the Free Trade Zones and the plantation sector to fight for the rights of women workers in these sectors.

Wages in the Plantation Sector have historically been low despite the immense contribution of workers to the country's economy. While equal wages for plantation workers was legalised, women work longer hours in the field but are not compensated for the long hours they put in.

**Plantation workers do not have guaranteed a minimum number of work days per month and face low incomes when work is not available.**

6. What actions has your country taken in the last 5 years to recognize, reduce and /or redistribute unpaid care or domestic work and promote work-family conciliation?

Unpaid Care Work is not recognised or valued in Sri Lanka. Statistics indicate that 7.1% of the female population above the age of 15 are deemed to be 'economically inactive'. Of this an estimated 5 million women of a population of 21 million are categorised as 'engaged in housework' and outside the labour force. The contribution of the labour of these women to their household economies and to the national economy is not recognised or valued. **Non-recognition and non-valuing of unpaid care work is a major factor in patriarchal norms leading to domestic violence. There is an urgent need to review and revise labour force definitions to include unpaid care workers in the labour force. There is a need to**

While many male (over 50%) and female (over 40%) students mentioned their interest in technical studies as their top reason for selecting TVET, and more female students (over 35%) than male students (over 30%) mentioned greater employment opportunities as their top reason for selecting a specific TVET course,<sup>28</sup> the high concentration of female students in courses traditionally assigned to them refutes this seeming objective selection and reflects gender stereotypes in career selection.... consistently top choices from 2012-2015 of young women were personnel and community development, textile and garments, and language; while those of young men were automobile repair and maintenance, building and construction, and electrical, electronics, and telecommunication.<sup>29</sup> The implications of these career choices manifest in their employment rates, in that, in 2016, employment rate of male graduates was 68%, while that of female graduates was 41%. According to TVEC officials, graduates of language, tailoring, and ICT courses - which were top choices of female students -- have low employment rates.



**value the contribution of unpaid care work in the country's Gross Domestic Product.**

Currently, research on recognising redistributing and and/or redistributing unpaid care work is being carried out by civil society organisations with the aim of bringing together policy makers and society to address the issue comprehensively.<sup>5</sup>

At present, the government is considering the provision of childcare services for women employed in the government sector. However, there is a critical need to ensure (i) safe and regular public transport for women to be able to utilise such facilities, (ii) safe and accessible childcare services in proximity to women's residences, and (iii) regulations to ensure the private sector provides childcare services for employees.

Paternity leave of three days for public servants where the wife has given birth was introduced in 2006.<sup>6</sup> To all intents and purposes there has been no assessment of the impact of this measure on increasing the sharing of childcare or domestic responsibilities.

The Ministry of Skills Development and Vocational Training offers skills development programmes for women and men. However, gender norms are very much in effect with women going into traditional skills development courses, such as cooking, gardening and needlework

## Poverty Eradication, Social Protection and Social Services

8. What actions has your country taken in the last five years to reduce/eradicate poverty among women and girls?

**Sri Lanka needs to develop an effective social protection strategy for the chronically poor, especially women who through widowhood or the incapacitation of husbands or male relatives, have become the sole breadwinners for their families.**

**the public sector, and not in the domestic sector, underscoring the vulnerability of those employed in private and informal sectors to discrimination in employment.**

In the National Agricultural Policy (2007) the only specific reference to women is 'to promote women's participation in home gardening'. The significant numbers of women engaged in agriculture, including cultivation of rice and other crops, is overlooked. Membership in farmer societies is overwhelmingly male with few avenues for women to come into positions of leadership or to raise their specific

The right to equality is stipulated as a fundamental right in Article 12 (2). These fundamental rights are applicable only to those employed in

**Action Plan on the Protection and Promotion of Human Rights 2017-2021 identifies the following goals under reduction and eradication of poverty of women and girls:**

- Promotion of women's economic rights and independence, including access to employment
- Recognize and value unpaid care and domestic work
- Provide equal rights and access to ownership and control over economic resources including land
- Securing socio-economic rights of farmer women
- Implementing the Migration Policy
- Implementation of the National

<sup>5</sup> Women and Media Collective, Sri Lanka is currently engaged in a three-year action research project on 'Recognising, reducing and redistributing women's unpaid care work in Sri Lanka'.

<sup>6</sup> Ministry of Public Administration Circular 03/2006.

concerns.

### *Further Actions needed*

A few private sector organizations (John Keels Foundation, World University Services of Canada and Aitken Spence Group) had focused on attracting young rural women into employment areas in which they were underrepresented (Nanayakkara, 2015). **Some organizations had introduced flexible work arrangements such as flexi-time and tele-working, but Sri Lanka has not amended the necessary legislation.**

9. What actions has your country taken in the last five years to improve access to social protection for women and girls?

The Action Plan on the Protection and Promotion of Human Rights 2017-2021, with reference to the Rights of Women has identified the following goals under social protection for women and girls:

1. Ensuring sectoral involvement in addressing violence against women and the girl child
2. The state takes responsibility to provide for accountability for the missing and those who have been disappeared and to provide remedies and redress to family members including female heads of households
3. Strengthened institutional mechanisms and personnel in place to tackle sexual exploitation and violence against war-affected women including FHH.

The National Policy on National Integration and Reconciliation (2017) indicates the need to proactively examine

the obstacles faced by respective sectors, including female heads of households, war widows, children and youth, and internally-displaced communities, families of the missing and disappeared, ex-combatants and soldiers, differently-abled persons, resettled communities, and the socially marginalized.

The National Committee on Women has established a Centre for Gender-based Complaints to receive complaints against gender-based discrimination, investigate

the complaints, and forward them to relevant authorities and to give counselling to the

**Further action is necessary in terms of social protection: social protection schemes, especially 'Samurdhi', need to be delinked from loans schemes. There needs to be review and revision of selection criteria, in order that the most vulnerable families are helped first. Political patronage and extensive corruption also block access to welfare.**

**The government must expedite legislation and regulations to ensure that all micro credit schemes are regulated, interest rates are controlled and there is no exploitation of vulnerable women.**

The Action Plan on the Protection and Promotion of Human rights 2017-2021 and under the Rights of women has identified the following goals:

1. Enhancing nutrition among pregnant and lactating mothers
2. Improved awareness on use of contraceptive with a view to reducing unwanted pregnancies
3. Access to services for persons living with STD/HIV/ AIDS
4. Decriminalize medical termination of pregnancies in the case of incest, rape and major congenital abnormalities
5. Ensure access to sexual and reproductive health and rights



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victims.

The government poverty alleviation programme ('Samurdhi') takes the male as the head of the household; this results in women being mere participants in such programmes with little access to receiving or controlling the monetary benefits of such programmes. Gaps in the implementation of 'Samurdhi' results in implementers at ground level

overlooking genuine households in poverty and women living in poverty. **There is no sex-disaggregated data on those in poverty.**<sup>7</sup>

Access to micro credit and micro finance has been promoted by international development organisations as well as the government in Sri Lanka as a panacea for economic upliftment of households in poverty. These programmes specifically target women in households to pull themselves out of poverty. There are thousands of micro finance institutes operating across the country, the majority of which are unregulated by the government and not accountable to any legal authority. A conservative estimate of borrowers indicates that out of 2.8 million borrowers, 2.4 million are women, with a total loan portfolio of Rs. 94 billion.<sup>8</sup> These companies charge exorbitant interest rates on loans issued. The result has been widespread indebtedness among women from low-income households, in the urban, rural, estate and post conflict areas.<sup>9</sup> There are reports of suicides of women due to their inability to repay loans.

10. What actions has your country taken in the last five years to improve health outcomes for women and girls?

- *Promoted women's access to health services through expansion of universal health coverage or public health services*<sup>10</sup>

#### National instruments


The National Health Strategic Master Plan 2016-2025 is committed to achieving equitable universal health coverage free of cost with financial protection due to increasing out-of-pocket expenditure of people. The current low budgetary allocation for health needs to be reviewed as healthcare expenditure per person is expected to continuously grow due to ever increasing healthcare demands.

#### Services

Sri Lanka has promoted women's access to health services through an expanded preventive health services based in 340 health units (manned by a Medical Officer of Health who covers a population of approximately 60,000 and who is supported by a team of public health staff. The PHM (1/3000 population) delivers domiciliary care related to all reproductive, maternal, newborn, childcare and adolescent health issues in her area and is also a trained resource in SGBV prevention.

To further increase quality of services for women, the National Health Strategic Master Plan is establishing a new directorate of Obstetrics & Gynaecological

Services which will bring all dedicated women's hospitals under its purview, and is collaborating with the Sri Lanka College of Obstetricians & Gynaecologists to prepare National, Provincial and distinct plans in accordance



The Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD) was ratified by Sri Lanka on Feb 2016. CRPD, emphasises "that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation"

<sup>7</sup> It is important to note that this relates to much of data gathering by official sources in Sri Lanka. There is no systematic collection of data that is gender disaggregated- a problem across the board.

<sup>8</sup> <http://www.cepa.lk/publications/details/debt-at-my-doorstep-9c0a3bc0c165257671f95de5e187dff3.html>

<sup>9</sup> <http://www.cepa.lk/publications/details/debt-at-my-doorstep-9c0a3bc0c165257671f95de5e187dff3.html>

<sup>10</sup> Reporting based on CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health)

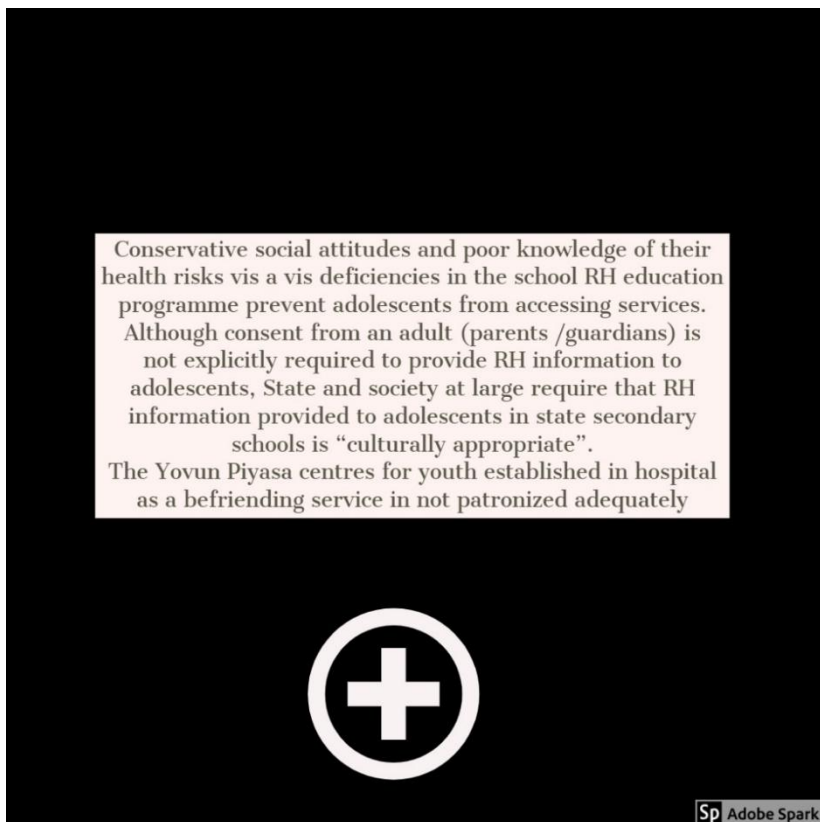
with the Universal Health Coverage (UHC) concept to enhance the quality of Obs. & Gyn. services, including those for Gynaecological Oncology throughout the country .

The National Health Development Plan 2013–2017 under the main Strategy C has identified Specific Objective No. 8, to be “to promote the reproductive health of men and women assuring gender equity and equality”. The National Policy on Maternal and Child Health 2012 under the Policy Goal 8 pledges to “promote the reproductive health of men and women assuring gender equity and equality”, and identifies a strategy to “ensure an effective response from the preventive and curative health sector for the prevention and management of GBV”.

#### *Sexual and Reproductive Health Services*

The National Strategic Plan Adolescent Health 2013–2017 addresses the vulnerability of adolescents to teenage pregnancies, HIV/STI and violence, and the Adolescent Health Services Package does not discriminate according to age or marital status. **However, prevailing socio-cultural patriarchal norms constrain healthcare service producers from reaching out to widows, single women and adolescent girls. Teenage pregnancies and unregulated pregnancies are emerging as key areas of concern<sup>11</sup>.**

#### *Mental health services*



Institutional and community-based mental health services are available free of charge to all individuals. The major strategies of the mental health programme include the promotion of mental well-being, prevention of suicide, prevention and control of substance use including alcohol, and the prevention of violence. National data shows that Depressive episodes including recurrences and anxiety disorders are commoner among women than men. **The continued stigmatization of mental health services in Sri Lanka is a noteworthy barrier to help-seeking for mental health problems.**

#### *Maternal Health Services*

Delivery of maternal healthcare (MCH) services is based on the lifecycle approach that encompasses the girl child and woman and integrates family planning and

<sup>11</sup> [https://www.yowunpiyasa.lk/index.php?option=com\\_content&view=article&id=49:teenage-pregnancies-on-the-rise-in-sri-lanka&catid=16:what-s-new&Itemid=119&lang=en](https://www.yowunpiyasa.lk/index.php?option=com_content&view=article&id=49:teenage-pregnancies-on-the-rise-in-sri-lanka&catid=16:what-s-new&Itemid=119&lang=en)

maternal care services. A series of general circulars approves reproductive services to pregnant women of any age and marital status, including those under 15 years of age .

In 2018, the Ministry of Health issued a circular at the request of the Sectoral Oversight Committee on Women and Gender of the Sri Lanka Parliament prohibiting female circumcision which it identified as a harmful procedure.<sup>12</sup>

#### *HIV services*

The trend of reported HIV among women has stabilized over the last five years, while HIV among men is increasing over these years. STD/HIV services are delivered free of charge through a network of 33 fulltime clinics and 29 branch clinics across the 25 districts in nine provinces. By end 2016, the Elimination of Mother to Child Transmission of HIV (EMTC) programme achieved universal screening of pregnant mothers for syphilis and HIV in all 25 districts in the country through a partnership of STD and MCH services.

Risk factors for non-communicable diseases NCDs and cancer that are the leading causes of mortality in Sri Lanka affect a considerable proportion of women. Breast cancer continues to remain the leading cancer among

women followed by thyroid, cervix, and uterine cancers. The poor prognostic outcomes of breast (50%) and cervical (77%) cancer are due to delayed diagnosis. Sri Lanka is recording a gradual but significant inverse trend to the declining incidence of breast cancer seen in developed countries over the last two decades, particularly impacting post-menopausal women. This is attributed to improved cancer data collection as well as an inherent increase due to differential rates of increase by age groups.

At present there are over 800 Well Woman Clinics (WWC) of the Family Health Bureau (FHB) across the country. These clinics

#### **Policies and strategies in the country to address and manage**

##### **GBV:**

- National Health Policy;
- Population and Reproductive Health Policy;
- National Policy on Youth;
- National Family Policy;
- Plan of Action Supporting the Prevention of Domestic Violence Act; National Mental Health Policy; Policy on Anti-trafficking;
- National Action Plan for the Protection and Promotion of Human Rights; and the Guidelines for a Code on Sexual Harassment.

provide free screening for breast and cervical cancer, as well as screening for hypertension, diabetes mellitus and obesity, with appropriate followup with referral for free specialist care at tertiary institutions. At present, screening for breast and cervical cancer is limited to women aged 35 years and over based on epidemiological evidence of prevalence of cervical and breast cancer in Sri Lanka. FHB is committed to lowering this age cut-off depending on resources. The WWC programme is supported by community awareness programmes to increase coverage of uptake of services by women and refresher trainings in pap smear screening and introduction of cytoscreening to improve the quality of services.

Health promotion activities with reference to increasing awareness of GVB is routinely done on International Women's Day and during the 16 days of activism by the UN. The National STD and Aids Control Programme conducts a range of public awareness programmes through campaigns, walks, seminars etc., especially in connection with women and developments school-based programmes for secondary school children and staff. These are gender neutral rather than specific. During 2017 HIV

**The steady increase in incidents indicates the need for greater public awareness campaigns and media engagement to support the programme.**

Programmes targeting women's health also **should not be confined to socio-cultural norms and legal provisions; it should recognise the needs of all those who are in relationships to access such information and support.**

<sup>12</sup> This circular has been challenged by the All Ceylon Jamiyyathul Ulama that issued a fatwa in 2007 stating that circumcision was obligatory for both Muslim males and females.

awareness programs were done in 18/25 districts including in former conflict-affected areas, combined with free voluntary HIV testing.

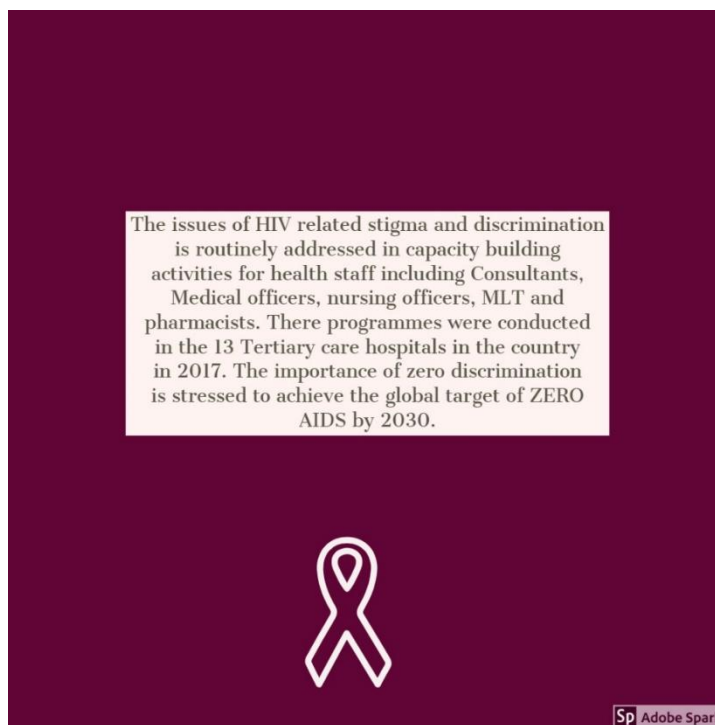
**A unique programme targeting newly married couples is being implemented throughout the country, with the assistance of the Registrar of Marriages.** In this programme, the newly married couples are given an open invitation and an opportunity to discuss issues related to family health and welfare, including GBV. Marriage registrars encourage the couples to liaise with the field health staff and utilize this opportunity. In addition to the two mandatory discussions, the newly married couples are provided with a comprehensive information booklet. **However, the focus on ‘newly married’ couples excludes all those who are not legally married but are in consensual relationships.**

There is opportunity to increase the role of the public health midwife (PHM) in Sexual and Gender Based Violence prevention at community level. Training the Plantation Family Welfare Officer (PFWO) who resides on estates of the Regional Plantation Companies is likely to facilitate on-site services to estate women.

**In the state health sector, the undergraduate curriculum in all seven medical colleges teaches a module on GBV prevention.** The FHB has standardised training of public health staff by including modules on GBV prevention in the pre-service curriculum of public health midwives (PHM) and the orientation programme of medical officers of health (MOH/MOMCH). The Family Health Bureau (FHB) also conducts trainings on GBV for divisional level officers of the Ministry of Women and Child Affairs (Women Development Officers, Counselling Assistants and Relief Sisters) and Counsellors of the Ministry of Primary Industries and Social Empowerment.<sup>13</sup>

Staff at the FHB Mithuru Piyasa/Natpu Nilayam befriending clinics in Outpatient departments of state hospitals that support women victims/survivors of violence are manned by health staff (medical officers, nursing officers and volunteers) whose training includes inputs on human rights. The rapid expansion of the service during 2016-2018 has achieved considerable equitable coverage and at present, 21 out of 25 districts, have at least one hospital with a Mithuru Piyasa/Natpu Nilayam clinic. **At the end of 2016, there were 56 such centres island wide.**

The Women and Gender Sectoral Oversight Committee of the Parliament has recognized the need for age-appropriate comprehensive sexual education for school children. The most recent age-appropriate CSE module developed by the National Institute of Education restricts contraceptive information to older adolescents. The module was piloted in 2018 in the Colombo district. Select private sector schools have adopted a parent inclusive mechanism for delivery of age appropriate CSE content based on UNESCO guidelines. **It is imperative that the government gives the undertaking that the CSE module is utilised in all government schools without delay, given the increasing numbers of unplanned and under-aged pregnancies reported.**



<sup>13</sup> All these trainings include inputs on human rights



Sri Lanka was the first country in the Asian region to ratify the WHO Framework Convention on Tobacco Control (FCTC) and establish the National Authority on Tobacco and Alcohol Act [NATA] No. 27 of 2006. For details on the particularities of the law please see [here](#).

Women and girls in shelters in the Northern and Eastern Provinces have free access to sexual and reproductive health services at government facilities. However, there are serious concerns on the effective roll out of such programmes, especially in the post-war areas of the country.

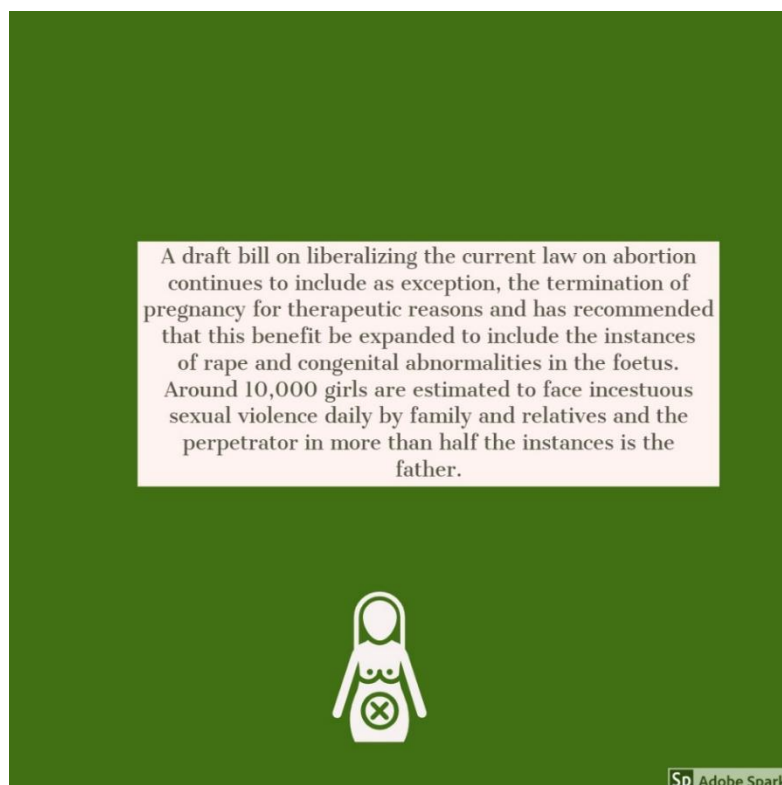
There is limited sex disaggregated data available on persons with disabilities. Similarly, there is limited data on incidents of violence faced by women with disabilities. Government policy on enabling access of persons with disabilities to office buildings, public transport and housing falls short of providing universal access to all, Irrespective of ability.

**Conflict sensitive policy making is necessary. Conflict-affected women living with disabilities are not considered as a separate group that has additional vulnerabilities and marginalization issues by the State and processes are not present to address their concerns.** For instance, the State's definition of disability does not include all forms of physical/mental impairment caused by the war that has left that population unable to continue life in a manner that abled women would be able to.. Therefore, the data on women with disabilities also remains challenging because of this.

Homosexuality is criminalised in Sri Lanka. Hence, there is little information or visibility of the opportunities of the LBT community to access health services. **Criminalising also leads to non-reporting of violence faced by the LBT community within their households or in the public sphere.**<sup>14</sup> There is also evidence that LBT persons are discriminated against in the labour market where employers refuse to hire persons if their sexual identities are known.

Providing safe therapeutic abortions for women is an urgent requirement

The State party response to the issue of septic abortion that is one of the leading causes of maternal mortality is to provide quality services for post-abortion complications and increase the uptake of modern contraceptive methods among married women who are the majority seeking unsafe abortions, while leaving unaddressed the highly restrictive abortion law that drives women to seek illegal abortions. Studies show that many women do not practice any contraceptive method, fear side-effects of modern contraceptives, and are not planning the size of their family. Thus, service providers face challenges in delivering quality family planning services. Septic abortion remains a leading cause of mortality among women.



**The failure of Article 12 to recognize**

<sup>14</sup> <https://womenandmedia.org/si/sri-lanka-shadow-report-to-the-committee-on-the-elimination-of-all-forms-of-discrimination-against-women-cedaw/>

gender as grounds for non-discrimination has resulted in the continued non-visibility of lesbian, bisexual and transgender women (LBT) who are at higher risk of sexual violence and its negative reproductive health (RH) related outcomes. Lesbians are considered to be at lower risk for HIV; some women admit to relationships with male partners who are bisexual and hence are exposed to possible HIV infection. There are other RH risks related to the limited opportunity to bear children and breast feed. Transgender persons, especially the female to male (FTM) transgender individuals, are at higher risk of rape and harassment during the transition period of sex reassignment surgery. The adoption of rights-based gender responsive reproductive health (MCH and STI/HIV) and general health services within the recognition of the right to Health for All will permit the LGBT community to access services vital to their health and wellbeing without stigma and discrimination.

### *Migrant women workers*

Many gaps/shortcomings in the State governance framework around the health of migrant domestic workers in both origin and destination countries pose HIV risks to the migrant woman worker and their families. Sri Lanka



has failed to ratify the ILO Domestic Workers' Convention (C189) that safeguards the health and labour rights of women migrating for domestic work abroad although the government of Sri Lanka (GOSL) recognizes employment-related migration as a right. **The 'Family Background Report' introduced by the government in 2013 has been a serious impediment to women's right to seek and obtain remunerative employment overseas.** The FBR is confined to a woman who is required to provide information on care of children under the age of five during the period she plans to be employed overseas. There is no recognition of the responsibility of the father of the child/children; the regulation is fundamentally based on patriarchal norms where the wellbeing of children is solely the responsibility of the mother.<sup>15</sup> This has led to thousands of women seeking employment eschewing government regulations and government support (such as assistance through Sri Lankan consulates in receiving countries, insurance packages in instances of emergencies) making them extremely vulnerable overseas as well as within the country. The Ministry of Women and Child Affairs have put through policy decisions that prioritize the welfare of the child made decisions that prevent women with pre-schoolers leaving for work overseas. The National Labour Migration policy supports safe migration at all stages, and the Sri Lanka Bureau of Foreign Employment (SLBFE) has instituted a compulsory welfare insurance scheme as a safeguard. The GOSL also has signed an MoU with other countries to safeguard migrant workers during their period of employment in destination countries. Sri Lanka does not recognize mandatory HIV testing. However, migrant workers to the Gulf countries undergo pre-departure mandatory HIV testing as a requirement for issue of the employment visa. Among health-related rights violations are i) the breach of confidentiality of the HIV Test result due to GAMCA\* clinics (non-State

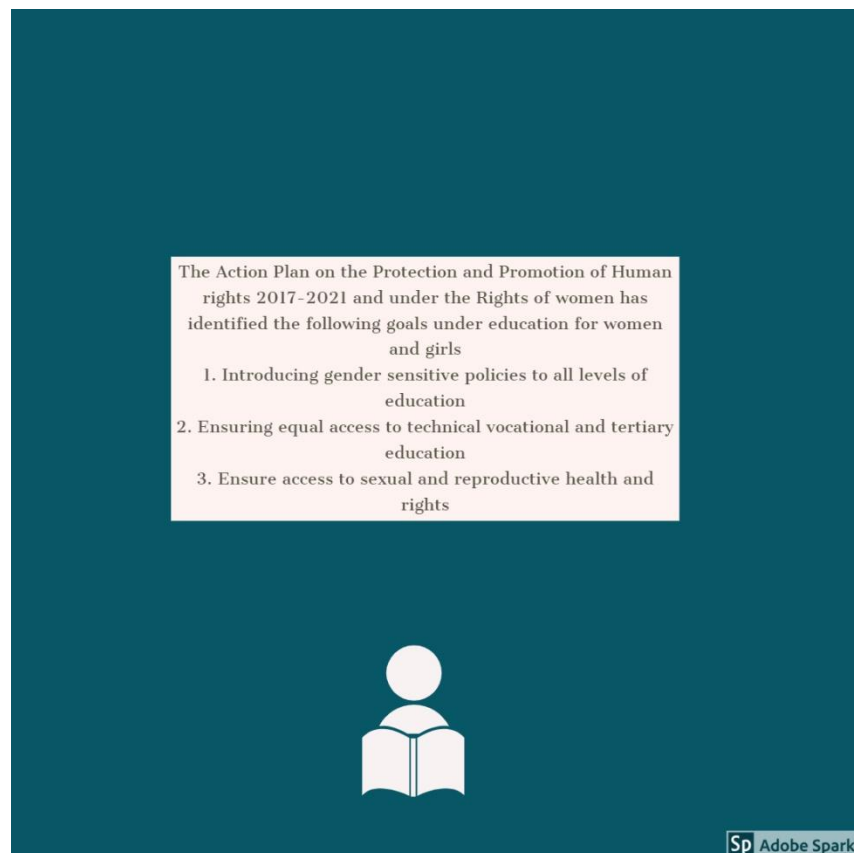
HIV testing centres authorized by the Gulf countries to conduct pre-departure mandatory HIV testing for the issue of the employment visa) forwarding the HIV test report to recruitment agencies (third party) instead of the migrant worker and ii) the absence of a specific mechanism to routinely link returnee migrants and those deported due to testing HIV positive in the destination country, to general healthcare services, including STI/HIV prevention, treatment, and care services.

<sup>15</sup> [https://www.ilo.org/colombo/whatwedo/publications/WCMS\\_632484/lang--en/index.htm](https://www.ilo.org/colombo/whatwedo/publications/WCMS_632484/lang--en/index.htm)

### Customary laws an RH of girls /women

There are differences between the general law in the country that decrees age at marriage to be 18 for both boys and girls and certain personal laws that permit marriage at 14 years. The RH consequences of this law – physical, mental, psychological, reproductive immaturity of the girl child to become a mother – are grounds to aligning customary law related to women and girls with the general law in the country.

11. What actions has your country taken in the last five years to improve education outcomes for women and girls?



There is no policy of gender differentiation imposed on the curriculum in Sri Lanka. However, in technical and vocational education, participation of women is less than that of men. For the first time, reduction of gender imbalances in enrolment has been included in the Ten Year Horizontal Development Programme (2006-2016). The documentation related to the introduction of STEM (Science, Technology, Engineering and Mathematics) education does not refer to the gender gap that exists or to the need to resolve the issue (Ministry of Education). The ADB's Education Sector Development Programme (2013- 2018) had a Gender Action Plan to increase the participation of girls in the new Technology stream, develop gender sensitive training modules and

capacity development plans for teaching in non-traditional fields such as technology, and incorporate gender indicators in management and monitoring systems. **At higher education level, there has been no discernible interest in promoting gender equity or gender equality.**

Some changes have been made related to Human Rights in the Civics Education and Political Science subjects but not on gender equality. **Overall, the curriculum has been insensitive to critical gender issues.** The Human Rights Commission had developed a draft curriculum to incorporate human rights in curricula with the Ministry of Education and the National Institute of Education in 2013-15.

A few gender courses have been incorporated in the curricula of some universities.

The Human Rights Commission of Sri Lanka had provided such training to pre-school teachers and principals.

The Ministry of Education conducts training and development of education personnel in the Faculty of Education, National Institute of Education. Its Ten-point Action Framework does not include Human Rights or Gender Equality.

The subject of Health and Physical Education has included content on stages of post-early childhood.

At university level in Sri Lanka most administrators are male. There is better gender parity in terms of teaching staff at the University level; however, there are fewer women than men as heads of departments, or as professors .

Schools need to make measures to accommodate children returning back to school and provide additional support in conflict-affected areas for children who have not had the opportunity for equal learning because of the war and conflict. **Child marriage still continues in conflict-affected areas and in areas with high rates of poverty there are also high rates of school dropouts.** Teenage pregnancy is also a reason for dropping out of school (in the Eastern and Northern Province) Peace education and other optional subjects that promote such values and vocational subjects are provided by the Ministry of Education However, there is no provision made for the availability of teachers or infrastructure to cover these subjects in rural and conflict-affected schools. Moreover, there is discrimination against girls' schools, where 'male' vocational subjects are not available or taught.

## Freedom from violence, stigma and stereotypes

12. In the last five years, which forms of violence against women and girls has your country prioritized for action?



Despite a penal code amendment and a Domestic Violence Act in place, marital rape is still legal/not recognized as a criminal act by the state and the State has not pursued a comprehensive understanding of consent in accordance with international norms. **There is no mechanism for redressal and judicial remedy for marital rape.** In many situations of domestic violence women complain of being forced into unwanted intercourse by

husbands. Despite the recommendation of the Prime Minister's Task Force on Prevention of Violence against Women and the Girl Child in its Action Plan of January 2016 that marital rape be recognised as an offence and an undertaking that the recommendations of the Task Force would be incorporated in the 'National Action Plan Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka 2016-2020', this was not done. And there are no legal or policy-related activities proposed to recognize marital rape as an offence. (WMC Submission to CEDAW, 2017).

Recent research findings and statistics reveal that the conviction rate for reported rape cases is extremely low<sup>16</sup>. Statistics provided also reveal that although there is a significant number of complaints being lodged regarding rape, only a handful of cases are taken up and concluded with a conviction or acquittal. Additionally it is observed that there are a large number of cases pending at various stages of legal procedure, before various courts. Moreover, the powerful stereotypes, particularly gender stereotypes which are embedded in society, are also found in the judicial/legal systems. This results in rape survivors being required to undergo stringent

<sup>16</sup> A UN study found that only 3% of rapists in Sri Lanka were arrested, the lowest proportion amongst the seven Asian countries in the study. 2036 rapes were reported in 2016, but not a single rapist was convicted

and extremely traumatic processes that prove corroboration, lack of consent and resistance and to undergo tests that are not normally applied in other criminal cases.<sup>17</sup>

Seventeen percent of ever-married women of age 15-49 have suffered from domestic violence from their intimate partner, with two percent of these women experiencing domestic violence daily. Unfortunately, among women who suffered from domestic violence, only 28% sought help, with 75% seeking help from their family members, 27% from friends or neighbours and only 18% seek help from the police. It is anticipated that the availability of this data will help improve response and services to women victims of violence.

There has been some degree of attention and prioritization of cyber violence in recent years, primarily led by civil society. This issue needs more attention as it is not recognized as being on the continuum of 'Violence Against Women' and seen instead as something separate. Therefore, current provisions in the law are often not used to provide redress.

Research on violence faced by LBT persons in Sri Lanka conducted by the Women's Support Group, an organisation which provides support and advocacy for LBT persons notes, "LBT people were also viewed as 'people who have some kind of sexual or psychological disorder, who cannot live in a normal way'."<sup>18</sup>

Sexual harassment has been addressed both by the Government and NGOs, with increased collaboration between them. For example, the 'Not on My Bus' campaign by Oxfam and other partners is a public campaign which calls for bystander intervention as a solution against sexual harassment of women and girls on public transport.

a. Ragging in universities which affects an equal number (or more) of women, has been criminalized. (Ref. University admission forms, establishment of gender units in Universities and an ongoing dialogue and publicity on the issue).



b. There have been recent regulations issued on the dress codes of mothers visiting schools, pregnant teachers in public service, the dressing of Muslim women, as well as dress codes for women working in public services like health. Some of these are well-intentioned, but none have been designed from a rights perspective.

A significant gap identified by activists, law enforcement authorities, and policy-makers in Sri Lanka is a lack of accountability around technology-related violence in Sri Lanka, which is more difficult to track, understand and take action against. Furthermore, individuals who face this violence, especially women, girls, and trans people, often have little recourse to justice or support services. **Social media networks are rife with anti-LGBT hate-**

<sup>17</sup> Rape of Women over 16 years of Age

(source: Grave Crimes Abstract. [https://www.police.lk/images/others/crime\\_trends/2017grave\\_crime\\_2017](https://www.police.lk/images/others/crime_trends/2017grave_crime_2017))

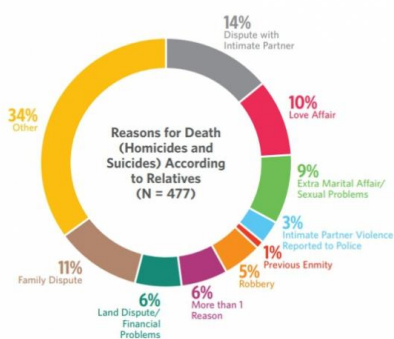
<sup>18</sup> "...". ("Not Gonna Take it Lying Down": Experiences of Violence and Discrimination as told by LBT (LGBT?) persons in Sri Lanka, Women's Support Group, Sri Lanka, 2014. (p. 15); Women and Media Collective (2017), Disrupting the Binary Code: Experiences of LGBT Sri Lankans Online, Colombo.

groups, who see the LGBT community as an aberration, a western import, and un-Sri Lankan. These groups too are mostly fuelled by false stereotypical ideas. Many lesbians, bisexual women and transgender persons say they experience online abuse on a daily basis. (Discrimination of LBT Women, Shadow Report, WMC, 2017).

a. Recent efforts by civil society actors include increased research and documentation efforts on violence and harassment online and in technology related spaces. Studies show that women and girls' increased access to the internet is directly proportional to the increase of violence against them online; this is proving true in Sri Lanka as well. With an increased use of digital spaces, including by human rights defenders, it has increasingly become a site for sexism, misogyny, homophobia and transphobia, intersecting with ethno-religious nationalism.

b. In July 2018, the Ministry of Women and Child Affairs Sri Lanka, in partnership with the National Child Protection Authority, Save the Children, World Vision, LEADS and Plan International, established a Technical Working Group to connect government child protection services and non-governmental agencies working with children. This Technical Working Group comprises experts in education, cyber security, ICT, media and other related fields, from both government and private sectors. The key objectives of this Working Group is to guide the development of a National Action Plan, which will include educational programmes for children, child-friendly mobile apps, and strengthening of referral services for child victims of online violence and their families.

c.



- Femicide <sup>SEP</sup>

In December 2015, a UNFPA study in Sri Lanka on femicides found that of the 729 deaths studied, Intimate Partner Violence (IPV) was a major cause of death. There were three main causes for these deaths; accidents (234), suicides (252), and homicides (243).

It revealed that over a third of female deaths were a result of 'intimate partner violence' (IPV), which included disputes, love affairs, and extra-marital affairs. Of these, only 3% were reported to the police.

Intimate Partner Violence accounted for a large number of homicides and suicides: 39% and 35% respectively. The study revealed that in one out of every five cases of female homicide was due to IPV, with the husband or partner also committing suicide afterwards.

A breakdown of the causes of death are as follows:

1. Accidents: 60% road accidents, 11% drowning, 11% burns.
2. Suicide: 43% poisoning, 40% hanging, 9% burns.
3. Homicides: 40% sharp force trauma, 22% neck compression, 21% blunt force trauma.

Of the homicides, 36% were committed by the husband, beau, or a former lover, while 21% of them were by blood relatives. Around 5% of the deaths were due to robberies.

Violence against women in politics remains a key issue. Although a 25% quota was introduced in 2017, patriarchy is entrenched in party politics and women face discrimination in a host of forms: in the nomination process; in elections due to financial inequalities; in terms of the speaking time that is allocated in Parliament and through violence. For this reason, the notion that political parties are one of the most significant constraining factors for women holds true in the Sri Lankan context. Women who are engaging in these activities are targets of abuse and violence because they are deviating from the norm and are therefore viewed as subversive and unpatriotic.<sup>19</sup> Women parliamentarians and women political candidates have also been victims of:

1. Suppression of the female voice and continuous sexism
2. Character assassination in traditional and social media
3. Physical violence.

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“When I was on stage, the stones were so big I had to take cover. They would pelt them at the lights so it was completely dark. I lived through it. When faced with things like that, I just stood my ground. That’s the adrenaline... I guess.” – Muslim Woman Candidate

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Child marriage has historically received woefully inadequate attention by the State; there has been increased emphasis on this issue due to ongoing activism to reform the Muslim Marriage and Divorce Act (MMDA) of 1951. The Muslim community in Sri Lanka is subject to the Muslim family law on matters of marriage and divorce through the MMDA, which includes many discriminatory provisions with grave impacts on women. The MMDA for instance does not set a minimum age of marriage for the Muslim community and therefore legally allows for child/early marriage of Muslims girls. Despite lobbying and advocacy from women’s organizations for the past many decades for MMDA reforms, including raising the age of marriage – there has been no concrete effort taken on the part of the government to do so. There are also different opinions about what the minimum age of marriage should be for Muslims.<sup>20</sup>

A Committee appointed by the Minister of Justice, to propose reforms to the Muslim Marriage and Divorce Act in 2009, released its report in 2019 – nine years later, with two sets of recommendations reflecting separate positions of the committee members. However, in what is seen as a reactionary measure to the anti-Muslim sentiment of the post-Easter attacks, Muslim male MPs who had been resistant to reforms of the MMDA, rushed through the following amendments:



1. Increasing the legal age of marriage of both parties to 18
2. Bride must sign the register of marriage as a sign of consent
3. Quazis must be an Attorney-at-Law

<sup>19</sup> <https://www.press.uchicago.edu/ucp/books/book/distributed/E/bo20848983.html>

<sup>20</sup> CEDAW\_NGOs WMC and Women’s groups submissions, 2017

#### 4. Quazis can be females

However, Muslim women activists, especially the Muslim Personal Law Reform Action Group<sup>21</sup> have raised the dangers of putting through only limited reforms, especially as none of the reforms deal with long-term grievances raised by Muslim women, especially that of unconditional polygamy. Muslim women activists also point out that these piece-meal reforms only apply to marriages that are registered, and that under the act, a marriage need not be registered in order to be valid.

It is in the last few years that the practice of female genital mutilation (FGM) has surfaced in the country, as a few women from the Muslim community came forward to speak about their experiences and ask the state for a response to stop this practice. Based on available information, the type of FGM in Sri Lanka falls within the Type I and Type IV categories of female genital mutilation as defined by the World Health Organisation. It is carried out almost entirely in the Muslim community, is performed on children, at ages varying from 40 days among some sects, and 7 years in one sect. There is very little information available on what the extent of the 'cutting' is, as the testimonies have varied, and there have been no formal clinical studies on this in Sri Lanka, to date.

Formal submissions were made by women – most of whom were affected by the practice – to and at multiple State organisations and forums, including the Human Rights Commission of Sri Lanka, the National Child Protection Authority of Sri Lanka, the Sectoral Oversight Committee on Women and Gender of the Sri Lanka Parliament, and the Women's Caucus.

There is a vocal lobby for FGM and this practice has also been maintained across generations by women within and due to their contexts, and tackling this issue requires great sensitivity and needs more in terms of community outreach and support.

Sp Adobe Spark

As a result of these efforts, there has been increased mobilisation against the practice by the medical community, due to the accounts of actual and potential harm, particularly to children to whom this happens. These efforts resulted in a circular being issued by the Ministry of Health that asked doctors in the public health system to not engage in the practice.<sup>22</sup> Some doctors have also written publicly about the possible negative impacts of the practice on women and debunking some views on purported benefits.

The Family Planning Association of Sri Lanka has currently commissioned a brief study to try and better understand the physical and psychosocial impacts of female genital mutilation (FGM) on women in Sri Lanka.

In Sri Lanka the main trafficking law is found in Section 360 of the Penal Code (Amendment) Act, No. 16 of 2006. The Sri Lankan Parliament passed a Convention Preventing and Combatting Trafficking in Women and Children for Prostitution Act, No 03 of 2005. This act has not yet come into force. Issues pertaining to the trafficking of

<sup>21</sup> <https://roar.media/english/life/in-the-know/incomplete-and-overdue-dangers-of-amending-only-parts-of-the-mmda/>

<sup>22</sup> (General Circular Letter No: C2733/2018, Medical Professionals Involvement in Female Genital Mutilation, 2018, Ministry of Health, Nutrition and Indigenous Medicine).



women and girls are addressed through the National Anti-Human Trafficking Task Force chaired by the Ministry of Justice and Prison Reforms. This body has representation from the Ministry of Women and Children's Affairs, the National Child Protection Authority, Police Children and Women Bureau, the Department of Probation and Child Care Services and other local organizations working on anti-human trafficking issues. It is noted that a shelter for women victims of trafficking has been set up in the recent past. However, in practice, Sri Lanka's anti-trafficking law is often conflated by the authorities as trafficking for sex exploitation and sex work. This in effect, takes away from sex workers the right to choose this trade, and invoke the protection of the law in cases of violence and exploitation. Anti-trafficking laws are also used to harass sex workers when they travel overseas (Submission by women's groups at CEDAW Review, 2017). The lack of protection for domestic and informal workers is also of concern in terms of sex exploitation and sex work.

A number of reports by INGOs such as Human Rights Watch (HRW-2013), the Bar Human Rights Committee of England and Wales and the International Truth and Justice Project, Sri Lanka (BHRC-ITJP, 2014, 2015) and Freedom from Torture (2015) has documented sexual violence in a variety of places and contexts of detention against women suspected or alleged to be members of or involved with the LTTE during and after the war. **The government has sought to ignore the evidence presented by these reports.**



Female-headed households, single women, internally-displaced women, war widows and former female combatants continue to suffer discrimination, sexual and gender-based violence, harassment and abuse, from within their own community and from the authorities, including at the hands of the military. These vulnerable groups of women do not feel safe in making complaints to

authorities on any discrimination, abuse or violence against them. In most instances, it has been those law enforcers or decision makers that have been perpetrators. Statistics indicate very low numbers in prosecution in comparison to the incidents reported to civil society members. The lack of access to law regulators, particularly the absence of Tamil women police officers exacerbates this problem, as language barriers add to their challenges (WMC, CEDAW Shadow Report Submission, 2017).

**There is a need for concerted effort by government and other related organizations to work for attitudinal changes regarding commercial sex workers and trans people.** Sex workers operating on the street, in massage parlours and spas continue to be targeted for arrest under the Vagrants Ordinance and Brothels Ordinance, and though clients are present, in most such instances only the women workers are arrested. In addition, sex workers continue to be arrested if they are in possession of condoms. Sex workers including transgender persons are particularly vulnerable to police violence and exploitation and the abuse of the Vagrants Ordinance and Brothels Ordinance.

Reporting of the girl child rapes and murders that took place in conflict-affected areas was explicit and sensationalized/sexualized without respect for victims or families and went unchecked regardless of civil society organization protests against them.

13. What actions has your country prioritized in the last five years to address violence against women and girls? <sup>[1]</sup><sub>[SEP]</sub>

Sri Lanka has been cited by international human rights review mechanisms for persisting with laws that discriminate on the basis of sexual orientation and gender identity. Laws and provisions in laws that criminalise consenting same-sex relationships, have remained unchanged in the past 5 years. These include Section 365 and Section 365A of the Penal Code that criminalise adult consensual same sex relationships (including lesbian relationships), the Vagrancy Ordinance of 1842 which permits the arbitrary detention of anyone suspected of 'loitering'; and Section 399 (Cheating by Personation) of the Penal Code which is used against persons with non-conforming gender identity. The State often fails to take measures to prevent, investigate and punish any violations of the principles enshrined in CEDAW vis-a-vis LGBT persons.

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Laws have not been strengthened by the state, and despite repeated recommendations, including by the CEDAW Committee, some of these remain or have been unchanged in the past five years.

In relation to sexual violence, rape litigation takes an inordinate amount of time – non-summary inquires and a subsequent trial can take up to 15 years and more in some instances.

The Public Representations Committee on Constitutional Reform reflected that it received submissions from all parts of the country of exclusion and marginalization on the basis of sexual orientation. The state report goes on to cite legislation that criminalises sexual activity between two consenting adults of the same sex even in private spaces. The law in itself is

discriminatory, towards this community and is a deterrent to seeking protection through the Supreme Court and Human Rights Commission, for fear of being exposed to penal provisions

The 1978 Constitution of Sri Lanka guarantees equality before the law and equal protection of the law to all citizens and includes a provision to introduce temporary special measures to achieve substantive equality [Act 12 (4)]. However, a number of laws on the Statute books discriminate against women, including customary, personal and family laws; women's rights to State grants of public land under the Land Development Ordinance, and the Vagrants Ordinance and the Brothels Ordinance. Sections 365, 365A and 399 of the Penal Code

discriminate against L(G)BT persons as described in the box above.

Constitutional provisions on gender equality have been complemented by a Women's Charter (1993) which remains a policy document and has not been translated into law. The standard on the fundamental right to equality needs to be developed in specific legislation and attempts to do so through legislating a Women's Rights Act have been abandoned.

The draft Women's Rights Bill also attempted to incorporate the concept of indivisibility of women's rights and proposed setting up an empowered well-resourced independent National Commission on Women that could provide leadership on law and policy reform. A Bill for the establishment of an independent National Commission on Women is now in final draft form and is expected to be presented to parliament.

The MMDA has a number of discriminatory provisions with regard to marriage, divorce, maintenance, inheritance, and property rights – limiting access to justice for Muslim women. Discriminatory principles in the Kandyan law on divorce and inheritance continue to be applicable to a minority of Sinhala women, as do limitations on property rights in Tesawalamai law applicable to a minority of Tamil women in Jaffna. Reform of the personal law continues to be considered a politically sensitive issue.

### Significant issues that need urgent address:

The State often fails to take measures to prevent, investigate and punish any violations of the principles enshrined in CEDAW vis-a-vis LBT persons. The continued criminalization of same-sex relations between consenting adults reinforces such discrimination and prevents equal treatment guaranteed by the Constitution of Sri Lanka, despite claims to the contrary by the Sri Lankan State in its 8th Periodic Report to CEDAW. The State report is also silent on the discrimination suffered by LBT persons and on the lack of legal protection available to them, indicating that they are among the most marginalised and invisible groups in society. In addition to facing direct discrimination, lesbian, bisexual and transgender (LBT) persons are rarely recognised in policy formulation or legal reform in many key areas such as employment, housing, health services, representation in decision making processes, and access to justice

There has been a spate of reports on violence against Muslim women, particularly after the Easter Sunday attacks in 2019, much of which was spurred on by the ban on the burqa and the niqab. The ban on the Burka and Niqab in response to the Easter attacks and women once again on the frontlines as ethno-nationalist battles fought on the bodies and dress of women.

Most recent of the policies developed that address the prevention of violence against women is the **Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka 2016- 2020 (2016)**. This policy was put forward by the Ministry of Women and Child Affairs as a coordinated, holistic

***Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka 2016- 2020 (2016) – step in the right direction, but challenges abound.***

response to address sexual and gender-based violence. The underlying principle of this rights-based policy is zero tolerance of sexual and gender-based violence in Sri Lanka. Education and awareness-raising among men, women, girls, service providers (including judges, medical-service providers, educators, police etc.) and the masses are identified as a main preventive measure to address sexual and gender-based violence in this policy. The implementation and impact of this policy and action plan however, is yet to be determined.

However, the drafted plan lacks focus on developing and increasing access to justice of marginalised and vulnerable women. The plan also does not address the issue of backlog of cases still pending at investigation, lacks plan and vision to include long-term medical, psycho-social, recovery, and rehabilitative support for victims and survivors of violence and fails to prioritise or bring special measures of the State for the protection of women, particularly vulnerable women. (WMC, CEDAW Shadow Report Submission, 2017)

The Action Plan to combat gender-based violence against women—titled “Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka 2016-2020”, approved by the Cabinet (June 2016) and launched (November 2016) is silent on violence perpetrated against LBT persons and does not address grave violence perpetrated against commercial sex workers. It therefore fails to put in place any measures that can protect them from such violence and intersecting forms of discrimination.

This policy does not discuss sexual and gender-based violence against sex workers but proposes several activities under a focus area to prevent commercial sexual exploitation and trafficking of children (p. 30).

CEDAW in its most recent report for 2017, recommends that the Government “provide systematic capacity-building to judges, prosecutors, lawyers, the police and other law enforcement officials on the Convention, as well as on the Committee’s general recommendations and its jurisprudence under the Optional Protocol, to ensure that the judiciary is independent, impartial, professional and gender-sensitive as a means of safeguarding women’s rights” (p. 4).

There has been no overt attempt to address this recommendation and issues of gender equality and sensitivity remain largely outside of judicial education as well as legal education.



While the enactment of the Prevention of Domestic Violence Act was passed in 2005 (PDVA) the first State-operated shelter for women affected by domestic violence was only set up in 2012. The present government has established two shelters, one devoted to survivors of trafficking and the other for survivors of violence. However, there does not seem to be awareness of shelters or a formalized referral system that courts can follow. The Plan of

Action Supporting the PDVA which was finalized in consultation with representatives from line Ministries, the Police Department, multilateral agencies and NGOs, intended to complement and strengthen education and training programs, services, and infrastructure provided by various agencies and institutions, was never operationalized and therefore these aspects critical for prevention of domestic violence remain critically unaddressed or under-addressed.

While acknowledging the efforts made by GoSL to provide shelters and counselling for victims of violence, we note that there are several implementation issues pertaining to the above act. The shelters are not able to meet the needs of the vast number of victims in want of alternative living spaces under this act, the shelter locations must also remain confidential. Mandatory counselling ordered by the Magistrates even after protection orders are given under this Act, work as a deterrence for women filing action under same, as forcing the victim to spend time in a closed area with the accused is counterproductive.

**In the recent past, there has been a great interest and effort on the part of the Sri Lanka Police to focus on issues of gender, especially in its response to gender-based violence, and of late, to improve gender equality and the empowerment of women within the institution.** This space is being opened by agencies such as the National Police Commission (particularly the work of the Gender Committee) as well as efforts by Police Scotland, the Asia Foundation, the United Nations Population Fund and other bilateral policing agencies. Specialized trainings have been conducted at various levels within the police, including those in the Women and Children’s Bureaus located at police stations on promoting gender equality, responding to sexual and gender-based violence and human rights as well as on investigating crimes related to SGBV and maintaining effective referral services. The first ever computerized database for the Women and Child Abuse Prevention Bureau was also established recently; analysed data from this system and the effectiveness of responses is yet to be measured.

There have been attempts made to use technological and online platforms to address and combat violence against women and girls with the advancements in telecommunication technology and its rapid reach in Sri Lanka. One such initiative is the 2six4 mobile application that enables users to inform themselves, report an incident of violence, and reach out to emergency contacts. Social media platforms are also being used for messaging, awareness campaigns and for assistance to victims of violence.



There are significant studies and data available on women’s inequality, but action is not taken about these issues. There is a lack of political will to tackle women’s and LBT persons’ structural and systematic issues.<sup>23</sup>

14. What strategies has your country used in the last five years to prevent violence against women and girls? <sup>[L]</sup><sub>[SEP]</sub>

Work related to sexual harassment in public transport was carried out by both State and civil society actors. A key actor in recent years is the Gender-based Violence Forum (GBVF) which has carried out regular public programmes and activities to highlight the actions and measures to prevent gender- based violence. The GBV Forum comprises mostly women’s organisations, civil society groups, and UN Agencies. Similar activities are carried out by district- and provincial-level civil society organisations. However, there is no discernible reduction as yet on violence and intimidation against girls and women which necessarily calls for an increased focus and diverse interventions around the calendar year.

In primary and secondary education, sexuality education is not adequately imparted. Teachers and Counsellors have not been trained adequately. This has resulted in a lack of knowledge to properly address issues that arise owing to ignorance.

The strengthening of Women Development Officers of the Women’s Bureau, Ministry of Women’s Affairs, at the community levels and recognition of their work at the community level is a key recommendation of this report.

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<sup>23</sup> Baseline study on child marriages in war affected areas: Centre for Equality and Justice

- Study on unnatural deaths: UNFPA
- Study on prevalence of abortions: FPA
- Study on data gathering by police on GBV: The Asia Foundation
- Intimate Partner Violence Study: Demographic and Health Survey 2016. Intimate partner violence was included in this for the first time in 2016.
- S tudy on women and disability: University of Colombo

There needs to be more study of the violence that LBT persons face, as well as women seeking asylum. COMMENT 9. Shift to the many body? THE FOOTNOTE TEXT HERE IS TOO SPREAD OUT.

The MenEngage Alliance set up in 2014 in Sri Lanka has been involved in carrying out campaigns using media, theatre and workshops to bring social awareness on gender discrimination and the role of men and boys in changing patriarchal social norms and practices.

15. What actions has your country taken in the last five years to prevent and respond to violence against women and girls due to **online sexual harassment, online stalking, non-consensual sharing of intimate images?** <sup>[1]</sup><sub>SEP</sub>

There is no protection for women in social media, and the Violence against Women and hate speech propagating violence centred on ethno-religious identities is very high and unchecked. Even within law protection and implementing agencies there is a lack of coordination with complaints made to the police requiring redirection to the Criminal Investigations Department authorized to investigate cyber crime. Women are therefore reluctant to access social media platforms which contribute to further disadvantage.



As many as 60% of complaints received by the Sri Lanka Computer Emergency Readiness Team (SL CERT) have been from women. The complaints range from creation of fake profiles to leaking of personal photographs, and sometimes rape and death threats. Neither law enforcement nor state institutions however are well equipped in terms of resources and capacities to address this issue. Women who have tried to access redress face a multitude of challenges including patriarchal attitudes of law enforcement agents, lengthy processes located in the capital, language barriers in reporting, etc. This has created several layers of impunity starting from the perpetrators of harassment and violence to private companies that host and publish damaging content (such as gossip/news websites) as well as to state institutions.

16. What actions has your country taken in the last five years to address the **portrayal of women and girls, discrimination and/or gender bias in the media?** <sup>[1]</sup><sub>SEP</sub>

No legal reforms are in place to combat discrimination or gender bias in the media. Any lobbying or protest against the negative portrayal of women in the media has been left to women's groups, with few positive responses or redress.

17. Has your country taken any action in the last five years to address violence against specific groups of women facing multiple forms of discrimination?

**Recommendation on the reform of the Muslim Marriage and Divorce Act:** Women's groups and other civil society groups are still in dialogue seeking redress for Muslim women. Redress for Muslim women is led by Muslim women who continue to lobby with the state and with male Muslim leaders to find solutions to their problems.

Mothers from the North and the South are still searching for their children made to disappear. Establishment of the Office of Missing Persons and the Reparation Act are mere mechanisms with no proper authority to provide solutions. Vulnerable groups of women who have been categorized by the state as FHH, single women, IDPs, and Widows as a results of war and ex female combatants, are still discriminated against and find it

difficult to exist in society owing to various forms of gender-based violence and abuse perpetrated against them.

The mechanisms that are in place are not equipped with a proper transparent plan or the authority to handle complaints and issues brought to them.

## Participation, accountability and gender responsive institutions

18. What actions and measures has your country taken in the last 5 years to promote women's participation in public life and decision making?

### Greater action is needed to promote women in public life

The government legislated a 25% quota for women in local government in 2017. In 2018, the local government elections brought in almost 2000 women elected or appointed, thus increasing women's representation from below 6% to almost 25%. While this experience is very new to Sri Lankan politics, there are some issues that are of concern. For example, women members of political parties have to depend on male heads of political parties for nominations; the lack of a ceiling on campaign funds constrains most women from coming into mainstream politics; and the lack of democratic processes and procedures within political parties deprive women of access to decision-making processes.

The quota provided also did not take into consideration intersectionality or multiple discrimination of groups of women (eg., women living with disability).

There is a need for legislative provisions that are gendered and conflict perspective centred.

There is under representation of women in decision-making position in Trade Unions.

Women NGOs have conducted capacity building workshops for women in preparation for local government elections. However, elected women members have faced discrimination after having come into office and are not been provided equal opportunities in the conduct of business of the local council or in the selection of priority areas in the council budget.

Women have not been prioritized by the State in transitional justice and reconciliation mechanisms even though they are one of the most affected groups in conflict. All efforts in this line have been through civil society. The Public Representations Committee and the Transitional Justice Task Force have had participation and engagement of women; however, the Transitional Justice Taskforce Report recommendations remain not implemented and the constitutional reform process in its higher decision-making process (Steering Committee and Constitutional Assembly) has very low participation of women in decision making.

Advocacy by civil society for laws regulating political parties for ensuring equal participation has not been successful with the State.

## Peaceful and inclusive societies

25. What actions has your country taken to build and sustain peace, promote peaceful and inclusive societies for sustainable development and implement the Women Peace Security agenda?



Since Sri Lanka's protracted ethnic war was resolved through military means the country did not benefit from a politically negotiated peace agreement. Instead the immediate post war period was marked by State sanctioned triumphalism. In 2015 a change of government backed by a civil society sponsored reform agenda promised a series of changes. These included Constitutional reform that would bring about a political solution to the

ethnic conflict, transitional justice mechanism, truth and justice processes and the reinstatement of law and order. However the expected reforms have only been partially implemented and the process towards sustainable peace and the promotion of a peaceful and inclusive society needs much more political commitment and political will both from the State and from the polity. Women in conflict-affected communities faced sexual violence by both state and non-state entities during the years of conflict. Apart from a few cases that were tried and concluded, most cases reported failed to result in convictions for lack of evidence, due process and political interference. And the majority remained unreported for fear and stigma. Sexual violence and torture continues to be reported post war, but the persistent culture of impunity has prevented women's access to justice. In the past five years, high profile cases of sexual violence against girls in the conflict-affected North has been reported insensitively by the media and have gone unchecked by State mechanisms. A high incidence of domestic violence is reported from the conflict-affected areas and the post-war transitional process has yet to deal adequately with psychosocial support and justice for sexual and gender-based violence including sexual bribery. Reparations for sexual violence need to be included within the remit of the Reparations Commission established in 2019.

Women human rights defenders constitute the majority of those working on the issue of disappearances and transitional justice.<sup>24</sup> They have constantly been under scrutiny by the State and some of them have been questioned or detained at various times. The continued use of the Prevention of Terrorism Act and the current State of Emergency also pose serious threats to women human rights defenders as they continue their struggle for justice including for the right to return to land they were displaced from during the war and the ongoing quest for truth, accountability, and justice for the disappeared.

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<sup>24</sup> The links below provide descriptions of incidents against women HRDs: <http://www.inform.lk/wp-content/uploads/2019/05/Eng.Repression-of-Dissent-Jan-March2019.pdf> ,<http://www.inform.lk/wp-content/uploads/2019/03/eng.dissent-report-oct-dec2018.pdf>

[http://www.inform.lk/wp-content/uploads/2019/03/Repression-of-Dissent-Jul-Sep.2018\\_Eng.pdf](http://www.inform.lk/wp-content/uploads/2019/03/Repression-of-Dissent-Jul-Sep.2018_Eng.pdf)

<http://www.inform.lk/wp-content/uploads/2019/03/2018-june-english-repression-of-dissent-april-june2018.pdf>

<http://www.inform.lk/repression-of-dissent-in-sri-lanka-jan-mar-2018/>



Female ex-combatants were subject to rehabilitation post war. However the Disarmament, Demobilisation and Reintegration (DDR) programmes were not gender sensitive, inclusive or consultative in design or implementation and there is much un-addressed discrimination against ex-combatants. Many programmes designed for women's employment were gender stereotyped.

Sri Lanka's first [National Policy on Reconciliation & Coexistence](#) (2017) developed by the Office of National Unity and Reconciliation (ONUR), aspires to address the needs and protect the rights of vulnerable groups affected by the conflict, including but not limited to, "female heads of households, war widows, internally displaced communities, families of the missing and disappeared, ex-combatants, differently abled and resettled communities."<sup>25</sup>

Between 2015 & 2018, the Office for National Unity and Reconciliation (ONUR) initiated two livelihoods assistance programmes (Maize Cultivation) in Killinochchi and Mullaitivu Districts in the Northern Province for more than 500 ex-combatants.<sup>26</sup>

IDPs still remain significant in conflict-affected areas and face difficulties in resettlement. Muslim IDPs displaced since 1990, continue to suffer multiple-discrimination with inadequate access to State services or resources due to their Internally-displaced persons status in the districts they were displaced to. This affects women and children disproportionately. The National Policy on Durable Solutions for Conflict Affected Displacement in 2016 recognized the need to protect the rights of IDPs as a critical step towards reconciliation and peacebuilding. However, there is no accountable mechanism to ensure such protection in the policy framework. Women continue to fight for the right to return as reflected in the ongoing struggle in Keppapilavu in the North and suffer multiple and intersectional forms of discrimination as IDPs, human rights defenders, disabled persons and FHH. No compensation has been provided for livelihoods lost, particularly due to the inability to engage in fishing and cultivation.

Many of the displaced are still barred from their homes. Since the Sirisena-Wickremesinghe government came into power, some of the lands occupied by the military have been released. However, tens of thousands of displaced Sri Lankans await the military to move out of their lands that would allow them to go home. **There is, as yet, no transparent and accessible document available that shows not only how much land has been released, but the stage of release and to whom lands have been released.**

Sri Lanka has no National Action Plan on women, peace and security. However a **National Action Plan for the Protection and Promotion of Human Rights was adopted for 2017-2021** through a process of extensive consultation with CSOs and relevant Ministries and incorporated key national and inter-ministerial policy, planning and monitoring frameworks regarding the gendered impact of conflict. However in the absence of a Ministry of Human Rights to oversee the implementation of the NAP, much of the burden of policy framing and implementation falls on the Ministry of Women's Affairs (MWA) which is under resourced and lacks adequate capacity. There is also critically no coherence among other implementing Ministries and agencies. There are various NAPs dealing with women's concerns in addition to that on human rights which are often not developed through inclusive and consultative processes and have poor co-ordination in their implementation and also lack coherence across various inter-connected policy interventions, making them ad-hoc in nature and ineffective.

The MWA has made limited progress on support for female-headed households and the Ministry of National Integration and Reconciliation has supported livelihood assistance to 11,596 families, limited to informal sector enterprises.

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<sup>25</sup> Text related to ex-combatants particularly can be found under the section on 'Equality', 'National Coexistence & Diversity' and 'Ownership' – which are all under the *Policy Principals* Section of this policy.

<sup>26</sup> 2019, Secretariat for Coordinating Reconciliation Mechanisms of Sri Lanka, *Paving the Path for Sustainable Peace: Peacebuilding, Transitional Justice and Reconciliation Activities Conducted by the Government of Sri Lanka*, Colombo.

Despite setting up a Consultative Task Force on Reconciliation Mechanisms in 2016, which included 30% women at the national level and 58% women at the zonal level, in its composition, the government has shown little political will to implement its extensive recommendations. The Office on Missing Persons (OMP) established in 2018 noted the situation of extreme poverty that some relatives of the disappeared continue to face due to the loss of their primary breadwinner and welcomed the provision of Rs. 500 million in the 2019 Budget to provide Rs.6,000 monthly relief payments to families of the disappeared who have obtained Certificates of Absence until the Office for Reparations resolves their claims. However, it called on the government to address related issues of justice, truth seeking, reparations and institutional reforms, and establish the specific mechanisms it was committed to.

The Certificate of Absence is contested by affected-families who wish to preserve their right to seek truth and justice and hence not all families affected have applied for these certificates. The State has yet to formulate an acceptable rights-based approach to reach all affected families.

Conflict-affected areas continue to be militarized with a disproportionate military presence and military engagement in civilian activities, including taking over of land and livelihood activities, industry, agriculture and childcare services, that women are involved in. **Women have therefore been deprived of livelihood opportunities and have been put at risk of debt, displacement, trafficking and prostitution. The demand for demilitarization and the release of lands has not been adequately responded to by the State and while some land has been officially released, due process enabling ownership and possession of land for women has not been facilitated by the State and there continues to be ambiguity over the details/statistics of land, including possession and ownership.**

The Ministry of National Integration and Reconciliation has conducted programmes in seven districts on peace journalism for 473 journalists on the role of media in conflict transformation, reconciliation and peace building with limited effect since much of the media continues with biased and ethno-religious and nationalist reporting, particularly in the aftermath of the 2019 Easter Sunday bombings. Discriminatory and biased reporting in the media with the potential to provoke communal violence, hate speech and anti-Muslim sentiment have also been prevalent in the period under review and the National Human Rights commission called on all heads of electronic media institutions to report with responsibility and sensitivity.

The highest allocation of expenditure in the 2019 Budget is for the Ministry of Defence which is Rs. 393.1 bn (US\$ 2.2 bn), of which 91% is recurring expenditure (Rs. 356.4 bn). The new defence budget, which has been restructured, amounts to nearly 12.5% of total government expenditure for 2019. The total defence allocation for 2019 was LKR 102.3 billion, more than was allocated to defence in the 2018 Appropriation Bill. In fact, defence expenditure has increased rather than decreased in a post-war context and has continued to be the highest allocation of funds in successive budgets.

The 2019 budget provided debt relief, up to a sum of LKR 500 million, to around 45,000 women who are residents of 12 drought-affected districts, 11 of which were also affected by conflict, who have availed themselves of micro-finance loans. This initial step will be followed up with concessionary loans from the “Enterprise Sri Lanka” programme and the Cooperative movement, in order that this situation is mitigated in the future. Families of missing persons with certificates of absence will be provided Rs .6,000/-per month, until the Office of Reparation resolves their cases. These families will also be given preferential access to relevant “Enterprise Sri Lanka” loan schemes and will be required to join the livelihood programmes coordinated by ONUR.

The National Human Rights Commission commenting on the communal violence that took place against Muslim communities in the aftermath of the 2019 Easter Sunday bombings called on the government to heed early

warnings and take preventative action. It also called for the strict enforcement of the International Covenant on Civil and Political Rights (ICCPR) Act in relation to those inciting communal violence and for legal action against those who obstruct law enforcement.

In the wake of the 2019 Easter Sunday bombings the government imposed a ban on face cover, including the Burka and Niqab, which resulted in extreme discrimination against women and girls who observed different forms of veiling, ranging from harassment on public transport to the wrongful denial of admission to public buildings, schools and being denied essential services or access to means of livelihood.

26. What actions has your country taken in the last five years to increase the leadership, representation and participation of women in conflict prevention, resolution, peacebuilding, humanitarian action and crisis response, at decision-making levels in situations of armed and other conflicts, and in fragile or crisis settings?

Between upto 58% women were included in the Consultative Task Force on Reconciliation Mechanisms and its Zonal Task Forces as well as in the Public Representations Commission ( PRC) appointed to facilitate the constitutional reform process. Yet when the draft Constitution was being formulated at the Constitutional Assembly, given the reality that only 6% of parliamentarians are women, each of the sub committees and the important Steering Committee only had a single woman in each Committee.

*The Land Development Ordinance which discriminates against women, in the alienation of State land and therefore affects women's ownership and use of land and in particular poor women and their access to land-based livelihoods is yet to be amended and reflects a politically motivated lack of interest to give women joint ownership to State alienated land.*

27. What actions has your country taken in the last five years to enhance judicial and non-judicial accountability for violations of international humanitarian law and violations of the human rights of women and girls in situations of armed and other conflicts or humanitarian action and crisis response?

The state has consistently been reluctant to repeal or amend discriminatory customary laws such as the Muslim Marriage and Divorce Act, Tesawalamai law and Kandyan law because of the history of ethnic and religious politics and pressure from men within minority communities governed by customary laws. However, these laws, as shown in previous parts of the report often enforce restrictive and harmful practices on women. The Constitutional Assembly drafting the new Constitution too desisted from repealing Article 16 of the Constitution that allows for past discriminatory laws to remain on the statute books.

Post-war development policies have also affected multi-ethnic communities living in metropolitan areas, especially in the capital Colombo, particularly in the context of urban development and city beautification which has displaced low-income communities. Many of these communities are urbanized ethnic groups now evicted from their home. This has affected women and girls disproportionately in terms of access to adequate housing and property rights. Many resettled communities have no land or property titles, have lost traditional livelihood opportunities and access to good schooling. This has also destroyed inter-ethnic interaction and co-existence and increased inequalities.

**The many women and children among them were not provided adequate facilities for sanitation and shelter or security, pointing to the need for a national policy to support refugees and asylum seekers meeting their basic needs and security requirements until resettled elsewhere.** Approximately 1362 refugees, mainly from Pakistan

(some from Afghanistan), many of the Ahmadiyya faith and some Christians awaiting the completion of documentation and passage to a third country as asylum seekers and living in Negombo, were subject to reprisals and evictions post the Easter Sunday attack and were sheltered in two Ahmadi mosques and the Negombo police station, with little or no support and security from the State.

28. What actions has your country taken in the last five years to eliminate discrimination against and violations of the rights of the girl child?

Female heads of household in conflict-affected areas and their family members have particularly low health indicators such as low nutrition levels, low birth weights etc., and in some severe instances experience food crises with access to only one meal a day. Agencies that have responsibility for these issues in the local areas do not release data even to civil society in critical areas. Lack of transparency prevents the addressing of this issue in a comprehensive manner.

Given the lack of reforms in relation to increasing the minimum age of marriage for Muslim girls early marriage continues. Girls also continue to bear the repercussions of the practice of underage and enforced marriage in all ethnic communities living in conflict-affected areas and the loss of education and early pregnancies has seriously affected life choices and employment opportunities for these girls and women.

## Environmental conservation, protection and rehabilitation.

29. What actions has your country taken in the last five years to integrate gender perspectives and concerns into environmental policies?

30. What actions has your country taken in the last five years to integrate gender perspectives into policies and programmes for Disaster Risk Reduction, climate resilience, and disaster mitigation?

As an overall critique, it is important to note that while policies and acts on the environment and climate change do exist in Sri Lanka, there is no evidence of gender-



sensitive design or support for women’s participation and leadership in environmental and natural resource management and governance. Additionally, there is also no evidence that diverse groups of women have been consulted as sources of community knowledge on climate change. Where initiatives have begun, especially those connected to Sustainable Development Goals, they have not been carried forward due to a lack of funds or a lack of political will. Gender issues have been largely invisible in enviro infrastructure-related policies and do not receive adequate recognition, although, that apart, a holistic perspective is adopted for infrastructure development as an agent of economic growth, balanced regional development, poverty reduction, and national integration. Where we can and do see women’s involvement is in the everyday level, through community organising and through initiatives led by CBOs and NGOs.

In Sri Lanka,<sup>27</sup> the depletion of forest cover, natural resources and biodiversity; land degradation; poor waste management; air pollution and pollution of inland, coastal, and marine resources; pollution from power plants; and implications of climate change are issues to which solutions are sought. Sri Lanka is listed as the second most vulnerable country to climate change in the Global Climate Risk Index 2019.<sup>28</sup> Women are vulnerable, as deforestation deprives the access of poor rural women to natural resources such as fuelwood, food, and water; raw materials for industries and cultivation; and herbal medicines. Women and men in urban low-income neighbourhoods face environmental health hazards from industrial effluents, pollution of canals, and pollution from garbage in the absence of landfills. Women in their kitchens are affected by the absence of fuel-efficient stoves.



Although central policy does not contain gender-sensitive design or critique, on an everyday basis, women play a leading role in the protection of the environment, being the majority of members of societies in the Community Forest Programme. They are almost exclusively responsible for home garden development programmes, which focus on availability of supplementary food, fuelwood, medicine, and timber to meet family needs or for sale. Rural women collect biomass residue for home gardens and plantations, and fuelwood for cooking from forests, while women NGOs have installed biogas and fertilizer plants. In 2018, a local women’s NGO also trained local women councillors on climate change issues and responsible environmental management that could be deployed in their local areas.

Women also have a major role in the management of water in their homes; women NGOs have participated actively in the programmes of the Water Decade. Women in the dry zone, which has rain only during 3–5 months of the year, trek long distances to find water, for drinking as well as for washing and bathing. Women as well as men are members of farmers’ societies for the maintenance of reservoirs and distribution of irrigation water.

Women have been guardians and managers of home gardens over centuries but despite the role proposed for women in Agenda 21 of the Rio Action Plan, national plans have not been gender-sensitive. Donor-funded projects have allotted an active role for women in natural resource management and women have been

<sup>27</sup> Reporting based on ADB Gender Diagnostic: <https://www.adb.org/documents/sri-lanka-gender-equality-diagnostic-selected-sectors> and <https://www.adb.org/sites/default/files/institutional-document/172710/sri-lanka-country-gender-assessment-update.pdf>

<sup>28</sup> <http://www.germanwatch.org/en/16046>

proactive in environmental NGOs. **A major lacuna in national programmes is the very low priority given to gender in environmental impact assessments, even in social impact assessments.**

## National Institutions and Processes

31 What is your country's current national machinery for gender equality and the empowerment of women? Please name it and describe its location within Government.

The Ministry of Women's Affairs (MWA) is the main component of the national machinery for women's empowerment. The Women's Bureau (1979) is the programme implementation and the National Committee on Women (1996) is the policy advisory of the Ministry of Women's Affairs. There is a separate Minister appointed who is a member of the Cabinet.

Technically, the MWA reports to Parliament annually, These reports are not generally available to the public other than through the 'Hansard' Parliamentary Records.

What is the line of accountability for the national machinery for gender equality? Does it report annually to the Cabinet and Parliament? Are those reports accessible to the public?

32. Is the head of the national machinery a member of the institutional process for SDG implementation (e.g. inter-ministerial coordinating office, commission or committees)?

Yes

There is no national process for SDG implementation

If YES, what is their role in decision-making in the national machinery?

The Minister is a member of the UN SDG Framework (UNSDF) Steering Committee in Sri Lanka.

33. Are there formal mechanisms in place for different stakeholders to participate in the implementation and monitoring of the Beijing Declaration and Platform for Action, CEDAW and the 2030 Agenda for Sustainable Development?

YES

If YES,

a) Which of the following stakeholders participate formally in national coordination mechanisms established to contribute to the implementation of the Beijing Declaration, CEDAW and Platform for Action and the 2030 Agenda for Sustainable Development?

1. Civil society organizations \*
2. Women's rights organizations\*
3. Academia and think tanks \*
4. Faith-based organizations

5. Parliaments/parliamentary committees\*
6. Private sector
7. United Nations system

b) Do you have mechanisms in place to ensure that women and girls from marginalized groups and all genders can participate and that their concerns are reflected in these processes?

Yes.

Please provide further details about the mechanisms used. (2 pages max.)

Women's rights and gender equality focused civil society organizations have consistently addressed the rights of women, girls from marginalized communities and the LBT community. Shadow Reports to CEDAW, the Convention on the Rights of Migrant Workers, Universal Periodic Reports are means of highlighting issues internationally. Also making periodic interventions are organizations that work on rights of minorities (Tamil and those of the Muslim faith) and on sexual orientation and gender identity (SOGI).

c) Please describe how stakeholders have contributed to the preparation of the present national report.

The NGO Guide was translated into Sinhala and Tamil languages and emailed out to a wide group of stakeholders in the country inviting contribution to the preparation of a Parallel Report from Sri Lanka. Two stakeholder meetings were held in Colombo with the participation of representatives of organizations working on women's rights and gender equality. Some participants had been at the NGO Forum, Beijing'95, others had participated in previous B+ review processes while still others came because of the focus areas of the BPFA that their organizations also addressed. Some organizations work at Provincial or District level, others at national level. These organizations address issues of women workers in the Plantation sector, in the Free Trade Zones, in Agriculture, in post war contexts, SOGI, Human Rights, ethnic minority rights, Education, Health, Sexual and Reproductive Health and Rights, Youth Networks, MenEngage Networks

Organisations were invited to prepare presentations at the stakeholder meetings and also to send in written contributions towards this report highlighting general and/or specific issues that they work on. These contributions were included in the report along with additional write-ups, clarifications, references to published sources. The report was carefully pulled together and shared for further comments/observations before being finalized.

**34.** Is gender equality and the empowerment of all women and girls included as a key priority in the national plan/strategy for SDG implementation?

The National SDG Steering Committee recognizes Goal 5 of the SDGs but the focus is on 4 UNSDF Priority Areas where gender is included as a cross cutting issue.

## Data and Statistics

6. Has your country defined a national set of indicators for monitoring progress on the SDGs?

Yes

The Department of Census and Statistics has defined a set of 11 indicators for monitoring progress on the SDGs. These are Indicators 1 to 10 and 16. Hence, Goal 5 is included in this set.

The link to the list of indicators: <http://www.statistics.gov.lk/sdg/index.php/sdg/page/Tables>

If YES, how many indicators does it include and how many of those are gender-specific<sup>16</sup>? If YES, how many of the gender-specific indicators are additional country indicators (i.e., not part of the global SDG monitoring and indicator framework)? Please provide the indicators in an annex

If NO, how many global gender-specific SDG indicators (list provided in Annex 1) are available in your country

Please see link above.

37. Has data collection and compilation on SDG 5 indicators and on gender-specific indicators under other SDGs begun?

Yes

However, the focus on Goal 5 indicators is very weak. The Status of SDG Indicators in 2017 (published 2018) is confined to Indicator 5.2.1, 5.3.1 and 5.5.2 where the information provided is extremely limited.

<http://www.statistics.gov.lk/sdg/application/publications/book.pdf>

38. Which of the following disaggregation<sup>17</sup> is routinely provided by major surveys in your country?

- Geographic location \*
- Income \*
- Sex \*
- Gender
- Age \*
- Education \*
- Marital status\*
- Race/ethnicity\*
- Migratory status\*
- Disability
- Other characteristics relevant in national contexts \*



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