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Women in Sri Lanka *An Analysis of their Present Status*

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AN ANALYSIS ON PRESENT STATUS OF WOMEN IN SRI LANKA

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Authors' Introduction

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Nalini Ratnarajah is a well-known public interest activist with deep commitment and involvement on issues of women empowerment, minority rights, social development, peace building and post war recovery. She is an Executive Director of Women's a Development Innovators. She is a women's human rights defender and feminist working to promote and protect women's rights for over fifteen years.

Description of current states of demography with a segregated information on women human resource in the country; Status of women in politics and at decision making level

Women and Economic Activities

After three decades of war, Sri Lanka is at a critical juncture in its transitional justice process. This period of conflict gravely affected women and girls. Women are the most affected by the innumerable disappearances that took place during the period of conflict and girls in particular, and their economic, social and cultural rights being consistently hindered. However, 9 years after the end of the armed conflict, the reconciliation and transitional justice process continues to falter, and the establishment of a concerted and systematic effort is yet to take place. Consequently, the many concerns and grievances of the war affected communities, notably in the North and East, remain unaddressed, highlighting the lack of a sufficient state commitment and political will towards founding and sustaining a productive reconciliation and transitional justice mechanism and process. This is especially notable in relation to a considerable increase in intolerance against religious and ethnic minorities which has in numerous incidents escalated to violence and interlinked destruction of property and fatalities in the recent years. These events indicate the bleak likelihood of exacerbation in communal conflict. The effects and implications of these incidents on women and girls are of particular concern. Women in the plantation sector have been observed to be especially vulnerable, with persistent reports of sexual abuse, domestic and community violence against women. Women from plantation and rural areas continue to be marginalised. Discrimination against women is prevalent in spheres of Sri Lankan society, from customary law to family relations. These inequalities also persist within places of work and in accessing state services. Therefore involving women in all level strengthens the democracy, national economy, reconstruction, development, reconciliation transitional justice processes.

Sri Lanka is a parliamentary democracy comprising a population of 20.3 million persons. More than 51.75% of this (over 10 million) are women. (Trading Economics, 2015), with a sex ratio of 94 males per 100 females. Of the country's 5,264,282 households 1,278,046 (24.3%) are headed by females. Furthermore, women represent 33.7% of the labour force, with approximately 2.5 women employees out of a total employed population of 7 million. Women are reported as the highest foreign exchange earners in Sri Lanka, earning USD 6 billion in 2014 through migrating as house maids (Women chamber of industry and commerce, 2016). The other foreign exchange generating industries are Textile and Garment (44%), Tea (14%), Rubber and Rubber based products (8%) migrant workers.¹

Women are reported as the highest foreign exchange earners in Sri Lanka, with 6 billion US dollars in the year of 2014 through migrating as housemaids. According to a report by the Law and Society Trust (LST) in 2016, the next foreign exchange generating industries are Textile and Garment (44%), Tea (14%), Rubber and Rubber based products (8%).

Women cannot be defined under a homogenous identity. Social, cultural, religious, economic, geographic and ethnic identities further inform the special interests and needs of women. For example, Muslim and Tamil women, women living in remote areas and in conditions of extreme under-development and poverty are among the most under represented and marginalized in society. Widows and women whose husbands have disappeared face discrimination and are denied access to property and other rights. Women are victims of violence and sexually based offenses and have little recourse through the legal

¹ <https://www.lstlanka.org/wp-content/uploads/2017/11/Womens-Political-Representation-in-Local-Government-Institutes.pdf>

system due to inadequate laws and entrenched discriminatory attitudes. This is despite the repeated commitments that the Government has made in the international arena to ensuring that women's rights are protected and promoted.

The problems and practice of semi-feudal cultural practices associated with cultural patriarchy and interlinked male domination, expectations of female subservience, the economic disempowerment of women, structural and cultural discrimination, lack of realization of the importance of women's participation in decision-making within the family, community, public, and political life have resulted in the continued subordination of women in Sri Lanka. For example, women are expected to be involved in household activities such as cooking, looking after children which takes most of their time. These responsibilities are imposed on women from rural to urban at home. However, what this also highlights is the burden of unpaid care and labour imposed upon women by prevailing societal and cultural norms that place considerable expectations on women within familial structures. Furthermore, women's economic mobility and progress to positions of decision-making is notably hindered even when they are active participants in the labour force.

The 1978 Constitution guarantees equal freedom (without discrimination on the grounds of gender) and provides for affirmative action to ensure equal rights. A Women's Charter was formulated in 1993 and accepted as a policy by successive governments. The provisions of CEDAW and the Women's Charter need to be incorporated into national legislation and adequate mechanisms for implementation need to be put in place if Sri Lanka's commitment to women's rights is to be actualized.

Sri Lanka has a very high literacy rate. Education for the girl child is not neglected in most of the communities. Women are passionately involved in political discussion at home, work place and in the print and electronic media. Female turnout at elections are large but their willingness to vote for women candidates remain low. In Sri Lanka, people's political attitudes are very much party or authority centered. Most of the political parties have their women's wing. But, there is no internal structure within the parties that recognizes rightful participation of women in the decision making levels. The women's wings are merely to mobilize the votes of women than recognition of women's participation. Only a few women were able to gain leadership and recognition within these parties and succeeded in gaining elected representation. Majority of women gained representation as a result of the influence of their fathers, husbands or family recognition.

Women's Political Participation

Women make up more than half of the Sri Lankan population therefore to represent women in all decision making level and law making level and to implement and monitor those laws and policies women participation is unavoidable. As Tamil political parties, Muslim parties and upcountry political parties are representing their communities and their needs and perspective of their respective communities, women too have different needs and perspectives to men and their these need to be highlighted. Societies that are more inclusive of women are often less violent and more tolerant.

Furthermore, women constitute 58% of the voters in each election. Against this background, it is clear that women's participation in the Sri Lankan economy is considerably large and needs to be taken seriously by involving them as decision makers in making gender neutral policies and laws as well as using women to monitor and implement these laws.

However, women are severely underrepresented at the political and decision-making levels in Sri Lanka, despite boasting the world's first woman Prime Minister in 1960 and a woman Executive President for eleven years from 1944. Representation of women in Parliament has been abysmally low (around 4-5% since 1931) when Sri Lanka became one of the first Asian countries to grant universal adults franchise to get voting rights for men and women before many western countries. This percentage is even lower in local assemblies, being around (2 -3%). Elections held in April 2004 resulted in the formation of a new government and saw less than 5% of women elected to parliament. In response to agitation by women's organizations a quota that stipulates for 25% of the nominations to contest local assembly election was promised by the Mahinda Chintana manifesto. In 2017 act 16 provided 25% quota in LG.

Women are passionately involved in political discussion at home, work place, and in the print and electronic media. Women are also active voters and most of the parties' membership is consist of women. Women political meeting take place women are filling the seats. Women involve in campaigning issuing notice and pamphlets door to door. However, women's progress into roles of political representation is significantly low. Women's participation Women's potential in society, polity and in the economy, are hindered due to cultural, institutional, social and political impediments. This is further emphasised by women's relatively low participation in economic activities.

Challenges to women's participation in politics include the continuous character assassination of women, spreading rumors of women and their behaviours which damage the dignity of the women, the patriarchal culture which has set the frame for a women to be a good woman by following the culture and tradition. Due to the women's behaviours monitored carefully during elections the women are scared of coming to the lime light.

Policies and laws

Policies and laws that promote equal rights to women rights , status of implementation and the affirmative action taken so far; Polices and laws that prevent women rights or to be amended; Status of international conventions and covenant including CEDAW

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.

The 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.

Legal Framework

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.

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.

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.

The pluralistic law system in Sri Lanka’s legal system is influenced by different legal traditions, the criminal law is British, civil law is Roman-Dutch and laws regarding marriage and divorce and inheritance are regulated communally, which makes it a pluralistic law system.

An example of the difference in law and how it affects women is the minimum age of marriage. In 1995, the minimum age for marriage in Sri Lanka was change from 12 to 18 years except for Muslims; they continue to follow their customary practice. At present, there are three marital Laws in Sri Lanka. The General which applies to those not included in the other two, the Kandian that applies to the Kandy area and the Muslim Law. In reality, there exists specific laws within the LTTE areas but they are unknown and are not officially recognized. For the General Law and the Kandian Law the legal age of marriage is 18, for the Muslims there is no minimum age. For Muslim girls there is no right to consent to marriage; their guardians consent. Within the Muslim law, there is a separate divorce law for women and men. The General and Kandian law are equal except when it comes to divorce. Men can due to infidelity divorce but not women; they need to prove incest or cruelty. There is a proposal for a new matrimonial law, in which no matrimonial fault needs to be proven. It is an improvement for women as it will be easier for them to be granted a divorce. Under the new law they have to prove that the marriage has failed and do not need the approval from their spouse. The new law is intended to replace the General and Kandian law and make it into one that will be applicable to the entire island, except for Muslims.

Even though the laws that exist in the LTTE areas are not known there is a law that is applicable only to the Tamils in the north; it is called Tesawalami and deals with land rights. The law discriminates against women; women can own property but not dispose of it as they wish. If they want to sell the land they need their husband's consent. Tesawalami is described as a customary law and is only applicable to Jaffna Tamils and not Eastern Tamils. Tamils outside of Jaffna have to prove that they have maintained close contacts to Jaffna in order to fall under the law. The law of land is also different for Muslims; they have their own laws which differ even within the Muslim society.

The inequity in the country's pluralistic law system that has religious undertones has been addressed by the Law Commission of Sri Lanka, with the conclusion that it is deeply rooted within the ethnic minorities of the country and a sensitive issue. The Government does not seem to want to change the pluralistic law system, a reason for that might be that they do not want to lose the votes of the minorities. Officially it seems as if it is due to the fact that they live in a multi cultural and ethnic society and wish to respect their culture.

Sri Lanka and CEDAW State agencies and women's organizations created a Women's Charter adjusted to the Sri Lankan context with CEDAW as the model. In 1993, to comply with CEDAW, the charter was accepted as state policy and the National Committee on Women (NCW) was instated to monitor the Women's Charter. During an interview with the Chairperson of the National Committee on Women their work with CEDAW was discussed. The work of the Committee consists of suggesting legislation, policy and monitors the implementation of the charter; they try to create awareness through the media in order to achieve gender sensitivity. The Committee also has a trainee program to promote women's participation in politics. This is something that they are doing by trying to get women involved at grassroots level, and have them run for lower political posts. Every ministry in the Government has a gender focal point which is a person in charge of ensuring that their ministry takes gender into account. The NCW has had a series of programmes with the gender focal points on different issues including one on resolution 1325 which was very well received.⁹⁰ There are ongoing discussions about changing the status of the Committee to that of a Commission which would give them more resources and power. Power such as to investigate and bring cases before court. In the past, they have tried to turn it into a commission but failed, in November at the time of the interview it had been approved by the cabinet and with the legal drafter, and was waiting to be passed on for a decision by the parliament. Since the Charter has the status of a policy it is not legally binding, and seems to be "a policy document reflecting aspirations and intentions".⁹¹ According to a teacher at the legal department in Colombo there is a Women's Rights Bill that has been waiting for approval since 2002 and it includes the Women's Charter, if the Bill is passed it will be a law. In 1999, Sri Lanka submitted its fourth and third Country Report to the Committee on CEDAW as they under CEDAW article 18 are required to. In 2002, the Committee held their twenty-sixth session where the Sri Lankan report was considered.²

Affirmative Action to Date

The government has voted and ratified most of the major UN human rights instruments including the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), UN Declaration on the Elimination of Violence Against Women, the Beijing Platform of Action and the Beijing Declaration and the UN Security Council Resolution on 1325 on Women, Peace and Security. The Government, almost a decade ago, prepared a Women's Charter, created a cabinet ministry for women's affairs and the National

² <http://www.diva-portal.org/smash/get/diva2:137105/FULLTEXT01.pdf>

Women's Committee. Further, the country's Penal Code is amended in 1995 to criminalise all violence against women and the police are given wider powers to curb or to taken legal action against the perpetrator of violence against women. But, there are problems of proper enforcement of these laws. Women's participation was recognized through a creation of a Women's Sub-Committee in 2002 in the failed peace process by advocating the UN Security Council Resolution 1325.

Further achievements include:

1. Sri Lanka has political institutions to devolve power (by the 13th amendment to the constitution: Provincial Councils and the Local Governments-Infrastructure available for provincial and local level legislation)
2. Since the 1970s a ministerial portfolio has been dedicated for women's affairs in the central government. (Political commitment on women's affairs)
3. Several provincial governments in the country have a dedicated ministry for women's affairs
4. A special Parliamentary Act is enforced on violence against women in Sri Lanka (Legislation available)
5. A special bureau is in place on Women and Children in the Police Department of Sri Lanka (Institutional infrastructure for law enforcement)

Nature of the problems in relation to women's political, economic, social and cultural rights

Trends and extent of women rights violations (all political, economic, social and cultural rights)
Impacts to women at politics and society- inequality between men and women and gender

Women headed households

Already there are more than 23.4% of women headed households.³ According to the Ministry of Child Development and the Women Affairs, there are 89,000 war widows and around 20,000 female-headed house hold in Jaffna only. 80% of the total households in the Northern Province are headed by widows/divorced/unmarried women (Census & Statistics 2013). Female ex combats who were rehabilitated by GoSL after 2009 are 3000 according to GoSL statistics. But there are more number of women are within the community who return home before 2009 , those combats were not rehabilitated by GoSL .

These women are going through numerous cultural, social economic challenges, as they don't have proper livelihood support, job opportunities etc which put them in vulnerable situation. A large number of women and girls became victims during the conflict and post war facing enormous violence in their life. Addressing these challenges are very important to promote reconciliation in the post war community. These women have faced sexual violence, rape and sexual torture etc. These women don't have proper livelihood assistance to support their family and educate their children and to live economically independent. Marriage prospects for female ex-combatants who fought with the Liberation Tigers of Tamil Eelam (LTTE) are bleak within Tamil society, which is very traditional. All they want is a decent life and to be able to forget about everything that happened in the past. Many fear that the attribution of the

³ Shadow Report to CEDAW, submitted by the Women and Media Collective (2010)
https://www2.ohchr.org/english/bodies/cedaw/docs/ngo/WMD_SriLanka48.pdf

label “Tamil Tiger” to them is going to stick around forever irrespective of the fact that they need to move on. Another cultural challenge women face in the society is dowry system .

It’s important to have women in governing bodies to address these challenges by bringing laws, policies and plans. These challenges seem to persist also due to the fact that there are only a very few number of men who are sensitive to women’s issues. Women being in decision making bodies, where the resources are shared and plans are made, will bring rights based development to the country which in turn will lead to transitional justice and reconciliation among the people.

Overseas Migrant Workers

Women are reported as the highest foreign exchange earners in Sri Lanka, with 6 billion US dollars in the year of 2014 through migrating as housemaids. According to a 2017 report by the Law and Society Trust (LST). More than 1 million Sri Lankans are employed overseas, mostly in the Middle East, and many remained at risk of abuse at every stage of the migration cycle, from recruitment and transit, to employment, repatriation, and reintegration.

To protect women migrant worker the government took some steps, but many still feel that they have to face many issues such as long working hours, wages not being paid or delayed, confinement in the workplace, and abuses at all levels such as verbal, physical and sexual. The Government has come up with the discriminatory policy to restrict women who have children under 4 years old to go as migrant worker . This also highlights the issue where the entire responsibility of looking after children under 4 is the woman’s duty. This policy clearly violates the right of a woman to economic empowerment.

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.

In 2016, the UN Committee on Migrant Workers reviewed Sri Lanka’s record under the International Convention on Migrant Workers and their Families. Among other recommendations, the committee called on Sri Lanka to withdraw the Ministry of Foreign Employment Promotion and Welfare January 2014 circular that required a “family background report” for women migrants, as it discriminated against women and denied them the right to seek employment abroad instead of providing support they may need.

Sexual Orientation and Gender Identity

State and non-state discrimination and abuses against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) population persist. Sections 365 and 365A of the Sri Lankan Penal Code prohibit “carnal knowledge against the order of nature” and “gross indecency,” commonly understood in Sri Lanka to criminalize all same-sex relations between consenting adults. Due to this transgender women and bisexual women are facing abuses and harassment, detention and mistreatment by the state institutions such as the police.

CEDAW reviewed Sri Lanka in February 2017, noting in its concluding observations that the government had yet to fully implement the Convention on the Elimination of All Forms of Discrimination against

Women, although it did note some progress on policies and plans designed to protect women against trafficking, and sexual and other violence.

Gender-based Violence

Sri Lanka is one of the countries where the violence against women is at rapid increase. The situation is worse in the districts underwent intensive and brutal armed conflict. This three decades of destructive armed conflict between the Sri Lankan state military and Tamil militant armed groups have resulted displacement of communities living in the conflict areas, destruction of housing and property, losing livelihood security and becoming internally displaced living in temporarily created displaced camps for decades with awful living conditions and without any privacy.

It is a globally recognized experience that in any armed conflict of this nature, it is women and children who suffer mostly. Women living in the conflict areas in Sri Lanka have faced severe hardships due to various forms of violence against them as a result of increased militarization of their living environment, repression by the state security forces and militant groups, lack of rule of law, inadequate and inefficient or corrupt law enforceable agencies and institutions, imposed control by the state military or Tamil militant armed groups etc.

The nature, pattern and magnitude of violence against women in these districts have been documented through various research and studies conducted by several institutions. But, it is only a very few incidents of violence against women have come to lime lights and most of the victims do not bring their cases due to fear of further victimization and harassments by the perpetrators or feeling of shame. High handed rapes of Tamil women by members of state security forces and police have been exposed from time to time. But, civil society observers believe that information of minute number of cases were publicized and large number of cases of rape in the conflict areas have been suppressed by the family members due to fear or shame. In a society which regards virginity of women as an important aspect for marriage and losing this outside the formal marriage is considered as shame. Sexual relationships are confined only between husband and wife and any other incidents of sex even that has happened by force (through rape), outside of married life is not accepted in these traditional village communities. Therefore, victims usually hide information of rape to outsiders. As a result of this situation, most of the perpetrators of rape escape without being punished.

Continued conflict of three decades in the Northern and Eastern Provinces and brutal suppression of armed rebellion of Sinhalese youth in the rest of the country once in 1971 and again during 1988-1990, has helped for the GOSL to justify the militarization and to create an environment in which power is yielded with impunity and this allows the state security personnel and police to use excessive violence against people living in the former conflict areas. As a whole, this situation helped to institutionalize the culture of violence and filtered into the lives of ordinary people resulted the breakdown of law and order, abuse of power and lack of respect for life. Women have suffered disproportionately. women are facing various forms of domestic violence from their husbands, siblings, members of extended families. Conflict created stress, post-traumatic stress disorder, alcoholism through illicitly brewed alcohol, economic difficulties, lack of privacy due to improper and safe living environment are contributing towards worsening of the situation on violence against women.

According to the statistics tabled in the Parliament in April 2013, in the year of 2012, 1750 cases of child rape, 300 cases of rape of women, 5475 cases of child molestation and 1194 cases of child abuses were reported. Sri Lanka is said to be in the 5th place among other countries that have reported higher rate of

domestic violence against women. Sri Lankan legal system is strengthened by amending the Penal code, including provisions related to violence against women. Prevention of Domestic Violence Act was adopted by the Sri Lankan Parliament in August 1985. Related Action Plan was developed in 2005. Despite of all these preparatory measures, none of these were properly implemented so far.

Even though cases of violence against women is under reported, Sri Lanka is recognized as a country with highest rates of domestic violence in Asia. Sri Lankan women remain unprotected and without adequate resources if they fall victim to domestic abuse, whether it be physical, sexual or emotional. All major police stations are equipped with special desk for women and children to entertain cases of violence and abuses of women and children. But, their inability to maintain confidentiality of complains, lack of effective investigative skills and techniques, low rates of criminal convictions for perpetrators are seen as major deadlocks for unwillingness of victims to make use of these services to ensure justice. Lack of facilities for social protection of women and their inability to ensure their livelihood independent of their male spouses is another factor which is compelling married women to tolerate all forms of violence from their male spouses and remain with them. Any decision to separate from their male spouses means that they will have to face homelessness and economic difficulties to ensure their livelihood security. They will have to safeguard themselves from possible sexual abuses from outsiders if they to live alone. Therefore, in most of the cases, their desire to escape violence through separation became untenable.

Domestic violence is widespread in Sri Lanka. Although the lack of systematic data and under-reporting has prevented a total understanding of domestic violence, the available information indicates a high prevalence and diverse forms of violence faced by women and children in their homes. While police statistics are available regarding gender based crime such as child abuse, rape and domestic violence, the available reports admittedly don't reflect the total reality.

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 Lanka⁴

- 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

⁴ <http://triaddigi.com/portfolio/unfpa/protecting-womens-rights.html>

- 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.

Resistance movements against the women rights violations in the country

Mapping of political movements and CSO movements in the country, lobbying and advocacy campaign, policy advocacy etc

Since before independence Sri Lankan women were engaged in social activities. There were even women participating in nationalist movements during the British period, but it was the middle class women that got this opportunity. Not many women in UNP/SLFP more women were in the socialist movements in the 40s and 50s. The Ceylon National Congress was formed in 1919 and its membership was open to both men and women. A women's organization, Mallika Kulangana Samithiya, was affiliated with the Congress. The Women's Franchise Union was formed in 1927 and the Lanka Mahila Samithi in 1930. In 1944, the Ceylon Women's Congress was established.

However, since then ordinary women have not been involved in political activities except for a few women from an elite background who was in the forefront. Since 1975, women's organizations were growing as a civil society movement. Women's Action Committee was the first network of women and was advocating for women's liberation. Anyhow these movements were able to contribute to a unified (all ethnicities in transition process from colonization to an independent democratic state. These women movements and their initiatives helped to adopt women friendly development policies in Sri Lanka within Education and Health sector. These policies and intervention of women made the Government of Sri Lanka to ratify CEDAW in 1981. In 1982 the ministry of women affair was established and Sri Lanka adopted the Women's Charter in 1993. Due to the deteriorating situation of human rights in the country the Women's Action Committee folded up.

In 1989, the Mothers and Daughters of Lanka campaigned against disappearances. In Jaffna the Mothers Front (during the same time) worked on human rights issues. Women for peace working for national reconciliation and peace, the anti-war movement was more a women's expression for peace.

One of the magnificent achievements of women rights in the country was when the united front government recognized and created the women sub committees in the peace process after the Cease Fire Agreement in 2002. It was a unique institutionalized system made in order to ensure women's participation in the peace process advocating for UNSCR 1325. Unfortunately with the collapse of the negotiations and the mechanism that promoted it, this system time died down. Women's organizations or human rights organizations did not take initiatives to promote women's participation in peace and security and did not have alternative avenues to sustain the dialogue of women's participation in peace building. There was no strong relationship between the civil society organizations and the government or amongst the civil society on sustaining institutionalized involvement of women in the peace process.

Conclusion and Recommendations

- For SAAPE to engage with the national campaign which will have regional significance
- Provide a list of possible legal actions that national civil society could challenge at court/government authority, para-legal authority etc
- Provide a list of possible policy actions that a lobby could be done to change the policies in favour of women at different spectrums (politics, economics and society)