



# BEYOND GENDER PARITY

A Policy Brief



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Prepared By:

Leelangi Wanasundera

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## **1.INTRODUCTION**

### **Status of women - international indicators**

Sri Lanka shows no improvement in reducing inequalities between women and men despite Sri Lanka's high human development ranking.<sup>1</sup> In fact, over the years, there is overall regression in reaching gender parity. Sri Lanka, that had an index of 0.720 in 2006 and a rank of 13 out of 115 countries had, in 2020, slipped to the 120<sup>th</sup> position out of 156 countries and had closed only 67.7 per cent of the gender gap. Countries such as Singapore, France whose ranking was below that of Sri Lanka in 2006 had improved theirs by 2020. In South Asia, Sri Lanka was ranked just above Bhutan with the highest gender gap among regions in 2020.

The regression is despite Sri Lanka maintaining its lead position in Health and Survival.<sup>2</sup> The rank in Educational Attainment declined from 52 to 88 and the score from 0.990 to 0.988. The significant drop was in Economic Participation and Opportunity and Political Empowerment. Sri Lanka's rank in the former dipped from the 84 to 126 while political empowerment, measured by the number of women in parliament, declined from seventh position to the 73<sup>rd</sup> and the score more than halved from 0.365 in 2006 to 0.167 in 2020. All in all, gender inequalities persisted and widened over 15 years.

The widening gender gap has occurred in a context of very high literacy rates, near parity in enrolment in primary education, and a higher number of women at secondary and tertiary levels of education, as also better economic growth over the same period.

In addition to the indices used for the global ranking on gender inequality, there are multiple forms of inequality resulting from patriarchal structures and power relations as well as legal, political, institutional and societal barriers that prevent the closing of the gender gap.

### **Sustainable Development Goal 5 -Gender Equality**

Gender equality is one of the goals of SDG Agenda 2030. However, several other Goals include targets that are relevant for achieving gender equality. These are Goals 1 (No Poverty), 3 (Good Health and Wellbeing), 4 (Quality Education), 8 (Decent Work and Economic Growth) and 16 (Promote Peaceful Societies and Sustainable Growth). As of 2019, Sri Lanka had a score of 68.1 per cent in achieving SDG Agenda 2030.<sup>3</sup> Improving the stagnant female to male labour force participation rate was identified as a major challenge.<sup>4</sup>

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<sup>1</sup> World Economic Forum. 2021 March. Global Gender Gap Index Report 2020. [https://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](https://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

<sup>2</sup> Sub-Indexes in the GGG Index are Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Participation

<sup>3</sup> Sri Lanka. Overall Performance. <https://dashboards.sdgindex.org/static/profiles/pdfs/SDR-2021-sri-lanka.pdf>

<sup>4</sup> Ibid

The persistent inequalities and discriminatory practices that are holding many women and girls back from achieving their potential need to be addressed. This policy paper takes the position that based on Sri Lanka's constitutional guarantees and its international commitments, the state has the obligation to take leadership to eliminate gender inequalities, achieve Sustainable Development Goals (SDGs) by 2030 and leave no one behind.

### **Objective and focus of the policy paper**

The general objective of the policy paper is to advocate for policy and programmatic action to achieve gender parity and empower women.

The primary focus of the policy paper will be on women's participation in the labour force and political participation and decision making, two of the sub-indexes in the Global Gender Gap Index. Gender based violence is included because there is no empowerment of women as long as violence is widespread and accepted.

To provide the context, the paper presents the demographic and economic background, and an analysis of gender inequalities highlighting disparities based on resident sectors, geographical location, social, economic and cultural backgrounds and briefly refers to the impact of COVID-19 and the current (2022) economic and political crisis in the country.<sup>5</sup>

## **2. THE CONTEXT**

### **Demographic characteristics**

Sri Lanka's population is projected to grow from 20.2m in 2021 to 23.54 mn. by 2041. With an average life expectancy of 80.7 years for women as compared with 77.6 years for men the majority of the population of over 60 years will be women.<sup>6</sup> This population group will include sub-groups such as the very elderly without family support, people with disability, those who are lifetime poor and do not have adequate savings. Shrinking of the labour force and contraction of the GDP in the near term will pressurise health services and increase pension payments.

### **Economy**

The Sri Lankan economy that responded positively to the 2002-2006 ceasefire continued beyond the end of the armed conflict in 2009 with a growth rate that averaged 5.8 per cent

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<sup>5</sup> This paper was written during the early stages of the COVID-19 health pandemic.

<sup>6</sup>Department of Census and Statistics. 2021a. Mid-year population estimates by age group and sex. <http://www.statistics.gov.lk/>

from 2010-2016, underpinned by the ‘peace dividend’; large scale development projects. Purchasing power parity increased to over US\$ 11,000.

However, growth declined from 3.2 per cent in 2018 to 2.3 per cent in 2019 due to external factors and internal political uncertainties. In 2020, growth contracted by 3.6 per cent with the COVID 19 pandemic and the global downturn, with businesses and households being adversely affected in the short term and consequently on economic growth in the medium term.<sup>7</sup>

Sri Lanka’s growth is characterised by wide regional disparities in income and wellbeing. Structural changes in the economy had seen a shift away from agriculture to services and industry sectors. Employment in agriculture decreased from 2014-2019 but a substantial number is still engaged in agricultural pursuits with an increase in numbers in 2020. The expansion of the services sector, urbanization, life style changes, increasing use of technology have impacted on the labour market. Increasingly employers are offering flexible hours of work and shift work while traditional jobs with regular hours of work are giving way as businesses work outside the traditional framework of day-time jobs.<sup>8</sup>

## Poverty

In 2019, an estimated 14.3 per cent of the population or three million individuals in Sri Lanka lived below the poverty line of Rs.6,966 per person per month. District disparities are seen with the highest Headcount Index, 44.5 per cent, being reported from the conflict affected Mullaitivu district with Colombo district at the other end of the spectrum having 2.3 per cent of its population below the poverty line. An estimated 11.9 per cent of households in Sri Lanka are in poverty.

The poor, 2.5 mn. or 82.7 per cent were concentrated in the rural sector that has the highest female population, followed by the estate and the urban sectors. The Western province had the lowest headcount index at 6.0 per cent and Uva Province the highest at 28.3 per cent. Sixteen percent are multidimensional poor.<sup>9</sup> By age, 16.8 per cent of children below 18 years are living in households below the poverty line. The incidence of poverty is higher

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<sup>7</sup> Central Bank of Sri Lanka.2021. Annual Report. <https://www.cbsl.gov.lk/en/publications/economic-and-financial-reports/annual-reports/annual-report-2020>

<sup>8</sup> Arunatilake, Nisha et al. 2020. Women in night and shift work in Sri Lanka: Policies to Facilitate More Participation. <https://www.ips.lk/talkingeconomics/2020/03/05/women-in-night-and-shift-work-in-sri-lanka-policies-to-facilitate-more-participation/>

<sup>9</sup> Department of Census and Statistics 2021a. Multidimensional Poverty in Sri Lanka. <http://www.statistics.gov.lk/Poverty/StaticalInformation/MultidimensionalPovertyinSriLanka-2019>

for females than for males. There is also a substantial concentration of non-poor people who were just above the poverty line that are vulnerable to falling into poverty.<sup>10,11, 12</sup>

Since 2019, the poverty rate (earnings less than US\$3.20 per day) is estimated to have increased from 9.2 per cent in 2019 to 11.7 per cent in 2020. It is expected that previous gains will be lost with the expected downturn in the economy, increasing unemployment and loss of livelihoods especially of vulnerable population groups and those not covered by social safety nets.<sup>13</sup>

### **3. DISCRIMINATION AGAINST WOMEN AND GIRLS**

#### **Legal and structural discrimination**

The Sri Lankan constitution<sup>14</sup> guarantees equality before and equal protection of the law, and non-discrimination including on the basis of sex. It provides for affirmative action and stipulates that this provision shall not prevent the enactment of laws or regulations or executive action being used for the 'advancement of women, children or disabled persons' Art 12 (4). The State thus has a proactive role to play in relation to specific groups of citizens. It has a duty to 'ensure equality of opportunity to citizens so that no citizen shall suffer any disability on grounds including that of 'sex'.<sup>15</sup> It is also required to 'eliminate economic and social privilege and disparity, and the exploitation of man by man or by the State.' (Article 27(7)).<sup>16</sup> However, according to Article 29, these Directive Principles of State Policy are not justiciable.<sup>17</sup> Discriminatory laws are still on the Sri Lankan statute books, laws which are not consistent with the fundamental rights articulated in the constitution.

Guarantees on fundamental rights are subject to two limitations. One, the constitution does not recognize judicial review of legislation. Art 16 of the constitution states that all existing written and unwritten laws will continue to be valid even though they are not consistent with the fundamental rights articulated in the constitution. Thus, several colonial laws such as the Vagrants Ordinance and the Brothels Ordinance are used to discriminate against and harass a group of ostracized and marginalized women - sex workers. Art 16 also applies to personal laws such as the Matrimonial Rights and Inheritance Ordinance (Jaffna), No. 1 of 1911 that restricts a married woman of Jaffna subject to customary Tesawalamai law from disposing of her own immovable property, such as land, without the written consent of her husband. Cultural sensitivity has prevented the reform of the personal laws of Tamil,

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<sup>10</sup> More people would have fallen into poverty as the official poverty line had increased since 2016. Department of Census and Statistics 2017. Poverty Indicators. Colombo.

<sup>11</sup> Rs. 4,440 in 2017. Department of Census and Statistics 2018. Statistical Pocket Book 2018. Colombo.

<sup>12</sup> Department of Census and Statistics 2022. Poverty indicators 2019.

<http://www.statistics.gov.lk/Poverty/StaticalInformation/PovertyIndicators-2019>

<sup>13</sup> Central Bank of Sri Lanka 2021. *ibid*

<sup>14</sup> Sri Lanka. The Constitution of the Democratic Socialist Republic of Sri Lanka Sri Lanka, Article 12.

<https://www.parliament.lk/files/pdf/constitution.pdf>

<sup>15</sup> *Ibid* Article 27(6).

<sup>16</sup> *Ibid* Article 27(7).

<sup>17</sup> *Ibid* Article 29.

Muslim and the Kandyan Sinhalese. In addition to personal laws women are also discriminated against in other areas, as for instance, barring women Divisional Secretaries from voting at an election for appointing the custodian of the Dalada Maligawa.

Inheritance schedules in the Land Development Ordinance (1935)<sup>18,19</sup> has a preference for males over females. Girls could inherit state land only in the absence of male siblings. This provision has not been removed despite decades of advocacy by women's organizations and assurance by administrators.

Rights enshrined in the Constitution are enforceable against infringements under Article 126 of the Constitution. However, a remedy for rights violations is available only in respect of state action or those acting under State authority (Article 17)<sup>20</sup> and is not applicable to the private sector. This limitation affects gender equality as gender discrimination in the 'private sphere' is high.<sup>21</sup> Despite this clause, women have challenged discriminatory practices in court. Samararatne and Goonesekere (1995) argue that "Sri Lanka lacks a vibrant jurisprudence that upholds the gender dimension of fundamental rights" and goes on to say that court does not take into account the patriarchal and gender stereotypical socio-economic context of Sri Lankan society.<sup>22</sup>

Action was taken in 2019 to reform some of the discriminatory personal laws. However, there has been no progress since the bills were tabled showing the deep-rooted cultural biases of communities and political inaction.

Structural discrimination also exists in administrative action that informally recognizes a head of household to be a male. Thus, the head of household is generally male unless specified as a 'female head of household,' which indirectly relegates women to a subordinate status within the household. This disadvantages women who have been deserted or whose husband is missing, especially when claiming the property of the spouse.

### **Socio-cultural norms**

Sri Lankan women are not subjected to overt forms of discrimination that are prevalent in some South Asian countries. There is no son preference, educational aspirations of parents are for both girls and boys. However, male dominance is seen in the family, community, and in access to productive resources.

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<sup>18</sup> Schedule 3 and related gender-discriminatory provisions of The Land Development Ordinance No. 9 of 1935.

<sup>19</sup> A draft amendment repealing discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership is reported to have been sent to the Legal Draftsman's Department in 2016. CEDAW Committee 2017.

<sup>20</sup> *Rajarante v. Air Lanka Ltd.* 1987, New Law Report 128

<sup>21</sup> See for a discussion in this regard, Shyamala Gomez and Mario Gomez, 'Sri Lanka: The Law's Response to Women Victims of Violence' In Savitri Goonesekere (ed), *Violence, Law & Women's Rights in South Asia* (Sage 2004) 250-251.

<sup>22</sup> *Ibid*

Several laws govern family relations in addition to the general law. These are specific to ethnic groups and take precedence over the general law. For example, the laws of Kandyan Sinhalese, Moors and Tamil as they relate to age of marriage, divorce and inheritance. Among the Kandyan Sinhalese, a daughter's right to inheritance is tied to marriage practices. Polygamous marriages are permitted only in the Muslim community, but such marriages are subject to limitations.

Household authority, by default lies with the male. The father is the natural guardian and the mother the custodian, also responsible for domestic activities. In case of divorce, the court gives a ruling in the 'best interest of the child'.

Gender norms and stereotypes based on discriminatory religious and cultural traditions are still pervasive. The socialization process **molds** children from a young age also through the education system. Media perpetuates gender stereotypes and sexism. Gender ideology and biases of teachers, the curriculum and school textbooks and every day practices promote the protection of culture and tradition, influence the choice of study and subsequent employment. Rather than challenging gender norms and stereotypes, education has played a significant role in perpetuating them. The recent national survey<sup>23</sup> on violence against women reported that women internalized their subordinate position and justified violence against them. These attitudes varied with age and educational status.

#### **4.ECONOMIC PARTICIPATION AND OPPORTUNITY**

##### **Labour force participation**

For decades, around 70 per cent of working age women in Sri Lanka were not working for an income in cash or kind or looking for work. This is despite higher growth rates, a lack of overt discrimination, especially in the family and women's increasing educational achievements. The International Monetary Fund estimates an average loss of 20 per cent to the Sri Lankan economy due to the low labour force participation of women.<sup>24</sup>

Women do not participate in the labour force due to old age and retirement (16.1 %),<sup>25</sup> physical disability (5.7 %), and as they are engaged in studies (15.8%). But a substantial cohort (60.3%) of working age women keep out of the labour force because they were engaged in household activities, and, thus time constrained.<sup>26</sup> Of these economically inactive

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<sup>23</sup> Department of census and Statistics. 2020a. Women's Wellbeing Survey. [https://srilanka.unfpa.org/sites/default/files/pub-pdf/womens\\_wellbeing\\_survey.pdf](https://srilanka.unfpa.org/sites/default/files/pub-pdf/womens_wellbeing_survey.pdf)

<sup>24</sup> Quoted in Perera, Anarkalie 2017. Women's Labour Force Participation in Sri Lanka: An Inquiry in to the Key Social and Cultural Constraints. Colombo: IPS. <https://www.ips.lk/talkingeconomics/2017/02/20/womens-labour-force-participation-in-sri-lanka-an-inquiry-into-the-key-social-and-cultural-constraints/>

<sup>25</sup> All statistics are from the Labour Force Survey Annual Report 2019 published by the Department of Census and Statistics unless otherwise stated

<sup>26</sup> women spend 5 hours in unpaid domestic services, 3.4 hours in unpaid care giving services for household and family members and 2.2 hours in voluntary work. Department of Census and Statistics. *Sri Lanka Time Use Survey Bulletin-2017*. <http://www.statistics.gov.lk/Resource/en/OtherCensusandSurveys/Bulletins/Time-Use-Survey2017.pdf>



women, more than half (56.1 per cent) were in the prime age group as compared with only 5.9 per cent of men. Education has a positive impact on labour force participation. Only 20 per cent of women who had an education above a degree were economically inactive as compared with 17 per cent men. But wide gender differences are seen for other categories with 76 per cent of women who had an education up to Grade 5 and below out of the labour force. This compares with 34 per cent of men who were economically inactive.

Factors that determine women's labour force participation include educational attainment and skills including digital literacy, marital status, having children under ten years of age, more specifically below five years, quality and affordability of childcare, elderly care, the engagement of the spouse in a white-collar job as opposed to being engaged in a manual job or if there were other men in the household who are employed, receipt of remittances and ethno-religious identity determined women's labour force participation. Access to other income, social capital and networks and location- sector, province and district and location specific labour market characteristics are other factors that influence women's LFP. Poor health and disability were also factors that kept women out of the labour force.<sup>27, 28</sup>

Gender norms and customs that place restrictions on women's mobility, absence of flexible work arrangements and problems in commuting for work. Among these factors, for all women, except for those with a tertiary level of education, marital status and having children below 10 years were key factors that influenced a woman's decision to enter paid employment.<sup>29</sup> However, even where conditions facilitated women to seek wage employment, the legal framework governing work in the private sector imposed constraints on the nature and type of work that women were able to take up.

## **Employment and unemployment**

Just over a quarter (29.3 per cent) of the approximately eight million who were employed were women.<sup>30</sup> They included wage and salaried employees and the self-employed. The latter includes employers, own account workers, and contributing family workers<sup>31</sup> in the informal sector in which around 60 per cent of women find employment.

Unemployment in Sri Lanka is considered to be voluntary and not due to lack of employment opportunities. High rates of unemployment in Sri Lanka have been attributed to expectation and queuing for public sector jobs that gives job security, and a life time

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<sup>27</sup> Gunatilaka, Ramani 2021. Labour force participation of women in Sri Lanka.

<sup>28</sup> Gunatilaka, 2013; Chowdhury (2013).

<sup>29</sup> Gunatilake, Ramani. 2013. Women's participation in Sri Lanka's labour force.: trends, drivers and constraints. Colombo; ILO.

<sup>30</sup> Persons who worked as paid employees, employers, own account workers or contributing family workers are said to be employed. This also includes persons with a job but not at work during the reference period

<sup>31</sup> A contributing family worker is a person who holds a self-employment job in a market-oriented establishment operated by a related person living in the same household, and who cannot be regarded as a partner because of the degree of his or her commitment to the operation of the establishment,

pension, transferable to the surviving spouse. Family support is largely attributed to job wait.<sup>32</sup>

Although unemployment has been declining, women's unemployment rate (8.5 per cent) was double that of men at 4.0 per cent in 2020, a trend that had existed for decades. Of the unemployed women 54.1 per cent were youth aged 15-29 years.<sup>33</sup> Women's unemployment rates are higher than those of men for all levels of education.

### **Legal constraints to women's labour force participation**

Laws and regulations, some enacted during colonial times, act as constraints to women's access to employment. These protectionist laws<sup>34</sup> especially relating to maternity benefits are considered to be a burden to the firm. Women who were in child bearing ages were sometimes disadvantaged at the recruitment stage.<sup>35</sup> Restrictions on night work, termination of employment, employment in specified types of hazardous work lead to indirect discrimination against employing women. Though discrimination was not overt, employers did not fully accommodate women's care responsibilities, and women who were in child bearing ages were disadvantaged at the recruitment stage.<sup>36</sup> Despite these constraints employers were looking to hire women to overcome labour shortages.

### **Earnings**

Women are also disadvantaged in the labour market as manifested in earnings. In 2020, the estimated earned incomes (int'l \$ 1,000) were 7.3 for females and 18.9 for males with a female/male ratio of 0.38. Public sector workers have greater gender parity in wages.<sup>37</sup> Private sector women workers earn 30-36 per cent less than male workers for doing the same job. Wages in the informal private sector were lower for females in the tea, rubber and paddy sectors.<sup>38, 39</sup> Sri Lanka has ratified ILO Convention No. 100 on Equal Remuneration, but the principle of equal pay for equal work is not reflected in legislation. The private sector cannot be legally prevented from violating the principle of equal pay for work of equal value in wage determination as a legal remedy for rights violations is available against state action only.

New forms of discrimination have emerged. Wages of factory workers, especially in the export processing zones, a majority of whom are women, have been eroded due to the Modern Day Slavery Act of UK enacted to stop trafficking. Instead, the actions of the local

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<sup>32</sup> Yung, Sun Lai. Do current employment figures show a true picture or is there more to it? <https://www.ft.lk/columns/Do-current-unemployment-figures-show-a-true-picture-or-is-there-more-to-it/4-643212>

<sup>33</sup> (15-24 - 35.1 per cent) and (25-29 - 19 per cent)

<sup>34</sup> Employment of Women, Young Persons and Children's Act, particularly related to night the Maternity Benefits Ordinance

<sup>35</sup> Also Ranarajah and Hassandeen 2018

<sup>36</sup> Also Ranarajah and Hassandeen 2018

<sup>37</sup> ILO. Women at Work: The Course for Sri Lanka. [https://www.ilo.org/colombo/info/pub/pr/WCMS\\_558635/lang--en/index.htm](https://www.ilo.org/colombo/info/pub/pr/WCMS_558635/lang--en/index.htm)

<sup>38</sup> Central Bank of Sri Lanka. 2021. Annual Report 2020, Appendix 15.

[https://www.cbsl.gov.lk/sites/default/files/cbslweb\\_documents/publications/annual\\_report/2020/en/15\\_Appendix.pdf](https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/publications/annual_report/2020/en/15_Appendix.pdf)

<sup>39</sup> ILO. Women at Work: The Course for Sri Lanka. [https://www.ilo.org/colombo/info/pub/pr/WCMS\\_558635/lang--en/index.htm](https://www.ilo.org/colombo/info/pub/pr/WCMS_558635/lang--en/index.htm)

factory management who have the responsibility to implement the law, have brought about slave like conditions for workers for fear of losing their contracts.<sup>40</sup> In another development, the use of management companies in the export processing zones has given rise to situations of precarious employment where the workers are not in an employer-employee situation, and is therefore outside the ambit of the labour law.

## Unpaid Care Work

The most recent time-use survey conducted in 2017 showed that 87.3 per cent of women above the age of 10 years were responsible for the majority of care work, a percentage that is bound to have increased during the COVID pandemic and the current economic crisis. Women who engage in care work are classified as economically inactive.<sup>41</sup>

Women, regardless of whether they are in paid work or not, provide care work for household members that include household chores, child care and elderly care and helping household members and engage in voluntary work (community and other households). They spent 23.4 per cent on care work while the time spent by men was 6.2 per cent.<sup>42</sup> Women become 'time poor' because of the long hours they have to put into domestic and care work. Early research shows that the COVID-19 pandemic increased women's work load.

Care work has a direct effect on women's labour force participation and labour market outcomes, earnings and job quality.<sup>43</sup> It has implications on women's ability to select the type of employment she desires. If care work constraints participation in the labour market, women have no social protection, and no cushion for old age. The latter is particularly important in the context of women's higher life expectancy. A policy perspective on care work is necessary from a welfare perspective, from a productivity perspective and a gender equality perspective.

Sri Lanka is a Pathfinder Country committed to achieve SDG Target 8.7. However, Sri Lanka is still to ratify ILO Conventions 156, 183, 189 and 146 on workers with family responsibilities, maternity protection, domestic workers and migrant workers respectively. The country does not have any legislation on non-discrimination in employment, including any provisions on equal remuneration for work of equal value. In addition, women are prohibited from working in mines under most circumstances (Mines Prohibition of Female Labour Underground Ordinance), and there are limitations to their working hours at night

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<sup>40</sup> Hewamanne, Sandya. 2019. Modern Days Slavery Act has unintended consequences on the ground. *Wire* 15 July. <https://thewire.in/world/modern-slavery-act-sri-lanka>

<sup>41</sup> Of the 45.3 per cent economically inactive population in the country, 63 per cent were engaged in housework as compared to 3.7 per cent men

<sup>42</sup> Department of Census and Statistics 2021a. Labour Force Survey Annual Report – 2017. <http://www.statistics.gov.lk/LabourForce/StaticInformation/AnnualReports/2020>

<sup>43</sup> Gunatilake, Ramani. 2020. Labour force participation of women in Sri Lanka.

(Employment of Women, Young Persons and Children Act). Moreover, labour legislation does not apply to the informal sector.

## 5. POLITICAL PARTICIPATION

Sri Lanka was the first country in Asia to grant voting rights to women along with men in 1931. Women were active in the resistance movement against colonial rule. Sri Lanka was the first country to have a democratically elected woman head of state, in 1960. Later, a woman served as the executive president. But women's representation at national, provincial and local governance levels has not exceeded seven per cent since 1948 until a 25 per cent mandatory quota for women at the local government level was introduced in 2018 by legislative enactment.

At the 2019 parliamentary elections, the five mainstream political alliances fielded only 59 female candidates, less than six per cent of their candidates. Only eight of the 59 were elected. With four women appointed from the National List, women are 5.33 per cent of parliamentarians. The 29-member cabinet of ministers had two women but currently, in 2022 May, there are none. The parliament has not had a woman speaker or a deputy speaker; no woman MP headed any of the parliamentary committees which make appointments to all other committees.<sup>44</sup>

In 2021, Sri Lanka was at the low end of the Inter Parliamentary Union index of Women in Parliaments having had a rank 179 out of 186 countries.<sup>45</sup> This compares with 17.8 per cent in South Asia and 21.1 per cent globally. In South Asian, only the Maldives has a fewer number of women politicians than Sri Lanka.

The low score in political empowerment in the Global Gender Gap Index of 2020 was one of the indicators that dragged the country down in its ranking from the 13<sup>th</sup> position it held in 2006 to 132<sup>nd</sup> position in 2020. This low level of women's representation is seen as a conundrum in a country which has performed well on other indicators on women such as education and health.

Reasons for the near exclusion of women from politics are complex. First, at the personal level, fewer women than men self-select themselves for a political career because of socio-cultural, economic and psychological barriers. Dislike of politics, lack of time due to family responsibilities, and perceptions of lack of ability also constrain potential candidates. These reasons are intertwined with gender discriminatory attitudes pervasive in the country where women are not accepted as being a part of the political sphere. The first woman prime

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<sup>44</sup> The Parliamentary Watchdog Committee, The 22 member Committee on Public Enterprises, the 21 member Public Finance Committee, the 28-member Parliamentary Business Committee, the 13-member Committee of Selection

<sup>45</sup> IPU Parline Global data on national parliaments. October 2021. Monthly ranking of women in national parliaments. <https://data.ipu.org/women-ranking?month=10&year=2021>.

minister and the president were from a political family who entered politics after the spouse was assassinated.

Second, political parties are the single biggest barrier to women's greater participation in politics. Entrenched patriarchal structures, lack of internal democracy, absence of women in party decision making positions, the lack of support for women candidates and well-established male dominated networks which exist from the national to local levels are among the major barriers to women getting nominations and being elected. The parties are 'leader centric'. This is despite the Parliamentary Elections (Amendment) Act, No. 58 of 2009 which states that "In order to guarantee better representation of women in political parties and in politics, every recognized political party shall ensure the inclusion of one or more women office bearers in the list of office bearers of such party." There are no legal provisions nor mechanisms to regulate the internal functioning of political parties and hold parties accountable.

While women are members of most political parties in Sri Lanka, women's wings do not function to increase their representation. They exist mainly to mobilize the female constituency during election times and campaign for male candidates. In between elections, women's wings engage in welfare work, income generation and provision of benefits for women members. For women who are genuinely interested in politics, membership in women's wings does not pave the way to mainstream politics and political leadership.

Third, the majority of women lack adequate financial resources. While there is no data on the amounts spent on campaigning and the source(s) of funding the amount could run into several millions of rupees mainly because of the size of an electoral district. The system leads to corrupt practices as the elected candidates have to repay the funds received for election campaigns. Sri Lanka does not have a law on campaign financing that sets an upper limit and combat illicit financing.

Fourth, violence, both physical and psychological, sexism, sexual harassment, sexual bribery and character assassinations occur in the run-up to elections as well as afterwards, in parliament. Frequently, female parliamentarians have been at the receiving end of sexist comments and humiliated by their male colleagues. There appears to be impunity when such comments are made as the perpetrators are rarely taken to task for such behaviour.<sup>46</sup>

After decades of advocacy, setbacks and discriminatory laws,<sup>47</sup> a 25 per cent quota was introduced for local governments, a significant development that could change gender dynamics at the local level. Two thousand women, up from the previous 82, are now in local

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<sup>46</sup> Ibid

<sup>47</sup> In 2012 the law which put into place a hybrid system did away with the 40 per cent mandatory quota for youth candidates between the ages of 18 and 35 and instead introduced a 5 per cent discretionary quota lumping women and youth together, which political parties could have ignored without any consequences.

government institutions, but this number was from the 10 per cent of wards that were available to women. Although affirmative action increased the number of women structural barriers such as family disapproval, financial constraints, political party dynamics and difficulty in getting nominations, being compelled to campaign for male candidates, and subversion of the law when women selected by the party had been prioritised over those who were elected have de-motivated women.<sup>48</sup>

While the quota did significantly increase the number of women in local authorities, it does not challenge the status quo of male incumbency.

Women candidates faced innumerable barriers including sexual harassment and violence in the run up to elections, and after elections. Media focus too was sexist. The majority of women was appointed from the party list: they will not have their own constituency; are not accountable to voters which denies them the opportunity to nurse a constituency.

Increasing violence and corruption, the belittling of women in leadership positions, attacks on their character and virtue are deterrents for women to engage in politics and barriers for women's participation in leadership and decision-making positions.

The state has committed<sup>49</sup> to eliminate discrimination against women in political and public life to ensure that they have equal rights as men especially to be eligible for election to all publicly elected bodies, to have equitable representation in the nomination process at the national, provincial and local government elections, and to hold public office and perform all public functions at all levels but these commitments have not been translated into action to change the status quo.<sup>50</sup>

## **6. VIOLENCE AGAINST WOMEN**

Violence against women is a manifestation of gender discrimination. Two targets of SDG 5 - 5.2, Eliminate all forms of violence against women and girls and 5.3, Eliminate all harmful practices such as child, early and forced marriage, and female genital mutilation directly address violence against women and girls while four other Goals have targets that focus on violence against women. They focus on the legal obligations of the state and non-state actors

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<sup>48</sup> Centre for Women's Research. 2019. People's justice report on national review and monitoring of Sustainable Development Goals on Sri Lanka. Colombo.

<sup>49</sup> Section on Civil and Political Rights (Part 1 No. 2)

<sup>50</sup> [Rathnayake, Putgith, 2017. Women 's political participation in Sri Lanka leading towards prosperity or peril?](https://www.researchgate.net/publication/323128600_Women%27s_Political_Representation_in_Sri_Lanka_Leading_towards_Prosperty_or_Peril?)  
[https://www.researchgate.net/publication/323128600\\_Women%27s\\_Political\\_Representation\\_in\\_Sri\\_Lanka\\_Leading\\_towards\\_Prosperty\\_or\\_Peril](https://www.researchgate.net/publication/323128600_Women%27s_Political_Representation_in_Sri_Lanka_Leading_towards_Prosperty_or_Peril)

to respond and protect women and girls from such conduct. SDG 16 calls on governments to reduce all forms of violence and death everywhere.

In 2020, grave crime statistics of the police for 2020 showed 3,357 cases of violence against women. This number includes 2,652 cases of rape including statutory rape, 677 cases of unnatural offences and grave sexual abuse, and 28 cases of procurement and trafficking.<sup>51</sup> This data however does not include the number of women who had been murdered and the number of cases of intimate partner violence cases reported, although the most prevalent form of VAW is intimate partner violence. These statistics are just the “... tip of the iceberg”.<sup>52</sup>

The actual number of women who have been subjected to violence is not known because victim-survivors often do not report such incidents for reasons such as lacunae in the law, patriarchal attitudes of law enforcement agencies and the judiciary, the long redressal process and lack of support structures for victim-survivors of domestic violence necessitating the return to the same abusive marital home, shame, impact on children, and economic dependency of the victim-survivor on the intimate partner.

Violence against women is pervasive and exists in the family, the workplace and the community. It ranges from physical, sexual and psychological acts of violence in physical or cyber space and includes rape, sexual harassment, domestic violence, incest, intimate partner violence, obscenity against women, unwanted advances, forced pornography, forced prostitution, media violence, and forced labour for commercial sexual exploitation.<sup>53</sup>

Discrimination, unequal power relations between women and men underpinned by social and cultural norms and societal acceptance of the violence, political and environmental factors, and the general culture of violence in society are the root causes of these violent acts. Violence against women is trivialized. For example, during the debate on the Prevention of Domestic Violence Act a number of Members of Parliament questioned its need referring to it as an infiltration of western attitudes, that it was against the culture and that it would have a negative impact on the family.

However, the first nationally representative study on violence against women conducted by the Department of Census and Statistics in 2019<sup>54</sup> found that women themselves had internalized their subordinate status, accepted the ‘superior, status of the

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<sup>51</sup> Sri Lanka Police. 2021. Grave Crime Statistics. [https://www.police.lk/images/crime\\_statistics/2020/01.Grave-crime-abstract-for-the-Year-2020.pdf](https://www.police.lk/images/crime_statistics/2020/01.Grave-crime-abstract-for-the-Year-2020.pdf)

<sup>52</sup> Department of Census and Statistics 2020a. Women’s Wellbeing Survey – Final Report 2019. [http://www.statistics.gov.lk/Resource/reference/WWS\\_2019\\_Final\\_Report](http://www.statistics.gov.lk/Resource/reference/WWS_2019_Final_Report)

<sup>53</sup> Department of Census and Statistics. 2020a. Ibid

<sup>54</sup> Ibid

intimate partner and the violence”.<sup>55</sup> But the survey also found that those with a higher level of education were less likely to hold such views.

## **Laws and Law Enforcement**

Article 11 of the Constitution provides a general protection against violence as it states that “... no person shall be subjected to harassment or inhuman and cruel treatment or punishment”. The law prohibits rape, domestic violence, sexual harassment. Spousal rape is prohibited only if the spouses are legally separated.<sup>56</sup> There are no specific laws relating to cyber violence against women, but existing laws could be used to deal with ICT related offences. But bringing perpetrators of cyber violence to justice is extremely challenging mainly because of the anonymity that the Internet provides and the inadequacy of existing laws.

Amendments to the Penal Code addressed violence against women in the community and redefined the offence of rape and statutory rape, sexual harassment, including in the workplace and also increased penalties for these offences. However, statutory rape is not recognized.

The Prevention of Domestic Violence Act, No. 34 of 2005, provided a civil remedy for domestic violence and intra family violence. However, the Act is gender neutral; does not prescribe any punitive action for the perpetrator; and no protection is provided to the victim-survivor through the legal system. Gaps in implementation are seen primarily due to the lack of measures to ensure the safety of the victim-survivor.

Responses of the police and judiciary are inadequate. In 2021 of the 2,626 cases that were reported, 2478 cases were pending. In case of intimate partner violence, the complaint of the victim-survivor is trivialized, the woman is faulted for reporting, and for bringing out family issues from the private to the public sphere. The Women and Children’s Desks attached to police stations are marginalized. The legal process is also long and takes several years for a case to conclude. Many perpetrators of violence, and especially VAW are never brought to justice.

## **Specific Forms of Violence Against Women**

### **Harmful traditional practices**

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<sup>55</sup> Nearly half the respondents (47.5 per cent) agreed that “a man should show he is the boss”, while 46.5 per cent agreed that “a good wife obeys her husband even if she disagrees”; 39.5% women felt that women were “obliged to have sex with their husbands when [they do] not feel like it” and over a third (35.3 per cent) felt “men can have a good reason to hit their wife.”

<sup>56</sup>E.g. Penal Code (Amendment), Prevention of Domestic Violence Act, Witness Protection Act



There is little evidence of harmful traditional practices such as female foeticide, infanticide and virginity testing. However, female genital mutilation is promoted surreptitiously especially in East Sri Lanka.<sup>57</sup> The dowry system exists, but is not pervasive with more value being placed on the education and employment of girls.

Marriage of persons under 18 years even with parental consent and cohabitation<sup>58</sup> is prohibited but the law does not specify a minimum age for those who are governed by the Muslim Marriage and Divorce Act. Despite the law, under age marriage take place across communities. The highest number of such marriages is from the rural sector, especially in *purana* villages, followed by urban and estate sectors and in the lowest wealth quintiles.<sup>59</sup>

Early/child marriage and early cohabitation affects girls more than boys and reflects gender biases in the family and community. A strong link exists between statutory rape and early marriage while pregnancy subsequent to rape also leads to early marriage.<sup>60</sup>

Drivers of child marriage include the lack of knowledge on sexual and reproductive health, laws on abortion, social norms of maintaining a girl's chastity, condemnation of sex before marriage, statutory rape and the need to 'save face' or 'honour', economic necessity and patriarchal stereotypes.<sup>61, 62</sup> Gaps in the law, misapplication of the law, fake identity and administrative weaknesses also result in child marriage.<sup>63</sup> Early marriage has mental, physical and sexual complications.

## Trafficking

In 2020, the police recorded 28 cases of procurement for trafficking. Micro studies point to the existence of internal and external trafficking for sexual exploitation and forced labour. Despite efforts by the government, trafficking continues with the most vulnerable to trafficking being women migrant workers especially to West Asia, factory workers in the apparel sector, women domestic workers, and sex workers.

The US Department of State in its report *Trafficking in Persons*<sup>64</sup> states that despite training and information dissemination, the "...did not properly screen for potential victims,

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<sup>57</sup> CENWOR 2018.

<sup>58</sup> Marriage Registration Ordinance No. 18 of 1995.

<sup>60</sup> Goonesekere Savitri and Amarasuriya, Harini. 2016. *Ibid.*

<sup>61</sup> Weerasinghe, Thgarushi 2021. Hundreds of thousands of child marriages take place annually due to loopholes in the system. *The Sunday Times* November 7. <https://www.sundaytimes.lk/211107/news/hundreds-of-thousands-of-child-marriages-take-place-annually-due-to-loopholes-in-the-system-461260.html> er 7

<sup>63</sup> Goonesekere, Savitri and Amarasuriya, Harini 2016. *Ibid*

<sup>64</sup> US Department of State. 2021. Report to Congress on Trafficking in Persons Interim Assessment Pursuant to the Trafficking Victims Protection Act. <https://www.state.gov/report-to-congress-on-2021-trafficking-in-persons-interim-assessment-pursuant-to-the-trafficking-victims-protection-act/>

improve victim support services, or adopt a new national action plan on combating trafficking in persons”.

## **7. LEAVING NO ONE BEHIND – TWO VULNERABLE GROUPS OF WOMEN**

Among vulnerable women are those with disability, women heads of households, victim survivors of gender-based violence, and those living in poverty and in remote locations. Multiple disadvantages are also seen within broad categories, for example women heads of households who are living with disability and chronic illnesses, and those who have been victims of violence. This section will focus on women heads of households and women with disability.

### **Women Heads of Households**

In Sri Lanka over a quarter of households are taking responsibility for their households. A head of household is defined as a person who usually resides in the household and is acknowledged by other members as the head,<sup>65</sup> and includes those whose husband is not living, are divorced and never married.<sup>66</sup> This definition however masks a range of circumstances that make women *de facto* heads of household. Separation, spousal abandonment and desertion, incapacitation, sickness, unemployment, disappearance and out-migration of the spouse, separation from the spouse due to displacement are some of these circumstances that make them heads of households. Within these women headed households are other marginalized and vulnerable groups such as those who lost the husband as a direct consequence of the armed conflict that was concentrated in the northern and eastern areas of the country, ex-combatants, women with disability; widows of former combatants. But they are invisible in statistics. Although micro level studies are available, national level studies are not available to get an in-depth understanding of women heads who are not a homogenous category.

Consequently, many are excluded from government welfare programmes. For example, during the periods of lockdown the government-initiated relief programme WHH were not identified as an eligible group.<sup>67</sup>

A majority of women heads of households were in the estate sector (25.8 per cent); with the urban sector having 24.9 per cent, the lowest. The Central Province had the highest

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<sup>65</sup> Head of household – is a person who usually resides in the household and is acknowledged by the other members of the household as the head of the household

<sup>66</sup> The Department of Census and Statistics collects data for these categories of women headed households.

<sup>67</sup> Presidential Secretariat. Press Release. <https://www.president.gov.lk/more-concessions-to-public-in-the-face-of-covid-19-outbreak/>

per cent of women headed households with lowest in Western, Sabaragamuwa and Northern Provinces.<sup>68</sup>

All women heads are responsible for their household, as caregivers, main income earners and decision makers but their recognition as the head of the household is circumscribed by socio-cultural norms and administrative action. However, women themselves are reluctant to identify themselves as the head of household especially if the spouse is living.

Vulnerability of women heads vary with age, marital status, educational attainment and skill levels, ethnicity, geographical location and economic status. Further, household composition – the number of children and dependents and their ages, their physical status, educational and employment status of other household members and support structures are variables that will impact on them.

In 2019, the majority, 41.2 per cent of women who headed households were over 60 years, 38.5 per cent by those between 40-59 years, 19.1 per cent by women between 26 and 39, while 1.3 per cent households were headed by those below 25 years of age. Widows headed 52.7 per cent of households, divorced women 8.4 per cent while 4.1 per cent of households were headed by women who were never married.<sup>69</sup>

Educational status affected women heads' economic vulnerability. Six per cent of women heads had not gone to school, while 25 per cent had studied up to Grade 5. Only 1.7 per cent has had a tertiary level education of which the highest percentage was in Western and Northern provinces.

Their participation in the labour market is influenced by factors such as household composition, support from household members, proximity to place of work and a 'suitable' job in keeping with gendered norms, even though such jobs are not lucrative.<sup>70</sup>

Women heads of household are vulnerable to external shocks. Many of them who are engaged in the informal sector lack employment or social welfare benefits, and lose their livelihoods faster during disasters. The mobility restrictions imposed due to COVID-19 have severely impacted the socioeconomic security of WHHs as they are faced with a double burden of trying to find work while taking care of dependents at home. Lack of recognition

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<sup>68</sup> Department of Census and Statistics. 2020. Household Income and Expenditure Survey 2019. <http://www.statistics.gov.lk/IncomeAndExpenditure/StaticInformation/HouseholdIncomeandExpenditureSurvey2019FinalReport> Tables-A2-

<sup>69</sup> Department of Census and Statistics. 2020b. Household Income and Expenditure Survey 2019. <http://www.statistics.gov.lk/IncomeAndExpenditure/StaticInformation/HouseholdIncomeandExpenditureSurvey2019FinalReport>

<sup>70</sup> Azmi, Fazeeha. 2009. Female heads of household in Sri Lanka.: making and sustaining livelihoods in protracted displacement. [https://www.researchgate.net/publication/352864273\\_FEMALE\\_HEADS\\_OF\\_HOUSEHOLDS\\_IN\\_SRI\\_LANKA\\_MAKING\\_AND\\_SUSTAINING\\_LIVELIHOODS\\_IN\\_PROTRACTED\\_DISPLACEMENT\\_Female\\_Heads\\_of\\_Households\\_in\\_Sri\\_Lanka\\_Making\\_and\\_Sustaining\\_Livelihoods\\_in\\_Protracted\\_Displacement](https://www.researchgate.net/publication/352864273_FEMALE_HEADS_OF_HOUSEHOLDS_IN_SRI_LANKA_MAKING_AND_SUSTAINING_LIVELIHOODS_IN_PROTRACTED_DISPLACEMENT_Female_Heads_of_Households_in_Sri_Lanka_Making_and_Sustaining_Livelihoods_in_Protracted_Displacement)

for their status placed them at a disadvantage. For instance, the circular issued by the government<sup>71</sup> to provide relief during the pandemic did not identify these substantial number of households as a category eligible to receive relief measures.

Vulnerability of women heads of household has shown the importance of a national level commitment to address the unique and challenging circumstances they face and the importance of the engagement of national, provincial and local government entities and non-government partners to address their vulnerabilities. In 2017, the then Ministry of Women and Child Affairs started to draft the National Action Plan on Women-Headed Households to address some of the short to medium term socio-economic issues and vulnerabilities faced by them. But there has been no progress in finalising the draft.

### **Women With Disability**

At the 2012 Census of Population and Housing, 1.6 mn. persons aged five years and above or 87 per 1000 persons were reported to have had a disability.<sup>72</sup> Of this number, the conditions with the highest prevalence of impairment related to vision (61.6%), mobility (45.4%), hearing (24.0%), cognition (21.2%), self-care (12.2%), and communication (11.8%). Women were the majority of the disabled in all age groups and in five of the six categories of difficulties. They face systemic and multiple discrimination based on gender and disability.<sup>73</sup>

The Sri Lankan constitution guarantees non-discrimination on grounds of sex and disability (Article 12(4)). Sri Lanka recognised the rights of persons with disability, enacted legislation<sup>74</sup> and acceded to the International Convention on the Rights of Persons with Disability. CEDAW recognizes women and girls with disabilities as a distinct category in Article 3 of CEDAW as those who are ... subject to multiple discrimination.<sup>75</sup> Sri Lanka has the obligation to ensure the right to equal protection and non-discriminatory practices for persons with disability.

The official definition of disability as a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks,

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<sup>71</sup> Presidential Secretariat. n.d.Ibid. <https://www.president.gov.lk/more-concessions-to-public-in-the-face-of-covid-19-outbreak/>

<sup>72</sup>In 2012 the Department of Census and Statistics identified a disabled person as one who, as a result of any deficiency in his physical or mental capabilities, whether congenital or not, is unable by himself to ensure for himself, wholly or partly, the necessities of life”.

<sup>73</sup>Samararatne, D. W. & Soldatic, K. 2014. Rural disabled women’s social inclusion in post-armed conflict Sri Lanka. Kensington, NSW, UNSW Australia: Colombo, Social Scientists’ Association. University of Colombo.

<sup>74</sup> Sri Lanka enacted the Protection of the Rights of Persons with Disabilities Act, No. 28 in 1996.

<sup>75</sup> Women and girls with disabilities are recognized as a distinct category in Article 3 of CEDAW. Its General Recommendation 18 requires states parties to take special measures “...to ensure, among others equality of access to education and employment...”. The full and effective participation and inclusion in society, equality of opportunity and equality between men and women are guiding principles of Article 3 of the General Comment of the CRPD while Article 6 recognises that “... women and girls with disabilities are subject to multiple discrimination”, and to take all appropriate measures to ensure the full development, advancement and empowerment of women ...”.<sup>75</sup>

do not capture the varied types of disability that afflict people and the circumstances that resulted in disability.

Although most families do not regard the disabled as a burden, the community attitude towards persons with disability (PwDs) as burdening society, superstitions, prejudices and stereotypes restrict in many ways the advancement of these individuals to be on par with persons without disability. Support for PwDs is provided mainly from a welfare orientation or a charity perspective denying them the right to participate and contribute to national agendas such as economic development that would at the same time facilitate their personal development.

However, the labour force participation rate for persons with disability is 29.1 per cent compared with 54.2 per cent for those without difficulties. Gender differences are wide with the female participation rate (16.2 per cent) being less than half (46.4 per cent) that of males. Among PwDs, the highest rate was for those with difficulties in vision and the lowest (7.4 per cent) for those with difficulties in self-care.<sup>76</sup> Since issues such as stigma, labour market requirements, problems with the built environment among others work against persons with disability in accessing productive employment, affirmative action is required to enable them to overcome the disadvantages they face in the labour market.

Women with disability are also subjected to harassment and violence. The Women's Wellbeing Survey<sup>77</sup> found that there was an "association between higher rates of partner violence and increasing forms of disability". Over a quarter of women with disability had experienced physical and/or sexual violence as compared with 20 per cent who hadn't a disability. Physical violence had the highest occurrence. Micro studies have found that the perpetrators were known to the victim and that sexual assault had resulted in pregnancy and that they were also subjected to multiple forms of discrimination, were systematically disempowered and ignored by the Sri Lankan legal system. They have no access to effective administrative or judicial remedies, and enjoy only minimal assistance from the state through various welfare programmes.<sup>78</sup>

## 8. INSTITUTIONAL FRAMEWORK

The Women's Bureau was established in 1978 and placed strategically under the Ministry of Plan Implementation. Later a separate Ministry of Women's Affairs was set up in 20xx with committed women ministers and secretaries. A Women's Charter was formulated in 1993

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<sup>76</sup> Arunatilake, Nisha 2016. Labour market characteristics. Thematic report based on Census of Population and Housing 2012. Colombo, UNPFA. [https://srilanka.unpfa.org/sites/default/files/pub-pdf/Labour%20Monograph\\_0.pdf](https://srilanka.unpfa.org/sites/default/files/pub-pdf/Labour%20Monograph_0.pdf)

<sup>77</sup> Department of Census and Statistics 2020. *ibid.*

<sup>78</sup> Vadyasinghe, A.N. et al. 2017. A study on sexual violence inflicted on individuals with intellectual developmental disorder. *Disability and Health Journal* 10(3)July: 451-454.

and adopted as national policy. A National Committee on Women, as required by the Charter was set to be converted to an independent commission. A Women's Right Act was drafted in 2007. Since then, the gender architecture had been subjected to considerable vicissitudes.

Child affairs was added to the Ministry. A male minister had held the portfolio for several years as also the secretary to the ministry. Patriarchal attitudes manifested when the Ministry of Women and Child Development proposed an amendment to the criminal law so as to make it mandatory for the rapist to marry the victim, if she consents. This proposal had been publicly supported by the then Minister and the President.

Budgetary allocations to the Ministry had not exceed xxx per cent. Although the Ministry of Women's Affairs had initiated significant policy reforms and initiated programmes and projects for women's empowerment, the Women's Rights Act and the setting up of the Independent Commission on Women are still pending. In 2019, the subject of women's affairs was downgraded to a state ministry. In May 2022 when a new government was formed to meet the economic crisis that Sri Lanka was facing there was no portfolio for women's affairs (as of 24<sup>th</sup> May).

## **9. RECOMMENDATIONS**

### **INSTITUTIONAL**

- Establish the National Commission on Women
- Ensure that women's affairs has a separate ministry with cabinet status
- Revive the gender focal point in Ministries and appoint a statistical officer in concurrence with the Department of Census and Statistics
- Develop and implement national action plans for vulnerable women such as women headed household, women with disability and gender-based violence
- Ensure that the law on disability rights is implemented especially in relation to providing employment and the built environment
- Ensure gender disaggregation of statistics
- Develop a comprehensive data base on violence against women.
- Conduct dedicated survey on women headed households
- Include victim-survivors of intimate partner violence in police statistics

### **POLICY**

#### ***Law reform***

- Enact Women's Rights Act
- Conduct a judicial review of all laws including colonial laws that are gender discriminatory and gender neutral and those that need updating.

### ***Labour force participation***

- Introduce flexi time, remote work, make necessary legal and administrative changes on night work
- Ratify relevant ILO Conventions and incorporate into law
- Identify households that are multidimensionally poor to target areas of deprivation to reduce women's time poverty
- Recognise unpaid care work as a form of labour, develop a mechanism to compensate women for care work, provide institutional support
- Review recruitment practices in the private sector, especially in export processing zones
- Develop and implement policies to ensure that modern day slavery labour practices are eliminated
- Subsidise employers who have to bear the cost of maternity benefits

### ***Violence against women***

- Review, amend existing laws that promote violence against women
- Amend the Domestic Violence Act, No. 5 of 2005
- Amend the criminal law to include marital rape

### ***Political participation***

- Ensure compliance with Act, No. 58 of 2009 on inclusion of women office bearers in political party governance
- Require political parties to introduce a women's quota for nominations.
- Introduce a 30 per cent quota for women at provincial and national levels and from the national list
- Introduce a campaign finance act.

### ***Vulnerable groups of women***

- Ensure that all vulnerable groups of women (and men) are covered by social protection.
- Enact laws on new forms of violence against women such as sexual bribery

## **PROGRAMMATIC**

### **Gender sensitisation**

- Teachers on overcoming gender stereotypes and on creating an environment that promote the elimination of gender equality, starting with teacher training colleges and the elimination of gender stereotypes in text books and curriculum,
- Political party hierarchies
- Members of Parliament
- Employers' federations, chambers of commerce
- develop a media code of conduct on gender equality and ensure compliance.
- Monitor the media.
- Develop and implement sensitization programmes for vulnerable women to recognize violations of their rights
- Sensitize law enforcement officials, the Attorney-General's Department and the judiciary on gender based violence and the state obligation to protect women from violence introducing specific programmes for prosecutors, police, judicial medical officers, and judges
- Disseminate information on safety on cyber space
- Carry out media campaigns to encourage men to share care work with the spouse.

### **Labour force participation**

- Develop and implement a programme to improve access of girls to education beyond lower secondary level
- Promote and support girls and young women to obtain non-traditional skills
- Introduce work place policies on non- discrimination and sexual harassment policies
- Provide quality day care facilities
- provide safe transport facilities to workers engaged in night work/night shifts employers to provide childcare facilities in workplace
- Provide entrepreneurial skills and access to resources as well as marketing support to women who want to be or self-employed
- Go beyond macro data and conduct in-depth research to identify supply and demand side factors that inhibit the participation of women in the labour force.
- Develop strategies to get women into paid employment including incentives to employers for recruitment of more women

### **Political participation**



- Develop and implement gender awareness programmes for political parties
- Train women who want to make a career of politics.
- Conduct voter education programmes on returning women to elected bodies.

## **VULNERABLE WOMEN**

### **Women Headed Households**

- Provide a clear definition of women headed households.
- Recognise the heterogeneity within this group to facilitate targeted interventions.

### **Women with disability**

- Conduct awareness programmes on persons with disability
- Provide skills to enhance the employability of women with disability

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