

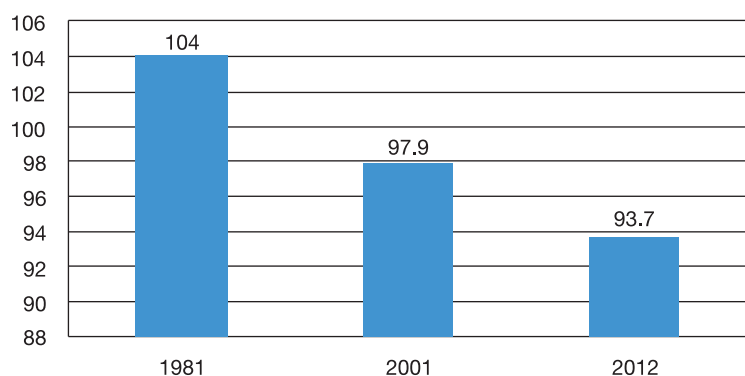


# Protecting Women's Rights

Development Policy Framework of the Government of Sri Lanka recognizes women as 'pioneers' of development. Investments in women have translated into positive outcomes with their associated challenges.



SEX RATIOS - 1981-2012, SRI LANKA



## KNOW THE FACTS

Females outnumbered males by 650,000 in 2012

Females constitute 51.6% of the total population in Sri Lanka at present

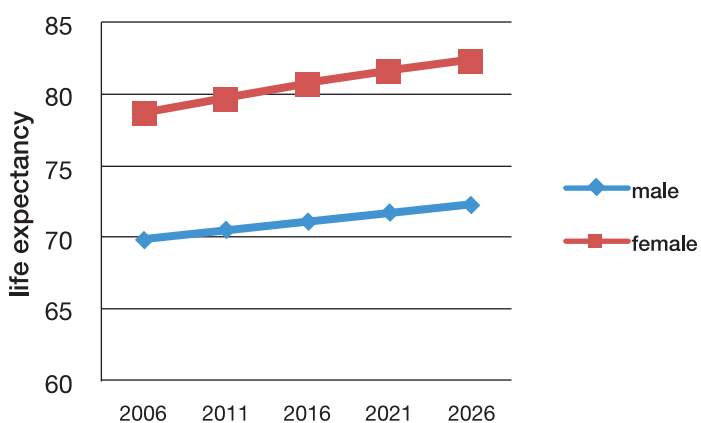
## KNOW THE FACTS

Life expectancy shows that women live longer than men

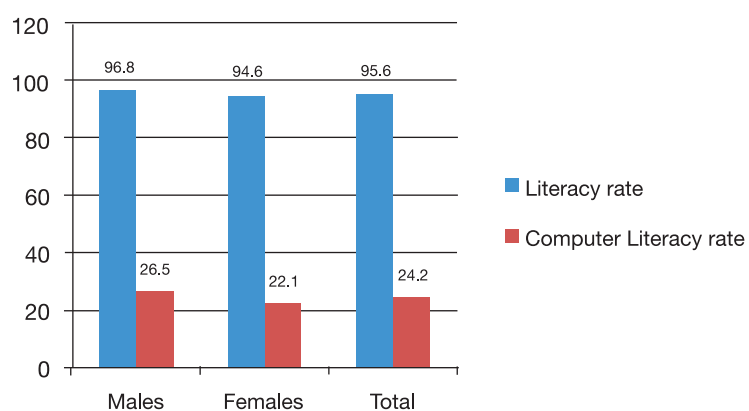
This increasing trend shows women living upto 77 years and men to 69 years

Female life expectancy is projected to reach 82.5 years in 2026

PROJECTED LIFE EXPECTANCY AT BIRTH - 2006-2026



LITERACY AND COMPUTER LITERACY RATE - 2012

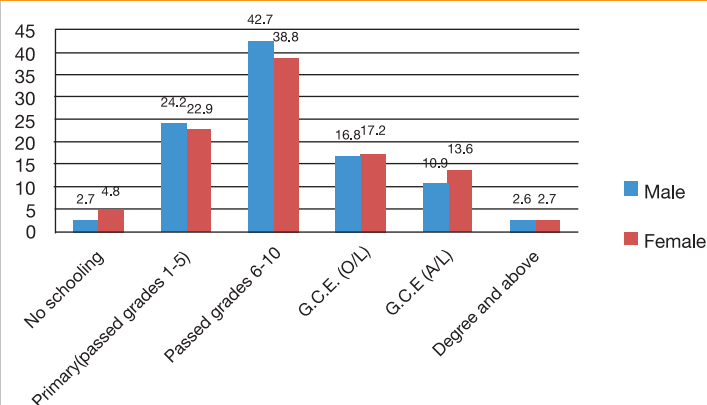


## KNOW THE FACTS

There is no significant difference in the literacy rates between men and women

The gender gap in computer literacy rate is relatively higher than the overall literacy rate among women

## EDUCATIONAL ATTAINMENT BY SEX - 2012



## KNOW THE FACTS

Fewer girls (4.8%) attended school compared to boys (2.7%) in 2012

Although fewer girls are in primary and junior secondary education they perform better at secondary and degree levels in comparison to boys

## KNOW THE FACTS

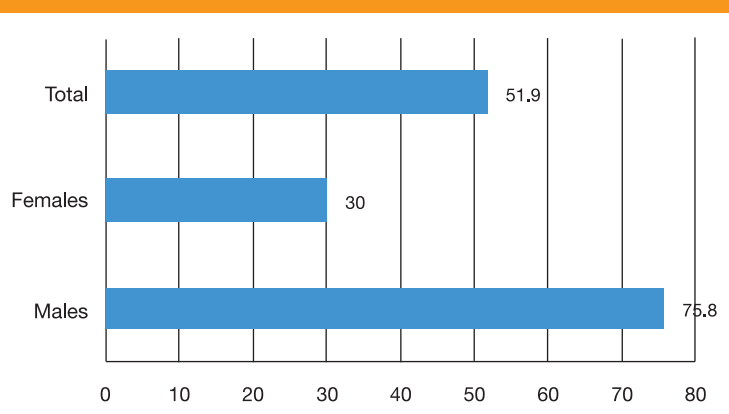
Women form the backbone of Sri Lanka's economy bringing in income from tea, textile manufacturing and remittances from abroad

A huge gap exists in the female labour force participation rate at 30% in comparison to male labour force participation at 75.8% in 2012

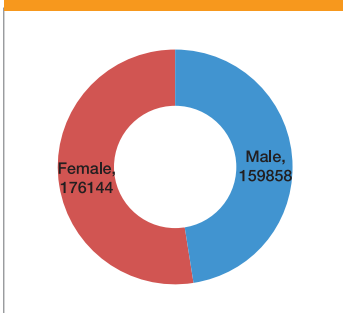
Only 8.8% of the firms in the country have females in their top management

26.1% of the firms have female participation in their ownership

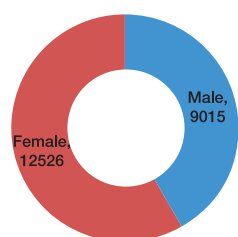
## LABOUR FORCE PARTICIPATION RATES BY SEX - 2012



## UNEMPLOYMENT BY SEX - 2012



## UNIVERSITY ADMISSIONS BY SEX - 2012

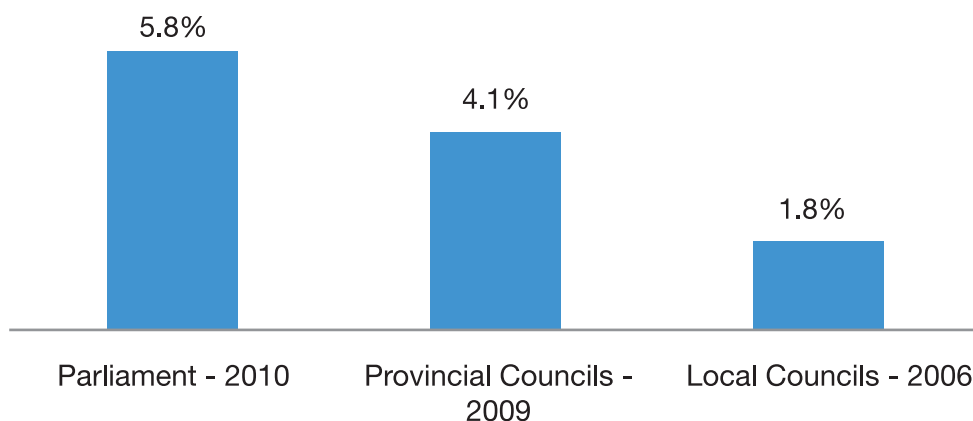


## KNOW THE FACTS

49% more girls are enrolled in university than boys

However, 10% more women are unemployed than men

## REPRESENTATION OF WOMEN IN POLITICAL OFFICE



## KNOW THE FACTS

In the last 60 years women's participation in politics and political institutions has been low in Sri Lanka

This is despite Sri Lanka's favorable Human Development Indicators and the national level commitment for equal representation under various conventions and agendas

The obstacles to women's equal representation in politics are due to fewer women self-selecting themselves for a career in politics due to socio-cultural, economic, political violence and psychological barriers; women being ignored by political parties as candidates for elections and fewer voters voting for female candidates

## Female-headed households

- There are 1.1 million households or 23% of the households are female-headed households according to the Household Income and Expenditure Survey 2009/10
- The majority of female-heads of households are in the age group of 40-59 years
- Among the total female-heads of households, more than 50% are widows while a small percentage (4.5%) has been reported to have never married again
- Household Income and Expenditure Survey 2009/10 did not cover the districts of Mannar, Mullaitivu and Kilinochchi where significant number of female-headed households are expected due to the conflict
- Discrimination against female-headed households has become an emerging political concern

## Female migrant workers

- The female participation for foreign employment was 51.73% out of total departures of 247,119 in 2009. Most females who departed in 2009 were housemaids and it was 89% of the total women migrant workers
- 42% of women who migrated as housemaids were between 30 and 44 years. This indicates that women of childbearing ages tend to utilize higher income avenues available through overseas employment
- Rights violations of female migrant workers is a growing concern

# What is the Issue?

## Gender-based Violence

Available evidence suggests that the prevalence of Gender-based violence (GBV) varies a wide range in Sri Lanka according to various studies carried out on different aspects of GBV. Although they are based on different sample sizes in various locations and among different sub-groups of the population, it is reasonable to assume that evidence gathered through such studies can provide an important insight about the magnitude of GBV in Sri Lanka.

## Key Factors influencing Gender-based Violence in Sri Lanka

- Disaster situations make women more vulnerable to various types of abuse
- General intention of domestic violence is not primarily to harm the women but to uphold power and control over the victim
- Disorderly and scarce coverage actions by legal officers, police as well as medical systems produce barriers to legal proceedings and proper documentation of GBV
- Incest: unable to resist due to ignorance, fear and helplessness
- Close kinship ties that attach women to their households set them vulnerable to abuse by their kith and kin who exploit the helpless situation of the victims
- Family conflict, alcoholism and assault can also be interrelated to each other as collective factors influencing GBV
- Sexual abuse is highly correlated with poverty, family size, and history of child abuse in the family
- Alcoholism of father and long-term absenteeism of mother due to foreign employment
- Sexual jealousy and reluctance, refusal of the woman to have sex are the main causes that lead to intimate partner violence
- Superiority, authority, patriarchal attitudes are the leading causes of intimate partner violence
- Domestic violence occurs as a result of the matters related to dowry, alcohol, and adultery of both partners
- Younger age of the victim, shorter duration of marriage, low parity, low educational level and the consumption of alcohol or drugs are the main causes of intimate partner violence
- Suspicion, alleged misbehaviour of the victim, authority of the abuser, and extra-marital relationships appear to be the major causes that lead to violence
- Economic dependence and low educational level also seem to be two major factors influencing partner violence
- Women in nuclear family set up seem to be more vulnerable to GBV compared to extended family units
- Wearing 'unsuitable' clothes, travelling alone, falling sleep, crowding, and not protesting against sexual advances seem to be the contributory factors leading to GBV in public transport
- Unemployment among men and men's suspicion of the actions of women appear to be factors leading to domestic violence in internally displaced settings

## STUDIES INDICATING THE PREVALENCE OF GENDER-BASED VIOLENCE IN SRI LANKA - 2002-2011

Author	Year	Prevalence	Type of GBV	Sample size	Respondents	Study Area
Moonesinghe	2002	18.3% of pregnant women	Physical abuse	1,200 pregnant women	Pregnant women	Badulla district
Wijayatilake	2003	83% of women	GBV	350 women	Women	Plantation sector
Senanayake	2003	68% of women	GBV	991 women	Women	Anuradhapura district
Amarasinghe et al.	2004	94% of females	Sexual harassment in public transport	200 women	School girls, girls in higher education and working women	Maradana Railway Station
Muslim Women's Research and Action Forum	2004	48% of women	Domestic violence	357 Muslim families	Families	15 districts in Sri Lanka
National Committee on Social Development	No date	31% of victims	Incest	97 persons between the age 4 and 28 years	Girls, women youth and boys	Anuradhapura, Polonnaruwa and Moneragala districts
UNICEF	2004	10% of the children aged 10-13 years; 14% of the children aged 14-19 years	Sexual abuse	1,152 adolescents (both school-going and out-of school)	Adolescents	Sri Lanka
Adikaram	2005	62.3% of women	Sexual harassment in the workplace	321 women	Women in wholesale and retail industry, educational sector and financial intermediary sector	Colombo
SLDHS 2006/07	2006/07	30% of women	Wife beating		Ever-married women between 15-49 years	Sri Lanka
Perera & Ostyle	2009	22.4% of male students and 15.7% of female students were the victims of physical abuse; 31.3% of male students and 25.4% female students were subjected to emotional abuse	Physical and emotional abuse	2,389 school going students	School-going students	Southern province
Fernando & Karunasekera	2009	44% sexual abuse; 36% physical abuse	Sexual and physical abuse	1,322 undergraduates	Undergraduates	Sri Lanka
UNOPS	2011	51.2% of respondents indicated presence of domestic violence	Domestic violence	4,004 households	Households	Jaffna, Mannar, Vavuniya, Kilinochchi/ Mullaitivu, Batticaloa, Ampara, Trincomalee, Anuradhapura, Polonnaruwa, Puttalam
Samarakoon	2011	8.43% of children	Child abuse	-	-	Mithru Piyasa at Matara Hospital
Jayasuriya, Wijewardena, and Axemo	2011	34% physical violence, 30% controlling behaviour, 19% emotional abuse, 5% sexual abuse	Intimate partner violence	750 ever-married women aged 18-49 years	Ever-married women	Western Province

## Characteristics of Survivors of Gender-based Violence

- Women and adolescent girls are at high risk of GBV; one out of four females are sexually abused by the time they reach 18 years of age
- Majority of women are being abused during their adulthood
- Elderly women appear to be more vulnerable to abuse than elderly men and most common forms of abuse have been assault and neglect in providing medical care
- An interesting feature of GBV in Sri Lanka is its occurrence commonly among all the ethnic groups
- The poorest socio-economic groups in the Sri Lankan society appear to be more vulnerable to GBV
- Working women seem to be at high risk of different forms of GBV irrespective of their socio-economic status and place of work
- Migrant women appear to experience both physical as well as psychological abuse while employed abroad
- Employed women in Free Trade Zone factories are also exposed to the risk of GBV
- Pregnant women also appear to be vulnerable to GBV



# Policy Framework on Women

**The constitution** guarantees the rights to equality, equal protection of the law, and nondiscrimination on grounds of race, religion, language, caste, sex, political opinion, or place of birth, and grants them the status of fundamental rights. The constitution also authorizes the state to make “special provisions ... by law, subordinate legislation or executive action” for the advancement of women, children or “disabled groups”. The constitution’s Directive Principles of State Policy enjoin the state “[to] ensure equality of opportunity to citizens, so that no citizen shall suffer any disability on the grounds of ... sex”.

**The National Plan of Action for Women** (2002 - 2007) aims to implement the goals of the Beijing Declaration and Platform for Action. The plan identifies a number of issues of concern with regard to women’s rights and sets forth goals, strategies and activities to advance its objectives within the time frame of 2002–2007. It addresses issues including access to education, health care and related issues, and violence against women. In response to UNSCR 1325, this action plan has a section on women, armed conflict and peace building.

**The Women’s Charter** (1993) calls for gender equality and freedom from gender discrimination in recognition of Sri Lanka’s obligations under its own constitution and international human rights law, notably CEDAW, although it has no enforcement mechanism. It enjoins the state to take certain measures to ensure women’s rights within seven broad areas:

- political and civil rights;
- rights within the family;
- right to education and training;
- right to economic activity and benefits;
- right to health care and nutrition;
- right to protection from social discrimination; and
- right to protection from gender-based violence.

**SAARC Social Charter: Sri Lanka Action Plan (2008 – 2015)** The thrust of this policy is women’s empowerment, hence it addresses aspects such as discrimination against women in legal provision and in law enforcement; inadequate women’s representation in decision making and in public life; gender inequality in the labour market; and inadequate support services for women to prevent gender-based violence in areas such as domestic violence, trafficking, and commercial sex work.

**The Population and Reproductive Health Policy (1998)** is another important policy document that includes a separate goal for achieving gender equality and countering violence against women. This policy calls for the strengthening of “laws and enforcement procedures, so that violence and sexual exploitation against women are eliminated.” It is important to note that Sri Lanka does not have a separate policy that champions gender equality and addresses violence against women.

**Women’s Rights Act (Draft)** in 2002-2003 the Sri Lankan government proposed an act that addressed gender discrimination and advocated equal opportunities for women. The structure and provisions of the proposed policy, did not however meet the standards of the Constitution or CEDAW, and was critiqued by women’s groups.

## **The national legal framework consists of many initiatives, these include:**

- The 1978 constitution which contains provisions that guarantee fundamental rights and offers protection against violence by the state (Art. 11; Art 12(1) , (2) and (4));
- Amendments to the penal code in 1995, 1998 and 2006 which redefined sexual offences and the offences of grave physical harm and amplified penalties for rape and made incest (Section 364 A), grave sexual abuse, sexual harassment and sexual exploitation criminal offences;
- Prevention of Domestic Violence Act No. 34 of 2005 offers for request by victims of domestic violence to the Magistrate's Court for a protection order and array of allied remedies to prevent further violence. A Plan of Action was introduced as a measure to ensure that the Prevention of Domestic Violence Act (2005) is effective and meaningful. The key agency coordinating the Plan of Action is the National Committee on Women.
- Torture Act No. 72 of 1994 incorporating standards of the Torture Convention, 1984.
- Mediation Boards Act No. 72 of 1988 to establish Mediation Boards to resolve disputes including family disputes; and Civil Law.

## **Rape**

The penal code defines rape as sexual intercourse between a man and woman under several specified circumstances; penetration is sufficient to constitute an act of sexual intercourse. For a man to be accused of raping his wife, the couple must be judicially separated by court order. Living separately as a result of a breakdown in the marriage does not constitute the necessary separation. Where the spouses cohabit, the husband may not be accused of rape.

## **Incest**

The penal code criminalizes incest, defined as an act of sexual intercourse between persons who are related within certain degrees. Sexual intercourse is prohibited between parents/grandparents and their children; brothers and sisters; aunts/uncles and nieces/nephews; and some in-laws.

## **Sexual harassment**

The penal code criminalizes sexual harassment, defined as assault or the use of criminal force, words or actions to cause "sexual annoyance or harassment" to another person. Sexual harassment may also be prosecuted under the 1998 Prohibition of Ragging and other Forms of Violence in Educational Institutions Act. Ragging that involves the sexual harassment of a student or staff member at an educational institution. In the private sector or in cases of employment in certain statutory bodies, a woman who is compelled to leave her job because of sexual harassment may seek redress from a labor tribunal for constructive termination.

## **Commercial sex work**

The penal code prohibits the act of procuring a person of either gender and of any age to become a sex worker within Sri Lanka or in another country, regardless of whether such person's consent has been obtained. The code also prohibits the acts of removing a person from Sri Lanka for purposes of prostitution, procuring a person for employment in a brothel, and detaining a person without consent in a brothel for purposes of sexual intercourse or sexual abuse. There are no specific government policies on commercial sex work. However, the Women's Charter enjoins the government to take measures to eliminate all forms of exploitation of women and children, such as prostitution and trafficking.

## **Sex-trafficking**

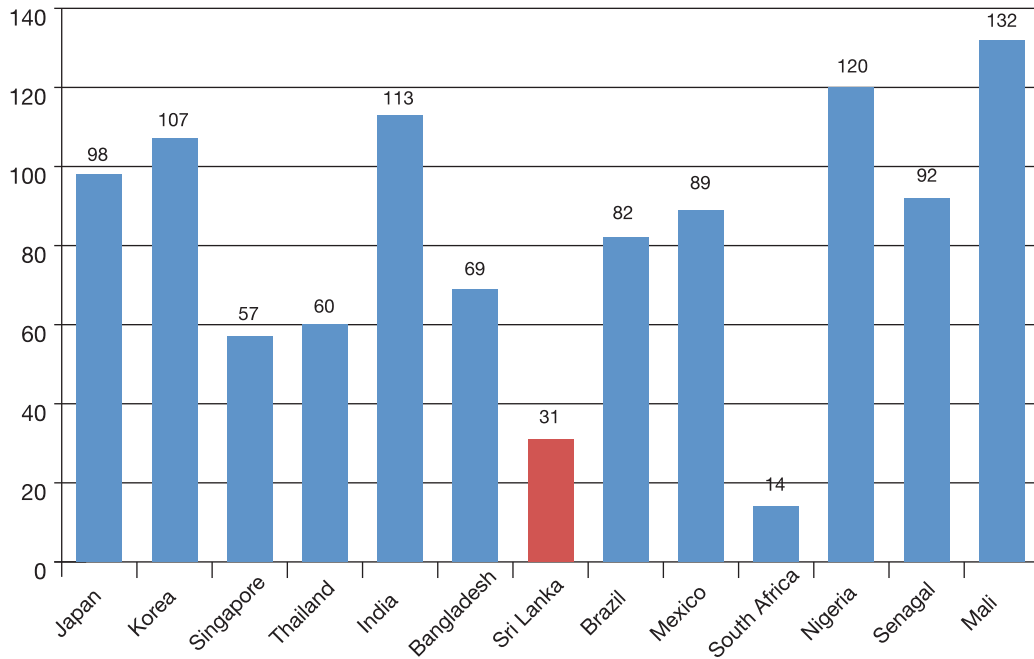
Sri Lanka is a country of origin for the trafficking of women and children for the purposes of sexual exploitation. The law prohibits trafficking in persons. The government of Sri Lanka ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the first sub-regional treaty addressing trafficking in persons, in the year 2002.

## **Customary forms of violence**

The practice of female circumcision on newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law. A 1996 survey by the Muslim Women's Research and Action Forum confirmed that female circumcision is practiced in all parts of the country. The practice involves a symbolic incision on the clitoris of the girl child on or before the 40th day after birth.

# International Comparisons

COMPARISON OF THE RANK IN GENDER GAP INDEX IN SELECTED COUNTRIES, 2011



Source: World Economic Forum, 2011

- Sri Lanka performs well in the Gender Gap Index (rank 31) even among advanced economies in South-east Asia such as Japan, Korea and Singapore. But South Africa ranks lower than Sri Lanka; Luxembourg (rank 30) and Namibia (rank 32)
- Shows higher than average performance in health and political empowerment
- But substantial gaps exist in economic participation and educational attainment
- Labour Force participation is 66.2 percent for males and 33.2 percent for females
- Nearly 97 percent of females enrolled at primary level but only 46 percent do their A' levels

Component	Rank
Overall	31
Economic Participation and Opportunity	102
Educational Attainment	103
Health and Survival	1
Political Empowerment	7

# What is UNFPA Doing?

With Sri Lanka recently emerging as a middle income country, UNFPA is shifting its activity focus from capacity building and service delivery to focusing on addressing the key issue in Sri Lanka with regard to gender-based violence through policy dialogue, policy advice and policy advocacy in the coming years.

## ADDRESSING GENDER-BASED VIOLENCE IN THE HEALTH SECTOR

- Establishing gender-based violence care centres in hospitals for survivors of gender-based violence
- Development of a hospital based reporting mechanism on cases of gender-based violence
- Facilitating multi-sectoral coordination in cases of gender-based violence
- Building the capacity of health staff in the prevention and management of gender-based violence
- Facilitating South-South learning using Sri Lanka's health sector response to gender-based violence as a model

## ADDRESSING GENDER-BASED VIOLENCE AT THE COMMUNITY LEVEL

- Helping to establish and maintain safe spaces at the community level for survivors and women with an immediate risk of violence
- Supporting the establishment of women and children units as a hub to address gender-based violence at the community level
- Integration of UNFPA supported women centres in to the community support system
- Provision of legal support and counselling through the network of community support
- Promoting men and boys as agents of change in preventing gender-based violence

## MAINSTREAMING REPRODUCTIVE RIGHTS

- Integrating women's reproductive rights into institutional frameworks through sensitization of judiciary, police and legal institutions
- Promoting access to justice by developing manuals, compendiums and guidelines on addressing cases of gender-based in partnership with Human Rights Commission

## POLICY ADVICE ADVOCACY DIALOGUE

## LEADING ADVOCATE ON GENDER-BASED VIOLENCE

- Leading the Forum Against Gender-based Violence and United Nations Gender Theme Group to facilitate a platform to strengthen the response to gender-based violence with a wide spectrum of stakeholders, including development partners, UN gender mechanism and established forums
- Facilitating research, data generation and analysis on gender-based violence and emerging gender issues to support advocacy, leadership and empowerment

