



REVIEW OF THE IMPLEMENTATION OF BEIJING PLATFORM FOR ACTION – SRI LANKA 1995-2014



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Beijing Platform for Action – Sri Lanka
1995-2014**

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March 2015

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Abbreviations

ADB	-	Asian Development Bank
AKASA	-	Association of Women with Disabilities
BHRC	-	Bar Human Rights Committee (of England and Wales)
BMI	-	Body Mass Index
BOI	-	Board of Investment
BPFA	-	Beijing Platform for Action
CAT	-	UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CBOs	-	Community based Organisations
CEDAW	-	Convention on the Elimination of All Forms of Discrimination against Women
CFA	-	Ceasefire Agreement
COT	-	College of Technology
DEMP	-	Distance Education Modernization Project
DNA	-	Democratic National Alliance
DTET	-	Department of Technical Education and Training
EmONC	-	Emergency Obstetrics and Neonatal Care
ESDFP	-	Education Sector Development Framework Programme
GCE (A.L.)	-	General Certificate of Education (Advanced Level)
GCE (O.L.)	-	General Certificate of Education (Ordinary Level)
GIZ	-	German Development Cooperation
GOSL	-	Government of Sri Lanka
HEI	-	Higher Education Institutes
HIES	-	Household Income and Expenditure Survey
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ICPD	-	International Conference on Population and Development
ICT	-	Information and Communication Technology
ILO	-	International Labour Organization
IMF	-	International Monetary Fund
IPKF	-	Indian Peace Keeping Force
IRA	-	Irish Republican Army
JVP	-	Janatha Vimukthi Peramuna
LLRC	-	Lessons Learnt and Reconciliation Commission
LTTE	-	Liberation Tigers of Tamil Eelam

MDGs	-	Millennium Development Goals
MMR	-	Maternal Mortality Ratio
NAITA	-	National Apprenticeship and Industrial Training Authority
NCDs	-	Non-Communicable Diseases
NCPA	-	National Child Protection Authority
NCW	-	National Committee on Women
NEC	-	National Education Commission
NFE	-	Non Formal Education
NGOs	-	Non Governmental Organisations
NPoAHR	-	National Plan of Action for Human Rights
NVCQ	-	National Vocational Competency Qualification
OPAC	-	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OUSL	-	Open University of Sri Lanka
PHMs	-	Public Health Midwives
PPP	-	Purchasing Power Parity
PSCER	-	Parliamentary Select Committee on Electoral Reform
RH	-	Reproductive Health
SAARC	-	South Asian Association for Regional Cooperation
SCR	-	Security Council Resolution
SGBV	-	Sexual and Gender based Violence
SGI	-	Subcommittee on Gender Issues
SLAS	-	Sri Lanka Administrative Service
SLCJ	-	Sri Lanka College of Journalism
SLDHS	-	Sri Lanka Demographic and Health Survey
SLIIT	-	Sri Lanka Institute of Information Technology
SLPI	-	Sri Lanka Press Institute
SME	-	Small and Medium Enterprises
SRH	-	Sexual and Reproductive Health
SSDP	-	Skills Sector Development Programme
TEVT	-	Technical Education and Vocational Training
TFR	-	Total Fertility Rate
TVEC	-	Tertiary and Vocational Education Commission
UCSC	-	University of Colombo School of Computing
UGC	-	University Grants Commission-Sri Lanka
UNCSW	-	United Nations Commission on the Status of Women

- UNDAF - United Nations Development Assistance Framework
- UNF - United National Front
- UNFPA - United Nations Population Fund
- UNHRC - United Nations Human Rights Council
- UNICEF - United Nations Children's Fund
- UNIVOTEC - University of Vocational and Technical Education
- UNSG - Secretary General of the United Nations
- UPFA - United People's Freedom Alliance
- VTA - Vocational Training Authority
- WFP - World Food Programme
- WIN - Women in Need
- WWC - Well Women Clinics

Executive Summary

The Beijing Platform of Action (BPFA) was the outcome of the Fourth World Conference on Women held in Beijing, China in mid-1995, two decades after the Mexico Declaration issued at the First Conference in 1975, and a decade after the Third World Conference in 1985. The BPFA reiterated the vision of the earlier Conferences to promote gender equality and the empowerment of women. Progress in the implementation of the Platform for Action was reviewed in 2000 and 2005 at international level but a comprehensive review is scheduled two decades after the Beijing Conference at an International meeting in 2015.

This external review by CENWOR supported by United Nations in Sri Lanka is intended to be a national input into the on-going international review in 2014 and 2015. The Centre for Women's Research (CENWOR) established in 1984 has had as one of its major objectives to use any window of opportunity to review progress in the implementation of International Instruments and Action Plans, particularly in Sri Lanka. CENWOR carried out a study of gender as a cross cutting issue in all eight Millennium Development Goals in 2006 and a national review of progress in the implementation of major Articles in CEDAW in 2011. It was felt that it was important to review developments in Sri Lanka over the two decades in the twelve Critical Areas of Concern identified in the Beijing Platform for Action from a rights based perspective as a contribution to the UN Beijing + 20 programme as well as to formulating policy and programmes in Sri Lanka.

This independent analysis is by specialists in each of the twelve areas.

- A. Women and Poverty
- B. Education and Training of Women
- C. Women and Health
- D. Violence against Women
- E. Women and Armed Conflict
- F. Women and the Economy
- G. Women in Power and Decision Making
- H. Institutional Mechanism for the Advancement of Women
- I. Human Rights of Women
- J. Women and the Media
- K. Women and the Environment
- L. The Girl Child

Each researcher

- (i) reviewed the positive and negative developments that have taken place in each area pertaining to laws, policies, programmes, and institutional arrangements at national and local levels as well as inter linkages between issues in the political, economic and social context of Sri Lanka,
- (ii) assessed the achievements in implementation in each area from a rights based perspective underscored by the UN instruments CEDAW and CRC,
- (iii) identified gaps in each area, and factors that have contributed to failure to achieve expected outcomes for girls and women of all population groups-socio-economic, age, ethnic, religious, regional, and
- (iv) outlined suggestions for the way forward to facilitate progress towards reaching the objectives conceptualised in the Beijing Platform for Action and to achieve gender equality in consonance with the provisions of CEDAW and CRC.

Papers were reviewed by peer reviewers as well as representatives of UN in Sri Lanka and multilateral agencies. CENWOR, the UN and the multilateral agencies take no responsibility for the views expressed by them in their contributions.

It is difficult, however, to summarise all twelve studies pertaining to diverse areas by different authors in a cohesive presentation. As the conclusions and/or suggestions made by each author are based on the gaps and shortcomings in policy, laws and programme implementation identified by them, they have been extracted from each study and incorporated in the executive summary.

A. Women and Poverty

The findings of the present study, as well as those of previous studies, suggest that policies aimed at reducing poverty among women need to address barriers to coming out of poverty and vulnerability at the level of the household, as well as at the level of individual women.

Policy makers would first need to concentrate on improving poor households' access to productive assets and income-earning opportunities. Since labour is often the only income-earning asset that poor people own, a macro economic policy environment conducive to domestic and foreign direct investment in decent employment generation needs to be prioritised. Sri Lanka urgently needs to upgrade people's work-oriented skills.

Second, policy makers need to address the issue of women's empowerment, their status and security. One way of doing this is by equalising women's access to paid employment and argue for policies that address gender bias in hiring and workplace practices, as well as policies that address gender bias in wage setting - especially in the low and unskilled occupations.

Alcohol and drug abuse among men are growing social problems which swiftly and inexorably disempower women who have to live with them. Policy makers need to design, and even more importantly, implement, a comprehensive policy that addresses the problems of liquor, tobacco and substance abuse. This would also require enforcing the law by empowering the law enforcement authorities to act against criminal elements who have made a profitable living out of peddling and trafficking illicit substances.

Finally, Sri Lanka needs to develop an effective social protection strategy for the chronically poor, especially for women who, through widowhood or the incapacitation of husbands or male relatives, have become the sole breadwinners for their families. Sri Lanka is facing a demographic time bomb, particularly in relation to the country's ageing women, and policy makers need to start designing and implementing policies that will help future generations face this challenge right now.

B. Education and Training of Women

General Education

While the participation and retention rates of girls have been high, girls in vulnerable groups tend to remain outside the school system. Socio-economic and regional disparities rather than gender were seen to affect the access of girls and women to education as the poor lack the capacity to support their children through schooling despite free education and several ancillary services. Concomitantly, education has been a major factor in reducing poverty and socio-economic inequalities in many segments of the population although adequate data is not available to determine the extent of feminisation of poverty. Studies however point to bifurcation in trends in upward mobility based on the interface of social class and gender.

Underpinning the dualities in conceptualisation are (i) the fragmented concept of development drawn from imported models that dichotomise economic and social development, and (ii) misperceptions of gender parity and gender equality and the lack of awareness of the need to promote the interrelated goals of the right to education and rights through education processes such as teaching-learning methodologies. Consequently, attitudinal changes have not been

promoted through the education process to facilitate the achievement of substantive gender equality in the family, educational institutions, the economy and society.

Technical and Vocational Training

The major focus is on promoting high level skills to meet the emerging demands of the labour market to create a 'knowledge based economy'. As women have been more disadvantaged than men in the context of wide gender imbalances in skills development programmes it is imperative to

- give priority to promote the goal of equal opportunity for education and employment and ensure gender equality in consonance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), by adopting a rights based approach,
- maximize the development of the potential of women, ensuring that individual aptitudes and not gender role assumptions should be the basis for selection for vocational and technical education,
- implement gender sensitive, pro-active programmes to motivate women to move into technical related training courses that facilitate career mobility,
- empower girls and women to challenge gendered norms and stereotypes and to widen their career choices in order to ensure gender equality,
- organise gender sensitisation programmes on women's rights including labour rights for key personnel in designing and implementing programmes, employers, and women, men and families, and
- compile sex disaggregated data to monitor progress in participation and in reducing gender imbalances in enrolment and outcomes.

Higher Education

- a. If the recommendations of the Beijing Declaration and Platform for Action relevant to the area of higher education are to be achieved, it is mandatory for higher education policy at national as well as institutional level to identify gender equality as a goal.
- b. To increase the entry and participation of women into science and especially to technology oriented programmes, it is proposed that University Career Guidance Units should focus on career counselling, publicising job opportunities for various disciplines, including job postings and seminars/presentations by public and private organisations and non-governmental organisations. These Units could also coordinate outreach programmes to secondary schools on career guidance.
- c. One strategy to counter gender-related stereotyping in education and in career choice is curricular transformation by the incorporation of gender courses into curricula or gender into

specific courses. It is proposed that gender mainstreaming be used to develop awareness of both males and females and to transform gender roles within the family contexts, educational contexts and workplace contexts. Sri Lankan higher education also needs to pay serious attention to introduce gender mainstreaming in programmes of study, rather than as isolated courses.

C. Women and Health

Challenges to strengthen the BPFA in the area of women and health are follows:

- i. The country experienced a Total Fertility Rate of 2.3 in 2007, following a TFR of 1.9 in the 1995-2000 period. The socio-political situation in the country at the time of the review had posed specific challenges in addressing this issue.
- ii. Inadequate improvement in the areas of nutrition in spite of the implementation of many evidence based interventions stands out as a concern in the health of women in Sri Lanka.
- iii. Health is an area which has been largely ignored within the reproductive health services of the country.
- iv. Many of the health achievements were shown to have regional and sectoral disparities. The challenge at present is to plan to overcome these disparities in the future with region/sector specific plans.
- v. Adolescent and youth sexual and reproductive health in Sri Lanka face many challenges. The deficiencies of sexual and reproductive health (SRH) education in schools at a time of expanding information technology facilities, thus exposing the adolescents to unscientific information is a specific challenge which has not yet been addressed successfully in the country.

D. Violence against Women

On the basis of the findings, recommendations are to

- i. revise existing criminal law to address the gaps including on marital rape that continue to exist in the substantive and procedural laws,
- ii. identify gaps between law, policy and practice. A long term study needs to be undertaken on the different forms of violence against women (VAW) in Sri Lankan society and the impact of current laws and policies to propose changes that will encourage holistic and effective responses,
- iii. address the prevalence of male centred values and patriarchy through education in schools, vocational training institutions and universities,

- iv. promote employment practices that prohibit sexual harassment in the work place and amend laws to include the misuse of information technology for sexual harassment,
- v. sensitize enforcement officials, the Attorney-General's Department and the judiciary on VAW and the state obligation to protect women from VAW by introducing specific programmes for prosecutors, police, judicial medical officers, and judges with printed guidelines on needed responses for effective law enforcement,
- vi. establish programmes across the country for women subjected to violence including counselling, provision of safe homes and legal aid. Such programmes should focus on access to justice and other support in the language of the woman affected,
- vii. ensure non-discrimination of women with disabilities, who have been subject to VAW, in the implementation of law, policy and programmes, and
- viii. review performance of institutions for law enforcement, including police, Attorney-General's Department in light of evidence based on response to VAW, and propose necessary changes.

E. Women and Armed Conflict

Sexual violence, feminization of poverty and lack of political representation are serious issues with enormous implications for society and future generations in Sri Lanka. The implementation of a gender sensitive policy plan for post conflict development needs to uphold the BPFA commitments to peace, development and equality between men and women. More specifically, the plan must address objectives related to women and armed conflict, such as, provision of protection, assistance and training to internally displaced women, an increase in the participation of women in conflict resolution at decision-making levels, reduction of excessive military expenditure and control of the availability of armaments and promotion of women's contribution to fostering a culture of peace.

Achievement of these objectives requires greater dialogue and unity among women's groups in Sri Lanka. The controversial issue of sexual violence in particular needs to be addressed without either denial or exaggeration. Without transcendence of the political polarisation over an international human rights investigation, women's organisations will remain separated and divided. A unified set of demands by a broad spectrum of Sri Lankan women's organisations pertaining to the goals of peace, development and equality as set forth in the BPFA could set an example of unity for the rest of society. Women can also make an important contribution in the Sri Lankan Diasporas—Tamil, Sinhala and Muslim—if they can put the common issues of women above the divisive issue of secession vs. unity of the country.

F. Women and the Economy

The following suggestions are made to promote the advancement of women in the economy.

- i. The Technical Education and Vocational Training (TEVT) sector should expand programmes in higher technological skills for women to reduce the gender imbalance in technical related employment, and to reduce also the concentration of women trainees in programmes at NVQ levels 3 and 4, and encourage them to proceed beyond to higher NVQ levels. It will be premature to establish 25 universities as proposed.
- ii. Provide training in technical and management skills, access to technology and credit and market information for self employed or micro enterprise women workers to enable them to move upwards from their current poverty status and to achieve a better quality of life for their families.
- iii. Urge employment establishments to offer flexible working arrangements such as part time work and online work, and where possible, child care support to assist women workers to combine work and family responsibilities without detriment to either.
- iv. Motivate central and local planning units to ensure that budgets are gender sensitive and participatory.
- v. Organise advocacy programmes to remove discriminatory policies, laws and regulations that have an adverse impact on the participation of women in the economy.
- vi. Create gender awareness on substantive gender equality among policy makers to assist them in designing gender sensitive policies. Gender sensitisation programmes need to be conducted for administrators, managers, officials, educators, trainers and employers to ensure effective action within their spheres of work.
- vii. Girls and women should be empowered to challenge gender role stereotypes that limit their options and deprive them of opportunities for upward occupational and socio-economic mobility.
- viii. Men should participate in gender sensitization programmes to ensure gender equality in families , workplaces and society.

G. Women in Power and Decision-making

The adoption of the following strategies are proposed.

- i. Increase women's political participation through the introduction of a quota system for women at all levels of politics, increased advocacy within and outside the political process and increased voter education on the need for more women in politics,
- ii. support and strengthen the Women Parliamentarians Caucus to identify and remedy gaps and challenges to women's increased participation in the political sphere, and

- iii. conduct qualitative studies on women's participation at decision making in all spheres of public life and address the gap between the positive outcomes of women's participation in education and health and work carried out on women's empowerment with the inadequate numbers of women in power and decision making.

H. Institutional Mechanism for the Advancement of Women

The National Machinery for Women in Sri Lanka is an over-loaded institution, historically plagued by instability, liable to political manipulations, unable to make an impact on government policy or to stand firm to promote or ensure women's rights in Sri Lanka.

I. Human Rights of Women

- i. Constitutional amendments are key to strengthening human rights including women's human rights. They include
 - a. abolishing the Executive Presidency and the Eighteenth Amendment that has proven to re-create an environment of authoritarian governance and *ad hoc*, top down policy making by the executive without addressing impact on rights protected by Constitution,
 - b. reintroducing the concept of independent Human Rights, Public Service and Election Commissions under Seventeenth Amendment with relevant amendments to strengthen procedure of appointments to the Commissions,
 - c. introducing provisions of the 2000 Draft Constitution on liability of non-state actors (private) and justiciability of socio-economic rights, and
 - d. introducing provisions of the Draft Constitution on impeachment procedure and independence of the judiciary.
- ii. Study impact of the law reforms introduced in the post-Beijing period, with a particular focus on identifying factors that have contributed to the non-implementation of those laws. Such a study should adopt a victim and community centered approach.
 - a. Study the inter-sectionalities of law, culture, politics and economics with a view to recommending an inter-disciplinary approach to law reform and the development of policy.
 - b. Disseminate the findings of such a study widely in all three languages among all communities.
 - c. Revise and repeal the nineteenth century colonial laws that discriminate against women.
- iii. Introduce the Women's Rights or Gender Equality Law with provision for an independent Women's Commission.

- iv. Implement the proposals of the Family Law Reform Committee, submitted to Ministry of Justice in 2009.
- v. Using UN procedure, e.g. United Nations Development Assistance Framework (UNDAF), provide programme support to help government work towards implementation of CEDAW Concluding Observations and General Recommendations in key areas of relevance to the agenda on women's human rights.
- vi. UN agencies linking with partners in government, as in the past, to promote reporting to CEDAW and sharing reports and Concluding Observations with other stakeholders including women's groups both before and after reporting and developing consensus within the system on priority areas for support.
- vii. UN and other agencies supporting curricula review in universities and professional institutions including law, medical, business schools and economic programmes, to incorporate modules on human rights and also for law enforcement agencies including Attorney-General's Department, police and the Kotalawala Defence Academy, and public administration and training institutions.
- viii. Implementing the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) on setting up an inter-agency task force to address issues of war widows and family members who had disappeared, and women's equal access to private land, state land and housing distribution.

J. Women and the Media

Since 1995 technological developments have brought about rapid changes giving rise to an information or knowledge based society. Digital technologies are pervasive and have the potential to promote gender equality and women's empowerment but they also have the possibility of further marginalising the already marginalised if proactive measures are not taken for the inclusion of women in the information society. The review showed that concerted action will be required to achieve the strategic objectives of having equal representation of women at the decision making levels and promoting a balanced and a non-stereotyped portrayal of women in media and to go beyond to the information society.

No state interventions were evident in achieving these two objectives despite its centrality in ensuring women's empowerment and gender equality. A gender analysis has not informed the formulation of policies and programmes while evaluations have failed to understand the underlying patriarchal structures and systemic inequalities that inhibit women's access especially to the new media.

The traditional print and electronic media as well as the digital media continue to be male dominated. In the print media self regulatory mechanisms are directed towards achieving the highest standards of journalism but lack a gender perspective and are moralistic in content while a gender code of ethics though formulated by the media is not being followed. Women's NGOs have been in the forefront of integrating women into the new media landscape but their lack of outreach and financial capability as well as the required expertise to engage in governance issues is a serious disadvantage.

Some of the suggestions for further action reiterated over the years after 1995 are applicable to both the traditional and new media and need to be continued. They include the enactment of the right to Information law, inclusion of a gender perspective into all policies, programmes and projects; gender sensitization of media institutions including advertising agencies and improving the professional and technical capabilities of women media professionals; incorporating gender into all media training curricula; establishing media monitoring mechanisms; and making representations to the Sri Lanka Press Complaints Commission and to the Human Rights Commission of Sri Lanka when women are misrepresented or abused in the media.

While the new media provides space for women's expression it is also a space where the private becomes the public reinforcing patriarchal structures making women and girls more vulnerable to sexual exploitation and violence. More research and action are required to eliminate or mitigate these vulnerabilities and women provided the knowledge and the skills to be in the forefront of technological developments and governance.

K. Women and the Environment

- i. The Ministry of Women's Affairs should take up the cause of promoting the involvement of women in decision making at the highest levels in the environment field if they have the necessary expertise.
- ii. The Forest Department should take a more gender positive stance in their work at the local level. Women should be involved in the protection of forests at the local level.
- iii. Women at all levels, including middle and grass roots levels should be given the opportunity to express their views on projects which impinge on the environment that affects them, before they are accepted and carried out by the government. Particular attention should be given to both men and women of the area. A gender analysis should be included in Environment Impact Assessment studies for all projects.

- iv. Plans should be made for rural women to get natural resources from the environment in which they live - for example plantations such as hedges for fuel wood should be encouraged by the local government or the Forest Department.
- v. Control the use of agrochemicals by (a) educating the farmer on its use, (b) appointing agricultural officers who can advise farmers, and (c) having a system of permits or identification so that only farmers could obtain the supplies necessary for their fields.
- vi. Make plans to develop and introduce organic fertilizers.
- vii. Give assistance particularly to women in organic farming and marketing of their produce.

L. The Girl Child

The review of the girl child reflects several decades of sustained recognition by relevant Sri Lankan state authorities of the close link that exists between the universal needs and rights of health and education for all children, both girls and boys without discrimination. This has led to the favourable indicators of consistent declines in infant and under five child mortality and morbidity with no gender differences. This also includes equality in school enrolment, and access to free schooling at primary, secondary and tertiary levels for girls which are equal to that of boys. Such policies since independence have led to declining fertility and smaller families, promoted the survival, growth and development of children that are of equal benefit to both boys and girls.

There are however some unmet needs, concerns and challenges which are yet to be adequately addressed. These include the need for a wider, more multisectoral and comprehensive approach to address the increased reported incidence and prevalence of abuse and violence affecting girls of all ages, but particularly in adolescence. This includes, rape and incest as well as sexual harassment. Much of these relate to the continued gender stereotyping of girls. The majority of such incidents are not reported due to social stigmatization, lack of special victim support, child friendly law enforcement and legal delays.

Another issue is that in some remote rural areas, there are underage girl child marriages which occur because of pregnancy, which has risks to the health of the girls concerned. A significant cause is the lack of confidential access to reproductive health services to adolescents, which is an issue to be addressed. There is also lack of protection for girls when mothers migrate for employment. Girls are forced to take on family responsibilities, drop out of school and are also at greater vulnerability to abuse and violence. More attention is needed to monitor and determine the risks of underage girls being trafficked for sexual exploitation. Another concern is the need for greater support for girls who have been affected by the prolonged conflict, particularly former forcibly recruited girls, who are

now reunited with their families, and who need support to reintegrate with them and communities. There is a need to prevent the continued gender stereotyping of girls in the media, including digital media, in text books and learning materials. Gender stereotyping also influences career choices for girls.

Finally, there is a need to expand opportunities for girls equal to boys, to express their opinions and participate in decisions which affect them. This must occur in homes, schools and communities wherever they live, learn and function. Women and girls form a double dividend of gender equality, and addressing their rights and needs has significant potential to impact positively on the future development of the nation.

Conclusion

The positive and negative developments identified in the studies and the conclusions and proposals for change presented encompass a gamut of relevant issues. The positive developments could be adopted as best practices. They could be useful inputs into the Sustainable Development Goals that are to replace the Millennium Development Goals post 2015.

Introduction

The Fourth World Conference on Women held in Beijing in 1995, considered to be one of the most significant conferences, was the culmination of a process that started in 1946, when women's groups called for an international conference on women just after the UN was established in 1945. The first of these conferences was held in 1975 in Mexico City in the International Women's Year; the second was held in 1980 in Copenhagen to review and appraise the 1975 Plan of Action; and the third in 1985 in Nairobi at the end of the UN Decade for Women (1975-1985). Intrinsically linked to these conferences on women were the series of other thematic international conferences on environment and development (1992), human rights (1993), population and development (1994), and social development (1995).

Equality, Development and Peace was the theme for all the conferences but the issues and perspectives underwent conceptual changes with each conference from Women in Development (WID) to Gender and Development (GAD) and while the concept of gender continued to be a focus, the Beijing Conference also committed to the empowerment of women.

The Beijing Platform for Action (BPFA), the final outcome of the Fourth World Conference on Women adopted unanimously by the participating countries, reiterating the commitment to achieving the goals of Equality, Development and Peace, the goals identified in 1975, aims at accelerating the implementation of the 1985 Nairobi Forward Looking Strategies for the Advancement of Women. Its strategic objectives and actions are intended to bring about outcomes required by CEDAW.

The BPFA recognised that the entire structure of society, and all relations between men and women within it, had to be re-evaluated as such a fundamental change in society and its institutions was required for women to be fully empowered. Women's rights were reaffirmed as human rights and gender equality was recognised as an issue of universal concern. It thus renewed the global commitment to the empowerment of women. Gender mainstreaming was the strategy to be adopted to ensure that all policies and programmes at the national, regional and international levels reflect a gender perspective.

The Platform for Action specified twelve critical areas of concern considered to represent the main obstacles to women's advancement and which required concrete action by Governments. These are

poverty, education and training, health, violence against women, armed conflict, economy, power and decision-making, institutional mechanisms, human rights, media, environment and the girl-child. Each of the critical areas of concern includes a diagnosis of the specific problems for women in the area; identifies strategic objectives and concrete actions; and proposes specific actions to be taken by governments, international agencies, NGOs and other stakeholders to achieve the objectives.

Review of the Implementation of the BPFA

In accordance with the accountability process for the implementation of BPFA developed and agreed upon in 1995, regional and global conferences have been organised by the five regional UN Commissions and the UN Commission on the Status of Women respectively at five year intervals beginning in 2000¹ (Beijing +5). Annual reporting on the BPFA is also done at the Commission on the Status of Women (CSW) high level meetings.

The first review, Women 2000: Gender Equality, Development and Peace for the 21st Century while recognising the achievements made in the five years since 1995, also noted that despite the gains that have been made violence and poverty continue to be the major barriers to gender equality. The General Assembly adopted by consensus the Political Declaration and 'Further Actions and Initiatives to Implement the Beijing Platform for Action'. The Declaration recognised the importance of gender mainstreaming in all areas. One hundred and ninety nine actions to be taken at the national and international levels by Governments, the United Nations system, international and regional organizations, including international financial institutions, the private sector, non-governmental organisations and other actors of civil society were agreed on. A number of these actions set new targets and reconfirmed existing ones. Emerging issues were also identified.

Two themes came under discussion at the 2005 review of the BPFA, namely the outcome documents of the twenty-third special session of the General Assembly, and current challenges and forward looking strategies for the advancement and empowerment of women and girls. The review and appraisal by the Commission focused on implementation at national level and identified achievements, gaps and challenges, and provided an indication of areas where actions and initiatives, within the framework of the Platform for Action and the outcome of the special session (Beijing+5), are most urgent to further implementation.

¹Women 2000: Gender Equality, Development and Peace for the 21st Century <http://www.un.org/womenwatch/daw/followup/session/presskit/gasp.htm>

In the Beijing+10 review held at the 49th session of the Commission on the Status of Women the focus shifted to the sharing of experiences and good practices that could overcome barriers and address new and emerging challenges. Linkages between the BPFA and the Millennium Development Goals were focused on as the achieving of the MDGs, the current development paradigm that has core goals, targets and benchmarks, is dependent on the effective implementation of the BPFA. The 2010-2014 programme of work assessed the contribution of the BPFA in shaping a gender perspective to the MDGs.

However, the Declaration is deemed to be weak on the position it takes on the progress of the BPFA while insufficient attention has been given to funding of gender related programmes and lack of commitment to the protection of women's rights including sexual and reproductive rights². The next review, the twentieth, is due to be held in 2015 to assess the implementation of the BPFA and the outcomes of the twenty-third special session of the General Assembly held in 2000. Coordinated by the five UN regional commissions, the twenty year progress review will be preceded by five regional reviews to assess progress and identify challenges in implementation of the BPFA.

In accordance with the UNESCAP Resolution 2013/18 all member states in Asia and the Pacific have been called upon to conduct national level reviews to feed into the regional reviews to be held in 2014. Key stakeholders including civil society organisations also will participate in the review.

BPFA in Sri Lanka

There were two immediate outcomes of the Beijing Conference. One was the formulation of the National Plan of Action for Women in Sri Lanka - Towards Gender Equality by the Ministry of Women's Affairs and the National Committee on Women, in consultation with line ministries and women's organisations. The National Plan of Action included eight areas of critical concern amalgamating violence against women, human rights and armed conflict. These eight areas were Violence against Women (VAW), Human Rights and Armed Conflict, Political Participation and Decision-making, Health, Education and Training, Economic Activities and Poverty, Media and Communication, Environment, and Institutional Strengthening and Support. A special section on the girl-child was considered unnecessary as the girl-child is not seen to be specially disadvantaged in Sri Lanka and those issues of importance are incorporated in the other critical areas. The Action Plan was reviewed in 1998 but was not incorporated in the government six-year development plan of that year.

² Wikigender, Beijing = 15 http://www.wikigender.org/index.php/Beijing_%2B15. <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N10/305/76/PDF/N1030576.pdf?OpenElement>

The second was the implementation of a programme to popularise the BPFA by the Sri Lanka Women's NGO Forum, formed in 1993 and uniting the women's movement in Sri Lanka. The Forum disseminated information on the BPFA and the National Action Plan among NGOs and community based organisations to popularise it and implement the National Plan according to their capacity. It has worked in partnership with several South Asian countries through the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) to promote the implementation of BPFA in Sri Lanka, as well as in other South Asian countries. It continued to conduct consultations before the Beijing five year reviews but the momentum appears to have been dissipated in later years. The state has been submitting the national reports for the Beijing Reviews while alternative reports are also prepared by the NGOs critically examining the implementation of the BPFA, identifying progress made and the gaps in implementation and challenges ahead.

This current review is undertaken as an independent exercise by researchers knowledgeable in the critical areas of concern and follows up on a series of reviews undertaken from 1984 to ascertain women's status and the impact of policies and programmes implemented in Sri Lanka since the International Women's Year in 1975. The conclusion of the review of the years 1995-2000 is still relevant. It says, 'In retrospect, these five years have seen some development in consonance with the Beijing Platform for Action and national priorities identified over the years ... But underpinning resistance for more rapid change is the social construction of gender that obfuscates the reality of women's multiple roles and responsibilities and dilutes their rights...'³.

³Jayaweera, Swarna 2000, 'Introduction' In Post Beijing Reflections: Women in Sri Lanka 1995-2000, Colombo, Center for Women's Researchs.p. iii

A. Women and Poverty

Ramani Goonetilake

Introduction

The Beijing Declaration and Platform for Action 1995 enumerated four strategic objectives and actions that needed to be taken to address the issue of women and poverty. First, it called for the review, adoption and maintenance of macroeconomic policies and development strategies that address the needs and efforts of women in poverty. Second, it called for a revision of laws and administrative practices to ensure women's equal rights and access to economic resources. Third, it declared that women should be provided with access to savings and credit mechanisms and institutions, and lastly, it called for the development of gender-based methodologies and the conducting of research to address the feminisation of poverty.

Almost twenty years later, it is time to evaluate Sri Lanka's achievements in implementing these strategic objectives. Since an assessment of this nature requires, first and foremost, reliable estimates about the extent of poverty among women in Sri Lanka, this study aims to generate that information using the most recently available unit level household consumption survey data (Department of Census and Statistics 2013a). So first, we assess the extent of consumption poverty among working (employed) women and those looking for work (unemployed), as well as among women who are currently not looking to engage in market work (labour market non-participants).

Poverty estimates are based both on the national poverty threshold as well as the \$1.25 and \$2.00 poverty lines in order to enable international comparison. Secondly, the study identifies individual, household, and community level characteristics of men and women that are associated with their being poor in order to inform policy about what sort of interventions are necessary to help them come out of poverty. Third, since the nature of employment is a critical dimension of poverty, the analysis also looks at the extent to which employed men and women are failing to get out of poverty and the characteristics that are associated with the probability of their being among the working poor.

An up-to-date analysis using the most recent unit level survey data available is necessary because while overviews and analyses of poverty in Sri Lanka have been carried out before, almost all of them look at the poverty of households rather than of individuals. Thus, gender-disaggregated information and analyses about poverty in Sri Lanka are not available and need to be generated.

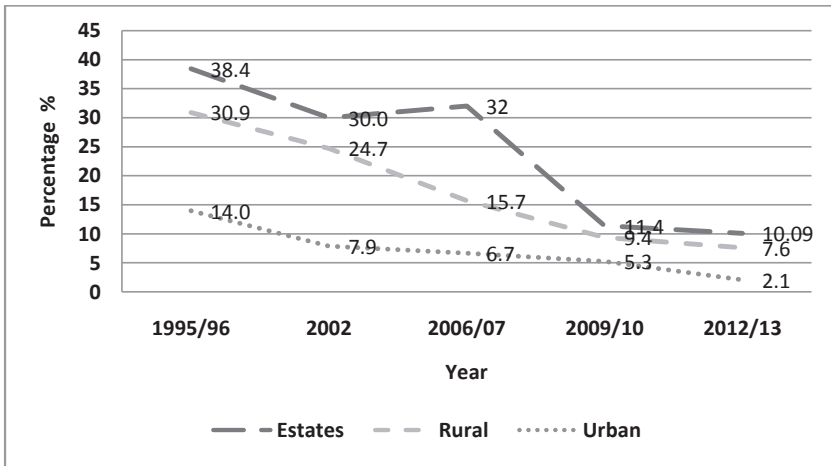
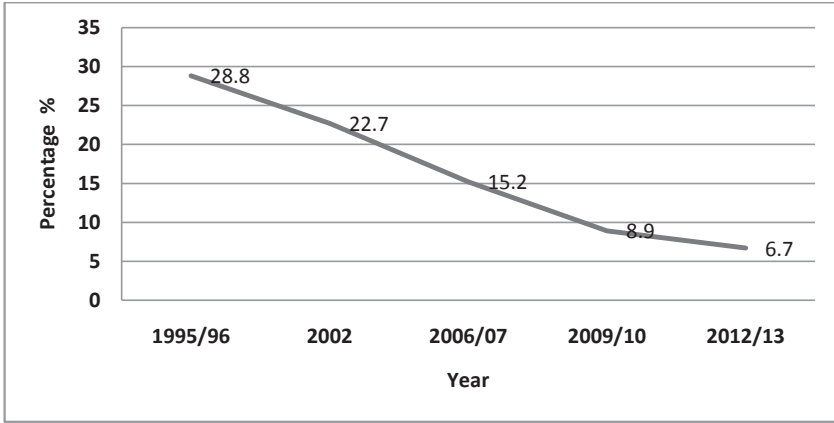
In the rest of this section we describe Sri Lanka's performance in poverty reduction since 1995, followed by section 2 which describes the policy context. Section 3 introduces the data used for the analysis and presents an overview of poverty and working poverty in Sri Lanka based on this data. Section 4 sets out the analytical methodology, defines the variables and presents the results of the econometric analysis of the factors associated with poverty and working poverty. Section 5 concludes by summarising the main findings and drawing their implications for policy.

Notwithstanding a violent conflict which ended only in 2009, Sri Lanka has succeeded in reducing consumption poverty quite significantly over the last two decades. In 1995/96, 29 per cent of Sri Lankans (outside the conflict-affected north and east) were below the national poverty line, whereas by 2013, this figure had contracted to 7 per cent island-wide (Figure 1). Figure 1 also depicts the movement of sector-wise poverty estimates between 1995/96 and 2013, based on household income and expenditure survey data. While poverty incidence has always been the lowest in urban areas, between 1995/96 and 2013 it declined from 14 per cent to 2 per cent. Rural poverty declined from 31 per cent to 8 per cent, while poverty on the estates declined as fast, from a high of nearly 40 per cent in 1995/96, to 10 per cent in 2013.

Since a single indicator of poverty based on consumption cannot capture the multiple aspects that contribute to poverty, it is useful to look at what has happened to multidimensional poverty in Sri Lanka. Multidimensional poverty indicators encompass a range of deprivations that a household can suffer and provide insights that can provide a broader perspective. However, even in terms of reducing multidimensional poverty, Sri Lanka has done reasonably well compared to other countries in the region. Table 1 compares some indicators of multidimensional poverty in Sri Lanka with those of India, Pakistan and Bangladesh, and also with those of some South East Asian countries such as Thailand, the Philippines and Indonesia. In terms of multidimensional poverty, only Thailand has a smaller proportion of its population in poverty (1.6 per cent in Thailand whereas 5.3 per cent of Sri Lankans are in multidimensional poverty). But the intensity of deprivation in both countries is about the same, although a higher proportion of Sri Lankans appear to be vulnerable to poverty than in Thailand, the Philippines and Pakistan.

Figure 1

Trends in Poverty Reduction in Sri Lanka 1995/96-2012/13, National Poverty Line



Source: Department of Census and Statistics (2014).

Note: Head Count Ratio using the national poverty line. Excludes data from Northern and Eastern Provinces in 1995/96, 2002. Data for 2006/07 includes Ampara and Batticaloa data from Eastern Province but not Trincomalee and all the districts of Northern Province. Data for 2009/10 includes the entire Eastern Province, and the two districts of Jaffna and Vavuniya but not Mannar, Mulaitivu and Killinochchi from the Northern Province. Data for 2012/13 covers the entire country.

Table 1
Multidimensional Poverty in Sri Lanka and the Region

2012 HDI Rank	Name	Multidimensional Poverty Index Value	Population in Multidimensional Poverty (%)	Population in Multidimensional Poverty Intensity of Deprivation (%)	Population Vulnerable to Poverty (%)	Population in severe Poverty (%)	Contribution of deprivation to overall Poverty Education (%)	Contribution of Deprivation to overall Poverty Health (%)	Contribution of Deprivation to overall Poverty Living Standards (%)
92	Sri Lanka	0.021	5.3	38.7	14.4	0.6	6.3	35.4	58.3
103	Thailand	0.006	1.6	38.5	9.9	0.2	40.7	31.2	28.1
114	Philippines	0.064	13.4	47.4	9.1	5.7	15.8	56.5	27.7
121	Indonesia	0.095	20.8	45.9	12.2	7.6	15.7	50.6	33.8
136	India	0.283	53.7	52.7	16.4	28.6	21.8	35.7	42.5
146	Pakistan	0.264	49.4	53.4	11.0	27.4	30.8	37.9	31.2
146	Bangladesh	0.292	57.8	50.4	21.2	26.2	18.7	34.5	46.8

Table 2
Health Indicators for Sri Lanka and the Region

2012 HDI Rank	Name	2010 Immunisation Coverage - DTP	2010 Immunisation Coverage - Measles	2010 Infant Mortality Rate	2010 Under-five Mortality Rate	2009 Adult Mortality Rate - Female	2009 Adult Mortality Rate - Male	2008 Deaths due to Cardiovascular Diseases and Diabetes	2007-2009 Satisfaction with Health Care Quality
64	Malaysia	98	96	5	6	95	175	278	89
92	Sri Lanka	99	99	14	17	82	275	312	83
103	Thailand	99	98	11	13	139	270	311	85
114	Philippines	89	88	23	29	130	240	345	81
121	Indonesia	94	89	27	35	143	234	350	79
136	India	83	74	48	63	169	250	336	67
146	Bangladesh	98	94	38	48	222	246	418	69
146	Pakistan	90	86	70	87	189	225	422	41

Table 3
Gender Inequality in Sri Lanka and the Region

2012 HDI Rank	Name	2012 Gender Inequality Index Rank	2012 Gender Inequality Index Value	2010 Maternal Mortality Ratio	Adolescent Fertility Rate	2012 Seats in National Parliament (% Female)	2006-2010 Population with at least Secondary Education (Female)	2006-2010 Population with at least Secondary Education (Male)	2011 Labour Force Participation Rate (Female)	2011 Labour Force Participation Rate (Male)
64	Malaysia	42	0.256	29	9.8	13.2	66.0	72.8	43.8	76.9
92	Sri Lanka	75	0.402	35	22.1	5.8	72.6	75.5	34.7	76.3
103	Thailand	66	0.36	48	37.0	15.7	29.0	35.6	63.8	80.0
114	Philippines	77	0.418	99	46.5	22.1	65.9	63.7	49.7	79.4
121	Indonesia	106	0.494	220	42.3	18.2	36.2	46.8	51.2	84.2
136	India	132	0.61	200	74.7	10.9	26.6	50.4	29.0	80.7
146	Bangladesh	111	0.518	240	68.2	19.7	30.8	39.3	57.2	84.3

Source for Tables 1, 2, and 3: UNDP Human Development Report 2014, <http://hdr.undp.org/en/data>, accessed 27 June 2014.

Education accounts for the smallest share of deprivation in Sri Lanka (6.3 per cent) among all seven countries, and only in Thailand does deprivation in health attainment contribute less (31.2 per cent) to overall poverty than in Sri Lanka (35.4 per cent). In fact, as the health indicators in Table 2, show in key indicators such as infant mortality and under-five mortality, only Malaysia and Thailand perform better, and in adult mortality among females, Sri Lanka performs best out of all the selected countries in the region. Consequently, deprivation in living standards in Sri Lanka contributes the most to overall poverty (58 per cent) among all the countries selected for comparison.

Sri Lanka also scores well in the Gender Inequality Index (Table 3). In terms of gender inequality, Sri Lanka ranks third among the group of eight countries at 75, considerably behind Malaysia ranked at 42, Thailand at 66, and just ahead of the Philippines at 77. In fact, Sri Lanka's maternal mortality ratio is 35, significantly less than Thailand's at 48, and in female educational attainment, Sri Lanka is actually ahead of even Malaysia, with 73 per cent of Sri Lankan women having at least secondary education, whereas 66 per cent of Malaysian women do.

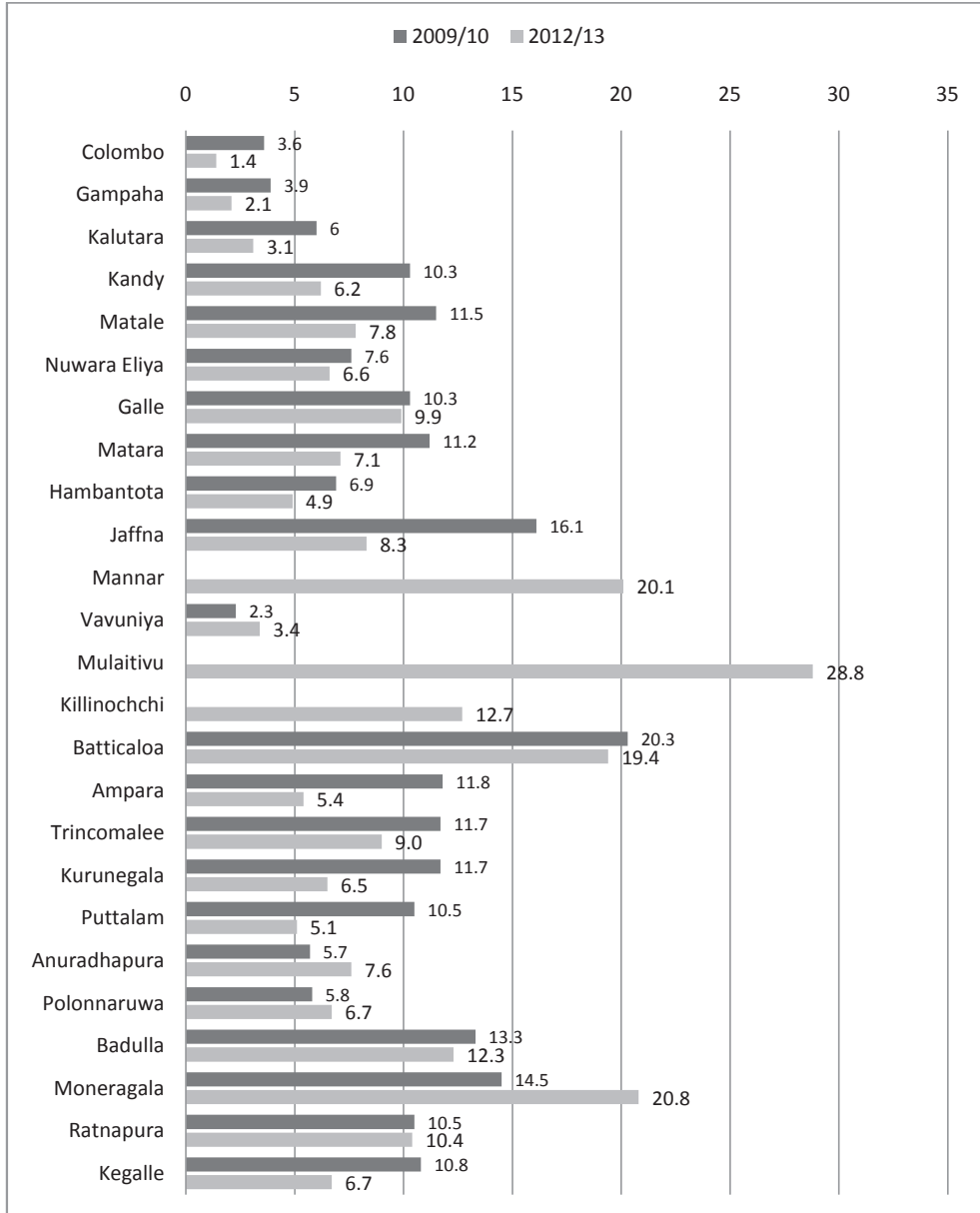
Where Sri Lankan women lag woefully behind is in the representation of women in the national legislature. Only 5.8 per cent of Sri Lankan representatives are female, whereas in India, the next lowest, 11 per cent are female. In the Philippines, a little more than a fifth of the national legislature is comprised of women. Bangladesh at 20 per cent comes a close second, while Indonesia is third with 18 per cent. In labour force participation, too, Sri Lanka has one of the lowest rates of female participation in the region at 35 per cent compared with the male participation rate which is almost twice as high. Only India has a lower rate, at 29 per cent. A recent study of the drivers and constraints of women's entry into Sri Lanka's labour market found lower educational attainment, receipt of remittances from abroad, a larger proportion of household expenditure accounted for by male members, better household status, and Islamic Moor ethno-religious identity, constraining women from engaging in market work (Gunatilaka forthcoming). Factors such as weak access to demand-driven technical and vocational skills, social networks, and safe transport may also discourage participation. Analysts have yet to investigate the influence of these factors in a rigorous way.

On the other hand, better education, a local job market that favoured women's employment, the availability of domestic help and the presence of other adult women in the household, were found to encourage married and single women to engage in market work. Education and age also played a

role in the participation of female heads of households, as did the presence of a large informal sector in the district of residence (ibid.).

Figure 2

Change in Poverty Incidence by District, Sri Lanka 2009/10 and 2012/13, National Poverty Line



Source: Department of Census and Statistics (2012)

Notwithstanding significant reductions in poverty incidence island-wide and by sector, some districts, particularly those in the former conflict zone of the Northern and Eastern Provinces, and Uva Province, report very high poverty ratios. For example, between the two most recent years for which data is available, that is 2009/10 and 2012/13, poverty levels nearly halved in most districts, particularly in the three populous districts of Western Province, that is Colombo, Gampaha and Kalutara (Figure 2). These districts which are adjacent to the metropolitan hub of Colombo, and the national port and airport, have always had some of the lowest poverty rates in the country.

But poverty incidence halved even in the formerly conflict affected Jaffna district, from 16 per cent to 8 per cent. Clearly, Jaffna district with its historically better infrastructure and human capital has been able to benefit from the economic opportunities that opened up in the wake of the end of the conflict in 2009, in a way that Batticaloa in Eastern Province, has been unable to do. Nearly a fifth of Batticaloa's population remains in poverty, while in Mulaitivu district, one of the districts most badly affected by the conflict and which was one of the most economically backward in the country even in the mid-1980s when the conflict began, almost one in every three people is poor. Meanwhile, poverty levels in Moneragala district, outside the conflict-affected zone, but far from the dynamic markets of the Western Province, have actually increased, from 15 per cent to 21 per cent.

There is also considerable variation among districts in multidimensional poverty. The Sri Lanka Human Development Report (UNDP 2012), used data available in the Household Income and Expenditure Survey (HIES) of 2009/10 to show that Jaffna recorded the highest incidence of multidimensional poverty at 11.5 per cent, followed by Batticaloa at 11.3 per cent. Puttalam at 8.2 per cent, Badulla at 6.5 per cent, Ratnapura at 6.3 per cent, Kandy at 5.9 per cent, Kurunegala at 5.9 per cent and Matale at 5.7 per cent also posted comparatively high rates of multidimensional poverty. Multidimensional poverty rates were lowest in the three districts of Western Province, Colombo, Gampaha and Kalutara. In terms of the total number of multi dimensionally poor people though, Kurunegala accounted for 9.8 per cent, followed by Kandy at 8.1 per cent, Ratnapura at 7.5 per cent and Puttalam at 7.1 per cent (UNDP Sri Lanka 2012). The report also noted that the multi dimensionally poor, regardless of where they live, faced more or less the same extent of deprivation, despite variations in the indicators of deprivation.

While several analyses of consumption poverty and its correlates in Sri Lanka have recognised the role that employment plays in the probability of a household being poor, many of these have used the household as a unit of analysis, and none have looked at the factors associated with individuals

being in poverty. For example, de Silva's (2008) analysis of the factors associated with poverty using the Sri Lanka Integrated Survey data of 1999/2000 found that a household with its head working as a casual labourer was more likely to be poor, while working in salaried occupations, decreased the probability of a household being poor. He also found that the chances of being in poverty were less if the household head was engaged in business rather than in agriculture. Gunatilaka's analysis (forthcoming) using HIES 2006/07 data also identified the educational and occupational composition of a household's workforce to be strongly associated with the probability of it being poor.

The only econometric analysis of poverty based on survey data that has been carried out at the level of the individual and that we are aware of, is the study on Sri Lanka's working poor by Gunatilaka (2010). The study used HIES 2006/07 data to identify the factors associated with the probability of men and women being both employed and poor, and further, investigated the factors associated with poor working men and women earning less than the non-poor. However, the study did not look at the factors associated with the probability of individuals being poor, regardless of labour market status.

As far as the working poor were concerned, however, the study found that the typically poor worker in 2006/07 was female, had less income from remittances, was relatively young, was either Up Country Tamil or Sinhalese, was less educated, belonged to the production, agricultural or elementary occupations, worked in the agriculture sector, was an own account worker or an employee in the private (probably informal) sector, lived in rural or estate areas far from administrative centres, and in communities not served by power or telephone lines. On the other hand, the typical worker belonging to the non-poor category was male, had access to income from remittances, was older, belonged to ethnic groups other than Up Country Tamil or Sinhalese, was better educated, worked in the more skilled occupation grades in the manufacturing and services sectors, was urban-based and well-connected in terms of transport, and lived in communities served by power and telephone lines. Comparing the typical working poor woman with the typical working poor man, the study found that the woman was likely to earn less, was more likely to be a production worker resident in rural areas, but less likely to be a plantation worker.

Relatedly, the study found that differences in occupation between the poor and non-poor contributed the most to the earnings gap between the two groups, followed by differences in education attainment and industrial sector of occupation. In fact, differences in attributes, mostly

occupation and then education, accounted overwhelmingly for the earnings differential between poor and non-poor women. The study also provided information on the numbers of women who are in poverty, and the number of women who are employed, but belong to poor households. However, as noted earlier, it did not investigate the factors associated with the probability of women being poor, regardless of whether or not they were engaged in market work.

This paper addresses this gap in research in several ways. First, it uses the most recently available unit-level micro data to estimate the stock of poor Sri Lankan women and men by where they live and what they do. Second, it identifies the characteristics that are associated with the probability of men and women being in poverty. Third, since the nature of employment is strongly associated with the probability of being poor, the study also looks at the characteristics associated with the probability of women being employed and poor, compared with men in the same situation. Implications of the findings for policy formulation are drawn in the final section.

Policy Background

Sri Lanka's achievements in human development and poverty reduction have been largely driven by policy makers' preoccupation with issues of poverty, inequality and welfare since the nineteenth century, when sectarian distributional conflicts forced the colonial government to intervene in the health and education sectors (de Silva 1981). Political economy considerations such as the grant of universal franchise in 1931, the influence of Marxist politics since the 1930s, and competitive populism by the two major political parties, have ensured that this policy preoccupation has remained largely in place. For example, war-time food rations first introduced in the 1940s saw the end of any political regime that tried to eliminate them until the economy was liberalized in the late 1970s (ibid). To date, the Sri Lankan government provides education and health services free of charge throughout the country, and these services as well as food, continued to be provided in the Northern and Eastern provinces even throughout the conflict when the Liberation Tigers of Tamil Eelam (LTTE), controlled the area (Ofstad 2002). Following economic liberalisation in 1977, however, policy makers looked to higher levels of economic growth and employment to translate into greater social welfare, but insurrection and social conflict in the late 1980s focused attention on income support measures again, but as targeted income transfers, not as universal subsidies. Nevertheless, it has been shown that poverty reduction between 1995/96 and 2001/02 was entirely due to faster growth rather than to any redistribution towards the less well off (World Bank 2007), and it is likely that this trend continued between 2001/02 and 2012/13 even though no comparable analysis has been carried out to date.

In an analysis of inclusive growth using HIES 2002 and HIES 2006/07 data from four districts, de Silva et al. (2012) found that improved access to infrastructure (better connectivity through development of the road network and telecommunications, access to electricity), better education of the workforce, change in the industrial sector of employment from agriculture to the service sectors, and remittances from outmigration, accounted for most of the growth in mean consumption between 2002 and 2007. Meanwhile, their qualitative data collection and analysis revealed other individual characteristics that interacted with and facilitated inputs such as infrastructure access, better education and changes in employment structures to enable consumption growth. For example, the savings of migrant workers, access to capital through milestone events and better access to credit, provided seed capital for successful entrepreneurs to adopt new technologies, which were in turn facilitated by better education. Prior experience in these activities and individual effort helped, while social capital helped movers climb up the social ladder.

In addition to investigating the factors that helped consumption growth, the study identified the characteristics and processes associated with chronic poverty and the inability to benefit from the growth process. They found that the chronically poor had been constrained by multiple issues, such as lack of basic infrastructure, low levels of education, alcoholism, too many dependents, ill health, and the nature of the economic growth process which has been unable to deliver anything other than very low returns for unskilled wage labour. Such work has been invariably associated with poor working conditions and no protection against sudden setbacks, such as illness. While some young people had been forced to drop out of school due to economic hardship, the availability of wage work coupled with poor education facilities at secondary level and beyond in certain communities, had also acted as constraints against pursuing the acquisition of better skills and increasing the chances of earning better wages (de Silva et al. 2012).

In terms of interventions targeted specifically at the poor, however, the Sri Lankan government has, since the 1980s, sought to both protect and promote the poor through its poverty alleviation programme. Although the universal food subsidies that had been in place since before independence had been converted into a targeted food stamps scheme following economic liberalization in 1977 and their values frozen, the government was forced to reintroduce a targeted consumption support programme in 1989 when the unequal distribution of the benefits of economic growth policies led to social unrest. The programme, called the Janasaviya Programme, also sought to promote the poor to higher income growth paths through measures designed to provide credit or self-employment and financing community infrastructure projects. Janasaviya was succeeded by the

Samurdhi Programme in 1995 following a change of regime, and it is this programme that is still in place. Samurdhi consists of many welfare-oriented and promotional components. The welfare component consists mainly of an income supplementary programme, a dry ration programme and a nutritional programme. In addition, the Samurdhi Social Security Fund helps reduce the vulnerability of poor households to exigencies such as death, hospitalisation and child births. On the other hand, the promotional component consists of a Grameen-style Samurdhi Bank system and livelihood development programmes such as the 'Gemidiriya' Community Development and Livelihood Improvement Project. The Samurdhi Bank system relies on group savings and intra-group group collateral, as well as the award of the consumption support, to secure its loans. Samurdhi's welfare component provides consumption support for roughly 1.5 million poor households, and forms the core of the national system of social assistance for those in the informal economy. It consumed 0.2 per cent of total government expenditure and net lending in 2012 (Central Bank 2013). It has been estimated that if the currently available social protection programmes such as pensions, disability relief payments, and the Samurdhi Programme were absent, 11.2 per cent of the population would have been in poverty in 2009/10 rather than 8.9 per cent (Department of Census and Statistics 2013a).

Nevertheless, the Samurdhi Programme could provide a far more effective safety net for the poor if it were better targeted at those who really need the assistance. A recent analysis using HIES 2006/07 data found that although fewer non-poor households were getting support than before, more poor households who needed support remained outside the programme (Gunatilaka forthcoming). Meanwhile, the income transfer provided a smaller share of a household's food consumption basket than it had done earlier. Even so, while some targeting errors may have been systemic with some groups less likely to receive benefits than others, in terms of most of the variables investigated in the analysis, Samurdhi's targeting was found to be in line with characteristics of households that are positively associated with the likelihood of being poor (ibid).

The fact that the Samurdhi programme suffered from large inclusion and exclusion errors suggested that recent efforts at developing appropriate eligibility criteria using community-based screening methods may be more effective at targeting the poor but several political economy factors at grassroots' level have held back reforms. Local level politicians do not want their key supporters to be ejected from the programme; Samurdhi development officers feel that they may lose their jobs if beneficiary numbers decrease; and Samurdhi Bank officers resist change because the viability of the

banking system depends on the participation of the non-poor who have threatened not to repay their loans if they are removed from the income-transfer programme (ibid.).

Since the Samurdhi Programme targets households rather than individuals in both its protective and promotional programmes, it does not explicitly target women. Even so, in many of its practical operations, Samurdhi works for and with women. For example, the dry ration programme of the welfare component is specifically allocated to the principal, female, home maker. The Samurdhi Bank system, too, like many other group-based microfinance programmes that provide small loans to a large number of poor people in Sri Lanka and elsewhere in the developing world, rests more securely on a large base of female borrowers than male borrowers. Since women are more at home, they can more easily be trained in social mobilisation and group savings/collateral mechanisms that microfinance employs to ensure repayment.

There is empirical evidence from other countries that suggests that women's access to microfinance has succeeded in increasing consumption and assets of poor households. For example, Kabeer (1998) and Pitt and Khandker (1998) argue that programme credit has a larger positive effect on the consumption behaviour of poor households in Bangladesh when women are the programme participants. Analyses using Sri Lankan data have not focused specifically on the role of women, but Tilakaratna et al. (2008) found that microcredit enabled households to improve their incomes, assets and housing conditions. The magnitude of impact was found to vary across different income groups: while the middle and higher income quintiles increased their level of income, assets and housing through microfinance, for the poorest households, the impact of micro-credit was mainly on consumption levels. In contrast, de Silva (2008) found little impact of participation in microfinance on the income earning capacity of households. Nevertheless, he found household per capita savings to be significantly higher for participants of microfinance than for observationally identical non-participants. Therefore, the overall impact of microfinance participation was definitely pro-poor. Available evidence suggests that access to microfinance is most likely to help increase household consumption and reduce poverty if women borrowers act as conduits for credit for family businesses run by their partners. It has been noted that households may invest credit obtained by women in men's businesses because they enjoyed higher returns (Todd 1995). In fact, while a study of microfinance borrowers in Sri Lanka's Kurunegala district found that half of on-going projects financed by loans taken by women are managed by their husbands or male relatives (Gunatilaka 2010), yet another Sri Lankan study on the profitability of microenterprises provided rigorous evidence as to why this might be the case. In a study of the effect of 'treatment' grants on male and

female-owned enterprises in three tsunami-affected districts in Sri Lanka, de Mel et al.(2007) found that returns to capital were zero among female-owned microenterprises but in excess of nine per cent per month for male-owned enterprises. They also found that large returns for males showed that, on average, male-owned enterprises were more likely to generate the return on investment necessary to repay micro loans. Differences in treatment effects by gender did not appear to be due to differences in the amount of the treatment invested, differences in access to capital, differences in ability, differences in risk aversion or due to females taking the grants out of the business and spending them on household investments. Differences in industry accounted for some of the difference but the rest remained unexplained.

The difficult environment that Sri Lankan women face in running viable businesses could derive from many factors. Where cultural norms dictate that women are the principal caregivers, their domestic responsibilities make it difficult for them to work outside the home, procuring inputs and technologies, enforcing contracts in the informal economy, transporting inputs and raw materials, and marketing the output. Cultural norms can themselves dictate what sort of business is suitable for women, and these may be exactly those activities that have the lowest returns. On the other hand, microenterprises owned and managed by women are often distress-driven survival strategies by women, who, due to various circumstances, are the sole breadwinners of their families, and who have to juggle livelihood activities with their traditional, care giving role in the household. This sort of enterprise cannot strictly be compared to businesses run by men who often rely on the unpaid labour of their wives and family, while those same wives shoulder most of the care responsibilities within their households.

In any case, the constraints that women face running businesses are conditioned by the considerable disadvantages that women face in the labour market at large, not just in managing microenterprises. The low rate of female entry into the labour market, noted in the previous section, is only one aspect of it. Finding employment is difficult even for those women who want to work, despite the fact that thanks to free education policies, women are at least as well-educated as men, if not more, particularly at secondary level (Ministry of Labour Relations and Manpower et al. 2009).

Consequently, the unemployment rate for women is twice that of males, and women with at least Advanced Level qualifications make up slightly more than a fifth of all unemployed people while equivalent males account for only less than a tenth (*ibid.*).

This may be because job opportunities for women are limited to only a few sectors, whereas males have a wider range to choose from. Rapidly growing sectors, such as construction, trade and transport are largely male-dominated, and social attitudes about what sorts of jobs are appropriate for women and issues of personal safety, transport and housing, may be constraining women from taking up certain types of jobs, especially those away from home (Gunatilaka 2013).

The limited job opportunities available for women are evident in Table 4, which shows how women are concentrated in three industry groupings: agriculture, manufacturing, and education. For example, 34 per cent of all employed women are in agriculture, whereas the equivalent figure for men is 30 per cent. In contrast, one in four employed women works in the manufacturing sector, whereas only 14 per cent of men do.

The government accounts for a major share of education services, and this sector, together with public administration, employs a significant number of women. This is evident in Figure 3 which shows how the available jobs in the economy are shared between men and women. While women account for about a third of total employment, their representation in the wholesale and retail trade, repair of motor vehicles, motorcycles, personal and household goods sector, the financial intermediation and real estate, renting and business activities sector, and the hotels and restaurants, transport, storage and communication, health and social work sectors, is less than what they account for in total employment.

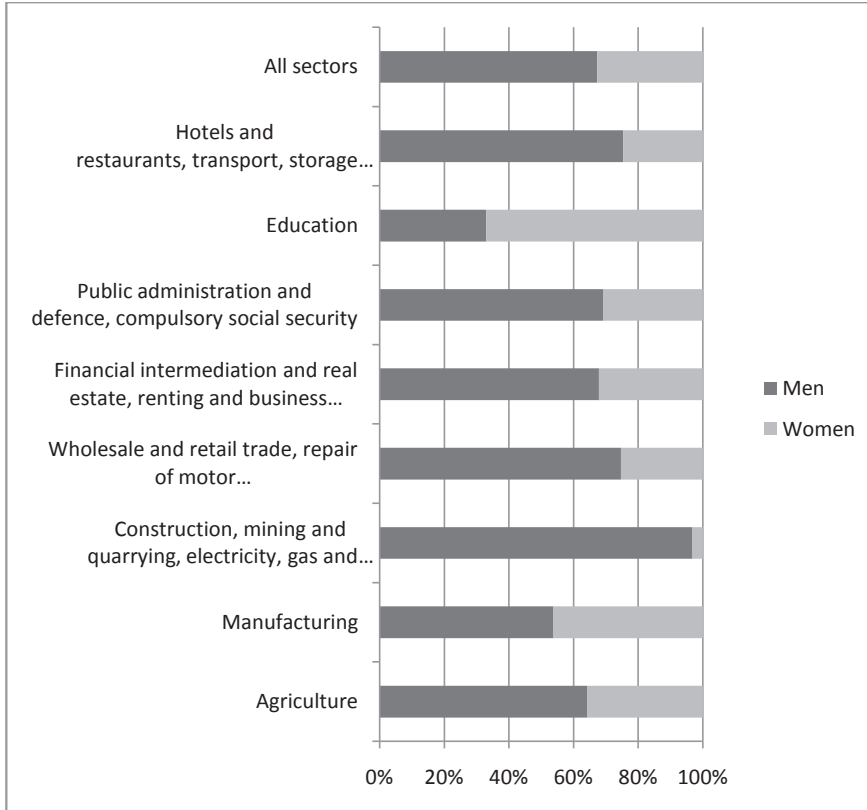
Relatively more women also work as family workers (19 per cent) compared to men (4 per cent), but as large a proportion of women works in the public sector (20 per cent). As for business, while nearly a fourth of all employed women are self-employed, less than one per cent of them are running their own businesses and employing other people as well. In contrast, slightly more than a third of all employed men were self-employed, while employers accounted for four per cent of all jobs held by men. Women also are, on average, paid less than men, even when they share the same productive characteristics. For example, in 2006, male employees in the private formal sector enjoyed wage rates roughly 20 per cent higher than wages earned by women, when all other productive characteristics were accounted for, while the wage rates of male informal employees were 40 per cent more than those of female informal employees, when all other characteristics were controlled for (Gunatilaka 2008).

Table 4
Share in Employment by Major Industrial Sector, 2012 (%)

Industrial Sector	Men	Women
Agriculture	29.59	33.88
Manufacturing	14.11	25.07
Construction, mining and quarrying, electricity, gas and water supply	12.04	0.83
Wholesale and retail trade, repair of motor vehicles, motorcycles, personal and household goods	15.53	10.87
Financial intermediation and real estate, renting and business activities	3.51	3.43
Public administration and defence, compulsory social security	7.15	6.61
Education	2.02	8.47
Hotels and restaurants, transport, storage and communication, health and social work, other community social and personal services, private households with employed persons, miscellaneous labour work, industries not adequately described	16.05	10.84
Total	100.00	100.00

Source: Department of Census and Statistics (2013) Sri Lanka Labour Force Survey, Annual Report 2012.
 Note: Includes all districts. Tabulations are based on ISIC (Rev.3). Due to limitations on reliability (based on analysis of coefficient of variation), some groups have been combined.

Figure 3
Men's and Women's Shares in Total Employment by Major Industrial Sector, 2012 (%)



Source: Department of Census and Statistics (2013); Note: Includes all districts.

Gunewardene's (2010) decompositions of the gender wage gap in the period 1996 to 2004 reveals that women are underpaid in all sectors and for all ethnic groups, even when unconditional wage gaps favour women. Meanwhile, Gunewardene et al. (2008) found evidence of wider gender wage gaps at the bottom of the distribution, relating to low and unskilled occupations, in both the private and public sectors (indicative of 'sticky floors'), but found little evidence of larger gaps at the top of the distribution ('glass ceilings'). This suggests that poorer, unskilled women suffer more wage discrimination than do better off, skilled women. The authors argue for policies that address gender bias in wage setting - especially in the low and unskilled occupations—as well as for policies that address gender bias in hiring and in workplace practices, which they argue, may be more effective in reducing the gender wage gap, than policies that try to improve women's productivity-enhancing characteristics.

In the next section we present an overview of poverty and working poverty by gender in Sri Lanka, after first describing the data used for the analysis.

Data, Overview, Methodology and Variables

Data

Data related to income, consumption expenditure, demographic and other characteristics of individuals and households were drawn from the Household Income and Expenditure Survey (HIES) of 2009/10 conducted by the Department of Census and Statistics, Sri Lanka. The data includes all administrative districts of the country other than the three poorest districts of Northern Province, Mannar, Mulaitivu and Killinochchi, as the conflict situation prevailing in these areas at the time precluded data collection. While another survey in the series was conducted in 2012/13, the micro level data from that survey was unavailable for the present analysis.

The study's principal unit of analysis is the individual. But since poverty is determined at the level of the household, the equivalent scale that the study uses to determine whether a household is poor is per capita consumption. This is a special case of the general definition of equivalent consumption:

$$\text{equivalent consumption} = \text{total household consumption}/n_s$$

where n is household size and s is equal to one. This definition assumes that each household member receives an equal allocation of household consumption, and that household members have identical consumption needs and that there are no economies of scale living together. Although the reality often is that children usually require less of most things than adults and that certain public goods such as televisions can be used by all family members at no additional cost, the theoretical and methodological problems of determining equivalence scales remain unresolved and hence

setting equivalence scales remains arbitrary. Therefore, this study follows earlier analyses by the Department of Census and Statistics (2009), the World Bank (2007), Gunewardena (2007) and Dutt & Gunewardena (1997) by using per capita consumption as the equivalent scale in order to identify whether the household the individual belongs to, is poor. At the same time, this study identifies the working poor as individuals who are employed but who belong to poor households as did Majid (2001), Berger and Harasty (2002) and Kapsos (2004) in their cross-country analyses of the working poor.

The analysis takes into account only individuals who are members of households with positive expenditure. Household expenditure data was adjusted for spatial differences in the cost of living by using the district-wise Laspeyres price index for 2009/10 developed by the Department of Census and Statistics based on the same survey data set. The per capita real consumption of each household was then compared with the official poverty line developed by the Department of Census and Statistics to determine whether the household is poor. The national poverty line was Rs. 3,082 per person per month in 2009/10.

However, for purposes of international comparison, this study also reports the stock of Sri Lanka's poor and working poor by various subgroups, according to the international \$1.25 and \$2 per household member per day poverty lines adjusted to take into account local prices (purchasing power parity-PPP). To compile the \$1.25 and \$2 per household member per day poverty lines at national level for Sri Lanka, the two poverty lines were adjusted by the PPP conversion factor provided by the World Bank's International Comparison Programme. But since the conversion factor was for the year 2005,⁴ we used the median of the New Colombo Consumer's Price Index (2002=100) for the twelve months of the survey year to further adjust the two poverty lines to reflect prices prevailing in our survey year 2009/10, rather than 2005. At the same time, total household consumption was adjusted by the PPP conversion factor, as well as by the Department of Census and Statistics' Laspeyres spatial price index to derive per capita real household consumption at purchasing power parity. This was to enable comparison with the PPP-adjusted, \$1.25 and \$2 per household member per day poverty lines. When adjusted for PPP in this way, the \$1.25 and \$2 poverty lines translated to Rs. 62.07 and Rs. 99.31 per household member per day respectively for 2009/10.

⁴ See *Tables of Results* of the World Bank's International Comparison Programme (icp-final-tables.pdf) at <http://siteresources.worldbank.org/ICPINT>.

Major population surveys have many sampling units which have different probabilities of being selected. The sampling units may also have different means. If this is the case, then an unweighted sample mean is an inefficient estimator of the population mean. In order to ensure the efficiency of the estimators and the representativeness of the findings, the data was adjusted using the inflation factors provided by the Department of Census and Statistics. Thus, the survey commands of the statistical package, Stata, were used to generate descriptive statistics as well as regression results.

Overview of the poor

Consider poverty among the population at large first (Table 5). With a population of nearly 20.5 million in 2009/10, 8.9 per cent, or 1.8 million of Sri Lankans were poor, according to the national poverty line.

Table 5
Poverty Incidence in Sri Lanka by Sector and Province 2009/10
at the National, \$1.25 and \$2.00 Poverty Lines

	National Poverty	\$1.25 Poverty	\$2.00 Poverty
Sri Lanka	8.94	2.40	15.32
Urban	5.23	1.87	9.15
Rural	9.47	2.46	15.99
Estates	11.50	2.95	22.74
Western	4.22	1.19	7.77
Central	9.80	2.57	17.80
Southern	9.79	2.62	16.27
Northern	12.61	2.52	19.85
Eastern	15.09	4.83	22.47
North Western	11.32	3.49	18.53
North Central	5.89	1.16	11.67
Uva	13.96	3.20	24.18
Sabaragamuwa	10.64	2.58	18.91
Total poor (number)	1,818,788	487,994	3,115,195

Source: Estimated using data from Department of Census and Statistics Household Income and Expenditure Survey data of 2009/10. The districts of Mannar, Mulaitivu and Kilinochchi were not covered.

Poverty was highest in Eastern Province (15 per cent), followed by Uva (14 per cent) and the Northern Province (13 per cent). The estates sector and North Western Province had similar poverty ratios at around 11 per cent. In 2009/10, poverty in the Northern Province is likely to have been

higher. This is because the survey did not cover the districts of Mannar, Mulaitivu and Killinochchi, which are much poorer than the other northern districts of Jaffna and Vavuniya, though relatively less populated. The incidence of poverty in Sri Lanka drops to 2.4 per cent or half a million individuals, however, if the \$1.25 poverty line is used, but rises to 15 per cent or 3 million people, if the higher international poverty line of \$2.00 is used. The high concentration of poverty around the national poverty line as well as the \$2.00 poverty line, suggests that a large number of people remain vulnerable to falling into poverty, if confronted with individual shocks or those that many people at the same time, such as a natural disaster. The number of such vulnerable people can be estimated roughly at one and a half million people, that is, the difference in the number of people in poverty as estimated according to the national poverty line and the \$2.00 poverty line.

Table 6
Poverty Incidence in Sri Lanka, by Gender, Sector and Province 2009/10
at the National, \$1.25 and \$2.00 Poverty Lines

	National Poverty		\$1.25 Poverty		\$2.00 Poverty	
	Males	Females	Males	Females	Males	Females
Sri Lanka	9.19	8.72	2.51	2.30	15.64	15.03
Urban	5.65	4.85	2.22	1.55	9.65	8.70
Rural	9.72	9.24	2.52	2.41	16.34	15.68
Estates	11.32	11.67	3.11	2.80	22.19	23.23
Western	4.45	4.02	1.26	1.12	8.13	7.45
Central	9.93	9.68	2.18	2.91	18.28	17.39
Southern	9.70	9.87	2.70	2.54	16.62	15.96
Northern	12.78	12.47	3.23	1.88	20.20	19.54
Eastern	14.95	15.22	4.86	4.80	21.91	23.01
North Western	11.94	10.74	3.77	3.23	19.08	18.02
North Central	6.14	5.66	1.27	1.05	12.04	11.34
Uva	14.29	13.66	3.26	3.15	24.30	24.06
Sabaragamuwa	11.17	10.14	3.06	2.12	19.16	18.68
Total poor (number)	886,883	931,905	241,882	246,113	1,508,547	1,606,648

Source: Estimated using data from Department of Census and Statistics Household Income and Expenditure Survey data of 2009/10. The districts of Mannar, Mulaitivu and Kilinochchi are excluded. Sample includes all males and females, regardless of age.

Table 6 unbundles this overall picture of poverty in Sri Lanka into gender-disaggregated figures. It shows poverty head count ratios by gender, sector and province, for the year 2009/10, using the national poverty line as well as the international \$1.25 and \$2 per household member per day. The table shows that of the 1.8 million Sri Lankans who are poor, slightly more than half or 931,905, is female. Poor males numbered 886,883. Although there were more poor females than males in

absolute numbers, the incidence of poverty was higher among males, at 9.19 per cent, compared with females, 8.72 per cent. While poverty rates between males and females by sector of residence and province was roughly equal, female poverty incidence was higher in the estates sector, the former conflict-affected Eastern Province and Southern Province. Poverty rates are significantly lower in relatively urbanised and industrialised Western Province.

The situation with respect to working poverty incidence is set out in Table 7. Out of a total of nearly half a million employed persons belonging to poor households, nearly a third or 28.8 per cent is female. This reflects women's share of the labour force, which is about a third of the total work force. Working poverty, too, is highest on the estates, in the former conflict zone of Northern and Eastern Provinces, and Uva. It is lowest in Western Province, and in urban areas.

Table 8 brings this information together and summarises it in terms of the stock of poor, by gender, sector, and economic activity. The sample includes those 10 years and older, even though the legal minimum working age is 16 years of age. We include younger cohorts when estimating stocks because in 2010, 0.2 per cent of children between 10 and 14 years were found to be employed by the Labour Force Survey (Department of Census and Statistics 2011), even though the corresponding CV (coefficient of variation) values were high and these figures needed to be treated with caution. The table describes how the total number of males and females in poverty is made up of those who are employed, unemployed, and are not engaging in market work, in the three different residential sectors.

Since the poor cannot afford to be unemployed for the most part, unemployed poor account for the smallest share of total poor, whether male or female. The contribution of poor unemployed persons to the population in poverty is highest in rural areas. Most poor individuals are not engaged in market work, and most of them are in rural areas. Rural women who are not engaged in market work account for the largest share of women who are poor (64 per cent). On the other hand, there are almost as many rural males who are employed but poor, as non-participating in the labour force and poor. The urban sector contributes the least to the number of poor men and women (3.78 and 0.73 per cent respectively). Three tables in the Statistical Appendix give detailed information about the stock of poor, by age group, economic activity, gender and residential sector.

Table 7
Working Poverty Incidence in Sri Lanka, by Gender, Sector and Province 2009/10
at the National, \$1.25 and \$2.00 Poverty Lines

	National Poverty		\$1.25 Poverty		\$2.00 Poverty	
	Males	Females	Males	Females	Males	Females
Sri Lanka	7.79	7.16	1.98	1.53	13.74	13.05
Urban	4.80	2.48	1.85	0.63	8.48	5.81
Rural	8.18	7.63	1.97	1.61	14.35	13.53
Estates	9.76	9.54	2.50	2.05	18.52	19.09
Western	3.72	2.67	1.02	0.21	7.02	5.65
Central	8.81	9.23	2.21	2.57	16.24	16.11
Southern	8.37	6.88	1.92	1.62	14.76	12.36
Northern	10.51	14.08	1.98	0.00	18.13	20.24
Eastern	13.87	13.17	4.39	4.69	20.62	18.71
North Western	9.64	9.67	3.07	1.84	16.28	16.72
North Central	5.15	4.06	1.02	0.57	11.16	10.83
Uva	12.34	12.68	2.74	2.87	21.51	20.56
Sabaragamuwa	9.32	8.96	1.79	2.06	16.63	18.39
Total working poor (number)	381,479	154,368	96,995	32,910	672,812	281,542

Note: Poverty incidence for 2009/10 estimated using HIES 2009/10 data. Data for 2009/10 includes the entire Eastern Province and two districts, Jaffna and Vavuniya, from the Northern Province, but not Mannar, Mulaitivu and Killinochchi. Sample includes employed males and females ten years and older.

Methodology

The econometric analysis in this paper has two components. First, we look at the factors associated with the probability of Sri Lankan men and women, who are 15 years and older, being poor. We keep the lower age threshold at 15 years because the legal minimum age to work is 16 years, and our focus here is on those individuals, men and women, who are able to do something about their poverty situation if necessary, rather than on children who have to take their poverty situation as given. Second, we investigate the factors associated with working poverty, and here our interest is in the factors associated with the probability of working women being poor, compared with working men having similar characteristics. Here, too, the lower age threshold is 15 years of age, because the legal minimum age to work is 16 years.

Table 8
Distribution of Poverty by Gender, Sector and Economic Activity
at the National Poverty Line, Sri Lanka 2009/10

	Poor and Employed	Poor and Unemployed	Poor not engaged in Market Work	Total Row (number)
Males				
Urban (% of all males)	3.78	0.72	4.78	80,149
Rural (% of all males)	37.54	6.39	40.56	729,811
Estates (% of all males)	2.73	0.37	3.13	53,814
Total column (number)	380,414	64,645	418,715	863,774
Total row %	44	7	48	100
Females				
Urban (% of all females)	0.73	1.24	6.23	74,761
Rural (% of all females)	14.26	6.75	64.08	775,986
Estates (% of all females)	1.94	0.50	4.27	61,235
Total column (number)	154,368	77,468	680,145	911,982
Total row %	17	8	75	100

Note: As for Table 7.

We deploy two logit models to estimate (a) the probability of being poor; and, (b) the probability of being employed and poor, from a vector of independent variables. The two specifications are identical except in some of the explanatory variables. The equation of the model we estimate is set out in the technical appendix to this chapter.

Variables

The analysis of the factors associated with the probability of being poor investigates the extent to which a total of five groups of explanatory variables are associated with the likelihood of being poor. The five groups of variables relate to income, demographic characteristics, education, job characteristics, household characteristics and community characteristics.

Table 9 presents descriptive statistics of the explanatory variables in terms of means or proportions and standard errors.

The statistics have been estimated by taking into account the survey design of the data set and the descriptive statistics in the table are for the sub sample of poor actually used for the econometric analysis. There are four income variables. The dummy variables receiving monthly remittances from abroad, receiving monthly remittances from Sri Lanka, receiving monthly income from rents and dividends, and receiving monthly income from pension look at the association of the household's access to income sources other than earnings, on the probability of being poor. It is apparent that a

higher proportion of women are in households with access to sources of income other than labour earnings – see, in particular, the difference in access to income from foreign remittances and monthly income from rents and dividends.

There are thirteen demographic variables. Age and Age squared look at the impact of age on the outcomes of interest. The variable Age squared explores whether there is a non-linear relationship between age and the probability of being poor. Seven ethno-religion dummies capture the association of the head of household's ethnicity and religion with the outcome of interest relative to the association with the reference ethno-religious category, Sinhalese Buddhists. Married, Widowed and Divorced or Separated capture the impact of the individual's civil status, with single being the reference category.

There are four educational attainment variables: Secondary education denotes those who have completed between 6 and 10 years of schooling; GCE O Level denotes achievement of the General Certificate of Education at Ordinary Level, which indicates success at the 10th year qualifying examination; GCE A Level is the General Certificate of Education at Advanced Level denoting success at the 12th year qualifying examination; Graduate denotes attainment of tertiary education and more while Primary education or less is the reference category.

There are ten household-related variables. *Household size* captures the association between the size of the household and the probability of being poor. The occupation-related variables capture the share of employed household members who belong to each occupation category. The reference category is *Share of employed who are production workers*. Many locations are subject to repeated natural calamities, such as drought, landslides and floods, and it may be argued that experiencing repeated calamities erodes households' and communities' economic and physical assets-base, thereby impacting on the potential of households to earn income and get out of poverty. To capture the impact of vulnerability to natural calamities, we include a dummy variable denoting whether the *Household suffered a natural calamity last year*. Although the variable in question is limited to the impact of natural calamities experienced the previous year, this is a good indicator of the vulnerability of the location to repeated natural disasters.

Table 9
Gender-disaggregated Characteristics of the Sample of Individuals
Who are Poor and are 15 Years and Older

	Men		Women	
	Mean or Proportion	Standard Error	Mean or Proportion	Standard Error
<i>Income variables</i>				
Receiving monthly remittances from abroad	0.0629	0.0014	0.0732	0.0014
Receiving monthly remittances from Sri Lanka	0.0518	0.0013	0.0718	0.0014
Receiving monthly income from rents and dividends	0.1131	0.0018	0.1351	0.0018
Receiving monthly income from pension	0.0715	0.0015	0.0778	0.0014
<i>Demographic variables</i>				
Age	37.3648	0.1061	38.2750	0.1006
Age squared	1741.2170	8.9747	1815.2840	8.7227
Sinhalese Buddhist	0.6358	0.0027	0.6382	0.0026
Sinhalese Christian	0.0617	0.0014	0.0625	0.0013
Sri Lankan Tamil Hindu	0.1093	0.0018	0.1057	0.0017
Sri Lankan Tamil Christian	0.0216	0.0008	0.0224	0.0008
Up Country Tamil Hindu	0.0425	0.0012	0.0435	0.0011
Up Country Tamil Christian	0.0047	0.0004	0.0055	0.0004
Islamic Moor	0.1178	0.0018	0.1149	0.0017
Single	0.3813	0.0028	0.3056	0.0025
Married	0.5797	0.0028	0.5553	0.0027
Widowed	0.0297	0.0010	0.1230	0.0018
Divorced or separated	0.0092	0.0005	0.0160	0.0007
<i>Education variables</i>				
Primary education or less	0.2756	0.0026	0.2881	0.0024
Secondary education	0.4515	0.0028	0.4086	0.0026
GCE O' Level qualification	0.1576	0.0021	0.1666	0.0020
GCE A' Level qualification	0.0904	0.0016	0.1123	0.0017
Graduate	0.0206	0.0008	0.0195	0.0007
<i>Household variables</i>				
Household size	4.7087	0.0104	4.6224	0.0097
Share of employed who are managers	0.0647	0.0013	0.0628	0.0012
Share of employed who are professionals	0.0542	0.0011	0.0597	0.0011
Share of employed who are technicians	0.0984	0.0015	0.0978	0.0014
Share of employed who are clerks	0.0331	0.0009	0.0356	0.0008
Share of employed who are service workers	0.0765	0.0013	0.0705	0.0012
Share of employed who are agricultural workers	0.1734	0.0020	0.1641	0.0018
Share of employed who are production workers	0.2107	0.0021	0.1992	0.0019
Share of employed who are elementary workers	0.2197	0.0021	0.2028	0.0020
<i>Community variables</i>				
Household suffered natural calamity last year	0.0663	0.0014	0.0640	0.0013
Residence in urban area	0.2732	0.0025	0.2732	0.0024
Residence in rural area	0.6371	0.0027	0.6398	0.0026
Residence in estate area	0.0897	0.0016	0.0870	0.0015

Time taken to go to Divisional Secretariat (minutes)	35.4445	0.1454	35.1345	0.1368
Access to power line	0.9474	0.0013	0.9502	0.0012
Access to telephone line	0.8169	0.0022	0.8223	0.0021
Log of average real per capita consumption in district	8.9451	0.0011	8.9445	0.0010
Total number in sample	30,648		34,625	

Source: Estimated using the Department of Census and Statistics, Household Income and Expenditure Survey Data 2009/10.

The districts of Mannar, Mulaitivu and Killinochchi were not covered. Sample weights used.

There are nine spatial or location-related community variables. *Residence in rural area* and *Residence in estates* attempt to capture the association of sector with the dependent variables of interest, in relation to the omitted category, *Residence in urban area*. Transport connectivity is captured by *Time taken to go to Divisional Secretariat*, the Divisional Secretariat being the level of decentralized administration that is next to the district. For example, it is the Divisional Secretariat that poor households would have to approach in order to apply for consumption support from the Samurdhi income support programme. Variables denoting how well-served the community is in terms of power and telephone lines are also included. Note that the variables denote community access rather than household access, as household access would denote whether the household is able to afford a connection to these services if the community is served, and would, therefore, be determined by income levels. The variable *Log of average real per capita consumption in district* represents the level of economic activity and development in the district. This variable is constructed by deducting the total real consumption of the household from the aggregate consumption in the district, and then dividing it by the total population of the district less the number of members in that particular household.

We now turn to the additional variables included in the analysis of the probability of being working poor.

Table 10 presents descriptive statistics of the explanatory variables in terms of means or proportions and standard errors.

There are three variables related to income. *Log of real monthly earnings* captures the impact of the individual's earnings in the model while *Log of real monthly remittances from abroad*, and *Log of real monthly remittances from Sri Lanka*, looks at the impact of individuals' income from sources other than earnings, on the probability of being working poor.

Table 10
Means and Proportions of Explanatory Variables in the Analysis of the Working Poor
15 Years and Older

	Men		Women	
	Mean	Standard error	Mean	Standard error
<i>Income variables</i>				
Log of real monthly earnings	9.0599	0.0140	7.8179	0.0337
Log of real monthly remittances from abroad	0.1719	0.0086	0.1446	0.0123
Log of real monthly remittances from Sri Lanka	0.1308	0.0072	0.2256	0.0147
<i>Demographic variables</i>				
Age	41.0016	0.0965	40.8737	0.1394
Age squared	1856.9790	8.4231	1830.6940	11.8965
Sinhalese Buddhist	0.6419	0.0035	0.6802	0.0051
Sinhalese Christian	0.0621	0.0018	0.0595	0.0026
Sri Lankan Tamil Hindu	0.1090	0.0023	0.1050	0.0034
Sri Lankan Tamil Christian	0.0203	0.0010	0.0188	0.0015
Up country Tamil Hindu	0.0435	0.0015	0.0767	0.0029
Up country Tamil Christian	0.0047	0.0005	0.0067	0.0009
Islamic Moor	0.1114	0.0023	0.0453	0.0023
Married	0.7840	0.0030	0.6569	0.0052
<i>Education variables</i>				
Primary education or less	0.2564	0.0032	0.2878	0.0050
Secondary education	0.4554	0.0036	0.3333	0.0052
GCE O'Level qualification	0.1546	0.0026	0.1453	0.0039
GCE A'Level qualification	0.1034	0.0022	0.1713	0.0042
Graduate	0.0261	0.0012	0.0572	0.0026
<i>Job-related variables</i>				
Managerial	0.0703	0.0019	0.0475	0.0023
Professional	0.0346	0.0013	0.1380	0.0038
Technical	0.1087	0.0023	0.0869	0.0031
Clerical	0.0286	0.0012	0.0601	0.0026
Service	0.0862	0.0020	0.0533	0.0025
Agricultural	0.1834	0.0028	0.2268	0.0046
Production	0.2324	0.0031	0.1804	0.0042
Elementary	0.2470	0.0031	0.2037	0.0044
Agricultural sector	0.2988	0.0033	0.3070	0.0051
Manufacturing sector	0.2146	0.0030	0.2437	0.0047
Services sector	0.4852	0.0036	0.4473	0.0055
Public employee	0.1433	0.0026	0.2158	0.0045
Private employee	0.5075	0.0036	0.4458	0.0055
Employer	0.2981	0.0033	0.2073	0.0045
Own-account worker	0.0243	0.0011	0.0073	0.0009

Family worker	0.0267	0.0012	0.1237	0.0036
Household variables				
Household size	4.6078	0.0132	4.3175	0.0189
Proportion of employed household members	0.4378	0.0016	0.5511	0.0024
Community variables				
Urban sector	0.2568	0.0032	0.2261	0.0046
Rural sector	0.6502	0.0035	0.6194	0.0054
Estates sector	0.0930	0.0021	0.1545	0.0040
Time taken to go to Divisional Secretariat (minutes)	35.9162	0.1859	38.8279	0.3165
Access to power line	0.9445	0.0017	0.9410	0.0026
Access to a telephone line	0.8075	0.0029	0.8219	0.0042
Number of observations	18,874		8,231	

Notes: Estimated using Household Income and Expenditure Survey 2009/10 data, Depa of the Department of Census and Statistics. The districts of Mannar, Mulaitivu and Killinochchi were not covered. Sample weights used.

There are three types of job-related dummy variables. First, there are seven occupation variables whose reference category is *production workers*. The majority of the working poor are concentrated in the agricultural and elementary occupation categories. Two dummies capture the broad industrial sector of employment, *Manufacturing sector* and *Services sector*. The reference category is *Agricultural sector*. There are four categories of employment status, *Public employee*, *Private employee*, *Employer* and *Unpaid family worker* whose reference category is *Own Account Worker*.

Household size has a bearing on whether an individual is employed and poor as it impacts on whether the household is poor. The probability model also includes a variable denoting the *Employed share* of the household, which is the share of employed members in the household. The next section presents the results of the econometric analyses.

Characteristics of women who are likely to be poor

Are women more likely to be poor than men with identical characteristics, or are they less likely to be so? And among women, who is most likely to be poor? Are the characteristics associated with the probability of being poor the same for men and women?

We find answers to these questions in Table 11 which presents the results of the econometric analysis. The three columns set out marginal effects of the logistic estimation of the characteristics associated with the probability of being poor, of three groups of Sri Lankans. The first is the entire sample of Sri Lankans aged 15 years and older. The second and third columns report the results related to the male and female sub-samples of Sri Lankans of the same age group.

The first point to note is that women are 0.3 per cent more likely to be poor than men who share the same characteristics represented by explanatory variables in the model. However, the results are not statistically significant. Therefore we are unable to say with any degree of precision, that women are more likely to be poor than men who share the same characteristics. The estimation results of the model run separately on the male and female subsamples show how these characteristics affect the probability of men and women being poor, differently.

Consider the first group of such characteristics related to income. Receiving monthly remittances from abroad reduces the probability that a woman is poor more than it does the probability that a man is poor (6 per cent compared with 5 per cent). Thus, monthly remittances from abroad keep women out of poverty more than they do men. All other sources of non-labour income also help keep women out of poverty more than they do men, with the exception of monthly remittances from Sri Lanka, the receipt of which reduce poverty among men more than among women who share the same characteristics accounted for in the model.

Neither of the age-related variables is significant. Sinhalese Christian men are less likely to be poor than Sinhalese Buddhist men, and this relationship is stronger than that between Sinhalese Buddhist women and Sinhalese Christian women. But Up Country Tamil Christian men are more likely to be poor than Sinhalese Buddhist men while Up Country Tamil Christian women are even more likely to be poor than Sinhalese Buddhist women.

These are the only ethno-religious variables that appear to be significantly associated with the probability of being poor. None of the marital status variables is significant. This means that while widowhood is positively associated with the probability of being poor, the results are not statistically significant. Therefore we are unable to say with any measure of statistical accuracy, that widowhood is associated with poverty among women, although this may be the case at the level of communities. The data on which we based our findings is only representative at the level of the district.

Better education reduces the likelihood of being poor, the relationship is monotonic, and all the marginal effects are significant. However, the poverty reducing relationship between better education and the probability of being poor is much stronger among men rather than among women. The exception is having GCE Ordinary Level qualifications which is more strongly associated with reducing the probability of women being in poverty than a man being in poverty.

As can be expected, household size is strongly associated with the increased likelihood of being poor for both men and women. Individuals with a greater share of working household members from higher skilled occupations are less likely to be poor than individuals with a larger share of working household members engaged in production and elementary occupations. This is especially so for women.

Residence in a rural area is associated with an increased likelihood of women being poorer than women in urban areas and the impact is greater for women rather than men. This means that if two women, identical in all characteristics – age, ethnicity, education, household composition, access to telephone and power lines, etc. – but differing only in where they live – urban versus rural, then the woman living in the urban sector is likely to be less poor than the woman living in the rural sector. Residence in estate areas is associated with lower likelihood of men being in poverty, compared with urban areas, all other characteristics being equal.

But the result for estate women is not significant. Remoteness from administrative centres is associated with men being in poverty but the result is not significant for women. Living in a community with access to infrastructure such as electricity and telephones reduces the likelihood of poverty, and the impact is greater for women than men. Finally, the level of economic activity and development in the district has a significant impact on the likelihood of being poor, but more so for men than for women. Thus it appears that men are better placed to take advantage of economic opportunities and come out of poverty, than women are.

Table 11
Factors Associated with the Probability of being Poor 2009/10
Marginal Effects of Logistic Estimation

	All	Men	Women
<i>Household's income variables</i>			
Receiving monthly remittances from abroad	-0.0584***	-0.0562***	-0.0615***
Receiving monthly remittances from Sri Lanka	-0.0164**	-0.0176*	-0.0156*
Receiving monthly income from rents and dividends	-0.0199***	-0.0187**	-0.0208***
Receiving monthly income from pension	-0.0637***	-0.0577***	-0.0684***
<i>Demographic variables</i>			
Age	-0.0004	-0.0006	-0.0004
Age squared	0.0000	0.0000	0.0000

Female	0.0037		
Sinhalese Christian	-0.0283***	-0.0316*	-0.0253*
Sri Lankan Tamil Hindu	-0.0092	-0.0213**	0.0012
Sri Lankan Tamil Christian	-0.0104	-0.0267	0.0021
Up Country Tamil Hindu	0.0085	-0.0013	0.0164
Up Country Tamil Christian	0.0500**	0.0324	0.0619**
Islamic Moor	-0.0027	-0.0097	0.0029
Married	-0.0065	-0.0075	-0.0054
Widowed	-0.0028	-0.0220	0.0042
Divorced or separated	0.0186	0.0089	0.0237
Education variables			
Secondary education	-0.0303***	-0.0309***	-0.0292***
GCE O' Level Qualification	-0.0662***	-0.0625***	-0.0682***
GCE A' Level Qualification	-0.0918***	-0.1162***	-0.0791***
Graduate	-0.1240***	-0.4421***	-0.0897*
Household variables			
Household size	0.0241***	0.0244***	0.0240***
Share of employed who are managers	-0.0488***	-0.0479**	-0.0491***
Share of employed who are professionals	-0.1491***	-0.1577***	-0.1433***
Share of employed who are technicians	-0.0699***	-0.0685***	-0.0705***
Share of employed who are clerks	-0.1741***	-0.1658***	-0.1812***
Share of employed who are service workers	-0.0275***	-0.0272*	-0.0269**
Share of employed who are agricultural workers	0.0084	0.0121	0.0056
Share of employed who are elementary workers	0.0542***	0.0637***	0.0465***
Household suffered natural calamity last year	-0.0041	-0.0049	-0.0033
Community variables			
Residence in rural area	0.0232***	0.0153*	0.0303***
Residence in plantation area	-0.0204**	-0.0261*	-0.0146
Time taken to go to Divisional Secretariat (minutes)	0.0001*	0.0002**	0.0000
Access to power line	-0.0415***	-0.0406***	-0.0421***
Access to telephone line	-0.0201***	-0.0180***	-0.0222***
Log of average real per capita consumption in district	-0.1055***	-0.1092***	-0.1022***
Number of observations	65,272	30,648	34,624

Source: Estimated using the Department of Census and Statistics' Household Income and Expenditure Survey Data 2009/10. The districts of Mannar, Mulaitivu and Killinochchi were not covered. Sample weights used.

Notes: Sample includes only those 15 years and older.

The omitted categories in the dummy variable analyses are: Not receiving remittances from abroad; Not receiving remittance from Sri Lanka; Not receiving income from rents and dividends; Not receiving income from pension; Sinhalese and Buddhist; Single; Primary education or no schooling; Share of employed household members who are production workers; Household did not suffer a natural calamity last year; No access to a power line; No access to a telephone line; Residence in urban areas. ***, **, and * denote statistical significance at the one per cent, five per cent and ten per cent levels respectively.

To summarize these findings, the results of the analysis show that women are not significantly more likely to be in poverty than men, all other characteristics being equal. However, access to sources of incomes other than labour earnings, better education, smaller family size, a greater share of household working members employed in the higher skilled occupations, urban rather than rural residence, greater connectivity and living in communities well-served by infrastructure, are associated with less likelihood that women are poor.

Characteristics of women who are likely to be employed and poor

Engaging in market work is one way out of poverty for many women who lack other sources of income. However, as Table 7 showed, around 150,000 women, or 7 per cent of all employed women are poor according to the national poverty line. This figure rises to 13 per cent if the \$2.00 poverty line is used, suggesting that at least as many working women are vulnerable to poverty as those who are considered poor according to the national poverty line. Hence, we now turn to the factors associated with the probability of women making up the working poor in order to identify what characteristics are associated with working women falling into poverty.

Table 12 presents the results of the econometric analysis carried out on the entire sample of working men and women 15 years and older, and separately for working men and working women.

The first point to note is that working men are less likely to be poor than working women, all other characteristics being equal. The results are significant at the one per cent critical level. The second important point to note is that what men earn in the labour market is far more strongly associated with their not being in poverty, than what women earn. This means that what working men earn is more likely to keep them out of poverty than working women's earnings are likely to keep working women out of poverty. Remittances from abroad reduce the likelihood of men being in poverty but the results are smaller and not statistically significant for women.

Table 12
Factors Associated with the Probability of being Working Poor 2009/10
Marginal Effects of Logistic Estimation

	All	Men	Women
Income variables			
Log of real monthly earnings	-0.0097***	-0.0107***	-0.0073***
Log of real monthly remittances from abroad	-0.0068**	-0.0073**	-0.0055
Log of real monthly remittances from Sri Lanka	-0.0035*	-0.0013	-0.0083*
Demographic variables			
Age	-0.0013	-0.0004	-0.0032*
Age squared	0.0000	0.0000	0.0000
Male	-0.0116*		
Sinhalese Christian	-0.0344**	-0.0442**	-0.013
Sri Lankan Tamil Hindu	-0.0003	-0.0056	0.016
Sri Lankan Tamil Christian	-0.0061	-0.0164	0.0288
Up country Tamil Hindu	0.0144	0.0082	0.0273
Up country Tamil Christian	0.0356	-0.0237	0.0867*
Islamic Moor	-0.0079	-0.0078	-0.0248
Married	-0.0094	-0.0112	-0.0118
Education variables			
Secondary education	-0.0393***	-0.0394***	-0.0394***
GCE O'Level qualification	-0.0755***	-0.0768***	-0.0714***
GCE A'Level qualification	-0.1224***	-0.1337***	-0.1055***
Graduate	-0.1285**	-0.3978***	-0.0823
Job-related variables			
Managerial	-0.0220	-0.0057	-0.0860**
Professional	-0.0246	-0.0238	-0.0656*
Technical	-0.0261*	-0.0203	-0.0602**
Clerical	-0.0569*	-0.0648	-0.0850*
Service	0.0021	0.0070	-0.0340
Agricultural	0.0156	0.0353***	-0.0417**
Elementary	0.0378***	0.0486***	-0.0092
Manufacturing sector	-0.0072	0.0043	-0.0549***
Services sector	-0.0057	0.0027	-0.0239
Public employee	-0.0350***	-0.0303*	-0.0423*
Private employee	0.0219***	0.0295***	0.0077
Employer	-0.0636**	-0.0559*	0.0000
Family worker	-0.0726***	-0.0931***	-0.0547**
Household variables			
Household size	0.0169***	0.0182***	0.0134***
Proportion of employed household members	-0.1185***	-0.1275***	-0.1061***
Community variables			
Rural sector	0.0344***	0.0254**	0.0628***
Estates sector	-0.0037	-0.0031	0.0112
Time taken to go to Divisional Secretariat (minutes)	0.0001	0.0002*	0.0000

Access to power line	-0.0403***	-0.0420***	-0.0328**
Access to a telephone line	-0.0215***	-0.0230***	-0.0179*
Number of observations	27,104	18,874	8,170

Source: Estimated using the Department of Census and Statistics' Household Income and Expenditure Survey Data 2009/10. The districts of Mannar, Mulaitivu and Killinochchi were not covered. Sample weights used.

Notes: Sample includes only those 15 years and older.

The omitted categories in the dummy variable analyses are: Sinhalese and Buddhist; Single, widowed, divorced or separated; Primary education or no schooling; Production worker; Agricultural sector; Residence in urban areas; No access to a power line; No access to a telephone line.

***, **, and * denote statistical significance at the one per cent, five per cent and ten per cent levels respectively.

Older women are less likely to be among the working poor. Among the ethno-religious characteristics, only Up Country Tamil Hindu and Christian working women are significantly more likely to be poor than Sinhalese Buddhist working women. None of the other ethno-religious characteristics have a significant association with the likelihood of women being in working poverty. The more educated a women is, the less likely that she will be among the working poor but the negative association between educational attainment and the likelihood of being poor is stronger for men than for women. This means that all other things being equal, better education is more likely to reduce a working man's chances of being in poverty, than the same level of education is likely to reduce a working woman's chances of being in poverty.

Working in higher skilled occupations (clerical and above) is significantly associated with a lower likelihood that women will be in poverty. While the results are not significant for men, the marginal effects are larger for women. Employment in manufacturing is also associated with less likelihood of being poor than working in the agricultural sector. Family workers and public sector employees are far less likely to be poor than self-employed women and men. In contrast, men and women who are private employees, are more likely to be poor than men and women who work for themselves, but the effects are large and significant only for men. Together with the results of the association with poverty of their own earnings, these findings suggest that working women's best chances out of poverty is to find a government job, or work in the family business, even as unpaid workers, rather than work for themselves or private employers, all other characteristics being equal.

As expected, living in large households is associated with a greater probability that working women are poor, but as the share of employed workers in a household increases, the chances that working women are poor, decrease. Rural working women are more likely to be poor than urban working women, and the infrastructure-related variables are significantly associated with a reduced likelihood of being poor.

In the above analysis, it was noted that certain variables were more strongly associated with a decline in the probability of men being poor than women being poor, all else being equal. To investigate more rigorously whether factors strongly associated with working poverty have a strong gender-related effect, we add gender-interacted variables to the model and estimate the marginal effects again. Thus the marginal effects of the interacted variables in the Table 13 denotes the estimated impact of that variable on the probability of being poor for working women, versus the marginal effect of the equivalent non-interacted variable which denotes the estimated relationship between the variable and poverty status for working men. Hence the two marginal effects taken together show the full estimated effect of the variable on poverty status for women workers. Thus, if the marginal effect of a variable is negative but is positive if it is interacted with gender, it means that the poverty reducing effect associated with that variable is weaker for women than for men. The results in relation to gender and working poverty status are interesting and generally consistent with theory and findings in other countries. Higher real monthly earnings reduce the likelihood that working males are poor more than they reduce the likelihood that working women are poor. On the other hand, employment in the higher skilled occupations is even more beneficial for women in terms of reducing the likelihood that a working woman is poor. Rural residence is associated with a greater likelihood of being poor for working women than for men.

In what follows we only discuss the significant results and we find that only the results of the interacted variables related to income, job and community are significant. Marginal effects of variables related to education all have the expected negative signs, but other than the effect of graduate level education in the shorter specification, other variables are not significant.

Among the income variables, real monthly earnings produce the only significant results for the interacted variable. It can be seen that an increase in real monthly earnings by one per cent reduces the likelihood of a man being poor by 0.5 per cent (model 1) or one per cent (model 3), but a similar increase has a much smaller impact on reducing the likelihood that a woman is poor if job-related, household and community variables are excluded (by 0.3 per cent (model 1) or included (by 0.7 per cent (model 3)). Being a manager significantly reduces the likelihood that a woman is poor more than being a manager reduces the likelihood that a man is poor. However, a female agricultural worker, and a female elementary worker, although likely to be poor compared with the reference category, are less likely to be so than similar men. So the poverty increasing associations of those characteristics are less for women than for men. Working in the manufacturing sector reduces the likelihood that women are poor, but increases the likelihood that men are poor, although the latter

result is not significant. Rural residence increases the likelihood that a working woman is poor, relative to a man, even though the marginal effect on the interacted variable is not significant. The likelihood that family work is associated with less poverty is greater for men than women. Residence in rural areas is associated with higher probability of being working poor for both women and men, but the effect is larger among women.

The results in relation to gender and working poverty status are interesting and generally consistent with theory and findings in other countries. Higher real monthly earnings reduce the likelihood that working males are poor more than they reduce the likelihood that working women are poor. On the other hand, employment in the higher skilled occupations is even more beneficial for women in terms of reducing the likelihood that a working woman is poor. Rural residence is associated with a greater likelihood of being poor for working women than for men.

Table 13
Factors Associated with the Probability of being Working Poor 2009/10

Marginal effects of Logistic Estimation with Female Gender-Interacted Explanatory Variables

	(1)	(2)	(3)
Income variables			
Log of real monthly earnings	-0.0056***	-0.0113***	-0.0110***
Log of real monthly earnings interacted	0.0026*	0.0051*	0.0041*
Log of real monthly remittances from abroad	-0.0088***	-0.0086**	-0.0073**
Log of real monthly remittances from abroad interacted	0.0053	0.0043	0.0012
Log of real monthly remittances from Sri Lanka	-0.0027	-0.0031	-0.0013
Log of real monthly remittances from Sri Lanka interacted	-0.0068	-0.0065	-0.007
Demographic variables			
Age	-0.0008	-0.0008	-0.0012
Age interacted	-0.0009	0.0014	-0.0001
Age squared	0.0000	0.0000	0.0000
Age squared interacted	0.0000	0.0000	0.0000
Sinhalese Christian	-0.0508**	-0.0555***	-0.0447**
Sinhalese Christian interacted	0.0192	0.0265	0.0354
Sri Lankan Tamil Hindu	0.0216**	0.0088	-0.0051
Sri Lankan Tamil Hindu interacted	-0.0122	-0.0005	0.0232
Sri Lankan Tamil Christian	-0.004	-0.0137	-0.0172
Sri Lankan Tamil Christian interacted	0.0205	0.0241	0.0526
Up country Tamil Hindu	-0.0036	-0.0132	0.0081
Up country Tamil Hindu interacted	-0.004	0.0098	0.0218

Up country Tamil Christian	-0.0467	-0.0563	-0.0234
Up country Tamil Christian interacted	0.1133*	0.1180*	0.1147*
Islamic Moor	0.0198**	0.0203**	-0.0069
Islamic Moor interacted	-0.0372	-0.0297	-0.019
Married	0.0134	0.0159*	-0.0083
Married interacted	-0.0255*	-0.0258*	-0.007
Education variables			
Secondary education	-0.0593***	-0.0443***	-0.0402***
Secondary education interacted	0.0080	0.0077	0.0029
GCE O'Level qualification	-0.1178***	-0.0843***	-0.0771***
GCE O'Level qualification interacted	0.0068	0.0090	0.0076
GCE A'Level qualification	-0.2086***	-0.1551***	-0.1336***
GCE A'Level qualification interacted	0.0278	0.0403	0.0289
Graduate	-0.5363***	-0.4478***	-0.3949***
Graduate interacted	0.3442***	0.3521***	0.3134***
Job-related variables			
Managerial		-0.0106	-0.0072
Managerial interacted		-0.0767*	-0.0763*
Professional		-0.0270	-0.0243
Professional interacted		-0.0330	-0.0397
Technician		-0.0210	-0.0209
Technician interacted		-0.0343	-0.0370
Clerical		-0.0714	-0.0652
Clerical interacted		-0.0097	-0.0182
Service		0.0063	0.0060
Service interacted		-0.0348	-0.0366
Agricultural worker		0.0378***	0.0317**
Agricultural worker interacted		-0.0644***	-0.0669***
Elementary occupation		0.0444***	0.0465***
Elementary occupation interacted		-0.0515***	-0.0503***
Manufacturing sector		0.0005	0.0022
Manufacturing sector interacted		-0.0454**	-0.0503**
Services sector		-0.0017	0.0009
Services sector interacted		-0.0209	-0.0203
Public employee		-0.0325*	-0.0302*
Public employee interacted		-0.0196	-0.0132
Private employee		0.0280***	0.0275***
Private employee interacted		-0.0154	-0.0174
Employer		-0.0553*	-0.0552*
Employer interacted		0.0000	0.0000
Family worker		-0.0987***	-0.0974***
Family worker interacted		0.0513*	0.0484*

Household variables			
Household size			0.0169***
Proportion of employed household members			-0.1188***
Community variables			
Rural			0.0215**
Rural interacted			0.0581***
Estates			-0.0080
Estates interacted			0.0350
Time taken to go to Divisional Secretariat (minutes)			0.0002*
Time taken to go to Divisional Secretariat (minutes) interacted			-0.0002
Access to power line			-0.0394***
Access to telephone line			-0.0215***
Number of observations	27,104	27,044	27,044

Notes: Sample includes only those 15 years and older.

The omitted categories in the dummy variable analyses are: Sinhalese Buddhist; being single, widowed, divorced or separated; primary level education or no schooling; individual is a production worker; individual works in the agricultural sector; individual is an own account worker; residence in urban area; no access to a power line; no access to a telephone line.

***, **, and * denote statistical significance at the one per cent, five per cent and ten per cent levels respectively.

Conclusions and Directions for Policy

Findings of the study

Sri Lanka has been successful in pulling substantial numbers of its people out of poverty over the last two decades. Despite a violent conflict which lasted for much of this period and ended only in 2009, consumption poverty incidence declined from 29 per cent of Sri Lankans (outside the conflict-affected north and east) in 1995/96, to 7 per cent island-wide by 2013. Although significant numbers remain in poverty, particularly in the conflict-affected areas and Uva Province, and at least one and a half million remain vulnerable to falling into poverty at the national poverty line, the reduction in poverty incidence in Sri Lanka has shrunk the absolute numbers of poor.

In terms of multidimensional poverty, too, Sri Lanka's situation compares very well with other countries in South Asia, and the country manages to hold its own even compared with the economically more advanced countries of South East Asia such as Malaysia, Thailand, Indonesia and the Philippines. Sri Lanka has also contrived to do reasonably well in the reduction of gender inequality, particularly in indicators related to health and education. Where it has fallen short of even the weaker performers in South Asia is in the representation of women in the legislature, and in the extent to which Sri Lankan women participate in the labour force.

The research in this paper used the most recently available unit level household consumption survey data (Household Income and Expenditure Survey 2009/10) to assess the extent of consumption poverty among employed and unemployed Sri Lankan women, as well as among women currently not engaged in market work. The study also identified individual, household, and community level characteristics of men and women that are associated with their being poor. Since the nature of employment is a critical dimension of poverty, the analysis also looked at the extent to which employed men and women are failing to get out of poverty and the characteristics that are associated with the probability of their being among the working poor.

The study found that although poverty incidence was slightly higher among males – 9.19 per cent, as against 8.72 per cent for females, slightly more females than males were in poverty in 2009/10 (911,982 females compared with 863,774 males) in terms of absolute numbers. Nevertheless, the econometric analysis did not find any empirical evidence to suggest that women were more likely to be poor than men, all other things being equal. Thus, there is no evidence whatsoever that poverty has been feminized in Sri Lanka.

While consumption poverty incidence among both men and women has declined significantly since 1995/96, leaving roughly equal numbers of men and women in poverty, we are not able to say anything about the rate of poverty reduction between the two groups. This would have necessitated analyzing the data from 1995/96 as well and involved time and resources beyond what was available for the present study. Nevertheless, the available evidence suggests that while fewer Sri Lankan women are poor today, compared to nearly twenty years ago, these positive changes have happened at the level of the household, most likely through the agency of men, as men have been better placed to take advantage of the economic opportunities that came their way, than through the agency of women themselves. A key reason for this is that women are far less engaged in the market economy than men are, due to a variety of constraints, and even when they do find employment, they earn less than men do, in equivalent occupations.

The analysis of working poverty in this paper provides supporting evidence. Admittedly, working poverty ratios were higher among men (7.79 per cent), than among women (7.16 per cent), even though in absolute numbers there were at least twice as many men who were employed and poor.

But absolute numbers are directly proportional to the respective shares of men and women in the employed labour force at large. More noteworthy for the purpose of this study, is the fact that

employed women were more likely to be poor than employed men, and that the results are statistically significant. Also remarkable was the fact that higher real monthly earnings reduced the likelihood that working males were poor more than they reduced the likelihood that working women were poor. This is because, even when employed in the same type of job, with the same type of educational qualifications, and living in similar communities, many women were likely to be earning too little to keep them out of poverty, unlike men who shared the same characteristics. This result adds to the substantial empirical evidence generated by previous studies that show significant differentials in earnings and wages between men and women that cannot be accounted for by their productive characteristics (for example, Gunatilaka 2008; Gunatilaka 2010; Gunewardena 2008; Gunewardena et al. 2010). De Mel et al. (2007) too, found that returns to capital were zero among female-owned microenterprises but in excess of nine per cent per month for male-owned enterprises. Large returns for males showed that, on average, male-owned enterprises were more likely to generate the return on investment necessary to repay microloans. On the other hand, the present study found that employment in the higher skilled occupations was found to be even more beneficial for women in terms of reducing the likelihood that a working woman was poor, than it was for men. Rural residence was also associated with a greater likelihood of being poor for working women than for men.

Further, the present study found that access to sources of incomes other than labour earnings, better education, smaller family size, a greater share of household working members employed in the higher skilled occupations, urban rather than rural residence, greater connectivity and living in communities well-served by infrastructure, was associated with a lower likelihood of women being in poverty.

These results suggest that because most women live in households with male family members, and household incomes have risen over time mainly because of the better income earning opportunities that men have had access to, women have also been lifted out of poverty. That none of the marital status variables were found to be significantly associated with the probability of being poor is likely to derive from this social characteristic. In particular, we found no statistically significant evidence to suggest that widowhood is associated with poverty among women.

Nevertheless, we do need to remember that the data on which this evidence is based is representative only at the level of the district. It is certainly entirely possible that in some communities smaller than a district, particularly in the conflict-affected areas, women are more

likely to be poor than men are, because of widowhood, or because their spouses are unable to work. Such households are likely to be particularly distressed as they would depend on women's agency, which is vulnerable to more binding constraints, than male members' agency, to come out of poverty. While this may be a feature of some communities, it is possible that this group may expand in the future, and become a statistically significant group in surveys that are representative at larger geographical units. This is because, as the population ages, the number of widows will certainly increase as women outlive men. Even the HIES data of 2009/10 shows that of the population 60 years and older, 15 per cent of men are widowers, while a staggering 50 per cent of women have lost their spouses. Since only a third of women are currently engaged in market work, and even when they do, they earn far less than men, by and large women are less able to save for their old age, and therefore we can expect to see more elderly women widowed and in poverty in the years to come.

While the evidence suggests that women have benefited from a reduction in household poverty, previous analyses have suggested that growth-oriented policies have achieved more in this regard than specifically targeted poverty alleviation programmes. The Samurdhi programme provides consumption support for households and many of its practical interventions target women, particularly the Samurdhi banking system. However, Samurdhi suffers from large inclusion and exclusion errors, and poor households which genuinely need support could do with more than what they get through Samurdhi. It would be possible to give them more support, if the programme is reformed to retire from it those who do not actually need it. This will free up resources that could be used to enhance the size of grant given to the actual poor (Gunatilaka, forthcoming).

As for the growth-oriented policies that have worked to reduce poverty, other studies (for example, de Silva et al. 2012) have found that improved access to infrastructure, better education of the workforce, the shift into sectors with more value addition, and remittances from outmigration, are critical for consumption growth. Savings and access to credit, the adoption of new technologies, prior experience and social networks also help. On the other hand, factors such as lack of basic infrastructure, low levels of education, alcoholism, too many dependents, ill health, and the inability of the economic growth process to deliver anything other than very low returns for unskilled wage labour, keep some households poor.

Thus, the findings of the present study, as well as evidence gleaned from the empirical literature, suggests that there are fewer women in poverty today because of factors that have improved

household consumption, principally through the agency of male members of households, rather than through significant changes in women's ability to take advantage of new economic opportunities. Women have been constrained by social norms and their domestic responsibilities on the one hand, and the lack of supporting conditions such as transport and security that have worked against their capacity to earn income. Existing conditions have favoured men's employment prospects, mobility and earnings. In such an environment, it is not surprising that for most women looking to work, the government sector offers the best option, in terms of both conditions of work, and accommodation of their dual role unlike the private sector.

Implications for policy

The findings of the present study, as well as those of previous studies, suggest that policies aimed at reducing poverty among women need to address barriers to coming out of poverty and vulnerability at the level of the household, as well as at the level of individual women.

On the basis of this evidence, it is possible to conceive of a layered policy strategy, based on the recognition of unequal access to assets and opportunities between members of poor and non-poor households regardless of gender, as well as of inequalities in assets and opportunities between male and female members of poor and vulnerable households. Such a policy framework would also need to recognize gender asymmetries in preferences, resources, opportunities, roles and responsibilities within households that can make women far more dependent on men than men on women and make bargaining unequal between women and men within such households (Lundberg & Pollack 1996).

Based on such a conceptual framework of women in poverty, policy makers would first need to concentrate on improving poor households' access to productive assets and income-earning opportunities. Since labour is often the only income-earning asset that poor people own, a macroeconomic policy environment conducive to domestic and foreign direct investment in decent employment generation needs to be prioritized. While the Sri Lankan government has certainly invested heavily in connectivity and infrastructure, which has helped generate employment and reduce poverty, much of the employment so generated has fallen short of being decent in terms of earnings and working conditions. And a critical factor that has contributed to the poor quality of employment is the scarcity of skilled workers who can be employed in better paying jobs.

Employer surveys carried out for a recent study by the World Bank (Dundar et al. 2014) confirmed that inferior education systems and the shortage of skills (particularly technical and soft skills) are constraining private sector investment and preventing faster economic growth and more broadly shared prosperity. The study noted that although the Sri Lankan labour force is the most educated in South Asia, with the highest literacy rates and the highest pre-tertiary enrollment and completion rates, the job-specific skills supply is trailing. Self-reported reading and writing skills were found to be lower than in the other countries that had participated in the World Bank Skills Toward Employment and Productivity (STEP) survey. There are skills mismatches even in low skilled occupations with employers complaining that many low skilled workers lack literacy in Sinhala and Tamil. Few workers have the technical skills a modern competitive economy requires, such as computer knowledge and English while the education and training system does little to shape soft skills, which are also in high demand for a wide range of occupations. For example, employers complain that students in Sri Lanka have low endowments of skills in the combined group of leadership, teamwork, and work ethic. As a result, the average Sri Lankan adult falls far short of the educational attainment required for formal high-skilled occupations. Since those occupations can contribute most to Sri Lanka's economic development and the growth of incomes, narrowing the gap needs to be a policy priority.

Clearly, the general education system needs to be effectively re-oriented towards student-centered learning, with more emphasis on reading, writing and mathematics, and the imparting of problem-solving and communication skills. Policy makers also need to implement a coherent skills sector development strategy that is practical and realistic, to equip workers with relevant skills. Technical and vocational training needs to be made more relevant for employers and be made more attractive for young people. The TVET system needs the active engagement of employers, as investors, developers of curricula and teaching, so that the system will become truly demand-driven.

While the barriers to households coming out of poverty, particularly those related to skills shortages need to be addressed, policy makers also need to focus on the factors and forces that keep women poor. In particular, policy makers need to address the issue of women's empowerment, their status and security.

One way of doing this is by equalizing women's access to paid employment and Gunewardena et al. (2008) argue for policies that address gender bias in hiring and workplace practices, as well as policies that address gender bias in wage setting - especially in the low and unskilled occupations.

However, equalising of employment opportunities needs to be accompanied by simultaneous policies that address the issue of unequal division of unpaid work between men and women. Designing and implementing family friendly policies is one way to address this problem. Legislative reform that will support more flexible work arrangements such as part-time work and shift work in better paying service industries such as call centres, also needs to be encouraged. Policy makers also need to take measures to eliminate the stereotyping of gender roles and the inferior and disrespectful treatment of women, in all printed, audio and visual materials, from school text books to television serials.

Alcohol and drug abuse among men are growing social problems which swiftly and inexorably disempower women who have to live with them. Substance abuse results in domestic violence, chronic illness and indigence, poor learning outcomes for children and the misery and impoverishment of successive generations. Policy makers need to design, and even more importantly, implement, a comprehensive policy that addresses the problems of liquor, tobacco and substance abuse. This would also require enforcing the law and acting firmly against criminal elements who have made a profitable living out of peddling and trafficking illicit substances. A secure environment for women to travel to and from work at different hours of the day also requires the efficient and impartial maintenance of law and order. Hence, a vigilant and well-trained police force and an effective justice system are essential components in a policy framework designed to lift women out of poverty.

Finally, Sri Lanka needs to develop an effective social protection strategy for the chronically poor, especially for women who, through widowhood or the incapacitation of husbands or male relatives, have become the sole breadwinners for their families. The Samurdhi Programme needs urgent reform, particularly in the manner in which it is targeted, in order to provide more substantial assistance for those who genuinely need it.

Policy makers need to wake up to the fact that while women may not be more likely to be poor than men right now, as Sri Lankans age, the number of poor elderly women, will grow exponentially. Therefore, women need to be provided with opportunities to work, earn more, and save more, right now. More resources need to be diverted to preventive health care targeted towards them, so that they are able to remain healthy and physically independent for longer. Else it will be very difficult to provide for their care in the future as the working age cohort shrinks in relative terms.

Sri Lanka is facing a demographic time bomb, particularly in relation to the country's ageing women, and policy makers need to start designing and implementing policies that will help future generations face this challenge right now.

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Technical Appendix

The econometric analysis in this paper estimates equation (1) below, where the binary dependent outcome P takes the value one if the individual belongs to a poor household and zero if he or she does not. The model that we fit is,

$$\Pr(P=1|X) = F(\alpha + \beta X), \quad (1)$$

where $F(z) = e^z / (1 + e^z)$ is the cumulative logistic distribution and the parameters β are estimated by maximum likelihood. It should be noted that the model does not address the issue of causality to distinguish whether poverty is a cause or a consequence of various individual and other characteristics. Instead, it only seeks to identify the variables associated with being poor or with being among the working poor.

Statistical Appendix

Table 14
Distribution of Poor Employed, Unemployed and Non-Working Age or Economically Inactive Population in the Estates Sector by Age and Sex, at the National Poverty Line, Sri Lanka 2009/10

Age Group	Poor Employed		Poor Unemployed		Poor Non-working Age or Economically Inactive		Total
	Male	Female	Male	Female	Male	Female	Male Female
0-4	0	0	0	0	97055	99925	0
5-9	0	0	0	97	125290	119105	0
10-14	0	0	97	97	94878	86448	0
15-19	14436	5487	16383	12633	90744	96624	14436
20-24	56767	30033	24345	26125	27624	54866	56767
25-29	68319	25730	13738	18689	4630	64946	68319
30-34	88583	30678	6255	16491	1989	59134	88583
35-39	86030	36312	2419	9279	1944	68374	86030
40-44	78130	36037	2663	10471	4179	66641	78130
45-49	85950	33552	5334	5369	4819	64909	85950
50-54	64844	25048	4855	4083	5435	63174	64844
55-59	52199	20943	4978	7470	14650	57834	52199
60-64	30000	10346	2665	2111	30392	64059	30000
65-69	12460	2841	1526	530	29309	45890	12460
70+	9605	3459	716	631	68359	95500	9605
Total	647323	260467	85974	114076	601297	1107431	647323

Note: Poverty incidence for 2009/10 estimated using HIES 2009/10 data. Data for 2009/10 includes the entire Eastern Province and two districts, Jaffna and Vavuniya, from the Northern Province, but not Mannar, Mulaitivu and Killinochchi.

Table 15
Distribution of Poor Employed, Unemployed and Non-Working Age or Economically Inactive Population in the Estates Sector by Age and Sex, at the National Poverty Line, Sri Lanka 2009/10

	Poor Employed		Poor Unemployed		Poor Non-working Age or Economically Inactive		Total
	Male	Female	Male	Female	Male	Female	Male Female
0-4	0	0	0	0	525416	515719	0
5-9	0	0	233	0	605970	622975	0
10-14	0	336	516	843	463585	485444	0
15-19	66409	28339	84400	62515	413038	527286	66409
20-24	271905	136100	116243	140258	89057	298895	271905
25-29	442072	170509	63363	93852	29286	342712	442072
30-34	470306	183559	20610	51093	11465	354957	470306
35-39	433422	187207	11341	27271	12483	320742	433422
40-44	438797	213471	9765	17847	14335	311812	438797
45-49	437069	223166	10729	18399	25193	281727	437069
50-54	400105	181284	12376	16297	27346	287170	400105
55-59	315844	130465	11301	12483	62171	284377	315844
60-64	197131	70018	5378	9892	106852	276165	197131
65-69	105144	30808	5287	6843	96467	197647	105144
70+	72457	19243	6771	8040	361997	501298	72457
Total	3650663	1574504	358314	465633	2844660	5608928	3650663

Note: Poverty incidence for 2009/10 estimated using HIES 2009/10 data. Data for 2009/10 includes the entire Eastern Province and two districts, Jaffna and Vavuniya, from the Northern Province, but not Mannar, Mulaitivu and Killinochchi.

Table 16
Distribution of Poor Employed, Unemployed and Non-Working Age or Economically Inactive Population in the Estates Sector by Age and Sex, at the National Poverty Line, Sri Lanka 2009/10

Age Group	Poor Employed		Poor Unemployed		Poor Non-working Age or Economically Inactive		Total	
	Male	Female	Male	Female	Male	Female	Male	Female
0-4	0	0	0	0	38,701	37,155	0	0
5-9	0	0	0	0	41,470	43,255	0	0
10-14	0	65	557	116	32,383	33,684	0	0
15-19	7,174	5,362	11,925	6,891	16,056	24,890	7,174	5,362
20-24	23,013	15,543	7,500	6,255	1,894	14,278	23,013	15,543
25-29	32,307	25,651	4,783	4,443	655	12,978	32,307	25,651
30-34	30,840	17,493	605	975	552	11,611	30,840	17,493
35-39	18,008	21,487	270	1,140	192	4,618	18,008	21,487
40-44	22,713	20,920	675	635	66	4,908	22,713	20,920
45-49	28,299	25,678	1,038	903	2,105	9,395	28,299	25,678
50-54	18,933	16,039	248	536	2,371	11,261	18,933	16,039
55-59	17,981	11,502	433	666	5,507	19,021	17,981	11,502
60-64	11,512	6,097	314	54	7,768	14,039	11,512	6,097
65-69	4,321	1,658	71	371	9,268	10,945	4,321	1,658
70+	2,889	422	0	113	19,942	23,307	2,889	422
Total	217,990	167,917	28,418	23,097	178,931	275,346	217,990	167,917

Note: Poverty incidence for 2009/10 estimated using HIES 2009/10 data. Data for 2009/10 includes the entire Eastern Province and two districts, Jaffna and Vavuniya from the Northern Province, but not Mannar, Mulaitivu and Killinochchi.

B. Education and Training of Women

Part 1- General Education and Technical & Vocational Training

Swarna Jayaweera

Introduction

The Beijing Platform for Action conceptualises education as a 'human right and an essential tool for achieving the goals of equality, development and peace', and underscores the need to create a non-discriminatory educational and social environment in which girls and boys, and women and men are treated equally and are encouraged to achieve their full potential. Its strategic objectives are to

- (i) ensure equal access to education, achieving universal primary education by 2015 and eliminating the gender gap at all other levels in the education sector
- (ii) eradicate illiteracy among women, or at least reduce illiteracy rates to half its 1995 level
- (iii) improve women's access to vocational training, science and technology, and continuing education
- (iv) develop non-discriminatory education and training
- (v) allocate sufficient resources for and monitoring of educational reform
- (vi) promote lifelong education and training for girls and women

Human rights in education is perceived to encompass (i) the recognition of the equal and inalienable rights of all and providing equal access and opportunities for quality education; (ii) promoting education for the development of personality, talents and abilities to the fullest potential, developing also generic skills and creativity; (iii) developing a gender sensitive curriculum and teaching-learning process; and (iv) promoting respect for cultural diversity and inter cultural harmony. Two relevant international instruments buttress these rights.

The UN Convention on the Elimination of All Forms of Discrimination against Women—CEDAW (ratified in 1981) requires states to ensure women equal rights with men to access educational opportunities at all levels of education, and to provide gender sensitive curriculum and teaching materials to eliminate stereotypes. The UN Convention on the Rights of the Child-CRC (ratified in 1990) requires states to ensure each child the right to equal access and opportunities in education, to develop a balanced personality and to be protected from all forms of abuse.

Objectives and Methodology

The objective is to review the positive and negative developments that have taken place in the education sector since the Platform for Action was approved at Beijing, examine the factors that affected progress or failure, identify gaps and suggest measures for corrective action. The study is based on the macro surveys and micro studies available (see References). Interviews of key personnel in the education and training sectors were conducted to ascertain their views.

General Education

Background

The education system at the time of the Beijing Conference was the product of the social class and language differentiated British colonial education system, and the policy initiatives introduced in the transitional years and post-independence decades since 1931 to address the inequalities in the system. A seminal policy introduced in 1946 was the introduction of free state education at primary, secondary and tertiary education level, including undergraduate university education, irrespective of social class and gender differences, in order to reduce social inequalities and promote upward socio-economic mobility. Concomitantly, incentives were provided through scholarships at the end of primary education for further education; secondary education opportunities were extended to the rural sector; the medium of instruction was changed from English to the local languages in stages by 1960 while English was retained as the compulsory 'link' language. Subsequently more incentives were introduced such as free textbooks and uniform materials, subsidised transport and intermittently, free school meals for disadvantaged children. These catalytic policies resulted in the rapid expansion of educational opportunities without gender discrimination as parents in families with less resources no longer needed to invest their limited resources in educating their sons only.

The Directives of Policy in the current Constitution(1978) propose eradication of illiteracy and ensuring universal and equal access to education at all levels (Art.27(2)). Although compulsory education legislation was never introduced during these decades, education participation rates in the 5-14 age group increased from 57.6 per cent in 1946 to 74.4 per cent in 1963 and to 89.5 per cent in 1995 (Department of Census and Statistics 1946, 1963, 1994). Gender parity in enrolment was achieved in primary and junior secondary education in the 1960s, in senior secondary education in the 1970s and in university education by 1995.

However, the momentum declined in the 1970s and 1980s as policy makers were influenced by 'human capital theories' and the assumption that high unemployment rates were the result of

'mismatch between education and employment' whereas they were caused by falling commodity prices and decline in economic growth rates and in the labour absorptive capacity of the economy. The liberalisation of the economy on the eve of the 1980s and the imposition of structural adjustment programmes reduced social sector expenditure and reduced educational expenditure from 4.7 per cent of GDP at the end of the 1960s to two per cent from the 1980s. These were years of language and ethnic conflict, failure to reduce regional imbalances in education, and youth unrest caused largely by blatant inequalities in opportunities for upward socio-economic mobility (Jayaweera 1998a; Jayaweera 2002).

It was at this low point that the 1990s saw the appointment of an independent National Education Commission in 1991 to develop a National Policy on Education, a concern for equity that re-surfaced with the ratification of CRC and the endorsement of 'Education for All' in 1990, the development of a National Plan of Action for Children (1991) and the Women's Charter (based largely on CEDAW) and the appointment of the National Committee on Women in 1993, all events that were expected to impact on policies.

Developments in General Education - Policies and Programmes 1995-2014

Access to education

The immediate action after the Beijing Conference by the Ministry of Women's Affairs and the National Committee on Women was to collaborate with line ministries and women's organisations to develop a 'National Plan of Action for Women in Sri Lanka-Towards Gender Equality' in late 1995 and in 1996 encompassing eight of the 'critical areas'. The section on education and training proposed priority to equal education opportunity, gender sensitive curricula and eliminating gender imbalances in employment oriented education. Strangely and regrettably the Plan appears to have been stymied as it was revised subsequently in different years and although it is reported to have received official approval, it is not as yet in the public domain even two decades later. Nor has it been incorporated in any National Plan over these years. The Women's Charter continues to be a relatively marginalised policy document.

In contrast, though unconnected with the BPF, the appointment of the National Education Commission was a fillip to overt concerns for equity in access to education. Its 1995 'Action oriented Strategy towards a National Policy'(National Education Commission 1995) proposed the extension of educational opportunity, introducing long overdue compulsory educational regulations for the 5-14 age group, issuing an alternative certificate to birth certificates by Gram Niladari (village officers),

providing alternative facilities for drop outs and 'non-starters' in pockets of non-schooling to facilitate entry to formal schools or to vocational education courses for the out of school 12-14 age group, developing at least one senior secondary school in each administrative Division, upgrading plantation sector schools, schools in remote areas and less developed schools in urban locations and increasing education expenditure to 4.5 per cent of GDP within the next few years. (National Education Commission 1995). Some of these proposals were translated into action by the General Education Reforms introduced in 1997 such as the Compulsory Education regulations for the 5-14 age group which were effective from 1998, with local committees to monitor their implementation, and instructions to Grama Niladari to issue letters where birth certificates were not available. Special attention was to be given to mainstreaming children with disabilities into education. However, the local committees ceased to function by 2000 (National Education Commission 1997).

The National Education Commission undertook a study of the many facets of the education system and the education reforms and made proposals in its report 'Envisioning Education for Human Development (2003). In the first component 'Extending Education Opportunity-Equity and Excellence', it proposed continuing existing incentives such as free textbooks and uniform materials and subsidised transport, providing free midday meals to children in primary schools in disadvantaged communities; extending compulsory education to 16 years; making special efforts to enforce compulsory education in vulnerable groups such as plantation children, children with disability, working children, 'street children', children of migrant women workers, orphaned, abandoned and destitute children, non-schooling children in Children's Homes and Remand Homes and Certified Schools. It was also proposed that small schools should not be closed but should be developed as feeder schools to larger schools. Education expenditure which had declined over the years should be increased to four per cent and in the long term, five per cent of GDP (National Education Commission 2003).

The Education for All-Dakar goals in 2000 identified (i) expanding early childhood care and education for most vulnerable and disadvantaged children, (ii) universal primary education by 2015 and free and compulsory education for all, (iii) equitable access to appropriate learning and life skills programmes for youth and adults (iv) 50 per cent improvement in literacy by 2015 especially among women, (v) gender equality- 'Eliminating gender disparities in primary and secondary education by 2015, with a focus on ensuring girls full and equal access to and achievement in basic education of good quality'.

The Mahinda Chintana Policy Framework and the Ten Year Plan reiterates the commitment to free 2006-2016 education and the right to education and proposes priority to provision of education in the most economically disadvantaged Divisions. The Mahinda Chintana–Development Framework 2010 has among its objectives, promoting accessibility and equity; continuing free education, and incentives to provide adequate support for students from low income and disadvantaged families; extending compulsory education to 16 years; universalisation of primary and secondary education irrespective of socio-economic background, gender and ethnicity; and developing one thousand existing secondary schools as high performing centres spread through the country to eliminate regional disparities in the education system. It is noted that none of these policies refer to extending opportunities to girls, perhaps because gender parity had been achieved in national data (Ministry of Finance and Planning 2006, 2010)

While these policies reflect political will and commitment to continue free education and a range of incentives to universalise primary and secondary education, programmes to implement them have been supported by donors such as the World Bank, the Asian Development Bank, UNICEF, and bilateral agencies and international non-government agencies.

Education Sector Development Framework Programme, 2006-2011 (ESDFP)

Based on the World Bank funded research and its findings presented in the 2003 National Education Commission report, the Ministry of Education with technical and financial support from the World Bank, developed the ESDFP programme which was implemented from 2006 to 2011. The first theme was increasing equitable access to education and expansion of the school network. Special features were allocating to the Non Formal Education Division of the Ministry the monitoring of the compulsory education regulations in the 5-14 age group, through local committees that would identify households with out of school children and seek to enroll them, first in Non Formal Centres and then to facilitate lateral entry to schools. Two, vulnerable groups that were to receive special attention in mainstreaming them in the school system were children with disabilities and ‘street children’, and special units were organised in the Non Formal Division of the Ministry to implement programmes for them. The third theme was to ‘enhance efficiency and equity’ through a Public Expenditure Tracking System (Ministry of Education 2007).

The second phase of the ESDFP 2012-2016, funded largely by the World Bank, is titled ‘Human Capital Foundation for a Knowledge Economy: Transforming the School System’. Its overall objective is ‘to enable future Sri Lankan citizens to acquire the knowledge, attitudes, skills and values to meet

the requirements of a modern, national and global knowledge economy.’ Despite this emphasis on economic development, the policy framework retains also (i) the equity concerns of the first ESDFP. Its objectives include increasing equitable access to education, continuation of free education policies, extending compulsory education to 16 years, developing selected secondary schools in all Divisions to reduce disparities and increasing access to science education.

School meal programmes are proposed for the poorest areas to counter malnutrition, and poor school attendance and to improve educational outcomes (Ministry of Education 2012). It focuses also on (ii) improving the quality of primary and secondary education and ‘the development of well-rounded personalities among all students’, (iii) strengthening governance and service delivery of education, including devolving decision making powers and authority to the school level and strengthening the Child Friendly Schools approach in all primary schools. Its cross cutting activity is results based monitoring and evaluation. As discussed in a subsequent section, there have been shortfalls in several expected outcomes.

In both phases of the ESDFP there is no recognition of promoting gender equality apparently on the assumption that gender parity in enrolment is synonymous with gender equality.

The Asian Development Bank focused on increasing equity in access to quality senior secondary education in its Secondary Education Modernisation Project implemented from 2005-2010, particularly strengthening science education and information technology, and supporting stipends for students in low income families who are prone to drop out at this stage in education. Its successor, Education for Knowledge Society Project sought to increase equity of access to quality secondary and tertiary education irrespective of regions, gender and ethnic groups. It proposed upgrading one secondary school in the poorest administrative Divisions, and facilitating access to ICT. Examples of other agencies that supported equity in access to education are UNICEF, GIZ, UK SAVE the Children, and Plan International.

The newest phase of the ADB Education Sector Development Programme (2013-2018) has its Gender Action Plan which aims to increase the participation of girls in the new Technology Stream in Grades 12 and 13, develop gender sensitive training modules and capacity development plans for teachers, especially in non-traditional fields such as technology, and incorporate gender indicators in management and monitoring systems. A new Management Information System is to be developed with sex disaggregated data for monitoring and evaluation of progress in implementation.

Clearly the concern for equity was reflected throughout the post Beijing years in political will and policy documents, while gender equality received overt recognition only in the programmes of the Asian Development Bank and in GIZ programmes.

The National Scenario-Participation, Retention and Performance in Education 1995-2012

Macro level statistics from Census and other large surveys provide evidence of trends in participation from a national perspective. Participation rates in education of the 5-14 age group (in primary and junior secondary education) rose from 89.5 per cent in 1995-89.5 per cent female and 89.44 per cent male (Department of Census and Statistics 2004) to 93.2 per cent at the 2001 Census-93.5 per cent female and 92.8 per cent male—to 97.8 per cent for both sexes in 2006/7(HIES,2006/7), and at the 2011 Census to 98.4 per cent 97.9 per cent female and 98.8 per cent male participation. In the 15-19 age group (senior secondary level), participation rates in `1995 were 54.5 per cent (55.3 per cent female and 53.4 per cent male), 54.6 per cent female and 50.6 per cent male participation at the 2001 Census, and 57.6 per cent (59.2 per cent female and 56.0 per cent male) in 2006/7. No final statistics have been provided at present from the 2011 Census for the 15-19 age group.

However, the Household Income and Expenditure Survey 2012/13 (Department of Census and Statistics, 2014) has reported that 84.8 per cent in the 5-20 age group are in school.

Table 1
Participation Rates

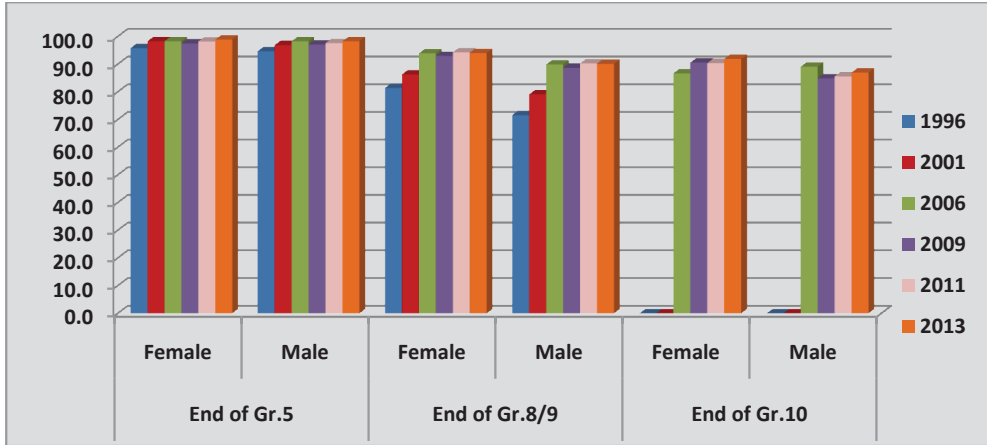
Year	Age group	Total	Female	Male
1994	5-14 years	89.5	89.5	89.4
	15-19 years	54.5	55.3	53.4
2001 Census	5-14 years	93.2	93.5	92.8
	15-19years	NA	54.6	50.6
2006/07	5-14 years	97.8	97.8	97.8
	15-19years	57.6	59.2	56
2012 Census	5-14 years	98.4	97.9	98.8
	5-20 years	84.8	NA	NA

Source: Dept. of Census and Statistics (1994, 2001, 2006/7, 2011, 2012/13)

Retention/Survival rates which were 94.8 per cent-95.8 per cent female and 94.7 per cent male-at the end of Grade 5 (primary education), have increased to 97.6 per cent (female 98.3 per cent and male 96.9 per cent)in 2001 and to 98.6 per cent (98.9 per cent female and 98.3 per cent male) in 2013 (Ministry of Education, 1996, 2001, 2013). Participation rates have increased by 10 per cent since 1995 and retention rates by four per cent, female rates are higher and both gender and urban-rural disparities are minimal (Fig.1).

Fig. 1

Retention Rates

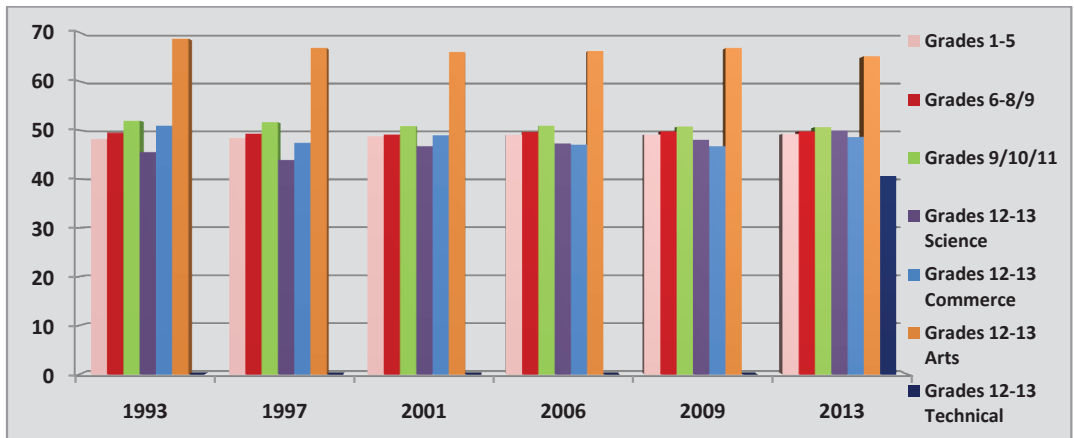


Source: Ministry of Education, Statistics Branch (1996, 2001, 2006, 2009, 2011, 2013)

The percentage of girls of the total enrolment has been consistent over the years and confirms that gender parity has been achieved at primary and secondary levels while more girls, around 57 per cent, continue to the highest grades (Grades 12 and 13), perhaps because male secondary school dropouts have easier access to employment at that level (Fig 2). In performance at public examinations too girls have fared better than boys at all levels (Table 2).

Fig.2

Total Enrolment of Girls from 1993-2013 (%)



Source: Ministry of Education (1993, 1997, 2001, 2006, 2009, 2013)

An issue of concern that will be investigated later is that despite the provision of free state education, a range of incentive overs many decades, and compulsory education regulations in force,

it has not been possible to achieve the second Millennium Development Goal of universal primary education in Sri Lanka.

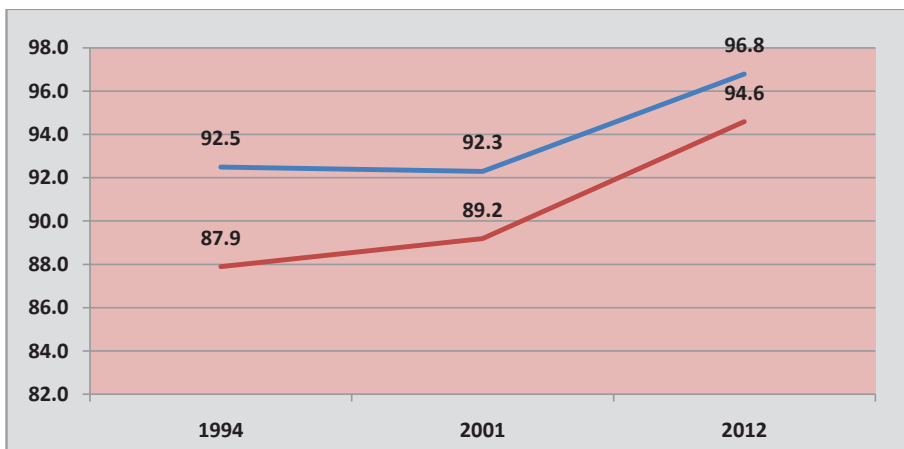
Table 2
Performance at Public Examinations

Year	Grade 5 Scholarship Examination %		G.C.E/OL-Qualified for Entry to Grade 12-AL %		G.C.E /AL-Qualified for Eligibility for Selection to Universities %	
	Female	Male	Female	Male	Female	Male
1997	NA	NA	24.2	23.3	56.1	45.9
2006	8.2	7.5	51.8	41.2	NA	NA
2009	11.6	10.2	56.4	40.3	67.9	52.1
2013	10.6	9.7	73.1	55.2	66.8	47.6

Source: Department of Examinations, Ministry of Education (1997, 2006, 2009, 2013)

The impact of the expansion in education opportunities is seen in the rapid pace at which the gender gap in literacy was reduced from 76.5 per cent male and 46.2 per cent female literacy 1946 to 92.5 per cent and 87.9 per cent in 1994, and to 96.8 per cent and 94.6 per cent at the 2012 Census (Fig. 3). Literacy rates were 97.6 per cent in the urban sector, 95.7 per cent in the rural sector and 85.8 per cent in the estate sector.

Fig.3
Literacy



Source: Department of Census and Statistics(1994, 2001,2012)

The surviving gap was largely in the over 65 age group, those born in the years before free education was introduced. The impact is also seen in the improvement in the educational level of the population. Since 1994, the percentage of those who never went to school has been reduced by half

and the percentage of those with the highest level of secondary education has been more than doubled (Table 3).

Table 3
Population by Level and Education- >5 years %

Year	1994	2012
No schooling	8.5	4.8
Grade 1-5	35.2	22.9
Grade 6-10	35.5	38.8
G.C.E./OL	14.2	17.2
G.C.E./AL	5.8	13.6
Degree & above	0.7	2.7

Source: Department of Census and Statistics (1994, 2012/13)

Curriculum and Learning Process

From a rights perspective access to education has to be complemented by access through quality education, through its processes that encompass the curriculum and teaching–learning process and the ‘hidden’ curriculum embedded in the ethos of the schools.

A positive overarching development was that a common national curriculum has been organised and accepted since the 1970s for students irrespective of region, gender and ethnicity, from grades 1-9 and with options in grades 10-13. However, despite efforts to introduce curriculum reforms, the centralised uniform, examination-oriented curriculum has seen minimal changes over the years. A child-centred curriculum developed for the primary grades in the 1970s was restructured as a component of the 1997 reforms and has been further strengthened by the UNICEF supported Child Friendly School approach introduced in primary grades in selected schools.

The secondary school curriculum, particularly from grades 6-11 underwent ad hoc changes, such as introducing practical skills at junior secondary level. Technical subjects including Information Technology were subjects in grades 10-11 in senior secondary education grades, but there is a predilection to selecting home science for girls. Two thirds of the enrolment in the Arts stream in Grades 12-13, the final grades, has been girls always and their lowest representation has been in the science stream. Within this stream, girls dominated biological sciences and boys physical sciences.

Efforts have been made in recent years to improve the quality of education through the provision of quality inputs, and efforts to promote the development of ‘higher order spaces and processes’ (World Bank supported Education Sector Development Framework Programme (ESDFP) 2006-2011), and provision of computer centres in a large number of selected secondary schools by the Asian

Development Bank. Nevertheless the curriculum revision of 2007-2011 intended to promote activity centred teaching-learning appear to have reinforced the rigidity of the curriculum and the dominance of rote learning in schools (Perera 2008, 2009; Gunawardena et al. 2009; Jayaweera et al. 2010). Despite recommendations (National Education Commission 1997, 2003) there have been no overt efforts over the years to promote creativity and generic skills such as initiative, problem solving, decision-making, responsibility, and team work through the education process.

Language policies have exacerbated divisive trends in the social fabric and ethnic tensions culminating in decades of conflict, and socio-economic inequalities have been reinforced by the failure to promote English proficiency as an agent of equity instead of its common perception as a marker of privilege. It is only in the present decade that there has been recognition of the need to promote bilingual education, and also human rights, acceptance of cultural diversity and understanding through the education process and to engage in programmes to promote social cohesion, regrettably without much visible impact on schools as yet.

All these positive and negative development trends have affected both girls and boys in all communities. However, gender issues have been ignored in the curriculum and in education programmes (ESDFP, 2006-2011, ESDFP 2012-2016) except in the ADB and GIZ assisted programmes, although attention has been drawn to them in some policy documents (National Education Commission 1995, 2003; Ministry of Finance and Planning 2006). It appears that there have been minimal changes since the study that highlighted the dual trajectory within schools that motivated girls and boys equally to perform to achieve their full potential in studies and concurrently influenced girls to conform to gender role stereotypes and to be passive and 'nice' in their behavior (Jayaweera 1993). This gendered socialisation begins in pre-schools with gender differentiation in the toys and other play materials offered to girls and boys, in games and in the encouragement of more assertive behavior by boys (Abhayadeva 2008; de Mel 2007), and continuing gender role stereotypes in textbooks though less blatantly than in the past (Abeyasekera, 2008.). Importantly, gender issues are not discussed in the 2007 curriculum revisions, and gender modules developed by non-state researchers in 2008/09 have been nominally accepted but not incorporated in the curriculum. Currently efforts are being made to initiate changes but these have yet to be integrated in the national curriculum.

No efforts have been made therefore to empower women through the education process to challenge oppressive gendered social practices, exercise their options according to their aptitudes

and fulfil their full potential. While the impact has not been uniform, the consequences are seen in the gendered selection of subjects at senior secondary level resulting in the concentration of girls in 'feminine' course in further study. These gender imbalances have contributed to the disadvantaged situation of women in access to remunerative technical employment and in the fact that the unemployment rate of women has been double that of men since the late 1960s. The national curriculum is a powerful agency of socialisation of both girls and boys, but it does not appear to have promoted the recognition and acceptance of the concept of gender equality in the family, workplace and society as seen, for instance, in the high incidence of violence against girls and women in the country.

While the third Millennium Development Goal-elimination of gender disparities in enrolment-has been achieved in general education, the Concluding Comments of the CEDAW Monitoring Committee in New York on the last national report submitted in 2011 inevitably raised two issues-the prevalence of gender role stereotypes in the curriculum and the teaching-learning process, and the under representation of girls and women in technology and technical related education programmes at all levels.

Factors that have Operated as Stimuli/Constraints to the Achievement of the Expected Outcomes of Policies and Programmes

Factors that affected the outcomes of policies and programmes are discussed from the rights based stance in the Articles on Education in CEDAW and CRC and underscored in the Platform for Action. It has been noted in preceding sections that political will to ensure the universal right to education was manifested in all national policy documents. This commitment prevented the emasculation of free education and related incentives by the priority given to economic growth and the under valuing of social equity by competing international and local interest groups. It facilitated also the access to education of girls from all population groups.

However, developments in education were inevitably affected by the macro-economic context as well as by the political instability created by the impact of youth unrest, the major natural disaster-the 2004 tsunami- and the two decades of armed conflict and post conflict. Besides the regular national surveys by the Department of Census and Statistics, there has been a multitude of micro studies undertaken during the 1990s and in the new millennium that have enriched the information available for a review of factors that determined developments in the education sector.

Poverty

Both macro and micro level surveys and studies indicate clearly that the overarching factor affecting access to education and preventing achieving universal primary education has been poverty that both creates and reinforces educational disadvantage. A two way relationship was observed between education and poverty. Poverty levels declined as the educational levels of the head of household rose-non-schooling-46 per cent incidence of poverty, primary education 31 per cent, a 'moderate' level of secondary education 16per cent, G.C.E/OL (grade 11) 7 per cent, G.C.E./AL (grade 13) 2 per cent, and university degree one per cent in 1995/96 (Gunawardena 2000). At the same time poverty was seen to determine the degree of access to education particularly to senior secondary education (Table 4).

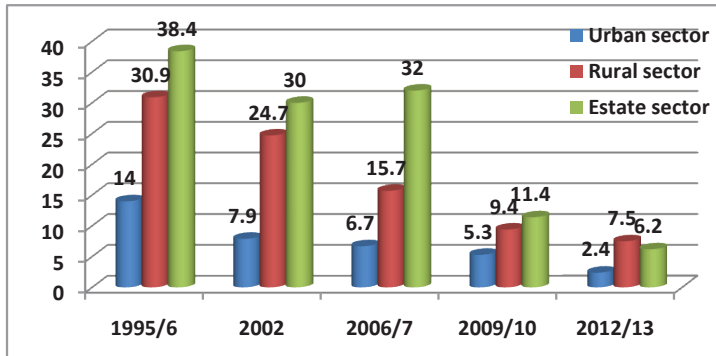
Table 4
Enrolment Rates across Economic Quintiles

Consumption Quintiles	Primary Education %		Junior Secondary Education %		Senior Secondary Education %	
	1995/6	2011	1995/6	2011	1995/6	2011
Quintile1(Poorest)	95	98	61	89	31	52
Quintile 2	96	99	66	93	35	59
Quintile 3	95	99	67	95	41	65
Quintile 4	96	99	77	96	47	71
Quintile5(Richest)	97	99	76	97	60	77
Total	96	99	68	94	42	64

Source: World Bank estimates based on data in Department of Census and Statistics-Household Income and Expenditure Survey 1996/96; World Bank-Transforming School Education In Sri Lanka ,2011, Table 1.3 p.8.

Poverty head count rates are reported to have declined from 28.8 per cent in 1995/6 to 6.5 per cent in 2012/2013, and in sectors, from 14.0 per cent to 2.4 per cent in the urban sector, 30.9 per cent to 7.5per cent in the rural sector and 38.4 per cent to 6.2 per cent in the estate sector (Department of Census and Statistics 1996, 2013). Gender specific data is not available as they pertain to the household as an entity. Non-schooling has been concentrated over the years in pockets of disadvantage-in remote rural locations, urban low income neighbourhoods, estate labour families, and in recent years, families affected by armed conflict. Inter and inter district socio-economic disparities have continued to be wide. Those chiefly deprived of education are the vulnerable groups- the destitute without resources to buy items such as stationery, shoes, school bags, 'street children', child beggars, children with disabilities, and those without access to adequate food (Manchanayake 2000; Ariyapala 2002; Jayaweera & Amarasuriya 2004; Jayaweera & Gunawardena 2004, 2007, 2009, 2013; Arunatilke 2005). The Department of Census and Statistics (2006) identified 15 of the poorest Administrative Divisions with high drop out rates.

Fig. 4
Poverty Head Count Rates (%)



Source: Department of Census and Statistics (1995/96, 2002, 2006/07, 2010, 2013)

The introduction of the midday meal in schools in disadvantaged locations is reported to have increased attendance. However, the efforts through the Education Sector Development Framework Programme (ESDFP 2006-2011) to implement programmes to facilitate the enrolment of children with disabilities and ‘street children’ have had little impact, and the number of centres for ‘street children’ is reported to have declined.

A visible facet of non-schooling has been the incidence of child labour, a strategy of poverty groups for the survival and maintenance of their families (Jayaweera & Ratnapala 2002). The Child Activity Survey (2008/9) found that 2.5 per cent of the total child population was engaged in economic activities, 1.0 per cent in non-hazardous and 1.5 per cent in hazardous forms of child labour. Several studies have surfaced exploitative and even hazardous forms of employment of children-domestic service (Kannangara et al. 2003, Marga 2004; Jayasena 2005); domestic agriculture, plantation labour, fishing (Marga 2004); casual manual labour (Jayaweera & Gunawardena 2013); child beggars (Gunawardena et al. 2005), commercial child sex workers (Ratnapala 1999; Seneviratne 2006; Jayaweera 2005), and trafficked children (Squire and Wijeratne 2008).

Despite free schooling and other incentives, education has not been successful in compensating effectively for poverty, and adequate attention has not been given to the most vulnerable groups of children, the ‘hard to reach’ children, who continue to be victims of social exclusion.

Gender

Education statistics pertaining to enrolment, retention and performance presented earlier indicated that gender has not been a major factor in access to education. Micro studies have surfaced a few

surviving barriers in families such as dropping out of school after menarche in very conservative Muslim families, the cultural practice of early marriage, and early marriage as a 'safety measure' during the armed conflict to prevent the capture of children by the LTTE to be used as child soldiers. Positive indicators appear to have created a veil of complacency among policy makers and administrators as well as the misperception that gender parity in numerical terms is equivalent to gender equality. It was seen that consequently gender has been virtually a 'non-issue' in most national programmes, progress has been exceedingly slow in eliminating gender role stereotypes in the curriculum and textbooks. No efforts have been made to incorporate content to empower girls to challenge negative gendered norms and social practices that stymie their personal development, distort their career choices and reinforce unequal gender relations that trigger violence against girls and women.

A critical issue is a duality in approach to policy formulation in education. Policy makers appear to have dichotomous perceptions of two interrelated principles – acceptance of the right to education which is articulated in policy documents over the years, and a total lack of awareness of the importance of the realisation of rights through the education process, the curriculum and the teaching-learning process. Consequently the curriculum continues to operate as a mechanism of social control that reinforces gender inequality within and outside the school. Education has promoted gender parity but has not succeeded as yet to move beyond to facilitating substantive gender equality.

Ethnicity

The Sinhala and Tamil student population have been proportionately represented in schools until the three decades of armed conflict resulted in the closure of schools, displacement of families and the recruitment of child soldiers by the LTTE in the North and East. Since the cessation of war, rehabilitation and reconstruction programmes are in progress and schools have been gradually re-opened. Problems such as lack of transport facilities, distance to schools and housing problems have still to be resolved fully before normalcy is achieved. Socio-cultural constraints to access to education have declined in recent decades in Muslim families but such constraints continue to operate as barriers in pockets of Muslim communities.

The educationally disadvantaged plantation community had been victims of a legacy of neglect for over a century as a British colonial enclave of labour imported from South India and provided minimal opportunities for primary education. With the incorporation of the plantation schools in the

national system in the 1980s and the flow of donor assistance, considerable progress has been made in the provision and utilisation of educational opportunities. A study (Korale 2004) had reported that two thirds of estate schools were primary schools and only one school had senior secondary facilities. In 2010, however, 95 per cent of the 5-14 age children were in school, almost reaching the enrolment rate of 98 per cent in the urban and rural sectors. Nearly half of those in primary schools were girls and as in the national scenario, there were more girls than boys in secondary grades. However, secondary education facilities are still limited in these schools.

Disability

Disability has been a hidden issue as it has been perceived as a stigma that has ostracised children with disabilities. Consequently they have been denied their right to education except in the 25 Non-governmental Special Schools and in a few ad hoc programmes in schools (Saddhananda 2001). Mendis (2004) noted that the incidence of disability is higher in the female population and that only 40.5 per cent of children with disabilities in schools were girls.

In the last decade of the 20th century, international initiatives led to the Protection of the Rights of Persons with Disabilities Act in 1996 and the establishment in the Ministry of Social Services of a Secretariat to conduct programmes, and in 2003 a National Policy on Disability was introduced to address issues. The ESDFP programmes of the Ministry of Education in 2005 assigned a special unit in the Non Formal Education (NFE) Division to offer services through resource centres. The NFE Division reported a number of programmes and that 57,786 children, of whom 39.2 per cent were girls, were enrolled in state schools. Despite these initiatives studies and reviews have reported that only a limited number of children have been enrolled in schools and that facilities in schools do not address needs. Disability was found to be the second highest reason to poverty for non-enrolment in schools (Jayaweera & Gunawardena 2013). Clearly disability continues to be an issue confined to the privacy of the home, and has received inadequate attention by administrators so that children with disabilities remain a marginalised group deprived of equal rights to education.

Health

The impact of health on participation in education has been recognized only recently at national level. Jayatissa, Hossaine & Moasszem (2010) found that 30 per cent of school children were undernourished. A recent study on out of school children found that health was a factor in dropping out of school and in the high rate of absenteeism, disrupting school attendance and affecting performance in schools (Jayaweera & Gunawardena 2013). The school meals programme in

disadvantaged communities introduced recently was seen to increase attendance. A project to provide vitamin supplementation and iron foliate in secondary grades is being implemented and a School Health Promotion Policy and Programme has been proposed. A health component has been included in the 2012-2016 ESDFP (World Bank, 2011).

Many of these initiatives that have been implemented have had limited impact. The School Medical Inspections in selected grades initiated a century ago has yet to be organised in all schools. Gaps and disparities are seen in the provision of access to safe water and sanitation programmes. An Adolescent Reproductive Health project in secondary schools supported by UNFPA has been terminated. Most importantly, the interface of education and health has yet to be recognised by local level administrators.

Distribution of educational opportunities

The inequitable distribution of educational resources and facilities and the absence of priority to reducing disparities have been impediments to promoting equal rights to quality education. The National Education Commission appointed in 1991 supported the policy of upgrading at least one secondary school in each Division to reduce disparities, The review of progress of this Navodaya scheme found that only 15 per cent of the selected schools reached required standards (Kularatne 2003) largely due to inappropriate politicised selection of schools. The new education programme proposes the upgrading of 1,000 secondary schools island-wide and five primary schools developed as feeder schools to each secondary schools. The selection of these schools will determine their success in ensuring more equitable access to education.

Table 5
Distribution of Schools (%)

Year	1AB Schools	1C Schools	Type 2 Schools	Type 3 Schools	<100 Students	%Schools- Science Facilities at AL
1997	5.7	19.3	36.8	39.2	26.3	5.7
2002	6.2	17.8	43.2	32.9	27.4	6.2
2012	8.0	20.0	39.0	33.0	30.8	7.2

Source: Ministry of Education (1997, 2002,2012)

Table 5 indicates that of the country’s 10,000 schools, the senior secondary schools with science, commerce and arts curricula (IAB schools) increased very slowly from 5.7 per cent to 8.0 per cent during the years under review, and that only 7.2 per cent of these schools have adequate science facilities. The low percentage of girls enrolled in the science stream in Grades 12-13 reinforces gender inequality in access to science education. At the other end of the spectrum, the number of

small deprived schools with less than one hundred students has increased from 26.3 per cent to 30.8 per cent. The intermittent and indiscriminate closure of small schools and the marginalisation of the schools of the poor have continued to deny the right to quality education of nearly one third of the school population.

Constraints to physical access to schools particularly for girls, inadequate access to facilities in schools, such as safe water, sanitation, separate toilets for girls and boys and modern equipment, inequitable deployment of teachers in disadvantaged areas although 70 per cent of teachers are women, and inequitable allocation of resources (Ministry of Education, 1996-2013), low expenditure on education of 1.9 per cent of GDP and 7.2 per cent of expenditure on education continue to be impediments to reducing disparities in access to education..

Child abuse

In addition to the continuing dominance of rote learning in schools and lack of empathy for the poor among teachers which has alienated children and contributed to dropping out of school, an issue that has acquired increasing visibility is child abuse. Circulars prohibiting corporal punishment issued to principals have been disregarded for years and studies have found that physical punishments are administered with impunity. Sexual abuse – child rape and sexual harassment as well as statutory rape of girls under 16 years – has emerged from a shroud of invisibility with the introduction of amendments to the Penal Code in 1995, 1998 and 2006, and the establishment of the National Child Protection Authority (NCPA) in 1998. Victims of child abuse are withdrawn from school and are denied their right to education.

Natural disasters

Sri Lanka has been subject regularly to floods, landslides and even cyclones. But the tsunami that devastated about two thirds of the coast in the north, east, south and northwest on 26th December 2004 was a horrendous disaster. Around 400,000 persons lost their lives within minutes, 250,000 families were displaced and children were orphaned. Damage to infrastructure and housing was extensive. The coastal areas affected were the poorest with large numbers living below the poverty line who were deprived of their livelihoods in the informal sector. Action by the state and donors and the Disaster Management Act (No. 13 of 2005) and the establishment of the Disaster Management Centre facilitated recovery. The UNICEF 'Back to School' and 'School in the Box' programmes and construction of temporary shelters and permanent schools by donors brought 85

per cent of the school age population into schools by the end of 2005. Studies indicated that women and girls suffered disproportionately (Alailima 2005; Jayaweera 2005; Goonesekere 2006).

Armed Conflict

The two post Beijing decades saw almost continuous armed ethnic conflict in the north and east and contiguous districts in the North Central, Uva and North Western Provinces until the cessation of war in May 2009. Thousands lost their lives and families were displaced, livelihoods were lost and services disrupted. In the education sector schools were damaged or closed and the school age population was denied access to education although attempts were made to conduct classes informally by voluntary teachers, and UNICEF introduced a 'Catch Up' Programme. Girls and boys were recruited by the LTTE and were thus deprived of education (Somasundaram 1998; National Institute of Education 2003; Jayaweera & Gunawardena 2009).

Since the end of the conflict, on-going relief, rehabilitation, reconstruction and resettlement programmes are in progress with state resources and donor funds. Schools have re-opened although facilities have not been fully restored in affected schools. Distance to schools, lack of transport, and lack of housing continue to affect both girls and boys. Child combatants have been rehabilitated and enrolled in mainstream education, and the performance of girls and boys in examination is returning to pre-conflict levels.

Governance and Management

It has been reiterated that the most positive factor that facilitated access to education has been the political commitment to universal free education in state institutions reflected in all policy documents. However, the implementation of these policies has been diluted and distorted by politicisation and by the lethargy of local officials. For instance, the compulsory education committees were inactive (Perera, 2003) and even when they were activated, only 50 per cent met regularly by 2013 (Jayaweera & Gunawardena 2013). Vulnerable groups such as children with disability and 'street children' who were target groups of the ESDFP did not benefit according to expectations. Despite the ratification of ILO Conventions and relevant amendments to labour laws and to the Penal Code, children below 14 years are blatantly engaged in economic activities in the public domain, corporal punishment in schools is widespread and there has been increasing evidence of sexual abuse.

The availability of around eight officials responsible for implementation of these policies in each local administration unit indicates that universal primary and junior secondary education could have been achieved several years ago with effective and coordinated implementation of policies and programmes. Similarly, lack of clarity in the lines of decentralisation, the absence of coordination between education and other relevant sectors at local level, lack of an effective monitoring mechanism based on divisional sex disaggregated data and inadequate financial resources have been impediments to participation, retention and performance in education.

Conclusion

Socio-economic and regional disparities rather than gender were seen to affect the access of girls and women to education as the poor lack the capacity to support their children through schooling despite free education and several ancillary services. Concomitantly, education has been a major factor in reducing poverty and socio-economic inequalities in many segments of the population although adequate data is not available to determine the extent of feminisation of poverty. Studies however point to bifurcation in trends in upward mobility based on the interface of social class and gender.

Underpinning these dualities are (i) the fragmented concept of development drawn from imported models that dichotomise economic and social development, and (ii) misperceptions of gender parity and gender equality and the lack of awareness of the need to promote the inter-related goals of the right to education and rights through education processes.

The way forward

- 1.(i) Establish a Unit in the Planning Division of the Ministry of Education to propose and monitor specific programmes to ensure access to education and retention in schools of vulnerable groups of children-children in very low income families, children with disabilities, children engaged in economic activities to meet basic needs of families, 'street' children, children of migrant workers dropping out or at risk of dropping out of school, children living in remote locations and in plantation communities and conflict affected areas.

- (ii) Activate the Compulsory Education Committees to enforce the compulsory education regulations to 16 years, to identify and support out of school children to ensure their right to education, and to collaborate with Community Based Organisations (CBOs) in this task.

- (iii) Extend the school meals programme to secondary grades in schools in disadvantaged locations.
 - (iv) Extend non-formal education centres to all areas of concentration of out-of-school children.
 - (v) Offer programmes in all teacher education institutions to equip teachers to meet the needs of children who are not severely disabled and are in mainstreamed classes.
- 2.(i) Introduce in the teacher education curriculum and school curriculum, materials that will promote critical thinking on socio-cultural issues to challenge gender role stereotypical attitudes in order to promote gender equality, and monitor their incorporation in the national curriculum.
- (ii) Introduce curriculum materials to promote crosscutting concepts of human rights, social equity, national harmony and ethical behaviour, develop generic skills such as initiative, problem solving, responsibility, and provide space for the creativity of students and teachers.
 - (iii) Provide adequate resources to reduce disparities in school facilities and ensure that infrastructure in schools are gender-sensitive and disabled-friendly.
 - (iv) Promote collaboration of principals and teachers with the officials of the National Child Protection Authority and the Department of Probation and Child Care to monitor and eliminate child sexual abuse in schools by perpetrators from educators to peers.
 - (v) Introduce gender sensitization programmes to strengthen the capacity of all principals and local officials to support activities that promote the concept of gender equality through the education process.
- 3.(i) Develop positive attitudes among teachers to understand their role as empathetic facilitators in order to ensure the participation and retention of children from deprived socio-economic backgrounds and disadvantaged locations.

- (ii) Implement the circular prohibiting corporal punishment purposefully, and take legal action against violations. Adopt alternative and positive approaches and strategies to create a 'violence-free' environment in classrooms.
- 4.(i) Create a structure at local level to facilitate coordination among education, non-formal education, child rights, probation and child care, labour, social services, Samurdhi, and health officials functioning at local level in order to synergise their efforts to enforce relevant laws and regulations, and policies and programmes and to prevent the alienation of vulnerable children from the education process.
- (ii) Establish effective mechanisms at Divisional level to monitor the implementation of programmes to achieve expected policy outcomes including tracking of out of school children or those at risk of dropping out of school.
 - (iii) Publish data disaggregated by sex and division to facilitate monitoring, and take steps to make data easily accessible to researchers and the public. Publish data relating to schools and administration in the estate sector separately so that it is possible to monitor progress.
- 5.(i) Increase financial provision for education gradually to five per cent of GDP and around 20 per cent of the total government budget to increase access to education and to improve the quality of education.
- (ii) Strengthen programmes in the Education Sector Development Framework programme to ensure equitable distribution of financial resources and give priority for affirmative action for disadvantaged locations.
 - (iii) Increase financial provision for social protection programmes in order to eliminate the effects of poverty and strengthen the capacity of disadvantaged families to ensure that the right to education is assured.
 - (iv) Introduce a universal social insurance scheme as targeted programmes such as the Poverty Alleviation Programme have had minimal impact as compared with the free education and health services policies.

Technical and Vocational Training

Background

Technical and vocational training had a relatively early start but made very slow progress till the end of the twentieth century. The first institution in the formal sector for Technical and Vocational Training (TEVT) was established in Colombo over a hundred years ago in 1893 as the Government Technical School. Since then ad hoc developments had taken place despite the appointments of committees to propose policies for this sector, largely because low priority was given to vocational training in comparison with general education. The Department of Labour organised vocational training centres, the Technical Education Branch opened Junior Technical Schools in different parts of the country, a few agricultural training schools were opened intermittently, and a national apprenticeship programme was organised in response to the youth unrest in 1971. Very low priority was given to it in comparison with general education had its inevitable result in the poor image of this sector and in the minimal resources allocated to it. In all these institutions the gender division in the labour market was reproduced with male concentration in technical courses and women in culturally perceived 'feminine' courses such as sewing and food preparation.

New policy directions were introduced in the 1990s with the establishment of the Tertiary and Vocational Education Commission (TVEC) by Act, No.20 of 1990 as the apex body for the TEVT sector.

Development of the Technical and Vocational Education Sector- Policies and Programmes

The new policy directions were introduced from around 1995 particularly after amendments to the TVEC Act to increase its powers.

The Tertiary and Vocational Education Commission (TEVC) 1990 has three major tasks.

- (i) planning, coordination and development of tertiary education and vocational education at all levels to meet the human resource needs of the economy;
- (ii) development of a nationally recognised system for granting of tertiary education awards and vocational education awards including certificates and other academic distinctions, and
- (iii) maintenance of academic and training standards in institutes, agencies and all other establishments providing tertiary and vocational education.

In contrast to the stagnation of the vocational training sector over decades, policy initiatives taken at the turn of the century ushered reforms that commenced the transformation of the TEVT sector under the apex institution, the TVEC. In 1996, the National Education Commission presented a National Policy on Technical and Vocational Education that identified the absence of a national policy and other issues that had militated against the development of this sector and made recommendations for remedial action. The major proposals were:

- i. TVEC to be converted to a statutory institution and strengthened, and an Inter-Ministerial Coordination Committee established with representatives of key ministries involved in programmes,
- ii. reorganisation of the management structure of TEVT institutions, increasing financial provision and establishing a Skills Development Fund with contribution from the private sector and foreign donors,
- iii. a National Vocational Competency Qualification (NVCCQ) scheme to be established by TEVC to provide a valid certificate system for TVET as a system of national awards that can motivate trainees, provide them a path for upward mobility and improve the social image of the sector,
- iv. adequate remuneration offered to attract and retain qualified and capable staff, and
- v. career guidance and counselling, and a Labour Market Information System to provide information on available job opportunities and future trends to be located in TEVC with links to relevant institutions (National Education Commission 1996).

The Asian Development Bank (ADB) funded Skills Development Project was implemented from 2000 to 2006 to translate policies into programmes. In these immediate post Beijing years, ADB gave priority to rural and urban youth and women, to seeking opportunities to promote gender equity and collecting sex disaggregated data, and to promote greater involvement of the private sector and NGOs. The ADB supported a gender consultant who developed a programme and action plans to facilitate the incorporation of a gender perspective and to extend the outreach of the project to girls and women.

The main components of the Skills Development Project were:

- (i) TVEC establish a National Vocational Qualification framework from levels 1 to 7, with 1-4 at 'crafts' level, 5-6 at Diploma level for mid-level technologists and level 7 at the degree level. All government, private or NGO training courses are required to be registered with TEVC for accreditation of individual training courses that have equivalence with nationally recognised

technical and vocational courses meeting labour market demand and consistent training standards, for the award of NVQ certificates at the appropriate levels. For the first time the NVQ system provided an alternate path to upward career mobility as employers could recruit according to relevant qualifications. An innovative scheme was introduced that provided an opportunity to obtain NVQ Certificates based on Recognition of Previous Learning (RPL) for individuals who have acquired skills that are equivalent with national skills standards.

(ii) restructuring and reorientation of the TEVT system through improving the quality and relevance of the skills training programme through competency based training to ensure closer link with the private sector, and introducing new courses,

(iii) institution building and human resource development, and

(iv) resource mobilisation and sustainability.

The achievements of the project were the commencement of the process of developing skills standards, trade testing and accreditation of courses. Dynamism and coherence were seen to be injected into the TEVT system and facilities were upgraded in some centres. The outreach to the rural sector was limited as yet so that urban-rural disparities continued. There was insufficient evidence to assess employability, although the six months on the job training facilitated access to employment. Despite the availability of proposals and plans by the gender consultant, and the gender sensitive objectives and targets of the project, expected outcomes were not achieved as no motivational programmes were conducted during the implementation years to encourage women to enrol in technical training programmes. In the absence of sex disaggregated data it was not possible to monitor progress or assess success in reducing gender imbalances.

A national policy for the development of technical education in Sri Lanka by the National Education Commission (2002) intended to recognise technical education as an acceptable alternative path in tertiary education and upward mobility. In addition to the existing middle level programmes from Technical Colleges upwards it was proposed to set up a degree awarding Institute, the University of Vocational and Technical Education (UNIVOTEC) to provide opportunities for upward occupational mobility, and to improve the image of the TEVT sector (National Education Commission 2002).

The Technical Education Development project, 2006 funded by ADB was intended to develop middle level and highly skilled human resources and to bridge the gap between the supply of and demand for technicians and technologists. Selected Technical Colleges were identified to be developed as Colleges of Technology and a University of Vocational and Technical Education (UNIVOTEC) proposed for NVQ 7 was established in 2008.

These initiatives were incorporated in the Technical and Vocational Education policy in the Ten Year Horizon Development Framework 2006-2016 of the Department of National Planning. The theme was 'Skills for Life-Jobs for Skills'. Its objectives were (i) improving the quality and relevance of programmes and career guidance, job placement, and links with industry, (ii) increasing enrolment in technical and vocational institutions, and (iii) improving the managerial and administrative efficiency of TEVT institutions. The policy incorporated the NVQ framework and the accreditation system to maintain national standards (Department of National Planning 2006).

For the first time a national policy document had as one of its objectives, reducing gender imbalances in enrolment by motivating women to enrol in technical courses. This development was the result of the inclusion by the Asian Development Bank of a gender specialist in the Skills Development Project to provide a gender perspective to the new policies.

The National Framework on Higher and Technical and Vocational Education (National Education Commission, 2010) presented proposals to improve the quality and relevance of higher education but expressed no concerns regarding the gender imbalances in technological and technical related education programmes. However, the National Strategy on Technical and Vocational Education and Training Provision for Vulnerable People in Sri Lanka (TVEC & ILO 2010) has as one of its target groups, 'Disadvantaged Women', pertaining to whom constraint are identified and strategies proposed to meet their needs.

The Technical Education Development Project (TEDP 2012) - This ADB funded on-going project was planned to follow the conceptual directions of the Skills Development Project. Its main features are

- (i) strengthening the capacities of six selected Technical Colleges and upgrading them to be Colleges of Technology,
- (ii) transforming the National Institute of Technical Education of Sri Lanka into the University of Vocational Technology (UNIVOTEC), offering technological degree programmes (B.Tech.) and (B Ed.Tech.) and in service professional development programmes for TEVT teachers,

- (iii) extending the National Vocational Qualification Framework (NVQ) by introducing levels 5,6,7 for technicians and technologists,
- (iv) developing a social marketing strategy to improve the image of TEVT as a viable alternative to university academic studies, and
- (v) reducing gender imbalances in enrolment, and promoting social equity to improve access to TEVT.

Initiatives taken have been limited to developing promotional material and disseminating information on TEVT programmes, and conducting support programmes to provide equal opportunities for underprivileged or marginalised groups.

ADB supported a social equity and gender consultant who proposed a comprehensive programme including action plans as well as capacity building of the Ministry and training institutions. While the Ministry accepted the gender policy no action was taken to integrate it in the implementation programme nor does it appear to have been a priority for the Ministry. The plan proposed a gender consultant in each College of Technology. No gender coordinators have been appointed and career guidance counsellors are assigned responsibility for gender and social equity activities. No guidelines have been reported to have been prepared for monitoring the implementation of the gender policy, and gender is invisible in project output documents. Some achievements are the preparation of gender plans by the six COTs and the increase in the participation of women trainees to around one third of their enrolment.

The Skills Sector Development Programme (SSDP) a government sector wide medium term development programme, incorporating training programmes of several ministries—that is being developed currently is envisaged to meet the local and foreign labour market demand by 2020.

The ADB funded Social Enhancement Programme (SSEP) is a component of the SSDP and is expected to commence in 2014. Its objectives are to (i) improve the quality of TEVT provision, (ii) enhance industry partnership for TEVT, (iii) increase partnership and improved equity in TEVT, and (iv) improve sector management to implement policy and reforms (Ministry of Finance and Planning, 2014). It is intended to promote a path to high growth to avoid the ‘middle income trap’.

Key problems are identified as (i) inadequate capacity to provide skills training opportunities for 326,000 new labour market entrants per year resulting in a large backlog of low skilled in service

workers, (ii) lack of middle level skills training programmes for technicians, (iii) low market responsiveness and relevance indicated by a 50 per cent TVET graduate employment rate, and a high rate of youth unemployment (17.3 per cent) as compared with an overall unemployment rate of four per cent (Dept. of Census and Statistics, 2013), (iv) limited range of training programmes and lack of flexible delivery options, (v) narrowly designed and outdated NVQ framework—that does not provide multiple pathways or cover higher level skills relevant to industry, (vi) lack of qualified instructors, vii low capacity of TVET to assure systems quality, (vii) weak sector coordination and planning capacity to align training efforts and financial resources with industry demand and priority economic growth areas, and (viii) tendency to focus on supply side projects that constrains meeting labour market demand.

From a gender perspective, most women are enrolled in traditional female occupations so that participation is limited in technology related courses leading to remunerative employment. A sector wide gender and social equity framework is to be developed to guide SSDP implementation. SSEP is expected to increase participation and equity in TVET, provide stipends for school leavers, women and disadvantaged groups for training in critical areas, especially in four priority areas –construction, tourism and hospitality, information technology, and light engineering and manufacturing. Specific targets for women are identified in the Framework but gender is invisible in the indicators. Gender is relatively more visible in a Gender Action Plan as a consequence of the assistance of an ADB supported gender consultant. But progress is slow because no follow-up motivational programmes have been conducted to increase the participation of women. As in the case of the education sector, policy makers, administrators and trainers appear to have no overt awareness of the underlying issues of gender role stereotypes that reflect gender inequality.

The World Bank Skills Development Project (2014-2019) feeds into the government Skills Sector Development Programme (SSDP) to support its goals of restructuring the economy and improving living standards and social inclusion. Its specific objective is to ‘expand the supply of skilled and employable workers by increasing access to quality and labour market relevant training programmes’. Its focus will be on Innovation, Results Monitoring and Capacity Building. As noted earlier, over the last fifteen years, substantial reforms, both structural and content wise were introduced in the TVET sector with ADB support. A World Bank study (Dandr, Aturu pane et al. 2014) has identified major challenges in the TVET sector that need to be faced to achieve the Government’s goal of becoming a ‘competitive middle income economy’ – weak management and governance including coordination, planning, monitoring and evaluation; poor quality and relevance

of skills development programmes; limited access especially in priority sectors; and inadequate physical and human resources and internal inefficiency.

Project components are:

Component 1 – Pillar 1– strengthening sector governance and management with more intensive focus on results and more efficient use of resources; Pillar 2 – improving the quality and relevance of skills development programmes offered by all providers through developing the NVQ system to meet the demands of employers including demand for soft skills, addressing shortage of qualified instructors, establishing mechanisms to involve employers in training and management, and facilitating pathways between general and technical education; Pillar 3 – expanding access to quality skills training by social awareness programmed for public information, providing a targeted stipend programme, and expanding middle level technician training to meet market demand.

Component 2 – innovation, results monitoring and capacity building to support and strengthen the capacity of the Ministry and its agencies. Data will be disaggregated where possible by area, sex and socio-economic groups. This project document too states that Government will develop ‘a gender and social equity framework by 2016 and provide equitable and adequate human and financial resources to support its realisation in SSDP’. No gender specific interventions are suggested in the project document.

Enrolment Trends in Technical and Vocational Education

Structural changes introduced facilitated the implementation of new programmes. The 34 Technical Schools that were under the Ministry of Education were brought within the purview of the Ministry responsible for technical and vocational training as Technical Colleges under the Department of Technical Education and Training (DTET), providing courses at NVQ levels 4-5. The centres organised by the Department of Labour over the years to provide gender differentiated training programmes- carpentry and masonry for men and sewing and weaving for women- were brought under the Vocational Training Authority (VTA) established in 1995 as National, District and Rural Training Centres to prepare women and men for a wide ranges of skills at NVQ Levels 3-4. The National Apprenticeship Board set up as a response to youth unemployment and unrest two decades earlier was reorganised in 1993 as the National Apprenticeship and Industrial Training Authority (NAITA) to provide apprenticeship training for young women and men trainees for all NVQ levels. The National Youth Services Council centres which had broader goals, abandoned its women’s programmes for domestic skills and opened all its programmes to women in 1999.

By 2010, there were 38 Technical Colleges of which nine were being upgraded to be Colleges of Technology, one in each province, preparing trainees for NVQ levels 5-6. The Vocational Training Authority had 240 centres offering programmes at NVQ 3-4 levels (Goonasekera 2010). In addition to its own apprenticeship programme, the Automobile Engineering Training Institute, the Apprentice Training Institute, and the Institute of Engineering Technology functioned under NAITA offering programmes at NVQ levels 4 and 5. The Ceylon German Technical Training Institute offers courses at levels 5 and 6. Two institutions, the Sri Lanka Institute of Advanced Studies (SLIATE) with its 12 institutes and six sections attached to Technical Colleges, and the Institute of Technology, Moratuwa offer a National and Higher National Diploma at levels 5 and 6. The University of Vocational and Technical Education (UNIVOTEC) offers degree courses at level 7 at the apex of the structure.

However, despite the proposed gender sensitive features in the Skills Development and Technical Education projects, enrolment data do not indicate any radical changes in reducing gender imbalances. A common pattern of gender inequality in access to technical studies pervades the scene. In Technical Colleges around 44 per cent trainees were women in 1994 and in 2013. Nevertheless the percentage of women in skilled trades courses, the traditional monopoly of men, was very low - 1.9 per cent in technical trades. The percentage was 0.7 per cent in construction trades in 1994, increasing to 25 per cent in 2013.

Enrolment in technician level courses was 15 per cent in both 1994 and 2013. Gem and jewellery related courses saw an increase from 15 per cent to 36 per cent from 1994 to 2003, agriculture from 35 per cent to 50 per cent, and sewing/tailoring from 65.5 per cent to 89.7 per cent. These courses have been relegated to VTA and NAITA by 2013. There was a decline in quantity surveying from 43.8 per cent in 1994 to 31.4 per cent in 2013, and in draughtmanship from 49.1 per cent to 40.1 per cent. Enrolment has been stable in accounting around 60per cent, and stenography 98 per cent in 1994 and 2003. The new popular course is in computer skills in which the percentage of women rose from 69.2 per cent in 2003 to 77.7 per cent in 2013, perhaps replacing typing courses in demand. (Table 6.1 and Fig. 5.1) (Department of Technical Education - 1994, 2003; Labour Market Information 2013).

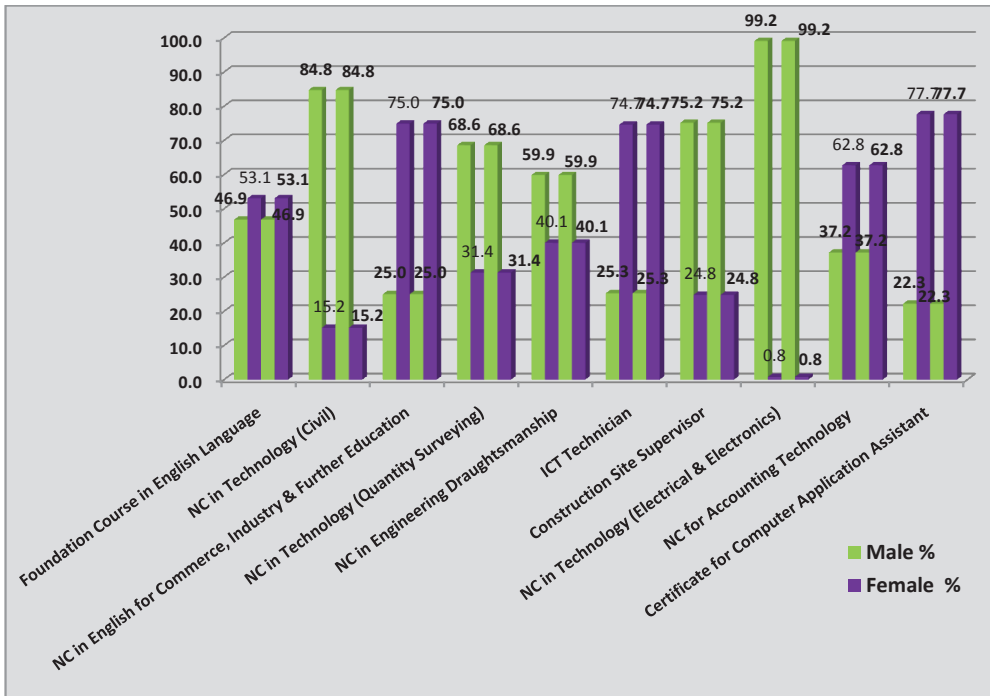
Table 6.1
Enrolment Data in Technical Colleges (% Female)

Technical Colleges	1994	2003
Skilled trades	1.9	0.9
Technician’s certificate	15.4	17.7
Construction trades	0.7	11.1
Gem & Jewellery	15.4	36.2

Computer skills	-	69.2
Sewing/batik	65.5	89.7
Quantity survey	43.8	34.5
Draughtsman	49.1	52.9
Agriculture	35.6	50.4
Accountancy/Com	47.6	55.9
Accounting technician	62.9	67.5
Stenographer	98.9	97.8
Home economics	100.0	0.0

Source: Department of Technical Education, Statistical Branch (1994, 2003) unpublished

Fig. 5.1
Top 10 Recruitment in Department of Technical Education and Training
First Half 2013*



* Provisional. NC - National Certificate, ICT - Information and Communication Technology
Source: Labour Market Information Bulletin, Volume 01, June 2013, Ministry of Youth affairs & Skills Development

Among the VTA courses, the percentage of women in skilled trades has declined to 1.1 per cent in 2013 and in construction trades increased to 9.5 per cent. In gems and jewellery the percentage has been 22.9 in 2005, in agriculture 48.6 in 1998 and 60.9 in 2005, in draughtsmanship 32.5 in 1998 and 46.55 in 2005.

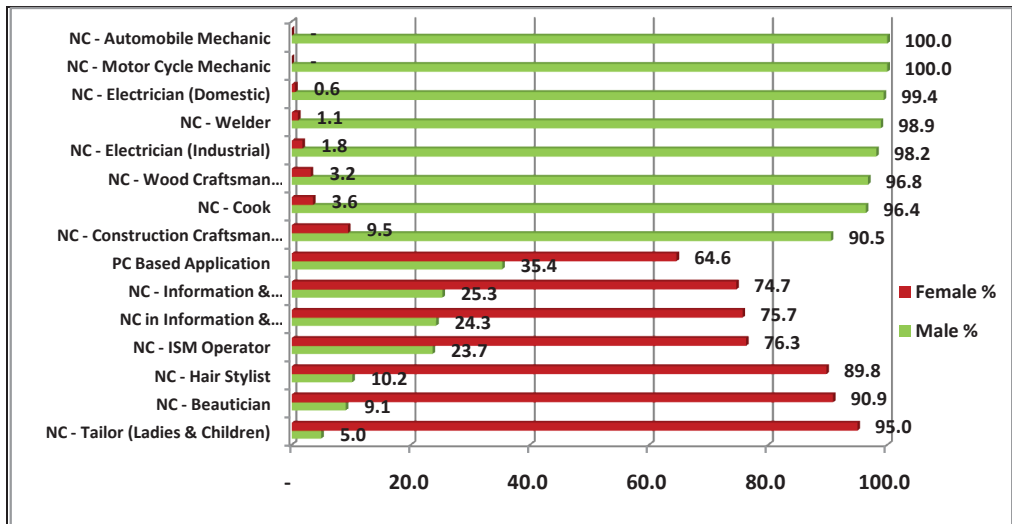
The significant features are that technical trades are not selected by women, computer skills have increased in demand from 50.4 per cent in 1998 to 73.1 per cent in 2013, and that women have been concentrated in traditionally 'feminine' courses, in sewing 88.1 per cent in 1998 and 95 per cent in 2013, secretarial courses 93.0 per cent in both 1998 and 2005, and beauty culture, a late entry, 89.7 per cent in 2005 and 90.9 per cent in 2013 (Table 6.2 and Fig. 5.2) (Vocational Training Authority - 1998 2005; Labour Market Information, 2013)

Table 6.2
Enrolment Data in Vocational Training Authority Centres (% Female)

VTA	1998	2005
Skilled trades	6.9	3.8
Gem & Jewellery	0.0	22.9
Construction trades	1.2	5.1
Crafts	62.4	5.1
Sewing	0.0	76.7
Computer skills	59.4	59.3
Agriculture	48.6	60.9
Draughtsmanship	32.5	46.5
Secretarial	93.0	93.0
Beauty culture	0.0	89.7

Source: Vocational Training Authority - Statistics Branch 1998 2005

Fig. 5.2
Top 15 Recruitment in Vocational Training Authority (VTA) by Course and Gender
First Half 2013



NC - National Certificate, * Provisional

Source: Labour Market Information Bulletin, Volume 01, June 2013, Ministry of Youth Affairs & Skills Development

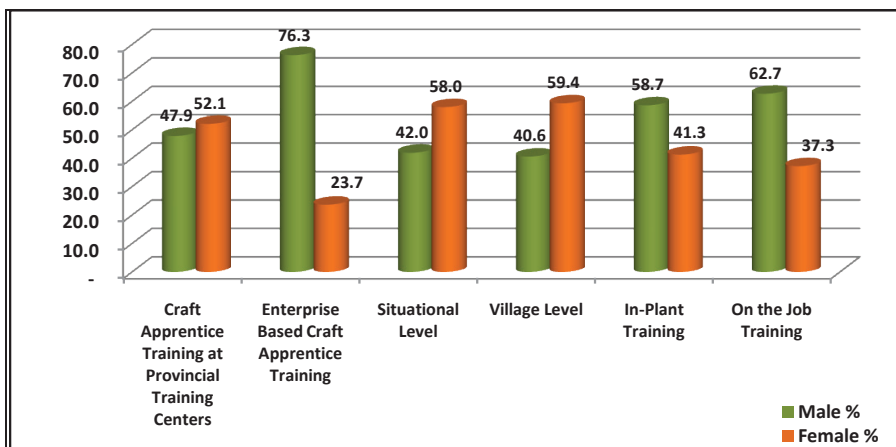
This pattern is replicated in NAITA programmes. The percentage of women in skilled trades has been very low - 0.3 per cent in 2002 and 1.3 per cent in 2008 and no woman has been apprenticed in construction trades. The percentage in sewing has increased from 51.6 per cent to 71.9 per cent. In relatively new programmes, their percentage was 59.1 per cent in 2008 in computer skills and 31.1 per cent in 2002, 46.6 per cent in 2008 in printing- but only 3.7 per cent in 2002 and 4.5 per cent in 2008 in hotel trades. High enrolment rates were 84.5 per cent in secretarial courses in 2002 and 2008, 84.7 per cent in beauty culture in 2008, and 100 per cent in 2002 and 99.5 per cent in Nursing in 2008, 2013 (Table 6.3 and Fig. 5.3)

Table 6.3
Enrolment Data in National Apprenticeship and Industrial Training Authority Programmes
(% Female)

NAITA	2002	2008
Skilled trades	0.3	1.3
Gem & Jewellery	62.9	55.6
Textiles, garments	51.6	71.9
Rubber, plastic	15.4	0.0
Computer skills	0.0	59.1
Printing	31.1	46.6
Secretarial	84.5	84.5
Hotel trades	3.7	4.5
Nursing	100.0	99.5
Beauty Culture	0.0	84.7

Source: National Apprenticeship and Industrial Training Authority, Statistics Branch 2002 and 2008; Labour Market Information 2013).

Fig.5.3
Registration Details - National Apprentice and Industrial Training Authority (NAITA)
First Half 2013



Source: Labour Market Information Bulletin, Volume 01 June 2013, Ministry of Youth affairs & Skills Development

In the National Youth Services Council's programmes no women were in skilled trades, carpentry and masonry and in technical courses. Around 50 per cent were enrolled in computer skills, music, dancing, floriculture, and fish culture, and a very high percentage in dressmaking and beauty culture. (National Youth Services Council 1996, 1999). Low enrolment in technical programmes has been a major problem in more advanced institutions also-in SLIATE, Colleges of Technology, and the Ceylon German Technical Training Institute. At the other end of the spectrum, the centres of the Department of Small industries/Rural Industries continued to provide the traditional gender differentiated courses while the Farm Women's Extension Programme remained trapped in the home economics syndrome.

This continuing situation of low enrolment of women in technical related courses and high representation in conventionally gender appropriate feminine skills indicates that the impact of negative social norms and gender role stereotypes has been too strong to reduce gender imbalances in enrolment in the context of relative lethargy at official level in implementing proactive gender policies.

Factors affecting the Achievement of Expected Objectives

The negative factors that determined the adverse trends in access of women and men to quality vocational training in the years before and immediately after the Beijing Platform for Action (1995) were:

- (i) absence of a national policy and the proliferation of courses in a multiplicity of under resourced institutions with minimal coordination,
- (ii) the courses offered were poor in quality, lacking relevance to market trends and job opportunities, and limited infrastructure and equipment exacerbated by a shortage of qualified staff,
- (iii) the courses were not perceived as a path to upward occupational mobility,
- (iv) in quantitative terms, they did not meet the training needs of secondary school leavers, and
- (v) cumulatively, the vocational training sector had a poor image that did not attract trainees or employers irrelevant to labour market needs.

Women were relatively more disadvantaged than men as they had been confined to gender differentiated courses that trained them for domestic skills or jobs in the service sector and deprived them of access to remunerative technical related employment. (Kelley & Cutler 1990; Aturupane, 1996; Jayaweera 1998, 2004).

Positive trends are noted with the introduction of national policies under the new institutions created since the late 1990s under the Tertiary and Vocational Education Commission - the Technical Colleges, and centres of the Vocational Training Authority and the National Apprenticeship and Industrial Training Authority, described earlier. The most significant reform was the creation of a National Vocational Qualifications (NVQ) system as an alternative path to upward career mobility with quality assurance safeguards through standardisation and accreditation of courses. These courses were intended to be designed to meet labour market needs. Implementation was slow as resources are limited. New policies and programmes have been introduced under the Skill Sector Development Programme (SSDP) described in the previous section to transform the TEVT sector to meet the demand for high level skills (Wijeyesekera 2010; Goonasekera 2010; Jayaweera 2011).

However, as underscored in the World Bank Report 2014, programmes have yet to meet the needs of over 100,000 secondary school leavers without employable skills. Curriculum revision is necessary to meet the demands of employers for technical and soft skills; equipment and facilities need to be upgraded, qualified instructors deployed and a substantial increase in financial resources ensured to improve further the image of the TEVT sector.

On the other hand, it is proposed to establish twenty five universities for technical related studies district wise. In the context of the failure of the four Junior universities in the 1960s and the eleven Affiliated Institutes in the 1990s, and the duration of time taken to establish fifteen universities, it is inconceivable how twenty institutions providing a quality education and training are to be established district wise. The current structure of the University of Vocational and Technical Education (UNIVOTEC) the nine Provincial Colleges of Technology provide a base for the development of selected Colleges offering a quality education and training into universities on the model of the development of the University of Moratuwa.

Significant and innovative interventions during these years have been the incorporation of gender specific policies and programmes in skills development and technical education supported by ADB gender consultants. Gender is no longer invisible in policies and there is no official segregation in courses. However, implementation of gender sensitive policies and programmes has not achieved expected outcomes. As the enrolment data indicated, women are still concentrated in culturally perceived service sector courses and men in technical courses and trades. Clearly little effort has been made to upgrade skills, diversify training opportunities, or motivate women to move to training programmes with potential for increase in income or for upward occupational mobility. Consequently, the gender imbalances in enrolment have not been reduced and have reinforced the

inequitable gender division in the labour market and the fact that the unemployment rate of women has been consistently double that of men over five decades. The only positive development has been the increase in the enrolment of women in Information Technology skills programmes, responding to the burgeoning demand for these skills, and resulting in narrowing the gender gap in access to IT.

Major factors that have slowed the pace of change in gender perceptions have been low commitment of some implementers, reluctance of employers to recruit women to technical related employment, the negative attitudes of families and communities, and the failure to conduct gender sensitisation programmes for women, families, communities and officials and employers. The armed conflict also destroyed institutions and a gradual re-establishment of institution is taking place. Most importantly, underpinning these attitudes, is the failure to promote concepts of gender equality in relations in the family, workplace and society and to ensure equal rights to access to opportunities in technical and vocational training as underscored in CEDAW (Jayaweera 2011).

Way forward

1.(i) It is necessary to continue the momentum of the reforms and to optimise the benefits of the changes that have been introduced by

- ☞ improving the quality of the training in terms of content, standardized qualifications (NVQs), quality of staff, and access to facilities to ensure acceptance of TEVT as an alternative path to tertiary education,
- ☞ focusing on relevant skills to meet labour market demand and improving the image of the TEVT sector among employers, parents and school leavers aspiring to upward occupational mobility,
- ☞ strengthening links with the private sector through on the job training,
- ☞ introducing/strengthening career guidance and counselling programmes,
- ☞ reducing regional and urban-rural disparities in the provision of facilities,
- ☞ creating revolving funds for self-employment,
- ☞ facilitating establishment of TEVT centres in areas affected by armed conflict, and
- ☞ responding quickly to meet the demand of a changing economy.

Both the ADB (SSDP 2014-2020) and the World Bank Skills Development Project (2014-2019) propose interventions to achieve the above objectives and strategies as underscored earlier. The

major focus is on promoting high level skills to meet the emerging demands of the labour market to create a 'knowledge based economy'.

2. As women have been more disadvantaged than men in the context of wide gender imbalances in skills development programmes it is imperative to

- ☞ give priority to promote the goal of equal opportunity for education and employment and ensure gender equality in consonance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), by adopting a rights based approach,
- ☞ maximise the development of the potential of women, ensuring that individual aptitudes and not gender role assumptions should be the basis for selection for vocational and technical education,
- ☞ implement gender sensitive, pro-active programmes to motivate women to move into technical related training courses that facilitate career mobility,
- ☞ empower girls and women to challenge gendered norms and stereotypes and to widen their career choices in order to ensure gender equality,
- ☞ organise gender sensitisation programmes on women's rights including labour rights for key personnel in designing and implementing programmes, employers, and women, men and families, and
- ☞ compile sex disaggregated data to monitor progress in participation and in reducing gender imbalances in enrolment and outcomes.

In the context that the gender related initiatives taken over a decade in ADB programmes have been stymied by inaction in the implementing process, it is necessary that the gender consultant supported by ADB to develop a gender strategy be located within the Ministry as a Gender Advisor with adequate space to assist implementing the Gender Action Plan. As an initial step, TVEC and training agencies/institutions should take purposeful action to implement the gender action plans developed by the ADB gender specialist under two major projects in the TVET sector.

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Part 2 - Higher Education

Chandra Gunawardane

Introduction

Access to and participation in higher education is critical for gender equality. It is also pointed out that access and participation do not automatically lead to equal outputs and outcomes. In this report research studies and existing literature in Sri Lanka are reviewed to examine the extent to which expected goals have been achieved and also to identify further policies and action that need to be pursued to ensure gender equality in higher education in Sri Lanka.

The recommendations of the Beijing Declaration and Platform for Action relevant to the area of higher education are:

1. Access for and retention of girls and women at all levels of education, including the higher level, and all academic areas is one of the factors of their continued progress in professional activities.
2. Equality of access to and attainment of educational qualifications for women to enable them to become agents of change.
3. Provide access to advanced study in science and technology to prepare women to take an active role in the technological and industrial development of their countries.
4. Enable women to benefit from technology and participate in the process from the design to the application, monitoring and evaluation stages.
5. Take positive measures to increase the proportion of women gaining access to educational policy - and decision-making, particularly women teachers at all levels of education and in academic disciplines that are traditionally male-dominated, such as the scientific and technological fields.

The report will focus on each of the above areas.

Assessment of the Achievements in Implementation in the Area of Higher Education in Sri Lanka

In this section of the report, progress achieved by Sri Lanka in implementing the above recommendations from 1995 to date will be analysed and discussed. Documented data and findings of research studies will be perused for this analysis. It will focus on state policy on higher education to facilitate women's access to higher education, access of women to higher education and specifically to science and technological programmes of study, and access of women to decision-making positions as academics and administrators in the area of higher education.

Equality of Access to Higher Education to Women

State and Institutional Policy in Higher Education

Affirmative action taken in respect of existing regional disparities in education were not specifically focusing on extending access of women but would have facilitated women's entry into non-Arts courses in higher education. Thus the change in the admission process to universities occurred through the introduction of district quotas and quotas for underprivileged districts (implemented from 1975 and subjected to modifications from time to time) would have facilitated the entry of students - both men and women from rural and under-privileged districts, to get selected for courses other than Arts. At present up to 40 per cent of the available places are filled in order of Z-scores ranked on an all-island basis, 55 per cent of the places of the available places are allocated to the 25 administrative districts in proportion to the total population and a special allocation of five per cent of the available places in each course of study are allocated to the 16 educationally disadvantaged districts in proportion to the total population (University Grants Commission 2013).

Similarly in addition to free education, financial assistance is available to undergraduate students through the Mahapola Scholarships Scheme, University Bursaries and Endowed Scholarships. The Mahapola Scholarships provide a basic stipend to students to pay for their living expenses during the period of university education and assists students from deprived socio-economic backgrounds. Again these are not gender related initiatives but could benefit female students from lower socio-economic backgrounds.

Since 1995 several policy documents have made recommendations to increase access to and improve the quality of higher education. In 1995, a Presidential Committee was appointed to identify and study the problems of the university system and make recommendations (Ministry of Education and Higher Education, 1995a). Similarly, the Report of the National Workshop on Higher Education Policy (National Education Commission 1995) made several recommendations. The Higher Education Sector Survey – Part I (Ministry of Education and Higher Education 1995b) also did not have any reference to gender. University Education Reforms (Presidential Task force on University Education 1997) focused on wide-ranging issues from access, curriculum diversification and reform, accreditation and standards, state-private sector linkages to postgraduate research and training. The Tertiary Education Strategy Technical Paper (Asian Development Bank, 2000) discusses the performance, weaknesses and challenges of tertiary education and emphasises the need for change. In all these recommendations, there was no discernible interest in promoting any form of equity, including gender equity.

The Corporate Plan, 2011-2015 (University Grants Commission, n.d.) identifies five goals: (1) Improve governance and management of the UGC, universities and HIEs in planning, execution, monitoring, coordination, and fostering of university education so as to conform to national policy, (2) enhance the efficiency and financial disbursement and accountability of the use of the funds voted by Parliament as well as from other sources, (foreign and earned) in respect of university education, (3) improve standards of academic programmes and research and innovations, (4) increase access to higher education by increasing undergraduate and postgraduate educational opportunities provided by the Universities and HEIs, and (5) improve the capacity of the UGC as a regulatory body in discharging powers, duties, and functions as are conformed or imposed on, or assigned to the Commission by or under the Universities Act, No. 16 of 1978 (Sri Lanka. Parliament 1978). Even in this Corporate Plan there is no mention of affirmative action for any groups (including gender) or in disciplines.

Review of the strategic plans of Universities indicates that the goals identified in the plans are more oriented towards quality rather than equity.

It is pertinent to probe into the causes of this disinterest with gender issues in the field of higher education in Sri Lanka. This may be due to the fact that the undergraduate admissions policy is based on pre-determined criteria such as performance at the GCE (A.L) Examination and that equitable access of women to university education (though not in all disciplines) is perceived as proof of assurance of gender equity and therefore that there is no necessity for affirmative action. It may also be due to the fact that the majority gaining admission to universities is women.

Nor have any particular issues which could affect performance or experiences of women students in their undergraduate years, after graduation when seeking employment, or their career mobility in the university system, especially into leadership positions been considered as related to specific gender-related causes that need to be addressed or redressed. It is clear that gender has been considered as a non-issue in national higher education levels.

Initiatives to Expand Access to Higher Education

In Sri Lanka extension of opportunities for higher education was attempted by (1) establishment of new universities, (2) establishment of the Open University and expansion of Distance Education programmes, and (3) accreditation of private higher education institutes, some of which are affiliated to foreign universities. Six of the existing fifteen conventional universities (South-Eastern,

Sabaragamuwa, Rajarata, Wayamba, Uva-Wellassa, and Visual and Performing Arts), were established after 1995. In addition there are seven post-graduate institutions (Medicine, Agriculture, Pali and Buddhist Studies, Archaeology, Management, Science, and English) offering post-graduate programmes of study and nine other Institutes (Institute of Human Resource Advancement, Institute of Indigenous Medicine, University of Colombo School of Computing, Gampaha Wickramarachi Ayurvedic Institute, Institute of Technology, University of Moratuwa, Institute of Bio-Chemistry, Molecular Biology and Bio-Technology, Swami Vipulananda Institute for Aesthetic Studies, and Institute of Agro-technology and Rural Sciences).

The Open University established in 1980 is offering programmes of study from certificate to Ph. D. level. It provides a second chance for higher education for those who had not succeeded in performing well enough at the GCE (A.L) and gaining admission to conventional universities. Recently some of the conventional universities which conducted external degrees also have established Centres of Distance Learning, thereby expanding opportunities for higher education which do not make full-time participation a requirement.

The Distance Education Modernization Project (DEMP) attempted to extend higher education opportunities to those who are denied university education through online programmes for the first time in the country. The opportunity to follow these on a flexi-schedule while working as well as the possibility to use a network of Access Centres, spread island wide in 22 districts, were extra motivating factors. DEMP also extended support to enhance the capacity of the Open University. The Matching Grant given by DEMP covered expenditure incurred by universities on design and development of online courses and materials, purchase of computers, equipment and software, connectivity and links with foreign universities and higher education institutes. Four universities and sixteen other partner institutions, the majority of whom are private or professional institutions also joined the programme to offer diverse programmes in the fields of human rights, continuous professional development in medicine, information technology, teacher education, disability education, naval studies and bio-engineering. Since the DEMP was initiated, one postgraduate diploma, two undergraduate degrees (IT and management), twelve diplomas and one certificate programme have been launched online.

In addition, the UGC recognises universities and Higher Education Institutes (HEI) listed in the Commonwealth Universities Year Book and the International Handbook of Universities. In the last two decades, the number of professional associations and institutions affiliated with foreign

universities has increased steadily as a result of the liberal market policy espoused by successive governments. The number of Advanced Level qualified students seeking admission to overseas universities is also considered to have increased even though accurate data is not available.

In addition to the public Universities there are non-UGC universities under the Ministry of Education (Buddhist and Pali University of Sri Lanka, Buddha Sravaka Bhikkhu university, Anuradhapura), Ministry of Defence (General Sir John Kotalawala Defence University), and Ministry of Vocational and Technical Training (University of Vocational and Technical University, Hardy University College, Ampara).

There are ten other institutions which are degree-granting. They are (1) Sri Lanka Institute of Development Administration, (2) National Institute of Education, (3) National Institute of Social Development, (4) National Institute of Business Management, (5) National Institute of Fisheries and Nautical Engineering, (6) Institute of Surveying and Mapping (7) Institute of Human Resource Advancement, (8) Institute of Agro-technology and Rural Sciences, and (9) Ocean University of Sri Lanka, (10) Sri Lanka International Buddhist Academy,

Two private non-profit institutions-Sri Lanka Institute of Information Technology and Aquinas College of Higher Education award their own degrees with the consent of the UGC.

A large number of institutes which are affiliated to foreign universities also grant degrees from those institutes/universities. Among them are (1) Victoria Higher Education Campus (Greenwich University UK), (2) Colombo International Nautical and Engineering College, (3) Institute of Technological Studies, (4) South Asian Institute of Technology and Medicine, (5) Royal Institute of Colombo, (6) Informatics Institute of Technology, (7) Australian College of Business and Technology, (8) Asia Pacific Institute of Information Technology, (9) Imperial Institute of Higher Education, (10) American College of Higher Education, (11) SANASA Campus, (12) ANC Education, and (13) Business Management School.

There are also professional charters which award professional qualifications which are recognized as entry qualifications for post-graduate degrees and for employment in the professional sector. These include the (1) The Chartered Institute for IT, (2) The Chartered Institute of Management Accountants, (3) The Chartered Institute of Marketing, (4) Institute of Chemistry, (5) Institute of Chartered Accountants of Sri Lanka, (6) Institution of Engineers, Sri Lanka, and (7) Sri Lanka Institute

of Architects. However information related to student enrolment or output of these institutions is not available. Invariably, the establishment of the above universities/institutions has expanded the total number of youth getting an access to higher education.

While the percentage of students enrolled in higher education is usually estimated to be below five per cent of the age group, World Bank (2009) considers this ‘as a gross underestimate as it does not account the students enrolled in External Degree Programmes and the private higher education sector’ and that if these students are accounted for the per cent would reach about 21 per cent.

Participation of women in higher education

In Sri Lanka, parents have given priority to education of children, both boys and girls, irrespective of socio-economic background. Gender-based cultural stereotypes that existed to a certain extent in some ethnic and religious groups also have been reduced to a large substantially, thus increasing the demand from young women to pursue a higher education.

As a result of both of the above factors, from 1995 to 2012, the total number enrolled in university education (excluding private institutions) had increased almost three-fold, from 36,797 to 93,852. Female representation also had, however increased from 42.9 per cent to 57.8 per cent (Table 1). (University Grants Commission, Sri Lanka, 2012).

Table 1
Enrolment on Higher Education (Conventional Universities & HEIs) by Sex Selected Years

Year	Total	% Female
1990/91	31,447	42.9
1995/96	36,797	45.4
2001	54,742	52.3
2002	58,068	53.5
2012	88,889	57.8

Source: University Grants Commission, Sri Lanka (2012)

The above table shows a gradual expansion of higher education opportunities and an increase of female participation over a period of 22 years. Table 2 shows the university enrolment by universities and sex.

Table 2
Enrolment in Higher Education by Sex 2012

All Universities & Higher Education Institutes					
University	Male	%	Female	%	Total
Colombo	2,873	34.1	5,521	65.9	8,394
Kelaniya	2,666	32.4	5,435	67.6	8,101
Peradeniya	4,398	45.9	5,528	54.1	9,926
Moratuwa	3,379	71.6	1,349	28.4	4,728
Sri Jayawardenapura	3,636	37.9	5,927	62.1	9,563
Ruhuna	2,690	43.3	3,495	56.7	6,185
Jaffna	1,859	35.2	3,359	64.8	5,218
Eastern	1,234	38.8	1,974	61.2	3,208
Open University	6,595	44.3	8,823	55.7	15,418
South-eastern	681	35.1	1,296	64.9	1,977
Rajarata	1,598	38.9	2,541	61.1	4,139
Sabaragamuwa	1,340	42.5	1,827	57.5	3,167
Uva-Wellassa	586	41.2	835	58.8	1,421
Wayamba	862	41.8	1,251	58.2	2,113
Visual & Performing Arts	541	26.0	1,537	74.0	2,078
Institute of Human Resource Advancement	313	58.8	239	41.2	552
Institute of Indigenous Medicine	148	23.6	480	76.4	628
School of Computing	492	66.8	245	33.2	737
GampahaWickramaarchchi Ayurveda Institute	106	28.8	254	71.2	360
Swami Vipulananda College of Music and Dance	188	31.7	608	68.3	796
University of Vocational Technology(2012)	115	63.9	65	36.1	180
Grand Total	36,300	42.2	52,589	57.8	88,889

Sources: University Grants Commission (2012) and University of Vocational Technology

It is noteworthy that the even though 57.8 per cent of the total enrolment in university education was female, the lowest percentage of female enrolment is in the University of Moratuwa (28.4 per cent) which is almost entirely dedicated to technological programmes, followed closely by the School of Computing (33.2 per cent) and University of Vocational Technology (36.1 per cent). These figures indicate that in spite of progress in ensuring access to higher education, entry of women into technology-related fields is still low. As at 2012, all conventional universities except Uva-Wellassa were conducting external degree programmes. In the University of Colombo, the School of Computing also offers external degree programmes. The total enrolled in the external degree programmes was 289,234 of which 201,663 (69.7 per cent) were female. However the same trend of males dominating in certain disciplinary areas such as Agriculture (88.9 per cent), Commerce (61.9 per cent) and Information Technology (61.1 per cent) was seen here too. On the other hand, the

highest percentage of females was in Arts (74.2 per cent) (University Grants Commission 2012). The disappointing feature of external degree programmes is the extremely low output of the numbers enrolled, the total output of the external degree programmes being only 2,767 (09.5 per cent of the number enrolled) of which 1,937 (70 per cent) were females. (University Grants Commission 2012).

Access of Women to Science and Technology in Higher Education

It is pertinent to find out whether and how enrolment of women in specific disciplines of study varies. Table 3 shows University admissions by sex in selected years.

Table 3
University Admissions by Sex - Selected Years

Subject Stream	1990/01		1995/96		2000/01		2011/12	
	Total	% F	Total	% F	Total	% F	Total	% F
Arts	2,387	63.3	3,794	71.4	4,039	73.03	9,412	80.2
Management Studies	638	43.6	1,598	46.8	1,531	53.2	4,797	57.6
Commerce	804	47.6	887	52.8	837	54.4	669	60.9
Law	189	59.5	201	7.6	200	79.5	448	80.4
Science	1,256	42.6	2,660	37.6	2,625	38.3	5,495	49.6
Medicine	828	43.1	881	47.6	871	53.3	1,371	59.2
Dental Science	73	43.8	87	58.4	86	45.3	122	59.8
Vet. Medicine	45	75.8	76	57.9	87	37.9	148	68.2
Agriculture	289	46.4	721	54.9	624	50.5	1,332	66.5
Engineering	636	10.5	926	16.3	985	18.1	1,756	20.3
Architecture	46	54.4	76	59.6	102	74.5	504	50.6
Quantity Surveying	35	11.4	55	18.2	51	33.3		
Computer Science & IT					106	27.4	1,475	48.7
Total	7,226	47.7	11,962	52.1	12,144	53.8	27,529	62.2

Source: University Grants Commission (2012)

Table 3 shows that over a period of 30 years, the total percentage of women admitted to universities had increased from 47.7 to 62.2. This increase is reflected in all subject streams except Veterinary Medicine, and Architecture/Quantity Surveying. The most significant increases are in Arts, Law, Commerce and Agriculture. Lowest percentages of women were admitted to Engineering both in 1990/91 and 2011/12. Gunawardena and Bulumulle (2005) found that the percentages of women students in the students selected under District Quota Scheme in the University of Colombo were as follows (Table 4).

Table 4
Admission to the University of Colombo under the District Quota Scheme
Selected Disciplines and Selected Years

Faculty	1999/2000		2000/01		2001/02		2002/03	
	Total	% Female	Total	% Female	Total	% Female	Total	% Female
Bio- science	61	65.6	56	73.2	72	68.1	47	63.2
Computer Science	35	17.1	39	17.9	36	22.2	31	16.1
Management Studies	75	52.0	77	49.4	109	65.1	114	57.0
Commerce	70	60.0	78	50.0	60	68.3	75	64.0
Law	132	74.2	132	75.8	126	78.6	120	68.3

Source: Gunawardena et al (2005)

The above table shows that even though the District Quota Scheme is not a gender equity intervention, more female students had gained entry to the university through this scheme, except in Computer Science.

In the University of Colombo (Gunawardena and Bulumulle 2005) the percentage of female students receiving Mahapola scholarships had varied from Faculty to Faculty. The high percentages of women students receiving Mahapola Scholarships in 2002/03 in the Faculties of Law (67.7 per cent) and Arts (73.8 per cent) could be due better representation of women in these Faculties whereas the percentage in Computer Science was only 26.1. The women Mahapola scholars interviewed found the scholarships money helpful but those from extremely under privileged backgrounds found the scholarship inadequate while another had subsidised the family income. Table 5 shows the undergraduate enrolment in higher education by Faculty and sex.

Table 5
Undergraduate Enrolment in Higher Education by Selected Faculties and Sex – 2012
(Excluding OUSL)

Faculty	Total	Female %
Total Arts/ Education/Law	26,837	70.6
Management	15,401	53.7
Medicine	5,776	52.9
Medical related (including Dental Science)	3,394	66.5
Science	16,231	58.5
Agriculture	3,512	58.7
Engineering	6,885	22.1
Architecture & Quantity Surveying	3,169	19.8
Computer Science/ IT	1,186	34.2
Visual & Performing Arts	2,427	77.3
Other	3,290	54.3
Total	88,108	57.1

Source: University Grants Commission (2012)

The above table clearly indicates that in the disciplines of Arts/Education and Law and Visual and Performing Arts more than 70 per cent students are female. Within the broad field of Science, Medicine (52.9 per cent), Para-medical (66.5 per cent), Science (58.5 per cent) and Agriculture (58.7 per cent) have much higher percentages. The only disciplines which have less than 50 per cent female enrolment are Architecture, Engineering and Computer Science/Information Technology. Here it is possible that gender-role socialisation influences female enrolment in more technology-oriented Faculties.

Gunawardena (1994) however, found that rather than early socialisation, subsequent career aspirations appear to affect the entry of women into science and technical fields. Occupational segregation in which women are drawn into what is culturally and socially appropriate 'male' and 'female' jobs is still seems to be prevalent. The sex role paradigm that has been used to explain the difference, however, has been critiqued on the ground that it emphasises sex differences instead of gender inequality (Davies & Gunawardena, 1992).

Gunawardena et al.'s study (2008) also confirmed that though parents harboured similar educational aspirations for both sons and daughters gender norms still influence career choice for daughters. Gunawardena and Karunanayake's study (2008) found that a higher percentage of women had enrolled in the Education course and a lower percentage in the IT course offered online. A higher percentage of women requested help in the IT course reflecting a lower degree of confidence. More women than men students participated in the discussions in the Education course, but not in IT. Cooperative Learning was the pattern in communications rather than separate learning or a 'silencing of women' in both courses. Irrespective of marital status, women had difficulty in combining family responsibilities with studies. The study indicates a need to provide better access to women to computer training programmes to enhance confidence, improve learner support in institutions and in general raise awareness in society on shared family responsibilities.

However, de Silva (2010) found that out of 2,921, 15-29 year olds who had responded to a questionnaire survey in 300 households in 22 districts, 60 per cent of male students and 55 per cent of female students were computer literate and that more females were using the internet in academic institutions.

The analysis of enrolment data in postgraduate programmes in higher education institutions reveals that in total enrolment in postgraduate programmes, males outnumber females (50.4 per cent).

However, the National Institute of Library and Information Science (76.2 per cent), Postgraduate Institute of English (82 per cent), Institute of Bio-Chemistry, Molecular Biology and Bio-Technology (61.4 per cent), Institute of Indigenous Medicine (80.0 per cent), Open University (66.9 per cent), Universities of Visual & Performing Arts (67.0 per cent) and Peradeniya (61.6 per cent) had a female enrolment exceeding 60 per cent. Yet it is noteworthy that some of these institutions had a very small enrolment. Repeating the trend seen at undergraduate level, the universities and institutions with lower percentages of female enrolment were, Universities of Moratuwa (25.5 per cent), Colombo (School of Computing, 24.3 per cent), Rajarata (23.1 per cent), Wayamba (19.0 per cent), Sabaragamuwa (17.4 per cent), South-Eastern (15.7 per cent) and Eastern (02.0 per cent).

Among Postgraduate Institutes, lower female enrolment was recorded for Postgraduate Institute of Management (26.8 per cent), and the Postgraduate Institute of Pali & Buddhist Studies (16.3 per cent). The lower enrolment in the above institutions can be explained partly by the perceptions of gender stereotyping by women and partly by socio-cultural contexts (University Grants Commission, 2012).

Table 6
Postgraduate Enrolment in Higher Education by Selected Disciplines and Sex 2012

Faculty	Male	%	Female	%	Total
Total Arts/ Education/Law	3,233	42.4	4,399	57.6	7,632
Management	3,095	69.0	1,390	31.0	4,485
Indigenous Medicine	28	34.6	53	65.4	81
Medicine & Dental Science	1,241	57.8	907	42.2	2,148
Science & Information Technology	1,685	57.2	1,262	42.8	2,947
Agriculture	910	52.4	826	47.6	1,736
Engineering	1,210	76.0	382	24.0	1,592
Architecture	138	63.0	81	37.0	219
Grand Total	11,540	55.3	9,300	44.7	20,840

Source: University Grants Commission (2012)

Table 6 indicates, however, that 44.7 per cent of the selected postgraduate disciplines are female, a percentage much lower than in undergraduate programmes. In comparison, women fare better at postgraduate level in Architecture (37.0 per cent as against 19.8 per cent) and slightly in Engineering (24.0 per cent as against 22.1 per cent). They fare worse in Arts (70.4% and 57.6%), Science & IT (58.5 & 42.8 per cent) and Management (53.7 per cent and 31.0 per cent) (University Grants Commission, 2012)

Table 7**Postgraduate Output in Higher Education by Selected Disciplines and Sex 2012**

Faculty	Male	%	Female	%	Total
Total Arts/ Education/Law	1,488	45.4	1,792	54.6	3,280
Management	862	69.6	377	30.4	1,239
Indigenous Medicine	8	66.7	4	33.3	12
Medicine & Dental Science	254	56.1	199	43.9	453
Science & Information Technology	210	44.7	260	55.3	470
Vet. Science & Agriculture	88	42.5	119	57.5	207
Engineering	83	74.1	29	25.9	112
Architecture	4	57.1	3	42.9	7
Grand Total	2,997	51.9	2,783	48.1	5,780

Source: University Grants Commission (2012)

When the output of postgraduate programmes is considered we see that the percentages of women students who complete postgraduate programmes vary from 54.6 per cent in Arts, Law and Education to 25.9 per cent in Engineering, retaining the general *status quo*.

Initiatives for Curricular Transformation

One strategy to counter gender-related stereotyping in education and in career choice is curricular transformation by incorporation of gender courses into curricula or gender into specific courses. Abeysekera Van Dort (2005) notes though, how at the University of Colombo, a gender dimension had been included into curricula at both undergraduate and postgraduate levels, except in the Faculties of Management and Science.

The Faculty of Graduates Studies of the University of Colombo introduced a 1980's Masters programme in Women's Studies in the Faculty of Graduate Studies established in mid-1980's which functioned with a small intake of students. Subsequently, at the undergraduate level, the Departments of Economics, English, Political Science and Public Policy, Sinhala and Sociology introduced gender courses into the curriculum. These initiatives have had a significant impact mainly on the personal and professional lives of female students. Yet due to the structural indifference of the University, these efforts have continued to stagnate at the personal level. There appears to have been a lack of advocacy for curriculum transformation at the institutional level.

Women's Representation in Leadership Positions

What is more important to examine is women's representation at higher academic positions in the universities. The percentage of women professors ranges from University of Colombo (41.5 per cent), to Open University (33.3 per cent), Sri Jayawardenapura (28.6 per cent), Peradeniya (24.4 per

cent), Kelaniya (24.3 per cent), Ruhuna (21.9 per cent), Rajarata (20.0 per cent), Wayamba (20.0 per cent) and higher education institutes (16.7 per cent). It is noteworthy that in Eastern, South-Eastern, Sabaragamuwa, Uva-Wellassa, and Visual Arts and Performing Arts, there are no women professors. Of the above South-Eastern and Uva-Wellassa universities have no professors male or female (University Grants Commission 2012). Table 8 shows the categorisation of academic staff by designation and gender in selected disciplines of study.

Table 8
Academic Staff by Designation, Selected Disciplines & Gender 2012

Discipline	Categories of Academic Staff														
	Professor			Assistant Professor			Senior Lecturer			Lecturer/Probationary Lecturer			Total		
	Total	Female	%	Total	Female	%	Total	Female	%	Total	Female	%	Total	Female	%
Arts/HSS, Education, Law & Islamic Studies	170	30	17.6	30	9	03.0	589	224	38.0	435	220	50.6	1224	483	39.5
Medicine*	115	47	40.9	16	11	06.8	286	136	47.6	236	125	52.9	653	319	48.9
Science	119	43	36.1	19	12	63.2	408	157	38.5	334	178	52.3	880	390	44.7
Management / Business Studies	20	3	15.0	4	1	25.0	309	128	41.4	221	123	55.7	554	255	56.2
Dental Science	13	5	38.5				35	13	37.1	3	2	66.7	51	20	39.2
Vet. Science	6	2	33.3				18	7	38.9	11	6	54.5	35	15	42.9
Engineering,	60	8	13.3	3			223	55	24.7	134	50	37.3	420	113	26.9
Agriculture	71	4	5.6	4	2	50.0	133	51	38.3	132	75	56.8	340	132	38.8
Architecture	4		0.0				31	13	41.9	27	17	63.0	62	30	48.4
Information Technology	1		0.0				7	1	14.3	12	10	83.3	20	11	55.0
Fisheries & Marine Sciences /Livestock, Fisheries & Nutrition	4	1	25.0	1		0.0	19	9	47.4	18	14	77.8	42	24	57.1
Visual & Performing Arts	5		0.0	6		0.0	46	15	32.6	52	16	30.8	109	31	28.4
Total	588	143	24.3	83	35	42.2	2,104	809	38.5	1,615	836	51.8	4,390	1823	41.5

*Includes Medicine & Allied Sciences - Rajarata University

Source: University Grants Commission (2012)

* HSS- Humanities and Social Sciences

The percentage of women in academic staff in the public sector university system was 41.5 but at the higher levels, the percentages were lower, being at Senior Lecturer level (38.5 per cent), at Associate Professor (42.2 per cent), and Professor level (24.3 per cent). It is noteworthy that in five of the twelve disciplines listed above (Medicine, Science, Management/ Business Studies, Veterinary Science, Architecture) between 40-50 per cent of the total academic staff are females. In Arts/Humanities and Social Sciences, Education, Law & Islamic Studies, Dental Science and Agriculture the percentage falls slightly below 40 per cent. In Visual & Performing Arts, the total percentage of females in academic staff is only 28.4 and in Engineering 26.9.

In Information Technology and Fisheries & Marine Sciences, more than 50 per cent of the academics are female. At the other end, it is only in the discipline of Medicine, that more than 40 per cent of the professors are female. In the disciplines of Science, Dental Science and Veterinary Science, above 30 per cent of the professors are female. There are no female professors in the disciplines of Architecture, Information Technology and Visual & Performing Arts.

It is relevant to examine how this representation at various levels has changed over the years. Table 9 shows that the representation in professorial grades has increased substantially from 1996 to 2002, but decreased from 2002 to 2012. The percentage increase in Associate Professor grade is higher from 21.4 to 42.2 in the space of 18 years. For whatever reason, the percentage in Senior Lecturer grade has wavered between 43.6 per cent and 49.5 per cent and back to 38.5 per cent from 1996 to 2012. The percentage of lecturers is very high for females being 51.8 in 2012.

Table 9
Representation of University Staff by Gender-Selected Years

Category	1996			2002			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Professor	157	20	11.3	210	60	22.2	588	112	24.3
Asst. Professor	81	22	21.4	189	24	11.3	83	35	42.2
Snr. Lecturer	653	285	43.6	957	474	49.5	2,104	809	38.5
Lecturer	696	387	44.4	745	486	39.5	1,615	836	51.8

Sources: Karunaratne (2006); University Grants Commission (2012)

It is clear that access to higher grades in the university sector is difficult for women in most of the disciplines. It is pertinent here to examine the position of women in non-teaching administrative positions in the state universities.

It is noteworthy that 53.2 per cent of all non-teaching staff in the state university sector are women. The percentages were higher in the postgraduate institutions, other institutes and the University Grants Commission. Significant features in this distribution are the relatively low percentage of women in the technical staff category, and extremely low percentage in the skilled and semi-skilled category (8.0 per cent) even though all the jobs in this category are not manual jobs. Similarly a higher percentage of women are noted in clerical and allied staff grades, 57.3 per cent in the grand total. (University Grants Commission 2012).

What is more important is to consider the representation of women in the staff grades. A percentage of 41.9 per cent is noted for the entire sector, ranging from 62.9 per cent in other Institutes, 51.4 per cent in the University Grants Commission, 46.2 per cent in Postgraduate Institutes to 39.6 per cent in Universities (University Grants Commission 2012).

Evidently, mobility to higher positions in the non-teaching category is as difficult as in the academic staff category for women in higher education. Liyanage (2000) argued that micro-political processes within the University of Peradeniya form a part of the lived reality of women in higher education and serves to maintain the status quo and forms a part of the dark side of organisational life.

Gunawardena & Lekamge (2002) sought to find out whether men and women who hold senior administrative appointments in the Open University of Sri Lanka exhibit more traditionally male/traditionally female characteristics. The attributes were clustered into four groups: ethical characteristics, action-oriented skills, intellectual skills and inter-personal skills and analysis of variance. The study was carried out to examine the significance of the differences in relation to the attributes in above clusters by gender. Analysis of variance revealed that male and female managers differ only in relation to one cluster-‘intellectual skills’.

Gunawardena and Lekamge (2004) compared the self-ratings of managers in two universities, Open University of Sri Lanka and the University of Colombo, using a Leadership Attributes inventory. The study found that men and women managers did not exhibit more traditionally male/female attributes. A significant difference between male and female managers was observed for four leadership attributes out of the 37 attributes: ‘insightful’, ‘creative’, ‘assertive’ and ‘courageous’ in which male managers rated themselves higher. There were also significant differences between academic managers and administrative managers in four attributes: ‘venturesome-risk taker’, ‘commitment to the common good’, ‘personal integrity’, and ‘high ethical standards’.

Leitan (2005) found that though women were numerically more in the University of Colombo in decision-making, the men dominated. The interviews conducted with key persons indicated the perceived 'silence' of women academics as a major concern. It was pointed out that commitment to democratic values is an essential prerequisite for realising gender equity in a university. It was pointed out that staff development should promote leadership training and awareness-raising of both men and women to help women staff to prioritise and balance their different commitments. A need for leadership training on how to speak out and stand up for their rights for women was highlighted.

Kathriarachchi et al.'s study (2006) found that 88 per cent of managers of both sexes perceived their management skills as effective and 79.1 per cent of males and 35.8 per cent of females felt their leadership is accepted. Both sexes reported successful performance as leaders. Larger proportion of females felt that they handle stress effectively compared to male counterparts. The order of prioritizing basic needs and qualities considered as assets in problem solving at work were similar in both sexes.

Karunaratne (2006) commented that 'Despite the exceptionally high rate of women's participation in higher education, their representation in 'top' managerial positions is disappointing. The highest administrative positions are held by men. It is at senior level that the absence of women is most conspicuous'.

Abeysekera-Van Dort (2006) identified new forms of tensions that have emerged in the lives of working women. The most significant period of career development is seen to be between the ages of 30 and 40, the period in which women have the highest commitment to childcare.

Initiatives to Strengthen Women's Position in the University System

A series of Training Workshops on Women in Higher Education Management were initiated by the Commonwealth Secretariat and UNESCO, with the support of the University Grants Commission from 1997 to 1998 to address issues of gender inequity. These workshops were held in several universities such as the University of Colombo, University of Peradeniya, Open University and Sri Jayawardenapura and women academics and administrators from all the universities in the country participated in these workshops. These workshops brought together the institutional and classroom strategies to strengthen access and participation of women in leadership roles in higher education and in society. Areas of special interest were women's access at both undergraduate and

postgraduate levels, women's participation in academia, women's participation at higher levels of management and key decision-making bodies, within universities, inclusion of women's perspectives in the curriculum and pedagogy of higher education institutions, and the role women academics have in changing the university community and the wider community. The local university workshops were sponsored mainly by the University Grants Commission, Sri Lanka.

The establishment of the Centre for Gender Studies in the University of Kelaniya marks another milestone towards addressing concerns on gender equity in the higher education sector. Though recently established, the Centre has already conducted one workshop, the Commonwealth Women in Higher Education Management, with support from the Commonwealth Secretariat and is currently organising relevant public speeches and panel discussions.

Identification of Gaps and Factors in Higher Education Contributing to Failure to Achieve Expected Outcomes for Girls and Women

Our analysis of relevant policy documents on higher education clearly indicated that the targeted goals of all policy making and implementing bodies as well as universities are more oriented towards quality improvement rather than equity, including gender equity. This may be due to the fact that the undergraduate admissions policy is based on pre-determined criteria such as performance at the GCE (Ordinary Level) Examination and that equitable access of university education (though not in all disciplines) is perceived as proof of assurance of gender equity and therefore that there is no necessity for affirmative action. It may also be due to the majority gaining admission to universities being women. It is clear that gender has been considered as a non-issue at the national higher education level.

On the whole the situation in female participation has improved over the years since 1995. In the space of two decades, action has been taken to expand access to university and higher education. The measures included establishment of new universities, establishment of the Open University and expansion of Distance Education programmes and accreditation of private higher education institutes, some of which are affiliated to foreign universities. In addition, introduction of online learning and mobile learning, commencement of external degree programmes, establishment of several non-UGC public universities and degree-granting institutions and professional charters have expanded access to higher education. Lack of information related to student enrolment in some of the institutions listed above prevents us making an accurate estimate of representation of women in total higher and professional education. Over a period of 22 years, a gradual expansion of higher education opportunities and an increase of female participation have occurred. However in spite of

progress in ensuring access to higher education, entry of women into technology-related fields is shown to be still low.

At the same time, while the state universities, including the Open University contribute substantially to widen access to higher education for women, it has to be noted that entry into private universities, institutions affiliated to foreign universities and professional charters, would be catering mainly to the Sri Lankan youth, both men and women of higher socio-economic groups who can afford to enroll in the programmes offered by them. These would not be affordable for women from lower socio-economic backgrounds and those who do not reside in the cities in which the programmes are conducted.

Even though a gradual weakening of the influence of gender on education is seen, yet studies (Gunawardena 1994; Gunawardena et al. 2008; Jayaweera et al. 2008) point out that girls and women were still influenced by notions regarding the suitability of certain occupations for women. At postgraduate level too, lower percentages of women are enrolled in technology-related programmes and the percentage of women students who complete postgraduate programmes in Engineering was the lowest (25.9 per cent) retaining the general *status quo* (University Grants Commission 2012).

The percentage of women professors ranges from 41.5 in the University of Colombo to 16.7 in higher education institutes. It is noteworthy that in Eastern, South-Eastern, Sabaragamuwa, Uva-Wellassa, and Visual Arts and Performing Arts, there are no women professors (ibid).

The representation in professorial grades has increased substantially from 1996 to 2002, but only marginally from 2002 to 2012. In the non-teaching category also, mobility to higher positions appears as difficult as in the academic staff category for women in higher education.

While studies carried out to investigate the reasons for such low representation point out that no significant differences seem to exist between men and women academics in terms of their competencies, their motivation to aspire to higher positions could be low. A need for an organisational culture that accepts their role as leaders to continue to perform has been identified by these studies. It is argued that tensions could arise due to the underlying contradiction between a hierarchical system of values that at once informs women that domestic responsibilities are of less value than work in the public sphere while at the same time asserting that women subscribe to the familial ideology if they wish to have a fulfilling life.

It was noted that University Staff Development Centres attempt to enhance the quality of academic work undertaken by staff, to develop skills of staff and promote career development and make university teaching-learning more effective, more relevant and student-centered but make no mention of gender. The need for staff development to focus on enabling women teachers to encourage teachers to be more assertive and to withstand inadvertent or subtle discrimination has been identified. It is only through staff development that higher education can perform an emancipatory role of personal and social improvement.

Suggestions for the Way Forward to Facilitate Progress towards Reaching the Objectives Conceptualised in the BPFA and to Achieve Gender Equality in Consonance with the Provisions of CEDAW and CRC

1. If the recommendations of the Beijing Declaration and Platform for Action relevant to the area of higher education are to be achieved, it is mandatory for higher education policy at national as well as institutional level to identify gender equity as a goal.
2. Without being complaisant about the progress that has already been achieved, it is worthwhile to consider whether any affirmative action can be initiated to support women students who desire to pursue programmes of study offered by professional charters and who cannot afford to do so, especially because the qualifications awarded by these charters are supposed to provide the highest dividends.
3. As the availability of external degree programmes is an important mode of providing access to higher education to those who were deprived of gaining entry into higher education through performance at GCE (A.L), the universities which offer these programmes should strive to enhance the quality of the programmes and to increase the numbers of students successfully completing the programmes.
4. To increase the entry and participation of women into science and especially to technology-oriented programmes, it is proposed that University Career Guidance Units should focus on career counselling, publicising job opportunities for various disciplines, including job postings and seminars/presentations by public and private organisations and non-governmental organisations. These Units could also coordinate outreach programmes to secondary schools on career counselling.
5. One strategy to counter gender-related stereotyping in education and in career choice is curricular transformation by the incorporation of gender courses into curricula or gender into specific courses. It is proposed that gender mainstreaming be used to develop awareness of both males and females and to transform gender roles within the family contexts, educational contexts and workplace contexts. Sri Lankan higher education also needs to pay serious

attention to introducing gender mainstreaming in programmes of study, rather than as isolated courses.

6. Another area which can make a contribution to improving gender equity in higher education is staff development. Staff development should play a central role in changing the organizational culture of the university, by promoting leadership training and awareness-raising of both men and women. It should help women staff to prioritize and balance their different commitments. Staff development can motivate more women to undertake postgraduate education and pave way for their career mobility.

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C. Women and Health

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Background

Reducing inequalities, inadequacies and unequal access to health care and related services are identified by the Beijing Declaration and Platform for Action (BPFA) of 1995, as issues that need to be addressed within the critical area of concern, health. By doing so, the BPFA aims to overcome the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.

It identified the following five strategic objectives and actions to be taken to achieve these objectives.

- C1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services
- C2. Strengthen preventive programmes that promote women's health
- C3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues
- C4. Promote research and disseminate information on women's health
- C5. Increase resources and monitor follow-up for women's health

It is noted that the actions related to the critical areas of health, share many aspects of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981), the programme of action on population and development proposed at the Conference on Population and Development (ICPD) (1995), and the Millennium Development Goals of the United Nations (2000) adopted by the Sri Lankan government.

Critical Review of the Progress in the Implementation of the BPFA

During the past two decades, Sri Lanka continued to consolidate past achievements and accelerate the implementation of a number of actions, which has enabled the country to achieve much progress in each of the five strategic objectives of the BPFA specified under the critical area of concern, health. As prescribed in the BPFA, actions have been both at policy and at operational levels.

Policies and Programmes

The National Health Policy in Sri Lanka came into effect in 1996. In Sri Lanka, the government has been providing universal health services to its people, free of charge and has sustained a strong primary health care network that has been a pillar of strength for several decades. The policy continued its commitment towards this approach. Offering free health services is one of the factors that has been found to minimise unequal access to health care among vulnerable groups such as women. The policy also commits to improve preventive health programmes and early detection of preventable problems and complications, specifically the complications of pregnancy. With regard to services, the policy mentions improvements to facilities, as well as better accessibility and quality of care from an equity perspective. It reaffirms that resources will be allocated to provinces and districts according to health needs in those areas and national priorities. All the above indicated that the aims of the National Health Policy in Sri Lanka are very much in alignment with the aims of the BPFA. The Health Master Plan of Sri Lanka (2007-2016), has explicitly translated the government's aims to facilitate equity through ease of access to health services, into actions.

Sri Lanka also has in place some key legislation and programmes, which are very much related to the BPFA specified strategic objectives on health. Some of them were initiated much before 1995 and were being well implemented at the time of the declaration of the BPFA. The earliest record of providing care and attention for child bearing women in Sri Lanka dates back to 1879, when the first hospital dedicated for maternity care was built. An organised effort to provide Maternal and Child Health Care (MCH) services was in 1906 with the commissioning of trained midwives. In 1927, the establishment of the first health unit initiated a broad service strategy that included health care for mothers and children. The Maternity Benefits Act was implemented in 1941. In 1965 the Government accepted family planning as a national policy and the National Family Planning programme was initiated in 1972. The Family Health Bureau established in 1968 within the Ministry of Health to implement the MCH programme throughout the country is now responsible for the designing and planning of the Family Health Programme of the country. The National Cancer Control Programme of Sri Lanka of 1970 and the National STD/AIDS Control Programme which had evolved since its initiation as a mere clinic service in 1886 are the other programmes which serve to fulfill the actions specified in the BPFA.

Following the adoption of the BPFA and the programme of action on population and development proposed at the ICPD the government accelerated the implementation of a number of related actions. With the introduction of the reproductive health concept, a Population and Reproductive

Health Policy was formulated in 1998. This policy is very much in alignment with the strategic objectives of the BPFA. Well Woman Clinic (WWC) services to screen peri-menopausal women for breast and cervical malignancies and non-communicable diseases, diabetes, hypertension were incorporated into the Family Health Programme in 1996. The latter decade saw the launching in the country of many other health related policies and programmes that favour the implementation of the actions specified by the strategic objectives of the BPFA.

Mahinda Chinthana, the development policy framework of the government of Sri Lanka 2006-2016 pledges to promote gender equality. The National Disability Policy of 2003, the National Maternal and Child Health Policy of Sri Lanka of 2009, the National Nutrition Policy of Sri Lanka 2010, the National Health Promotion Policy of 2012, the National HIV/AIDS Policy 2012, the Policy in the World of Work in Sri Lanka 2012 and the National Policy on the Prevention and Control of Chronic Non Communicable Diseases 2009, are these policies. A programme to address the reproductive issues faced by the migrant workers and their families was launched in 2009.

A few more policies, namely the National Policy and Strategy of Young, the National Pharmaceutical Policy, the National Immunisation Policy, the Sri Lanka National Migration Health Policy and the Family Policy for Sri Lanka which are relevant to reducing inequalities, inadequacies and unequal access to health care and related services in the country are also being drafted, at the time of this review. The National Science Foundation established in 1998 and the National Health Research Council (2000) are national level research funding institutes which support the conduction and dissemination of research on women's health during the past two decades. Large scale research related to women's health was also commissioned by the United Nations (UN) organisation and by many other non-governmental organisations.

The Maternal and Child Health Programme of the Ministry of Health operates a Maternal and Child Morbidity and Mortality Surveillance system with the objective of monitoring and following up women's health in the country. The Sri Lanka Demographic and Health Survey (SLDHS) is conducted every four to five years with the objective of providing data to monitor and evaluate the impact of population, health, and nutrition programmes in the country. The main focus of these surveys is the ever-married women aged 15-49 years. The Ministry of Women's Affairs in the country has done three serial publications in 1995, 1997 and 2007 on sex disaggregated data in the country with the objective of highlighting the status of women.

Achievements and Impacts

The policies, programmes and actions in the health sector in the country over the past two decades have had many achievements in the areas focused by the BPPA. The impact of these achievements on gender equality and the empowerment of women are evident by examining the trends of the demographic indicators, the morbidity and mortality patterns and the reproductive health indicators of the country.

Though strategic objectives in this critical area of concern also specifies actions to address the issues of violence against women and education and employment among women, the progress made in these spheres are discussed under separate themes in this report.

Demographic Indicators of Sri Lanka

The population statistics in Table 1 present evidence of the positive impact of the health services in the country in promoting the health of men and women in the past.

Table 1
Mid-year Population in Sri Lanka by Sex, Sex Ratio and Annual Growth Rate
1992-2010

Year	Total (in 1000)	Male (in 1000)	Female (in 1000)	Sex Ratio	Annual Growth Rate %
1992	17,426	8,884	8,542	1.04	1.2
1993	17,646	8,996	8,650	1.04	1.2
1994	17,891	9,121	8,770	1.04	1.3
1995	18,136	9,246	8,890	1.04	1.3
1996	18,336	9,347	8,998	1.04	1.1
1997	18,568	9,465	9,103	1.04	1.2
1998	18,787	9,584	9,203	1.04	1.2
1999	19,056	9,721	9,335	1.04	1.4
2000	19,102	9,745	9,357	1.04	0.2
2001	18,797	9,359	9,438	0.99	-1.6
2002	18,921	9,350	9,571	0.98	0.7
2003	19,173	9,475	9,698	0.98	1.3
2004	19,435	9,678	9,757	0.99	1.3
2005	19,644	9,782	9,862	0.99	1.1
2006	19,858	9,889	9,969	0.99	1.1
2007	20,010	9,878	10,132	0.97	0.8
2008	20,217	9,980	10,237	0.97	1.0
2009	20,450	10,148	10,302	0.99	1.1
2010	20,653	10,249	10,404	0.99	0.9

Source: Registrar General's Department

During the past two decades, the total size, as well as the age and sex structure of the population changed considerably. The growth rate of the population is currently low, yet, however, Sri Lanka adds around 250,000 persons annually to the total population. The population growth in Sri Lanka is primarily due to the changes that occur in fertility, mortality and international migration levels.

Unlike in the past, during the past two decades, the proportion of the female population in the country was higher than the proportion of males thus causing the sex ratio to increasingly favour females. This change has been attributed primarily to the greater improvement in female life expectancy relative to that of the male (Table 2).

Table 2
Life Expectancy at Birth by Sex in Sri Lanka 1992-2009

Year	Male	Female
1992	69.5	74.2
1993		
1994		
1995		
1996		
1997	70.7	75.4
1998		
1999		
2000	68.1	76.6
2001		
2002		
2003		
2004	71.7	76.4
2005		
2006		
2007		
2008		
2009	68.8	76.8
2009		

Source: Department of Census and Statistics

Trends of selected mortality and fertility indicators are shown below (Tables 3-7).

Table 3
Crude Birth and Death Rates in Sri Lanka by Sex 1992-2010

Year	Crude Birth Rate per 1000 Live Births			Crude Death Rate per 1000 Deaths		
	Total	Female	Male	Total	Female	Male
1992	20.4	20.51	20.44	5.6	4.4	6.9
1993	19.9	19.90	19.85	5.5	4.2	6.6
1994	19.9	19.89	19.91	5.6	4.4	6.8
1995	18.9	18.96	18.89	5.8	4.4	7.1
1996	18.6	18.56	18.57	6.7	4.7	8.5
1997	18.0	17.89	18.00	6.2	4.7	7.6
1998	17.2	17.12	17.22	6.0	4.6	7.3
1999	17.3	17.23	17.27	6.1	4.6	7.4
2000	18.2	18.11	18.29	6.1	4.6	7.5
2001	19.1	18.56	19.60	6.0	4.5	7.5
2002	19.4	18.82	20.06	5.9	4.5	7.4
2003	19.3	18.68	20.00	6.0	4.6	7.5
2004	18.8	18.31	19.23	5.9	4.6	7.2
2005	18.9	18.39	19.35	6.7	5.7	7.7
2006	18.8	18.28	19.34	5.9	4.8	7.1
2007	19.3	18.61	20.05	5.8	4.8	6.9
2008	18.6	18.21	19.38	5.9	4.8	6.9
2009	18.4	17.93	18.93	5.9	4.9	6.9

Source: Registrar General's Department

During the last two decades, the crude birth rates of males were slightly higher than the rates for the females. On the other hand, the crude death rates of males had also been higher than that of the females thus indicating a more favourable health status for females.

Table 4
Specific Rates of Mortality by Sex 1992-2010

Year	Child Mortality Rate (per 1000)			Infant Mortality Rate (per 1000 live births)			Neonatal Mortality Rate (per 1000 live births)		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
1992	22.5	24.6	20.2	17.9	20.0	15.7	13.0	14.9	11.0
1993	20.2	21.8	18.6	16.3	17.9	14.6	12.0	13.4	10.6
1994	20.5	22.1	18.9	16.9	18.5	15.2	12.9	14.3	11.3
1995	20.0	21.4	18.6	16.5	17.9	15.1	12.5	13.8	11.2
1996	20.9	22.7	19.0	17.3	18.8	15.6	13.0	14.4	11.4
1997	21.8	22.9	20.5	17.2	18.5	15.8	12.8	14.1	11.4
1998	17.9	19.0	16.8	14.3	15.6	13.1	10.5	11.5	9.5
1999	16.8	17.8	15.8	13.8	14.7	12.9	10.6	11.5	9.8
2000	16.3	17.8	14.7	13.4	14.8	11.9	9.9	11.1	8.7
2001	15.2	16.7	13.5	12.6	14.0	11.1	9.6	10.7	8.4
2002	13.7	15.1	12.3	11.4	12.7	10.1	8.4	9.4	7.2

2003	13.5	14.5	12.4	11.3	12.4	10.3	8.7	9.5	7.8
2004	12.6	13.4	11.7	9.8	10.6	9.0	7.2	8.0	6.4
2005	19.0	20.0	18.0	11.2	12.2	10.2	7.2	8.0	6.4
2006	12.0	13.0	10.9	10.0	10.8	9.2	7.4	8.0	6.5
2007	10.4	11.4	9.3	8.5	9.4	7.6	5.9	6.6	5.3

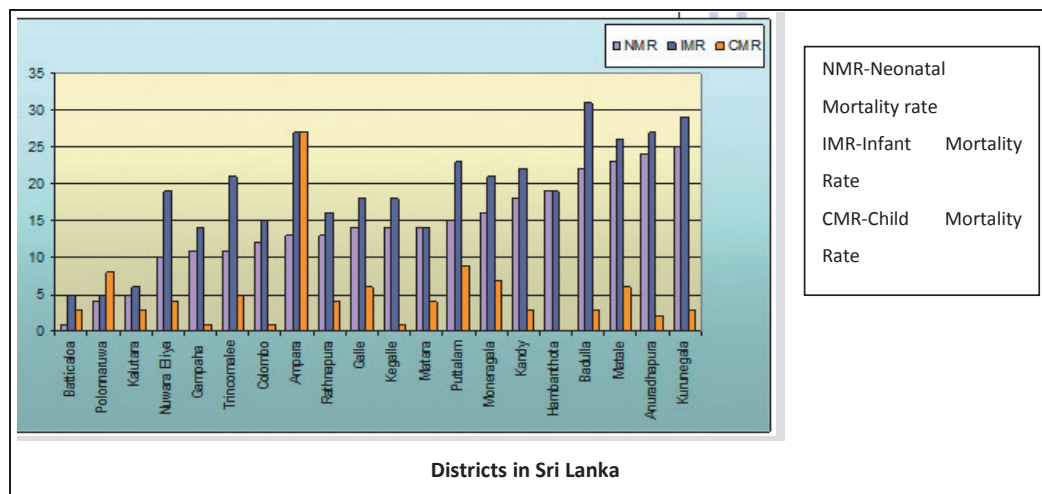
Source: Registrar General's Department

All the specific mortality rates show a declining trend in both sexes and the female death rates have been consistently lower than male death rates throughout the past two decades, which can be attributed to the improvement of health services that had thus benefited both sexes. The most extreme forms of gender inequality such as female foeticide and infanticide are not reported in the country.

This evidence is in alignment with the BPFA specified actions to close the gender gaps in morbidity and mortality, while achieving internationally approved goals for the reduction of infant and child mortality.

Figure 1

District Variation in Specific Mortality 2006/2007



The above figure depicts the district variation present in the specific mortality rates which indicates that many districts show mortality rates which are much higher than the national averages. Sex disaggregated data show that both sexes are equally affected in these districts.

Table 5
Total Fertility Rate (live births per woman) in Sri Lanka

Source	Year/period	Total Fertility Rate (TFR)
Surveys DHS 1987	1982-1987	2.8
Surveys DHS 1993	1988-1993	2.3
Surveys DHS 2000	1995-2000	1.9
Surveys DHS 2006-07	2003/2004-2006/2007	2.3

Source: Department of Census and Statistics (2002) www.statistics.gov.lk/dhs

The Sri Lanka Demographic and Health Surveys (SLDHS) indicate that during the period from 1995 to 2000 Sri Lanka achieved a fertility level below replacement, identified by a total fertility rate (TFR) of 1.9, though the expectation was that the country would reach TFR of 2.1 by the year 2000. In Sri Lanka, deferment of the age at marriage curtailing the reproductive age span in marriage, particularly in females, high use of contraception, and the practice of induced abortion have all been noted as key contributory factors to the declining trend in fertility below the replacement level.

In this background, the most recent survey data from the Sri Lanka Demography and Health Survey (Department of Census and Statistics 2009) indicated a TFR of 2.3, an increase in fertility well above the replacement level. The hypothesis of replacement level fertility or even below that level in Sri Lanka in the new millennium was therefore challenged. Recent changes in the age-specific fertility rates in Sri Lanka further support the finding that fertility levels in Sri Lanka had been increasing during the period 2003/2004 to 2006/2007 (Table 6).

Table 6
Age-specific Fertility Rates of Sri Lanka

Age	SLDHS 1993 1988-1993	SLDHS 2000 1995-2000	SLDHS 2006-07 2003/04- 2006/07	% Increase from 1995-2000to 2003/04-2006/07
15-19	35	27	28	3.7
20-24	110	83	102	22.9
25-29	134	118	147	24.6
30-34	104	98	122	24.5
35-39	54	40	57	42.5
40-44	14	8	14	75
45-49	4	1	1	0.0
TFR	2.3	1.9	2.3	21.0

Sources: Department of Census and Statistics (2002) and online from www.statistics.gov.lk/dhs

The age pattern of fertility in all age groups, except between 45-49 years, had changed significantly. The adolescent fertility rate had increased by 3.7 per cent from 2003 to 2006/07. A declining trend of the singulate mean age at marriage as shown in Table 7 also could have at least partially contributed to the recent increase in fertility in Sri Lanka.

Table 7
Trends in Singulate Mean Age at Marriage

SLDHS 1987	SLDHS 1993	SLDHS 2000	SLDHS 2006-07
24.8	25.5	24.6	23.6

Demographers postulate that the same key contributory factors had also changed to favour increasing fertility and culminated in a reversed trend in Sri Lanka. The hypothesised reasons for the increase in fertility indicate that this is not a situation totally due to lapses of health services but also include reasons for the population to be pronatalistic. With this recent development in fertility, demographers have predicted an increasing child dependency ratio as well as an increase in the number of young persons towards 2020-2030 with a high demand on sexual and reproductive services.

Pattern of morbidity and mortality

The annual morbidity and mortality statistics generated from the data of patients admitted to the government hospitals are the main source of information regarding the pattern of diseases in the country (Tables 8-10, Figure 2). Over the past decade or so, non-communicable diseases (NCDs) have overtaken communicable diseases as the dominant health problem in the country and are now the leading causes of mortality, morbidity, and disability. It has led to an increase in the use of health resources.

Table 8
Non Communicable Diseases - Indoor Morbidity 2007

	Total	Male %	Female %
Traumatic injuries (S00-T19, W59)	669,052	67.6	32.4
Diseases of the resp. system excluding asthma. (J20-J22, J40-J98)	365,741	53.0	47.0
Hypertensive diseases (I10-I15)	93,985	41.7	58.3
Ischaemic heart disease (I20-I25)	85,455	54.2	45.8
Neoplasms (C00-D48)	65,838	45.9	54.1
Diabetes mellitus (E10-E14)	61,489	45.5	54.5
Toxic effects of other subs. Other than pesticides (T36-T59, T61, T63.1-T65)	44,998	45.4	54.6
Mental and behavioural disorders (F00-F99)	40,333	58.8	41.2
Snake bites (T63.0)	39,321	59.9	40.1
Cerebrovascular disease (I60-I69)	28,114	59.7	40.3
Toxic effects of pesticides (T60.0, T60.1-T60.9)	17,723	60.3	39.7
Burns and corrosion (T20-T32)	13,409	57.3	42.7
Sequelae of injuries, poisoning and of other (T90-T98)	1,843	55.7	44.3

Source: Ministry of Health, 2008.

On average, more males have utilized the inpatient health services for issues related to NCDs.

Table 9
Leading Causes of Hospital Morbidity and Mortality for Females and Males in Sri Lanka-2007

Rank	Female		Male	
	Morbidity	Mortality	Morbidity	Mortality
1	Single spontaneous delivery	Cerebro-vascular disease	Superficial injury	Acute myocardial infarction
2	Other complications of pregnancy and delivery	Acute myocardial infarction	Open wounds and injuries to blood vessels	Cerebro-vascular disease
3	Other viral diseases(includes viral fever)	Heart failure	Other viral diseases(includes viral fever)	Heart failure
4	Asthma	Septicaemia	Asthma	Renal failure
5	Other disorders of the female genitor - urinary system	Other ischaemic heart disease	Other injuries of specified, unspecified and multiple body regions	Alcoholic liver disease
6	Diarrhoea and gastroenteritis of presumed infectious origin	Renal failure	Other diseases of the respiratory system	Septicaemia
7	Gastritis and duodenitis	Pneumonia	Diarrhoea and gastroenteritis of presumed infectious origin	Other ischaemic heart disease

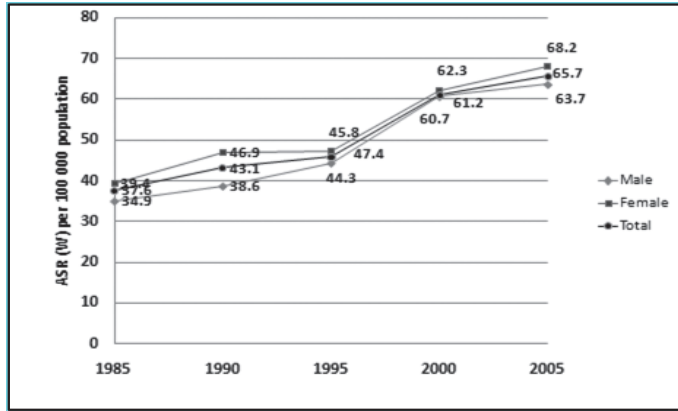
Source: Ministry of Health, 2008.

More female admissions were reported related to pregnancy and its complications while more male admissions were related to injuries.

The leading causes of death among both males and females included acute myocardial infarction, cerebrovascular disease, heart failure, septicaemia and renal failure. More male deaths were reported due to alcoholic liver disease and renal failure when compared to female deaths due to the same. The incidence of cancer in Sri Lanka over the past decade indicates a rising trend with a higher incidence rate for females as compared to males (Figure 2).

Figure 2

Incidence of Cancer 1985-2005



Source: National Cancer Control Programme

Table 10

Leading Cancer Sites for Females in Sri Lanka 2005

Site	Number	Rate per 100,000 Females
Breast	1859	18.7
Cervix uteri	881	8.9
Ovary	596	6.0
Thyroid	592	6.0
Oesophagus	524	5.3
Lip, oral cavity & pharynx	377	3.8
Colon & rectum	353	3.5
Leukaemia	257	2.6
Lymphoma	243	2.4
Uterus	237	2.4

Source: National Cancer Control Programme

The leading cancer sites in females in Sri Lanka are related to the reproductive tract related organs. Addressing the prevention of cancers related to the reproductive tract is specifically aimed at by the BPFA.

Sexual and Reproductive Health (SRH)

The ICPD in 1994 and the BPFA in 1995 shifted the focus of the reproductive health services in the country towards ensuring sexual and reproductive health rights of the people in order to improve their quality of life. The Millennium Development Goals endorsed by the country in the year 2000

also endorsed the fundamental human right of ‘universal access to sexual and reproductive health services’ as a target.

The essential package of SRH includes antenatal, perinatal, post-partum and new born care, family planning services, the prevention and treatment of sexually transmitted infections (STIs), including HIV, reproductive tract infections and cervical cancer, the elimination of unsafe abortions, the prevention of sexual violence and the promotion of healthy sexuality.

Care for Pregnant Women

Sri Lanka has improved health care services for mothers during pregnancy, at delivery and during the lactation period.

Tables 11a-11e demonstrate the improvements in clinics as well as in domiciliary ante natal care services in the country over the past two decades.

Table 11a
Pregnant Mothers' Registration with Public Health Midwives (PHMs)

Indicator	1992	1995	1998	2001	2004	2007	2008	2009	2010	2011
% of pregnant mothers registered out of estimated pregnancies	92	89	94.1	100	100	92.3	89.3	90	85.9	94.3
% of pregnant mothers registered before a specified period out of the registered pregnancies										
12 weeks	68.6	77.2	72.8	79	81.1					
8 weeks						54.8	61.4	66	69.8	72.6
of pregnant mothers registered out the registered pregnancies										
After 6 months of pregnancy	6.1	4.4	2.6	3.8	3.1					
between 8-12 weeks of pregnancy						34.3	28.5	25.0	22.6	20.3

Table 11b
Percentage of Pregnant Mothers visiting Field Antenatal Clinic at least Once and the
Average Number of Clinic Visits

Indicator	1992	1995	1998	2001	2004	2007	2008	2009	2010	2011
% of pregnant mothers making at least one visit to the field antenatal clinic	86.4	84.5	93.6	92.6	97.0	97.1	96.1	95.6	94.7	95.9
Average number of field clinic visits out of the registered pregnancies						6.8	7	7.1	7	7.2

Table 11c
Percentage of Pregnant Mothers receiving Other Antenatal Care Services

Indicator	2001	2004	2007	2008	2009	2010	2011
% of pregnant mothers tested for VDRL at the time of delivery out of the reported deliveries	53.1	64.5	92	93.9	97.8	96	97
% of mothers whose blood is tested for grouping and Rh at the time of delivery out of the reported deliveries	65.4	73.8	99	99.5	99.9	99.8	99.6
% of mothers whose BMI is assessed before 12 weeks out of the total clinic attendance			85	85.4	85.5	85.6	85.9
% of mothers screened for Haemoglobin (Hb) at the field clinic out of the mothers attending the antenatal clinics			72.2	72.4	62.7	57.8	56.1
Number of clinics with VDRL testing facilities	698	911	1290	1723	1495	1545	1375
% of mothers tested for VDRL at field clinic out of the mothers attending the antenatal clinics			41.2	48	51	51.3	51.2
Number of mothers who were VDRL positive for 10,000 mothers attending antenatal clinics		2.4	3.5	5.5	4.3	6	6.7
% of mothers whose blood Gp and Rh were tested at the field antenatal clinic			39.2	28.4	26.1	27.3	25.9

Table 11d
Percentage of Pregnant Mothers who were visited at least Once at their Homes
and the Average Number of Home Visits Paid to them by the PHM

Indicator	2007	2008	2009	2010	2011
% of registered pregnant mothers visited atleast once at home by the PHM	97.1	96.1	94.4	92.9	91.7
Average number of PHM field visits per mother	4.8	5.1	5	4.9	5.2

Table 11e
Percentage of Antenatal Mothers who were Protected with Rubella Vaccination and Tetanus
Toxoid Immunization

Indicator	2001	2004	2007	2008	2009	2010	2011
% of pregnant mothers protected for Rubella out of the registered pregnancies	75.9	84.3	100	93.3	94.8	95.4	95.9
% of pregnant mothers protected for tetanus toxoid out of the registered pregnancies	99.2	99.4	99.6	99.8	100	99.9	99.6

Though national averages indicate a great improvement in the antenatal care provided in the country, the country faces the challenge of regional disparity in these indicators.

The global target aims to assure that at least 90 per cent of births worldwide be attended by skilled health personnel by 2015. In Sri Lanka institutional deliveries are very high and accounted for almost 99 per cent of the births in 2006/07. The estate sector too showed a remarkable increase in skilled birth attendance (Table 12).

Table 12
Maternal Care – Skilled Assistance at Delivery

Sector	Skilled attendance		Delivery at a health facility
	2000	2006/07	2006/07
Urban	96	99.2	98.6
Rural	96	98.6	98.1
Estate	84	96.1	94.3

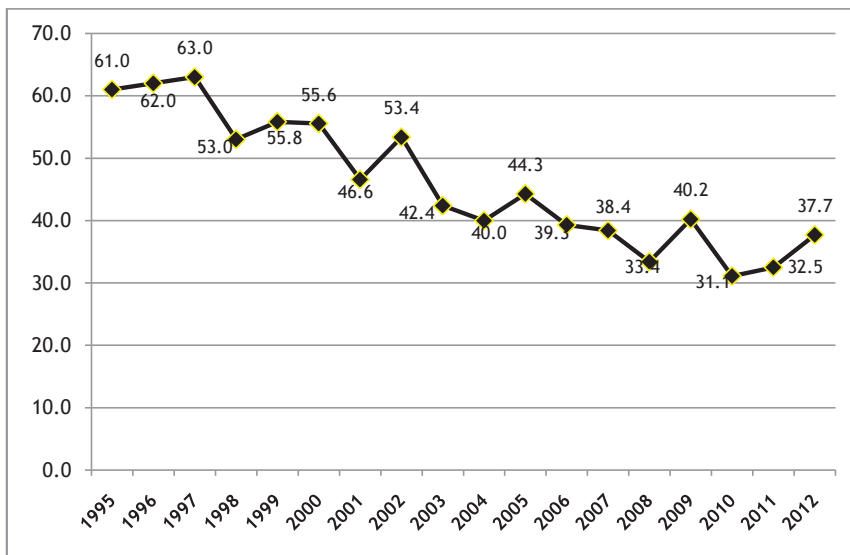
Source: Department of census and statistics DHS 2000, 2006/07

The BPFA calls for specific attention to be paid to maternal and emergency obstetric care. Identifying that maternal and neonatal deaths can be further prevented in the country by improving the availability of the signal functions of Emergency Obstetrics and Neonatal Care (EmONC) the Family Health Bureau has prioritised the expansion and the strengthening of EmONC services in Sri Lanka. A

needs assessment of national emergency obstetrics and neonatal care in 2012 identified that 19 out of 25 districts in the country have less than one institution per 500,000 population that can provide all nine signal functions of EmONC 24/7. A wide variation was seen, with some districts being particularly poor (Ministry of Health, 2012).

Sri Lanka has achieved considerable success in reducing the Maternal Mortality Ratio (MMR) consistently since the 1940s. The progress of the MMR and its current situation is depicted in Figure 3.

Figure 3
Maternal Mortality of Sri Lanka 1995-2011



Source: Family Health Bureau, Ministry of Health

A sharply declining maternal mortality ratio is one of Sri Lanka’s significant achievements. Sri Lanka is on track for achieving the MDG target on maternal mortality. The maternal mortality ratio (MMR) in Sri Lanka has declined from 42 per 100,000 live births in 1992 to 14 per 100,000 live births in 2003 and is the lowest in South Asia. However district disparities are large as indicated by Figures 4a and 4b.

Figure 4a
District Variation in MMR Sri Lanka 2011

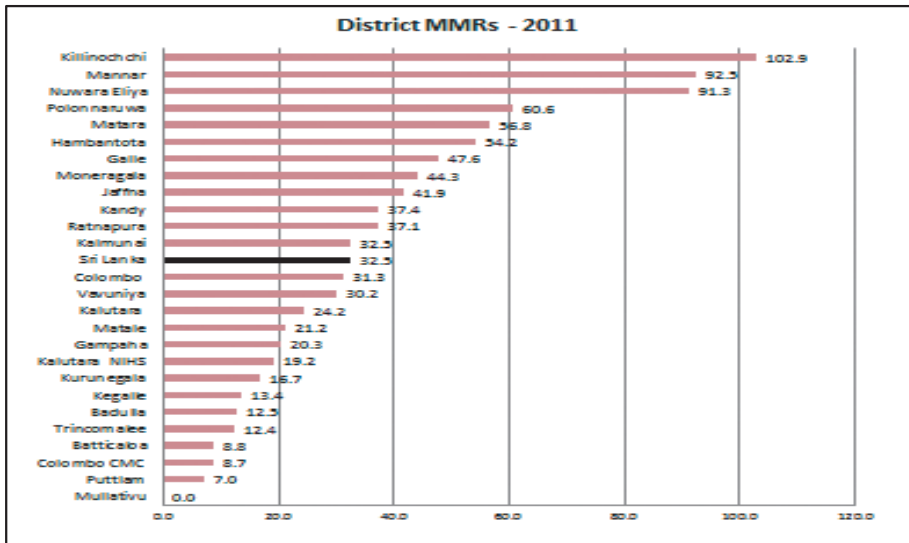
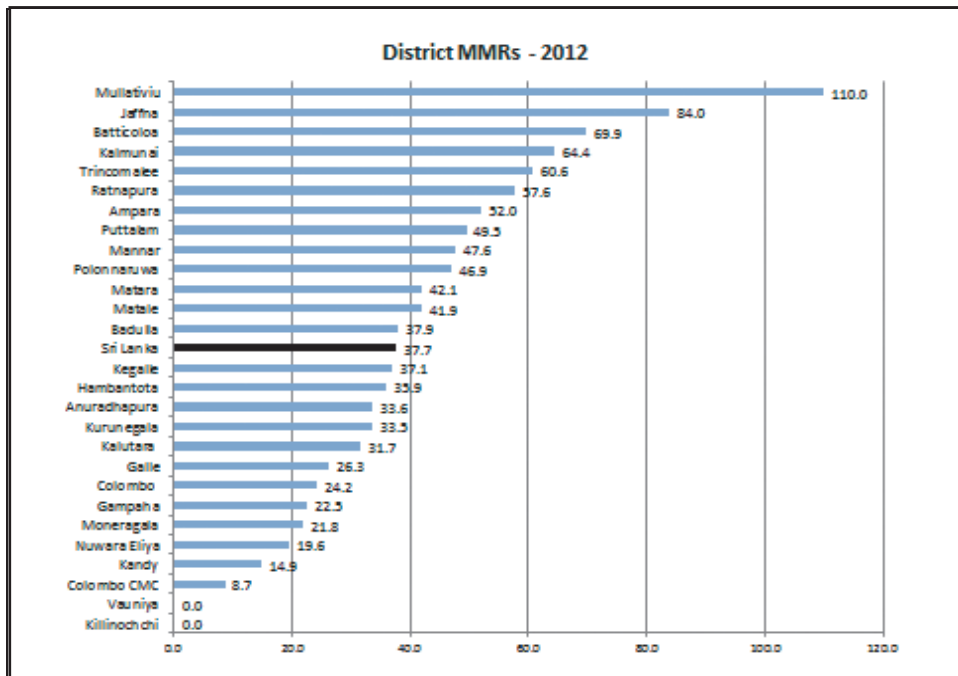


Figure 4b
District Variation in MMR Sri Lanka 2012



The leading causes of maternal mortality in Sri Lanka are medical complications of pregnancy, post-partum haemorrhage and illegally induced abortions (Figures 5a and 5b).

Figure 5a

Leading Causes for Maternal Deaths in Sri Lanka 2012

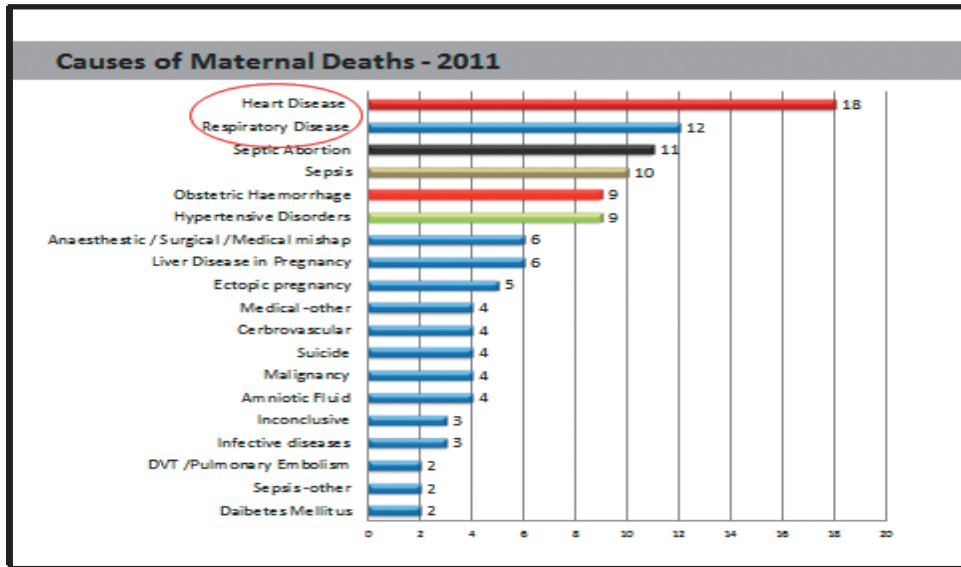
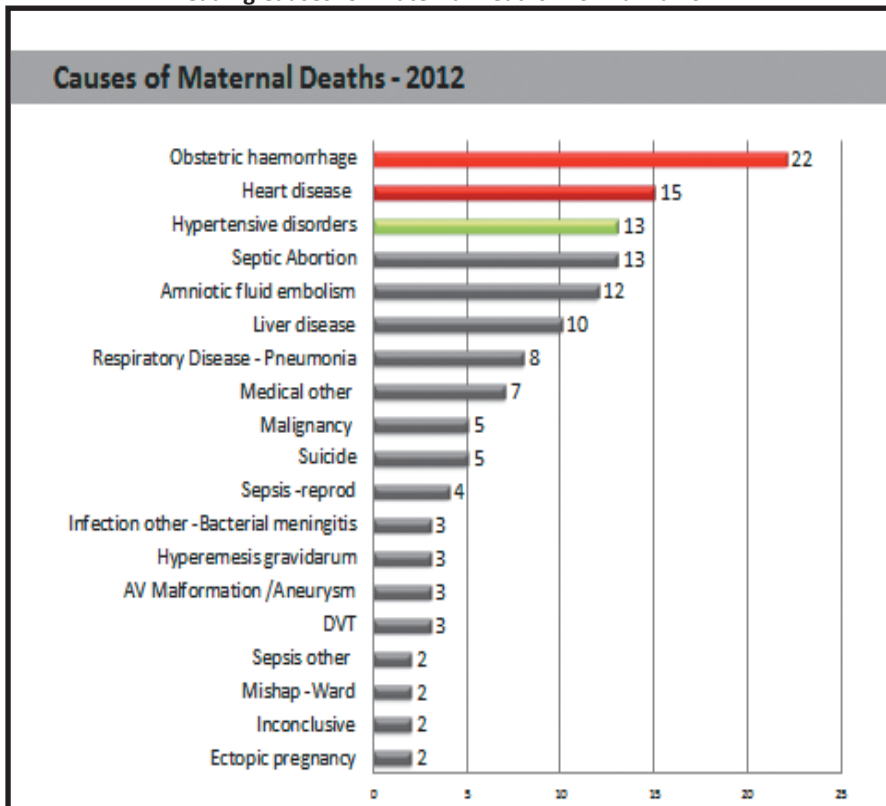


Figure 5b

Leading Causes for Maternal Deaths in Sri Lanka 2012



Family planning services

The SLDHS 2006-2007 (Department of Census and Statistics, 2009) reports only 68.4 per cent of contraceptive use among the currently married women of reproductive age. Though a decline, it is slight compared with the corresponding level of 70 per cent, reported in the year 2000.

However, the SLDHS 2006-2007 also indicated that the proportion using modern methods had increased from 49.5 per cent in the year 2000 to 52.3 per cent in the year 2007 (Table 13). Though this is an improvement from the statistic of the year 2000, the proportion using modern methods of contraceptive is said to be not satisfactory for a country with a good health infrastructure, a high female literacy rate and low fertility. Furthermore, there is a wide variation of the contraceptive prevalence rate of the country with some districts recording about half of the national contraceptive prevalence (Table 14).

Table 13
Trends in Contraceptive Use in Sri Lanka

Methods	DHS	DHS	DHS
	1993	2000	2007
Pill	5.5	6.7	8.1
Intra Uterine Device (IUD)	3.0	5.1	6.4
Injectable	4.6	10.8	14.9
Vaginal Methods	0.0	0.0	0.0
Condom	3.3	3.7	5.6
Sterilization	27.2	23.1	17.0
Norplant	0.1	0.1	0.0
Rhythm/Safe Period	15.2	11.9	10.1
Withdrawal	5.0	7.1	5.8
Prolonged Abstinence	0.0	1.4	0.0
Other	2.2	0.1	0.0
Any modern method	43.7	49.5	52.3
Modern temporary	16.5	26.4	35.3
Sterilization	27.2	23.1	17.0
Any traditional method	22.4	20.5	16.0
Any method	66.1	70.0	68.3

Table 14
Contraceptive Prevalence Rates by District in Sri Lanka 2007

Regional Director of Health Services Area	Contraceptive Prevalence Rate
Polonnaruwa	57.8
Kurunegala	55.8
Anuradhapura	58.6
Galle	51.4
Ratnapura	54.1
Badulla	65.2
Matale	58.8
Kegalle	51.8
Monaragala	56.6
Kalutara	51.4
Nuwaraeliya	67.0
Kandy	56.5
Hambantota	49.9
Sri Lanka	51.3
Matara	53.1
Gampaha	46.5
Puttalam	51.6
Colombo	47.5
Ampara	61.4
Trincomalee	33.6
Batticaloa	30.4
Kalmunei	29.1
Colombo Municipal Council limits	39.3
Jaffna	41.6
Kilinochchi	41.6
National Institute of Health Science	49.3
Vavuniya	35.6
Mannar	23.1
Mullaitivu	36.6
National	60.1

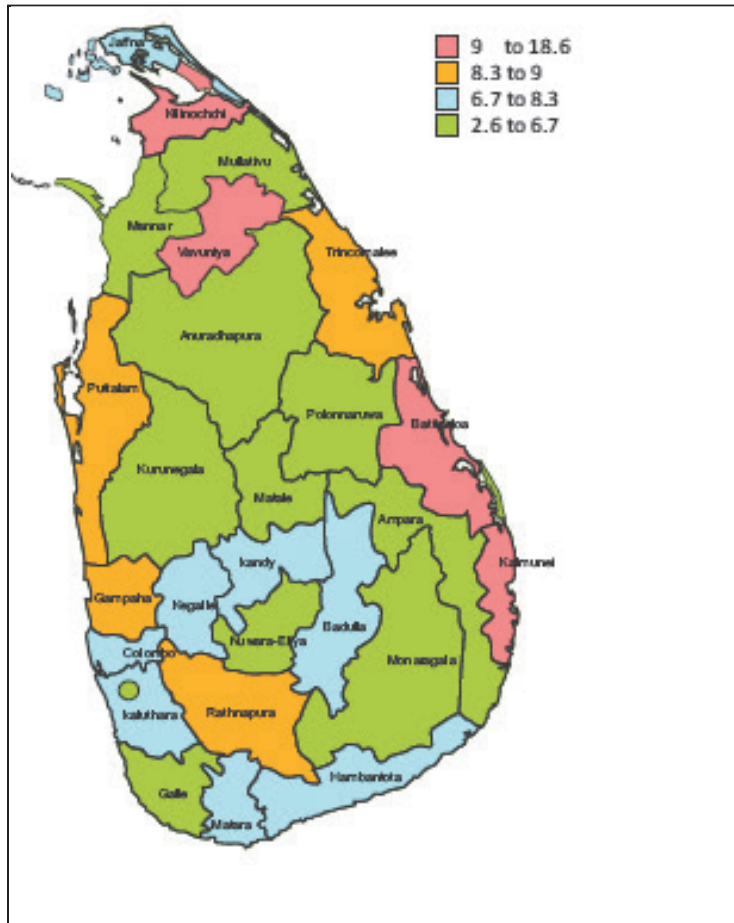
Source: Family Health Bureau

A woman who does not use a contraceptive method, but needs to do so as she is at risk of a pregnancy is categorised as a person with an unmet need for contraception. This indicator directly highlights a gap in the services. The unmet need shows a slow declining trend in the country (Table 15). It has also shown wide geographical variations ranging from 3.5 per cent to 23 per cent when data are disaggregated by district (Figure 6).

Table 15
The Percentage of Eligible Couples having an Unmet
Need for Family Planning in Sri Lanka

2007	2008	2009	2010	2011
9.2	8.7	8.5	8	7.5

Figure 6
District Variations in the Unmet Need for Family Planning 2011



Sexually transmitted infections (STIs) and HIV/AIDS

STIs are another major health problem in Sri Lanka. It is estimated that about 200,000 new episodes of STIs occur every year, of which only 10-15 per cent are seen in the government clinics. The rest are treated in the private sector where they may not receive comprehensive management.

Sri Lanka remains a low prevalent country for HIV infections but poses a high risk of contracting the infection. The HIV/AIDS sentinel surveillance is an on-going activity by the NSACP. Although Sri Lanka is considered a low prevalent country for HIV/AIDS, it is home for all the risk factors that facilitate the spread of this infection (Table 16).

The estimated number of persons living with HIV was approximately 4,200 by the end of 2011. Sex workers, beach boys, street children, military personnel, internally displaced persons, garment workers and migrant workers are the most vulnerable to contract STIs. The awareness and knowledge regarding STIs among people living in underserved rural areas and in estates appears to be low.

Table 16
HIV/AIDS Situation in Sri Lanka

Estimated number of people living with HIV at the end of 2011	4200
Adult HIV prevalence rate	<0.1%
Main modes of transmission	
Heterosexual	85%
Bisexual	11%
Prenatal	3%
Blood and blood products	3%

Reproductive health malignancies

A screening programme for reproductive organ malignancies and certain other conditions was introduced in 1996 with the establishment of the Well Women Clinics (WWC) at primary health care level. These are fortnightly clinics for women in the age of 35 years to get themselves screened for cervical cancers, breast malignancies, hypertension and diabetes. Screened positive cases are then followed up and are referred for diagnosis and treatment. Though the clinics mainly serve women at 35 years of age, adult women of any other age could also make use of this service. As shown in Figures 7 to 9, the utilisation of these clinic services by the targeted population of women has been low with minimal improvement over the past two decades.

Figure 7
Number of WWC in the Country 2007-2011

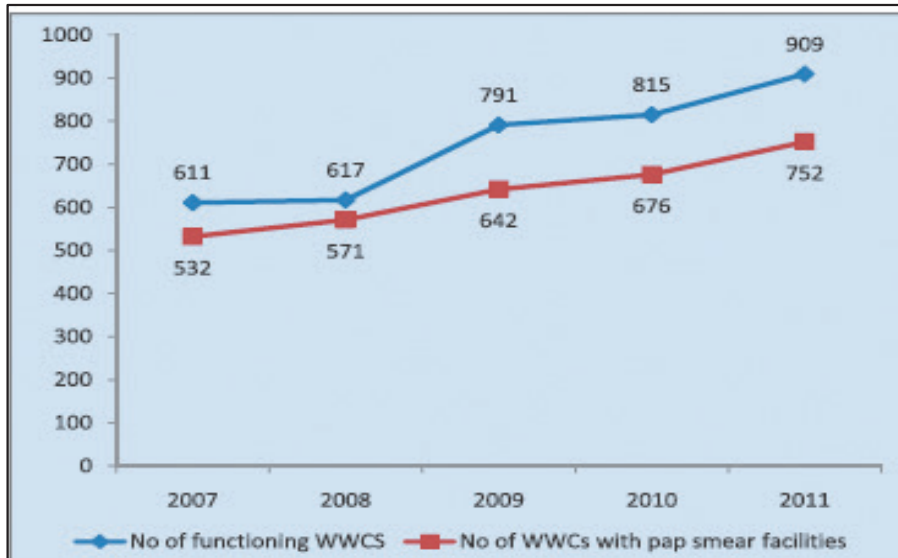
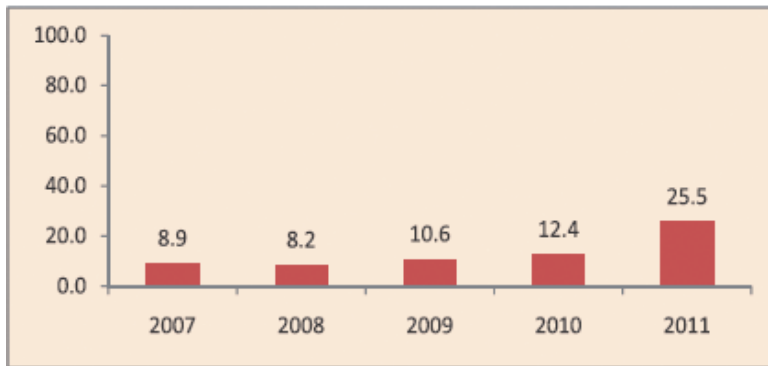


Figure 8
Percentage of Women in Different Age Groups attending WWCs from 2007 to 2011



Figure 9
Percentage of the 35 year Age Cohort Screened with Pap Smear in WWCs since 2007



Abortion practices

Abortion is illegal in Sri Lanka except when performed in good faith and for the purpose of saving the life of the mother. Precise national estimates are not available on the number of abortions undergone by Sri Lankan women because of their illegality. In the past, a number of attempts were made by the Government of Sri Lanka to liberalise the country's strict abortion law but those attempts were opposed by anti-abortion leaders on moral grounds. Efforts are needed to reopen the discussions to expand the legal provision to some other justifiable situations and the efforts should be supplemented with better evidence of the need.

Several researchers have noted that the complications arising from abortions are an important cause of gynaecological admissions in public hospitals in Sri Lanka (Rajapaksa & De Silva 2000; Arambepola 2013). Septic abortion contributed to approximately 10 per cent of the maternal deaths in the year 2012.

Adolescent Sexual and Reproductive Health

In Sri Lanka, the reproductive health policy and family planning services still continue with married couples in the reproductive age group as the primary target group. Currently efforts are underway to develop an adolescent reproductive health policy seeking to address the key reproductive health needs of young people in the country.

Surveys have identified pregnancies, unsafe abortions, STDs including HIV/AIDs and sexual abuse and other forms of victimization often compounded by social stigma and rejection, as the main SRH issues among adolescents and youth.

Though accurate data are not available, there is recent research evidence that incest may be a growing problem in certain sections of populations. Incest is a punishable criminal offence under the penal code.

The estimated number of child prostitutes range from 2,000-30,000 with the majority operating in the coastal belt of the country.

Data on teenage pregnancy in Sri Lanka could be obtained through two main sources. They were vital event registration data from the Registrar General's (RG) Department and data collected routinely by the Family Health Bureau (FHB), Ministry of Health through the Reproductive Health Information Management System (RHMIS).

Routinely available data from the Registrar General's (RG) Department are based on the registrations of live births throughout the island, hence could be considered as a proxy for information on pregnancies. A consistent declining trend in pregnancies among women less than 19 years of age was observed from the year 2000 (8.1 per cent) to 2006 (5.4 per cent). Marked inter district variations were noted. Of the 25 districts in Sri Lanka, 10 districts had consistently high percentage of births to females aged less than 19 years compared to the national average, during the years 2000 to 2006. These districts were: Kalutara, Hambantota, Batticaloa, Ampara, Trincomalee, Puttalam, Anuradhapura, Polonnaruwa, Moneragala and Ratnapura. The highest percentages of teenage pregnancy was among the Sri Lankan Tamils. The rural sector showed the highest percentages while the estate sector showed the lowest. High per cent age of illegitimate births in the estate sector was noteworthy.

Data from the routine RHMIS of the Family Health Bureau also showed a declining trend of pregnant teenage females registered by Public Health Midwives as a percentage of all registered pregnant mothers, during the period 2000 (8.2 per cent) to 2011 (6.1 per cent) (Table 10). The marked inter district variation was observed with the variations consistent to what was observed in the RG's data (Figure 12).

Table 17

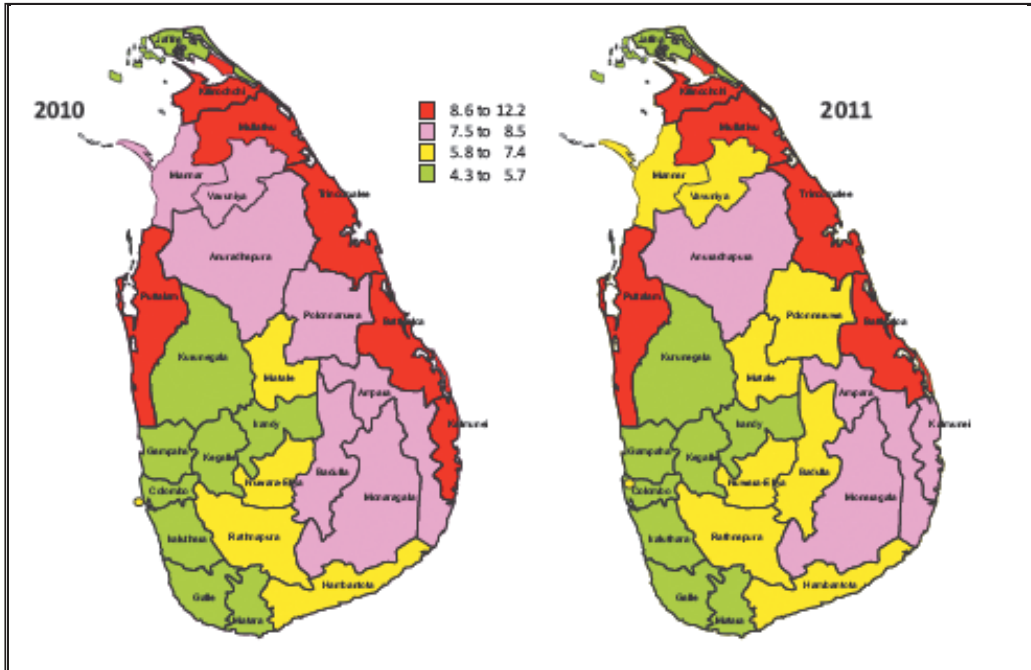
Percentage of Teenage Pregnancies of all Pregnancies in Sri Lanka

Year	2000	2001	2002	2003	2006	2007	2008	2009	2010	2011
%	8.2	7.7	7.3	6.9	5.4	7.7	6.7	6.5	6.5	6.1

Source: Family Health Bureau

Figure 12

Percentage of Teenage Pregnancies by District 2010 and 2011



Nutrition

Promoting and ensuring household and national food security as appropriate, implementing programmes aimed at improving the nutritional status of all girls and women giving special attention to the gender gap in nutrition, and reducing iron deficiency anaemia, are also actions stipulated by the BPFA.

The food consumption pattern in the country shows that the overall calorie intake has not drastically changed over the past two decades (Table 17).

Table 17
Per Capita Calorie Intake in Sri Lanka 1991-2007

Year	1991-92	1995-96	2002	2006-07
Total calories	1,697	1,618	1,688	1,514

Source: Department of Census and Statistics 2009

Household food security assessed in terms of the household food utilization, food access and food availability showed that most indicators have only improved slightly over time (UNICEF 2012).

Promotion of breast feeding is another key area of action in the BPFA. The breast feeding indicators of the country show that the country has advanced in promoting breast feeding (Table 18).

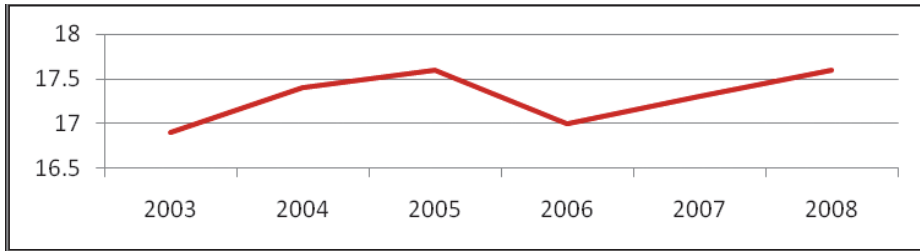
Table 18
Breast Feeding (BF) Indicators among Children 0-23 months 2000 and 2007

Breast Feeding Indicators	DHS 2000		DHS 2007	
	Rate %	95% CI	Rate %	95% CI
Early initiation of BF (0-23)	56.3	51.6-60.9	83.3	81.2-84.8
Children ever BF (0-23)	99.7	98.0-100	99.8	99.7-99.9
Exclusive BF rate(0-5)			75.8	72.3-79.1
Predominant BF rate (0-5)			3.8	2.5-5.6
Full BF rate (0-5)	60.6	54.1-66.8	79.6	76.1-82.7
Current BF rate (0-23)	85.0	82.3-87.2	93.1	91.9-94.2
Continued Bf rate (1 yr)	85.7	79.4-92.0	92.6	89.7-94.8
Continued Bf rate (2 yr)	65.7	57.3-73.2	83.5	79.1-87.2
Median duration of any BF (less than 36 month)	22.2 months		33.6	
Median duration of exclusive BF (less than 36 month)			4.8	

Low birth weight (LBW) is an indicator of maternal nutrition. The prevalence of LBW in the country has fluctuated between 16.9 per cent and 17.6 per cent during the past decade (Figure 13).

Figure 13

Pevalence of Low Birth Weight in Sri Lanka 2003-2008

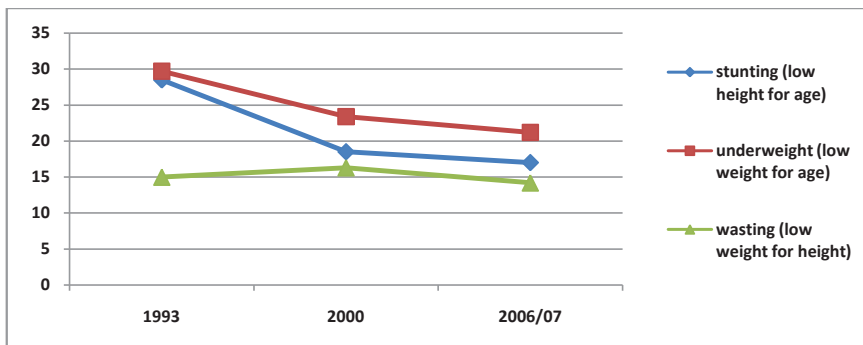


Source: Medical statistics

In 2006/07, the prevalence of LBW was lowest in the urban sector and highest in the estate sector. The district distribution shows that LBW is high in districts where the proportion of the opulation participating in agriculture and women’s participation in the labour force are high.(Department of Census and Statistics 2009) Research has suggested that a calorie intake less than 2200kcal and protein intake of less than 55g, having eight or less hours of sleep, standing for >2.5 hours per day either in these condor third trimesters or both and a BMI less than 19.8kg/m² at the booking visit were found to be predictive of LBW. Analysis of routine data suggested that adequate weight gain during pregnancy can reduce the prevalence of LBW substantially. However, it is noted that only a third of the women gain adequate weight during pregnancy. Therefore, from a programmatic point of view, while educating the population on the need for an adequate pre-pregnancy BMI, ensuring adequate weight gain during pregnancy should be an immediate priority goal.

Figure 14

The Nutritional Status of Children (3-59 months) in Sri Lanka according to the WHO Growth Standards (data standardized across DHS surveys)



During the last two decades, there has been a noted slowdown in the rate of reduction of malnutrition amongst children in Sri Lanka (Figure 14). Furthermore, a marked inter-district variation was evident, with poorer districts as well as urban areas in richer districts reporting higher malnutrition rates, indicating inequities within the country.

Tables 19a and 19b depict the latest nutritional data in the country for protein energy malnutrition among different age groups and sex. Though the figures indicate that protein energy malnutrition (PEM) is much prevalent in the country among all age groups, it shows that in Sri Lanka the prevalence of malnutrition among females is lower than in males.

Table 19a
Prevalence of Under Nutrition among Children aged 6-59 Months in Sri Lanka by Sex 2006/07

	Sample size	Weight for Age		Height for Age		Weight for Height	
		<-3SD	<-2SD	<-3SD	<-2SD	<-3SD	<-2SD
Female	3212	3.5	20.4	3.0	16.5	2.5	13.2
Male	3436	3.8	21.8	4.7	18.1	3.1	16.1
Total	6648	3.7	21.1	3.9	17.3	2.8	14.7

Source: Department of Census and Statistics 2009

Table 19b
Prevalence of Under Nutrition among School Children by Sex

Sex	5-9.9 years				Sample size	10-14.9 years	
	Sample size	Stunting %	Wasting %	Overweight %		Thinness	Overweight
Male	2,754	19.6	16.6	1.2	1,158	59.3	1.9
Female	2,792	14.5	13.1	0.9	1,801	36.5	2.4
Total	5,546	17.0	14.9	1.0	2,595	45.5	2.2

Source: Jayatissa, 2002.

The BPFA specifically indicates actions to overcome anaemia among girls and women. In spite of many interventions by the health and other sectors, anaemia remains a persisting issue which has not shown much improvement in the country over the past few decades.

The DHS survey conducted in 2006/07 reported that 34 per cent of its pregnant women were anaemic (defined as with haemoglobin less than 12g/dl).

A total of 4,640 children of 6-59 months had been assessed and the prevalence of any anaemia (<11 g/dl) among them was 32.6 per cent. The prevalence of mild anaemia (10-10.9 g/dl) was 21.5 per cent, moderate anaemia (7-9.9 g/dl) was 10.8 per cent and severe anaemia (<7 g/dl) was 0.3 per cent. A higher proportion (68 per cent) of females was mildly anaemic compared to males (64 per cent). In contrast to that a lower proportion (32 per cent) of females was moderately or severely anaemic compared to males (36 per cent).

Among older children, the prevalence of anaemia was higher among females (Table 20).

Table 20
Prevalence of Anaemia in School Children by Sex

Sex	5-9.9 Years		10-14.9 Years	
	Sample Size	Anaemia	Sample Size	Anaemia
Male	841	16.1%	472	13.6%
Female	860	18.1%	493	14.2%
Total	1701	16.3%	965	13.9%

Among pregnant women (n=715), 34 per cent were found to be anaemic in the SLDHS 2006-07. The prevalence of mild anaemia (10-11.9 g/dl) was 20.7 per cent while moderate (7-9.9 g/dl) or severe (<7 g/dl) anaemia was 13.3 per cent. Nutrition and Food Security Assessment in Sri Lanka (NSFA) conducted in 2009 in nine districts in the country estimated anaemia among pregnant mothers (n=228) as 16.7 per cent. The difference of this estimate from the DHS 2006-07 findings may be due to a lower cut off value used in NSFA (<11g/dl) compared to DHS 2006-07 (<12g/dl). In NSFA 2009, the prevalence of anaemia among pregnant women was highest in the urban sector (19.3 per cent) with the lowest in the estate sector (8.3 per cent). Attempting to describe the determinants of anaemia among pregnant women NSFA 2009 concluded that the prevalence of anaemia is seen to increase with increasing age. No consistent pattern was seen with the education level of the pregnant women, wealth quintiles and monthly income categories.

Among the non-pregnant women in the reproductive age (n=2,146), anaemia ranged from 22.2-39 per cent (NSFA, 2009). Women in the urban sector reported the highest prevalence of mild anaemia while women in the estate sector reported the highest percentage of moderate and severe anaemia.

Progress of the BPFA in Comparison with Other International Goals and Targets

The BPFA goals, ICPD goals and the MDG goals all re-emphasised the need to address gender based violence, re-iterated and formulated strategies for reproductive health, advocated for adolescent

reproductive rights and emphasised universal access to quality reproductive services. A comparison of the indicators that were used for monitoring the progress is shown below.

Table 21
A Comparison of Gender Indicators of the BPFA, ICPD and MDG on
the Health of Women in Sri Lanka

	Minimum Set of Gender Indicators (with reference to the strategic objectives in the BPFA)	ICPD indicator	MDG indicator	2000	2009	2015 Target	Status
Life expectancy at age 60, by sex	C.1, C.2			males 17.2 yr females 21.3 yr in 2000- 2003		*	
Life expectancy at birth			X	72.5 yrs	73 yrs	*	On track
Infant mortality rate (per 1000 live births)		X	X	12.6	15	12.8	No clear trend
Under five child mortality rate (per 1000 live births)	C1	X	X	14.6	21	12	No clear trend
Adult mortality by cause and age groups	C.1, C.2			Shown in Tables....		*	
Antenatal care coverage	C.1			Shown in Tables....		*	
Maternal mortality ratio C.1	C1	X	X	60	39.3	36	On track
Proportion of births attended by a skilled health professional	C.1	X	X	94	98.6	99	On track
Contraceptive prevalence among women who are married or in a union, aged 15-49	C.1, C.2	X	X	70	68.4	*	On track
Contraceptive prevalence rate (any modern method)		X	X	49.5	52.5	*	On track
Unmet need for family planning		X	X	8	3.6	*	On track
Proportion of population aged 15-24 living with HIV/AIDS		X	X	0.05	0.05	To remain below 1%	On track

Women's share of population aged 15-49 living with HIV/AIDS	C.3				40% (2011)	*	
Smoking prevalence among persons aged 15 and over, by sex	C2				males (38.0% (95% CI 34.7-41.3)) females (1% (95% CI 0.0-0.2) (2010)	*	
Proportion of adults who are obese, by sex	C.1, C.2				Women in RH age 7.2% (2006/07) Age adjusted prevalence of overweight- 17.1% Obesity 28.8% (2012)	*	

- *No nationally defined targets*

Challenges to Strengthen the BPFA in the Area of Women and Health

In the midst of many achievements, Sri Lanka is faced with several challenges in improving the health of women of the country. The unexpected population dynamics in the recent past pose direct challenges related to improvements in the areas of sexual and reproductive health.

The unexpected recent increase in the TFR is a concern. Though the country should promote the acceptance of contraceptives in addressing this issue, several challenges can dampen such efforts. A growing concern is the current milieu of pronatalistic ideas among the general public and health workers in the country. The move of certain nationalistic organisations to push this as a national agenda is very evident. As a result certain limitations have occurred in the family planning services offered to the general public in the country. The most prominent change is the temporary suspension of permanent sterilisation services through the leading non-governmental organisations (NGOs) in the country. This situation indicates that future strategies to promote the health of women by allowing her to plan the family should be designed to overcome this barrier.

The other challenge related to population dynamics is the increase in the female headed families in Sri Lanka. A fair proportion of them have been identified to be either widowed, divorced or separated. Further to this, the present proportion of 25 per cent of over 70 year old widowed females is also expected to rise further in the future. The health and specifically SRH issues related to these women are unique and have to be addressed carefully in future strategies to strengthen women's health in the country. Inadequate improvement in the areas of nutrition stands out as a concern in the health of women in Sri Lanka. This situation of non-improvement is in spite of the implementation of many evidence based interventions including food supplementation programmes over a long period of time. The challenge is to create evidence on innovative approaches to improve

the nutritional status of different stages of life. Though a gender disparity is not evident, the fact that women are more vulnerable to the vicious cycle of malnutrition should be considered and women need to be prioritised as a target group when designing new approaches in the country.

Sexual health is an area which has been largely ignored within the RH services. Comprehensive good-quality information about sex and sexuality, the risks one would face and their vulnerability to the adverse consequences of unhealthy sexual activities is lacking in the country. Institutes that provide dedicated sexual health care are a notable absence in the country. Reproductive and sexual health programmes should emphasise and promote people to responsibly exercise their reproductive rights. Although the government health services for women have been organised in a life cycle approach to provide services from birth to death, horizontal integration among the service components is minimal.

Many of the health achievement swere shown to have regional and sectoral disparities. The challenge at present is to plan to overcome these disparities in the future with region/sector specific plans. All the national averages hide the disparities in the levels of achievement between sub national areas and different population groups. The monitoring of the sexual and reproductive health service indicators used in the country are very broad and examine only certain aspects of a very complex construct, mainly reproductive health, thus neglecting the indicators of sexual health.

Even among the established indicators of RH, improvements are indicated. Specifically the indicator of contraceptive prevalence needs to be refined to depict correct and consistent use. Another limitation of the current methods of obtaining information on contraceptive use is that it does not allow for tracking the use of more than one method/method switching/discontinuation rates.

Adolescent and youth sexual and reproductive health in Sri Lanka face many challenges. The lack of accurate data and the cultural context have led to a situation where the magnitude of the related issues is not given adequate priority in action. The deficiencies of SRH education in schools at a time of expanding information technology facilities, thus exposing the adolescents to unscientific information is a specific challenge which has not yet been addressed successfully in the country. Addressing the issues of teenage pregnancies and child prostitution need culture sensitive approaches.

Another aspect that needs addressing is the increasing role of the private sector in population services. Collaborative actions between the government and the private sector and the NGOs need to be strengthened to overcome this challenge.

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I. Human Rights of Women

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01. Format and Framework for Reviews

This reviews will follow the format and framework of the BPFA. It will incorporate a general introduction that will comment on the Sri Lanka's situation in regard to women's and girls' human rights and violence against women (VAW) in the context of issues prioritised in the BPFA, and subsequent post Beijing global trends.

Since post Beijing global trends have linked VAW very closely to human rights the review in the introduction to Section I is relevant for a progress review of section D. However the introduction to Section D on VAW will also focus on specific aspects and issues relevant to that theme.

The general introduction to each section will be followed by sections that incorporate a situation analysis with reference to the specific strategic objectives highlighted in the BPFA. The framework for analysis for Section I and Section D will, in terms of the BPFA strategic objective 1 of Section I, focus on CEDAW and CRC. These Conventions had been ratified by Sri Lanka prior to the BPFA, and are relevant to a review of both Sections I and D. Other international instruments will be referred to where relevant.

A reference list of sources will be included at the end of the review of Section I and D.

Introduction

(a) The BPFA Analysis of Global Trends on Women's Human Rights

Paragraph 212 of Section I of the BPFA "reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues." This paragraph carries with it an implied caution that a level playing field must be ensured in monitoring national implementation of international norms and standards on human right. It has special relevance for developments in Sri Lanka in the post Beijing period. We shall see that criticisms on the politicisation, selectivity, and double standards in regard to monitoring implementation of human rights globally have undermined progress on the human rights agenda in general at the national level. This has inevitably had an impact in the area of women's human rights.

Despite this cautionary statement in paragraph 212, the subsequent paragraphs of Section I reflect an acceptance of the post Vienna World Conference (1993) normative approach to human rights. It was in Vienna that the concept that women's rights were human rights was accepted, and they were considered as an important and central pillar of the human rights project. The CEDAW Convention (1981) had already recognised that women's rights were an integral dimension of international law on human rights, and that civil and political rights and socio economic and cultural rights were universal, indivisible and interdependent. However it was the Vienna World Conference that developed these concepts as a core norm of international human rights standards. The BPFA reiterates this concept in relation to the human rights of women and girls in paragraph 213.

The BPFA also reinforces the CEDAW concept of equality and non-discrimination on the ground of sex as a central dimension of realising women's human rights. Strategic Objective 1.1 refers to other international instruments and their standards but focuses in particular on CEDAW. The BPFA adopts a life cycle approach to women's human rights and links the rights of women and girls, and recognises the linkages between women's rights and children's rights in its provisions. (para 216, para 221). However it clearly gives priority to and recognises the need to implement CEDAW in working towards realising women's rights.

It is in this context that the overview part of Section I and Strategic objective 1.1 emphasise the State obligation of governments to ratify and accede to and implement CEDAW, and review and withdraw any reservations to this treaty that are incompatible with the realisation of the human rights of women (para 218 and Strategic Objective 1.1). The overview highlights specific issues in this regard – working towards de jure equality (para 219) and changing national laws regulations and practices that deny equality and perpetuate discrimination. The need to eliminate harmful traditional customs and practices that deny equality, elimination of gender based violence including intra family or domestic violence, and recognising women's reproductive and development rights have been highlighted (para 216, 218, 219). The need to protect women's human rights defenders and respond to intersectional or multiple discrimination against women who belong to particular sections of a population is flagged as a critically important aspect of implementing women's human rights (para 225, 229). Gender analysis and mainstreaming to assess impact on women of all laws and policies and programmes, and creating rights awareness especially among women are perceived as core State obligations (para 227, 228, 229).

All these key aspects of the international human rights agenda, including women's human rights, have been strengthened in the last 19 years. The CEDAW concept of the universality, indivisibility and interdependence of human rights and individual complaints and inquiry procedures has been incorporated and strengthened in the growing number of international human rights treaties. Individual complaints and inquiry procedure have been adopted through Optional Protocols to some of the main treaties like CEDAW, ICESCR and CAT. Both CEDAW and CRC have almost reached universal ratification. Both treaties have been ratified by all countries in South Asia and they have reported to the monitoring Committee of Experts which has given guidelines for more effective implementation. These guidelines, as well as those adopted by other treaty bodies, take the form of Concluding Observations on progress reports. They are also incorporated in General Recommendations or Comments that focus on the required interventions in law reform and regulation, policy formulation, resource allocation, institutional arrangements and programming for effective implementation.

The CEDAW Committee in particular has provided comprehensive guidelines in this regard in 30 General Recommendations (GR) which interpret particular provisions, eg. Art 16 (GR 29), Art 2 (GR 28), Art 4 (GR 25), Art 12 (GR 24) and some issues such as Gender based Violence (GR 19) and Women in Armed Conflict (GR 30), which are not covered in specific articles. Both these issues especially sexually violence and abuse, including in armed conflict have been the focus of a plethora of international standard setting and scrutiny. These include comprehensive interpretations in Security Council Resolutions commencing with SCR 1325.

The CEDAW Committee's General Recommendations 25 and 28 in particular interpret, and explain the concept of substantive equality and non discrimination as an important aspect of women's human rights. This interpretation which goes beyond the concept of de jure equality in the BPPFA, has been strengthened by its incorporation in the interpretation of equality in Concluding Comments in country progress reviews, and General Comments of international human rights treaty bodies such as the Human Rights and ICESCR Committees. Equality thus incorporates the idea of de jure equality as well as the elimination of discrimination and inequality in impact and outcome of laws policies and programmes.

The interpretations of the CEDAW Committee and other treaty bodies have also recognised the need to eliminate intersectoral and multiple discrimination against women who belong to diverse communities within a State. This has promoted the concept of universal enjoyment of human rights

in international law and undermined the idea that they can be qualified by reaffirming inequality and discrimination based on women belonging to diverse cultural and religious and other groups. The interface between women's rights and the agenda on children's rights and the status of the girl child has been addressed in Concluding Comments of the CEDAW and CRC Committees, and other treaty bodies, but neither the CRC or CEDAW Committee have adopted a General Recommendation or Comment on this important dimension of women's human rights. The concept of eliminating inter-sectoral and multiple discrimination against women, and the girl child have special relevance for South Asia and Sri Lanka. Some international conferences such as the ICPD have reinforced international human rights law in areas such women's reproductive rights. However, an important post Beijing international policy development, the Millennium Development Goals (MDGs) recognises women's empowerment as Goal 3, but does not adopt the comprehensive and holistic approach to women's rights in the BPFA.

The general broadening of the agenda on women's human rights in international law and policy after the BPFA is therefore important for a progress review of Sri Lanka in relation to Section I of the BPFA in the period 1995-2014.

(b) A General Review of Women's Human Rights in the Period 1995-2009

Sri Lanka had just emerged from the trauma of armed conflict in a Southern insurgency and was in the midst of continuing armed conflict in the North of the country, when the BPFA was adopted in 1995. The country's human rights record had been subject to scrutiny and criticism for many years before that.

CEDAW had been ratified in 1981 without reservations but had been largely ignored as a nationally relevant framework for law and policy. The World Conference in Vienna 1993, the global development in international law including the focus on GBV and recognition of women's rights as human rights, and a new and emerging body of scholarship on gender inequality and discrimination against women in Sri Lanka combined to create a new interest in linking with the international law regime on human rights.

Sri Lanka already had a gender architecture of its own with a Ministry of Women's Affairs at the apex. This Ministry and a dynamic and very professional Secretary with a deep commitment to women's human rights worked closely with academics and women's groups to formulate the Women's Charter 1993. This policy document attempted to integrate and implement CEDAW and

the Vienna developments on women's human rights nationally. The Charter was adopted by the government as national policy, incorporating the BPFA concept of the universality, indivisibility and interdependence of women's human rights and their right to equality and non-discrimination and freedom from GBV, two years before Beijing. The Charter also set up a National Committee on Women (NCW) to monitor the implementation of this important policy document. The first chair was a distinguished and eminent personality, the late Dr. Wimala de Silva, and several academics and well known government servants with a distinguished record of public service accepted appointments as members of the Committee. The Committee had a gender balance of men and women.

Several women members and the Chairperson of the NCW together with leading officials of the Ministry and the Minister constituted the official delegation to the Beijing World Conference. CEDAW reinforced by the BPFA therefore acquired central importance in the work of the Ministry, the NCW, and women's groups and in gender studies and scholarship. A change of government in 1994 did not see a change in this focus. Indeed the National Committee on Women continued in office and this Committee was consistently replaced for more than a decade with eminent Chairs of the Committee and members with a record of experience and commitment to women's human rights. Sri Lanka also successfully contested for a seat on the CEDAW Committee which had by now acquired greater visibility and prestige. The Sri Lankan member elected to the CEDAW Committee was from academia and the non-governmental sector, and served on the Committee from 1999 – 2002.

The country and especially the North and East experienced heightened violence in the armed conflict between the State and the armed group, the LTTE. This included destruction of infrastructure, disruption of livelihoods, displacement, and assassination of the frontline political leadership in the period 1994-2005. Once again there were allegations of serious violations of human rights, including sexual violence and abuse in the conflict areas by the armed forces. However official law and policy continued to focus on Sri Lanka's commitments on human rights under international and national law.

A draft new Constitution of 2000 (which was not however adopted by Parliament), expanded the scope of the clause on equality and included socio economic rights as justiciable fundamental rights.

The government had participated with strong expert professional delegations at international conferences such as ICPD before 1995. It was actively engaged with post Beijing procedures and reviews at the regional and international level. The regular Ministerial meetings to review the BPFA in the SAARC region were attended by the Minister of Women's Affairs and/or very senior bureaucrats. Government also submitted its periodic review to CEDAW in 2002, and the report was received well by the Committee. An NGO shadow report was produced and discussions on the State's report and the shadow report took place in a non-adversarial and cordial environment. Concluding observations of the CEDAW Committee on the need to eliminate discrimination in nationality laws and introduce a Domestic Violence Act, highlighted in the NGO report, were addressed soon afterwards, and new legislation was enacted in 2003 (Citizenship) and 2005 (Domestic Violence). Various other policy interventions that will be discussed in the next section were given priority in this period. However there was resistance to law and policy reform in areas such as family law and women's reproductive health and human rights, despite a strong evidence base on the need for change. Consistent reform was also not seen in the area of rights of elderly women and the girl child, reflecting the Beijing and CEDAW life cycle approach and the interface between women's rights and children's rights. The latter concept was however recognized in the repeal of a centuries old law on child support and maintenance in 1999. Further and necessary reforms of child care laws and policies did not take place to reflect the CEDAW and CRC norm of joint and shared parental responsibility for children, and the best interests of the child.

Recognising the need for further progress on the women's human rights agenda, the gender agencies proposed adopting a Women's Right Act. The Ministry, the National Committee, academics and women's groups spent a great deal of time and effort in trying to obtain a consensus draft for such an Act that would incorporate the CEDAW definition of substantive gender equality and non-discrimination, and address the limitation of the Constitutional provision on equality and non-discrimination on the ground of sex which did not clearly cover non-State actors. The Women's Rights Act also attempted to replace the National Committee of Women with a powerful, independent, and well resourced Women's Human Rights Commission that would conform to the Paris Principles on Human Rights Institutions, and also provide for a complaints procedure.

It will be clear from the next section that a rich jurisprudence was also developed in the Supreme Court in this period, on equality rights and torture. This jurisprudence enabled women who had experienced arbitrary treatment in the matter of appointments and promotions to public sector posts to obtain relief even though the discrimination was based on other factors rather than

exclusively their sex. The jurisprudence on torture enabled women for the first time, to obtain remedies and compensation for custodial rape or violence in detention. The perpetrators and those held accountable were members of the armed forces and police. A high profile prosecution for rape and murder of a young girl at a check point in the North and the above cases gave a strong message of lack of impunity for this violence.

However allegations of violence and abuse of women in police custody and in the conflict areas continued to be made locally and internationally, and the CEDAW Committee addressed this issue in a Concluding Observation in its 2002 review. Reform of the 100 year old colonial Penal Code to strengthen the laws on sexual and physical violence against women and girls reflecting CEDAW and Beijing commitment on State obligations in 1995 were commended by the CEDAW Committee. Similarly, policy initiatives such as the expansion of Women and Children's Police Desks were also commended. However the inadequate progress on law enforcement and judicial responses was highlighted in this period. The Ministry of Women's Affairs recognised the limitations in regard to law enforcement and attempted to introduce programmatic interventions working together with academia and women's groups. These groups also networked with each other and the Ministry and many of the legal and policy initiatives of the period reflected the effectiveness of this cooperation and networking.

Two of the areas where international norms failed to impact were the areas of reform of personal laws on family relations, repeal of colonial legislation regulating street prostitution as 'vagrancy', land rights and gender mainstreaming. Successive Concluding Observations of the CEDAW Committee on the initial and periodic reports of Sri Lanka drew attention for the need to reform laws regulating family relations and land based on custom, religion and or legal norms introduced during the colonial period.¹

The politicisation of identity in the period of the armed conflict constantly justified government arguments that they should not seek to reform family laws including inheritance to land, based on custom or religion. The evidence based research that indicated the manner in which these norms had already been transformed, as well as a strong women's right lobby within the Muslim community did not succeed in motivating a change of policy. Similarly the gender architecture of the Ministry of Women's Affairs, and the NCW were not resourced or given a sufficiently high status within the bureaucracy to be able to impact. They were unable to ensure that gender equality and

¹ See for instance the para 20 of Concluding Observations of the CEDAW Committee on Sri Lanka in 2002 and para 16 of the Concluding Observations on Sri Lanka in 2011.

non discrimination norms were mainstreamed into other agencies. Networking between these agencies, researchers and women's groups and the commitment of individual Secretaries of Ministries and senior bureaucrats in some sectors like justice – rather than gender mainstreaming led to the changes in law and policy identified in the next section, in selected and narrow areas.

The first 10 years after the BPFA saw government ratifying many other international and regional instruments such as the Migrant Workers Convention, the Optional Protocol to CEDAW, and the SAARC Convention on Trafficking and Prostitution of Women and Children. Direct incorporation of an international treaty by Parliament had taken place with the enactment of the Torture Act based on CAT in 1994. Later legislation in 2002 incorporated CRC commitments and the Convention on Civil Aspects of Child Abduction.

A change of government in 2005 did not result in a significant change in the trends in regard to integrating commitments in international law on human rights through law reform, policy changes, and programmatic interventions, with the support of multilateral and bilateral agencies. However an important change in the gender architecture took place when a new Ministry of Women's Affairs also incorporated children's issues. The new Ministry was described for the first time as a Ministry of Women's Empowerment and Child Development. The new Minister, and the Secretary of the Ministry who had a background of experience on women's rights were willing to make the connections to State obligations on women's human rights according to CEDAW and BPFA. The national policy document of the new government 'Mahinda Chinthanaya' did not specifically refer to commitments under international law on women's human rights. However it recognised the relevance of an agenda of equality and non-discrimination in relation to women, thus facilitating a linkage to the State's human rights obligation under the Constitution and international law.

One of the first initiatives of the new Women's Ministry was to call a meeting to continue the initiatives of the previous government on formulating a Women's Rights Act incorporating CEDAW. This was accompanied by taking steps to prepare the next periodic report of Sri Lanka to CEDAW. The Ministry of Justice initiated significant reforms to strengthen the law on trafficking through amendments to the Penal Code that attempted to integrate the Palermo Protocol. An all Party Parliamentary Women's Caucus worked with women's groups to formulate proposals to increase women's political participation in conformity with the Constitution and CEDAW. A consensus on the need for a stronger Women's Rights Act emerged, with the new Minister initiating discussions with the NCW, women's groups and former bureaucrats of the Ministry. A new Women's Act drafted by

an expert Committee appointed by the NCW was forwarded to the legal draftsman for the approval of government in 2007. There were also some initiatives on analysing the MDGs and Goal 3 on Women's Empowerment in particular so as to integrate the State's obligations under international treaties, and set guidelines for development policies. Very soon however the first rumblings on the disadvantages of linking women's rights with children's rights was evidenced. Proposals to restrict women with young children travelling overseas for migrant work were formulated. Another policy proposal sought to lower the age of statutory rape and marriage in order to legalise sex with young girls as in their 'best interests.' Both proposals were strongly opposed by gender advocates and women's groups in public protests, and shelved by the government.

(c) The Post War Period 2009-2014

The end of the armed conflict in Sri Lanka in 2009 was a welcome relief to a population trapped in three decades of armed conflict in the North and East, which affected every part of the country. The LTTE had already been proscribed as a terrorist group, and the majority of Sri Lanka saw the end of the armed conflict, as the conclusion of a war against terrorism. The elections that took place after the end of the war were considered reasonably free and fair, and gave the government a significant majority.

Government's failure to win a two-third majority at the election that could result in legal amendments to the Constitution, did not prevent it acquiring this advantage because of the inter-party alliance, and individuals elected from other political parties crossing over to government. One of the first amendments to the Constitution passed by Parliament (the 18th Amendment) removed the limitations on the President's term of office and abolished the 17th Amendment which provided for independent Commissions. Both these changes have had significant negative impacts on the women's human rights agenda in Sri Lanka. The appointment of a male Minister of Women's Affairs for the first time in the history of Sri Lanka's gender architecture also led to further undermining the agenda.

The controversial 18th Amendment has contributed to the perception that all decision-making is subject to the exclusive discretion of the President and his Cabinet, undermining the legal and regulatory system in the country that restricts executive power. The ad hoc Cabinet decisions communicated through administrative regulation, such as those on restricting women's migrant work, conflict with the Constitution and State obligations under CEDAW and CRC. They have been adopted without addressing their implication for women and children. A very recent proposal of the

Ministry of Women and Child Development to amend the criminal law so as to make it mandatory for the rapist to marry the victim, if she consents, has been publicly supported by the Minister and the President. The fact that this proposal conflicts with current law and policy approaches to marriage and sexual violence, and State obligations under CEDAW and CRC, has been ignored. The Ministry has taken some initiatives in this period to respond to GBV with support from the United Nations and other international agencies. The government's public rhetoric on the need to respond to the high increase of GBV, and provide economic opportunities for women would suggest that they are committed to the agenda on women's human rights. However contradictory messages given in proposals for law and policy reform indicate a rejection of the core values of BPFA, as well as the State obligation under the Constitution and international human rights laws including CEDAW and CRC.

These contradictions are a manifestation of both the impact of the executive Presidency in undermining public institutions, and the post-war sensitivities of government regarding Sri Lanka's human rights commitments under the Constitution and international law. Since the concept of independent Commissions such as the Human Rights Commission, Public Service Commission and Election Commission has been eliminated there is an all pervasive impression that appointments to key posts must quite legitimately be politicised. Key appointments in the public service, the Commissions and even the superior courts are increasingly being perceived as made at the discretion of the President on the basis of political loyalties. The impeachment of the first woman chief justice in proceedings that violated core legal norms of natural justice has strengthened public perceptions on executive interference with the judiciary. The number of women in some key positions has increased in this period. However the dimension of politicization encourages this element rather than merit to prevail in appointments, thus undermining the core values on gender equality in CEDAW and BPFA, and disadvantaging women without political connections.

Increasing administrative decision making by the executive denies the benefit of objective professional advice and opinions, leading to the kind of policy formulations on women migrant workers and sexual violence that were referred to earlier, and are explained further in the next section.

The key agencies that were responsible for initiating law and policy reform on women's issues in the past, have been neither proactive or committed to women's rights. No action has been taken to reform family law, though an Expert Committee appointed by a former Minister of Justice in this

government in 2009 provided a comprehensive report. Regulation on the controversial issues of land ownership and State land distribution in the former conflict areas of North and East which are critical for women, have been consistently gender blind. Discriminatory provisions in State land and distribution and inheritance laws remain unchanged, and these have not received any attention in law reform or policy formulation, despite the large evidence base in published research on the negative impact on women's economic rights. Similarly, despite the evidence base of information in regard to the special problem of female heads of household and war widows, and the need for reform of laws and regulations that impact in particular on gender based violence, abductions and disappearances of family members and their economic and land rights, no action has been taken to address these issues. Processes granting relief and remedies have not yet been put in place. Though the LLRC (Lessons Learnt and Reconciliation Commission) recommended a Task Force on Widows and a Land Reform Commission to address these issues, and there is a Human Rights and LLRC National Action Plan – discriminatory laws and regulations and practices remain unchanged. Of even greater concern is the changing public rhetoric and the government's inaction on the dimension of sexual violence and women's right to personal security. This aspect will be discussed in section D on violence against women.

What must be emphasised here is that the post war period has seen a gradual erosion of government's responsibilities as a member of the international community, and a State party to human rights instruments including CEDAW and CRC. This is largely due to the post-war critiques on accountability for human rights violations that Sri Lanka has had to confront in various international fora. The government's confrontational approach in this regard, their allegation of discriminatory treatment in international fora and double standards in review of national performance, have impacted to erode their perception of the legitimacy of the human rights agenda at the national level. This has impacted on women's human rights directly in fostering negative public rhetoric and the rejection of what are incorrectly described as 'Western norms and standards.' This period has witnessed the manipulation of cultural and religious identity to support the erosion of women's human rights. The concept of 'home grown' solutions to problems is constantly used to justify this erosion, and reject legal obligations of the Sri Lankan state in Constitutional and international law.

Some examples of this trend (which also, as stated earlier impacts on the approach to law and policy reform and programming) is evident in public statements at the highest level of government. The President has gone on record publicly as not supportive of domestic violence laws and laws on statutory rape because they 'break up families', and do not take account of the realities of legitimate

cohabitation between men and underage girls in rural communities. The Minister of Women's Affairs has publicly stated on media and Parliament that 'gender equality' is an alien value, and also made humiliating remarks about women's leadership capacity and women's activism. The Speaker at an International Women's Day event in 2014 stated that there was a high incidence of GBV but that women are responsible to find the solution and modify their own behaviour. Some Ministers have stated at public meetings that the Sinhala women should not practice birth control and have more children in order to maintain the existing majority community population ratios.

These comments can all be dismissed as individual views that do not represent the government's views. This becomes difficult in an environment where these views impact to either inhibit women's rights based law and policy formulation or encourage policy formulation that violates women's rights. Even worse, public administration introduces practices that conform with these negative interpretation and violate women's rights, including the rights of women of minority communities. An important example relates to the policy decision not to permit non-governmental organisations to engage in family planning programmes particularly in the North and the East. This is an administrative decision which appears to be a response to the well publicised acts of violence, including through the visual media, of some extremist Buddhist monks attacking facilities providing these services. Police check points do not permit women with bare arms to enter places of Buddhist religious worship, though there has never been a dress code of this nature in Buddhist religious practice and ritual. Ironically cases in the Supreme Court are challenging the decisions of school principles prohibiting female parents and girl children who conform to Muslim religious dress codes to cover their heads, when entering multi denominational school premises. There is a perception that giving Buddhism a foremost place under Article 9 of the Constitution justifies these actions even though that provision clearly recognises the right to freedom of religion of those who are adherents of any other faith. A majoritarian approach to religion fostered by extremist Buddhist groups can thus have an impact on national policy because of the ad hoc nature of bureaucratic decision making, which is often not transparent or subject to public scrutiny.

This environment has also not been conducive to the continuation of an earlier trend of NGO and civil society participation in carrying forward the women's rights agenda. Some gender activists and women's groups have continued to protest the erosion of state obligation on human rights including women's rights in limited areas of concern. There have been several occasions within the last year where they have issued public statements, even calling for the resignation of the current Minister of Women's Affairs and Child Development. The post war years have also witnessed a polarisation

between women's groups and gender advocates who are critical of government actions on women's issues and those who do not wish to take what they perceive to be an 'anti-government' stand. This has undermined the earlier consensus and partnerships among gender advocates and women's groups and the gender architecture within government and government ministries that are responsible for law and policy formulation and reform.

A casualty to these trends has been the NGO Forum a loosely organised umbrella NGO organisation that came together to respond to women's human rights issues during the Beijing conference. This organisation no longer functions as an agency for holistic and consistent activism on women's rights. Similarly government agencies no longer adopt a transparent and consultative approach to law reform and policy planning, and are denied the expertise they need and often lack within the bureaucracy. The lack of transparency is especially manifested in the non-consultative approach to the CEDAW reporting process. Women's groups have not been made aware as in the past, of government's interim report to CEDAW, on the special issues highlighted in the 2011 progress review. Similarly NGO shadow reports have been submitted to the CEDAW Committee without the consultative process that was used when the periodic reports were prepared for the 2002 and 2011 progress reviews.

The post Beijing period of 20 years has therefore seen a significant erosion of women's human rights in the post armed conflict period and a lack of political will and commitment to the core norm of substantive equality that is at the heart of both BPFA and CEDAW. These negative trends will be demonstrated in the section that follows which deals with a review of the BPFA strategic objectives in the Sri Lankan context.

02.Strategic Objectives

The section on human rights of women of BPFA identifies three strategic objectives. They are, the promotion of international human rights instruments (objective I.1.); the ensuring of equality and non-discrimination under the law and in practice (objective I.2.); and the achievement of legal literacy (objective I.3.). In this section, Sri Lanka's performance under these three objectives will be considered as a whole through a critical evaluation of the constitutional framework, legislation and policy, institutional arrangements and programmes on legal literacy.

It will be seen that the degree of respect and protection for human rights of women in Sri Lanka in the period under review has progressed specifically in relation to the development of legislative

policy and to some degree in relation to the strengthening of legal literacy. However, in relation to the development of national jurisprudence, the incorporation of evolving international standards into domestic law, and the independent functioning of institutions, Sri Lanka has experienced a decline, particularly in the post-armed conflict period.

(a) Harmonising International Law and Domestic Law

The Sri Lankan Constitution is silent on the applicability of international law within the domestic sphere except where it is provided that international treaties related to investment shall have the force of law if approved by two thirds in Parliament.² In the absence of a specific provision and in the context of the British colonial influence on the Sri Lankan legal system, it has been the practice to assume that unless enabling legislation is adopted in Parliament, treaties ratified by the state have no force in domestic law. This view was affirmed in the case of *Nallarathnam Singarasa v AG*.³ However, prior to, and after, this determination, a judicial practice of direct reference to and direct incorporation of international law continues to be found in Sri Lankan jurisprudence.⁴ Specific legislation also refers to international treaty obligations.⁵ This is a more progressive approach to state obligations under international law as it accepts the relationship between the two spheres – the local and the international – as inter-connected. However, CEDAW provisions have not been cited in Sri Lankan jurisprudence as of yet even though counsel have made submissions in different cases, relying on CEDAW obligations of the state.⁶

According to the ruling in the case of *Singarasa v AG*⁷ recommendations made by a treaty body in hearing an individual petition is no longer relevant within the Sri Lankan legal system. In this case, a person who was convicted under the Prevention of Terrorism Act⁸ and had been refused leave to proceed in appealing against the conviction to the Supreme Court, submitted a petition to the Human Rights Committee.⁹ The Human Rights Committee found that the petitioner's right to a fair trial, among other things, had been violated and recommended to the state that the petitioner be

²Article 157.

³*Singarasa v AG* SC Spl LA No 182/199, SC Minutes 15 September 2006.

⁴ See for instance *Bulankulama v Secy Min of Industrial Development* [2000] 3 Sri LR 243 (references to the Rio de Janeiro Declaration on Environment and Development of 1992 at 247, UN Stockholm Declaration on the Human Environment 1972 at 274), *Sirisena v Perera*[1991] 2 Sri LR 97 (references to the UDHR at 108-109); *Weerawansa v AG* [2000] 1 Sri LR 387 (references to the ICCPR and the First Optional Protocol at 390); *Sriyani Silva v Iddamalgoda*[2003] 2 Sri LR 63 (references to International Convention on Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment at 69 & 77); *Kavirathne v Commissioner General of Examinations*, SC (FR) No 29/2012 (reference to the *Universal Declaration of Human Rights*).

⁵ See for instance, the Maintenance Act No 37 of 1999 (reference to the Child Rights Convention).

⁶See in this regard, Centre for Women's Research, *CEDAW: A Manual* (CENWOR 2006) 32-35.

⁷*Singarasa v AG* SC Spl LA No 182/199, SC Minutes 15 September 2006.

⁸*Prevention of Terrorism Act* No 48 of 1979 as amended.

⁹Sri Lanka ratified the Optional Protocol to the ICCPR on 3 October 1997.

tried afresh. The petitioner filed a revisionary application before the Supreme Court relying on the recommendations of the Human Rights Committee. In dismissing the application, a divisional bench of the Court held that, the ratification of the Optional Protocol by the then President was unconstitutional. Court held that the President had no power to ratify the Protocol since the Constitution vested the judicial power of the People only in the judiciary through the Parliament.¹⁰ It has been argued that the Court erred in assuming that the Human Rights Committee exercises judicial power. However, the determination remains as an authoritative interpretation, thereby completely undermining recommendations made by treaty bodies in hearing individual petitions. Sri Lanka has ratified the Optional Protocol to CEDAW but no petitions have been made to the Committee yet.¹¹ Another international instrument ratified by Sri Lanka which expanded its obligations with regard to women and the girl child is the Optional Protocol to the CRC on Sale of Children, Child Prostitution and Pornography in 2006.

(b) Equality and Non-Discrimination under the Law and in Practice

(i) Constitutional Provisions

The Sri Lankan Constitution guarantees the right to equality and equal treatment before the law under Article 12. It also prohibits discrimination of citizens and discrimination in access to public places on grounds including sex.¹² Furthermore this Article stipulates that the right to equality shall not prevent any legislative or policy measures being adopted for ‘the advancement of women, children or disabled persons.’¹³ The general fundamental rights guarantees of the Constitution include the freedom of thought, conscience and religion; the freedom from torture; and the freedom from arbitrary arrest and detention.¹⁴ Citizens are guaranteed several additional rights including the freedom of expression; freedom of association; and the freedom to practice her religion.¹⁵ These rights can be restricted on the basis of national security or ‘interests of racial and religious harmony’ or in the interest of ‘national economy’ as the case may be.¹⁶ Any violation or imminent violation of a fundamental right can be challenged by way of a petition before the Supreme Court within thirty days of such alleged violation.¹⁷ The Supreme Court’s jurisdiction in determining these petitions is described as ‘just and equitable’.¹⁸

¹⁰Article 4(c) of the Constitution.

¹¹15 October 2002.

¹²Article 12(2) and (3) of the Constitution.

¹³Article 12(4).

¹⁴Articles 10, 11, and 13 respectively.

¹⁵Articles 14 (1), (a), (c) and (e) respectively.

¹⁶Article 15.

¹⁷Article 126.

¹⁸Article 126 (4).

The Directive Principles of State Policy of the Constitution, states, among other things, that the State has a duty to 'ensure equality of opportunity to citizens' and that no citizen shall suffer any disability on grounds including that of 'sex'.¹⁹ The state is also required to 'eliminate economic and social privilege and disparity, and the exploitation of man by man or by the State.'²⁰ Directive Principles of State Policy are not justiciable;²¹ however, in several instances, the Supreme Court has adopted a progressive interpretation of fundamental rights by relying on the Directive Principles.²²

Right to Equality

The Fundamental Rights jurisprudence developed in this time period, as it relates to gender equality is weak and inconsistent. On the one hand there are some instances where the Court recognised gender based discrimination and also the gender aspect in a general fundamental rights matter. On the other hand there are several instances where the Court has refused to recognise gender based discrimination that violates substantive equality. As a whole, while the general jurisprudence on general substantive equality has gained some ground in Sri Lanka, it is not possible to say the same of substantive gender equality.²³

In any case, the fundamental rights guarantees of the Sri Lankan Constitution are subject to two limitations. One is that they can be vindicated only against 'executive and administrative' action. Violations of fundamental rights by non-state actors cannot be considered by the Supreme Court. This limitation affects the concern of gender equality significantly given that the 'private sphere' in many instances is the site for gender based discrimination.²⁴

The second limitation is that the Constitution does not recognise judicial review of legislation. The Constitution provides for pre-enactment judicial review, which must take place within a week of a bill being placed in the order paper of Parliament.²⁵ Further, the Constitution specifically states that 'All existing written law and unwritten law shall be valid' irrespective of their inconsistency with the

¹⁹Article 27(6).

²⁰Article 27(7).

²¹Article 29.

²²See for instance, *ArumugamVadivelu v OIC Sithambarapuram Refugee Camp Police Post* SC(FR) 44/2002 SC Minutes 5 September 2002 (a citizen's freedom of movement interpreted along with the duty of the state to recognise and protect the family); *Abeysekera v Rubasinghe*[2000] 1 Sri LR 314 (freedom of expression interpreted with the duty of the state to establish a democratic socialist society); *Mediwake v Commissioner of Elections* [2001] 1 Sri LR 177 (right to franchise with the duty to respect international law and treaty obligations).

²³On general substantive equality, see for instance, *Ramupillai v Festus Perera* [1991] 1 Sri LR 11

²⁴See 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.

²⁵Article 120 of the Constitution.

chapter on Fundamental Rights.²⁶ Consequently several legislative provisions that include gender discriminatory provisions remain as valid law, including the personal law regimes.

The gender discrimination through personal laws was considered by the Supreme Court in 2008 when the President sought the opinion of the Supreme Court on the applicability and enforceability of the ICCPR through the domestic law.²⁷ Several arguments regarding the lack of protection for rights recognised under the ICCPR, including the right of non-discrimination of women were dismissed by Court without a meaningful engagement on the ICCPR guarantees and the gaps in Sri Lankan laws. For instance, with regard to the continued application of personal laws which discriminate women, Court held that ‘The matter of Personal Law is one of great sensitivity. The Covenant should not be considered as an instrument which warrants the amendment of such Personal Laws. If at all there should be any amendment such request should emerge from the particular sector governed by the particular Personal Law’.²⁸ This approach to gender discrimination in personal laws raises several concerns which the Court does not seem to have considered. For instance, given Sri Lanka’s obligations under CEDAW, it is not possible for the state to abdicate its responsibility to ensure non-discrimination in its legislative policies. Further, in requiring the relevant communities to determine how the personal laws should be reformed, the Court does not demonstrate any sensitivity towards the practice of patriarchy, gender-stereotypes in society and their impact on community led proposals for law reform.

The CEDAW Committee in its Concluding Observations on Sri Lanka has consistently expressed concern with regard to its personal laws. For instance, in 2011, it expressed concern regarding the discriminatory provisions of the personal laws and called on the state to ‘provide its support for customary law reform through sensitization of dialogue and collaboration with religious groups and community members, civil society organizations including women’s non-governmental organizations’.²⁹ It must be noted here however, that the CEDAW Committee too makes a reference to consultations with religious groups and community members. That recommendation perhaps ought to have been qualified by noting the social realities within which religious groups and communities consider reform of their personal laws and the feminist critiques of the limitations of such an approach.

²⁶ Article 16(1).

²⁷ SC Ref No 01 of 2008 SC Minutes 17 March 2008.

²⁸ *ibid* 8.

²⁹ Para 17 (c), Concluding observations of the Committee on the Elimination of Discrimination against Women, 8 April 2011 (CEDAW/C/LKA/CO/7).

As stated earlier, there have been a few noteworthy instances in which the fundamental rights jurisdiction has been resorted to by women seeking to vindicate their right to equality. For instance, a female police officer challenged the scheme for promotion of police officers, claiming that the inclusion of a height requirement was a violation of her right to equality.³⁰ The Court upheld her claim and ordered that the scheme be revised to remove the height requirement for the promotion.

In 2013, a female migrant worker filed a fundamental rights petition claiming that a circular issued by the Sri Lanka Bureau of Foreign Employment violated her right to equality before the law. The circular required prospective female migrant workers to obtain permission from, among others, the *Grama Niladhari* (village level administrative officer) or spouse.³¹ The petitioner claimed that her right to substantive equality was violated by this requirement. The Supreme Court however, dismissed this application. It is reported that the Court, headed by the present Chief Justice held that the requirement was protective of women and children and reflected the culture and tradition of Sri Lankan society.³² These observations reflect that even the judiciary has not fully grasped the concept of even formal equality which then prevents an understanding of substantive equality. Instead, a patriarchal and stereotypical notion of women is applied to the interpretation of circulars, in gross disregard and perhaps ignorance, of more progressive domestic jurisprudence on the right to equality and Sri Lanka's obligations under CEDAW to protect women from discrimination.

The question of gender equality has also arisen in the context of whether a Muslim school girl has a right to wear a hijab as part of the school uniform in a state run school.³³ In one such case, the petitioner claims that the school had sought to prevent her from wearing a hijab and trousers and thereby violated her right to equality. The matter is still pending before the Supreme Court. Previously, the Supreme Court had ordered in a similar case, that the petitioner should be permitted to wear a head covering and trousers as part of the uniform but the Court did not issue a judgment but only issued an order. The present case before the Court is an opportunity for the judiciary to consider the inter-sectionality of gender, religion, and human rights; it remains to be seen whether that opportunity will be made use of.

³⁰ 'SC orders female inspector to be promoted as WASP despite lack of inches' *The Sunday Times* 14 July 2013, available at <http://www.sundaytimes.lk/130714/news/sc-orders-female-inspector-be-promoted-as-wasp-despite-lack-of-inches-52941.html> accessed on 26 June 2014.

³¹ *Migrant worker challenges Govt over restrictive rule* *Business Times* 1 September 2013, available at <http://www.sundaytimes.lk/130901/business-times/migrant-worker-challenges-govt-over-restrictive-rule-59771.html> accessed on 16 June 2014.

³² *Supreme Court refuses appeal of migrant worker*, *Business Times* 22 September 2012, available at <http://www.sundaytimes.lk/130922/business-times/supreme-court-refuses-appeal-of-migrant-worker-62614.html> accessed on 16 June 2014.

³³ *FR plea of Muslim schoolgirl on 13 May*, *Ceylon Today*, 30 April 2014, available at <http://www.ceylontoday.lk/16-62770-news-detail-fr-plea-of-muslim-schoolgirl-on-13-may.html> accessed on 17 June 2014.

Article 12(4) was subject to judicial interpretation in 2010 when the constitutionality of the *Local Authorities (Special Provisions) Bill* and *Local Authorities Elections (Amendment) Bill* was challenged before Supreme Court.³⁴ The proposed amendment to the Local Authorities Elections law introduced a voluntary quota of 25 per cent for women and youth in nominations lists that would be presented for elections to Local Authorities. It was argued before the Supreme Court that this proposed provision was in violation of CEDAW and was also vague and was therefore inconsistent with Article 12(4) of the Constitution which recognised special measures for women. The Court however, rejected these arguments and concluded that the Sri Lankan Constitution does not specifically provide for affirmative action and that the proposed clause was constitutional. Furthermore, disregarding the problem of lack of participation of women in Sri Lankan politics, the Court went further and held that a mandatory quota for nominations would amount to an unconstitutional restriction of the right to vote.³⁵ This jurisprudence is problematic due to its indifference to the lack of representation of women in Sri Lankan politics and also due to the rejection of the judiciary of the availability of affirmative action for women.

Other Fundamental Rights

The gender dimension is not particularly explored even in relation to other fundamental rights recognised in the Constitution. In a few cases, the Court has held with female victims who have claimed violations of their fundamental rights particularly with regard to the right to be free from torture but the jurisprudence in such cases have not been particular feminist in its approach. Consequently, Sri Lanka lacks a vibrant jurisprudence that upholds the gender dimension of fundamental rights.

In the case of *Yogalingam Vijitha v Reserve Sub Inspector of Police, Police Station, Negombo*,³⁶ a woman of Tamil ethnicity claimed that her right to be free from torture under Article 11 and the right to be free from arbitrary arrest was violated by several police officers. She was arrested and detained under the (then prevailing) Emergency Regulations and subject to severe torture and sexual violence. The Court found that the arrest was unlawful and that the petitioner's right to be free from torture and from arbitrary arrest had been violated in a manner that was 'barbaric, savage

³⁴Local Authorities (Special Provisions) Bill and Local Authorities Elections (Amendment) Bill, SD No 02/2010 delivered on the 16th of November 2010.

³⁵With regard to the underrepresentation of women in Sri Lankan politics see, Maithree Wickremasinghe & Chulani Kodikara *Representation in Politics: Women and Gender in the Sri Lankan Republic* in Asanga Welikala (Ed) *The Sri Lankan Republic at 40: Reflections on Constitutional History, Theory and Practice* (Centre for Policy Alternatives 2012) Ch 20.

³⁶*Yogalingam Vijitha v Reserve Sub Inspector of Police, Police Station, Negombo* SC Application 186/2001, SC Minutes 23 May 2002.

and inhuman'.³⁷ According to the petitioner, she had refused to live with a man she was given in marriage to, when she discovered that he was already married. Her husband had then used his links with the police to subject her to an unlawful arrest. While the judicial opinion in this case carefully analyses the nature of the torture inflicted upon the victim it must be noted that the Court fails to identify the relevance of the gender dimension to the facts. It is evident that the victim was subject to double discrimination in that she was a Tamil who was being targeted for unlawful arrest and torture due to her ethnicity and her gender. The Court however approaches the arrest neutrally and the issue of torture from a strictly medical perspective. A more nuanced approach to the facts by the Court may have enabled the Court to analyse the place of gender in the context of an internal armed conflict and its inter-sectionality with ethnicity.

Rape in the custody of police and/or army personnel was recognised as a violation of the right to be free from torture. In a case commonly known as 'the Maradana rape case' the Supreme Court held that the rape of a woman by three police officers and three army personnel amounted to a violation of Article 11.³⁸

In the case of *Sriyani Silva (wife of Jagath Kumara – deceased) v Iddamalgoda, Officer-in-Charge, Police Station, Payagala*³⁹ a widow petitioned the Supreme Court, on behalf of her husband, claiming that he died due to torture in police custody and therefore that his right to be free from torture and arbitrary arrest and detention had been violated. A preliminary objection was raised by the respondents on the basis that the rules of standing for fundamental rights petitions only permitted the victim or her attorney-at-law to file a fundamental rights petition.⁴⁰ The Court however, granted the wife leave to proceed on the basis that, not hearing such a petition would lead to an absurdity; that is, where the violation of a fundamental right results in death, such violation cannot be vindicated. Court therefore held that 'when there is a causal link between the death of a person and the process, which constitutes the infringement of such person's fundamental rights, anyone having a legitimate interest could prosecute that right in a proceeding instituted in terms of Article 126(2) of the Constitution. There would be no objection *in limine* to the wife of the deceased instituting proceedings in the circumstances of this case.'⁴¹ In determining the merits of the same application

³⁷*YogalingamVijitha v Reserve Sub Inspector of Police, Police Station, Negombo*SC Application 186/2001, SC Minutes 23 May 2002 26.

³⁸See in this regard, Savitri Goonesekere (ed), *Violence, Law & Women's Rights in South Asia* (Sage 2004) 31; *Sri Lanka: Rape in Custody*, report by Amnesty International (ASA 37/001/2002)13

³⁹*Sriyani Silva (wife of Jagath Kumara – deceased) v Iddamalgoda, Officer-in-Charge, Police Station, Payagala* [2003] 2 Sri LR 14.

⁴⁰See Article 126(2).

⁴¹*Sriyani Silva (wife of Jagath Kumara – deceased) v Iddamalgoda, Officer-in-Charge, Police Station, Payagala*[2003] 2 Sri LR 14, 21.

the Court held that where a person's right to be free from arbitrary punishment is violated due to torture, the right to seek compensation for such violation 'devolves on the deceased's lawful heirs and/or dependants'.⁴²

In this case too, while the finding of the Court is progressive and is to be welcomed, the Court does not apply its mind to the relevance of gender, in its analysis. The Court could have gone further and upheld the right of a widow to vindicate the violation of her spouse's fundamental rights. The Court could have located the facts of the case within the patriarchal and gender stereo-typical socio-economic context of Sri Lankan society in which it is important to provide effective judicial remedies for women whose husbands are killed due to violence by the state including due to torture in police custody.

Another fundamental right that has been undermined, particularly over the last few years is the freedom of expression. The last-phase of the war and the post-war political context has had a chilling effect on the freedom of expression, particularly of the media.⁴³ Women have been at many levels: as women media personnel; as family members of media personnel who have been subject to enforced disappearance or extra judicial killings; and as members of the public. This situation stands in stark contrast to the vibrant jurisprudence on the freedom of expression that has been developed in the 1990s by the Supreme Court which has brought jurisprudence on this right on par with accepted international standards.⁴⁴

The next section analyses legislative reform during the period under review in light of Sri Lanka's obligations under BPFA, CEDAW and CRC.

(ii) Legislation

As was mentioned in the general introduction to section I, a series of law reforms were introduced to guarantee respect specifically for the bodily integrity of women during the period under review. The implementation of these laws however, leaves much to be desired. The failure to introduce law reform to Sri Lanka's personal laws and some colonial laws that discriminate against women remain the most significant gap in this area. The development of policy for the respect and protection of women's human rights has been relatively weak.

⁴²*Sriyani Silva v Iddamalagoda, Officer-in-Charge, Police Station, Payagala* [2003] 2 Sri LR 63, 77.

⁴³See for instance, *Press Freedom and Freedom of Expression in Sri Lanka: Struggle for survival* report by International Federation of Journalists et al (2006), available at <http://www.i-m-s.dk/wp-content/uploads/2012/11/ims-struggle-for-survival-srilanka-2007.pdf>, accessed on 2 July 2014.

⁴⁴See for instance, *Amaratunga v Sirimal* [1993] 1 Sri LR 264; *Abeysekera v Rubesinghe* [2000] 1 Sri LR 314.

Except for those governed by Muslim law, the age of marriage was raised up to 18 years in 1995.⁴⁵ While this is commendable, the exception made for Muslims has in fact undermined even the general law on the age of marriage. It has been evidenced now that in several rural communities, girls below the age of 18 co-habit with their male partners with the knowledge that the age of marriage is 18 years and above. Such couples wait till the woman reaches the age of majority to register the marriage. This practice suggests that over and above the problem of the exception for Muslims with regard to the age of marriage, the exceptional regime is in fact, influencing practices at the community level in a negative manner, thereby undermining the entire body of the human rights of a woman subject to such a practice. Discrimination against women in areas of personal law relating in particular to property and inheritance rights and marriage and divorce remain embedded in the legal system. Pluralism because of diversity of norms and substance in personal laws and generally applicable laws (the General law of Sri Lanka) create inequality in legal rights between women who belong to different ethnic and religious groups. Several reforms to the family including reforms to marriage and divorce laws that would remove discriminatory provisions in the General law were suggested by an Expert Committee appointed by the then Minister of Justice. But as was pointed out in the discussion, these proposals have not been implemented.

Several amendments were introduced to Sri Lanka's Penal Code in 1995 and 1998 to strengthen the criminal law in protecting the physical integrity of women and children.⁴⁶ These include, the prohibition of using children to 'procure any person for illicit sexual intercourse';⁴⁷ prohibition on the trafficking of children;⁴⁸ the prohibition of cruelty to children;⁴⁹ the criminalisation of sexual harassment;⁵⁰ and the criminalisation of child pornography and child abuse.⁵¹ The law also prohibits the publication of details which reveal the identity of victims of sexual crimes.⁵²

In the preceding year, 1994, the Convention against Torture and Cruel, Inhuman, Degrading Treatment and Punishment was incorporated into domestic law.⁵³ However, the definition of torture in this law, excludes the term 'suffering'. The CAT Committee has recommended to Sri Lanka that

⁴⁵Section 15 of the Marriage Registration Ordinance No 19 of 1907 as amended by Act No 18 of 1995.

⁴⁶For an analysis of the reforms introduced in 1995, see, 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) 207.

⁴⁷Section 288A of the Penal Code as amended by Act No 29 of 1998.

⁴⁸Section 288B of the Penal Code as amended by Act No 29 of 1998

⁴⁹Section 308A of the Penal Code as amended by Act No 22 of 1995

⁵⁰Section 345 of the Penal Code as amended by Act No 22 of 1995 and 16 of 2006.

⁵¹Section 286B and Section 286 C of the Penal Code as amended by Act No 16 of 2006

⁵²Section 365C of the Penal Code as amended by Act No 22 of 1995.

⁵³*Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act No 22 of 1994* (CAT Act). The Convention was ratified by Sri Lanka in the same year.

the domestic definition of torture be revised in keeping with the definition of the Convention.⁵⁴ Furthermore, the enforcement of this Act has been extremely weak with only three known instances of conviction, resulting in a widely held public perception that the legal regime for the criminal punishment of torture is ineffective.⁵⁵

The criminal law reforms of this period also expanded the definition of rape to include rape of a wife who is judicially separated from her husband; and statutory rape, that is sexual intercourse with a girl under 16 years of age even with her consent.⁵⁶ This provision has attracted significant debate. The minimum mandatory sentence has been criticised as being too harsh and has led to acquittals of persons who have been charged with statutory rape.

Sexual harassment and gender based violence in educational institutions has been addressed to some extent in the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act of 1998. This Act criminalises sexual harassment, grievous hurt, hostage taking, unlawful confinement and ragging by any person within an educational institution in Sri Lanka.⁵⁷ Ragging has been defined as ‘any act which causes or is likely to cause physical or psychological injury or mental pain or fear to a student or a member of the staff of an educational institution’.⁵⁸ However, there are no known convictions under this law and the practice of ragging continues in educational institutions and especially in universities. Women are subject to humiliation, harassment and stereo-typing due to this practice. Due to weaknesses in the enforcement of the Ragging Act, the law remains ineffective in curbing the practice.

The Maintenance Act of 1999, revised the old colonial law pertaining to the duty of support for family members in Sri Lanka with a view to integrate Sri Lanka’s commitments under international law. CRC is specifically referred to in the short title. The Act allows a spouse, child, adult child (up to 25 years), and a child with disability to claim maintenance from the spouse or parents respectively. This law adopts a gender neutral language thereby providing equal rights for men and women in claiming maintenance on the basis of the inability to maintain himself or herself. It introduces the

⁵⁴Concluding Observations issued at the 47th Session of the Committee against Torture, 31 October - 25 November 2011 (CAT/C/LKA/CO/3-4). For instance, the definition of torture under the Act does not include ‘suffering’ which is included in the definition under Article 1 of the Convention which reads as ‘severe pain or suffering’. (See Section 12 of the CAT Act n 552)

⁵⁵See in this regard, Kishali Pinto-Jayawardena, *The Rule of Law in Decline; Study on Prevalence, Determinants and Causes of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment of Punishment (CIDTP) in Sri Lanka*, (Rehabilitation and Research Centre for Torture Victims 2009).

⁵⁶Section 363 of the Penal Code as amended by Act No 22 of 1995 and Act No 29 of 1998

⁵⁷*Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No 20 of 1998.*

⁵⁸Section 17, *Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No 20 of 1998.*

concept of joint and shared responsibility of parents for children replacing the English common law concept of male breadwinner and head of household. In making applications under this law however, women remain subject to the individual perceptions of the respective judicial officer (Magistrate) and the skills of the lawyer representing her case, in whether her human dignity and rights are respected in her claim for maintenance. For instance, lawyers working for the Legal Aid Commission regularly appear for women who seek maintenance from their spouses. Given the weak institutional mechanism for legal aid through the Legal Aid Commission, many of those lawyers are junior lawyers who are seeking to gain experience through these maintenance applications and are not necessarily sensitive to the human rights of women that ought to be respected in the process.

The Amendment to the Citizenship Act in 2003 revised the law in conformity with Sri Lanka's obligations under CEDAW. Previously this law did not recognise the right of a woman married to a foreigner to pass on her citizenship to her children.⁵⁹ The amendment had a retroactive effect up to 15 November 1948 and recognised the right of a Sri Lankan, irrespective of their gender, to pass on their citizenship to their children where the spouse is a foreign national. This law reform was noted with approval by the CEDAW Committee in the subsequent state report in 2011. Administrative regulations too continue to refer to a 'male head of household' often undermining women's access to State benefits such as allocation of land and housing.

The Prevention of Domestic Violence Act of 2005 provides a civil remedy for persons subject to violence (including emotional abuse) by a family member may seek a protection order from the Magistrate's Court.⁶⁰ The law also makes provision, among other things, to an interim protection order.⁶¹ In a critical study of this Act, its drafting history and implementation, Kodikara points out that 'the Act is showcased by the government as proof of its commitment to human rights' in international fora such as the CEDAW Committee progress review meeting and the UN Human Rights Council.⁶² Nationally, however, she points out that 'questions about the wisdom of passing the Act and the need for such an Act continue to be raised intermittently, including by the country's President.' In her analysis she argues that especially in the post-armed conflict period, 'discourses on gender relations and domestic violence have drawn heavily from patriarchal cultural narratives and local 'wisdom' that justify and legitimise' domestic violence.⁶³ Kodikara's study of the Act, and its use

⁵⁹ *Citizenship Act No 18 of 1948* amended by Act No 16 of 2003.

⁶⁰ *Prevention of Domestic Violence Act No 34 of 2005*.

⁶¹ Section 5, *Prevention of Domestic Violence Act No 34 of 2005*.

⁶² Section 18, *Prevention of Domestic Violence Act No 34 of 2005*

⁶³ Section 20, *Prevention of Domestic Violence Act No 34 of 2005*

by victims of domestic violence, leads her to the finding that the law is used as ‘remedy of last resort.’⁶⁴

In 2006 a further set of reforms were introduced to the Criminal law of Sri Lanka. This included the criminalization of compulsory or forced labour, prohibition of ‘debt bondage or serfdom’, and the recruitment of children for ‘use in armed conflict’ was also criminalised.⁶⁵ The offence of trafficking was also expanded at this point influenced by the Palermo Protocol on Trafficking to the UN Convention against Transnational and Organised Crime.⁶⁶ The legal regime against trafficking in Sri Lanka as it applies to women and the girl child is further discussed under Section D. The Vagrants Ordinance, a nineteenth century colonial statute which is used to prosecute women engaged in street prostitution (and homosexual and transgender persons) has yet to be reviewed and repealed despite CEDAW Concluding Observations recommending to the government to change the discrimination against women embedded in this law. A recent draft proposed for repeal and reform has been critiqued by women’s groups and human rights activists as gender neutral and discriminatory to women. Changes may be introduced in light of these observations.

Apart from the family law, the legal regime of regulation of abortion has also remained static, and in conflict with Sri Lanka’s international obligations under CEDAW. Currently, abortion is permitted only where the life of the mother is in danger.⁶⁷ The CEDAW Committee has recommended that Sri Lanka revise this provision to ensure respect for the reproductive rights of women.⁶⁸ The law remains to be in force even though evidence establishes that abortion continues to be practiced in Sri Lanka in violation of this law.⁶⁹

A systematic study of the impact of the above described law reforms remains to be carried out by the state. So far, non-governmental organisations have engaged in research on the impact of these laws, within an identified scope. The data required for a more large-scale and inter-sectional study of the impact of these laws can be done only through the state. Access to court records, data at police stations and at community level is best available to the state. Therefore it is essential that the state provides leadership in this regard, if the law is to be subject to continuous improvement and revision.

⁶⁴ Section 24, *Prevention of Domestic Violence Act* No 34 of 2005

⁶⁵ Section 358A of the Penal Code as amended by Act No 16 of 2006

⁶⁶ Section 360C of the Penal Code as amended by Act No 22 of 1995 and Act No 16 of 2006

⁶⁷ Section 306 of the Penal Code.

⁶⁸ See, Concluding observations of CEDAW 2011, para 37.

⁶⁹ See for instance, *Estimates of Abortion Rate in Sri Lanka using Bongaarts Model of Proximate Determinants of Fertility* (Institute of Health Policy, November 2009).

As already pointed out, even though the law reform initiatives during the period under review are creditable, the implementation of those laws has been found to be wanting. The next section analyses this issue.

(iii) The Implementation of the Law

During the period under review there are examples of the vindication of women's rights as was discussed above, although in a limited way. However, in the post-armed conflict period, in spite of numerous reports of continued violations of women's rights, including sexual violence and abductions and disappearances of family members, there are hardly any examples of their vindication through legal procedures such as Fundamental Rights petitions, criminal prosecutions etc. The erosion of the rule of law has undermined the respect for human rights of women at different levels. The law has in many ways given way to the application of parochial cultural values resulting in the undermining of rights guarantees under CEDAW and CRC. The previously discussed example of the restrictions imposed on the woman migrant worker to obtain permission from the husband and/or *Grama Niladhari* is a case in point. It has also led to the entrenchment of a culture of impunity for violations of human rights and the politicization of public institutions.

The *Krishanthi Kumaraswamy* trial-at-bar (1997) is generally cited as example of the manner in which the lower judiciary vindicated the right to liberty and physical integrity of women during armed conflict.⁷⁰ This case involved the unlawful detention, rape and murder of a girl in the war affected area (Jaffna) by eight Army personnel and one police officer in 1996. Her mother, brother and a neighbour who went in search of the missing girl were also murdered. The trial-at-bar convicted six out of the nine accused. However, as pointed out by Kishali Pinto-Jayawardena, 'rather than being emblematic of judicial integrity, this rare instance of a high-profile successful prosecution appears to have been the exception that proved the rule of impunity'.⁷¹ Pinto-Jayawardena's comment is justified by the finding of a recent UN report where Sri Lanka is named as one of 21 countries in which rape has been used as a weapon of war, with impunity.⁷²

Similarly, the report by Yasmin Sooka, the Bar Human Rights Committee of England and Wales (BHRC) and the International Truth and Justice Project (Sri Lanka), documents several cases of rape

⁷⁰*Krishanthi Kumaraswamy Case*, H.C. Case No. 8778/1997, High Court of Colombo, H.C. Minutes 03.07.1998 as reported in Kishali Pinto-Jayawardena, *Post-war Justice in Sri Lanka: Rule of Law, the Criminal Justice System and Commissions of Inquiry* (International Commission of Jurists, January 2010) 52.

⁷¹Kishali Pinto-Jayawardena, *Post-war Justice in Sri Lanka: Rule of Law, the Criminal Justice System and Commissions of Inquiry* (International Commission of Jurists, January 2010) 53.

⁷²'Conflict-related sexual violence' Report of the Secretary-General to the UN Security Council (13 March 2014) S/2014/181, para 78-79.

and sexual harassment of women by the Army and the Police, in the post-armed conflict period, suggesting that violence against women continues to be a problem in Sri Lanka to which the state has not provided any effective solutions.⁷³

Militarisation, both direct and indirect, both during the last phase of the armed conflict and in the post armed conflict period, has severely undermined the implementation of the law in Sri Lanka. Militarisation has had a direct impact on women's human rights: its impact on the incidences of VAW, the freedom of men and women to enjoy the freedom to participate in public protests; and the general freedom to participate in the democratic processes of society.⁷⁴ The revival of nationalism by religious and political groups, which has led to attacks on religious minorities have resulted in the double discrimination of women.⁷⁵

Report of the Panel of Experts appointed by the UN SG

The Report of the Panel of Experts appointed by the Secretary General of the United Nations, finds that human rights of women have been violated during the war specifically due to gender based violence, violations of the right to liberty and the violations of their rights as family members of the missing. The Panel recommends among other things, that the Government should implement a reparations programme for vulnerable groups that were subject to serious violations of human rights, including women.⁷⁶

LLRC Findings and Recommendations

In response to pressure from the international community, to conduct an inquiry into human rights violations that occurred during the internal-armed conflict, the President appointed the Lessons Learnt and Reconciliation Commission (LLRC) under the Commissions of Inquiry Act in 2010.⁷⁷ The Commission issued a report in which it made significant findings and recommendations. The main critique of the report is that it did not adequately address the question of accountability under International Criminal Law for alleged violations of the prohibitions against war crimes and crimes against humanity.

⁷³ 'An Unfinished War: Torture and Sexual Violence in Sri Lanka: 2009-2014' Report by Yasmin Sooka, the Bar Human Rights Committee of England and Wales (BHRC) and the International Trust & Justice Project, Sri Lanka (March 2014).

⁷⁴ For an academic analysis of the impact of militarization in Sri Lanka, see, Neloufer De Mel *Militarizing Sri Lanka: Popular Culture, Memory and Narrative in the Armed Conflict*, (Sage 2007).

⁷⁵ See reference to attacks on religious minorities in HRC Resolution 'Promoting reconciliation, accountability and human rights in Sri Lanka' (A/HRC/25/L1/REV1) 26 March 2014.

⁷⁶ *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka* (United Nations, 31 March 2011) 122.

⁷⁷ Commissions of Inquiry Act No 17 of 1948

Women were readily identified by the LLRC as a vulnerable group that ‘have taken the brunt of the conflict’ particularly in communities living in the war affected areas.⁷⁸ The increase of female headed households as a direct consequence of the war; the need for livelihood assistance for women; lack of accountability for acts of sexual and gender based violence; violation of the right to liberty of women; the lack of gender balance in ‘post-conflict development and reconciliation efforts’; and rights violations of women due to the disappearance of their family members were identified by the LLRC as some of the human rights issues that ought to be addressed.⁷⁹

Several recommendations were made by the LLRC. These included giving priority to the needs of female headed households in government policy; the appointment of an Inter Agency Task Force to address the needs of vulnerable groups affected by the conflict; providing opportunities for women to obtain education and/or vocational training; and ensuring the ‘right to the truth and legal remedies’ for women whose family members have disappeared due to the armed conflict.⁸⁰

Since the end of the internal armed-conflict in Sri Lanka, the UN HRC has been seized of the situation in Sri Lanka and has been adopting resolutions periodically on the same. The resolutions adopted after the release of the LLRC report has called on the Government to implement its recommendations.⁸¹ The Government has responded by presenting a National Plan of Action (NPOA) for the implementation of the LLRC recommendations, which also include specific action points regarding the human rights of women.

According the NPOA, the recommendations regarding women are in the process of being implemented.⁸² Livelihood and income generating projects are being implemented; ‘Social care centres’ have been established in the North and East for vulnerable groups; vocational training is ongoing; Child & Women Development Units have been established in Divisional Secretariats of some districts in the North and East; two District Base hospitals (Jaffna and Vavuniya) operate for prevention of sexual and gender based violence; and programmes are being conducted by the Sri Lanka Women’s Bureau for adult women. Many of these programmes are being implemented with the assistance of international agencies such as Care International and UNICEF.

⁷⁸Para 5.102 of the LLRC.

⁷⁹Paras 5.102-5.110 of the LLRC.

⁸⁰Paras 5.111 – 5.117 of the LLRC.

⁸¹ Resolution 19/2 of the Human Rights Council, adopted 3 April 2012; Resolution 22/1 of the Human Rights Council adopted 9 April 2013

⁸²See columns 33-37 of the NPOA for the LLRC Recommendations.

The impact of these interventions however, remains to be assessed. Furthermore, it is questionable whether the full benefit of these policy decisions can be realised within a larger context where the rule of law is weakened; both the government and law enforcement authorities are acting with impunity; and the rights based approach to women's issues is being undermined in the political sphere.

(iv) Policy

The development of policies and programmes for respect and protection of women's human rights, gathered momentum in the 1990s, led to significant law reform up to about 2006 and is at present a relatively inactive area of government activity. The progressive initiatives made through the adoption of the Women's Charter in 1993, which sets out state obligations in line with CEDAW, ought to have been followed up with a women's rights bill. Although several attempts were made towards this end from 2001 but the process remains incomplete. Furthermore, the general policies developed by successive governments does not seem to have led to attitudinal changes at the community level, resulting in perhaps only marginal changes taking place in the private sphere regarding respect for human rights of women.

The first National Plan of Action for Women was developed by the Ministry of Women's Affairs 1995-1996 based on the government's undertakings under the BPFA and CEDAW.⁸³ The plan has since then been revised several times and the latest version of the plan was developed in 2010 as per government statements.⁸⁴ As stated by the Special Envoy of Sri Lanka on Human Rights at the 67th Session of the UN General Assembly, the National Plan is also to address issues arising under Security Council Resolution 1325.⁸⁵ As was pointed out in the shadow report submitted to CEDAW in 2001, the National Plan of Action has not been implemented in a meaningful way and as such its impact remains unclear.⁸⁶

A Plan of Action supporting the Prevention of Domestic Violence Act was developed by the National Committee on Women in 2005. The focus areas of this plan are community education and awareness raising; training and capacity building; infrastructure and support services; media;

⁸³ Chulani Kodikara, *The National Machinery for the Protection and Promotion of Women's Rights in Sri Lanka* (ILO, July 2008) 121.

⁸⁴ SAARC Gender Info Base, 'National Plan of Action for Women 2010-2013' available at <http://www.saarcgenderinfobase.org/pages/newsupdates.php?id=32>, accessed on 25 June 2014.

⁸⁵ Statement by Minister of Plantation Industries and Special Envoy of His Excellency the President on Human Rights at the Third Committee of the 67th Session of the UN GA, 3 available at, http://www.un.org/womenwatch/daw/documents/ga67/Sri_Lanka.pdf accessed on 2 July 2014.

⁸⁶ Shadow Report submitted to CEDAW in 2001, prepared by Centre for Women's Research (CENWOR) 26.

monitoring implementation of the Act; coordination and collaboration between the state and the community; maintenance of records and research; and policy and policy makers.⁸⁷The impact of this Plan of Action remains to be studied.

President Mahinda Rajapakse campaigned and won the presidential election in 2010 on the basis of his manifesto titled the *Mahinda Chinthana* (Mahinda vision) of 2010.⁸⁸ It is now the stated policy of the Government. The policy undertakes to address needs of women such as to participate in development; equality in employment; improvement of skills; improvement of working conditions; and the improvement of nutritional standards for pregnant women. However, it must be noted that these commitments do not make any reference to Sri Lanka's obligations under CEDAW, the obligations of the state under the Constitutions, or to a rights based approach. The language of the *Mahinda Chinthana* is that of welfare at the largesse of the Government.

The National Plan of Action for Human Rights (NPOA HR) was adopted by the Government in 2011 and is to apply for the next five years. This plan makes specific reference to women and the need to make legislative and policy interventions in the areas of health; economic empowerment; employment; violence against women; political representation; discrimination; women affected by conflict; internally displaced women; women in the informal sector; and women migrant workers. The action plan identifies different tasks to be implemented by different ministries within an identified time period. However, this action plan has been criticised as a document that is used to appease the Human Rights Council and the international community, and it has been noted that the Government, in fact, is not committed to meaningfully achieving the goals set out.⁸⁹

Apart from these specific policy developments, during the period under review the state has established Women and Child Development Units for each district in the country, consisting of a Child Rights Promotion Officer, a Women's Development Officer, Early Childhood Development Officer, Relief Sister, Counselling Assistant and a Psychosocial Assistant.⁹⁰ Women and Children's Police Desks are operational at police stations across the island and are expected to assist women

⁸⁷ Plan of Action Supporting the Prevention of Domestic Violence Act 2005, available at,

⁸⁸ Available at <http://www.president.gov.lk/pdfs/MahindaChinthanaEnglish.pdf> accessed on 23 June 2014.

⁸⁹ See for instance, 'Unmasking inaction: Sri Lanka: National Action Plan for the Protection and Promotion of Human Rights 2011-2016' Sri Lanka Brief, 4 March 2013, available at <http://srilankabrief.wordpress.com/2013/03/04/unmasking-inaction-sri-lanka-national-action-plan-for-the-protection-and-promotion-of-human-rights-2011-2016/> accessed on 23 June 2014.

⁹⁰ Statement by Permanent Representative of Sri Lanka to the United Nations at the 57th Session of the Commission on the Status of Women, 2, available at <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/srilanka.pdf>, accessed on 25 June 2014.

and children in accessing the services offered by the police. According to the Police, 36 such desks were in operation by 2014.⁹¹ While these programmes are commendable, several challenges need to be met in strengthening these mechanisms and making them effective. Given the patriarchal, political and partisan larger social context within which these programmes are implemented, the services offered are heavily influenced by those forces.

(v) Institutional Arrangements

The institutional arrangements for women's human rights in Sri Lanka include three basic models. One is the model of a government ministry which address women's issues; second is the model of an independent commission, namely the Human Rights Commission; and thirdly non-governmental and/or community based organizations. Sri Lanka's experience in the period under review clearly suggests that the rule of law, respect for human rights, commitment to professionalism and objectivity are essential if any of these models are to contribute progressively for the advancement of women's human rights.

The Women's Bureau has been established in 1978 and was subsequently brought under a new Ministry for Women in 1983. This institution implemented programmes of the government including programmes for economic empowerment of women and the organising of women's societies at the village levels.

Since 1983, a Ministry has been entrusted with the subject matter of women.⁹² At present the Ministry for Child Development and Women's Empowerment is vested with this matter. The problems that have arisen regarding public confidence in the role of the Ministry and the Minister, and the problematic interventions made by this Ministry has already been analysed in the general introduction to this section.

The National Committee on Women, established in 1994, subsequent to the adoption of the Women's Charter is another institution that is mandated to address women's issues. The contributions made by this Committee include the development of the draft bill of rights of women.

Two commissions were established during the period under review with mandates to promote respect and protection for human rights: the Human Rights Commission (1996) and the National

⁹¹Children and Women Bureau of the Sri Lanka Police, available at <http://www.police.lk/index.php/child-a-women-bureau>, accessed on the 25th of June 2014.

⁹²Ramani Jayasundera, 'Understanding Gendered Violence against Women in Sri Lanka: A Background Paper for Women Defining Peace' (August 2009) 4.

Child Protection Authority (1998).⁹³ The National Child Protection Authority was mandated to specifically address the issue of child abuse.⁹⁴ Within this mandate sexual violence against the girl child has also been addressed.

The Human Rights Commission is authorised, among other things, to act independently in conducting inquiries on complaints received regarding violations of fundamental rights; to advise the government on improving respect and protection for human rights; and to educate society on human rights.⁹⁵ It must be noted however, that no specific mention is made of women's human rights. The first few Commissions appointed under this Act were dynamic and made a positive contribution to the respect for human rights in Sri Lankan society especially in relation to disappearances due to the conflict and the rights of internally displaced persons. Along with the violation of the 17th Amendment to the Constitution by the President since 2006, public confidence in the Commission reduced and the political independence of the Commission was compromised. Since that time, the Commission has been downgraded from 'A status' to 'B status' as per the Principles relating to the Status of National Human Rights Institutions 1993 (Paris Principles).

Non-government women's organisations have played a significant role in promoting respect for women's human rights in Sri Lanka. Since the demand for universal franchise in the early 20th century, women have been functioning as organised groups demanding the improvement of the quality of life for women. In the period under review, numerous organisations have been contributing to the improvement of women's human rights ranging from community based women's organisations to national organisations to international agencies. The Sri Lanka Women's NGO Forum which has been operational since 1993, has sought to consolidate the efforts of many of these organizations and has provided national level leadership in monitoring CEDAW and the BPFA.⁹⁶ However, as pointed out in the general introduction to this section, over the last few years, the shrinking of the public space for debate and discourse, the restrictions imposed on the freedom of expression and association, has had a chilling effect on the activism of non-governmental organisations, including organisations that work on women's human rights.

Two gaps are apparent in the institutional mechanisms for women's human rights in Sri Lanka. One is the lack of a mechanism to vindicate the violations of human rights of women by non-state actors.

⁹³Established under the Human Rights Act No 21 of 1996 and the National Child Protection Authority Act No 50 of 1998 respectively.

⁹⁴Section 14 of the National Child Protection Authority Act No 50 of 1998.

⁹⁵See section 10 of the Human Rights Act No 21 of 1996.

⁹⁶See further in this regard, <http://womenandmedia.org/networks/slwngof/about-slwngof/> accessed on 25 June 2014.

This was sought to be addressed through the proposed Equal Opportunities Bill of 1999 but was shelved due to opposition by groups which perceived the proposed law as an interference with the autonomy of religious institutions.⁹⁷ The second gap is the failure to establish a National Commission for Women, as was proposed in the draft bill on women's rights. Modelled on the Human Rights Commission, the proposed Commission for Women was to have a broad mandate including inquiry, research, education and advising for the purposes of promoting respect for women's rights in Sri Lanka.⁹⁸ Given the political developments especially within the state institutional mechanisms, as discussed in the general introduction to this section, an independent institution that could promote respect for women's human rights is essential in Sri Lanka.

The 18th Amendment to the Constitution adopted in 2010 significantly undermined the independence of the judiciary and commissions such as the Human Rights Commission and the Bribery and Corruption Commission. This Amendment replaced the Constitutional Council (which had been introduced by the 17th Amendment in 2001), with a Parliamentary Council. The Constitutional Council was appointed jointly by the different political parties in Parliament and was authorised to make nominations for appointments to key public offices and independent commissions. The President had to choose the appointee from among the nominees. The Parliamentary Council on the hand comprises of nominated members of parliament whose recommendations are not binding on the President. It must also be noted that since 2005, when the Constitutional Council was not reappointed, the President went ahead with appointments to these offices in express violation of the Constitution. When these appointments were challenged before the Court of Appeal, the Court relied on the immunity of suit of the President under the Constitution and refused to consider the merits of the application.⁹⁹ In the post-armed conflict political context, the 18th Amendment further affirmed the political power of the political party in power and undermined the independence of the public institutions including that of the judiciary.

By 2012, the impact of these developments was seen in the manner in which the Chief Justice, Shirani Bandaranayake, was impeached. As has been pointed out in several statements, both local and international, and in the report of the International Bar Association, the primary motive for impeaching the Chief Justice was that she issued certain judgements that were critical of the

⁹⁷See for instance, 'An Equal Opportunities Bill, an urgent requirement' *The Island* 17 March 2013, available at <http://www.island.lk/2010/03/17/features3.html>, accessed on 25 June 2014.

⁹⁸See further in this regard Chulani Kodikara, *The National Machinery for the Protection and Promotion of Women's Rights in Sri Lanka* (ILO, July 2008) 122-123.

⁹⁹*Sumanasiri Liyanage v Mahinda Rajapakse* 297 & 578/2008 SC (FR) SC Minutes 18 March 2011.

government.¹⁰⁰ The Parliament and President went ahead with the impeachment process on the basis of Constitutional provisions on the sovereignty of Parliament in spite of a ruling by the Court of Appeal that the procedure followed under the Standing Order of Parliament was unconstitutional.¹⁰¹ On appeal, however, in 2014, the Supreme Court reversed the order of the Court of Appeal.¹⁰² It must also be noted that the process followed in the impeachment disregarded basic principles of natural justice. The entire process of the impeachment has had a chilling effect on the judiciary. Its ability to independently vindicate human rights in this context is drastically reduced.

(c) Legal Literacy

Legal literacy has been described broadly in BPFA to include the availability of international standards of human rights in local languages; the availability of information on human rights and the relevant laws in accessible and simplified language; training of public officers, public officials and judiciary on human rights and creating awareness among vulnerable groups of remedies available to them for vindicating their rights.

Women's literacy in Sri Lanka is given as 90.8 per cent according to a survey carried out in 2010 by the Department of Census and Statistics.¹⁰³ While this data is used to support the view that women in Sri Lanka are empowered and independent, it has been pointed out that a voluntarily stated ability to read and write by itself cannot be relied on in arriving at such a conclusion.

Legal literacy in Sri Lanka is a contentious issue. On the one hand, the court system in Sri Lanka is inundated with civil litigation, particularly regarding land matters, thereby suggesting that people are able to use judicial remedies with some knowledge of the laws and mechanisms involved. On the other hand, laws are not freely available in Sinhala or Tamil even in urban areas, let alone the rural areas. Determination of fundamental rights applications are vested exclusively with the Supreme Court, which sits in Colombo. Any person who wishes to make an application, has to travel to Colombo using her personal funds and make such an application within thirty days of the alleged infringement or imminent infringement. In theory, submissions can be made before the Supreme Court in any of the three languages (Sinhala, Tamil, or English) but in practice, the Court operates almost exclusively in English. The accessibility of the entire mechanism of the fundamental rights jurisdiction is therefore questionable. While people find it easier to access lower court for civil

¹⁰⁰ See *A Crisis of Legitimacy: The Impeachment of Chief Justice Bandaranayake and the Erosion of the Rule of Law in Sri Lanka*, report of the International Bar Association's Human Rights Institute (April 2013) for a detailed report in this regard.

¹⁰¹ *Shirani Bandaranayake v Speaker of Parliament* CA (Writ) Application 411/2012, CA Minutes of 7 January 2013

¹⁰² *AG v Shirani Bandaranayake* SC Appeal No 67/2013, SC Minutes 21 February 2014

¹⁰³ Economic and Social Statistics of Sri Lanka 2012 (Central Bank of Sri Lanka 2012) 1.

matters, the procedure followed in those Courts remains alien to the litigant. Gender sensitivity in the process of hearing matters before Courts, will vary depending on the presiding judge.

The Legal Aid Commission is mandated to provide legal aid to persons who are unable to hire legal representation due to financial difficulties. At present, an individual must establish that her monthly income is below Rs 6 000 in order to be entitled to free legal representation. The Commission will provide representation for maintenance cases, irrespective of the income level of the litigant. In criminal cases, if the accused has no legal representation, at the High Court level, the judge may appoint a legal counsel to appear pro bono. These provisions are inadequate in that persons who do not fall within the given income threshold are also in need of legal representation, especially in making fundamental rights applications. However, at present, a handful of lawyers based in Colombo take up such cases on a pro bono basis but it is an ad hoc system. There are a few non-governmental organisations that provide financial assistance to petitioners in fundamental rights cases, but that too is an informal system.

Non-governmental organisations have actively contributed to the improvement of legal literacy of women during the period under review. The access to justice, among other services, provided by Women in Need (WIN) is an example of such work.¹⁰⁴ WIN has pioneered in providing assistance to women subject to domestic violence by providing them with legal counsel and advice where necessary and in vindicating their right to be free from violence. AKASA (Association of Women with Disabilities) is another example of an organisation that has consistently worked towards legal literacy among women with disabilities especially in rural Sri Lanka.¹⁰⁵

International agencies have also been making a significant contribution in this area. For instance, the UNDP has been assisting government agencies in improving access to justice over the last few years.¹⁰⁶ This has included the conducting of mobile clinics to assist persons in obtaining their documentation such as identity cards and certificates of birth. Workshops have been conducted in rural parts of the country to increase legal literacy. Assistance has also been provided for women who wished to apply for certificates of death for missing family members under the temporary law enacted for that purpose.

¹⁰⁴ See further, <http://temp.winsl.net/> accessed on 25 June 2014.

¹⁰⁵ See further, <http://www.akasa.lk/>, accessed on 25 June 2014.

¹⁰⁶ See further in this regard,

http://www.lk.undp.org/content/srilanka/en/home/operations/projects/democratic_governance/equal-access-to-justice-phase-ii-/, accessed on 25 June 2014.

Some attempts have been made to introduce the concept of human rights at the level of secondary education. However, the law, legal remedies and Sri Lanka's human rights obligations continue to be viewed from a state-centric perspective as opposed to a human centric perspective. As a result the need to make the law accessible to the vulnerable has not been adequately considered. Women with disability for instance, have no access to the law or to formal methods of vindicating their rights in general. Sri Lanka is a signatory to the Convention on Rights of Persons with Disabilities. However, the few policies and programmes for persons with disability do not adopt a rights framework but rather a framework of social welfare. Consequently, the legal literacy of this group of women remains a neglected area.

03.Recommendations

- i. Constitutional amendments are key to strengthening human rights including women's human rights.
 - a. Abolition of the Executive Presidency and the Eighteenth Amendment that has proven to re-create an environment of authoritarian governance and *ad hoc*, top down policy making by the executive without addressing impact on rights protected by Constitution.
 - b. Reintroduction of concept of independent Human Rights, Public Service and Election Commissions under Seventeenth Amendment with relevant amendments to strengthen procedure of appointments to the Commissions.
 - c. Introducing provisions of 2000 the Draft Constitution on liability of non-state actors (private) and justiciability of socio-economic rights.
 - d. Introducing provisions of the Draft Constitution on impeachment procedure and independence of the judiciary.
- ii. Study impact of the law reforms introduced in the post-Beijing period, with a particular focus on identifying factors that have contributed to the non-implementation of those laws. Such a study should adopt a victim and community centered approach.
 - a. Study the inter-sectionality of law, culture, politics and economics with a view to recommending an inter-disciplinary approach to law reform and the development of policy.
 - b. Widespread dissemination of such a study in all three languages among all communities.
 - c. Revision and repeal of nineteenth century colonial laws that discriminate against women.
- iii. Introduction of Women's Rights or Gender Equality Law with provision for independent Women's Commission.

- iv. Implementation of proposal of Family Law Reform Committee, submitted to Ministry of Justice in 2009.
- v. Using UN procedure, e.g. – UNDAF, programme support to help government work towards implementation of CEDAW Concluding Observations and General Recommendations in key areas of relevance to agenda on Women’s human rights. UN sharing Concluding Observations and General Recommendations with all agencies working on women’ rights and developing consensus within system on priority areas for support.
- vi. UN agencies linking with partners in government as in the past to promote reporting to CEDAW and sharing reports and Concluding Observations with other stakeholders including women’s groups both before and after reporting.
- vii. UN and other agencies supporting curricula review in universities and professional institutions including law, medical, business, schools and economic programmes to incorporate modules on human rights. A needs assessment can be done. Also for law enforcement agencies including Attorney-General’s department, police and Kotalawala Defence Academy, and public administration and training institutions.
- viii. Implementing LLRC recommendations on setting up inter-agency task force to address issues of war widows and disappeared family members, and women’s equal access to private land and state land and housing distribution.

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Sumanasiri Liyanage v Mahinda Rajapakse 297 & 578/2008 SC (FR) SC Minutes 18 March 2011

Yogalingam Vijitha v Reserve Sub Inspector of Police, Police Station, Negombo SC Application 186/2001

Weerawansa v AG [2000] 1 Sri LR 387

D. VIOLENCE AGAINST WOMEN

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01. Introduction

(a) Global Developments

The BPFA reinforces in Section D the link between women’s human rights and the phenomenon of violence against women (VAW). Paragraph 112 states that VAW is an “obstacle to the achievement of equality” and that it “impairs and nullifies enjoyment by women of human rights and fundamental freedoms.” Paragraph 118 recognises VAW as a manifestation of gender based discrimination and inequality.

This linkage has been recognised, strengthened and developed in the responses to gender based violence globally in the two decades after the Beijing World Conference. Consequently, as stated earlier, in the review of section I, developments that have taken place in the area of human rights are also relevant and have a bearing on section D. This is specially so in regard to developments on state accountability to protect women from violence perpetrated by its own officers and non-state actors. This aspect of state obligations on VAW is dealt with in the BPFA paragraph 113 and 121. The state’s obligation is clearly identified as a duty to prosecute acts of VAW and take action to protect victims and prevent impunity for such acts in the community, and the family, and by both the state and non-state actors. The BPFA therefore reiterated the norms and standards of CEDAW General Recommendation 19 and the UN Declaration on Violence against Women (1993) which reflected the Vienna World Conference consensus that VAW was an infringement of women’s human rights. The BPFA also developed on the CEDAW standards on trafficking in Art. 6, and linked it to violence against women and an infringement of their human rights (para 122, 113 (b)). The BPFA included armed conflict as a critically important cite of violence against women – another aspect which, together with the general issue of VAW had not been specifically referred to or addressed in the text of the CEDAW Convention (para 114).

The period 1995-2014 has seen a significant global visibility for diverse aspects of VAW resulting in international and regional standard setting and national changes in constitutions, legal reforms, new policy reviews and programming. One of the most critical changes has been in regard to VAW in armed conflict referred to in the BPFA para 114, and the recognition of VAW and sexual violence in armed conflict as coming within war crimes as defined in the Rome Statute that deals with criminal justice in international law. The jurisprudence of the war crimes tribunals including in relation to

Yugoslavia and Rwanda broadened the scope of definition of sexual and other forms of violence against women as serious crimes for which there can be no impunity.

The core concepts and ideas of the BPFA section D on VAW have therefore been fleshed out in international and national laws in a manner that could perhaps not have been anticipated in 1995. Developments in international law and national law have helped to draw attention to many other forms of VAW which are considered a manifestation of gender based discrimination. Sexual harassment in the community and the work place, and violence perpetuated against the girl child are considered as areas that are not private matters but, create legal obligations of the state and non-state actors to respond and protect women and girls from such conduct. The BPFA refers to infringement of women's reproductive rights as a form of VAW (para 115). Violence perpetuated against lesbian and transgender persons has been addressed in Concluding Comments of various treaty bodies as a dimension of gender based discrimination and a denial of the human right to bodily integrity and the right to reproductive health. Criminalisation of homosexuality is therefore perceived negatively, as discrimination and infringement of human rights including the right to protection from violence.

The work of the ICCPR and CAT treaty bodies and the CEDAW Committee have also reinforced the standards on VAW as a crime that can be committed by state and non-state actors. Domestic and intra family violence is recognised in this international standard setting as a phenomenon that requires a state response. Impunity of perpetrators must not be countenanced or legitimised by the state, and women's right to relief and remedy must be recognised. The CEDAW Committee's quasi jurisprudence under the Optional Protocol has reiterated these norms and the state obligation in this regard.

The dimension of women's right to personal security and protection from violence including their right to relief and remedies has therefore been clearly recognised in international law. National jurisprudence, including in Sri Lanka, has also recognised physical and sexual violence by state and non-state actors as violence against women which must be punished, and also lead to victim remedies and relief.

Several Resolutions of the Security Council commencing with SC Resolution 1325 of 2000 on Women, Peace and Security have dealt comprehensively with the situation of women in armed conflict and in doing so further strengthened international norms on responding to violence against

women. Emphasis is placed on accountability and state obligation, which includes responsibility for violence perpetuated by non state actors. The state can be liable for inaction in not protecting women from violence. There is a state obligation to put in place laws, policies and programmes and institutions to enforce the legal norms and give women the right to claim remedies and relief. The most recent General Recommendation of CEDAW (No. 30) gives a comprehensive analysis of VAW in armed conflict as discrimination and a denial of substantive equality and the measures required to address it.

The CEDAW Committee's Concluding Observations over the years on country reports, including from South Asia also noted this phenomenon, and addressed it as a critically important infringement of women's human rights. These developments also strengthened remedies and accountability through a concept of 'command responsibility' of those with decision making power and authority in situations of armed conflict even if they were not the actual perpetrators of acts of violence.

The adoption of the Palermo Protocol to the International Convention on Transnational Crimes has contributed to clear standards of international law on the phenomenon of trafficking as a cross border crime. The Protocol has also expanded the definition of trafficking and has contributed to the strengthening of national laws, policies and programmes in Asia including in Sri Lanka. The SAARC Convention on Trafficking and Prostitution of Women and Children is a regional instrument that has recognised trafficking as a form of violence and an infringement of human rights reinforcing the international standards.

Paragraph 116 and 118 address the specific vulnerabilities of women who belong to specific groups including ethnic and religious groups. These paragraphs recognise a universalist and human rights rather than a cultural relativist approach to VAW justified in the name of culture, custom and tradition or religion. There is therefore a state obligation in international law to prevent and protect women and girls from violence. Treaty bodies and mandate holders on VAW and Cultural Rights call for a revisiting of practices that justify VAW on arguments of culture and religion in order to promote a standard of zero tolerance for VAW. Universal norms and standards have therefore been strengthened and developed over the last two decades in the work of human rights treaty bodies including CRC and CEDAW and special procedures. The Concluding Comments in progress reviews of state party reports and General Recommendations and Comments have built a body of international law that does not permit countries to use a cultural defence to deny protection against such violence. These developments as well as the work of special mandate holders of the UN such as the

Special Rapporteur on VAW and in the field of Cultural Rights have increased visibility and publicity on the validity of universal norms and standards on VAW.

These developments in international law have replaced the concept of state sovereignty with the accountability of state and non-state actors to respect, protect and fulfil the human rights of women including their right to protection from violations. A topic which was identified as an important aspect of VAW has now been incorporated into a comprehensive body of international law and standards, setting new obligations of accountability for all member states of the United Nations and State parties to CEDAW, CRC and major international human rights instruments.

The BPFA focuses on the need for gender mainstreaming and holistic multidisciplinary legal policy and programmatic responses to address the complex problem of VAW (para 119/123). There is an emphasis on the important role of the media, men in communities and educational institutions (para 118 and 119). These concepts and ideas have also been expanded and developed through Concluding Comments and Observations of the CEDAW and CRC Committees and other Treaty bodies. The accountability of the media is also dealt with in these documents, interpretations on the right to freedom of information, speech and publication in light of international standard setting on the need to protect women and girls from exploitation in pornography. The BPFA emphasises the importance of the state obligation to produce gender disaggregated data on VAW and the need for research (para 120). This aspect too is dealt with in Concluding Comments of treaty bodies and in their Concluding Recommendations and Comments.

(b) Review of Progress in Sri Lanka in regard to VAW in light of Developments in International Law and Regional Standards

The issue of VAW received significant attention in Sri Lanka in the immediate aftermath of the Vienna World Conference and the adoption of the BPFA. The incorporation of VAW as a reflection of inequality and gender based discrimination in the policy statement, the Women's Charter of 1993, has been referred to. Women's groups and the National Committee of Women (NCW) worked together on drafting a comprehensive Women's Rights Act that would help to strengthen implementation of the principles and policies outlined in the Charter on women's rights, including in relation to VAW. This draft was submitted to the government in 2007 but has not yet been approved by cabinet for presentation as a Bill in Parliament. One of the first initiatives of the Ministry of Women's Affairs after the Beijing Conference was the setting up of a Women and Children's Police Desk in Colombo, within a metropolitan police station dedicated to responding to VAW. In later

years the Ministry developed several National Action Plans on VAW with the participation of women's groups, gender advocates and academia, and the National Committee on Women. The reform of provisions of a nineteenth century Penal Code in 1995 changed legal norms and strengthened the criminal law on physical and sexual violence against women. Limitations in regard to enforcement and implementation of the new law and action plans on VAW due to lack of resources, and inadequate supportive programmatic interventions, have been highlighted in the CEDAW and CRC progress reviews of 2002. Some continuing gaps in the legal norms were highlighted in the CEDAW progress review of 2002, and by CRC and other treaty bodies. Domestic Violence legislation was enacted in 2005 in response to CEDAW's Concluding Observations on the 2002 report.

In the period 1995 to 2005 the Ministry initiated legal literacy programmes and NCW also provided institutional facilities for a complaint procedure. These initiatives were supplemented by other government agencies such as the the Family Health Bureau. Women's groups have also partnered with the state in some later programmes to address VAW. Various public events and programmes on VAW have also been held throughout by government agencies, with the support of UN and other agencies seeking to create public awareness and respond to the high incidence of VAW in the country. However new legal and policy reforms have not been enacted since 2006.

Fundamental rights jurisprudence developed in the Supreme Court in the first decade, especially on sexual violence and torture as a violation of fundamental rights gave visibility for state accountability for violations including inaction. Some high profile prosecutions of VAW in the conflict areas and an independent Police and Human Rights Commission also created some confidence that VAW was being addressed as an issue of public concern.

The years of armed conflict and the post-armed conflict years in particular have seen the growing incidence of violence against women including in the areas affected by the conflict.¹⁰⁷ Human Rights groups and some women's groups have consistently drawn attention to widespread impunity. They refer to post 2009 institutional changes regarding law enforcement, (the Police and the Attorney-General's Department) as undermining their professionalism and independence, alleging politicisation in the administration of criminal justice.

¹⁰⁷ See for an analysis in this regard, Yasmin Tambiah, 'Sexuality and Women's Rights in Armed Conflict in Sri Lanka' (May 2004) 12(23) *Sexuality, Rights and Social Justice*, 78.

The CEDAW Committee even requested the Sri Lankan government to submit an interim report on violence against women affected by the armed conflict after the 2011 progress review took place. The LLRC recommendations also highlighted the need to have a domestic inquiry that would investigate all allegations of violence, including VAW in the former conflict affected areas. The government has in the post war years consistently refused to initiate such a domestic process though it has taken the initiative to appoint a Commission on Disappearance which is currently holding public sittings. These allegations of impunity are denied consistently by the government in international and other fora as efforts to undermine the national interest.

Public statements by senior officials including the President, Minister and others on domestic violence as a private matter, and more recently in regard to the phenomenon of sexual violence against women and child abuse, further erode the confidence in law enforcement. These publicly expressed views encourage cynicism and inaction among government officers and even some activists and women's groups. Sensitivities of government to accountability issues related to human rights violations during the last stage of the armed conflict has had a chilling effect on the media and some women's groups that advocate prevention of VAW. Protests by women's groups who are willing to criticise government inaction or dismissal of VAW as an issue of gender based discrimination find that their statements are invariably not published in the leading newspapers.

The government recently refused to participate in the 2014 Conference on Sexual and other Forms of Violence against Women related particularly to armed conflict. It has indicated that it will not participate in the international inquiry authorised by the most recent Resolution of the Human Rights Council in 2014.

Some government initiatives have been taken to strengthen the responses to trafficking through changes to the law, in 2006, incorporation of the SAARC Convention into national law, and the appointment of an inter-agency task force. Nevertheless the very poor record of prosecutions has resulted in Sri Lanka being placed on Tier 2 in a US Report dealing with global Trafficking in Women. The National Child Protection Authority has taken various initiatives to respond to girl child abuse.

The growing environment of undermining of the rule of law and law enforcement does not inspire public confidence in government's political will to respond to the issue of VAW. The repeal of the 17th Amendment, and the increasing powers of executive and Presidential authority after the 18th Amendment has meant that the public and women are denied the benefit of access to decision

making by an independent Police Commission, and a Human Rights Commission that conform to Paris Principles on national Human Rights Institutions. The 18th Amendment abolished an independent Public Service Commission. Politicisation in appointments to these Commissions and the impact of political decision making at all levels has eroded the independence and professional contribution of senior government officials that was apparent in the past. There is often complete silence or unwillingness to engage in any clarifications in regard to controversial and often sexist policy statements made by the Minister of Women's Empowerment. Yet some officials have in the past taken initiatives to support research and other initiatives on VAW and trafficking.

The performance of the judiciary in recent years, does not reflect an understanding of issues connected with VAW. The arbitrariness in sentencing in cases of VAW including sexual violence is a serious problem in trial courts. The lack of further developments in fundamental rights jurisprudence relevant to VAW will be noted in the next section. The harassment including sexist verbal abuse that the former female Chief Justice was subject to in impeachment proceedings has been the subject of negative publicity nationally and internationally. There have been more appointments of women to the higher judiciary, but not always observing norms of seniority, leading to allegations of politicisation.

The stagnation and or erosion that has taken place in the area of law and policy reform and the double messages given by government including law enforcement agencies on the subject of VAW, particularly in the last five years has meant that Sri Lanka government which had a record of commitment to integrating post-Beijing international norms and standards seems trapped in actions that undermine or even reject these commitments. Women's groups are also weak and unable to organise for effective activism to respond to these trends. Since 2009 or in the post-armed conflict years there has been an all pervasive roll back on state obligations both under the BPFA as well as ratified treaties, which has reinforced the negative trends in the general area of human rights. This will be clearly demonstrated in the review of strategic objectives under the BPFA, in the next section, especially in relation to sexual violence against women and girls by state and non-state actors, priority areas identified in the BPFA. The only consistent and positive development in the last decade is in the area of research on VAW which has documented both the high incidence of these violations and critically evaluated areas of law, policy formulation and programmes. In a dramatic and negative shift from the past this research has been ignored by policy makers, and failed to impact on law reform, policy formulation or effective programming in the post armed conflict period.

Women's groups that networked closely and interacted with government to initiate response to VAW are now divided into groups that are perceived as 'pro' or 'anti-government'. The lack of unity is seen in the ineffectiveness of the NGO Forum that came together for the Beijing Conference, and was active on the VAW agenda for several years. It is also witnessed in the refusal of some women's groups to sign on to statements that are perceived as critical of government officials and or government initiatives on law and policy reform on VAW or publicised incidents of VAW particularly from the former areas of armed conflict.

02. Strategic objectives

Three strategic objectives are identified for addressing VAW under the BPPFA: the adoption of integrated measures to prevent and eliminate VAW (para 124-para 127); the study of the occurrence of VAW and the impact of any preventive measures that have been adopted (para 129); and the elimination of trafficking and provision of assistance to victims of VAW and trafficking (para 130). The progress made in the private and public sphere in achieving these strategic objectives is assessed below.

(a) Integrated measures to prevent and eliminate violence against women

Law reform has received attention as an important measure to prevent and eliminate VAW in the period of 1995-2006. The significant reforms in the criminal law introduced by amendments to the Penal Code in 1995 sought to address VAW in the community. It redefined the offence of rape and statutory rape, in line with the need to eliminate the gender bias of this nineteenth century colonial law. The 1995 law also increased and set minimum penalties for sexual violence in response to evidence of a tendency in the Courts towards arbitrary sentencing of perpetrators of sexual crimes. The offence of sexual harassment including in the workplace was recognised by a specific provision but marital rape was defined in a very limited manner. From 1995 the government has established and expanded Women and Children's Desks in police stations. This is a programme that is meant to strengthen investigation and to coordinate responses to VAW. However research has highlighted the limitations of these units, largely due to poor resources. As discussed in the previous section, GBV in the public sphere, ranging from sexual harassment to rape is regularly reported and it is not clear as to whether the legislative intervention of reforming criminal law has empowered women to obtain access to legal remedies seek the vindication of their right to be free from violence.¹⁰⁸ The right to equality under the Constitution can be relied on by a public sector employee in challenging sexual harassment in the public sector but has not been claimed so far.

¹⁰⁸ See for instance, Ramani Jayasundere, 'Understanding Gendered Violence against Women in Sri Lanka' (A Background Paper for Women Defining Peace, August 2009), 6.

In 2006, the Ministry of Women's Affairs issued a circular requiring all government departments to develop and implement policies to address sexual harassment in the workplace. The Human Rights Commission too has issued guidelines for the development of a policy against sexual harassment in the work place for the state sector. However there is no evidence that these policies are being implemented in the public sector or state universities. The National Plan of Action for Human Rights 2011 -2016 includes the implementation of anti-sexual harassment policies in both the state and private sectors.¹⁰⁹ The Women's Affairs Ministry has been entrusted with this task. An increasing area of concern, misuse of the internet in sexual harassment has not been addressed through law reform or institutional policies on sexual harassment.

The provision of a civil remedy for domestic violence through the Prevention of Domestic Violence Act of 2005 is one the most significant advancements made with regard to addressing intra family violence. Advocacy to create awareness on this law by the State agencies, women's groups and training of police has contributed to creating greater awareness in the community on women's right to relief and remedy. However, as discussed in the section on human rights, the state has not provided satisfactory support services for victims of domestic violence. That has led to the dilution of the impact of the legislative intervention. According to the Ministry of Women's Affairs and Child Development, only one safe home is run by the state at the moment.¹¹⁰

The government's response to addressing reported incidences of VAW in the context armed conflict has been inadequate. In her report to the UN HRC the High Commissioner for Human Rights stated that women are 'vulnerable to sexual harassment and violence' in conflict affected areas which are subject to a 'heavy military presence'.¹¹¹ The findings of the LLRC as was discussed in section I, too, highlights the problem of VAW in the context of armed conflict and the need for state intervention to address the rights of victims and to prevent further incidences of VAW. Another study finds that women and girls of Tamil ethnicity have been subject to different forms of sexual violence due to the conflict and that these incidents are not reported due to fear, shame etc.¹¹² An alternative report on the implementation of CEDAW in relation to women and armed conflict in 2010, too echoes the

¹⁰⁹ National Plan of Action for the Protection of Promotion of Human Rights 2011 – 2016, 67.

¹¹⁰ Statistics available at the website of the Ministry of Women's Affairs and Child Development, available at http://www.childwomenmin.gov.lk/resources/29/statistic_new.pdf accessed on 26 June 2014.

¹¹¹ Para 15, 'Promoting reconciliation and accountability in Sri Lanka' Report of the Office of the United Nations High Commissioner for Human Rights (24 February 2014) (Advance Edited Version).

¹¹² MK Andreson and B Fernando 'The Phantom Limb: Failing Judicial Systems, Torture and Human Rights Work in Sri Lanka, A Study of Police Torture in Sri Lanka' (2009) 10.

same findings and calls on the state to all possible measures to ensure that VAW in this context be addressed.¹¹³

The contribution of the judiciary to VAW has been disappointing. The judicial approach lacks gender sensitivity. For instance in the *Kamal Addararachchi* case, the evidence given by the purported victim was rejected as being unreliable at appeal stage on the basis of a subjective and paternalistic understanding of a woman's behaviour in Sri Lankan society.¹¹⁴ Court observes at one point in its judgement that 'The fact that the prosecutrix went into the room of this unknown house with the accused-appellant in the dead of the night, without making any fuss, makes her version that she was an unwilling party to sexual intercourse highly improbable, having regard to the normal conduct and behaviour patterns of women and girls in Sri Lankan society.'¹¹⁵ Such observations normalise and perpetuate the reliance on unacceptable perceptions of appropriate and inappropriate behaviour for women in the interpretation of laws. Furthermore the judicial approach to sentencing in sexual crimes has undermined some aspects of the progressive reforms of the criminal law referred to above. In 2008, in responding to a reference made to it by the Anuradhapura High Court, the Supreme Court held that in sentencing, judicial discretion can be exercised even with regard to offences that attract mandatory sentences. The reference was made with regard to a case that involved statutory rape, which is punishable with a mandatory minimum prison sentence of ten years. Subsequent to this statement of opinion by the Supreme Court, High Court judges are permitted to sentence those convicted of statutory rape as per their discretion. It has been pointed out that the rejection of the mandatory minimum sentences by permitting the exercise of judicial discretion is unconstitutional.¹¹⁶ Furthermore, a recent study has found that since 2008, offenders of sexual violence against women and children have been released on suspended jail sentences.¹¹⁷ This trend in sentencing undermines the punitive and normative impact of the criminal law reforms that were introduced post 1995 which had criminalised sexual offences against women and children.

Women's organisations have made a contribution to raising awareness on VAW especially domestic violence and provided services to those affected during the period under review. A recent study identified 86 organisations that provided different forms of support services for victims of domestic

¹¹³ Alternative report on the implementation of the UN Convention on the Elimination of Discrimination against Women (CEDAW) Sri Lanka – Women and Armed Conflict, (European Center for Constitutional and Human Rights, January 2011).

¹¹⁴ *Kamal Addararachchi v the State* CA Appeal No 90/97, CA Minutes 15 December 2000.

¹¹⁵ *Kamal Addararachchi v the State* CA Appeal No 90/97, CA Minutes 15 December 2000 26

¹¹⁶ Savitri Goonesekere 'Legislative Reform and Judicial Interpretation' in ARB Amerasinghe (ed), *A Matter of Esteem* (2010) 208, 228.

¹¹⁷ Lawyers for Human Rights and Development, *Justice – Suspended?: A Study on Suspended Sentences for Sexual Offenders* (February 2012).

violence. Only one of those organizations was a state actor, namely the NCW. Out of these 86 organisations a majority of them had begun their work on domestic violence between the years 1993 and 2003.

The stereotyping of women in mass media, the indirect use of patriarchal values in bureaucratic regulations are factors that contribute to the failure to address VAW in Sri Lankan society as a serious issue. In combating VAW these influences too need to be recognised and negated. For instance, even though there is no legislative provision that recognises the concept of the Head of the Household, Sri Lankan administrative practice regularly employs this concept in its work. It was demonstrated in a study on this concept that, in practice, the term is infused with patriarchal meaning resulting in the stereotyping and marginalisation of women in the private and public spheres.¹¹⁸ Similarly the stereotyping of women in tele-dramas, commercial advertisements undermine the concepts of autonomy and equality of the women, which makes them targets of violence. The inter-sectionality of VAW in the context of Sri Lankan society, therefore, needs to be recognised in effectively combating VAW.

VAW as experienced by women with disabilities is a neglected area in Sri Lanka. Whether it be regarding the provision of facilities for such women to make complaints, or ensuring that they have equal access to legal proceedings, policy and programmatic interventions have not been introduced. The general lack of inclusiveness of persons with disability in Sri Lankan society, forms the background within which women with disabilities find it difficult to vindicate their right to be protected from violence. Furthermore, research suggests that incest remains a serious problem in Sri Lankan society.¹¹⁹

In reviewing state reports, the CEDAW Committee has repeatedly raised concerns about the need to adopt preventive measures and suitable remedies to address VAW. In 2011, the CEDAW Committee once again framed VAW as an area of concern in its Concluding Observations. It identified the following specific aspects as problematic: delays in processing cases under the DV Act; the mediation of complaint of domestic violence by the police; the restrictive legal definition of marital rape; and the lack of specific data on domestic violence.¹²⁰ The Committee made several recommendations to the state in this regard including the training of judiciary and other relevant public officials, provision

¹¹⁸ *A socio-legal study on the Head of the Household concept in Sri Lanka* (COHRE 2008).

¹¹⁹ See further in this regard, Kalinga Tudor Silva et al, *Ravaged Innocence: A Study of Incest in Central Sri Lanka* (CENWOR 2002); Savitri Goonesekere & Harini Amarasuriya *Emerging Concerns and Case Studies on Child Marriage in Sri Lanka* (UNICEF 2013); 'Shocking Child Abuse Stats' *The Sunday Leader* 5 September 2014.

¹²⁰ CEDAW Concluding Observations 2011, para 24.

of support for victims of VAW and the investigation and prosecution of offenders. As will be demonstrated in the next section, identification of the causes of VAW and its consequences become critical if Sri Lanka is to aspire to fulfil its commitment to combat and eliminate VAW.

(b) Research on causes and consequences of violence against women and the effectiveness of preventative measures

The lack of a reliable data base on the occurrence of VAW remains a serious concern in Sri Lanka. Quantitative data over time is necessary to identify patterns and trends in VAW and also to identify the worst forms of VAW, the localities of higher incidences of VAW and to rate the vulnerability of different communities to it. Sri Lanka has a respected national agency, the Department of Census and Statistics, that is capable of undertaking data processing of this kind, as the best possible data can be gathered through state institutions such as the police, hospitals, maternity clinics, schools etc. Nevertheless the collection of data on VAW has not been given priority by this central agency. A statistical handbook on data produced by the Women's Affairs Ministry *The Sri Lankan Woman: Partner in Progress* has collated data. But the definitions adopted in regard to VAW are problematic. One component on 'female sex offenders' gives statistics indicating that women commit the highest number of these crimes, on the basis of cases brought against women for violating the Vagrants Ordinance which penalises street prostitution!¹²¹ Several initiatives under a SAARC regional programme to collate a country specific Gender Information Base, including on VAW, was not successful due to lack of coordination between the national data agency, the Department of Census and Statistics and the identified nodal agency for Sri Lanka's data base, a small unit located in the Ministry of Women's Affairs. The lack of professional support for data gathering and recording, including by the police has hampered the development of a solid data base on the issues of concern to women, including VAW. Recently, the Ministry of Women's Affairs in collaboration with the Department of Census and Statistics and the University of Colombo launched a programme to develop a national data base on women.¹²² Data is to be collected on widows, female headed households, VAW and employment. This initiative has the potential to effectively address the lack of data.

A strong evidence base has been created by research on VAW, undertaken by individual researchers and non-governmental research institutions. For instance, a study commissioned by CARE highlights the impact of the notion of masculinity on VAW in Sri Lanka based on a study of the prevalence of

¹²¹ Department of Census and Statistics, *The Sri Lankan Woman: Partner in Progress* (October 2007) 154.

¹²² National database on women' *LMD The Voice of Business* 20 May 2014 available at <http://lmd.lk/2014/05/20/e-women-concept/> accessed on 13 November 2014.

VAW in four districts in Sri Lanka.¹²³ According to this study 36 per cent of ever partnered men were reported to have committed VAW against a female intimate partner while six per cent of men have committed VAW against non-partner women.¹²⁴ These findings demonstrate the need for data collection which can then feed into relevant and tailor made interventions both by the state and civil society. Domestic violence against women is the most researched area of VAW in Sri Lanka. As documented by Kodikara and Piyadasa between 1991-2007 ten studies have been conducted in Sri Lanka on the prevalence of domestic violence.¹²⁵ Most of these studies have looked at case-studies of domestic violence and sought to identify the causes and consequences of domestic violence. VAW in the context of armed conflict has been documented primarily by non-governmental organizations for the purpose of advocacy, while studies on trafficking and prostitution and their impact on women are few and far between.

As is pointed out in the review of Section I, subsequent to the penal law reform to criminalise several forms of violence against women, comprehensive studies remain to be carried out as how these laws have been enforced. The complaints procedure, the receptivity of the police to such complaints, the proceedings in lower courts, the responses of the community etc. requires investigation and analysis if the impact of these reforms is to be evaluated.

Civil society access to information described above is limited. Even though the Supreme Court has recognised in Sri Lanka that the freedom of expression necessarily includes the freedom of information, such a law has not been enacted, in spite of several attempts by civil society to propose a Freedom of Information law. Furthermore, proceedings of lower courts are not freely available to the public. Within this context, studying the incidences of VAW and the response of the law to such events, remains a challenge. An independent Commission for Women, as was proposed in the Women's Rights Bill could have initiated this type of research which then could have led to evidence based policy and legislative interventions.

(c) Trafficking in women and assistance to victims of violence due to prostitution and trafficking

Trafficking

Although trafficking of women for sexual exploitation is a comparatively less significant issue for Sri Lanka, it has been found that 'trafficking for sex and exploitative forms of labour does exist internally

¹²³ Neloufer de Mel et al, *Broadening gender: Why masculinities matter* (CARE, April 2013).

¹²⁴ *Op cit*, 33.

¹²⁵ Chulani Kodikara & Thiagi Piyadasa, 'Domestic Violence Intervention Services in Sri Lanka: An Exploratory Mapping 2009-2011' (Revised edition, International Centre for Ethnic Studies, July 2012) 3.

and externally'.¹²⁶ Women migrant workers; domestic factory workers in the apparel sector; sex workers; female domestic workers are some examples of women subject to sexual exploitation and exploitative labour.¹²⁷ A significant number of women who migrate to Middle Eastern countries for employment have complained of different forms of exploitation including the non-payment of agreed wages (1535 complaints in 2006, 1326 complaints in 2007 and 1352 complaints in 2008) and sexual harassment (1662 complaints in 2006, 958 complaints in 2007 and 1155 complaints in 2008).¹²⁸

The offence of trafficking was introduced to the criminal law of the country in 1995.¹²⁹ In 2006, the government amended the criminal law to bring the offence of trafficking in line with international standards.¹³⁰ Furthermore, the Immigrants and Emigrants Act was amended in 2006 to incorporate provisions prohibiting the making of false promises of employment overseas, misleading a person with such information and obtaining financial benefits through such attempts.¹³¹ This Amendment brought the domestic legal definition of trafficking in line with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000). The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was also incorporated into domestic law, also in 2006.¹³²

However, as in the case of VAW, progressive developments through law reform, have not necessarily led to an improvement in the ground situation. According to the US State Department Reports of 2011 - 2014, Sri Lankan women, men and in certain cases even minors are subject to forced labour and sex trafficking, particularly due to their migration to middle eastern countries for employment. Sri Lanka has been rated as tier 2 in 2011 and 2012 and as 2WL (tier 2 watch list) in 2007 – 2010 and 2013 – 2014 by the US State Department in relation to trafficking (tier 1 being the best possible ranking out of ranks from 1 to 3).¹³³ According to the State Department, lack of prosecutions for the

¹²⁶ Ramani Jayasundere, 'Understanding Gendered Violence against Women in Sri Lanka' (A Background Paper for Women Defining Peace, August 2009) 6.

¹²⁷ See further in this regard, US Department of State, 'Trafficking in Persons Report 2010' available at <http://www.state.gov/documents/organization/142979.pdf>, accessed on 26 June 2014. See further, 'Assaulted Lankan Workers Returned from Kuwait' *Daily Mirror* 6 December 2011; 'Body of Housemaid Sans Internal Organs' *Daily Mirror* 14 November 2011; 'Lankan Maid in Saudi Rescued After 13 Years' *Daily Mirror* 24 June 2011; 'A Maid Called Ariyawathi' *The Sunday Times* 29 August 2010.

¹²⁸ Annual Statistical Report of the Sri Lanka Bureau of Foreign Employment 2009.

¹²⁹ *Penal Code (Amendment) Act No 22 of 1995*.

¹³⁰ *Penal Code (Amendment) Act No 16 of 2006*.

¹³¹ *Immigrants and Emigrants (Amendment) Act No 31 of 2006*.

¹³² *The Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act No 30 of 2005*.

¹³³ See, report on Sri Lanka, in *Trafficking in Persons Report* (US State Department 2014) 356. These rankings are based on the compliance of countries to the *Trafficking Victim Protection Act* of the United States with 2WL indicating partial compliance with significant efforts to improve compliance.

offence of trafficking, in spite of reports of instances of trafficking is one of the main reasons for this ranking.

An inter-ministerial task force on trafficking has been set up to monitor government interventions against trafficking and continues to meet regularly and has in 2013 updated its action plan against trafficking. The government has also made attempts to conduct awareness raising campaigns.¹³⁴ These attempts were commended by the CEDAW Committee in its Concluding Observations in 2011. The Committee too however noted with concern the low rate for prosecution and conviction of offenders, and the lack of protective measures for victims.¹³⁵ It recommended to the state, among other things, ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

The National Action Plan for Human Rights 2011-2016 makes several commitments to combat trafficking, ranging from a commitment to ensure legal representation for victims of trafficking to the establishment of anti-human trafficking units in the Police Department.¹³⁶ It remains to be seen whether these measures will reduce the incidence of trafficking and lead to effective investigations and prosecutions.

Prostitution

The Sri Lankan law criminalises street prostitution and the running of brothels. Under the Brothels Ordinance of 1889, an old colonial statute, persons operating and occupying a brothel can be punished. Prostitution is punishable with a fine (Rs 500) or a term of imprisonment (6 months), or both.¹³⁷ Under the Vagrants Ordinance of 1841 a 'common prostitute wandering in the public street or highway' can be punished with a fine (Rs 10) or imprisonment (14 days). Any person soliciting anyone in a public place for 'any act of illicit sexual intercourse or indecency' is liable for punishment (fine of Rs 100 or imprisonment up to six months or both).¹³⁸ Under the Penal Code, subsequent to the amendment in 2006, whoever 'recruits, transports, transfers, harbours or receives' a child (with or without the consent of such child) for, among other things, prostitution, is deemed to be guilty of

¹³⁴ 'SL placed on US Watch List over human trafficking issue' *The Island* 21 June 2014, available at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=105524 accessed on 9th July 2014.

¹³⁵ Concluding Observations, 2011 para 26.

¹³⁶ Focus areas 7 to 10 of the National Action Plan for Human Rights 2011-2016.

¹³⁷ Section 2 Brothels Ordinance.

¹³⁸ Section 7 Vagrants Ordinance.

the offence of trafficking. The punishment for the offence is imprisonment for 3-20 years and can include a fine.¹³⁹

A three year field study on sex workers in Colombo, finds that they are subject to violence, coercion and harassment because the police act under the Vagrants Ordinance.¹⁴⁰ The researcher finds that patriarchal notions of gender and culture exacerbate this problem. For instance, law enforcement officers rely on sex/gender ideologies when arresting and prosecuting sex workers.¹⁴¹ Women sex-workers prosecuted under the Vagrancy Ordinance are subject to harassment and enjoy minimal access to legal representation. This was also noted in the Concluding Observations of the CEDAW Committee in 2011 and the Committee recommended to the state that the police refrain from the 'arbitrary arrest of sex workers' under this law.¹⁴² Gender advocates and women's groups have consistently advocated for the repeal of the Vagrants Ordinance, but the government has not responded and repealed this law.

Furthermore an analysis on the impact of the armed conflict and militarisation on sex workers has observed that 'In the course of the armed conflict, women across ethnic groups engaged in sex work to obtain basic necessities in the midst of internal displacement and extreme structural breakdown, because war foreclosed other economic opportunities and because the presence of troops as clients ensured an income'.¹⁴³ The vulnerabilities of women who engaged in sex work in this context, it has been argued, have to be addressed specifically, in a post-armed conflict context.

03. Recommendations

- i. Revise existing criminal law to address the gaps including on marital rape that continue to exist in the substantive and procedural laws.
- ii. Identify gaps between law, policy and practice. A long term study needs to be undertaken on the different forms of VAW in Sri Lankan society and the impact of current laws and policies so on, to propose changes that will encourage holistic and effective responses.
- iii. Address the prevalence of male centred values and patriarchy through education in schools, vocational training institutions and universities.

¹³⁹ Section 360C of the Penal Code.

¹⁴⁰ Jody Miller 'Violence and Coercion in Sri Lanka's Commercial Sex Industry: Intersections of Gender, Sexuality, Culture, and the Law' 8(9) (2002) Violence Against Women 1044.

¹⁴¹ Jody Miller 'Violence and Coercion in Sri Lanka's Commercial Sex Industry: Intersections of Gender, Sexuality, Culture, and the Law' 8(9) (2002) Violence Against Women 1044, 1050.

¹⁴² Concluding Observations, 2011, para 28.

¹⁴³ Yasmin Tambiah, 'Sexuality and Women's Rights in Armed Conflict in Sri Lanka' (May 2004) 12(23) Sexuality, Rights and Social Justice 78, 82.

- iv. Promote employment practices that prohibit sexual harassment in the work place and amend laws to include the misuse of information technology for sexual harassment.
- v. Sensitise enforcement officials, the Attorney-General's Department and the judiciary on VAW and the state obligation to protect women from VAW by introducing specific programmes for prosecutors, police, judicial medical officers, and judges with printed guidelines on needed responses for effective law enforcement.
- vi. Establish programmes across the country for women subjected to violence including counselling, provision of safe homes and legal aid. Such programmes should focus on access to justice and other support in the language of the woman affected.
- vii. Ensure non-discrimination of women with disabilities, who have been subject to VAW in the implementation of law, policy and programmes.
- viii. Review performance of institutions for law enforcement, including police, Attorney-General's Department in light of evidence based on response to VAW, and propose necessary changes.

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Vagrants Ordinance No 4 of 1841

E. WOMEN AND ARMED CONFLICT

Asoka Bandarage

This review covers experiences over the last two decades relevant to the implementation of the Beijing Platform for Action (BPfA) and related United Nations conventions and resolutions pertaining to women and armed conflict in Sri Lanka. The review will begin with a broad overview of the BPfA and other important international and national instruments that closely interface with the BPfA. Next, it provides brief overviews of the armed conflict in Sri Lanka from 1995 to 2009 and women's roles in the conflict. These overviews are followed by a discussion of post-war development since 2009 with an emphasis on the socio-economic and political challenges facing women. The final section will recommend actions to be taken by the government and other stakeholders including inter-governmental and non-governmental organisations to meet the norms and standards set by the BPfA and related international agreements.

BPfA and Related International and National Agreements

The Beijing Declaration and the Platform for Action adopted at the Fourth United Nations World Conference on Women in Beijing in 1995 is an internationally agreed upon agenda to advance the inter-connected goals of peace, development and equality between men and women. One hundred and eighty nine countries, including Sri Lanka, agreed on the Beijing Platform for Action, which addresses 'critical areas of concern' that require attention in order to achieve gender equality and women's empowerment. These are twelve 'critical areas of concern': poverty, education and training, health, the economy, power and decision-making, human rights, armed conflict, institutional mechanisms, the environment, media, violence against women and the girl child.

The BPfA recognises women's rights as human rights and calls for the full involvement of women in efforts to prevent and resolve armed conflicts and maintain peace and security. In the area of women and armed conflict, the Beijing Plan for Action presents six strategic objectives to be achieved through the actions of governments and inter-governmental and non-governmental organisations. These Strategic Objectives are:

- i. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.
- ii. Reduce excessive military expenditures and control the availability of armaments.

- iii. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.
- iv. Promote women's contribution to fostering a culture of peace.
- v. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.
- vi. Provide assistance to the women of the colonies and non-self-governing territories.

The BPFA recognises the impact that environmental and natural resource degradation has on women; the degradation deriving from unsustainable production and consumption patterns as well as armed conflicts and their consequences. It calls for coordination within and among institutions to implement the commitments made in Agenda 21 of the 1992 United Nations Conference on Environment and Development (UNCED). In addition, the BPFA recalls the commitments made at UNCED to develop an integrated approach to environmental sustainability, gender equality and justice.¹⁴⁴

'Governments have expressed their commitment to creating a new development paradigm that integrates environmental sustainability with gender equality and justice within and between generations as contained in chapter 24 of Agenda 21'¹⁴⁵.

Prior to the adoption of the BPFA in 1995, Sri Lanka ratified two major instruments that interface with it: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). CEDAW, the landmark international agreement on human rights of women was adopted by the United Nations General Assembly in 1979 and came into force in 1981. It asserts that 'the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields'¹⁴⁶.

According to Article 157 of the Constitution of Sri Lanka (1978), duly ratified international agreements have the force of law in the country and no law may be enacted that is in contravention

¹⁴⁴ Agenda 21 of the 1992 United Nations Conference on Environment and Development. Available from: <http://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

¹⁴⁵ Beijing Declaration and Platform for Action, p. 104. Available from: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA E.pdf>

¹⁴⁶ Convention on the Elimination of All Forms of Discrimination against Women. Available from: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

of the ratified international agreements.¹⁴⁷ CEDAW was ratified by Sri Lanka in 1981 but had little visible effect on policy until 1993 when the Women's Charter of Sri Lanka was formulated on the basis of promoting the rights embodied in CEDAW.¹⁴⁸ Sri Lanka Women's Charter provides a series of recommendations laying out various rights that women of Sri Lanka are entitled to: political and civil rights; rights within the family; educational rights, rights to engage equally in economic activities, rights to healthcare, and the right to be protected from any forms of gender based discrimination. Although many of the provisions in the Women' Charter have yet to be incorporated in legislation, some legal reforms favourable to women have been introduced since the adoption of the BPFA in 1995. One such reform is an amendment to Sri Lanka's Penal Code, which introduces new offences and more severe punishment with regard to violence against women¹⁴⁹.

The 1989 United Nations Convention on the Rights of the Child is the landmark international convention on the rights of the child (those under the age of 18).¹⁵⁰ The BPFA extends the CRC to females by stressing the elimination of all forms of discrimination against the girl child. The BPFA calls on governments and international and non-governmental organisations to eliminate negative cultural attitudes and practices against girls and violence against the girl child and to promote and protect the rights of the girl child in education, skills development and training and participation in social economic and political life. Sri Lanka ratified the Convention on the Rights of the Child in July 1991.

An Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) was adopted by the UN General Assembly in May 2000 and entered into force in February 2002.¹⁵¹ OPAC sets 18 as the minimum age for direct participation in hostilities and for compulsory recruitment by state armed forces as well as by non-state armed groups. Sri Lanka ratified OPAC on September 26, 2006.

The Millennium Development Goals (MDGs) are also relevant to the commitments and goals of the BPFA and the CEDAW and CRC. The eight MDGs—which range from halving the extreme poverty rates

¹⁴⁷ Constitution of the Socialist Republic of Sri Lanka (1978). Available from: <http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm>

¹⁴⁸ Women's Charter of Sri Lanka. Available from: http://www.kln.ac.lk/units/cgs/pdf/Women's_Charter.pdf; see also, Centre for Women's Research, CEDAW Commitments: A Progress Review, Colombo: 2011.

¹⁴⁹ International Women's Rights Action Watch Asia Pacific (IWRRAWR), CEDAW Review Committee, 2005. Available from: <http://www.iwraw-ap.org/aboutus/pdf/OPSVII.pdf>

¹⁵⁰ Convention on the Rights of the Child. Available from: <https://treaties.un.org/doc/publication/mtdsg/volume%20iv/iv-11.en.pdf>

¹⁵¹ Optional Protocol to the Convention on the Rights of the Child. Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACRC.aspx>

to providing universal primary education by the target date of 2015—constitute a blueprint agreed to by all the world’s countries and leading development institutions. The third MDG is ‘to promote gender equality and empowering women.’¹⁵² The United Nations is currently working with governments, civil society, and other partners to build on the momentum generated by the MDGs and advance an ambitious post-2015 development agenda, which includes the goal of worldwide gender equality and women’s empowerment.

Two important international resolutions adopted subsequent to the BPFA have direct relevance to women and armed conflict. These are United Nations Security Council resolutions 1325 (UNSCR 1325) and 1820 (UNSCR 1820). UNSCR 1325, which was adopted unanimously in October 2000, recalls the commitments made in BPFA. It is the first formal and legal document from the United Nations Security Council calling upon all parties to armed conflict to fully respect international law including CEDAW and CRC as applicable to the rights and protection of women and girls as civilians. UNSCR 1325 emphasises the need to adopt a gender perspective that includes the special needs of women and girls during repatriation and resettlement, rehabilitation, reintegration and post-conflict reconstruction. It also requires parties in a conflict to respect women’s rights and to support their participation in peace negotiations and in post-conflict reconstruction.¹⁵³

The United Nations Security Council Resolution 1820 adopted unanimously in June 2008 also recalls the commitments and obligations of the Beijing Declaration and Platform for Action, CEDAW, CRC and other international agreements pertaining to the rights of women and girls. UNSCR 1820 condemns the use of sexual violence as a tool of war. It states, ‘Rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide’.¹⁵⁴

Developments in Sri Lanka pertaining to women’s rights cannot be understood in isolation of the broader political, economic and social contexts nationally as well as regionally and internationally. While a comprehensive review of the broader contexts is beyond the scope of this review, political and economic developments during the last two decades that have impacted and posed challenges for achieving the BPFA’s strategic objectives in Sri Lanka will be addressed in the following sections.

¹⁵² The Millennium Development Goals. Available from: <http://www.un.org/millenniumgoals/news.shtml>

¹⁵³ United Nations Security Council Resolution 1325. Available from: <http://www.un.org/womenwatch/osagi/wps/>

¹⁵⁴ The United Nations Security Council Resolution 1820. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC_S_RES_1820.pdf

Armed Conflict in Sri Lanka, 1995-2009

The thirty-year armed struggle between the Sri Lankan government and the secessionist LTTE (Liberation Tigers of Tamil Eelam) turned Sri Lanka into one of the most dangerous places in the world. At the end of the armed conflict in 2009, an estimated 100,000 people, the majority of them civilians, had lost their lives due to the conflict.¹⁵⁵ Since the beginning of the war there were several attempts at peace negotiations and ceasefires interspersed with further outbreaks of armed conflict.¹⁵⁶

In August 1995, the newly elected government of Chandrika Kumaratunga released a new set of plans for peaceful resolution of the conflict. These plans commonly known as the 'Devolution Package' sought to provide substantive political autonomy for the Tamil majority areas in the north and the contentious east.¹⁵⁷ However, the talks collapsed, the ceasefire broke and the country returned to one of the worst periods of war known as Eelam War III, 1995-2001.¹⁵⁸

The advancement of women in the areas of poverty, education and training, health, the economy, power and decision-making, human rights, armed conflict, institutional mechanisms, the environment, violence against women and the girl child envisaged by the BPFA were all undermined by the war. Instead of peace, development and equality between men and women, the war hastened the militarisation of the society and the destruction of the Tamil, as well as the Muslim and Sinhala, communities in the north and the east. The war was also brought to the south and the multi-ethnic capital of Colombo by the LTTE in a spate of suicide bombings and assassinations of Sinhala and Tamil political leaders. Thousands of innocent men and women were killed and maimed; consequently, the island's tourist industry and economy were severely hurt.¹⁵⁹

A 2001 publication of the National Peace Council in Sri Lanka estimated that direct military expenditures by the government and the LTTE up to 2001 amounted to Rs. 295 billion (excluding expenditure of the IPKF, Indian Peace Keeping Force, active in Sri Lanka 1987-1990).¹⁶⁰ The expansion of the Defense Budget and war economy went against the objective of the BPFA to 'reduce excessive military expenditures and control the availability of armaments'. The war economy accompanied a massive increase in Sri Lanka's 'black market', 'more than one-quarter the size of the

¹⁵⁵ Frances Harrison, 'The broken survivors of Sri Lanka's civil war' BBC News Asia, 10 October 2012

¹⁵⁶ Asoka Bandarage, *The Separatist Conflict in Sri Lanka: Terrorism, Ethnicity, Political Economy* (London: Routledge, 2009).

¹⁵⁷ International Center for Ethnic Studies, *Sri Lanka: The Devolution Debate*, Appendices A,B, C,D (Colombo, 1996)

¹⁵⁸ Bandarage, *Separatist Conflict*, op.cit., p. 159.

¹⁵⁹ Ibid., p.257; Rohan Gunaratna, *Sri Lanka's Ethnic Crisis and National Security*, (Colombo: South Asian Network on Conflict Research, 1998), p.28.

¹⁶⁰ National Peace Council, 'Cost of War: Economic, Social and Human of the War, Sri Lanka', Colombo:,2001, pp. 1-2, 40.

official economy' with heavy involvement of the internationally banned LTTE in the heroin and illegal weapons trades and the global underworld.¹⁶¹

As the 'war on terror' came to the center of global geo-politics after the 9/11 attacks in the U.S., the international community led by the United States, sought to defeat terrorism militarily. However, in Sri Lanka, a confluence of domestic, regional and international factors pressured the Sri Lankan government to again seek conflict resolution through negotiation.¹⁶² There were both gains and losses associated with the new peace initiative and the 2002 Ceasefire Agreement facilitated by Norway. The war-weary Sri Lankan population welcomed the end to active hostilities as life returned to some degree of normality. However, despite the ceasefire, human rights violations continued apace.¹⁶³

Upon coming into power, following the 2004 Parliamentary elections, the new leader Mahinda Rajapakse affirmed his commitment to a negotiated political settlement with the LTTE. But with the breakdown of the 2002 ceasefire agreement, government led a military offensive to end the armed conflict and won victory over the LTTE in May 2009. Although the armed conflict is over the international struggle for Tamil separatism continues. Controversies over human rights violations and violence against women in the final offensive against the LTTE also continue.¹⁶⁴ Long term peace requires consideration of women's roles in armed conflict and post-conflict development as identified in the Beijing Platform for Action and other United Nations conventions and resolutions, such as, CRC, OPAC, UNSCR 1325 and UNSCR 1820.

Women in the Armed Conflict, 1995-2009

Women as Victims

The protection for 'women living in situations of armed and other conflicts' and the 'protection, assistance and training to refugee women [and] other displaced women' advocated by the BPFA were mostly unavailable during the course of the Sri Lankan armed conflict. The call in the UNSCR 1325 to all parties to armed conflict to fully respect international law including CEDAW and CRC applicable to the rights and protection of women and girls were also repeatedly violated. Women and girls from across the different social classes, ethnic and religious groups were physically,

¹⁶¹ R. Hoole, *Sri Lanka: The Arrogance of Power: Myths, Decadence and Murder*, Jaffna, University Teachers for Human Rights, 2001, p.429; see also, Bandarage, *Separatist Conflict*, op.cit., p. 170.

¹⁶² Bandarage, *Separatist Conflict*, op.cit., pp.172-182.

¹⁶³ Bandarage, *Separatist Conflict*, op.cit., Chap.8.

¹⁶⁴ Asoka Bandarage, 'Towards Peace with Justice in Sri Lanka: An Alternative Perspective', *India Quarterly*, Vol. 68, No. 2, 2012, pp.103-118.

economically, socially and psychologically victimised and traumatised by the war.¹⁶⁵ Due to the ethnic and regional dimension of the armed conflict, the majority of victims have been Tamil women.¹⁶⁶

The names of assassinated women leaders in Sri Lanka like Tamil activist Rajani Thiranagama (killed in 1989), the mayor of Jaffna Sarojini Yogeswaran, (killed in 1998) as well as President Chandrika Kumaratunga who was maimed (she lost an eye in 1999) by the LTTE are well known.¹⁶⁷ But, the names of thousands of ordinary Tamil, Sinhala, Muslim and other women subjected to death and injury in the war zones in the north and east of Sri Lanka and suicide bombings and other attacks in the rest of the island will never be known.

Rape has been used as a weapon of war in Sri Lanka although the number of incidents has been much fewer than in conflicts such as those in Bosnia and Rwanda.¹⁶⁸ Due to the sensitivity of the subject, politicisation of the rape charge and other factors, it is difficult to find accurate information on this critical issue. Tamil nationalists and international human rights organisations have charged the Sri Lankan government of widespread rape in custody during the armed conflict while Sri Lankan government officials have claimed that the charges are greatly exaggerated.¹⁶⁹ Most rapes by the Sri Lankan armed forces, the IPKF, LTTE, the JVP (Jathika Vimukthi Peramuna, Sinhala insurgent group active against the presence of the IPKF) and men from other armed groups will never be known.

Women's activists helped bring charges against the arbitrary detention, gang rape and killing of Tamil schoolgirl, Krishanthi Koomaraswamy, in September 1996.¹⁷⁰ The rank-and-file soldiers directly involved in her rape and murder were sentenced to life imprisonment and death in 1998. The government received praise for bringing state actors to justice. Although government action in this case was interpreted as upholding UNSCR 1820, which condemns the use of sexual violence as a tool of war, unresolved issues still persist. High-ranking officers, who may have ordered torture, murder, and disposal of bodies, were not charged or convicted. The blame seems to have been placed on ordinary soldiers from poor families who could not afford experienced lawyers for their defense. The

¹⁶⁵ Asoka Bandarage, 'Women, Armed Conflict, and Peacemaking in Sri Lanka: Toward a Political Economy Perspective', *Asian Politics and Policy*, vol. 2, No. 4, 2010, pp.653-667.

¹⁶⁶ The European Center for Constitutional and Human Rights Alternative report on the implementation of the UN Convention on the Elimination of Discrimination against Women (CEDAW) Sri Lanka, Berlin/Geneva, January 2010

¹⁶⁷ *Ibid.*, p. 654.

¹⁶⁸ The University Teachers for Human Rights, Jaffna, Information Bulletin No. 25, 11 July 2001.

¹⁶⁹ Human Rights Watch, "We Will Teach You a Lesson" Sexual Violence against Tamils by Sri Lankan Security Forces", 2013.

¹⁷⁰ Kumudini Samuel, *A Hidden History: Women's Activism for Peace in Sri Lanka 1982-2002*, Social Scientists' Association, Colombo: 2006, Annex V and Annex VI.

suspected 'cover-up' raises questions regarding the social class biases of justice which is a common problem in the use of the rape charge across the world.¹⁷¹

Women have been the majority of the war displaced in Sri Lanka where thousands have had to move into refugee camps in Sri Lanka and neighbouring India, known for their appalling conditions.¹⁷² In 2004, for example, a little more than half of the displaced population in Sri Lanka were women: 174,325 men and 178,160 were women.¹⁷³ Tamil women have been the main victims of displacement although large numbers of Muslim and Sinhalese men, women and children, such as those ethnically cleansed from the north and the east also had to join the ranks of the internally displaced.¹⁷⁴ A study by Dutch researcher Schrijvers (of Tamil women refugees in camps in Vavuniya and Colombo in the late 1990s, found that the majority who had been in the camps for longer periods of time came from already poorer, 'lower-class and lower-caste families,' mostly from the 'plantation Tamil community.'¹⁷⁵ The more well-to-do had access to move to the south of the island or overseas, for example to join the wealthy and influential Tamil Diaspora.¹⁷⁶

Due to the loss of men folk, many women became 'war widows', single parents, and heads of households in all communities across the island.¹⁷⁷ Disability and injury resulting from war and exposure to landmines made large numbers of young men ineligible for employment and marriage and the ability to support families. Research by Thiruchandran and Ruwanpura revealed a 'phenomenal increase' in the number of female-headed households in the east among Tamil, Muslim and Sinhala women in the late 1990s. Due to the absence of census and statistical surveys, there was little information on these phenomena from the north during the course of the conflict.¹⁷⁸

Conflict forces a redefinition of gender roles, requiring women to take on traditional male roles and behaviours. In the north and the east, a large number of female heads of households have taken on

¹⁷¹ Bandarage, "Women, Armed Conflict", op. cit., p. 655; Hoole, *Sri Lanka*, op. cit. 441.

¹⁷² Hoole, *Sri Lanka*, op.cit., p. 655

¹⁷³ UNHCR Statistical Yearbook, (2004), cited in Arun Kumar Acharya, "Ethnic Conflict and Refugees in Sri Lanka", *Revista de Antropologia Experimental*, no. 7, 2007.

¹⁷⁴ Rita Sebastian, "Ethnic Conflict in Sri Lanka: Its Ecological and Political Consequences", p.148, cited in Vandana Shiva, ed., *Close to Home: Women Reconnect Ecology, Health and Development Worldwide*, Philadelphia: New Society Publishers, 1994. Bandarage, "Women, Armed Conflict", op. cit., p. 655.

¹⁷⁵ Joke Schrijvers, "Fighters, Victims and Survivors: Constructions of Ethnicity, Gender and Refugeeeness among Tamils in Sri Lanka", *Journal of Refugee Studies*, Vol. 12, No. 3, 1999, pp. 325, 327.

¹⁷⁶ Asoka Bandarage, "Diasporas and Post-Conflict Development in Sri Lanka," *The Harvard International Review*, 26 January 2010, [Online] Available from: <http://hir.harvard.edu/index.php?page=article&id=1920> [Accessed 12th February 2010].

¹⁷⁷ SelvyThiruchandran, *The Other Victims of War: Emergence of Female Headed Households in Eastern Sri Lanka Volume II*, Vikas Publishing House, New Delhi: 1999; Bandarage, 'Women Armed Conflict', op. cit., pp. 655-656.

¹⁷⁸ Thiruchandran, *The Other Victims of War*, op. cit., p.xv; Kanchana N. Ruwanpura, *Matrilineal Communities, Patriarchal Realities: A Feminist Nirvana Uncovered*, Social Scientists' Association, Sri Lanka, 2006, passim, Ruwanpura, *Matrilineal communities, patriarchal realities, Social Scientists Association*.

farming and fishing to support parents and children (Wanasundera, 2009, p19). Such changes have often increased demands on women but rarely benefitted them. Economic betterment and women's long-term empowerment, as called for by the BPFA, CEDAW and other international proclamations, have not been recognised. Armed conflict and violence have deepened the feminisation of poverty and violence against women instead. *Wanasundera, 2006 Rural women in Sri Lanka's post-conflict rural economy, CENWOR.*¹⁷⁹

However, women, were not entirely the victims of war, they were perpetrators as well. The large-scale conscription of young women into the Sri Lankan armed conflict clearly violated the objective of promoting 'women's contribution to fostering a culture of peace' in the BPFA, CEDAW, UNSCR 1325 and other international conventions.

Women as Perpetrators

The Sri Lankan government has employed women in the armed forces, but they are not known to have engaged in battle. It is however the LTTE that 'perfected' the use of women in combat. To give just one example, on September 19, 1999, 54 ethnic Sinhalese were butchered in the east by suspected LTTE guerillas led by women fighters supposedly as retaliation for a Sri Lankan air force bombing which killed 22 Tamil civilians three days earlier.¹⁸⁰

LTTE's recruitment of women was motivated by the growing need for cadres. While the LTTE has claimed that fifty percent of its cadres were women, Alison (2004) in her study of female combatants of the LTTE and IRA (Irish Republican Army) stated in 2004 that the actual figure was between twenty and thirty per cent.¹⁸¹ The women's wing – Freedom Birds – remained a crucial component of the LTTE fighting force until the very end. The recruits to the LTTE were 'barely in their teens, fresh out of school and [little]... educated' many of them Dalits from the so-called 'untouchable' castes.¹⁸²

As a Child Soldier's Global Report stated in 2004, even during the Norwegian facilitated peace process, in certain regions the requirement that every family give its quota of one child to the LTTE continued. According to UNICEF, the average age of the children recruited was 15 years. In 2003, 43

¹⁷⁹ Darini Rajasingham-Senanayake, "After Victimhood: Cultural Transformation and Women's Empowerment in War and Displacement", Dec. 1998, cited in Malathi De Alwis and Jennifer Hyndman, *Capacity-Building in Conflict Zones: A Feminist Analysis of Humanitarian Assistance in Sri Lanka*, *International Center for Ethnic Studies*, 2002, p. 3.

¹⁸⁰ Bandarage, *Separatist Conflict*, op.cit., p. 166.

¹⁸¹ Miranda Alison, "Female combatants of the LTTE and IRA: a comparative study", July 2004, cited in [Online] <http://www.tamilcanadian.com/page.php?cat=52&id=2430> [Accessed 30 January 2010].

¹⁸² Sarita Subramanian, "Women lead rebel attacks but Tiger leaders are men", *WLUML Newssheet* Vol. X No. 1, 8 Nov. 1997.

per cent of the recruits were girls, and 57 per cent were boys.¹⁸³ This was in clear violation of the United Nations Optional Protocol to the Convention on the Rights of the Child, which set the minimum age for direct participation in hostilities at age 18. The BPFA's injunction to governments and international and non-governmental organisations to promote and protect the rights of the girl child in education, skills development and training and participation in social economic and political life were clearly disregarded.

The LTTE is known to have invented the suicide bomb belt and used women suicide bombers extensively. One third of Black Tigers—the Tigers' suicide unit—were composed of women.¹⁸⁴ Among them, Dhanu, the suicide bomber who killed former Indian Premier Rajiv Gandhi, is the most well known. The LTTE later made it be known that Dhanu who blew up herself, Gandhi and others had avenged herself because members of the IPKF sent to Sri Lanka under Gandhi had raped her.¹⁸⁵ The suicide bomber deployed to kill Sri Lankan Army Commander Sarath Fonseka in April 2006 was a pregnant woman who escaped detection because of her pregnancy. Apparently this was not the first time that a pregnant woman was deployed by the LTTE.¹⁸⁶

Critics have argued that handsome monetary rewards, a common practice in the use of suicide bombers elsewhere in the world, were given to families of those who successfully carried out suicide missions in Sri Lanka.¹⁸⁷ But, the LTTE also carefully developed a suicide cult linked to martyrdom and immortality. LTTE women poets glorified suicide killing encouraging young Tamil women to see suicide killing as the highest form of sacrifice for the nation—a sacred duty. Extensive rituals were cultivated, including a coveted last meal with the LTTE supremo Prabhakaran, before embarking on a suicide mission.¹⁸⁸ While advocating suicide missions, Tamil Tigers at the same time emphasised the importance of women's reproductive role for the war effort. They exhorted Tamil women in the north not to accept Sri Lankan state family planning policy (which also targeted Sinhala women).¹⁸⁹

¹⁸³ Bandarage, *The Separatist Conflict*, op. cit. pp. 190, 221.

¹⁸⁴ Shenali Waduge (2008), "Suicide Terrorism: Why are Sri Lanka's Women Blowing Themselves Up?", [Online] Available from: <http://www.alternet.org> [Accessed 25 March 2009].

¹⁸⁵ Sonarajah, Nanthani, 'The Experiences of Tamil Women: Nationalism, Construction of Gender, and Women's Political Agency', May 2004, [Online] Available from: www.lines-magazine.org/Art_May04/nanthinil.htm.

¹⁸⁶ University Teachers for Human Rights, Information Bulletin No. 25, 11, July 2001, p. 5.

¹⁸⁷ Waduge, "Suicide Terrorism", op. cit., p. 1.

¹⁸⁸ Sonarajah, "Experiences of Tamil Women", op. cit., part 2; Neloufer De Mel, *Women & The Nation's Narrative: Gender and Nationalism in Twentieth Century Sri Lanka*, Rowman & Littlefield Publishers, Lanham, 2001, pp. 206-207.

¹⁸⁹ Schrivers, "Fighters, Victims and Survivors", op. cit. p. 317.

Prabhakaran called the development of the Tiger women's military wing 'one of the greatest achievements of the movement'.¹⁹⁰ If success is measured in terms of total identification with the militant organisation and sacrifice of self and others for its objective, then, the LTTE succeeded. The young women cadres were known for their harsh treatment not only of the ethnic and gender other—the Sinhala males—but also non-LTTE Tamil women, especially women from rival militant organisations. Some 200 Tamil women who were in LTTE prisons in the mid-1990s were known to have suffered brutal treatment at the hands of Tiger women.¹⁹¹

Local and international apologists have equated women's participation in armed struggle as liberation from traditional structures of womanhood. Adele Ann, the Australian-born wife of the LTTE ideologue Anton Balasingham, called such participation a 'decision to break out of the cycle of suffocating control ... a refreshing expression and articulation of their new aspirations and independence'.¹⁹² Anthropologist Trawick (2003 p. 123) from New Zealand who interviewed Tiger women valorised them for harnessing their anger and discovering that 'vengeance is sweet'.¹⁹³ Swedish academic Peter Schalk applauded Tiger women's roles in armed combat as 'martial feminism' and the LTTE construction of the role model of the young virgin woman fighter as a 'modern Tamil Joan of Arc'.¹⁹⁴

Feminist researchers and activists agree that women's participation in the militant separatist struggle brought forth a massive transformation in women's roles. But, they tend to agree that the violent male dominant authority of the LTTE reinforced, 'existing patterns of gender constrictions, ultimately impeding the attainment of meaningful empowerment for women'.¹⁹⁵ Journalist Rita Sebastian questioned if the adoption of the gun has resulted in women's liberation.¹⁹⁶ Tamil feminist and head of the International Center for Ethnic Studies (ICES), Radhika Coomaraswamy lamented that the 'complete eradication of femininity by the LTTE is not so much a victory for women, but a

¹⁹⁰ Kim Jordan and Myriam Denov, "Birds of Freedom? Perspectives on Female Emancipation and Sri Lanka's Liberation Tigers of Tamil Eelam", *Journal of International Women's Studies*, Vol. 9 No. 1, Nov. 2007, p. 47.

¹⁹¹ Subramanian, "Women lead rebel attacks", op. cit.

¹⁹² Cited in Jordan and Denov, "Birds of Freedom?", op. cit., p. 47.

¹⁹³ Trawick, "Reasons for Violence", cited in Bandarage, 'Women, Armed Conflict, op.cit, p. 659; see also, Radhika Coomaraswamy, "Stage Managing the Décor: Gender, Ethnicity and Conflict", *Marga Journal*, vol. 1, No. 4, January-March 2003, p. 123.

¹⁹⁴ Cited in Sonarajah, "Experiences of Tamil Women", op. cit., part 2.

¹⁹⁵ Jordan and Denov, "Birds of Freedom?", op. cit., p. 42.

¹⁹⁶ Sebastian, "Ethnic Conflict in Sri Lanka", op. cit., p. 125; Mangalika De Silva, "Women in the LTTE: Liberation or Subjugation?", Unpublished paper, *Center for Women's Research*, Sri Lanka, n.d.

triumph for the masculine world view of authority, hierarchy and aggression.¹⁹⁷ Coomaraswamy's position has been criticised for 'essentialising' what are understood as feminine qualities.¹⁹⁸

However, in Sri Lanka and elsewhere, the ideal of the woman nurturer and mother has helped mobilise previously politically inactive women into the public sphere to campaign for peace. Women in Sri Lanka, as women in other regions of the world ridden with armed conflict, have been the most ardent of peacemakers. Confronted by the deaths of loved ones, the destruction of communities and the ultimate futility of war, many have struggled to uphold the calls of the BPFA and related international agreements. They have sought to promote women's contribution to fostering a culture of peace through non-violent forms of conflict resolution and reduction of the incidences of human rights abuse in conflict situations.

Women as Peacemakers

Among the greatest acts of courage taken by Sri Lankan women during the horrific thirty year armed conflict were the Mothers' Fronts, which functioned from the mid-1980s to the early 1990s. These Fronts organised by Tamil women in the north and the east, and by Sinhala women in the south to protest arbitrary arrests, disappearances, abductions and killings of their sons by Sri Lankan state forces, the LTTE, the IPKF, the JVP and other armed groups brought public attention to the common suffering of war experienced by people across ethnic, regional and class divisions.¹⁹⁹

In the 1994 General Elections, which brought Chandrika Kumratunga to power, she articulated her own suffering as a widow and mother (her husband Vijaya Kumratunga was killed allegedly by the JVP). She promised to create a new society where 'other mothers will not suffer what we suffer.'²⁰⁰ The new government appointed three commissions of inquiry to look into 'disappearances' and killings that took place during 1988-1991. But, the vast majority of women and families who lost loved ones to armed conflict during that period have yet received little if any information, and compensation.²⁰¹

Although the achievements of the Mothers' Fronts of the late 1980s and early 1990s were limited, they did reveal the potential for political activism by ordinary women, many of whom had lost sons

¹⁹⁷ Cited in Bandarage, "Women and Social Change in Sri Lanka", op. cit., p. 14.

¹⁹⁸ Subramanian, "Women lead rebel attacks", op. cit.

¹⁹⁹ Cited in Malathi De Alwis, "Motherhood as a Space of Protest: Women's Political Participation in Contemporary Sri Lanka", *Appropriating Gender*, ed. Patricia Jeffrey and Amrita Basu, Routledge, London, 1998, p.197

²⁰⁰ Ibid., p. 199.

²⁰¹ "The Numbers Never Lie: A Comprehensive Assessment of Sri Lanka", *Ground views*, groundviews.org/.../the-numbers-never-lie-a-comprehensive-assessment-.March-14,-2013

to the war. In contrast, ordinary women were largely absent from feminist lobbying for the 1994 'Devolution Package' and the controversial 2002 peace process. This contributed to the perception of feminist peace activism in Sri Lanka as the monopoly of a handful of English speaking elites and as an externally funded 'NGOized feminism.'²⁰²

Feminist peace activism

Feminist peace activists in Sri Lanka established NGO peace groups, many of them internationally funded, to create a political platform for devolution and a negotiated settlement to the armed conflict.²⁰³ Mothers and Daughters of Lanka (MDL), in particular worked to create 'a political platform for peace that was to be the basis on which the 1995 [1994] Presidential and Parliamentary elections were contested.'²⁰⁴ The Women's Coalition for Peace, formed in 1998, called for constitutional reforms, third party facilitation of negotiations between parties, among other demands.²⁰⁵ However, as noted earlier, the peace process initiated under Chandrika Kumaratunga failed, resuming the conflict and causing enormous loss of life and devastation.

Again, the NGO peace activists including the women's groups were at the forefront in support of the 2002 ceasefire and the controversial memorandum of understanding (MOU) signed between the Sri Lankan government and the LTTE with Norwegian facilitation. Women were not represented at the core negotiating table. In consultation with international feminist activists, the NGOs, ICES, (International Center for Ethnic Studies), Women and Media Collective and SSA (Social Scientists Association) submitted a memo to the Sri Lankan government and the LTTE calling for a gender sensitive framework for peacemaking in keeping with declarations adopted by the UN. This led to the establishment of a women's committee known as the Subcommittee on Gender Issues (SGI) to 'ensure the effective inclusion of gender issues in the peace process'²⁰⁶.

Ten nominees were appointed to the SGI, five well-known women activists by the GOSL and five relatively unknown women by the LTTE. A Norwegian woman minister was appointed as facilitator,

²⁰² Sangtin Kissan Mazdoor Sangathan, "Still Playing with fire: Intersectionality, Activism, and NGO-ized Feminism," *Critical Asian Studies*, Vol. 43, No. 3, 2009; Wenona Giles, "Comparative Feminist Perspectives: Sri Lanka and the Post-Yugoslav States", in *Peace Work: Women, Armed Conflict and Negotiation*, eds. Dilrukshi Fonseka, Neelima Rao, Radhika Coomaraswamy, New York: Women Unlimited, 2004; Carmen Wickremagamage, "Sri Lankan Organizations for Women: A Critical Appraisal", *Women and Politics in Sri Lanka: A Comparative Perspective*, ed. Sirima Kiribamune, International Centre for Ethnic Studies, Kandy, Sri Lanka, 1999.

²⁰³ Bandarage, "Women, Armed Conflict", op.cit., p. 660-662.

²⁰⁴ Samuel, *A Hidden History*, op. cit., p. 19.

²⁰⁵ *Ibid.*, p. 42.

²⁰⁶ Bandarage, "Women, Armed Conflict", op.cit., p. 662-664; Samuel, *A Hidden History*, op. cit., Annex 11, 12, 13.

and Norwegian funds were allocated for its functioning.²⁰⁷ The establishment of the SGI was internationally applauded as setting a precedent in gender mainstreaming in peace processes and the application of UN Security Council Resolution 1325.²⁰⁸ As outlined earlier, UNSCR 1325 addresses & the impact of war on women and upholds the role that women should and do play in conflict management, conflict resolution, and sustainable peace. The BPFA also states, 'Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed ...conflicts' and 'promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.'

In Sri Lanka, the SGI raised a host of fundamental issues about the nature of the selection process, the SGI's significance for the formal peace process, and its autonomy.²⁰⁹ Both the GOSL and the Norwegian facilitators adopted 'a peace at any cost approach', which overlooked the human rights and ceasefire violations by the LTTE in order to keep the LTTE at the negotiating table.²¹⁰ They yielded to the LTTE's insistence on keeping out non-LTTE Tamil women from both the LTTE delegation and the GOSL delegation to the SGI. By going along with these arrangements, the Sri Lankan government's women's peace appointees had to accept the LTTE's unrepresentative position as 'the sole representative of Tamils.'²¹¹ By participating in this undemocratic 'peace at any cost' framework, they lost the ability to question human rights violations including the LTTE's continued recruitment of child soldiers, especially girls. A host of questions pertaining to the very notion of gender mainstreaming advocated by UNSCR 1325 and the BPFA to increase 'participation of women in conflict resolution at decision-making levels' were raised by the SGI exercise.

Feminist engagement in peace activism must be encouraged. Yet, at the same time, the dangers of an uncritical approach to gender mainstreaming which increases international intervention and which empowers totalitarian political forces, such as, the LTTE, need to be reexamined. The problem with feminist activism in the 2002 peace process was not the lack of international civil

²⁰⁷ Bhumika Muchhala, "Negotiating for Peace in Sri Lanka: A Behind-the-Scenes Perspective on Mediating Conflict Resolution", 20 April 2006, <http://www.wilsoncenter.org>, accessed 5 Jan. 2010.

²⁰⁸ *Tamil Canadian*, 30 March 2003, <http://www.tamilcanadian.com/tools/print.php?id=1710>, accessed 30 Jan. 2010 ;Kalpana Sharma <http://www.hindu.com/thehindu/mag/2003/01/26/stories/2003012600200300.htm>.

²⁰⁹ Samuel, *A Hidden History*, op. cit., p. 57; Sarala Emmanuel, "Where are the women in the Sri Lankan peace?", Oct. 2003, <http://www.himalmag.com>, accessed 30 Jan. 2010; Compare, Dianne Otto, "The Exile of Inclusion: Reflection on Gender issues in International Law Over Last the Decade", *Melbourne Journal of International Law*, vol.10, 2009, p. 1-16.

²¹⁰ Bandarage, *The Separatist Conflict*, op. cit., p. 189-194.

²¹¹ Emmanuel, *ibid.*; see also Sunila Abeysekera, "LTTE institutions not legal but serve useful function", *Daily News*, Sri Lanka, December 16, 2002.

society participation, but its excess, which resulted in the marginalisation of local stakeholders.²¹² While many international NGOs and feminist activists were engaged in Track II peace initiatives, many local groups of women, including non-LTTE Tamil women, Sinhala women from the ‘southern electorate’ and women from the Muslim community were left out of the peace process.²¹³

While these concerns need to be taken seriously they must not be used to undermine the important contributions of Sri Lankan women activists to addressing gender issues and violations of the rights of women.²¹⁴ The Gender Sub-Committee stopped functioning with the collapse of the Norwegian-facilitated peace process and the resumption of the armed conflict in February 2006. The end of the armed conflict provides an opportunity to work towards a more locally rooted and unified Sri Lankan women’s activism for peace and justice.

Women and Post-Conflict Development, 2009 –

Since the government’s defeat of the LTTE and the end of the armed conflict in May 2009, a widespread political and media campaign constituting the Tamil Diaspora, international and local NGOs, intergovernmental organisations and western countries have been calling for an international investigation of human rights violations, especially the deaths of an alleged 40,000 civilians during the final stage of the armed conflict in Sri Lanka. A panel of experts, appointed by the United Nations Secretary General in 2011, issued a report calling for such an international investigation.²¹⁵ Rejecting an international investigation, the Sri Lankan government appointed a local commission of inquiry. The Lessons Learned and Reconciliation Committee (LLRC) concluded that while the Sri Lankan military in the final offensive had killed civilians, it did not do so deliberately unlike the LTTE, which used civilians as human shields.²¹⁶ Arguing that the LLRC recommendations were not being taken forward, the United Nations Human Rights Council (UNHRC) passed a resolution (the third on Sri Lanka since the end of the armed conflict) in March 2014 calling for an international investigation into alleged war crimes and violations of international humanitarian laws during the last seven years of the armed conflict in Sri Lanka. The LTTE no longer exists as a formal entity and even if it did exist, only a State can implement an investigation mechanism. As such, the onus of the investigation would fall on the Sri Lankan government. The Sri Lankan President Mahinda Rajapaksa has again

²¹² Jonathan Goodhand and Bart Klemwith Dilrukshi Fonseka, S.I. Keethaponcalan, and Shonali Sardesai, “Aid, Conflict and Peace Building in Sri Lanka, 2000-2005”, San Francisco, 2005, Vol. 1 of Six Part Series, Executive Summary, p. 10-11; Camilla Orjuela, “Building Peace in Sri Lanka: A Role for Civil Society?”, *Journal of Peace Research*, Vol. 40, No. 2, 2003.

²¹³ Bandarage, “Women, Armed Conflict”, op.cit., p. 663 .

²¹⁴ Ibid., p. 664.

²¹⁵ Report of the United Nations Secretary-General’s Panel of Experts on Accountability in Sri Lanka, 2011. Available from: http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

²¹⁶ Lessons Learned and Reconciliation commission (LLRC), Final Report, p. 53. Available from: http://www.llrcaction.gov.lk/assets/downloads/reports/en/Final_LLRC_Report_en.pdf

rejected an international probe saying that it would not help efforts towards national reconciliation.²¹⁷

This political struggle between the Sri Lankan government and the international and local campaign calling for a war crimes investigation is diverting attention and resources away from post-war social reconstruction. Women and children from poor Tamil families continue to be pawns in the agendas of powerful political forces in the post-conflict era as they were during the armed conflict. Notwithstanding the many controversies, there is consensus between opposing parties that women, children and other vulnerable populations have been the most victimised by Sri Lanka's armed conflict. Based on field visits and oral and written representations, the Sri Lankan government appointed LLRC concluded that 'women, children and elderly are the segments that have taken the brunt of the conflict, seriously disrupting their lives.'²¹⁸

Women in the north and throughout the country are faced with extensive problems stemming from the thirty year-long armed conflict. They face great challenges in each of the twelve areas identified by the Beijing Platform for Action: poverty, education and training, health, the economy, power and decision-making, human rights, armed conflict, institutional mechanisms, the environment, media, violence against women and the girl child. Paragraph 5.108 from the LLRC Report that captures women's plight is worth quoting in full:

'A representation made before the Commission claimed that violence against women and structural discrimination have increased in former conflict areas due to the lack of participation of women. It was stated that discriminatory policies and practices, heavy military presence, lack of authority to control their environment, limited access to basic needs combined with weak institutional protection mechanisms and breakdown of traditional support networks, norms and prejudices against women in the society and attitudes and behavior of power players have lead to a culture of violence and impunity. As such, it was claimed that such a situation exposes women to various forms of sexual and gender based violence

²¹⁷ Tim Hume, "Groups warn of backlash as U.N. calls for probe into Sri Lanka civil war abuses", CNN.com, April 3, 2014. Available from: <http://www.cnn.com/2014/04/02/world/asia/sri-lanka-united-nations-probe/>; Daya Gamage, "A Professional Strategy aimed at globally isolating Sri Lanka", *The Asian Tribune*, December 12, 2013. Available from: <http://www.asiantribune.com/node/68405>.

²¹⁸ De Silva, Chitta Ranjan Chairperson LLRC, Final Report, op.cit., p. 181.

that compromise their dignity, security, well being and rights, and any effort to find durable solutions must take these issues into account'.²¹⁹

While a comprehensive analysis of each of these areas is beyond the scope of this review, they are discussed under the three broad categories of the Beijing Platform, i.e. Peace, Development and Equality between men and women.

Peace: Security and Safety

Reports from around the world show that widespread sexual violence continues and even increases in the aftermath of conflict as a consequence of insecurity and the availability of weapons. Reports point out that in Sri Lanka too there has been an escalation of cases of sexual and gender based violence (SGBV) including sex trafficking following the end of the armed conflict with particularly high levels in the north and the east.²²⁰ A 2011 report from the European Center for Constitutional and Human Rights on the implementation of CEDAW refers to sexual violence against internally displaced persons and women in detention centers and refugee camps in Sri Lanka.²²¹ A February 2013 report by Human Rights Watch (written by CharuLata Hogg from The Royal Institute of International Affairs in the UK) charges that politically motivated sexual violence continues and that rape is a regular aspect of military and police proceedings, with 'army, police, and pro-government paramilitary groups frequently participating.'²²² Yasmin Sooka, member of United Nations Secretary General's advisory panel on Sri Lanka produced a report on behalf of the Bar Human Rights Committee of England and Wales just prior to the UNHRC deliberation on Sri Lanka in March 2014. It echoes the charge that widespread torture and sexual violence are used as weapons of war in Sri Lanka.²²³

UNSCR 1820, which intersects with BPFA and CEDAW, stipulates that 'rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide'. Charges of rape, sexual violence and torture of Tamil women and men have become

²¹⁹ *Ibid.*, p. 185.

²²⁰ International Civil Society Action Network, "Elusive Peace, Pervasive Violence: Sri Lankan Women's Struggle for Security and Justice", Spring 2013, Brief 8, p. 3-4.

²²¹ The European Center for Constitutional and Human Rights, "Alternative report on the implementation of the UN Convention on the Elimination of Discrimination against Women (CEDAW), 'Sri Lanka: Women and Armed Conflict'" Berlin/Geneva, January 2010. Available from: http://www2.ohchr.org/english/bodies/cedaw/docs/ECCHR_Sri_Lanka_for_the_session_CEDAW48.pdf

²²² Human Rights Watch, "Sexual Violence", *op.cit.*,

²²³ Yasmin Sooka, "An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014", The Bar Human Rights Committee of England and Wales and the International Truth and Justice Project, Sri Lanka, March 2014. Available from: https://barhumanrights.org.uk/sites/default/files/documents/news/an_unfinished_war_torture_and_sexual_violence_in_sri_lanka_2009-2014.pdf

central to the call for an international investigation into war crimes in Sri Lanka. The UNHRC resolution passed in March 2014 explicitly refers to 'serious concern at the continuing reports of violations of human rights in Sri Lanka, including sexual and gender-based violence.'²²⁴

The overwhelming focus on violence against Tamils and on violence by the Sri Lankan security forces, conflation of incidences during and after the armed conflict, production of reports repeating the same charges by a closely connected group, among other factors, raise a host of unanswered questions. What is the accurate extent of sexual violence, objectivity and motivation behind the charges? Undoubtedly, perpetrators must be brought to justice and held accountable for sexual violence. Still, it is necessary to ask to what extent the rape charge is being used politically, to put pressure on the Sri Lankan government to concede politically to pave the way for secession of the north? What are more constructive mechanisms to provide assistance to victims, to educate the armed forces and the public and to empower women so that incidences of rape and sexual violence can be greatly reduced in the future?

Another post-conflict controversy on sexualized violence pertains to the 'grease devils', i.e. men who put grease on their faces to hide their identities and attack women in their homes at night. Such attacks were not limited to the north or against Tamils. Some suspect that the 'grease devils' are army men involved in 'some kind of government plot' while others believe that they are employed by anti-government forces to destabilise the country.²²⁵ Still, others believe they are mentally ill individuals recalling ghosts and mythological characters. The hysteria over 'grease devils' that raged in the east and the central hill country and other rural areas in 2011 has since died down after local villagers began to attack and even kill men identified as 'grease devils'²²⁶.

The Sri Lankan government claims that it is taking every effort to protect war-affected women and that it has implemented a range of measures to prevent and address issues of sexual abuse and related violence. These include establishing Women and Children's Police Desks staffed with female police officers in police stations in the north and the east; One Stop Crisis Centers (OSCC) in government hospitals to give support for victims of sexual violence; human rights training with the assistance of the ICRC (International Committee of the Red Cross) for Sri Lankan military; workshops

²²⁴ Final resolution on Sri Lanka sponsored by the USA/UK adopted at the UNHRC sessions of March 2014. Available from: http://www.colombopage.com/archive_14A/Mar25_1395755990CH.php

²²⁵ Kusal Perera, 'De-greasing social speculation over "grease devils" in Sri Lanka' GroundViews, August 8, 2011. Available from: <http://groundviews.org/2011/08/21/de-greasing-social-speculation-over-%E2%80%9Cgrease-devils%E2%80%9D-in-sri-lanka/>

²²⁶ Ibid.,

for military personnel on Security Council Resolution 1325 and the rights of women.²²⁷The government has also established an interagency task force as mandated by recommendation 9.92 of the LLRC to address ‘the needs of women, children, elderly and other vulnerable groups such as disabled affected by conflict and providing necessary relief.’²²⁸

However, international and national women’s NGOs question the adequacy and effectiveness of these measures pointing out a host of problems. For example, they report that women victims of sexual violence have to first complain to male police officers who decide if the victims should go to the women’s desks.

They report that often Tamil women victims do not follow up on SGBV cases because they don’t understand the Sinhala language in which their statements are often recorded.²²⁹ The NGOs also state that although they are the primary providers of support for victims of sexual violence they receive little financial support from the government.²³⁰ The government has yet to make public information on the work of the interagency task force mandated by recommendation 9.92 of the LLRC and how it is addressing the security and socio-economic needs of women, children, elderly and others affected by the armed conflict.²³¹

Economic Development: Poverty and Environment

With end of the war, Sri Lanka’s military expenditure dropped from 3.6 per cent of the GDP in 2009 to 2.4 per cent in 2012.²³² This meets at least to a small extent the objective of the Beijing Platform for Action to reduce excessive military expenditures and control the availability of armaments.

According to a statement made by the United Nations Development Program’s Country Director for Sri Lanka in 2010, ‘Sri Lanka has achieved such high and impressive levels in human development despite the conflict. With the conflict now over, prospects for rapid and sustainable growth in economic and social spheres are unlimited.’²³³ The economic growth rate soared to 8per cent in the third quarter of 2010 with tourism, investments and infrastructural development fast expanding. Sri

²²⁷ Palitha Kohona, Statement by Permanent Representative of Sri Lanka to the United Nations, 57th Session of the Commission of Women, United Nations, New York, 11 March 2013. www.un.org/womenwatch/daw/csw/csw57/.../srilanka.pdf

²²⁸ LLRC Final Report, op.cit., p. 348-349, 359.

²²⁹ International Civil Society Action Network, “Elusive Peace, Pervasive Violence: Sri Lankan Women’s Struggle for Security and Justice”, Spring 2013, Brief 8, pp. 3. Available from: <http://www.icanpeacework.org/wp-content/uploads/2013/06/S Lanka-final.pdf>

²³⁰ Women Count 2012, Civil Society Monitoring of UNSCR 1325, Sri Lanka, p. 10. Available from: <http://www.gnwp.org/wp-content/uploads/2010/02/UNSCR-Monitoring-GLOBAL-Report.pdf>

²³¹ Chitta Ranjan de Silva chairperson LLRC Final Report, op.cit., pp.348-349,359; see also, http://www.priu.gov.lk/news_update/LLRC%20news/llrc_nap_monitoring_report.htm.

²³² World Bank Military Expenditure % of GDP. Available from: <http://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS>

²³³ Bandarage, ‘Towards Peace and Justice’, op.cit., p. 103.

Lanka raised USD \$2.1 billion in bilateral and multilateral aid in 2010 to rebuild the war torn north. With the end of the armed conflict, life has improved by and large for the 1.2 million inhabitants in the Northern Province including the 467,000 newly returned war displaced who had fled the area during the conflict.²³⁴

According to the Sri Lankan government, the previously underdeveloped north and the east have experienced much greater economic growth rates than the national average. In 2010 and 2011, the economy of the Northern Province grew at 21 per cent and 27 per cent respectively.²³⁵ Much of the money towards economic development has gone into the development of infrastructure like roads, highways, electricity, housing and water projects. In addition to construction, the fastest growing sectors in the north since the end of the armed conflict have been banking and real estate. During the last two years, banking grew by 114 per cent; transport by 69 per cent, construction by 56 per cent, fisheries by 78 per cent, and hotels and restaurants by 65 per cent.²³⁶ All the above sectors, without exception and the traditionally more women friendly sectors, such as, hospitality and banking, are dominated by men. Despite efforts by the Sri Lankan government and intergovernmental organisations, women and the families headed by women in the Northern Province do not seem to be benefitting from this growth.²³⁷

The vast majority of the displaced persons at the end of the armed conflict in Sri Lanka were estimated to be women and children. Many of them belong to households headed by women. According to the Household Income and Expenditure Survey of 2009/2010 women are considered heads of 23 per cent of all households in Sri Lanka.²³⁸ This reflects both the large-scale employment of women in the Middle East and the widespread deaths of men, resulting from the armed conflict. Nearly half of the female heads of households are widows, many being 'war widows.'²³⁹ Widows of the armed forces personnel killed in conflict find it difficult to access benefits due to complicated administrative procedures. Since 'war widows' lost their salaries and pensions upon re-marriage,

²³⁴ Amantha Perera, 'War or Peace, Sri Lankan Women Struggle to Survive', Inter Press Service, July 10, 2013. Available from: <http://www.ipsnews.net/2013/07/war-or-peace-sri-lankan-women-struggle-to-survive/>

²³⁵ Ibid.,

²³⁶ Ibid.,

²³⁷ Human Rights Commission of Sri Lanka, 'Vulnerability of displaced Women in Post Conflict era in Sri Lanka: National Protection and Durable Solutions for Internally Displaced Persons Project', June 2011.

²³⁸ Asanga Abeyagoonasekara, 'Entrepreneurship and Post Conflict Development in Sri Lanka', p. 2. Available from: http://www.idpsrilanka.lk/Doc/GeneralDocuments/2011_06_06_-_Vulnerability_of_Displaced_Women_in_Post_Conflict_era,_Sri_Lanka-.pdf

²³⁹ Ibid., Savitri Goonesekere, 'The Situation of Widows and Female Heads of Households in post Conflict Sri Lanka', ADB Gender Network E News, March/April 2012, Vol. 6, No.1.

many are unable to re-marry, as they do not wish to forego receiving economic benefits. Many widows also report that they are subject to sexual harassment.²⁴⁰

The prevalence of female headed households and widowhood are most widespread in the north and the east. According to the Ministry of Child Development and Women's Affairs, there are 89,000 widows in the north and the east.²⁴¹ According to other estimates, there are more than 40,000 female headed households in the north, including 26,340 widows in the Jaffna district.²⁴² Upon the death of the breadwinner, usually the husband, women are left with the responsibility to provide for the economic survival of the family. However, most women who have lived in the war-zone for their entire lives are not sufficiently educated to find skilled employment or to assert their land and legal rights. In general they face a host of issues: lack of access to their land and properties, destruction of their land and property, loss of legal documents and lack of access to legal services.²⁴³ Even if they want to start self-employment, they often lack skills and economic facilities. The rehabilitation of women ex-combatants and providing them with new skills and financial opportunities are also challenges in post-conflict development.²⁴⁴

Male dominated social structures and economic development are both skewed towards males; in combination, they contribute to the marginalization of women and the exacerbation of the feminisation of poverty. Recommendation 9.86 of the LLRC Report needs highlighting in this regard:

“Having listened to many women headed households and organisations who represented them, and given the fact that there is a large number of such women (over 59,000—according to the Government sources) in the country in the aftermath of the conflict, the Commission recognises the welfare of these women and the women-headed households as a major post-conflict challenge that needs to be addressed as a matter of priority by the Government and all other stakeholders, in a collective effort towards reconciliation.”²⁴⁵

²⁴⁰ Women and Media Collective, Sri Lanka Shadow Report To the Committee on the Elimination of All Forms of Discrimination Against Women, Colombo: July 2010, p. 41. Available from: http://www2.ohchr.org/english/bodies/cedaw/docs/ngo/WMD_SriLanka48.pdf

²⁴¹ Abeyagoonasekara, 'Entrepreneurship-', op.cit., p. 2.

²⁴² Ibid, p.2; Raksha Vasudevan, 'International Engagement in Post-Conflict Sri Lanka: Lessons from the Supposedly "powerless" women of the north', Open Security, 23 Nov. 2012, p. 2. Available from: <http://www.opendemocracy.net/opensecurity/raksha-vasudevan/international-engagement-in-post-conflict-sri-lanka-lessons-from-suppo>

²⁴³ Women and Media Collective; Sri Lanka Shadow Report', op.cit.

²⁴⁴ International Labour Organization, 'Local Economic Development and Post-Conflict Recovery in Sri Lanka', 30 May 2012. Available from: http://www.ilo.int/employment/areas/crisis-response/WCMS_181861/lang--en/index.htm

²⁴⁵ Chitta Ranjan de silva chairperson LLRC Report, p. 181.

The Beijing Platform for Action points out, that poverty, environmental degradation and conflict are closely interrelated and the destruction of fragile ecosystems is particularly threatening to women. Rising sea levels resulting from global warming pose a grave and immediate threat to people living in island countries, such as Sri Lanka. This was evident in the 2004 tsunami that took the lives of some 30,000 in Sri Lanka. The BPFA's recollection of the commitments made at the United Nations Conference on Environment and Development in Rio in 1992 towards 'a new development paradigm' based on sustainable growth and gender equality are highly relevant to Sri Lanka's post-conflict development.

Equality: Power and Decision Making

In Sri Lanka women have enjoyed universal adult suffrage since 1931. Sri Lanka also produced the world's first democratically elected woman Prime Minister Sirimavo Bandaranaike in 1960 (following the assassination of her husband, the former Prime Minister). Women in Sri Lanka have made tremendous progress in the social and economic spheres in the last five decades. The female literacy rate in Sri Lanka for females is 97 per cent, the highest in South Asia. Women enjoy a longer life expectancy (80 years) than men (76 years).²⁴⁶ There are also large numbers of women with higher education and professional qualifications serving in the public domain, the private sector, medical, legal and teaching professions, the arts in comparison to many other 'developing' countries.

Despite these achievements, women in Sri Lanka have the lowest percentage of political participation in South Asia. There is a relative absence of women in elected positions. In the 2006-2010 period, women were only 5.8 per cent of the representatives in Parliament, 5.0 per cent in Provincial Councils and 1.8 per cent in Local Councils.²⁴⁷ A report by the Women and Media Collective attributed this mainly to political parties, which fail to nominate greater numbers of women to contest elections.²⁴⁸ As a Civil Society Monitoring Report on Sri Lanka entitled 'Women Count' states, 'under representation in key decision-making positions not only jeopardises the situation of women, but also endangers the national transition from a state of post-conflict reconstruction to sustainable peace.'²⁴⁹

The under-representation of women in decision-making and governance stems from entrenched patriarchal attitudes. A recent statement by Sri Lankan Government's Minister of Women's Affairs, a male, reflects pervasive gender stereotypes inhibiting women's rise to leadership positions:

²⁴⁶ Kohona, Statement, op.cit.

²⁴⁷ Shadow Report, op.cit., p.12.

²⁴⁸ Ibid.

²⁴⁹ Women Count, op.cit., p. 7.

‘Even though we have paid special attention to the protection of women’s rights, when a woman is given authority in a department or a ministry they tend to suppress other women under their administration out of jealousy. This situation will lead to inefficiency in that particular organisation. Hence always the main chair should be given to a male and the assistant should be a female.’²⁵⁰

The relative absence of women in decision-making positions make it difficult for women to get their voices heard and their needs met in critical areas such as, security and economic development. Greater participation of women in decision-making and governing bodies is urgently needed. Some women’s organisations have called on the Sri Lankan government to introduce quotas for women in all levels of governance including 33 per cent each in political parties and all governing bodies and 50 per cent in Civil Security Councils.²⁵¹ Linguistically based entry into the university science faculties contributed to the rise of ethnic tension and the armed conflict in the past. Given that negative experience, it is well to bear in mind that introduction of gender-based quotas too may be controversial and produce a backlash against women. However, without a doubt, greater participation of women in decision-making needs to be made a central objective of post-conflict development in Sri Lanka. As CEDAW asserts ‘the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields’.

Suggestions for Meeting BPFA Objectives

Sexual violence, feminisation of poverty and lack of political representation are serious issues with enormous implications for the society and future generations in Sri Lanka. The implementation of a gender sensitive policy plan for post conflict development needs to uphold the BPFA commitments to peace, development and equality between men and women. More specifically, the plan must address objectives related to women and armed conflict, such as, provision of protection, assistance and training to internally displaced women, an increase in the participation of women in conflict resolution at decision-making levels, reduction of excessive military expenditures and control of the availability of armaments and promotion of women’s contribution to fostering a culture of peace.

²⁵⁰ “Why SL Minister of Women’s Affairs Should Cast His Eye on Sandberg”, March 13, 2013, FirstPost. Available from: <http://www.firstpost.com/world/why-the-sl-minister-of-womens-affairs-should-cast-his-eye-on-sandberg-658416.html>

²⁵¹ Association of War Affected Women, Sri Lanka, “Sri Lankan Women’s Agenda on Peace, Security and Development” and Recommendations. Available from: [http://awawsl.org/pdf/Sri Lankan Women’s agenda.pdf](http://awawsl.org/pdf/Sri%20Lankan%20Women's%20agenda.pdf)

Achievement of these objectives requires greater dialogue and unity among women's groups in Sri Lanka. The controversial issue of sexual violence in particular needs to be addressed without either denial or exaggeration. Without transcendence of the political polarisation over an international human rights investigation, women's organisations will remain separated and divided. Unless there is greater collaboration towards a common Sri Lankan women's agenda for change, some of the recommendations put forward by internationally funded NGOs, such as, Women and Media Collective and Association of War Affected Women (AWAW) will remain unrecognised. A unified set of demands by a broad spectrum of Sri Lankan women's organisations pertaining to the goals of peace, development and equality as set forth in the BPFA could set an example of unity for the rest of the society. Women can also make an important contribution in the Sri Lankan Diasporas—Tamil, Sinhala and Muslim—if they can put the common issues of women above the divisive issue of secession vs. unity of the country.

The final section of this review considers actions that need to be taken by the Sri Lankan government and intergovernmental and nongovernmental organisations in order to meet the norms and standards set by the BPFA and related international instruments during post-conflict development in Sri Lanka. It incorporates some of the recommendations that have already been put forward by women's NGOs and the LLRC.²⁵²

Recommendations for Meeting BPFA Objectives

To the Government of Sri Lanka:

Peace and Security

- Reduce excessive military expenditures and control the availability of armaments
- Set up local level grievance committees to assess the needs and problems of women affected by war
- Ensure that law enforcement officers at all levels are aware of UNSCR 1325, 1820 and all other domestic laws and regulations related to violence against women
- Expand and further strengthen the services of the women and children's desks in police stations to handle gender-based violence more effectively
- Ensure that women police officers are 'manning' the desks and that they are proficient in local languages

²⁵²Women and Media Collective Shadow Report, op.cit; Women Count, op.cit., AARW, "Sri Lankan Women's Agenda"; Chitta Ranjan de silva chairperson LLRC Report, op.cit.

- Ensure that behaviour of the police and the security forces are monitored, all perpetrators are brought to justice and all necessary measures are taken to prevent acts of violence against women
- Strengthen measures to eliminate stereotyped gender roles and roles and responsibilities of men and women in formal education and amongst the general public and in the media
- Implement the recommendations of the LLRC pertaining to women and strengthen the interagency task force in order to address the needs of women, children, elderly and other vulnerable groups affected by conflict.

Women and Development

- Amend gender discriminatory laws that prevent women's equal access to land, and inheritance
- Increase and facilitate women's access to credit, skills and extension services
- Ensure facilities, such as, housing and water are accessible for all those who are resettled
- Encourage industries and sustainable agriculture in the affected areas for employment creation, especially for young women and ex-combatants

Power and Decision-Making

- Formulate a policy that ensures the appointment of more women to all governing and administrative bodies
- Ensure that all political parties have significantly more women candidates in their nomination lists
- Strengthen measures to eliminate stereotyped gender roles and roles and responsibilities of men and women in formal education and amongst the general public and in the media
- Eradicate violence in the political sphere in order to ensure women are free to participate at all levels of government without a threat to their safety and security.

Suggestions to Inter-governmental Organisations:

Peace and Security

- Reduce excessive military expenditures and control the availability of armaments globally

Women and Development

- Ensure that women's concerns are taken into consideration when designing and implementing projects and programmes on reconstruction and recovery

- Encourage the private sector to set up industries and sustainable agriculture in the affected areas for employment creation, especially for young women
- Provide infrastructure facilities, such as, electricity, education and health, as well as transportation for all the resettled people

Power and Decision-Making

- Promote international instruments, such as, the BPFA to advance women's power and decision-making
- Promote women's participation in the labour market and provide them with the information and skills required to do so.

Suggestions for Non-Governmental Organisations:

Peace and Security

- Establish a broad based coalition of women's organisations to address sexual violence and violence against women
- Strengthen measures to eliminate stereotyped gender roles and roles and responsibilities of men and women in formal education and amongst the general public and in the media
- Establish where necessary and improve existing support networks to meet the needs of women affected by violence including counseling, legal aid, shelter and mental health services
- Provide legal counseling for women subjected to family separation and those subjected to trauma

Women and Development

- Promote women's roles in agriculture and animal husbandry through provision of training, inputs and establishing community farms
- Encourage the set-up of industries and sustainable agriculture in the affected areas for employment creation, especially for young women

Power and Decision-Making

- Raise women's awareness of their rights
- Build women's capacity and skills to take up leadership positions in community based organisations and subsequently in political bodies
- Empower women to face challenges in accessing positions of governance

- Advocate for increased representation of women in all political and administrative structures from the village level up

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F. Women and the Economy

Swarna Jayaweera

The Beijing Platform for Action situated the objectives of the Plan in the context that ‘continuing inequalities and noticeable progress exist’. It was considered necessary to integrate a gender perspective in employment policies and programmes and ‘to draw attention to a wider range of opportunities as well as to address any negative implications of current patterns of work and employment’. Further, ‘to realize fully equality between women and men in their contribution to the economy, active efforts are required for equal recognition and appreciation of the influence that the work, experience, knowledge and values of both women and men have in society’.

Within this framework, the specific objectives are to:

1. promote women’s economic rights and independence, including access to employment, appropriate working conditions and control over economic resources,
2. facilitate women’s equal access to resources, employment, markets and trade,
3. provide business services, training and access to markets, information and technology, particularly to low income women,
4. strengthen women’s economic capacity and commercial networks,
5. eliminate occupational segregation and all forms of employment discrimination, and
6. promote harmonisation of work and family responsibilities for women and men.

These objectives encompass human rights as well as women’s rights as exemplified in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and specifically employment rights underscored in UN instruments and ILO Conventions.

Objectives and Methodology

In this context, this study examined (i) the economic activities and employment related policies and programmes since 1995, (ii) their positive and negative impact as reflected also in trends in employment over these years, (iii) the factors that determined these developments, (iv) the gaps in policies, programmes, and finally (v) suggestions for future directions in policies and programmes from a human rights perspective as underscored in CEDAW.

Methodologies used were perusal of national quantitative surveys by institutions responsible for data gathering and analysis, and macro studies and micro studies available of the many facets of relevant issues (see references). Where necessary, key personnel at policy making level were interviewed.

Background

The contextual background in 1995 was an economy that had undergone several changes during the five decades since political independence was achieved, unlike the trajectory in education and health policies and programmes which focused largely on expansion and equity. The colonial export economy based on new commercial crops and the plantation structure juxtaposed with traditional economic activities in agriculture, fishing, 'cottage' industries and informal sector activities was a continuing legacy. The liberal market oriented free trade policies of the 1947 government were replaced in 1956 by a socialist government that relied on central planning, import substitution in industry and agriculture, import and exchange controls, and state enterprises.

In 1977, a radical shift took place to a policy of market liberalisation and an export oriented economy that was extensively implemented till 1994. Concomitantly, the International Monetary Fund (IMF) and World Bank supported structural adjustment programmes were implemented, reducing, inter alia, the public sector, and social sector expenditure, privatising public sector enterprises, and relying on the private sector as the 'engine of growth'. Traditional industries collapsed, though unemployment declined as employment opportunities for young women expanded in the context of their 'comparative advantage' as low cost labour in labour intensive industries translocated by multinational companies (Lakshman 1997; Elson & Pearson 1981). Ethnic violence, neo-liberal policies youth unrest increasing inequalities necessitated the introduction of poverty alleviation programmes towards the end of this regime.

Policies and Programmes in the Post Beijing Years-1995-2014

In 1994, the new government introduced a policy conceptualised as a 'market oriented policy with a human face' that has dominated the post Beijing years (except from 2002 to 2004 when a new short lived government restored the pre 1995 policies). Liberalisation and the integration of the domestic economy in the global economy was recognised as irreversible in the context of rapid globalisation, and structural adjustment programmes, privatisation of enterprises and the same policy of export oriented industrialisation were continued. However, social justice and poverty alleviation were

recognise as important facets of policy. Even the World Bank's new lending policy in 1999 had the title 'Poverty Reduction and Growth Strategy'.

The focus of employment policies shifted from the agriculture sector to industry and services. The new industry strategy issued in 1995 reiterated the objectives of expanding, diversifying and upgrading the industrial base in export oriented economic activities and promoting regional industrialization (Pandita 1999).

The Board of Investment (BOI) continued the policy introduced in 1992 of developing the whole country as an Export Processing Zone. The rural garment factories were supported and seven industrial estates were opened in 1999. Seventy three per cent of exports came from the garment industry and 90 per cent of garment workers were women. While micro studies have documented their poor working conditions from the inception of Export Processing Zones, the state changed its laissez faire approach and introduced minimum wages, free meals and medical care (Center for Women's Research 1999a). The expansion of export oriented industries increased the use of subcontracting to reduce the production costs of entrepreneurs-through intermediaries and subcontracting 'chains' from overseas firms to local entrepreneurs, to factories, small production units or to home based workers/entrepreneurs. These women had no protection from labour legislation, and had even poorer working conditions than in factories and instability in employment. As macroeconomic policies did not provide a conducive environment for the revival of local small industries that collapsed in the wake of market liberalisation, they remained in a depressed state. The policy of state withdrawal and the retrenchment or involuntary retirement of state employees in industry and services deprived these workers, many of them women, of their livelihood (ibid).

With increasing globalisation new employment opportunities were created in the services sector in telecommunication, finance and commerce for both women and men. As macro policies appeared to be biased against the small producer and self-employed workers in low income families, they lacked access to skills, technology, adequate capital or credit and market information. Consequently they were engaged in a struggle for family survival.

The amendments to the Foreign Employment Act of 1994 introduced new programmes that benefitted overseas domestic women workers who had been exposed to exploitation in the open market. These policies and programmes comprised compulsory registration with the Sri Lanka Bureau of Foreign Employment, compulsory training before departure in 47 state and private

centres in different parts of the island, labour contracts in ten countries, free insurance schemes, loans at low interest for migrants and returnees, appointment of welfare officers in embassies, provision of an ambulance at the airport and scholarships for children of migrant workers to prevent 'dropping out' of schools. Licensing of recruitment agencies and better surveillance is reported to have reduced the percentage of illegal migrants (Yapa 1999). The UN Convention on the Protection of Migrant Workers and their Families was ratified in 1996. Receiving countries had not agreed to bilateral agreements as yet, and women continued to be victims of exploitation and sexual abuse. The state too began to promote male employment in countries such as South Korea.

New policy directions were initiated in 2005 in the Mahinda Chintana-Vision for the Future, which embodied a pro-poor, pro-growth approach with concern also for agricultural self-sufficiency and the small and medium enterprise sector and micro enterprises. The Ten Year Horizontal Development Framework Programme, 2006-2016 (Department of National Planning 2006) incorporated sectoral state policies. Its labour sector development plan was intended to respond to the following objectives:

- (i) matching labour demand and supply-expanding the range of skills of women in non-traditional courses in technical education to meet future labour demand;
- (ii) shifting the focus of employment to the private sector;
- (iii) reducing under employment, increasing employment flexibility and providing social protection for the unemployed;
- (iv) increasing employment and extending social protection to the informal sector;
- (vi) realising potential in micro, small and medium industries;
- (vi) promoting quality and productive employment for women;
- (vii) managing labour migration and promoting bilateral agreements; and
- (viii) equal division in the labour market and working conditions and services for women and equal wages and support services for child and dependent care for working mothers (op cit).

Importantly, this plan makes the first specific reference in a national plan to increase quality employment opportunities and support services for women.

The Development Policy Framework (Department of National Planning 2010) prioritised policies that are planned to meet the challenges of rapid technological development in the global environment by

2010. It focused on the use of technological innovations, moving technology to rural areas, and identifies the following areas for action:

- (i) increasing productivity through farm mechanisation and diversified production in agriculture,
- (ii) supporting infrastructural development to promote offshore and deep fishing,
- (iii) industry, technology intensive industries, and value addition in industrial production, and
- (iv) development of entrepreneurial skills to meet market needs and to increase incomes of those in small and medium industries (SMEs) and micro enterprises.

All these policies, if implemented, had implications for widening the range of women's vocational skills to ensure their employability. Sector wise programmes were proposed.

Years of low priority have resulted in very low productivity in the agriculture sector. The National Agricultural Policy, 2007, proposed enhancing productivity and increasing growth in the domestic food production and export crop sectors to reduce poverty levels by improved farming systems and agro technologies. A high proportion of women are employed in this sector but the only specific reference to women is 'to promote women's participation in home gardening', a reflection clearly of prevailing stereotypical perceptions of gender appropriate occupations.

The state Forestry Policy included management and maintenance of reforestation of forests, conservation of natural resources, and promoting community participation in environment protection by managing wood lots and developing home gardens in which women are expected to play an important role. In the fisheries sector the policy was to contribute to nutrition and food security and to increase employment opportunities. It was proposed to strengthen women's groups to engage in income generating activities in coastal fishing communities.

The new Industrial Framework proposed a two pronged strategy to meet the needs of foreign investment based industries and domestic industries:

- (i) to promote Foreign Direct Investments through the further development of Industrial Estates and Techno Parks and industrial sub sector clusters. The focus was to be also on technology intensive industries by promoting adoption and application of advanced technologies, including nanotechnology and biotechnology, and on high value addition, product diversification and productivity with incentives for new industries based on local raw materials,
- (ii) to support the capacity development of those engaged in micro enterprises, particularly rural entrepreneurs, and the development of viable micro enterprises in the rural economy including self-

employment and 'cottage' level economic activities with access to micro finance for livelihood development with the objective of transforming traditional industries into a dynamic and powerful sector in the economy.

As the industry sector has been a major source of employment for women over the years, they were likely to have been major beneficiaries if these policies had been implemented effectively. In the services new employment opportunities were to be generated in telecommunication, tourism and domestic tourism including in the informal sector, travel and hotel services.

Women have played a major role in migration for domestic and other services and have been victims of exploitation and sexual abuse. Regulatory programmes introduced since 1995 were to be extended with organising of safe houses in receiving countries and signing memoranda of understanding with these countries. For the first time a National Policy on Labour Migration was developed and launched in 2009. It addresses three aspects:

- (i) good governance encompassing an effective institutional framework, a legislative framework in compliance with international and national laws and obligations, a rights based regulatory framework and a consultative framework,
- (ii) the protection and empowerment of migrant workers and their families during the stages of pre-departure, in service, return, and reintegration, and
- (iii) for the first time, linking development and migration processes through the contribution of labour migration to growth and development, promoting decent work and poverty reduction policies, promoting skilled worker migration, local employment and enterprise creation, and developing a comprehensive information and data base and regular monitoring.

The implementation of this policy is in progress but it is premature to assess results.

The National Policy for Decent Work (2007) supported by ILO envisages ensuring the rights of workers, jobs of acceptable quality, social protection of the unemployed and participatory social dialogue. The indicators for measuring 'decent work', to be adapted to the national context are: (i) employment opportunities, (ii) acceptable work, (iii) adequate earnings and productive work, (iv) decent hours, (v) stability and security of work, (vi) fair treatment at work, (vii) safe work environment, (viii) social protection, (ix) combining work and family life, and (x) social dialogue and workplace relations.

The most recent policy initiative is the National Human Resources and Employment Policy for Sri Lanka developed in 2012. Its objectives are to ‘work towards a highly competent, globally competitive, multi-skilled and productive workforce, improve incomes and quality of life of the working population across different sectors and regions, provide the fullest opportunity to workers without discrimination and safeguard the basic rights and interests of workers in line with national labour laws and key international labour standards.’

Sector wise, forward looking strategies are proposed.

- i. In the agriculture sector, to promote mechanisation and modernisation to improve productivity and to attract youth to the sector; increase value addition in domestic and export agriculture; and develop entrepreneurship skills among rural women and youth;
- ii. in the manufacturing sector, in addition to labour intensive industries, to move gradually from low value added industries to more capital and knowledge intensive manufacturing and develop human resources to meet the demand from these industries;
- iii. in the services sector, to develop professional skills in tourism, travel and hotel business; with expanding employment opportunities in ICT and Business Process Outsourcing, promote growth of local companies, and move to higher value added services, and train human resources to meet changing demands;
- iv. in foreign employment, promote skilled migration by better skills training and expanding destinations, and negotiate bilateral agreements with receiving countries to safeguard the labour rights of migrant workers;
- v. in small and medium industries (SMEs), equip human resources with ICT and other relevant skills, and promote use of high technologies and entrepreneurship capacities. Develop employment opportunities for vulnerable groups such as those with disabilities and those living in very disadvantaged locations.

A striking feature in this policy is the effort made, for the first time, to mainstream gender in employment policies. While the objective of the policy is ‘to enable women to participate in the labour market and access jobs that pay better’, initiatives are proposed to address gaps in programmes and to overcome attitudinal barriers by:

- (i) providing incentives for increasing the participation of women such as supportive child care services, flexible work arrangements, training for high skilled jobs, promoting women’s entrepreneurship development by increasing access to credit, technology, business knowledge and markets, and providing a safe and secure environment, and

- (ii) promoting attitudinal change to combat sexism, and gender stereotyping in the labour market, and inequitable sharing of care and domestic chores in the household between men and women.

Attitudinal change pertaining to gender role stereotyping is unlikely, however, as the occupations preferred for women are the conventional 'feminine' jobs so that women will be mainstreamed in the existing gender inequitable labour market.

A Plan of Action was developed in 2014 to facilitate the implementation of the policy. The Plan is based on five key 'pillars'-(i) Education and Skills Development (ii) Private Sector Employment (iii) Labour Market Institutions, Social Dialogue and Labour Relations (iv) Public Sector Employment and (v) Foreign Employment.

While some of the employment related programmes include the role of women particularly in the rural sector, an innovative feature in the National Plan is the section on 'Gender Mainstreaming'. The employment fields included in this section are a limited number of 'higher skilled' occupations for women-IT, nursing, hospitality industry, and driving. Importantly, however, strategies are to be developed to (i) discourage sexism and gender stereotyping in the workplace, (ii) strengthen state legal and institutional infrastructure to handle issues of discrimination and sexual harassment, (iii) promote more equitable sharing of the burden of care and household chores between men and women, (iv) enact labour laws that ensure equality between women and men in employment, (v) expand the knowledge base on the gender division of labour and other gender related issues, and identify priority areas for higher levels of women's involvement, and (vi) implement a social security system for self employed women.

The proposals extend to encouraging large corporate firms in the private sector to recruit more women graduates and to appoint more women to management positions, and to mainstream gender in sports. The implementation of these crucial proposals will depend on the capacity and attitudes of the identified agencies.

Labour Rights, particularly of Women in the Work Force

Sri Lanka has ratified two major international instruments that underscore the economic rights of women-the International Covenant on Economic, Social and Cultural Rights in 1966 and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981. They impose obligations on States but there are lacunae in the incorporation of their provisions in

national legislation. The Sri Lanka Constitution (1978) recognises the right to equality and non-discrimination (Art,12(2)), the right of every citizen to engage in any lawful occupation or enterprise (Art 14(g)), and the entitlement to freedom of association (Art 14 c and d). However these rights are only applicable to those employed in the public sector, thereby, depriving the majority of workers who are in the private and informal sectors protection against discrimination. The Women's Charter of 1993 identifies the economic rights of women based on the provisions in CEDAW but has remained a policy document without legal validity.

The ILO Conventions that are a part of the international framework for labour rights have not all been ratified or incorporated in national legislation. Those ratified are C 29-Forced Labour in 1950, and C103-Maternity Protection Convention (1993), C100-Equal Remuneration Convention (1993), C 87-Freedom of Association(1995), C111-Discrimination (Employment and Occupation) 1998, C138-Minimum Age Convention (2000), and C182-Worst Forms of Child Labour (2001). The provisions of many of these have been incorporated in national labour legislation in the form of Ordinances or Acts with amendments in subsequent years such as in the Trade Union Ordinance, Industrial Disputes Act, Factories Ordinance, Wages Board Ordinance, Shop and Office Employees Act, Employment of Women, Young Persons and Children Act, Maternity Benefits Ordinance, and the Establishments Code-Public Administration Circulars, Workmen's Compensation Ordinance,; Mines (Prohibition of Female Labour Underground) Ordinance, and Termination of Employment of Workers. Social security legislation is limited to pensions for state employees, and the Employees Provident Fund Act, Employees Trust Fund Act and Payment of Gratuities Act for non-state employees.

Only public and private sector employees in the formal sector are beneficiaries of such labour legislation. While micro studies have documented violations in working conditions (Centre for Women's Research, 1994; Jayaweera and Sanmugam 1996,2001) working conditions have improved in recent years with more effective policies and enforcement of legislation.

The majority of workers, however, are engaged in economic activities in the informal or unregulated market and are vulnerable to demand and supply market forces. The informal sector comprises a minority of high income entrepreneurs as well as a large number of low income paid labour, self-employed workers and unpaid family workers among whom the majority are marginalised groups of women workers who are denied protection by labour legislation and are often only visible in the margins of national policy. Their exclusion from legal protection has exacerbated their unstable and

exploitative working conditions, and low levels of skills and income. Among them are four major groups of women workers - migrant domestic workers who are vulnerable to exploitation and abuse and whose remittances are a substantial contribution to national revenue; a relatively invisible, flexible and peripheral labour force of subcontracted workers who reduce the production costs and increase the profits of transnational and local entrepreneurs and enrich intermediaries with minimal economic benefits for themselves; self-employed home based workers trapped in low income activities in the informal sector in cottage industries or production of food, coir, in agriculture and livestock, and often without right to land, training, technology, credit and markets; and marginalized local domestic workers and temporary overseas domestic workers, all of whom are denied minimum wages, regular hours of work, and social security (Jayaweera 2011, 2012).

It is salutary to note that most of the ILO Conventions that are yet to be ratified apply to these informal sector workers. C 141(1975)–Organisations of rural workers and their role in economic and social development; C 97 (1945) and C 143 (1975) –Migration for employment, although the UN Convention on the Protection of the Rights of All Migrant Workers and their Families was ratified in 1996. C 177 (1996)–Home Work Convention for home based workers who work for remuneration but do not work in the employers’ work place and are not independent self-employed workers, in brief, for piece rate or subcontracted workers in the ‘external market’; C 189 (2011) Decent Work for Domestic Workers–specific protection to domestic workers in the country and migrant domestic workers.

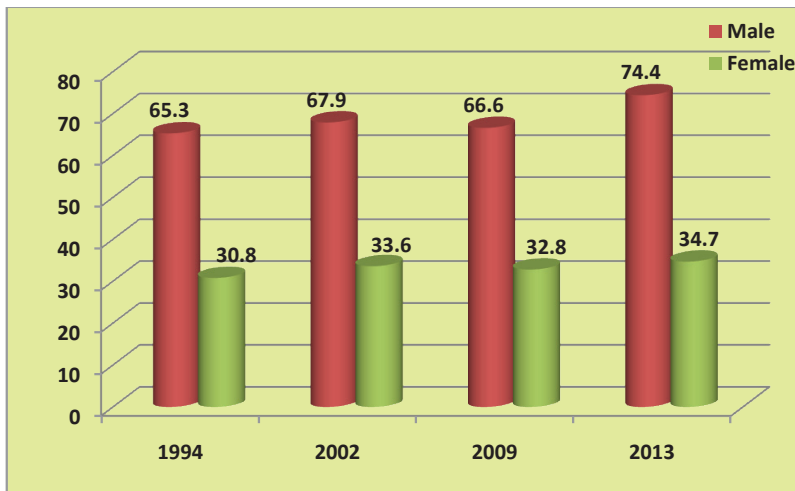
The international framework of economic rights and the gaps in national legislation and policy and implementation led the UN Monitoring Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in its concluding observations on the national report presented at the beginning of 2011, to observe that the ‘committee was concerned regarding the persistence of discrimination against women in the labour market, in particular, the concentration of women in low skilled and low paid jobs It ‘expressed its concern at the lack of protection of women working in the informal sector’ and that "despite" the ratification of ILO Convention 100 on Equal Remuneration, the principle of equal remuneration for men and women for work of equal value is not reflected in national legislation’.

Trends in Labour Force Participation

No radical changes have taken place in trends in employment since the Beijing Conference. The shift in macroeconomic policies in 1977 to market liberalisation, export oriented employment and

structural adjustment continued after 1994 despite the adoption of a 'market oriented policy with a human face' by the new political administration. There was a brief reversal to the earlier status under the administration in 2002-2004. Through these years privatisation of institutions in the public sector and involuntary retirement of workers with compensation in these employment establishments continued and micro studies indicated that women were more disadvantaged than men who had easier access to employment (Centre for Women's Research 1999)

Fig.1
Labour Force Participation (%)



Source: Department of Census and Statistics (1994, 2002, 2009, 2013)

As Fig. 1 indicates, labour force participation rose after 2009 as economic growth rates rose with the cessation of armed conflict. Only around one third of the labour force was women in official statistics. It has to be noted, however, that many women in the informal sector who were engaged in home-based employment and in agriculture did not identify themselves as employed or economic producers at enumeration. It is likely that the percentage of 'working women' would be higher if they were counted as income earners.

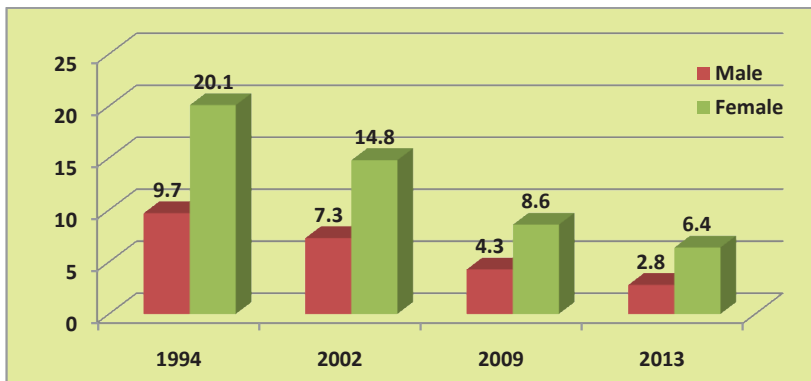
Unemployment

Unemployment became a critical issue from the late 1960s with declining economic growth rates and the consequent inability of the economy to absorb those seeking employment. The highest rates of unemployment were among youth – the 15-19 age group followed by the 20-24 age group and the 25-29 age group. Pursuant to the expansion of secondary education, the highest unemployment rates by education level were among secondary school drop outs, increasing to those with secondary

school qualifications, G.C.E. Ordinary level and Advanced level. Importantly, the unemployment rates of women have been double those of men since unemployment rates rose in the late 1960s.

Fig.2

Unemployment Rate (%)



Source: Department of Census and Statistics- Demography Survey 1994, Labour Force Surveys 2002, 2009, 2013

Unemployment rates have declined during the years under review, particularly after 2009 but women have continued to have had double the rates of men, in overall employment- 20.1 per cent female and 9.7 per cent male unemployment in 1994 and 6.4 per cent and 2.8 per cent in 2013; in youth unemployment, 24.8 per cent and 15.1 per cent in 1994 and 15.1 per cent and 4.2 per cent in 2013; and in unemployment by educational level, at minimum Advanced level -30.7 per cent and 15.6 per cent in 1994 and 11.2 per cent and 5.0 per cent in 2013 (Figs. 2,3, 4).

Fig.3

Unemployment Rate by Level of Education

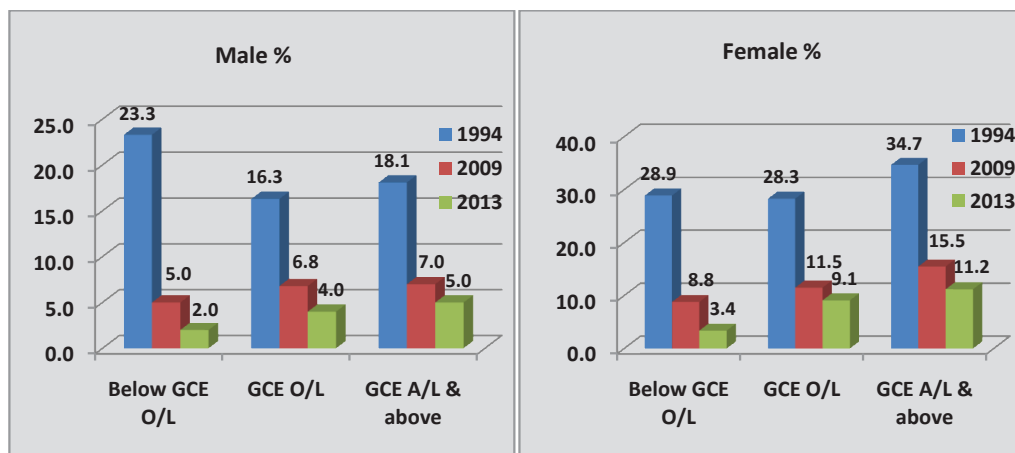
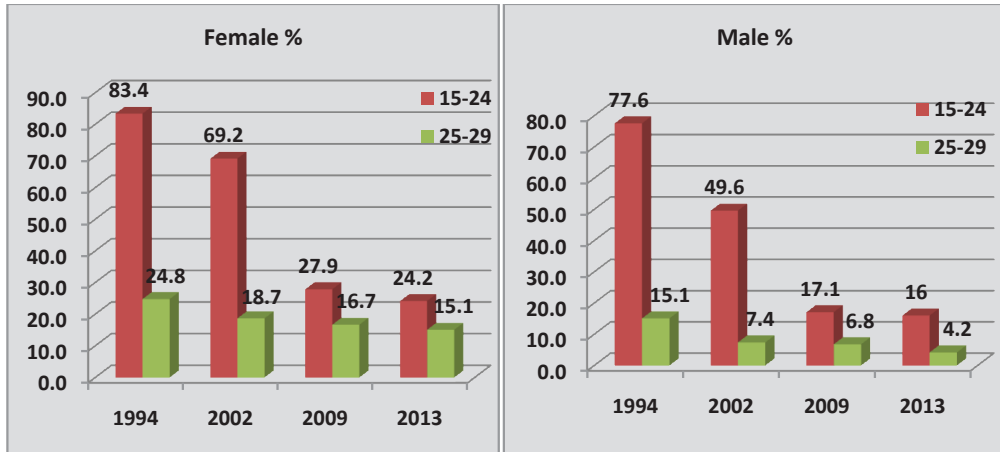


Fig.4
Youth Employment



Source: Department of Census and Statistics-Labour Force Surveys (1994,2002,2009,2013)

Women therefore have had equal access to education juxtaposed with unequal access to unemployment chiefly as a consequence of the gendered socialisation process in homes, schools and society that limits girls to a narrow range of conventional ‘feminine’ skills and deprives them access to a wide spectrum of skills in demand in the labour market. These gender role stereotypical choices are reflected in the preferences of women to be nurses, midwives, teachers, clerks, dentists, doctors and lawyers (40 per cent to over 90 per cent), low representation in accountants, managers, and skilled workers (20 per cent-33 per cent); and technicians, surveyors and engineers 17 per cent-19 per cent). (Table 1).

Table 1
Employees in Selected Occupations % Female

Occupations	1998	2006
Senior Officials & Managers	NA	27.8
Engineers	17.2	15.5
Doctors	45.1	42.7
Dentists	50.0	53.2
Nurses	88.5	90.2
Midwives	100.0	100.0
Surveyors and Cartographers	17.3	24.2
Draughtsman	NA	60.6
Judges and Lawyers	26.5	50.1

Accountants	22.1	33.1
Principals (Schools)	21.5	21.2
Teachers (Schools)	70.6	71.2
Technicians	18.8	27.0
Management Assistants, Clerks	49.0	57.9
Drivers	0.0	0.0
Skilled Workers	21.8	2.3
Elementary Occupations/Stenos & Typists	90.2	18.5
All other occupations	NA	29.7
Total	NA	40.0

Source: Dept. of Census and Statistics Census of the Public Service 1998,2006.



Source: Department of Census and Statistics-Labour Force Surveys, 4th quarter,1997 & 2013

In employment status, more men than women are employers/managers and entrepreneurs, and more women than men are public sector employees as health workers and teachers and the gap between women and men has widened in unpaid family labour where women are concentrated at the bottom of the employment structure (Fig. 5 & 6). The employment statistics of industrial workers in Export Processing Zones and Industrial estates and among migrant workers, point to the fact that they are concentrated in semi-skilled and unskilled occupations in assembly line jobs in garment and other factories and as migrant domestic workers, both vulnerable to exploitation. Horizontal mobility moving to similar jobs in factories and households has prevailed over upward vertical mobility to higher positions (Tables 2 & 3).

Table 2
Employment - EPZs and Industrial Parks % Female

Employment Category	1996	2010
Administrative Staff	26.3	32.0
Technical Staff	12.9	24.7
Clerical & Allied	55.0	50.7
Supervisory	45.5	30.5
Skilled	61.9	67.4
Semi Skilled	86.1	67.4
Unskilled	64.5	60.8
Trainees	80.8	64.9
Others	31.1	38.3
Total Local Employment	70.8	60.2

Source: Board of Investment of Sri Lanka 1996, 2010

Table 3
Departure for Foreign Employment % Female

Occupational Levels	1997	2005	2012
Professional	6.8	7.4	9.6
Middle level	15.2	11.1	5.9
Clerical and related	15.9	9.7	7.4
Skilled	35.4	14.8	10.9
Semi-skilled	-	-	13.2
Unskilled	18.3	8.0	15.2
Housemaids	100.0	100.0	90.3
Total	75.0	59.3	49.1
Housemaids as % of Total Female	88.2	91.3	85.9

Source: Sri Lanka Bureau of Foreign Employment, 1997, 2005, 2012

Contextual factors however have resulted in the decline in the percentage of women workers in both sectors since the earlier post Beijing years. Economic crises in countries that purchased garments and accessories, and the end of concessionary privileges appears to have reduced the percentage of women workers in EPZs and Industrial Estates from 70.8 per cent in 1996 to 60.2 per cent in 2010 (Table 2). The decision of the state to promote male migration for employment where demand exists as in South Korea has resulted in the decline in the percentage of women migrant workers of total migrant workers from 75.0 per cent in 1997 to 59.3 per cent in 2005 and to 49.1 per cent in 2012. Nevertheless the percentage of domestic workers ('housemaids') of all women workers does not appear to have been affected and the percentages were 88.2 per cent in 1997, 91.3 per cent in 2005 and 85.9 per cent in 2012 (Table 3) (Gunatilaka 2010, 2013)

Information and Communication Technology

A major change that took place in recent decades has been the information and communication technology 'revolution' as a consequence of the rapid pace of globalisation and the demands made on skills development and labour market chiefly in the services sector. Sri Lanka was relatively late in responding to these demands and pressures. The micro studies conducted in the middle of the first decade of the new century depicted very clearly the wide gender divide and the urban-rural divide in skills and access to services, infrastructure, and employment opportunities (Mitter 2001; Wanasundera 2004, 2009; Gurumurthy, 2004; Gamage, 2004; Jayaweera and Wanasundera 2006; Mukhopadhyay 2010).

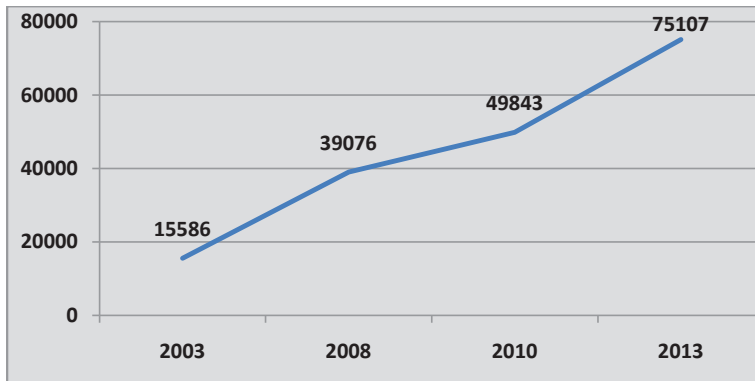
However a conducive environment has been created after the cessation of conflict in 2009 and the gradual recovery from the global economic situation. The ICT work force increased from 15,589 in 2003 to 75,107 in 2013, increasing from 2010 to 2013 by 50 per cent in response to the demand for ICT skills (Table 4). Table 4 shows the growth of the ICT workforce since 2003, and particularly since 2010.

Table 4
Overall ICT Work Force 2003-2013

Sectors	2003	2008	2010	2013
ICT	7,625	15,871	21,914	30,661
Non ICT	6,449	19,762	23,008	35,405
Govt.	1,512	2,242	3,019	5,896
BPO	0	1,201	1,902	3,145
Total	15,586	39,076	49,843	75,107

*Source: National ICT Workforce Survey, 2013,
Information and Communication Technology Agency of Sri Lanka*

Fig.7
Overall ICT Work Force 2003-2013



*Source: National ICT Workforce Survey, 2013,
Information and Communication Technology Agency of Sri Lanka*

However, the female participation in the labour force increased slowly from 21 per cent in 2009 to 29 per cent in 2013 underscoring the slower response of women to demand in the labour market for ICT skills except in Business Process Outsourcing in non-ICT companies (Table 5).

Table 5
Gender Composition of the ICT Workforce (%)

Sub Sectors	Female	Male
ICT	28.1	71.9
Non-ICT	18.8	81.2
Government	39.2	60.8
BPO-IT	33.6	66.4
BPO-others	48.3	51.7
Total	29.7	70.3

*Source: National ICT Workforce Survey, 2013,
Information and Communication Technology Agency of Sri Lanka*

In 2013 the contributions of the four subsectors were 40.8 per cent from ICT companies, 47.1 per cent from non-ICT private users, 7.8 per cent from government organisations and 4.2 per cent from Business Process Outsourcing (BPO) companies (ICTA 2013). The BPO sub sector is an increasingly important source of foreign exchange and Sri Lanka is reported to have emerged as a leading outsourcing destination.

The programmes in the state sector under the e-Sri Lanka initiative are infrastructure systems-Lanka Government Network, the Lanka Gate, the Lanka Cloud. A Sri Lanka IT Service was established in 2011 as a professional service, and training programmes are conducted in universities and in the technical and vocational training institutions of the Ministry responsible for skill development. The private sector however attracts more students as it offers higher salaries. The qualification profile of the workforce in 2013 was 37 per cent with Diplomas or Higher Diplomas, 53 per cent graduates and 10 per cent with higher qualifications. Employers however question the quality of the workforce in soft skills.

These changes have not affected the fact that the unemployment rates of women have continued to be around double that of men, indicating that gendered norms continue to be dominant in the context that minuscule efforts have been made to empower girls and women through the education and training systems to challenge these obsolete ideologies.

Positive and Negative Factors that affected the Outcome of Policies and Programmes

The labour market in Sri Lanka is seen as a major seat of gender inequality in access to women's economic rights, to equal opportunities and to sustainable and remunerative employment unlike the health sector and the education sector where at least gender parity prevails. This analysis focuses on the contextual as well as the gender specific factors and their interface that contributed to the continuing inequality and, for instance, the failure of the majority of women to transfer gender parity in general education and higher education as a base to equal access to quality employment.

The Macro Environment and Macroeconomic Policies and Programmes

There appear to be three discernible phases in the macro context since 1994. It has to be noted that Sri Lanka was affected by armed conflict during the first two phases 1994 to 2009. Throughout this period the conflict and often juxtaposition of import substitution and protection in economic policy of the nineteen sixties and nineteen seventies, and the pro market policies since the late seventies affected employment policies and issues.

Two political parties governed (i) from 1994-2001 with a more liberal stance, and (ii) 2002-2004 which continued pre 1994 policies.

During this period, economic growth rates declined from 5.5 per cent in 1995 to 4.0 per cent in 2002. The macroeconomic policy of the government that came to power in 1994 was 'a market

oriented policy with a human face' as a reaction to the unbridled policy of market liberalisation with its attendant structural adjustment policies that had been introduced since 1977. As liberalisation and the integration of the domestic economy in a context of rapid globalization was recognised as an irreversible process, the export oriented industries continued to be promoted with women as low cost labour. However, there were changes introduced in establishing minimum wages, so that wages within Free Trade Zones were higher than elsewhere, and free meals and medical care were also provided. Women machine operators continued to lack opportunities for upward occupational mobility and women in subcontracted industries received minimal benefits, and both were vulnerable to job insecurity. Privatisation of public sector industries and 'involuntary' retirement packages in public sector establishments create hardships, particularly for women. Small industries remained depressed in the market economy (Colombage 2003; Jayatilaka 1998; Centre for Women's Research 1999b, 2003).

The agriculture sector continued to stagnate as low priority was given to the development of the sector, reflected in decline in its contribution to GDP. Low productivity and low farm incomes drove women and men from the sector in search of better prospects. Micro studies indicate that women were more disadvantaged than men as they were increasingly pushed into the role of unpaid family labour as they had little access to skills for viable self-employment. They were compelled to move to garment factories and to domestic labour overseas to exit poverty, to low skill, low income jobs that provided a regular income. They could not achieve gender equality as they were confined to low skill jobs with opportunity only for horizontal mobility from workplace to workplace (Jayaweera 1998; Jayaweera Amarasuriya 2004).

Migrant women domestic workers benefitted from the shift of policy from its laissez faire approach of leaving them exposed to market forces and to economic exploitation at the hands of recruiting agencies before departure and by employers in their workplace with the Amendments to the Foreign Employment Act of 1994 (Yapa 1999; Dias & Wanasundara 2002). The UN Convention on the Protection of Migrants and their Families was ratified in 1996 but relevant ILO Conventions were not ratified. Bilateral agreements could not be signed with receiving countries, and women continued to be vulnerable to economic exploitation and sexual abuse. A new policy was state promotion of male migration responding to demand from South Korea. Its impact is seen in the decline of the percentage of women of total migrants from 75.0 per cent in 1997 to 59.3 per cent in 2005 (Table 3).

In the context of the bias in macro policies against the small producers and the rural sector, the self-employed women in low income families remained enmeshed in poverty as they lacked access to skills, technology, adequate capital or credit and markets (Ariyabandu 1996; Lakshman; 1997 Jayaweera, 1998; Perera & Munasinghe 1998; Kottegoda 1999; CENWOR 1999a). A small group of women with access to resources and skills who had engaged in economic enterprises emerged as successful women entrepreneurs in the market economy (Gunatilaka 2010). With increasing globalisation creating new employment opportunities in the industry sector, and in the services sector in telecommunication and commerce, unemployment rates declined to from 13.1 per cent to 8.8 per cent, but the unemployment rate of women (14.8 per cent) continued to be double that of men (7.3 per cent) (Fig.2).

2005-2010 The election of a new government proclaiming a new vision produced a Ten Year Horizontal Development Programme (2006-2016). Its labour sector Development Plan as spelled out in the earlier section continued to shift the focus of employment to the private sector, but had two other features. One objective was to ‘realise the potential of the micro, small and medium industries’, and provide social protection for the unemployed and the informal sector-the hitherto marginalised workers.

The second was the recognition for the first time of meeting gender specific needs in a national policy – (i) expanding women’s technical skills to meet future labour market demand; (ii) promoting quality and productive employment for women, and (iii) equal division in the labour market and working conditions and services for women and equal wages and support services for child and dependent care for working mothers. These objectives are consonant with the goals of the Beijing Platform for Action. Regrettably, sector wise developments failed to meet the expectations generated by these policies.

A National Policy for Decent Work developed with ILO assistance was accepted at policy level as an agenda for ensuring the rights of workers, quality employment and social protection of the unemployed but has continued to remain an agenda.

The National Agricultural Policy, 2007 proposed improved farming systems and agro technologies to increase productivity and growth in domestic food production and export crops. There appears to have been a conceptual issue at policy level as women’s role is limited to ‘participation in home gardening’ and not as agricultural producers along with men, thereby reinforcing outdated

stereotypes pertaining to gender appropriate occupations. Domestic agriculture continued to stagnate with low productivity and low returns to family income. As women had less access than men to agriculture related skills, extension services and markets, they continued to be disadvantaged as agricultural workers.

In industry, the policy of extending Industrial Estates as Export Processing Zones continued to meet demands for low cost labour. Working conditions for women in large garment and other factories improved. But women remained confined largely to semi-skilled assembly line work with limited opportunities for upward mobility while the majority of men were in managerial or technical employment. There was no evidence of the expected outcome of quality and productive employment for women workers or gender equality in the labour market.

In the services sector, despite amendments to Sri Lanka Foreign Employment Bureau Act and the creation of a separate Ministry for Foreign Employment, illegal agencies and sub agencies flourished and many women workers have been victims of economic exploitation and sexual abuse. The Action Plan of the national labour migration policy is being implemented in the next phase.

Sri Lanka made belated response to the rapid globalisation of information. Although the Telecommunication Regulatory Commission of Sri Lanka was established in 1996 and the Information and Communication Agency (ICTA) was set up in 2003, progress was slow. Studies have noted a wide urban-rural divide and a gender gap in access to IT services, training and employment. Women were concentrated at the bottom in secretarial work and data processing and under-represented in programme and content development (Mitter 2001; Gamage 2004; Gurumurthy 2004; Wanasundera 2002, 2004, 2008; Jayaweera Wanasundera 2006; Mukkhopadhaya 2010).

A major obstacle to upward mobility of women to the highest level of decision making level in administration/management has been the 'glass ceiling'. While women had equal access to higher education, a study in 2008 found that only 25 per cent of senior officials in the state administrative service, 9 per cent of Ambassadors and High Commissioners and 6 per cent of Boards of Directors in private sector establishments were women. The reasons were the gender bias of senior officials or managers, the gendered association of leadership and male excellence, constraints in combining family responsibilities and employment, and political interference (Jayaweera, Gunawardene and Edirisinghe 2008). There appeared to be gender role assumptions among many women that led to

lack of self- confidence and the consequent acceptance of male management (Athurupane 1996; Wickramasinghe and Jayathilake 2006; Jayaweera, Gunawardena Edirisinghe 2008).

There is no evidence of improvement in the situation of women in micro, small and medium enterprises as proposed in policies, and women workers in the informal sector remained marginalised and deprived of opportunities for advancement. Economic growth rates declined to 3.5 per cent in 2009, and while unemployment rates continued to decline, the unemployment rates of women (8.6 per cent) continued to be double those of men (4.3 per cent) in 2009.

2010- 2014 The cessation of war in 2009 introduced changes in the macro environment with the economic growth rate rising to 6.3 per cent in 2012, and the development of future oriented macro policies. The Development Policy Framework (2010) focused on policies to respond to global technological developments-mechanisation and diversified production in agriculture, technology intensive and value addition in industry and entrepreneurial skills for SMEs and micro enterprises – a far cry from many earlier policies. Nevertheless there was no parallel development in FDI to attract investment development of high level technological skills enterprises (Colombage 2014).

The National Human Resources and Employment Policy (2012) expands these proposals to produce a globally competitive work force whose basic rights are to be safeguarded and the incomes and quality of all workers improved without discrimination as recorded in the section on policy. An important aspect of this policy is that it goes further and proposes mainstreaming gender in employment policies, for the first time at national policy level. It proposes two programmes- the first offering incentives and supportive services such as child care services and flexible work arrangements, high level training and ‘increasing access to credit, technology, business knowledge and markets for potential women entrepreneurship’ –all innovative though belated policies.

Secondly, it proposes for the first time at policy level to promote attitudinal change to combat sexism and gender role stereotyping and the inequitable gender division of domestic responsibilities. These are innovative, gender sensitive policies. As in 2006, there is obviously a lack of conceptual clarity in gender issues as the occupations recommended for women are the ‘conventional’ jobs that conform to stereotypical jobs that will reinforce and not change attitudes and will mainstream women in the present gender inequitable labour market. An Action Plan has been developed and hopefully it will promote non-traditional skills that will challenge gendered norms and meet the demands from the labour market for technical related skills that lead to remunerative employment.

The National Labour Migration Policy that is being implemented since 2011/2012 responds to the perennial issue of an effective regulatory framework in compliance with international standards, the protection and empowerment of migrant worker during the entire process from departure to return, and for the first time, to link migration and development by promoting skilled migration and discouraging migration of unskilled workers. It has to be noted. However, these domestic workers sought temporary employment overseas to exit poverty and for their families to have a better quality of life. They have an equal right with a skilled worker or a professional to seek employment outside the country if they are accepted by the receiving country. As yet, economic activities organised within the country have not provided alternate opportunities to meet their aspirations for a better quality of life.

For the first time too, there is an ongoing effort to assist and transform the prospects of SMEs. The GIZ supported SME Development Programme has the objective of 'improving the pre-conditions necessary for the development of the SME sector' through three focus areas.

- (i) A National SME Policy has been developed to support SMEs and women who hope to start a business, and an action plan is being developed through a series of stakeholder workshops.
- (ii) Enabling access to finance for SMEs through establishing units in large banks to assist in developing plans for production for local and export markets. It is uncertain whether all the banks identified are gender sensitive to be pro-active in this programme.
- (iii) Improving the competitiveness of SMEs through innovation and technology transfer by establishing a Technology Transfer and Development Fund to commercialise technical innovations in the country. Support is expected from relevant Ministries, universities, Vidartha Resource Centres and scientific research institutions. District Enterprise Forums are being developed to extend outreach.

Relevant issues are that gender does not appear to be a strong issue as in CEDAW or in the GIZ gender strategy. Secondly, programmes exclude the women in the informal sector who engage in self-employment or micro enterprises.

It is premature to assess the impact of ongoing employment policies that are expected to transform the economy. It is however salutary to note that even in recent years the agriculture sector has not received the requisite attention that it needs, that the lead industry is still the garment industry and that no significant efforts have been made to promote value addition in manufacturing industries, even those using domestic resources. Leading economists have underscored the fact that foreign direct investments have been inadequate, domestic savings are low and debt service payment high;

that the 'knowledge economy' that is the goal of current national policy requires increase in productivity in all sectors and high value added technology products and services such as 'computer equipment, software development, electronic technology, telecommunications, nanotechnology products, biotechnology products, processed agricultural products'; and macroeconomic stability, political stability, and an environment free of corruption and conflicts caused by social tensions in Sri Lanka's multi-ethnic and multi religious society (Colombage 2014; Indraratne 2014).

Gender Specific Factors

The trajectory of women's situation in the economy traced in quantitative and qualitative data in this study indicates that minimal changes have taken place (quantitative studies such as Guntilaka 2010,2012, and a plethora of micro studies including those in the references). It was underscored that their unemployment rates have been double those of men irrespective of the decline in incidence over the years. Gender differences in occupations continue to be influenced by gender role stereotypes of appropriate male and female jobs although a minority have entered 'culturally perceived "non-traditional" areas of employment in technology. Women are concentrated in the bottom of the occupational hierarchy except in the teaching and nursing professions.

Multiple and inter related factors pertaining to the role of women in the economy and the social construction of gender are perceived to foster gender discrimination. Women are widely perceived to lack the requisite skills to meet the demand for high level technological skills in the changing labour market. However, underpinning this lacunae is clearly, gender role socialisation in the homes, schools and society that have tended to confine women to a narrow range of conventional 'feminine' skills through the educational and skills development process that limits their options and excludes them from acquiring skills required for remunerative employment determined by labour demand.

Many are confined to unpaid labour in agriculture, and low skill, low income jobs in the industry and service sectors partly as a result of gender role assumptions that they are a labour resource that can be used to meet the demand for low cost labour and can be dispensed with easily as seen in the garment and subcontracted industries. Men are perceived to be producers and women helpers in the agricultural sector. Underlying these assumptions is the gender ideology that creates gender inequality in the home, workplace and society. The inequitable gender division in household chores and child and elderly care responsibilities create time constraints that limit both participation in economic activities and aspirations for upward occupational mobility to penetrate the 'glass ceiling'.

Often gender does not operate as an independent factor. Consequently, there is bifurcation in upward socio-economic mobility as seen from the Sri Lanka experience of the results of the education programmes that focussed through seven decades on reducing socio-economic inequalities. The interface between social class and gender is seen in the easier progress of those from upper and middle income families to vertical upward mobility, and the way in which those from low income families are pushed to horizontal mobility from one low skill, low income job to another. Concomitantly, men and women with the same educational attainments tend to reach different levels in the occupational structure as a consequence of gender role assumptions that influence employers and potential employees. Education and employment therefore promote selective upward mobility, reinforcing socio-economic and gender differences in workplaces and in society.

The Way Forward

The gaps in programmes that surfaced in the study indicate the changes necessary in the design and implementation of policies and programmes

1. The macro environment needs to provide stability to enable economic growth and to generate adequate employment opportunities to meet labour market requirements.
2. Macroeconomic policies should promote foreign direct investments (FDI) to facilitate the transformation of the economy into a 'knowledge' economy.
- 3 The legal and regulatory framework should be strengthened by the effective implementation of labour legislation and action taken for violations.
4. The following ILO Conventions need to be ratified to protect workers in the informal sector who are the most marginalised group of workers.

The ILO Conventions on migrant workers, where applicable,

C 177 (1996) Home Work Convention for home based workers who work for remuneration but do not work in the employers' work place and are not independent self-employed workers including subcontracted workers in the 'external market';

C 189 (2011) Decent Work for Domestic Workers-Specific protection to domestic workers in the country and migrant domestic workers.

5. As spelt out in the National Human Resources and Employment Policy developed in 2012, implementing,
 - intensive programmes including mechanisation to increase productivity in the agriculture sector.

- Technology intensive industries and high value addition, using diverse advanced technologies, and new industries based on local raw materials.
 - Higher value added services, and increasing employment opportunities in Information and Communication Technology and Business Process Outsourcing.
 - Promotion of entrepreneurship and use of technologies to assist the advancement of Small and Medium Enterprises (SMEs) and linking them with banks.
 - Promote skilled migrant workers who will be less vulnerable to abuse, and at the same time, strengthen services and protection for unskilled migrant domestic workers.
 - Provide training in technical and management skills, access to technology and credit and market information for self-employed or micro enterprise women workers to enable them to move upwards from their current poverty status and to achieve a better quality of life for their families.
6. the TEVT sector should expand programmes in higher technological skills for women to reduce the gender imbalance in technical related employment, and to reduce also the concentration of women trainees in programmes at NVQ levels 3 and 4, and encourage them to proceed beyond to higher NVQ levels.
 7. employment establishments should be urged to offer flexible working arrangements such as part time work and on line work, and where possible, child care support to assist women workers to combine work and family responsibilities without detriment to either.
 8. motivate central and local planning units to ensure that budgets are gender sensitive and participatory,
 9. organise advocacy programmes to remove discriminatory policies, laws and regulations that have an adverse impact on the participation of women in the economy.

Importantly,

10. gender awareness on substantive gender equality need to be created among policy makers to assist them in designing gender sensitive policies,
11. gender sensitisation programmes need to be conducted for administrators, managers, officials, educators, trainers and employers to ensure effective action within their spheres of work,
12. gender modules need to be incorporated in the regular curriculum in schools, universities and other tertiary institutions and training institutions including in service training for the employed,

13. girls and women should be empowered to challenge gender role stereotypes that limit their options and deprive them of opportunities for upward occupational and socio-economic mobility, and
14. men should participate in gender sensitization programmes to ensure gender equality in families, workplaces and society.

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G. Women in Power and Decision-making

*Ramani Jayasundere &
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This analysis of the current situation of women in power and decision making in Sri Lanka portrays the complexities experienced in the years following the 1995 World Conference and the Beijing Platform for Action (BPFA). This review examines the shifting domains of women's power and women's share of decision making in Sri Lanka from the perspective of the goals and strategic objectives of the BPFA. Women's political participation features as the prominent issue in this analysis. It is the most contentious sphere of women's access to power and equality in decision making. It is a cause of great concern that despite women's high achievements in education and access to selected fields of employment in Sri Lanka, the numbers and role of women in politics remains dismal.

Fulfilling BPFA Commitments

Chapter II of the BPFA highlighting critical areas of concern focuses on women in power and decision making. The section (G) aims to emphasise inequality between men and women in the sharing of power and decision-making at all levels. It reaffirms the commitments in the Universal Declaration of Human Rights that everyone has the right to take part in the Government of his/her country and recognises the importance of improving women's social, economic and political status.

Further, it highlights that power relations prevent women from leading fulfilling lives at many levels, from personal to highly public. The BPFA accepts that achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning.

The BPFA considers the under representation of women in government and decision making bodies at the highest levels a significant reflection of inequality in society. It points out that under representation of women in these positions then has serious consequences in terms of women's ability to shape policies and practices that would have an impact on their lives. In the Sri Lankan context, this can be seen in the limited access women have to decision-making in elected bodies, political parties and trade unions.

The BPFA however recognises alternative sources of power and influencing decision-making that women have through access to alternative structures particularly in the non-governmental organisation sector. It states that through non-governmental organisations and grass-roots organisations, women have been able to articulate their interests and concerns and have placed women's issues on the national, regional and international agendas. This recognition is analysed in the context of Sri Lanka pointing to the segregation or even marginalisation of women's participation even within the non-government sector and the fragmented nature of non-government organisations due to external pressures.

The BPFA identified the factors that commonly hinder women from sharing power equally in decision-making as those stemming from the private sphere and expanding into the public sphere; discriminatory attitudes and practices and unequal power relations between women and men within the family, the unequal division of labour and responsibilities within households based on unequal power relations and which also limits women's potential to find the time and develop the skills required for participation in decision-making in wider public forums.

The two strategic objectives under women's power and decision-making which set out activities and actions aimed at increasing women's power and access to decision-making encourage countries to take measures to ensure women's equal access to and full participation in power structures and decision-making (strategic objective G1) and to increase women's capacity to participate in decision-making and leadership (strategic objective G2).

The review of how women's power, and access to equal decision-making has developed over the past two decades lies within the commitments to a number of international and local instruments; primarily the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the related national instruments of the Sri Lanka Women's Charter and the National Plan of Action for Women. Further Sri Lanka has pledged commitment to a wider array of international instruments that commit to gender equity and women's equality such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the UN Declaration on the Elimination of Violence Against Women; and the UN Millennium Development Goals.

Kodikara and Wickremasinghe (2013) state that 'the state has consistently pledged allegiance to international standards on gender equity/equality; successive governments have subscribed to various dominant discourses on women's political participation; signed and ratified a number of international conventions and standards; and correspondingly, individual political parties have pledged to increase women's political representation'.

Despite the commitments that Sri Lanka has made to international instruments, sufficient action has not been taken to meeting many of these commitments. For example, the failure to enact CEDAW provisions as a direct piece of legislation has resulted in legislative procedures to increase women's power and decision making scant and administrative and regulatory procedures informal. Kodikara and Wickremasinghe (2013) analyse this failure to act stating that 'it needs to be cautioned that UN standards do not always have mechanisms of enforcement. They are thus often reliant on the ethical, moral or political obligations of the state for execution. Consequently, attempts at transforming international standards into legislation have given rise to bitter allegations of the infringement of the people's sovereignty'.

However, national instruments, despite their lack of a legal enforceable mandate, have recognised the need to promote power sharing and women's access to decision making as far back as 1978. Gender equality and non-discrimination of women is a guiding principle of State machinery and State action in Sri Lanka. The Constitution of Sri Lanka promulgated in 1978 in Article 12 recognises the right to equality and Article 12(2) sets out the principle of non-discrimination on the ground of sex (and other specified grounds). Article 12(2) reads that "*All persons are equal before the law and are entitled to the equal protection of the law and that "No citizen shall be discriminated against on the grounds of race, religion, language caste, sex, political opinion, place of birth or any one such grounds".* Article 12(4) further provides for affirmative State action for the special advantage of women and reads "*Nothing in this article shall prevent special provision being made by law, subordinate legislation or executive action for the advancement of women, children or disabled persons".* The rights enshrined in the Constitution are enforceable against infringements under Article 126 of the Constitution. The Sri Lanka Women's Charter in the section on Civil and Political Rights (Part 1 No. 2) makes a commitment that the State shall take measures to eliminate discrimination against women in the public and private sectors, in political and public life to ensure that women 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.

More recently, in 2011, Sri Lanka adopted the Sri Lanka National Action Plan for the Protection and Promotion of Human Rights 2011-2016. The section on Rights of Women in component No. 5 addresses women's political participation. The goal of the commitment in this section is to achieve thirty per cent minimum representation of women in Parliament, Provincial Councils and local authorities. Correspondingly the activities in the component look to introduce relevant statutory provisions to ensure representation and to introduce capacity building programmes for women representatives to enhance capacity to discharge functions effectively. The key agencies responsible for these are named as the Ministry of Child Development and Women's Affairs and the Ministry of Justice. The National Action Plan sets forth implementation and monitoring mechanisms including the appointment of a Cabinet approved Sub Committee to monitor such implementation supported by a Monitoring Committee consisting of senior government officials from across the sectors. The Monitoring Committee is strengthened by a mechanism to maintain a dialogue with civil society wherever necessary and with any state or other institution through which problems in the implementation of the Plan at ground level could be reported to the Committee. The Action Plan envisages wide citizen participation in monitoring and providing feedback on the implementation of the Plan through a website as well as communication through other social media

Following the BPFA, the first Sri Lanka National Plan of Action for Women was drafted in May 1996. The process was led by the National Committee on Women (NCW) and was a collaborative effort between the government and the NGO sector in Sri Lanka. The Beijing Plus 5 review of the NPA was carried out in 2001 but a public version of the National Plan of Action was not published. In 2007 the National Plan of Action was updated to cover the period 2007 to 2012 once more through collaborative work done by the government and the NGO sector but once again, a public document was not published. Currently a National Plan is being drafted led by the Ministry of Child Development and Women's Affairs covering the period 2014 to 2018. The objectives of the section on Women's Power and Decision Making are to minimize gender disparities that exist in the decision making process to empower women and to increasing women's access to the decision making process. The 2014 to 2018 National Plan is yet to be finalized²⁵³.

Action for meeting Strategic Objectives Recommended by BPFA

The BPFA sets out a list of actions to be taken to achieve the strategic sub objectives under the main component G, which focuses on women in power and decision-making. The strategic objective G1

²⁵³ As at October 2013

directs diverse stakeholders²⁵⁴ to take measures to ensure women's equal access to and full participation in power structures and decision-making. From governments, the BPFA expects actions working towards establishing gender balances in government bodies, institutions of governance and public administration with specific targets to substantially increase (by reforms to electoral systems, quotas) the number of women with a view to achieving equal representation of women and men, if necessary through positive action. Moving beyond numbers, the BPFA directs governments to protect and promote the equal rights of women and men to engage in political activities and to freedom of association, research into, monitor and evaluate progress in the representation of women. Although women's increased participation in the political sphere takes primacy, the BPFA also targets the increase of women's power and space for decision making in public institutions and government funded organizations.

The BPFA makes specific directions to political parties to assess structures, remove all barriers that discriminate or hinder women's active and constructive participation and to take affirmative action to ensure women's full participation.

In the other arenas outside politics, the BPFA encourages all stakeholders to take positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions, to create, strengthen and monitor mechanisms to increase women's access to senior levels of decision-making and to take affirmative action for participation and non-discrimination.

The strategic objective G2 to increase women's capacity to participate in decision-making and leadership directs action to provide leadership, create mentoring and capacity building programmes, provide assistance and develop transparent systems to encourage women to participate in the electoral process, political activities and other leadership areas.

Sri Lanka's Progress towards BPFA Commitments (1995-2014)

The political, economic and socio-cultural context within Sri Lanka in the years under review have seen an ebb and flow in commitments to power sharing and increasing women in decision making. Consecutive governments have seen it timely, necessary and appropriate to discuss and work toward the BPFA goals, either through overt commitment to the specific international instruments that call for such or through internalized will and recognition of necessity based on local contexts.

²⁵⁴Governments, political parties, national bodies, the private sector, trade unions, employers' organisations, research and academic institutions, women's organisations, non-governmental organisations, social partners, producers, and industrial and professional organisations

There has been a strong focus in civil society advocacy and programmes while the private sector has been less active on increasing women in decision-making although not invisible in its work on increasing women's participation.

An analysis of women's participation in the key decision-making sphere in Sri Lanka requires an analysis of the socio-cultural and political context within which such participation is made possible. Thus, a review of women's participation requires a broad analysis of the factors that restricts women's ability to participate equally in political, economic and social life.

Women in Politics

It is possible to identify many forms of political participation in Sri Lanka, ranging from voting and contesting at elections to attendance at political meetings and rallies, membership in political organizations, participation in political strikes and demonstrations, as well as participation in unconventional and illegal activities like terrorism. Women make up half of the electorate in Sri Lanka as in most countries around the world and have the right to vote going back to the early 20th century. Yet women's representation in the decision-making sphere of politics, namely in political representation, remains woefully low despite years of activism. According to the latest statistics women's representation in politics is less than six per cent at all levels, national, provincial and local²⁵⁵ (Annex: Table 1). This low level of women's representation has always been seen as a conundrum in a country which has performed well on other indicators on women such as education and health.

An analysis of Sri Lankan women's access to political participation, political power sharing and decision-making in the political sphere requires perusal of several components of the process. These include representation by way of participation at national level in the Parliament and participation at provincial and local levels in Provincial Councils and Local Government Authorities, as well as participation in political parties. It also needs to consider women's access to capacity building, training and mentoring, access to funds as well as support by male and female politicians to join the political process.

²⁵⁵Samuel, K. and Kuru-Utumpola, J. (2014) Sri Lanka: *Women Count Security Council Resolution 1325: Civil Society Monitoring Report 2013 (NGO)*. Global Network of Women Peacebuilders. New York.

Women in Parliament

Currently, in the 7th Parliament of Sri Lanka there are 13 women members out of a total of 225 making the percentage of women less than six per cent. This figure has remained unchanged since the third Parliament in 1994 to the present (Annex: Table 2). It should be noted that during at least part of this period (1994-2005), Sri Lanka had a female President as well as a female Prime Minister during the period 1994-2000. This shows that there are many complex factors at work that restrict women's entry into high level decision making positions. It is also noteworthy that the majority of women who did manage to make it to these positions came from politically influential families and usually was preceded in politics by a male family member²⁵⁶.

The Sri Lanka Human Development Report 2012 (UNDP 2012) states that 'this is not a recent trend, since women's representation in political institutions has been minimal in the 60 years since independence, despite a constitutional guarantee of equality, policy statements about commitments to equal representation, the ratification of CEDAW, and sustained activism and advocacy by civil society organizations (UNDP 2012). The Report states that reasons for the low representation of women in politics start at the personal level, where fewer women than men self-select themselves for a political career because of socio-cultural, economic and psychological barriers. In political parties, women are mostly ignored as candidates, usually considered unelectable and in elections, many voters prefer to vote for men.

Women of all ethnic backgrounds have been represented in the meager number of women Parliamentarians. The current Parliament however is represented only by Sinhala and Tamil women with two Tamil women and 11 Sinhala women.²⁵⁷ The Women and Media Collective notes that, 'the majority of women currently represented in elected political institutions are women from the Sinhala community; women from the minority Tamil and Muslim communities are further marginalised from these bodies'²⁵⁸.

The shift to a system of elections based on proportional representation in 1989 which is deemed to be more favourable to the election of women than the 'first-past-the-post system' which was in place prior to that has also had no significant impact on increasing the numbers of women in political bodies.

²⁵⁶Kodikara, C. (2009) The struggle for equal political representation of women in Sri Lanka: a stocktaking for the Ministry of Child Development and Women's Empowerment and the United Nations Development Programme. Colombo, UNDP.

²⁵⁷<http://www.parliament.lk>[Accessed on 5 June 2014]

²⁵⁸<http://www.parliament.lk> [Accessed on 5 June 2014]

Low Nominations of Women

Corresponding to the low numbers of women *elected* to Parliament during the period in review there is a direct link with the low numbers women *nominated* by political parties to contest in Parliamentary elections. Since the BPFA, the nominations of women to any level have not increased beyond 7.7 per cent of the total candidates nominated. (Annex: Tables 2 and 3).

Available evidence suggests that political parties are the single biggest barrier to women's greater participation in politics. The UNDP Sri Lanka Human Development Report 2012 quotes the Women and Media Collective saying in 2011 that, 'the main obstacle to women's equal political representation remains within Political Parties, since they do not nominate an equitable number of women to contest elections'.²⁵⁹ Of the 6,060 persons nominated for Parliament in 2004, only 375, or 6.2 per cent, were women, close to the share in Parliament.

The major political parties have only shown limited commitment to enhancing their political representation, despite heavy national advocacy and campaigning by various groups. For the 2010 parliamentary election, the United People's Freedom Alliance (UPFA) and the United National Front (UNF) each nominated 15 women out of a total of 262 nominations (5.7 per cent). The smaller political party, the Democratic National Alliance (DNA), nominated women only 3.4 per cent of candidates. The share of women nominated in 2008-2009 was even smaller: 4.3 per cent by the UPFA, 3.8 per cent by the UNF and 3.3 per cent by the Janatha Vimukthi Peramuna (JVP)²⁶⁰.

Women's Political Participation at Sub National Level

Women's participation in Provincial Councils and Local Government Authorities reflect the low levels visible in Parliament. At the sub-national level, women's representation improved only marginally from 1966 to 2006: from 1.1 per cent to 3 per cent in the municipal councils, and from 1.9 per cent to 3.4 per cent in the urban councils. Among the Pradeshiya Sabha, women occupied a mere 1.6 per cent of positions. From 2002 onwards, the representation of women at the provincial and local levels has decreased, even as it remained largely unchanged in Parliament. The ethnic make-up of women in politics shows the majority being from the Sinhala community.²⁶¹

The low representation of women in politics and the resulting low level of women's political empowerment is one of the two reasons that Sri Lanka has slipped down (in 2013) to 55th in the

²⁵⁹ Sri Lanka Human Development Report (2012) p.115. UNDP. Sri Lanka.

²⁶⁰ Sri Lanka Human Development Report(2012) p.115. UNDP. Sri Lanka.

²⁶¹ UNDP (2012) Sri Lanka Human Development Report 2012, Pg 115

World Economic Forum Global Gender Gap Index, from its 2012 ranking of 39. This is a decline in the past five years from a rank of 12th in 2008. This is due largely to falling in rank in two sub indexes: Economic Participation and Opportunity (from 105th to 109th place) and Political Empowerment (from 22nd to 30th place).

The Role of Political Parties

The role played by political parties in preparing women to enter into decision-making levels in politics, nominating women and working towards ensuring their elections may be linked to the low numbers of women representatives in all political bodies. Since the BPPA and prior to that, political parties have not prioritised increasing women politicians.

Kodikara (2008) and de Silva (1995) write that ‘... in Sri Lanka, political parties have not done as much as they could have to advance women’s representation in politics. Their lack of internal democracy, the absence of women in the higher echelons of party decision making, 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. While most political parties in Sri Lanka have a women’s wing, these wings do not function to increase women’s representation. They exist mainly to mobilize the female constituency during election times and support the men in their parties. 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’.

This is exacerbated by the low numbers of women in membership of political parties. Fewer women hold membership in political parties than men. Kodikara (2009) states that surveys show a decline in women’s membership in political parties from 34.6 per cent in 1994 to 15.4 per cent by 1998 and 13.8 per cent by 2004. There is also considerable variation across ethnicity and region in relation to women’s membership in a political party.²⁶² There are many reasons found in diverse studies

²⁶²Kodikara (2008) quoting quantitative surveys done by the International Centre for Ethnic Studies in 1995 and 1998 and a study done by the Centre for Women’s Research in 1994 state that there is a male/female difference in membership of political parties. She writes that while 23%-40% urban low income, rural remote and village-based plantation women held membership in a political party, as much as 96% of resident plantation women, 88% of Puttalam Muslim women and 80% of Puttalam Tamil women claimed to be members of a political party. In contrast only 5% of urban affluent women, 6% of urban middle class women, 9.4% of Eastern Province Muslim women and 5.6% of Eastern Province Tamil women held membership in a political party. According to a survey (Kiribamune, 1999) done in the Kandy District, 38% of Sinhalese women held membership while only 3% of Tamil women and 5% of Muslim women held membership of a political party. According to a survey done by the National Peace Council (2004) 23.3% of Sinhalese women were members of political parties while only 4% of Tamil women were members. The survey did not include Muslim women. The highest percentage of women having membership in a political party was in Kurunegala with 56% of women stating that they were members, whereas in every other district surveyed, membership did not exceed 18% (2004). The National Peace Council (2004)

(mentioned below) and include lack of opportunity, or where the opportunity is available, reasons such as disliking politics, lack of time due to family responsibilities, and perceptions of lack of ability. These reasons are woven into gender discriminatory attitudes pervasive in the country where women are not accepted as being a part of the political sphere.

Involvement of women in activities of political parties further shows a significant male/female gap. Quite apart from membership in a political party, the numbers of women actually working for political parties and supporting election campaigns were far less than men. In one of the earliest quantitative surveys to be done on the issue of women and political participation Kiribamune (1999) found that fewer women than men addressed political meetings, worked as polling agents, or canvassed for a candidate. 'There is also a dearth of data including sex disaggregated data on women's participation in political activities making it difficult to quantitatively assess the issue. Visibly, one does see women participating in political rallies and supporting political candidates but this is not at decision making level and reduces to a supportive or a participant role in the activities.'

Kodikara (2009) states that contesting elections is another contentious issue, as evident in surveys exploring women's willingness to contest an election given an opportunity. She states that 61.9 per cent of women according to one survey and 72.4 per cent of women according to another survey show that even if women had an opportunity to contest an election they would not do so. Dislike of politics (20.8 per cent), interference with family responsibilities (19.2 per cent), feelings of lack of ability or non-worthiness (17.1 per cent) and insufficient education (9.6 per cent) were the reasons given for not wanting to contest according to one survey. She quotes yet another survey, where only 29.2 per cent of women stated that they were enthusiastic to get involved in politics, 40.5 per cent stated that they would not contest an election even if given an opportunity, 11.8 per cent were neither enthusiastic nor unenthusiastic, 7 per cent stated that they do not know or were not sure, and 11.6 per cent did not respond²⁶³.

Support from Women Politicians

A Women Parliamentarians Caucus was established in the 6th parliament in 2006. The Caucus came to an end with the dissolution of the 6th parliament and was revived again in 2010. Currently all 13

also explored the reasons why women were not becoming members of political parties. 41.3% of women had stated that they disliked politics, 19.3% stated that they had no time for politics, and 14.5% stated that the area is not conducive to party politics.

²⁶³Kodikara, C. (2009) *The struggle for equal political representation of women in Sri Lanka: a stocktaking for the Ministry of Child Development and Women's Empowerment and the United Nations Development Programme*. Colombo, UNDP.

female parliamentarians are members in the caucus. It focuses on increasing women's political participation and commits to supporting the entry of women into the political system.

One of the vocal Caucus members²⁶⁴ regularly raises women's concerns in parliament, including the need for a quota for women in political institutions. The argument for a minimum quota or reservation of 30 per cent of women in political institutions is based on the assumption that a critical mass of women can begin to challenge party structures and develop mechanisms of support.

In 2013 the Women's Caucus drafted a work plan that included a specific section on 'Women, Power and Decision Making'. It highlighted the low numbers of women in political institutions and highlighted that the elections manifesto of the current government committed to a minimum of 25 per cent women's representation for local government nominations. The work plan states '... the reasons for minimum participation of women in this field are complex. Several reasons such as the traditional role vested upon Sri Lanka women, acceptance of male leadership, tradition, increasingly violent atmosphere in politics and limitations on nominating women by political parties when candidates are selected, have caused minimum representation of women in politics. In addition to that, various reasons have caused a scarcity of women bearing high posts at decision-making level in public and private sector. This plan intends to identify and present the strategies and activities required to promote women's participation in the decision-making process after a comprehensive study of this problem'.

The component identified several strategies and anticipated results. Among these were, increasing women's contribution through representation in the political process with a minimum of 30 per cent increase in women's representation in Parliament, Provincial Councils and Local Government bodies and ensuring that 50 per cent of the youth representation was young women by the end of five years starting 2013.

However, there is no recorded evidence of the work plan being actively accepted or supported by political parties or even the women's wings of political parties.

Training and Capacity Building

Training and capacity building of women to enter mainstream politics is an activity taken on by government as well as civil society organisations. It is estimated that more than 5,000 women

²⁶⁴Rosy Senanayake (UNP)

appear to have been trained since 1995 (Kodikara (2009)). However, the link between training and actual election or even trained women selecting politics as a career are obscure and there have been no assessments of these training programmes.²⁶⁵

Kodikara (2009) states that the impact of these programmes in actually catapulting women into a career in politics is not clear. No organization conducting such training was able to clearly say how many women trained have received nominations, contested elections and been elected as a direct result of the training, and none of the organizations had conducted an evaluation of their own training programmes.

Liyanage (2004)²⁶⁶, based on a limited study of selected training programmes in 2004 identifies the selection criteria and lack of follow up as two main limitations of most training programmes for political leadership. She states that the selection of the participants has not been based on specified criteria and many young women who did not have any interest in politics had participated in training programmes with the objective of obtaining a certificate. She further states that ‘... the usual practice of NGOs is once they get funds they organize training workshops and once the funds are over they do not have an opportunity to concentrate on any follow-up programmes. Also, some NGOs just conduct training programmes without having any needs assessments or systematic preparation of curriculum.’

The National Committee on Women in 2011 started the first ever focused training programme by the government to prepare women for political office. The training titled ‘Increasing Women’s Contribution at Decision Making Levels/in Politics’ conducts free courses in Tamil and Sinhala to encourage women’s participation in politics at the National Institute for Social Development (NISD) established under the National Committee on Women.

Awareness raising as a Mechanism to Increase Women’s Political Participation

Awareness raising on the issue of under representation has been widely done since 1995. The results of these activities, in terms of increased participation, are low but the levels of awareness of the gap and the need are widely experienced. The awareness raising is done largely by non-governmental

²⁶⁵ However, one single instance of the election of a local government representative in Ampara being largely due to a Women’s Leadership Development Programme carried out by UNDP is recorded in <http://www.lk.undp.org/content/srilanka/en/home/ourwork/crisispreventionandrecovery/successstories/women-in-ampara-take-on-the-baton-of-leadership/>

²⁶⁶ Kodikara, C. (2009) *The struggle for equal political representation of women in Sri Lanka: a stocktaking for the Ministry of Child Development and Women’s Empowerment and the United Nations Development Programme*. Colombo, UNDP.

organisations and includes components of knowledge dissemination, mobilisation of women and advocating for legal and structural reforms. The government also carries out awareness raising activities based on the policy commitments of the Ministry of Child Development and Women's Affairs. Political parties however, do not engage in raising awareness on women's low participation and the need to increase women in politics.

Kodikara (2009) writes that women activists and organisations have used any and every opportunity to raise awareness among different constituencies and target groups through different means on the issue of women and politics and particularly regarding the abysmally low levels of representation of women in political institutions. These have included workshops, mainstream print and electronic media, alternative media, as well as poster and sticker campaigns. Workshops both at the national and district level with different stakeholders—women activists, members of community-based organisations at the grassroots level, government officials, elected members, academics, researchers, policy makers, media personnel, political party officials, etc., have been held to raise awareness on women and politics. Magazines and journals published by women's organization have always provided a useful and easy to access platform to raise the issue of women and politics. Use of the mainstream media is also visible in newspaper articles. Apart from articles, paid newspaper campaigns launched by women's organizations have sought to raise awareness about this issue amongst the general public.²⁶⁷

Activism and Advocacy

Activism and advocacy around increasing women's participation in politics can be traced to the BPPA and before. They have been led largely by non-governmental organisations (at national, provincial, district and community level). Campaigns have also been carried out by the National Committee on Women and the Ministry of Child Development and Women's Empowerment.

The main campaign has been the call for a legal reservation/quota for women in all political institutions. This campaign was started in the late 1990s and continues today with small victories which have failed to make significant differences to the pre BPPA situation.

²⁶⁷Some notable campaigns are those launched by the Sri Lanka Women's Non-Governmental Organizations Forum (SLWNGOF) in 1998/1999, the Women and Media Collective in 2002, the Women's Political Forum convened by the Gender Unit of the Social Scientists' Association in 2004 and 2005 and the Prabodhini Programme of the National Peace Council in 2005.

In 1997 a provision to reserve 25 per cent of seats at local government for women was included in the draft constitution of 1997. However when this draft was taken up for debate in August 2000, this provision was dropped, apparently at the request of the leader of the Sri Lanka Muslim Congress (SLMC), who felt he might not be able to find suitable female candidates (Jayawardena & Kodikara 2003; Gomez & Gomez 2001).

Again in August 2000, the Sri Lanka Women's NGO Forum made an appeal for a 25 per cent quota for women to be included in the 2000 draft constitution which was signed by over 20 prominent women activists. However the constitutional reform process ended with no reforms of any manner.

In 2003, a Parliamentary Select Committee on Electoral Reform (PSCER) was appointed and women's organisations worked with the Select Committee to ensure a quota for women at least at local government level in the event of local government electoral reform. Parallel to this the NCW and the then Ministry of Women's Affairs lobbied political parties to reserve quotas for women. Kodikara (2009) reports that '... in fact in October 2004, the Ministry (of Women's Affairs) submitted for approval to cabinet, a paper on the issue of increasing women's representation in politics. Cabinet approval was granted to the proposal and a Cabinet Sub Committee was appointed to find out how a quota could be worked out, although no formal recommendations were made by this Cabinet Sub Committee. To fill this gap, the NCW, subsequently prepared a memorandum on how a quota could be implemented but this has not to date been submitted to Cabinet'.

The first formal response to the demand for quotas for women to increase their political participation came in 2012. The law on Local Authority Elections was amended to include provisions for a quota. The Local Authorities Elections (Amendment) Act, No. 22 of 2012 was passed by Parliament in October 2012 and in Sec 22(4)(2b) contains a provision of a 25 per cent quota at nomination shared jointly between women and youth. The section reads '...25% of the total number of candidates and additional persons whose names appear in each nomination paper ... may consist of women and youth'.

This provision has been widely criticized due to its ambiguity in implementation. The provision thus combined a quota for women and youth with no specific guarantee of a quota for women, and is also a discretionary provision which would attract no legal consequences in case of non-compliance. It is identified as probably the weakest quota provisions for women anywhere in the world and is ignored at most elections.

Since 1995 and increasingly in the last decade, women's groups have consistently and actively lobbied political parties to address the under representation of women in political institutions. Diverse approaches, tools and methods have been used including media campaigns, press conferences, one to one meetings and direct correspondence with political party leaders. Most key political parties have included a provision to increase women's political participation in their elections manifestos but these elections promises in manifestos for quotas have never been realized.

Women's groups have however not used the CEDAW mechanisms extensively in lobbying for an increase in women's representation. In 2002 women's organisations, representatives of NGOs who gave oral evidence before the CEDAW Committee when Sri Lanka's report was being considered took up the issue. As a result, the CEDAW Committee in its concluding comments urged the state to take all necessary measures to increase the representation of women in politics and public life at local, provincial and national levels including through the implementation of temporary special measures. While the NCW and women's organisations have been lobbying for a quota in the years since then, CEDAW is often not used in these lobbying efforts.

Another aspect of the attempts to increase women's participation in politics was an all-women political party that contested parliamentary elections in 2004. The women's group was the only independent women's group to contest elections at the parliamentary level. The group had 23 candidates and polled 1,273 votes, coming in sixth among 28 parties. Kodikara (2009) states '...although this was insufficient to win them a single seat, it was considered a symbolic victory by the group'.

The inability of Sri Lanka to increase the participation of women in political participation despite having the world's first female Prime Minister is worthy of close examination. Sri Lanka's 4th President, Chandrika Bandaranaike Kumaratunge, was also a female. But President Kumaratunga was the daughter of two Prime Ministers: her father, S.W.R.D Bandaranaike's assassination led to the entry of his wife, Sirima Bandaranaike into politics and eventual election as the world's first female Prime Minister.

However, the idea that a woman's 'respectability' is tarnished by her association with politics has been long established in Sri Lanka. This was evident even when Prime Minister Bandaranaike entered politics with members of her extended family expressing dismay that she was damaging her

reputation and by extension the reputation of her family. Not just women in politics, but women in the public gaze have had to deal with attacks on their character and reputation. Hema Premadasa for instance, the wife of President Premadasa, Sri Lanka's 2nd President, was often subjected to ridicule by the media for not fitting the traditional mould of the discreet political wife who stayed firmly in the background²⁶⁸. Such gendered assessments of women in public spaces reinforce the idea that 'respectable' women do not engage in politics.

More recently, the very capacity of women to engage in leadership positions was questioned publicly by the Speaker of the Parliament and the Minister for Child Development and Women's Affairs who remarked at a public meeting of the Sri Lanka Women Parliamentarian's Caucus²⁶⁹ that *when women are appointed to important positions, nothing can be achieved as they do not listen to anyone* and that *women in decision making positions are not able to perform their duties fairly because of jealousy of other women.*²⁷⁰ Women parliamentarians have been frequently the butt of sexist comments by their male colleagues.²⁷¹ There appears to be impunity when such comments are made where male politicians are rarely taken to task about such behaviour. It is only one or two female politicians who demand an apology or even express opposition to such behaviour from their colleagues.

During recent provincial government elections in 2013, the entry of several women into the political fray led to a media frenzy who were quick to point out that most of the women were actresses or from political families. The media almost exclusively focused on the youth and appearance of these women. Although there were almost as many young men who were also actors or linked to political families, they were not subject to the same level of scrutiny. While it was clear that many of these new political aspirants both male and female did not have the requisite qualifications for political candidature, the almost exclusive focus on the females is a reflection of the negative public attitudes towards females who engage in politics.

Therefore, not only is the increasing violence and corruption in politics a deterrent for women to engage in politics, the belittling of women in leadership positions, the attacks on their character and virtue, act as considerable barriers for women's participation in leadership and decision-making positions.

²⁶⁸ Malathi de Alwis (1995)

²⁶⁹ held in Parliament on 10 July 2013

²⁷⁰ <http://www.ft.lk/2013/07/13/womens-groups-against-sexism-discrimination-in-parliament/>

²⁷¹ <http://www.theguardian.com/politics/2013/jun/14/top-10-sexist-moments-politics>

Women in Other Sectors

In the years under review, women have demonstrated considerable leadership in public office, in specific sectors like education and the justice sector as well as in community and informal organisations. However women have struggled to access power and decision-making positions in the private sector, and in the security sector. It is also pertinent, in this analysis of women's access to power and decision-making, to look at women's participation in the peace processes, and the post war setting in the country.

In comparison to women's education attainment, and considerable participation in the public sphere including the labour force, women's participation at decision-making level in the diverse sectors listed above is not equal to their equal representation in population. Socialisation and negative stereotyping of women and men, including stereotyping through the media, continue to reinforce structures and thinking that prevent equal or even equitable numbers of women from reaching decision making levels in many spheres and have prevented women from having a significant impact on many key institutions.

Women in Government Service

Women's representation in the Sri Lanka Administrative Service (SLAS) has increased over the period in review and beyond. Research, as far back as 1979 records only 7.6 per cent women in the SLAS. This number increased to 22 per cent in 1993 and to 35.4 per cent in 2007. A 2012 research²⁷² highlights that only 14 per cent of public servants in Tier 1 (the top tier) of the public sector is women making the male female ratio 6 to 1. In Tier 2, the disparity is only marginally less with the ratio being 5 to 1.

In the senior position of Ministry Secretaries in 2007 only 8.9 per cent of Ministry Secretaries were women. In 2014 the number amounts to 18.6 per cent with women appointed to key Ministries such as Justice, External Affairs, Education Services, Science and Technology, National Languages and Social Integration, Social Services and Production Promotion. Of these one is a Tamil woman and one a Muslim woman while the others are all Sinhala women.

While numbers have increased, women continue to be under represented in these public positions. Jayaweera, Gunawardena & Edirisinghe (2008) based on a study, have argued that professionally

²⁷²Verite Research (2012)

and educationally women were often better qualified than men in comparable grades in the public sector. This indicates that the merit factor is not a constant in positioning of women in the various sectors and that gender is an intervening variable that interferes with matching of employment with merit in diverse sectors. The fact that women workers in the public sector are often better qualified than male workers in comparable grades may be a concrete example of gender-based discrimination in career advancement in this sector. On the other hand, women may be clustered in certain sectors in the public sector such as teaching, nursing and secretarial work due to prevailing gender stereotypes and women's own choice of employment in keeping with such stereotypes.

According to the study carried out by Verite Research, in 2012 the employment ratio of 2 to 1 in the public sector in favour of men increases dramatically in the top two tiers of the public sector. In Tier 1 (the top tier) of the public sector it becomes 6 to 1. In Tier 2 (second highest tier) of the public sector it is still 5 to 1.

The study goes on to say that 'Adjusting for the fact that employment ratios are 2 to 1 in favour of men, here is another way to make sense of this data: Men in the public sector are three times as likely to climb to the top as women in the public sector. That is a very serious disparity in promotional prospects and such large disparities do beg the question of discrimination'.

Women in Education

Women's participation in the education sector in Sri Lanka is very high. In the universities for example, women constitute more than half the student population in most faculties except Engineering and IT/Computer Science Faculties. In fact, in some faculties such as Arts, Humanities, Visual and Performing Education and Law, more than 70 per cent of the student population is female. However, in terms of women in academia, in the higher academic positions, women are in the minority. For instance, only 24 per cent of women are Professors and only 38 per cent are Senior Lecturers. However at the lowest entry level of academia as Probationary Lecturers, the male and female representation is almost equal. This situation is reversed only in Medical Faculties, where the women outnumber the men at all levels of academia. Even in the Arts and Humanities where 70 per cent of the student population is female, the proportion of women in positions such as Professor, Assistant Professor and Senior Lecturer is far below that of men. There have been three female Vice-Chancellors in Sri Lankan universities and the current Chairperson of the University Grants Commission is a woman. One of the Vice-Chancellors currently among the 15 national universities is a woman.

Studies have shown that female academics are not encouraged to speak up at forums and that in fact women who do speak out are sometimes ridiculed or put down by male colleagues. Furthermore, universities especially since 2009 have faced many challenges with the deterioration of university autonomy especially due to the highly politicized nature of appointing Vice Chancellors and members to the Councils, the highest governing body of universities (Gunawardena 2013; Bulumulle 2013). These clearly have had consequences on the academic community as a whole which then impacts on the ability of women academics to network with each other and engage actively in issues within and outside universities (Goonesekere 2013).

In primary and secondary education the situation is reversed with the majority of teachers being female. However, there is no gender disaggregated data available on teachers in management positions in primary and secondary educational institutions (Annex 1: Table 4).

Women in the Private Sector

Gender disaggregated data on women's participation in the private sector is scarce and does not allow for a comparison between pre BPPA period and now.

In 2005, women comprised 6.1 per cent of Directors in Boards of Companies registered at the Colombo Stock Exchange. In 2014 this had reduced to 5 per cent. Verite Research (2012) comments that '...looking only at the top 100 private companies (by revenue) and just focusing on the position of CEO, it turns out that only 5 per cent of them are women'. That is, given the 2 to 1 starting disparity in employment, a man in the top 100 companies is about 10 times more likely to end up as its CEO as is a woman. It is not possible to dismiss these kinds of large disparities as statistical noise. The data requires an explanation, and the possibility of gender based discrimination needs serious scrutiny.²⁷³

In 2008 Jayaweera, Gunawardena & Edirisinghe (2008) made similar comments, '...whether this is due to a voluntary choice on the part of women to keep away from top levels of corporate governance or an outcome of a glass ceiling that male heads of the private sector have carefully established in order to prevent women from taking over their positions must be explored further, perhaps through different research techniques such as observational research in selected companies.'

²⁷³ From http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=78492# accessed on 30 June 2014

Women in the ICT Sector

In the ICT sector women make up only 21 per cent of the overall ICT workforce and research shows that gendered patterns of employment exist, with women tending to be concentrated in lower skilled ICT jobs (making up over 72 per cent of employees in clerical jobs but only 21 per cent of those in management roles. As with elsewhere, evidence of some level of 'glass ceiling' for women is also apparent) Morgan (2012).

However, Jayaweera & Wanasundera (2006) found a gender difference across all salary bands amongst ICT professionals due to the low participation of women, with a larger per cent of women than men in the lower pay bands. Even in Colombo in the highest wage bracket, only 14 per cent of the women sampled earned such salaries compared to over 77 per cent of men.

Women in the Justice Sector

In the justice sector, women's presence is visible but at a lower rate than men. In the courts of law, the first female justice of the Supreme Court was appointed in 1996, and the first woman Chief Justice since the commencement of the office in 1801 served during the period 2011- 2013. She was the first Chief Justice to be impeached even after the Supreme Court established that her impeachment was unconstitutional. The impeachment drew widespread public criticism, due to concerns over the involvement of party policies in the justice system: the impeachment was politically motivated rather than gender related. This incident is not considered representative of the overall positive trend in women's participation in the judicial system.

In 2000, only 8.2 per cent of the judges of the Supreme Court, Court of Appeal and High Courts were women (Jayaweera, Gunawardena & Edirisinghe 2008). In 2012, 27 per cent of Supreme Court judges and 16 per cent of Court of Appeal judges were women. In 2014, three out of the 11 judges in the Supreme Court (27 per cent) and two out of the nine judges in the Court of Appeal (22 per cent) are women.

In the senior level positions of the justice sector at the Attorney General's Department of Sri Lanka data is scarce to make a comparative analysis between the 1995 period and now. In 2014 the Solicitor General is a male, one out of the two Senior Additional Solicitors General, three out of nine Additional Solicitors General, five out of twenty eight Deputy Solicitors General and 16 out of 42 Senior State Counsel are women. The current Secretaries to the Ministry of Justice and the Legal

Draftsman's Department are both women, and the first woman Attorney General was appointed in 2011.

Women in the Security Sector

There is no easily accessible gender disaggregated data for women in the security sector available to the public, aside from limited statistical information in the Sri Lanka Labour Force Survey. The Sri Lanka Army, Navy and Air Force include women, and women make up approximately one third of the total of all members of these services. Women officers have served in various specialised fields including limited active combat. The numbers of those in active combat are not publicly available. Women's participation is minimal and male bias endures in all services.

These services comprised largely Sinhala women. Following the end of the war, a drive to increase women of ethnic minorities in the Army resulted in the intake of largely Tamil women. In March 2013, 95 Tamil women joined the Sri Lanka Army making it the largest such group to join at once.

The Police Force of Sri Lanka was formed in 1832, and women were enrolled into the Police Force for the first time in 1952. The rank of Woman Police Sub Inspector was introduced in 1976 and two women police officers were promoted to the rank of Sub Inspector. In 1988 the Police Department established branches of the Children and Women's Bureaus at police divisions to investigate complaints of abuse against women and children. Forty three such desks operate island-wide and, generally, have at least one woman on staff duty to receive complaints. In 2002, a Woman Police Inspector was promoted to the rank of Assistant Superintendent of Police. These services comprised largely Sinhala women with small numbers of Tamil and Muslim women. Following the end of the war, a drive to increase women of ethnic minorities in the Police resulted in the intake of largely Tamil women.

Women in War and Peace

The war and related peace movements prompted women to take on public roles, largely in civic organisations. While civil society women's activism was prevalent and strong during the war, women's participation in the official peace movements, peace talks and official decision-making structures that attempted to negotiate peace or manage the war was small.

In the 2002 peace process space was created for women's engagement in peace building. In February 2002, the Prime Minister and the LTTE signed a Ceasefire Agreement (CFA), which was

followed by peace negotiations later in the year, in which only one woman took part as a member of the LTTE negotiation team. The quasi-absence of women at the peace talks and the monitoring of the CFA in 2002 led women's groups to mobilise and advocate for women's inclusion in the talks. As a result, ten months after the CFA, and four months after the formal peace talks began, the government and the LTTE agreed that a women's committee be established to '... explore the effective inclusion of gender concerns in the peace process'. This mechanism was possibly the first of its kind set up within a formal peace process at a pre-substantive stage of negotiations. It was also the first effort by the Sri Lankan government and the LTTE to recognise the involvement of women in peace building and peacemaking. The Committee's work was ended with the breakdown of peace negotiations in 2003.

In the 2006 peace talks one female minister was part of the government delegation, marking the first time that a woman was officially part of the talks on behalf of the government.²⁷⁴

In 2011 following the end of the war, there was one female member (and eight males) in the Lessons Learnt and Reconciliation Commission (LLRC) which made a series of recommendations specifically on women [LLRC paragraphs 9.86 to 9.92]. The recommendations dealt with female heads of households as a major challenge and priority in the aftermath of war, as part of a collective effort towards reconciliation. The LLRC also recognised the need for the immediate provision of livelihood and income generating means to these women, many of whom were living in poverty.

Women in Civil Society Organisations

Women's participation in civil society organisations, in non-governmental organisations (NGOs) and community based organisations (CBOs) differs according to sector. Women participate actively in organisations working on savings and credit schemes for women while integration of women in non-women focused organisations is small. Kodikara (2009) states that several studies have established that women's participation in civil society organisations at the community level is in fact weak. According to Kodikara, women's participation in community level organisations is mostly limited to traditional welfare oriented organizations and credit societies. Only 39.5 per cent were members of any community level organization and from among this number, nearly half of them were members of Death Donation Societies (Jayawardena and Kodikara, 2003)²⁷⁵.

²⁷⁴<http://www.icanpeacework.org/wp-content/uploads/2013/06/Slanka-final.pdf>

²⁷⁵Jayawardena and Kodikara(2003) pp. 82-83

However, the war prompted many women to take on public roles in civic organisations. Some became grassroots peacemakers, actively involved in mediating violence and seeking peaceful solutions. Women were active in the North as well as the South protesting against alleged disappearances, abductions, arbitrary arrests and killings. Some engaged police and local authorities to build capacities for prevention and protection against sexual and gender based violence.

Others have been active for years in promoting women's rights. Women advocated, lobbied and participated in peace processes. Samuel (2013) writes that '... across the country, women's groups also emerged calling for justice, women's rights, equal wages, and the protection of rights of underserved populations including migrant and plantation workers. Attention and demand for gender equality issues contributed to the increased visibility of the multiple roles played by women. In turn new laws were adopted to improve women's access to justice'.

In 2012 civil society organisations published the 'Sri Lankan Women's Agenda on Peace, Security and Development' covering women's experiences and concerns. This was presented to the government at a formal launch involving key Sri Lankan leaders and international peace and rights activists. This report highlights the absence of women at decision making level stating that 'women remain largely absent from official decision making structures, and male dominated political parties have at times co-opted the women's campaigns without delivering on their demands'.

Conclusion

The progress with regard to women in power and decision making positions in Sri Lanka post BPFA, particularly in women's participation in politics has been woefully inadequate. While individual women have wielded power or occupied decision making positions in the highest positions during this period, these individual achievements cannot be considered to reflect a general improvement of women's power in society. The majority of women who have occupied those positions of decision making, primarily in politics is due to the strength of support networks of privilege and influence in society. Some have benefitted from political favour. It can be argued that such factors have actually worked negatively on women as a whole since even women who have achieved certain position in society are viewed as having done so not through their own merit but due to some unfair advantage, privilege or favour.

As indicated in this review, the socio-cultural context in Sri Lanka also needs to be carefully understood when attempting to analyse the failures with regard to improving women's power and

decision making in society. Although generally considered to be far more advanced in terms of achieving gender equality than in many neighbouring countries, Sri Lanka's inability to transform the successes in the fields of education and health to areas such as employment, women in decision making especially in the political sphere, as well as curbing gender based violence, which is a main drawback to women's equality, merits reflection on the often disingenuous link that is made between education, health and women's empowerment.

What is evident is that entrenched gender stereotypes, gendered norms and values continue to prevail in Sri Lankan society. In fact, with the rise of various forms of nationalisms during the last 30 years have had unfortunate consequences for women. The role of women as repositories of the nation's morality and respectability has led to increased scrutiny of women's virtue and character. The militarisation of society that has been experienced during the last several decades must also be taken into consideration when assessing the socio-cultural and political context in recent times. The combination of nationalist ideologies in a militarised society is not conducive to increasing women's power and decision-making in any society let alone to promoting women's equality.

The drawbacks of Sri Lanka to progress on the strategic objectives in relation to this section of the BPFA needs to therefore take into account the transformations that have taken place in Sri Lankan society during the last 30 years or so. These transformations have not been wholly positive for women and this is reflected in the increasing challenges that women face in terms of breaking into positions of leadership, decision-making and power in society.

Recommendations

- i. Increase women's political participation through an introduction of a quota system for women at all levels of politics, increased advocacy with and outside the political process and increased voter education on the need for more women in politics.
- ii. Support and strengthen the Women Parliamentarians Caucus to identify and remedy gaps and challenges to women's increased participation in the political sphere.
- iii. Conduct qualitative studies on women's participation at decision-making in all spheres of public life and address the gap between the positive outcomes of women's participation in education and health and work carried out on women's empowerment with the inadequate numbers of women in power and decision-making.

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Table 1
Women in Politics (%)

	2012	2010	2006	2004
Parliament	5.8	5.8		
Provincial level	4.0	4.1		5.8
Local level	1.9		1.8	5.0
Average	4.2			

Source: Compiled by authors from Samuel, K. and Kuru-Utumpola, J. (2014)

Table 2
Women in Parliament (%)

	1994	2000	2001	2004	2010
Nominated	3.5	2.3	1.1	6.2	3.4
Elected	5.3	4.0	4.4	5.8	5.8

Source: Compiled by authors from Department of Census and Statistics (2007)

Table 3
Women in Provincial Councils (%)

	1989	1993	1999	2004	2008/9
Nominated	2.8	0.5	5.4	7.7	7.5
Elected	-	4.7	3.2	5	4.1

Source: Department of Census and Statistics (2007) Wickramasinghe & Kodikara (2013)

Table 4
Women in Academia (%)

University Professors	24.23
Assistant Professors	32.93
Senior Lecturers	37.89
Lecturers/Probationary Lecturers	49.59

Source: Sri Lanka Education Information 2012, Data Management Boards, Ministry of Education

H. Institutional Mechanism for the Advancement of Women

Lalitha Dissanayake

Background

The enthusiasm generated within Sri Lanka following the celebration of the International Year of Women (1975) and the declaration of the UN Women's Decade (1976-85) resulted in the creation of the Women's Bureau of Sri Lanka, as a government department in November 1978. It was strategically placed within the then powerful Ministry of Plan Implementation.

In 1983 the subject of 'Women's Affairs' was accorded higher status, under the ministerial portfolio of Teaching Hospitals and Women's Affairs. It was a result of lobbying by women's groups following the ratification of the UN/CEDAW in 1981. Over the years, the subject of 'Women's Affairs' was relocated under different ministries according to political decisions²⁷⁶. These ministries were headed by women ministers up to 2010, when the subject was entrusted to a male minister. The period 2000 to 2001 was one of instability with several changes of the chief executive officer (Secretary) bringing in male officers as well for short spells. Again, in 2013, a male Secretary was placed at the helm of this ministry.

Current Composition of the National Machinery for Women

Since 2006, two subjects, Child Development and Women's Affairs were combined into one Ministry. The logic behind the coupling of these two subjects under a single portfolio appears to be based on the traditional concept of the role of women in the family (i.e. children seen as the sole responsibility of women). It also disregards the resultant heavy burden of responsibilities that would fall upon a single ministry.

The institutions currently falling within this ministry are:

- a) The Women's Bureau of Sri Lanka (established in 1978),
- b) The National Committee on Women (appointed in 1993),
- c) Department of Probation and Childcare (one of the oldest government departments with more than 50 years of existence under the Social Services portfolio),

²⁷⁶ 1983 -Teaching Hospitals and Women's Affairs; 1989-Health and Women's Affairs;1994-Transport, Environment and Women's Affairs; Women's Affairs; -Housing, Women's Affairs and Eastern Region Development, 2001 December onwards as Women's Affairs; 2005-Social Welfare and Women's "Empowerment" (translated as 'advancement' into Sinhalese); 2006 to 2014- Child Development and Women's Affairs.

- d) The Children’s Secretariat (originally with the Ministry of Plan Implementation and appended to the new Women’s Affairs Ministry in 1983 along with the Women’s Bureau) was responsible for ‘early childhood development’, and
- e) The National Child Protection Authority, established in 1999 as an independent statutory body.

There appears to be ample justification as well as space for the establishment of two independent ministries for ‘children’ and ‘women’ related organisations as argued below:

- a) equally high priority that needs to be accorded to both women and children, not only in terms of their proportions in the total population (i.e. 52 per cent and 32 per cent respectively), but also in terms of their increasing vulnerability and significance in the present social context,
- b) the rising incidence of violations of the rights of women and children across the country both during and after the armed conflict,
- c) the international obligations that need to be fulfilled by Sri Lanka as regards the UN Child Rights Convention (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which this country has been a State Party for decades,
- d) when separate cabinet ministries are functioning currently in Sri Lanka for a single subject such as sugar industries, coconut development etc. while there is a total of 63 cabinet ministries functioning at present, and
- e) the tendency and political will to accord precedence to child development as against women’s issues (with no appreciation of the fact that women’s affairs requires a structure and personnel with specialized technical competence and ability to concentrate on and prioritize promotion of gender-equity).

(Please refer Organization Chart (A) for the current structure of the Ministry)

The Women’s Bureau of Sri Lanka

Being the original core of the women’s machinery, Women’s Bureau has continued its role as the main implementing arm of the Ministry, carrying out a range of field programmes expected to reach out to the masses of women at regional and local levels. The target clientele of women are enlisted into Bureau sponsored voluntary groups. At village level, women have to organise themselves into ‘Kantha Karya Samaja’ (KKS meaning women’s action societies). These KKS groups are federated into Divisional Federations and the latter into District Federations in line with the administrative stratification of the government (Organization Chart B). These women’s groups which have existed for

decades are registered with the Women's Bureau as beneficiaries of the official outreach programmes. Although these local groups have increased in numbers (10,200 according to the Bureau statistics), the effectiveness and equity of benefits filtering down to local level appear to have diminished over the years.

Therefore, a serious gap is evident in the lack of opportunities for these grass-root level women's groups for collective action and for rallying at national level as experienced in the past. It has been well observed that national occasions organised by the Bureau in the past had provided opportunities for much enthusiasm generation, experience-sharing, learning, information gathering and also positive networking among the groups from all parts of the island inclusive of the North and East. Such occasions were the National Women's Day Event, National Exhibition cum sale of women's products, all-island debating competitions on women's rights, home-garden competitions etc. culminating in the capital city of Colombo. Presently these local women's groups appear left out of the mainstream and are also starving for fresh information and activities sponsored by the Bureau. In other words, they exist merely as societies registered under the Bureau which boasts of numbers but is unable to reach out effectively to these disenchanting groups. The recent approach of the Bureau is to decentralise the exhibition cum sale of women's products to divisional and district levels delegating the responsibility for organisation to the respective Women's Federations. They however do not possess adequate resources for such activity nor can isolated trade fairs promote inter-change of knowledge, technology or products to promote entrepreneurship of local women.

The Women's Bureau outreach programmes have from the inception been heavily bent towards economic empowerment of local women through 'awareness raising' on subjects such as entrepreneurship development, self-employment, revolving fund credit, skills development etc. Women's with potential for economic activity have been provided with material and credit support with little follow-up provisions. In addition, specific awareness programmes have also been carried out to promote legal literacy, nutrition and home-gardening, poultry farming etc. most of which were carried out as single day events.

Apart from these traditional subjects a widening of scope was evident in the Bureau outreach programmes from the mid-nineties onwards. It was a result of subjects such as Women's Rights, Reproductive Health and Protection from Violence against Women etc. coming into focus at national level. Technical information in the form of printed matter (generated with expert support) on

Violence against Women, came to be produced and disseminated among the implementers, trainers, officials and women leaders.

Today new challenges officially recognised by the Bureau include increase of 'teen pregnancies'. Specific awareness programmes that are being held for girls of school-going age do not seem to go deep into reproductive health issues. As there has been a long standing reluctance on the part of education authorities to deal with the subject sex-education as part of the school curriculum (despite the availability of teaching material produced with the participation of the Health Education Bureau in the late nineties) this responsibility/challenge needs to be taken up boldly by the Bureau, non-withstanding the cultural taboos. Presently, it is also well known that sexual activity among the youth has increased filtering down to school-going age and that the rate of HIV spread among youth is increasing in Sri Lanka. The Bureau therefore has a specific responsibility to initiate programmes to address this emerging challenge. The existing programmes of the Bureau for this age group are said to address iron deficiency, malnutrition and personal hygiene.

Another burning issue identified by the Bureau is 'the insecurity of female-migrant workers' due to violations of a range of their rights in the host countries. It has been a problem, which has persisted for over three decades and the action taken by the government of Sri Lanka to safeguard their rights abroad has been inadequate. This sector also remains the highest foreign exchange earner for Sri Lanka. The women who migrate are the poorest and unskilled, with low levels of education which make them more vulnerable. The recent response of the Government to restrict the out migration of such women having children below the age of five years has been to safeguard the security of young children and not to reduce the vulnerability of women as domestic workers abroad. The Bureau has fallen in line with this policy and has initiated a new activity to promote income earning opportunities for women who intend to migrate. The success of such a programme is in question, while local options cannot match the earning opportunities offered abroad. This is therefore said to be a policy that is child-friendly but negates the economic rights of poor women.

The human resources the Women's Bureau had suffered a setback in 1992, with the withdrawal of its original field cadre of graduate Plan Implementation Officers, following the government restructuring plan. These field officers had been deployed at Divisional level and formed the official link between ground level and the Bureau for nearly a decade and a half. They had built up a good rapport with the local women's groups and enabled mobilising the latter when necessary. The lack of this field cadre persisted for over a decade when the limited number of personnel at the Bureau

headquarters in Colombo, were heavily taxed attempting to cover field level activities across the island. The same period was also plagued by many disruptions caused by the civil war.

Remedial action was near impossible due to severe recruitment restrictions operated by the government due to the heavy economic burden of the long drawn out armed conflict. Despite these restrictions, persistent lobbying by the Women's Ministry for over a year was successful in obtaining approval from the Treasury in 2003, for a new cadre of 359 graduate officers designated as Women Development Officers (WDO). Recruitment was on hold until after the General Elections of 2004. Two hundred and fifty nine of these officers have been hurriedly positioned at Divisional level as the new field cadre of the Bureau in 2005. However they had not received adequate induction cum gender training nor on the job training. They have been given the opportunity to register for part time diploma courses in counseling. Therefore there is much to be desired in the provision of on the job training, continuous capacity building, information up dating and technical guidance cum support to develop, mobilise and reap the full benefits from this cadre of officers. They appear to have great potential but are presently suffering from a state of isolation and powerlessness in their regional stations.

The Bureau was burdened with a batch of over 200 contractual recruits designated 'Relief Sisters' in the year 2000 who were expected to provide 'relief' to war affected families. It was apparently a political move to provide employment to a batch of favoured persons with minimal qualifications from the Minister's electorate. There had been additions to this group by each successive minister. These employees have not been gainfully deployed. However, they have been made permanent officers in 2005 and remain a segment of the Bureau staff. As at present 127 of them continue to be attached to the Divisions, unevenly distributed, with very high concentrations in their home electorates of Badulla, Ampara and Moneragala. Such politically motivated interventions have had negative effects on the efficiency of the Bureau as well as its public image and has not facilitated its service delivery.

During the 'nineties the Bureau had established Counseling Centres to serve the women factory workers of the Free Trade Zones and upgraded the Ratnapura Centre to a model counseling centre. In 2001 four 'Diripiyasa' Counseling centres were also established. However these Counseling Centres had not been supported adequately by the Bureau in the years that followed and most of them had become non-functional.

The most recent policy of the Ministry to accord priority to enhanced psycho-social support for women has been followed up by the Bureau with renewed interest to extend the provision of counseling services. The Bureau has now established 10 district-based Counseling Centres in seven provinces, serviced by 11 Counseling Officers. Two hundred and eighteen Counseling Assistants have also been placed at Divisional level. Being new graduate recruits all these persons are to be trained in the subject. Thus the Bureau presently considers the provision of counseling services as one of its key functions. The target populations identified for service delivery at local level are the widows, teenage girls, women facing sexual and gender-based violence and women in poverty.

The attempts of the Bureau to open and maintain safe homes for women have not been consistent. The Biyagama Model Hostel for Free Trade Zone women workers set up in 2003 had also been given up in 2011, due to management difficulties. It has launched new activities targeting the women in fishing communities as well as women workers in the estate (tea) sector to uplift their status.

While the effectiveness of the Bureau depends heavily on the strength of its managerial capacity and the technical versatility of its head (the Director) and staff, it has suffered much due to the lack of such competence for nearly a decade and a half. Difficulties of management and coordination have apparently been aggravated with the recent influx of officers in large numbers. The technical expertise within the Bureau has apparently diminished while its decision making appears to be toned by political exigencies. The Bureau has not been able to infuse the more challenging 'Rights-Based Approach' to the multiple activities undertaken by it and appears to take the path of least resistance.

The National Committee on Women

The Sri Lanka Women's Charter, which was formally approved by the Cabinet of ministers in March 1993, spells out the full range of women's rights as applicable to Sri Lanka. It is the local equivalent to the UN/CEDAW. Part two of this Charter specifies the establishment of a 15 member National Committee to steer and monitor the implementation of the provisions enshrined in the Charter in order to safeguard the rights of women in Sri Lanka. This Committee is appointed by the President of Sri Lanka for a four year term. The intention of the Charter is to make it an autonomous body so that it would enjoy powers specified and enjoy freedom of action.

The first Committee was appointed in August 1993 by the then President of Sri Lanka, (who succeeded as President, following the tragic demise of President Premadasa). It was on the suggestion of President Premadasa that this Charter was drafted and came to be approved by the

Cabinet. The new President who was not familiar with this history, decided to place the NCW under the umbrella of the Ministry of Women's Affairs. It has remained so to date with serious implications as to the independence of its operations. Therefore contrary to the intentions built into the Charter, the National Committee on Women (NCW) continues to operate as a body under the Ministry which has undermined its intended authority and autonomy.

As specified in the Charter, the NCW has to include 15 members, two each from seven specific fields of expertise in which they have gained national recognition (one of whom will be designated the Chairperson), plus an Executive Director with a high level of administrative experience to be in charge of its Secretariat. All these persons would be appointed by the President of Sri Lanka to perform the intended tasks as specified by the Charter. The NCW is also entitled to a separate Secretariat headed by the Executive Director.

Unfortunately, the high level of expertise and experience envisaged in the Charter had not been maintained beyond the initial period due to a growing degree of politicisation of the process of appointment.

The NCW has quite clearly lost its power to advocate and lobby on women's issues, thus damaging its public image built up at the inception. The NCW Chairperson and the Secretariat presently operate under the Secretary (CEO) of the Ministry and virtually function as another implementing arm of the Ministry, thereby weakening its strength for independent lobbying and advocacy on women's issues.

Its function to entertain complaints on gender discrimination was institutionalised in 1999 when a Complaints Centre was established within it headed by a legal counselor. This outfit had not become popular as intended. The Complaints Centre has expanded its services in 2014 with the establishment of a help line (hotline 1938) and an increase of its staff with the placement of nine new graduate recruits to receive complaints (in any of the three languages). However its efficiency is in question on many counts: the Legal Officer is not available on site to respond direct, the information announcing the opening of the helpline has not filtered down to needy women at local level. Its operational hours are restricted to office hours and working days only. These newly appointed persons responding to the helpline are not knowledgeable on the range of relevant subject matter and are unable to respond directly nor speedily.

By 2014 the Chairperson had taken responsibility for gender training of Police personnel establishing linkages with the Police Bureau in charge of the prevention of abuse of women and children. The NCW had also initiated a programme to provide institutional training on 'Women and Politics' to interested applicants both in Sinhala and Tamil with the intention of promoting women in to politics. According to Ministry sources it only facilitates interested women to obtain certificates but is not encouraging the trainees into active participation in the political process.

The NCW has also been entrusted with the implementation of training seminars and workshops by the Ministry on estate sector women related subjects, as identified by the Lessons Learnt and Reconciliation Commission Action Plan. The attention and energies of the NCW have thus, got diverted more towards implementation leaving little space for policy and advocacy.

Currently the NCW is also involved in the regular collection of Police statistics on SGBV and VAW for the Ministry database but does not seem to have gone beyond monitoring the incidence of such violations. The NCW does not seem to have got involved actively in the promotion of policy inputs and advocacy for prevention and curbing of the incidence of SGBV and VAW, as required by the Charter.

Since a new Chairperson and Committee has been appointed in mid-2014, a favourable shift of the focus of the NCW towards policy, advocacy and the promotion of women's rights could be anticipated. Rightfully, the NCW should be strong enough to influence and guide the Secretary as well as the Minister in charge towards this end.

The Development Division of the Ministry

The Development Division has expanded its scope of implementation activity, supplementary to those of the Bureau and the NCW. Some are special projects or activities operated with financial and technical support of aid agencies. These are E-Women Data Base Project (UNDP) initiated in 2011. It is primarily involved in the regular collection of data on the incidence of violence against women. Data is collected from a multitude of government and non-government agencies which reflects a positive collaborative effort. It aims at establishing an intranet system of collecting and sharing this data across organisations and also countrywide by providing necessary equipment and training to the network of officers across the island.

The SELAJSI Project (UNDP 2014-2017) for ‘Strengthening Enforcement of Law, Access to Justice and Social Integration’ is intended to address the need to expedite the administration of justice and increase access to justice as key issues that adversely affect the effectiveness of legal procedure related to violence against women.

Directing special focus on combating violence against women, the following activities have also been initiated by the Development Division with donor support:

- a) establishing and strengthening of select child and women service units at Divisional level (UNFPA/UNDP),
- b) facilitating training for Counseling Diploma through National Institute of Social Development for Counseling Assistants and Counseling Training of Training programmes for Counseling Officers of the Women’s Bureau attached to local levels (Asia Foundation),
- c) strengthening of the existing 43 Police Women and Children Units, and
- d) the establishment of 35 new Police Women and Children Units in the underserved areas in the North and East (UNDP).

This Division has also launched the proposed new initiative for institution-building at local level to establish new ‘Women and Children Units’ at District and Divisional levels to ensure a coordinated service and team work by the ministry officials attached to these two levels, and also to provide a one-stop service access to women and children. When complete there should be 25 such District and 311 Divisional Units spread out across the island (Chart B).

The Development Division also undertakes activities specially prioritised by the government: The Widow Livelihood Support Programme targeting the North and East, which is a project to promote self-employment for the survival of widows and women-headed households. Funding is through the ‘Diriya Kantha Programme’ of the GOSL/UNFPA budget line on an annually increasing scale i.e. from Rs. 42mn. in 2012 to Rs. 82 mn. in 2014.

The ‘Diriya Kantha Programme’ also supports an activity which is timed and localised to coincide with the government festival named ‘Deyata Kirula’, which is held in February each year in selected regions of the island. It aims at an intensive, all-round development of the selected region by channeling all possible government resources. Thus government agencies are expected to pool all their resources to satisfy the local public and also to boost the image of the government. During this festival, all possible handouts are distributed to the public in the area in which the festival is held.

The handouts of the Women's Ministry take the form of equipment for self-employment, distribution of publicity material (leaflets, periodicals etc.), which are not tied up with any follow-up action.

During the past few years the Development Division has also undertaken the task of production and publication of gender related technical and publicity material with financial support from agencies such as the UNFPA, Plan International etc. Of these publications, the most significant and comprehensive has been the Sri Lanka Law Directory on Protection of Women and Girl Children from Violence²⁷⁷ and published in Sinhalese for limited circulation in 2012 with UNFPA support. Currently, it is being re-printed in all three languages for wider distribution and usage.

Human and Financial Resources Available to the Ministry

In comparison with the previous decades the current decade has ushered in more human and financial resources in to the Ministry. It is partly due to the addition of resources for Child Development institutions and partly a result of the intake of large numbers of graduate level staff since 2012, as a result of the government policy to effect mass recruitment of unemployed graduates into state service. Over 50,000 persons were recruited on one occasion where the majority was women graduates. The resultant upsurge of the human resource base of the Ministry indicate that the total of 136 persons in the year 2003 had risen to 658 in 2012, to 954 in 2013 and stands at 1,474 at present.

The 605 graduate recruits who came into the Ministry during the past three years (without going through a selection procedure), have been commonly designated as Development Officers in the absence of specific cadre provisions. They have been attached to the different sections of the Ministry without any job related training and entrusted with responsibilities for which they are not yet equipped, obviously creating human resource management and development issues for the institution and frustrations among these new recruits. Under the Ministry, their placements have been determined numerically: 209 graduates to the Children's Secretariat, 205 to the Women's Bureau, 41 to fill WDO vacancies in out station Divisional offices (quite a number of them reported to be idling due to lack of competence and guidance). Forty of these recruits have been deployed as Focal Point Officers in line ministries where they have become misfits, 16 are attached to the NCW and 10 to the Development Division.

²⁷⁷ Charika Marasinghe, compiler

Mass intakes of this nature invariably pose problems of matching them to specific institutional needs while provision of job related training has become a challenge. Since the Ministry is not equipped with a Training Branch or has training personnel, it has to seek external training facilities even if such training is not tailored to meet the specific needs.

Numerically, the annual budgetary allocations received by the Ministry have also increased in comparison with the previous years (i.e. Rs. 212 million in 2005, Rs.818 million in 2012 and Rs. 1949 million in 2014). However, as a percentage of the total national budget, the quantum received by this Ministry continues to remain below one per cent. This is despite the fact that it includes the provisions to meet the expenditure on Child Development as well.

Currently, the major portion of the annual budget is spent on running cum maintenance costs of the institution and its personnel. Hiring, equipping and the maintenance of the extensive new office premises have also increased the annual expenditure considerably.

Therefore the Ministry seems to depend heavily on donor-funding for most of its development projects. During the latter part of the current year an extra-budgetary allocation of 700 million rupees has been granted to the Ministry, specifically for prevention of child abuse and violence against women. Part of this extra allocation is proposed to be used for the setting up of the 35 new Police Desks (Units) for Women and Children in the under served areas and also for the establishment of Counseling Services at regional level.

Together with the setting up of the proposed 25 District level and 311 Divisional Women and Child Service Units (referred to earlier) and large numbers of extension staff recently placed at these levels, the maintenance budget of the Ministry is expected to swell further in future.

Generation and Sharing of Data and Information on Trends Relevant to Gender Issues and Women's Status in Sri Lanka

Collection, analysis and production of national statistical data and information on changing trends of gender and development in Sri Lanka has been intermittent while sharing such information has been more uneven and narrow. The National Machinery has not taken upon itself this responsibility, fully. It is a disadvantage to favourable policy development, decision-making and mainstreaming.

The efforts made by the government in the production and sharing of ***statistical and analytical data on gender and development*** have been as follows:

1994 - Sri Lanka National Report to the UN Fourth World Conference on Women compiled by the Ministry of Women's Affairs to meet the specifications as set out by the UN. (photocopied prints of the report shared since translation and publication were not allowed by the Minister).

1995 - Women and Men in Sri Lanka published by the Department of Census and Statistics– an analytical comparison of the relative positions of women and men to coincide with the Beijing Conference,

1997 - Changing Role of Women in Sri Lanka published by the Department of Census and Statistics,

2003 - Handbook on Sex Disaggregated Data- Sri Lanka compiled by the Ministry of Women's Affairs (shared widely, inclusive of all policy makers).

2007 - The Sri Lankan Woman a comprehensive document published by the Department of Census and Statistics with UNFPA assistance on the request of the Ministry of Women's Affairs.

2014 - (June) Statistical Bulletin – Child and Women Development in Sri Lanka (photo copied booklet) issued by the Planning Division of the Ministry of Child Development & Women's Affairs

All the above publications are in English and are circulated among the government institutions and interested persons. However, action has not been taken to disseminate widely at least the key data in Sinhalese and Tamil languages.

Publication and distribution of periodicals, information booklets and leaflets

Production of the popular Sinhalese periodic magazine of the Bureau, titled Kantha Saviya, which had been issued regularly for a very long period (for distribution among women's groups etc.) had been discontinued in the recent years, much to the disappointment of its regular readership. It is now being reconsidered for revival. A more sophisticated bi-annual, Dhara, which had been launched by the Ministry recently, which does not appear to be for the consumption of ordinary women (as seen by its content and circulation) has also been discontinued.

The distribution of leaflets issued by the Bureau over the years for information and publicity purposes has not been even among women at ground level and to those working for the advancement of women. Since the number of women's groups registered with the Bureau and also

the number of field workers deployed under it have multiplied as shown in Chart B, a system for a wider and equitable distribution of these leaflets does not seem to be in place yet, according to sources at the periphery. However, the pictorial presentations and the quality of printing of these Bureau leaflets appear to have been upgraded to a colourful and glossy finish to serve as attractive publicity tools.

The tri-lingual NCW journal *Partners for Progress*, which had its debut in 1999 has been published annually and has maintained a high standard of content, useful for both academics and policy makers. However, this publication too has been discontinued recently. In 2013, the NCW launched a new Sinhalese quarterly titled *Vanitha Vibhava* (another glossy, colourful product, but lower in quality of content). It is a mixed collection of writings by members of the Ministry staff as well as information on the activities of the NCW. It contains a few Tamil articles as well, is publicity oriented and limited in circulation.

The personnel in charge of media in the private staff of the Minister has also contributed a quarterly supplement to a Sinhalese daily newspaper, titled *Senehasa* for public information on the activities of the Ministry/ Minister. This title meaning 'affection' (a term normally used to describe affection of the mother to her child), appears to be an effort to boost the image of the Ministry rather than to share information that is useful to the public. Despite the above mentioned range of periodic publications, the flow of useful, regular, timely and accurate information from the Ministry down to the relevant segments of the public is in question. The observation is that they are designed more for publicity and image-boosting rather than to support the advancement of women in Sri Lanka.

In contrast, a limited range of useful books and booklets have been produced by the Ministry with the assistance of external expertise. See the list below:

- a) Prevention of Domestic Violence Act, No.34 of 2005 - Question and answers explaining the Act in simple terms compiled by Shamila Daluwatte published by the NCW in October 2005 (in Sinhalese)
- b) UN Security Council Resolution No. 1325- a bi-lingual booklet with graphic presentations compiled by Shamila Daluwatte and Sumithra Rahubadde with graphics from Damayanthi Mutukumarage published in 2011 with UNFPA support.

- c) Commentary on the Provisions of the Prevention of Domestic Violence Act, No. 34 of 2005- A comprehensive compilation by Dhara Wijayatilake in English and in Sinhalese-published in 2012 with UNFPA support.
- d) The Sri Lanka Law Directory on Protection of Women and Girl Children against Violence compiled by Charika Marasinghe, published in Sinhalese for limited circulation in June 2012 with UNFPA support. Printing of the second edition in all three languages for wider circulation is on-going at present.

Of these useful publications the most widely circulated is the booklet referred to at a) above whereas the circulation of the Law Directory is limited due to its size and cost.

Lateral Cooperation and Collaboration with Other Agencies

The initiative of the Ministry towards gender-mainstreaming began with the formal request made in 1994 to all line-ministries to appoint a senior member from within its organisation to function as the Gender Focal Point. This person was required to liaise with the Women's Ministry in its effort to raise gender-awareness, promote gender sensitivity and to monitor all government agencies for gender equity of their policies and programmes. This effort has had its ups and downs and changes of focus along with repeated changes of key personalities in the National Machinery for Women as well as in other ministries. The most recent effort of the Women's Ministry to appoint its gender focal point officers to other Ministries, while deploying the new graduate recruits has not been a wise move for many reasons. These new appointees have not been adequately trained nor are they senior enough or equipped to monitor or wield any influence on their host ministries.

Concurrently, there are positive impacts and developments of lateral cooperation developed and sustained by the Ministry with many external organisations, which have borne fruit, especially with regard to the monitoring and redress procedures on violence against women. Many organisations, both government and non-government have joined the network to feed in regular information to the database of the Ministry. Others have set up service points for psycho-social and legal counseling of affected women.

UN agencies have continued to provide technical, financial and project support for varied activities of the Ministry. Inputs of international non-governmental organisations are forthcoming as support in the form of expertise, printed material for distribution and funding for capacity building of

personnel (See Chart B on the Lateral linkages of the Ministry of Child Development and Women's Affairs).

Collaboration with the Police Department began in 1994, when the Secretary of the Women's Ministry successfully negotiated with the Inspector General of Police for a new policy to open special desks at Police Stations to entertain complaints of women.

Beginning was the ceremonial opening of the first such Desk at the Mt. Lavinia Police Station in 1994 and the second Desk at the Kandy Police station in early 1995 (both on a trial basis). With success, it came to be formally institutionalised within the Department of Police. At present there are 44 such special police desks in main Police Stations under a formal coordinating outfit named, The Bureau for the Prevention of Abuse of Children and Women of the Department of Police, located at Nugegoda (on the outskirts of Colombo). The 45th such Desk is attached to the head office of the National Child Protection Authority. The present proposal of the Women's Ministry is to provide funding support for the establishment of 35 more Police Desks for Women and Children in the underserved regions especially in the North and East. The Ministry also has plans to continue the provision of training of the personnel of these Desks, to enhance their gender-sensitivity and counseling skills. Independent studies have also revealed the lack of such knowledge and skills among the current operating staff of these Desks.

Collaborative action with the Ministry of Justice (including the Law Reform Commission) has also been productive. The Secretary of the Justice Ministry has been part of the Sri Lanka delegation to the CEDAW sessions of the U N several times and has actively promoted legal reforms benefitting women.

The following amendments to existing laws have been effected to enhance the scope of legal protection for women;

- 1) Amendments to the Penal Code No. 22 of 1995
- 2) Amendments to the Penal Code No. 16 of 2006
- 3) New legislation on Prevention of Domestic Violence Act, No. 34 of 2005

Despite the repeated requests of women's organisations over the years for the long overdue amendments to the outdated Vagrants Ordinance of 1841 under which women suspects of the sex trade get arrested and penalised while the male clientele do not is still valid. Women moving in

public places after dark become suspects even in an era when night work for women, their mobility, street lighting and public transport at night etc. have developed and changed drastically since 1841. Similarly the proposed law to decriminalise abortion (under specific circumstances) is also on hold for no apparent reason other than the out dated social attitudes of the policy makers. The campaign launched by the Secretary of the Ministry in 2012 to solicit public support for the decriminalisation of abortion also failed as political support could not be sustained.

Linkages between the Women's Ministry and the Health sector institutions such as the Family Health Bureau and the Health Education Bureau have been strong and mutually beneficial over many years. Since 2007 the Family Health Bureau had carried out an activity to establish befriending centers attached to major hospitals under the name of Mithuru Piyasa to provide emotional support to women subjected to violence who come into hospitals for treatment. Presently 24 such centres are functional while the expectation is to expand this service down to base hospital level with financial support from the Women's Ministry. These centers also assist the Women's Ministry in the collection of regular data on violence against women. The Department of Labour which has its own Women and Children's Bureau operating for decades to monitor and protect the rights of working women also cooperates with the Women's Ministry by linking with the E-Women Data-base Project to supply regular data.

Many other government and non- government agencies are also enlisted to contribute regularly to the new Sexual and Gender based Violence Database Project of the Ministry. These agencies include:

- The Police Bureau for Women and Children,
- The National Committee of Women Complaints Centre and Helpline,
- Department of Social Services,
- Department of Probation and Childcare,
- National Child Protection Authority,
- Sri Lanka Bureau of Foreign Employment,
- Mithuru Piyasa of the Family Health Bureau (Health Ministry),
- Women and Children Bureau of the Labour Ministry,
- Gender Focal Points in line-ministries,
- Legal Aid Commission,
- Grama Seva Niladhari (Village Officers),
- Women's Development Officers of Divisional Units,
- Diripiyasa and other counseling centres of the Ministry,

- Women in Need,
- Sarvodaya,
- Women's Development Centre, Kandy,
- Muslim Women's Research and Action Centre, and
- National Forum Against Gender Based Violence

Women's Rights, Action Plans and Government Responses

Rights that need to be ensured for the women of Sri Lanka are spelt out fully in the Women's Charter. The Charter has received approval of the Cabinet of Ministers in March 1993, but has not yet gone through the legislature, despite many efforts made over the past decade. It was presented in the form of a 'Women's Rights Bill' in 2004 and later developed into a 'Women's Commission Bill', has passed through the Attorney General and has been submitted to the Cabinet of Ministers and requires its formal approval for presentation to Parliament as an Act. Therefore the expectation that the full range of women's rights would be enacted by the Parliament of Sri Lanka remains a dream, while the political will to push it does not seem to be forthcoming.

The first National Plan of Action for Women was drafted in 1996, as a follow-up to the Beijing Platform for Action under the leadership of the National Committee on Women. It identifies the priority actions under the 12 areas of concern and also the agencies responsible for implementation of specific actions etc. Subsequently this of Action for has been reviewed, revised and updated several times. In 2003 it had been translated in to Sinhalese and copies made available to all Secretaries of line-ministries and the District Secretaries for the purpose of appraising them of their intended role. This National Plan of Action was resurrected by the Secretary of Women's Affairs in 2012, again for revision and updating. Presently it is under submission to the Cabinet of Ministers and awaiting its approval to proceed.

In the meantime the National Action Plan for the Protection and Promotion of Human Rights 2011-2016 (crafted on the instructions of the government obviously to meet the international Human Rights challenges faced by Sri Lanka), appears to have received precedence for implementation. It contains a section on Rights of Women which is only a minute fraction of the priorities identified in the above mentioned National Plan of Action for Women. The Women's Ministry has been assigned some of the activities of this latter plan for implementation.

In addition to the above, the National Plan of Action for the implementation of the Lessons Learnt and Reconciliation Commission (LLRC) Recommendations (2013-14) has also been given priority for action. Specific responsibilities of this Plan have also been entrusted to the Women's Ministry for execution (i.e. action related to women of the estate sector, the conflict affected areas and the deprived areas).

The end result of all these developments is that the over-all and comprehensive National Plan of Action for Women is kept on hold and the Women's Minister is unable to or unwilling to use his clout to push it through, in an atmosphere in which the political will is not supportive.

The clout that women of Sri Lanka has to influence decision-making at highest policy-levels continues to be low, despite the pledge in the Mahinda Chintana, government policy since 2006, which states that it would implement measures to increase the representation of women within the political and administrative framework. In the present Parliament of Sri Lanka there are only 13 women members out of a total of 225, while the ratio is even lower at Provincial and Local levels. The justified recommendations submitted to the Parliamentary Sub-committee on Election Reforms by the Minister of Women's Affairs in 2003, proposing a 30 per cent quota for women in Parliament and 15 per cent in local government has not been given any consideration up to now. These were the recommendations made at the conclusion of an ESCAP sponsored Seminar in Sri Lanka, for 250 women representatives who deliberated for three days on this subject.

When the 'administrative framework' at the highest levels in Sri Lanka is examined, it can be seen that the representation of women has not improved. Only nine of the 63 Secretaries (CEO) of the Cabinet level Ministries are women. The portfolio of the Ministry of Women's Affairs, which had been assigned to a woman right from the inception is assigned to a male Minister, assisted by a male Deputy Minister since 2010 and a male Secretary of the Ministry since 2013. The gender-sensitivity of the Minister of Women's Affairs is also being questioned by women's groups which have been reacting strongly to many public statements made by him which degrade and defame women. Gender-discriminatory public statements that continued to be made by several others in political leadership are also becoming a matter of great concern, as it reflects an increasing insensitivity to gender equality at the highest levels.

Challenges Confronting the National Machinery and the Way Forward

The most significant challenges faced by this institution has been the repeated changes of its structure, its personnel and its focus, resulting in disruptions to its stability. The political and administrative leadership of this institution has to appreciate and accept the fact that it is in charge of a subject which has to cut across and influence the entire society as well as all other organisations through the challenging task of mainstreaming gender (gender ideology, awareness and gender responsiveness). For this purpose the national machinery should enjoy stability, be able to maintain sustained efforts and have the expertise and power to influence others.

The National Machinery at present appears to be isolated and operate as a vertical segment of the government machinery, with little power to have an impact upon the mainstream of the government and the society. For this purpose the National Machinery requires a strong executive leadership, having the relevant subject matter expertise as well as the ability to wield power vertically and horizontally through the multiple structures. A pre-service gender-training is necessary for persons who have not been exposed to this subject before they take up leading positions within this Ministry. Hence the selection criteria for the top administrators deserve to be clearly defined.

Lack of gender-awareness of the Minister in charge continues to be a challenge despite the fact that a portfolio had been identified for this subject since 1983. The Ministry could assume and wield greater power and influence if the Minister in charge is gender sensitive and is able to speak out and be a visible advocate for women's rights. The Minister in charge of Women's Affairs should also be able to rope in the cooperation of the Head of State by appraising him or her and gathering support to highlight and resolve burning gender issues. As followed by certain countries, the newly appointed subject Minister is required to go through an intensive gender training before starting to function. Such training appears to be a must for Sri Lanka too, even when the appointee to the post of Minister is a woman. The subject combination of Child Development and Women's Affairs itself has brought about extra challenges to this institution by an over burdening of its responsibilities and leaving little space to concentrate on gender issues. More importantly such efforts are thwarted by the political will and pressure to accord precedence to 'child development' as against matters related to women's empowerment.

Preference for the more popular, welfare approach by the political leadership does not encourage the emergence nor adoption of a rights based approach for women's advancement as the latter approach is certainly more challenging. This tendency to resort to the welfare approach seems to

have got stronger in the recent period when the Ministry and the Bureau are depending more on 'hand-out' methods as against strategies for the empowerment of women or efforts to ensure women's rights. The National Machinery, particularly the National Committee on Women could enlist the support of the numerous non-governmental organisations which are active in this regard and assist in the monitoring and promotion of the rights of women.

Concurrently, the proposed enactment of the Women's Commission Bill which appears to be on hold needs to be followed up aggressively, with the support of the NGO community and the Minister in charge. The delay in the presentation of the Women's Commission Bill to Parliament should not be seen as a barrier to the legitimacy of applying the provisions of the Cabinet approved Women's Charter of 1993, as a leverage in all policy and advocacy initiatives of the National Machinery. It should harness the active support and expertise of the membership of the National Committee on Women for such purposes and not reduce the position of the NCW to that of another operational sub-unit of the Ministry.

The process of systematic data collection is presently confined to a project activity on violence against women. Ideally, data collection should be wider in scope and built into the system as a regular function, making use of the strengths of the extensive field cadre now available across the country. The Bureau could put in place a regular system of data collection both from its field staff and women's groups at grass roots registered with the Bureau with the assistance of the Development Division to analyse and disseminate the findings. Also a media watch needs be put in place for monitoring the changing status of women, for which purpose NGO support could also be co-opted.

Research and documentation efforts are ad hoc and the National Machinery has not succeeded in establishing a system of updating and sharing of new knowledge and data on gender issues with the policy makers and the public. The information generated internationally and the on-line channels are neither being tapped for wider sharing locally nor for purposes of advocacy. Sinhalese and Tamil versions of gender information are scarce and uneven in distribution.

Over the years, the Women's Bureau has continued to be engrossed in women in development (WID) activities with a special focus on economically disadvantaged women. Presently its impact and popularity has diminished while the Economic Development Ministry and other agencies with much greater resources are also targeting the same group of women who are fast losing their faith in the

Women's Bureau (examples are the Divineguma programme and the interest free loans of the Regional Development Bank targeting women). Concurrently the Provincial Ministries handling Women's Affairs also concentrate on supporting economic activity for women and hardly touch the other rights that need to be ensured for them. The challenge before the Women's Bureau therefore is to move into other priorities for the empowerment of women.

The new focus spelt out by the National Machinery to widen and enhance counseling services for women and children along with the additional personnel and new regional service units island-wide could be capitalised by the Bureau. It could now utilise these outfits to re-orient its focus more towards empowerment of local women and fortify the strengths of local women to combat violence and other threats to gender equality. The present day social climate in Sri Lanka seems to be favourable for such efforts, as local women are now appearing to take the forefront in most public protests. The Bureau should also enliven and support its 10,200 village level groups to become active in monitoring and safeguarding the rights of women at village level. The Bureau also needs to launch activities to mobilise and strengthen the two way flow of communication between the Bureau and these groups which is nominal at present.

Close coordination and direction of the programmatic efforts of the Development Division of the Ministry and those of the Women's Bureau and the National Committee on Women deserve to be strengthened leaving no room for incompatibilities or duplication. The Ministry should enhance mutual support and cooperation among these as there is an apparent tendency for compartmentalisation.

Most of the challenges that confront the National Machinery for Women in Sri Lanka appear to emerge from the lack of technical competence and expertise within its structure, which is an essential ingredient for the successful realisation of its intended goals. The inability to retain persons who have built up gender expertise has plagued this institution repeatedly. It is due to the fact that all personnel at higher levels are from transferable government services. In the absence of any other alternative the long term services of nationally recognised 'gender experts' need to be sought which would not only strengthen the hands of the transferable personnel heading the Ministry but also assist in maintaining a long term vision to guide the political leadership as well.

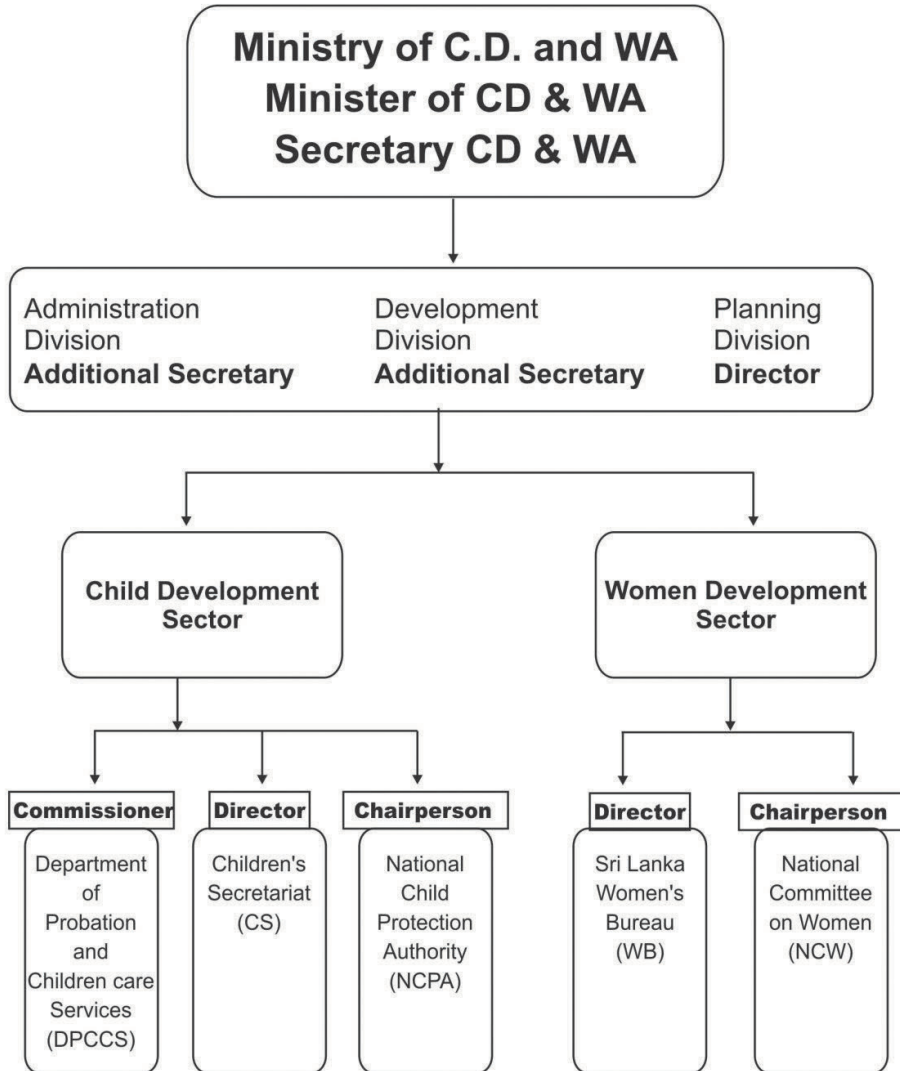
Such expertise placed within the National Machinery would also enable the planning and execution of a systematic capacity building programme, which is non-existent at present. The prime target

groups should be the 341 Women's Development Officers and the 229 Counseling Personnel who are in the permanent cadre and are young graduates with much potential for development as technical cadres of the Ministry. It is an opportunity which should not be missed out. Timely capacity building, responsible positioning and continuous guidance of this group could reduce any frustrations and enable the formation of the future technical backbone of this institution. This capacity building should also include the 54 inexperienced Gender Focal Points placed in other line ministries before they become redundant (as explained in an earlier section).

According to the foregoing it could be concluded that the national machinery for women in Sri Lanka presently is an over-burdened institution with an uphill task on its shoulders, lacking in technical capacity, subject to instability, political manipulations, changes of personnel and focus of attention. It has had little clout to impact on government policy and has not been able to gather adequate strength nor backing to stand firm for the purpose of formally promoting and ensuring the rights of women in Sri Lanka. It has a window of opportunity in the successful mobilisation of the strengths and support of the active government agencies and gender experts. Opportunities also exist in the capacity building of its new permanent cadres and in the mobilisation of the local women's groups.

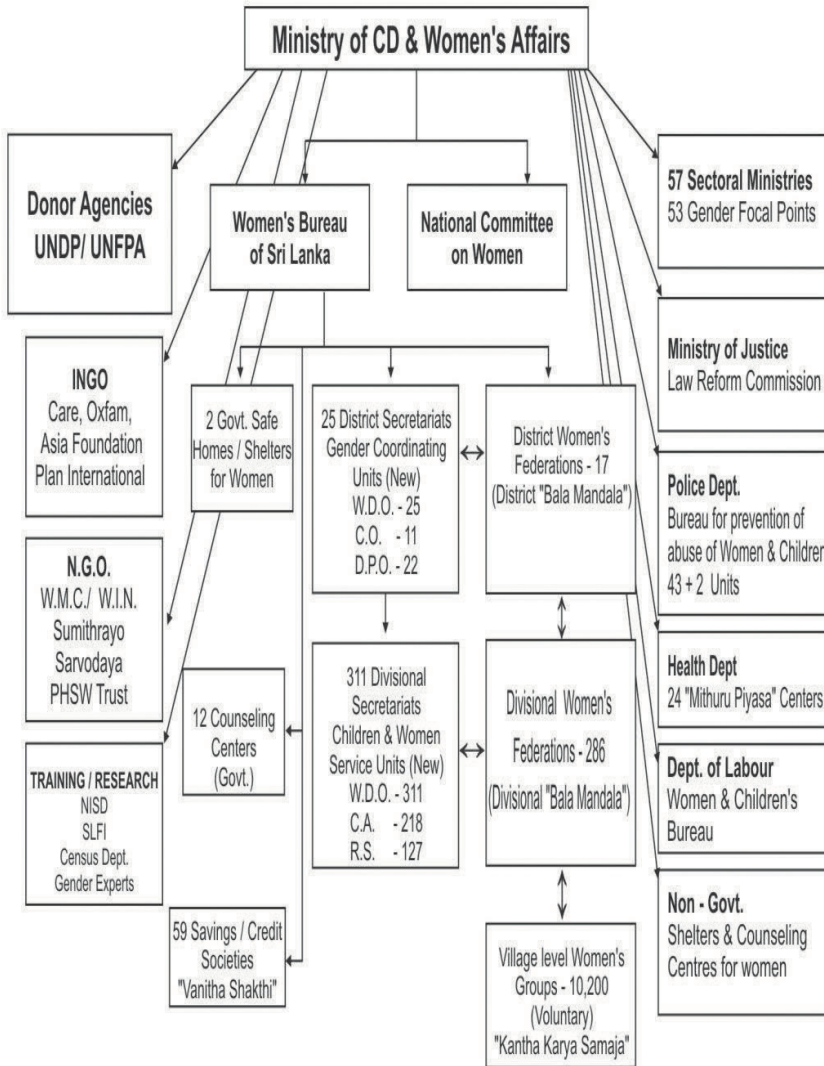
ORGANISATION CHART A

MINISTRY OF CHILD DEVELOPMENT & WOMEN'S AFFAIRS



ORGANISATION CHART B

Lateral and Vertical Linkages of the core National Machinery for Women Sri Lanka (2014)



(N.B. See Last Page for abbreviations)

J. Women and the Media

Leelangi Wanasundera

Introduction

After setting out the diagnosis and strategic objectives of Section J on Women and the Media this paper will first outline the global developments and commitments to the use of media for the empowerment of women; then provide a brief overview of the status of women and the media landscape in Sri Lanka. This will be followed by a discussion of the actions that have been taken or not been taken to achieve the two strategic objectives of the Beijing Platform for Action (BPFA) by the state and non-governmental organisations. It will then briefly address the vulnerability of women and girls to cyber or digital violence and which is follow with the conclusion and recommendations.

In its diagnosis, paragraphs 234-238 of Section J, the Beijing Platform for Action recognises the impact of advances in information technology and the potential for the media to make a greater contribution to the advancement of women. More women have a presence in the technology, communications and media sector but a critical mass of women is still lacking at the levels where policy decisions are made, in technology development and in governance. While global access to information creates more opportunities for women, communication networks are used to undermine them as reflected in the lack of gender sensitivity in media organisations that continue to reinforce women's traditional roles disregarding the diverse experiences of women and their contribution in all spheres of public and private lives. Women are primarily targeted as consumers in the traditional as well as the new media using images that demean and perpetuate violence against women.

Women should therefore have the skills, knowledge and access to information technology to counter the negative impact of media practices. Introduction of self-regulatory mechanisms, mainstreaming a gender perspective in policies and programmes and increasing the participation of women in the development of new technology, and providing the opportunity to access and create new and alternative sources of information are essential for achieving gender equality in a sector that impacts on the achievement of the strategic objectives of the other critical areas of the Platform.

Within this framework the BPFA identifies two strategic objectives. The first strategic objective is to increase the participation and access of women to expression and decision making in and through the media and new technologies of communication and to aim at a gender balance in the appointment of women and men to all advisory, management, regulatory or monitoring bodies, including those connected to the private and State or public media. The second strategic objective is to promote a balanced and non-stereotyped portrayal of women in the media. To achieve these objectives, the BPFA identifies the actions to be taken by government, national and international media systems, non-governmental organisations and media professional.

Global Commitments

Media and its impact on gender equality were not included in the earlier key international policy documents such as the Mass Media Declaration adopted in 1978 (UNESCO); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the strategy documents of the three UN conferences held before 1995 and later in the Millennium Development Goals (MDGs) of 2000²⁸¹. It was the Beijing conference that broke new ground in identifying the critical importance of media for gender equality and women's empowerment, and included it in the outcome document, though the complexity of the media landscape brought about by technological advances and their pervasive influence were not anticipated at the time.

Subsequent international conferences however gave greater focus to media and information and communication technology (ICT). Five years later, the 2000 Beijing+5 Review recognised that ICTs created new opportunities and could be used to advance the agenda for women's empowerment and gender equality. The Millennium Declaration resolved to ensure the freedom of the media to perform their essential role and the right of the public to have access to information. The 47th session of the UN Commission on the Status of Women (UNCSW) held before the World Summit on the Information Society (WSIS) reiterated the critical role that the media and particularly the new media can play in women's empowerment but pointed out the many unforeseen consequences that could surface in achieving this goal. The key issues identified were access and affordability, training, and preparation of relevant content. Actions to be taken by governments were outlined.

In 2003, the WSIS, after intense lobbying by women's groups, in its Declaration of Principles Building the Information Society: A Global Challenge in the New Millennium included in paragraph 12 a basic commitment to women's empowerment and participation in the information society on the basis of

equality in all spheres of society and in all decision-making. It recognised that development of ICTs provides enormous opportunities for women, who should be an integral part of, and key actors, in the Information Society and the need for sex disaggregated data. Paragraph 23 of the Tunis Agenda for the Information Society of the second WSIS session in 2005 recognised a gender divide within the digital divide and identified education and training to enable women and girls to actively participate in decision making in the information society (International Telecommunications Union 2003).

WSIS also committed to the ‘principles of freedom of the press and freedom of information, as well as those of the independence, pluralism and diversity of media, and freedom to seek, receive, impart and use information for the creation, accumulation and dissemination of knowledge as important to the Information Society’. The importance of traditional media in the information society was also recognised (ibid). An outcome of WSIS was the formation in 2004 of the Partnership on Measuring ICT for Development that identified 58 core indicators to collect internationally comparable data. The Partnership also has been monitoring and making quantitative assessment of the WSIS targets using the data collected. However, sex disaggregated is available only for the number of Internet users (International Telecommunications Union 2010, 2014a).

Concerned about the direction of the ongoing deliberations of the Beijing+10 Review in 2005, women’s media and communications organisations attending the UNCSW and the 10 year review and appraisal of the Beijing Platform for Action called on governments to support the efforts of women’s media and ICT activists to contribute to the dialogue during the session, recognise and support community and independent media initiatives in the further implementation of the BPFA and to ensure that the agreements in the 47th CSW session, the WSIS Declaration and Plan of Action are implemented.

The WSIS+10 Review: Towards Knowledge Societies for Peace and Sustainable Development, 2014 continued focusing on closing the gender digital divide, mainstreaming and guaranteeing the inclusion of women and recognised that access must be backed by capacity building, availability of local content and the inclusion of grass roots women not only as recipients but also as leaders. Priority areas to be addressed in the Geneva Plan of Action Beyond 2015 included mainstreaming gender issues across all WSIS action lines, redressing discrimination and ending violence and harassment and contributing to its elimination (International Telecommunications Union 2014, p.11, 16).

²⁸¹Target 18 of Goal 8 –In cooperation with the private sector make available the benefits of new technologies especially information and communication.

Since the Beijing conference in 1995 the media landscape has undergone unanticipated changes with advances in ICTs, and a convergence of traditional and digital technology with the print and electronic media adopting new media to gather and disseminate information. These technologies have become more accessible and have been integrated into the daily lives of people and have been used from economic and educational to political and social purposes. The potential for using the media to contribute to the advancement of women has increased.

Women's Status

According to the World Bank (2014) Sri Lanka has achieved the Millennium Development Goal of gender equity. Women are not subjected to overt discrimination and many other indicators show an improved status for women. However, women are still excluded from electoral politics and governance and from decision-making positions in the public and private sectors, and inequality persists as seen by UNDP's (2014) gender inequality index of 0.383 for 2013. A large number of women make a substantial contribution to the economy as service sector, garment, plantation and migrant workers but their working conditions are 'unstable, uncertain and insecure as those workers in the informal sector'(Arunatilake 2012). Unemployment rates have declined but female unemployment has been more than double that of males over the years and in 2013 was 6.4 per cent compared with 2.8 per cent for males (Department of Census and Statistics 2014). More females with higher educational attainment (A/L and above) were unemployed than males with the same educational qualifications. The economically active population, the definition of which does not include housework, in the labour force is lower for females than for males of all age groups, while females constituted 75 per cent of the economically inactive population. The percentage of unpaid family workers had declined from 2006 but at 18.7 per cent was still higher than that for males (Department of Census and Statistics 2014). Women of poor communities have had to bear the economic and social costs of the thirty year armed conflict. A high level of violence against women is one of the most critical problems; almost a quarter of the households are female headed; and the demographic transition to an ageing population sees a majority of women among the elderly. These realities have to be acknowledged in media policies, programmes and practice and as articulated in the outcome documents of international conferences to which Sri Lanka is a signatory.

Media Landscape

The media landscape in Sri Lanka, as elsewhere, has seen significant changes since 1995 with the advent of new information and communication technologies. The number of newspapers, television channels and radio services shows the diversity and plurality of the print and electronic media in the

country. Traditional print media²⁸² include daily and weekly newspapers²⁸³ and a range of other print material including alternative press, women's magazines, business journals, lifestyle magazines, and tabloids that cater to specific reading segments. The total number of Sinhala and English daily newspapers in circulation had increased from 2003 to 2012 but the circulation of Tamil newspapers had declined by almost 50 per cent over the same period. The circulation of weekly newspapers has shown an overall decline except for the English weeklies attributed mainly to the increasing price of newspapers. The actual readership however is much higher than the number of newspapers circulated.

With de-regulation, the number of television channels has almost tripled to reach 23 and radio services have more than doubled to number 54 including several regional services. Of the former, the state owns seven channels. It has one digital terrestrial network and the private sector has two. Community radio has been in existence for a couple of decades, as for example the Mahaweli Community Radio, and the more recent Uva Community Radio but licensing restrictions have limited their expansion to those who need it most and especially women. Yet the clandestine radio of the Liberation Tigers of Tamil Eelam (LTTE) had been broadcasting from 1990 till the end of the armed conflict, with the government, in 2002, granting a temporary license and a legitimate FM frequency and permitting the import of equipment (Brady 2005).

Restructuring, deregulation and dismantling of monopolies in the telecommunication sector over two decades have had positive impacts that saw an increase in fixed line²⁸⁴ telephones, an acceleration in mobile telephone penetration²⁸⁵ enabling those at the bottom of the pyramid who accessed telecommunication services through someone else's phone to own a device, the launching of internet services in 1995 by a private company, the introduction of 3G and 4G networks providing mobile internet access, and a consequent increase in the number of internet and email subscribers²⁸⁶.

²⁸²For purposes of this paper, cinema, stage drama are excluded except in passing

²⁸³Data for national newspapers only

The traditional media that include newspapers continue to maintain their circulation figures (increased from 25 copies per '000 persons per day in 2003 to 39 copies per '000 persons per day in 2012) while weekly newspapers which was 112 copies per '000 persons in 2003 declined to 86 copies per '000 persons in 2012 (Central Bank of Sri Lanka 2013), http://www.cbsl.gov.lk/pics_n_docs/10_pub/_docs/statistics/other/econ_&_ss_2013_e.pdf.

²⁸⁴13.2 per 100 population as at 31st December 2013

(Telecommunications Regulatory Commission of Sri Lanka 2014)

²⁸⁵79% of households in 2012 (Department of Census and Statistics); 99.2 per 100 population as at 31st December 2013 (Telecommunications Regulatory Commission of Sri Lanka 2014)

²⁸⁶ 11.4% of households had internet access in 2012 (Department of Census and Statistics 2014); 2.2 million (Telecommunications Regulatory Commission of Sri Lanka 2014)

Access to digital media and information is provided by public information access venues operated by public funds such as Nena Sala²⁸⁷ (knowledge centres), technology oriented specialised centres such as Vidartha Resource Centres, agriculture knowledge centres (cyber extension units) among others, that have been opened island wide while privately operated cyber cafes that use a commercial model and information resources centres established by NGOs with donor funds are also a part of the digital media landscape. Web sites and news portals have grown. The country portal, Lanka Gate provides information and integrated government services. The emergence of citizen journalism, which is changing journalism from ‘a monologue to a conversation’ (Transparency International Sri Lanka 2011) is seen to have significant impacts on the media landscape providing an alternative means of communication for free expression, which at the same time lends to misuse and the spread of disinformation.

Sri Lankans also engage in social media²⁸⁸ networks, citizen journalism sites have proliferated and alternative media has found a space on the internet and in local languages as well. It has provided a platform for women and women’s groups who have limited access to mainstream media for advocacy, information exchange and entrepreneurial development (Wanasundera 2008). Digital technology has also had their influence on the print and electronic media. Almost all the newspapers have a web presence, some updating news stories in real time. Wijayarathne & Marikkar (2012) found that online editions of newspapers were an important component of the media landscape but they were mainly accessed by the young and the educated. The state owned television channels and two private radio stations have digital terrestrial networking. Radio stations also engage in live telecasts. All these developments have changed the way people consume media and create content.

However, the benefits of communications are not spread evenly across the country. The overwhelming majority of newspapers are published from Colombo with the exception of the press in Jaffna, that had to operate within constraints and challenges brought about by intimidation, and recent regional papers from Kandy and Negombo, with news gathering being undertaken through a network of regional correspondents who are mostly males.

²⁸⁷ 756 as at 30th April 2014.

²⁸⁸ Accurate data are not available Mazin Hussain (2013). Sri Lankans on Social Media. Loops Solutions and ReadMe.lk <http://readme.lk/sri-lankans-social-media-out/>

In 2012 Facebook users were 1,526,360 of which 32% are women. Sri Lanka ranks #73 in Facebook Statistics by Country. Facebook penetration rate is 7.09% .<http://lankaonglobe.wordpress.com/2013/03/11/social-media-in-sri-lanka-is-growing/> Another source estimates Sri Lankan face book users at 2.3 mn of which 720,000 were reported to be women.

District disparities are minimal in household ownership of radio and television and mobile telephones (Department of Census and Statistics, 2014). However stark differences are seen in ownership of computers with households in three of the former conflict affected districts in the Northern province and one district in the Sabaragamuwa province having the lowest number of computers. Only 11.4 per cent of households island wide have internet access, while households in Colombo district, at 26.0 per cent had the highest access and Mullativu the lowest. Reliance is placed on public access points to access the internet and although such venues as Nenasala have been set up in rural areas, geographical location, income inequalities, appropriateness of the technology, lack of digital literacy and information literacy exclude the vast majority of households from the benefits of the information society (Wanasundera 2008).

BPFA- Strategic Objective J. 1

Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication

The first strategic objective is to be achieved through education, training and employment and a gender balance in all advisory, management, regulatory or monitoring bodies. Research is to be undertaken to define areas needing attention and action, and to review existing media policies with a view to integrating a gender perspective; increasing the number of programmes for and by women to address women's needs and concerns; the recognition of women's media networks and supporting women's groups active in all media work and systems of communications as well as guaranteeing the freedom of the media and its subsequent protection within the framework of national law and encouraging the positive involvement of the media in development and social issues.

Policies, Plans and Programmes

Traditional media

Currently there is no policy for the traditional media in Sri Lanka. A draft policy issued by the Ministry of Mass Media and Information (2007) is in abeyance. The section of the policy on gender that refers to 'pursuing media practices that would ensure fair and just treatment' and organising training courses to build awareness in media personnel and media institutions of the need to refrain from the publication of programmes and advertisements that would uphold crime and violence; and building awareness about providing guidance towards media practice that will not harm the rights of children and women and citizens in society' in its implementation strategy shows the total lack of an

understanding of gender issues. There is no legal or administrative framework that regulates especially the broadcast media.

The Women's Charter of 1993, that pre dates the Beijing conference, was the first public statement of policy that referred to women and media when it stated in the section titled Right to Protection from Social Discrimination that 'the State shall take all appropriate measures to prevent the portrayal of negative images of women in all forms of media' (National Committee on Women 1993). The Charter is still not in the statute books.

The National Plan of Action for Women in Sri Lanka first prepared in 1997 by the Ministry of Transport, Environment & Women's Affairs, and subsequently updated in 2007, 2012 and 2013 by the National Committee on Women included measures to be taken to address the inequitable representation of women in decision making positions in the media, the inequities and limitations in their participation and inadequate capacity building programmes, and the portrayal of women in the media. The plans however have not been implemented in full.

Three years after Beijing, the government became a signatory to the Colombo Declaration on Media Freedom and Social Responsibility ('Declaration') and became a signatory to the Colombo Declaration on Media, Development and Poverty Eradication ('UNESCO Declaration') of 2006 with commitment to the promotion of a free, pluralistic and independent media committed to social justice and development.

The 2005 Charter for a Democratic and Pluralistic Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka, known as the Tholangamuwa Declaration set out the 'minimum standards and principles that underpin the public's right to know and a free media in a democratic society' and outlined a practical programme of action to support media freedom. It seeks to guarantee non-discrimination and gender equality and developed a Charter for Gender Equity for Media and Journalism in Sri Lanka in 2006.

Comprehensive in content, it sets out the minimum standards, principles and actions needed to underpin gender equity in media in Sri Lanka and outlined a practical programme of action to support the achievement of equality in media workplaces, journalists' organisations and the media itself. It recognised the need to promote and protect gender equality, in the working environment and identified the importance of equal opportunity, and equal rights for journalists as parents, their

participation in unions and associations and the responsibility of these associations to adopt gender equality policies.

In 2008 a revised version of the 1998 Colombo Declaration was adopted to ‘translate the normative aspirations of the Colombo Declaration into lived reality’ suggesting the reforms to be undertaken with regard to print, electronic and digital media and specifically calling on the government to recognise the Internet as a space for free expression and extending the privileges and protection sought in the declaration to the web editions of the traditional media.

The Code introduced by the Ministry of Mass Media and Information applicable to print, electronic and digital media aimed at protecting the rights of the individual and upholding the public’s right to know was not implemented due to protests by the media and the advertising industry on the grounds that it bans the reporting on many important issues and that it leaves room for wide interpretation on such prohibitions (South Asia Citizens Web 2013).

What is followed currently is the Code of Professional Practice (Code of Ethics) of the Editors Guild of Sri Lanka²⁸⁹ adopted by the Press Complaints Commission of Sri Lanka, a general code that deals with morality, decency and not guidelines for reporting on women’s and gender issues and achieving gender equality in the media.

Digital Media

The first systematic plan for the development of the ICT sector, the e-Sri Lanka programme of 2002, aims to use ICT in all aspects for the benefit of the people of Sri Lanka and to further the socio-economic development of the nation. It includes the empowerment of women through the use of ICTs but they are included along with youth reflecting the lack of sensitivity to gender issues. It comprises five programmes, namely capacity development of the government, development of the national information infrastructure and an enabling environment, development of ICT human resources and using ICT as a key lever for economic and social development. The need to strengthen the legal and regulatory framework has been acknowledged and computer crimes have been identified as an area for reform but there is no reference to pornography, trafficking and violence against women perpetrated through the internet and mobile telephones.

²⁸⁹Framed under Section 30 (1) of the Sri Lanka Press Council Law No. 5 of 1973, approved by Parliament and Gazetted on 14.10.81

The telecommunications policy of 2000 recognises the need, among others, to create opportunities to use ICT to improve governance, for citizens to participate in the global economy through electronic commerce, and to communicate with the government through the use of ICT. It recognises the need to extend services to underserved areas and correct regional imbalances. The policy is gender neutral.

Two ICT policies were formulated in 2009, one, a national ICT policy and the other an ICT policy for government. The national policy recognises ICT as a major thrust area for national development and highlights strategies and action plans for creating an enabling infrastructure, legal frameworks, information security and standards, capacity development of human resources, and socio-economic development including poverty alleviation, healthcare and the use of ICT in local languages. The policy for the government is to achieve overall development within agencies and in service delivery. The policy is comprehensive and within the overall policy framework government agencies can develop their own policies. A moral issue addressed in this policy relating to government communications is to prevent the circulation of content that is offensive to any ethnic group, gender, accepted religion, culture or to any tradition of Sri Lanka... and using the official emails to engage in any form of harassment.

The current development policy framework for the period 2010 to 2016 is the Mahinda Chinthana (Ministry of Finance and Planning 2010). In the area of ICT it envisages a 'world class telecom infrastructure' by 2020, empowering the users with modern technology, improving public private sector partnerships to improve information and knowledge sharing and engaging in research and development, minimizing regional disparities in access to information by improving infrastructure and upgrading technology to deliver services such as tele medicine, tele working, distance learning, and e government services. It identifies the 'path to a knowledge-based economy' through the development of the workforce by giving the necessary technology education, scientific and technological innovations.

The telecommunications and ICT policies lack a gender equality perspective although the e Sri Lanka programme aims to empower women along with youth through increased and affordable access to information and communication tools, developing leadership and skills in ICT, and creating employment in the ICT industry, ICT-enabled services and enhancing competitiveness of user industries and services.

In general education, the state policy is to provide literacy through compulsory education from 5-14 years, to provide educational opportunities to those who have failed to enter the formal education system and to those who have dropped out, and to prepare alternative structures through non-formal education for continuing education. Both females and males benefit equally from these policies.

The provision of ICT literacy commences in schools and for this purpose infrastructure will be made available, the capacity of the school system will be strengthened to teach ICT including teacher training and ICT will be both a subject and a learning tool.

Freedom of Expression and the Right to Information

The role of the state in achieving the strategic objectives of this critical area of the BPFA is related to ensuring freedom of expression. The Sri Lankan constitution (1978) guarantees freedom of thought, conscience and religion, and freedom of speech and publication to citizens (Article 10, 13(1) subject to restrictions as given in Article 15 (2). This constitutional provision however is not consistent with Article 19 of the Universal Declaration of Human Rights and Article 19 of ICCPR that articulate the 'right to freedom of expression that includes the right to receive and impart information of all kinds ...' and identifies the special duties and responsibilities when exercising these rights.

Sri Lanka does not have a right to information law despite the demand for it²⁹⁰ and the need for legislative recognition of the right to information²⁹¹ on the basis of the citations made by the Sri Lankan Supreme Court (Guneratne, n.d.) which is a serious lacuna. A draft freedom of information bill approved by the cabinet in 2004 lapsed due to the dissolution of parliament in that year. Another bill presented in parliament in 2011 proved abortive. The proposed law was aimed at granting every citizen the 'right of access to official information which is in the possession, custody or control of a public authority'. This piece of legislation would have been particularly useful for women in claiming their entitlements. The Sri Lanka National Action Plan for the Protection and Promotion of Human Rights 2011-2016 (Ministry of Plantation Industries & Office of the Special Envoy on Human Rights 2011) identifies the Right to Information as a focus area for implementation with the adoption of legislation. However there has been no progress up to now.

²⁹⁰In India the movement for the right to information law started among villagers in Rajasthan who were trying to curb corruption among local level politicians. Women joined in the struggle. The movement enlisted the support of the Indian media, and now almost every state in India has such an Act, along with one at national level.

The Official Secrets Act that has been in the statute books from 1955, in the absence of a right to information law, is used to restrict the right of citizens and the media to official information, for instance in their efforts to expose corrupt practices of the political establishment and public officials. The current laws that are applicable to the traditional media were enacted before 1995 and were primarily in response to the political developments that included two spurts of insurgencies in the south and a protracted armed separatist conflict in the north and east spanning three decades, that had repercussions throughout the country.

Although these laws have not been used in a draconian fashion their existence inhibits journalists who resort to self-censorship although journalists and the media are increasingly exposing corruption and other malpractices.

Several laws that impinged on media freedom have been repealed. These included legislation relating to criminal defamation, emergency regulations under the Public Security Ordinance that take precedence over all other laws and gave the President the right to implement regulations, a law that had been used for censorship and to restrict media freedom, the section of the Penal Code on attempts by contumacious or insulting work or signs to bring the President into contempt, the 1978 amendment to the 1953 Parliamentary Powers and Privileges Act that had given Parliament powers to deal with serious breaches of privilege concurrently with the Supreme Court and prosecute and punish journalists after trial.

Despite these positive developments, the freedom of the press has been eroding since 1973 with the nationalisation of the privately owned newspaper group with the largest circulation and the enactment of legislation to restrict the media (Pinto-Jayawardene & Gunatilleke 2011). The legal provision to broad base the nationalised newspaper group has still not happened. The Sri Lanka Press Council established in 1973 to ensure press freedom, used by successive governments to regulate the media, and abolished in 2002-2003, has been reactivated. Its legality however was challenged in courts (Sunday Times, 2011). Although an amendment to the Parliamentary Powers and Privileges Act of 1953 referred to above has not been used, specific journalists had been threatened with prosecution on issues of parliamentary privilege effectively curtailing freedom of expression (ibid). In a further move towards controlling the media, in 2004, the Ministry of Mass Communication and all the institutions under it were brought directly under the President (Eliatamby 2004:31 quoted in Bolin).

Alternative media including those of political parties exist side by side with state owned media. There here is relative freedom in providing information and state owned and private media provide space and telecasting time for debating issues of public interest and engage in investigative journalism but political, ethnic, religious, cultural divides and corruption invariably lead to biased reporting especially in the print media. It is not public interest that is always served and people's voices, especially those of women, that are always heard.

However, censorship of the media has been imposed from time to time starting in the 1970s. Within the context of the armed conflict, publication of news relating to national security, military operations in the North and East, and the police and the armed forces were required to have prior permission of the government. More recently journalists were not allowed to cover the conflict from the war zone during the last stages of the conflict but the government did not officially maintain a censorship (BBC 2014). Media restrictions have been brought in on grounds of national security, and according to the government, maintaining harmony among ethnic groups.

The state monopoly of radio and television broadcasting was removed starting in 1982 but ownership is concentrated in a few, licenses are issued at the discretion of the minister while they have to be renewed annually, which meant that the government in power 'could not be offended'. The relevant legislation confers powers to the minister in charge to make regulations governing the functioning of such stations both in terms of its composition and nature of programmes. The law does not stipulate qualifications/criteria in the appointment and removal of members to the Board of the Sri Lanka Broadcasting Corporation (SLBC) and Rupavahini, making it possible for the Minister to act arbitrarily.

The state owned newspapers and the broadcasting stations that have the widest outreach and are owned by the state are used by the government in power. The privately owned media, on the other hand, rather than promoting public interest also have their own political and commercial interests. It succumbs to political favours and there is a murky area of the connections between media owners and politicians (Jayaratne & de Silva 2012; Centre for Policy Alternatives, 2005). Editorial independence is restricted by business interests and political pressure as well as institutional procedures and lack of resources. Media freedom is also limited through the allocation of advertisements to the media by government agencies.

The community radio, which by definition should be owned by the community and would have been an ideal medium for women and women's groups, is not owned by the community but by the SLBC. The new media that provides an alternative to engage in free expression has also been subjected to censorship. Several web sites have been blocked, a trend that started in 2007 when the government was preparing for military operations in the north and during the war (Groundviews 2011). Many anti-government web sites were blocked during the run up to the 2010 presidential election (BBC Sinhala 2010) in clear violation of freedom of expression. From 2011 web sites carrying 'any content relating to Sri Lanka or the people of Sri Lanka, whether uploaded from Sri Lanka or elsewhere' were required to be registered and accredited. Prompted by the killing of a soldier in Jaffna, a censorship was imposed on short text messages (SMS) related to security matters (Ministry of Defence & Urban Development 2012). However, in May 2014 the UN spokesperson in an interview had responded that the UN is unaware of reports that some media institutions or websites reporting on Sri Lanka have been censored or have access restricted in Sri Lanka (Colombo Gazette 2014).

Laws covering the digital media are primarily focused on commercial aspects, intellectual property, electronic transactions, and digital signatures, payments and computer related crimes and hacking offences but not on content related offences such as pornography and harassment perpetrated by using ICT tools. The Penal Code was amended in 2006 to place the onus of preventing sexual abuse of children on the person providing computer services (Sri Lanka Parliament 2006) but the abuse of women was not included.

Expressing her views of media censorship, Udagama (2014) said that censorship does not come through official channels such as the law but is enforced by indirect methods like violence and intimidation and even a bill of rights that adheres to international standards might not result in an improvement unless the general political culture is dramatically changed (Ivan 2014).

Killings, abductions and harassments of male and female journalists that had been occurring since the 1970s, the scale of which has increased in the past decade, have stifled freedom of expression. Several women journalists have been adversely affected. Four years after the end of the conflict, attacks against independent media organisations and individual journalists continue, though in greatly reduced numbers (Australian Government 2013). There have not been any new murders but there has been no conclusive investigations into past killings or abductions of journalists either and 'there has been no political will to address its (Sri Lanka's) record of perfect impunity in the nine

murders of journalists' (Committee to Protect Journalists 2014). In these circumstances media personnel and institutions impose self-censorship.

On the other hand poor journalistic standards violate a citizen's right to have access to accurate, balanced information. Holding the media also responsible for the current situation, Ivan (2014) points to the need for a change in media institutions but for that to happen, the socio-political system in the country also needs to change. A recent survey found that 87 per cent of journalists believe that the media does not provide accurate and balanced reporting; more than 50 per cent of the stories depend only on one source; Sinhala and Tamil newspapers obtain information only from selected sources. The Sinhala and Tamil press is selective in their choice of sources, while 80 per cent of journalists were aware that their sources are not accurate or reliable (Centre for Policy Alternatives 2009).

Literacy and ICT literacy

The introduction of compulsory education up to 14 years in 1998, a net enrolment rate of 98.7 per cent (2008-2012) a higher primary and secondary school participation rates for females have resulted in Sri Lanka achieving a literacy rate of over 97 per cent for women with a 97.6 per cent rate in the urban sector, 95.7 per cent in the rural sector and 85.8 per cent in the estate sector. The net attendance ratio for both girls and boys is 98 per cent. However the survival rate to the last grade of primary school as a percentage of boys is 94.6 per cent. Female youth literacy rate (15-24 years) at 98.6 per cent is higher than that for males. Recent statistics show that 88 per cent of female adolescents used mass media (UNICEF, 2013).

However, ICT literacy is low although it had increased from 9.7 per cent in 2004 to 16 per cent in 2006, to 20 per cent in 2009 (Department of Census and Statistics, 2009) and 40 per cent in 2011 (Information and Communication Technology Agency 2014a). An ICT literacy rate of 75 per cent is to be achieved by 2016. While overall improvements from 2004 to 2009 are evident, spatial discrepancies exist. The 2009 (ibid) survey showed that although computer literacy rates had increased across all provinces the development was uneven with ICT literacy in the urban sector at 30 per cent, 10 per cent in the rural sector and just 8.5 per cent in the estate sector. There are similar district differentials. Making citizens computer literate is primarily through the school system in which both girls and boys have equal access. The initiative to increase IT literacy started in 2005 when the state introduced IT to the school curriculum and expanded in 2012 to provide the knowledge and skills to participate in an information and knowledge society - initiatives that will be

particularly be advantageous to girls as it would weaken the perception that technology is a male domain.

Private sector organisations such as internet service providers, commercial banks and NGOs also have initiated different models of ICT access but the major thrust to increase ICT literacy in the community has come from the State's eSociety programme comprising Nena Sala²⁹² (knowledge centres) programme and the e-library project. They had contributed to increasing computer literacy by training a cohort of young women and men especially from rural and backward areas. According to Skills International (2010) that surveyed 300 Nena Sala, the capacity development programmes conducted by these centres had provided the knowledge and skills including to women while the e literacy programme that targets rural school children and Samurdhi beneficiaries (low income families) had reached around 50,000 by 2012 (Information and Communication Technology Agency 2014) . Local language initiatives have also contributed to the increase in e-literacy. There is no sex disaggregated data on computer literacy. The challenge will be to ensure that girls are proactively encouraged to participate in these initiatives as policies and programmes are gender neutral.

Education and Training

Print and Electronic Media

Media education started in 1973 in the University of Kelaniya and since then media courses are offered by universities, private training institutions and colleges. The university²⁹³ study programmes include a BA general and BA special degree course of study, and post graduate study and a diploma programme (University of Kelaniya, 2014). In addition, media and mass communication can be taken as a subject in general degree programmes. However, the institutions providing study in mass communication and media were academically oriented rather than on journalism as a profession (Pinto-Jayawardena & Gunetilleke 2012) although one university introduced practical training in the 2010/2011 academic year (Sri Palee Campus 2014). Outside the university system a number of complementary initiatives have been taken by state institutes, semi government agencies²⁹⁴ and colleges. They provide practical training, specialised courses and workshops such as in electronic media, environment, peace building. Of these the Sri Lanka Television Training Institute of the Sri Lanka Institute provides training in television, radio and film production.

²⁹²Of the targeted 1000 Nena Sala, 756 had been set up as at 24th April 2014 (www.icta.lk)

²⁹³University of Kelaniya, Media Research and Training Centre of the University of Jaffna, Eastern University, South Eastern university, Colombo University, Sri Palee campus, Sri Jayawardenapura University, Rajarata University,

²⁹⁴Sri Lanka Foundation Institute

The only specialised media training institute, the Sri Lanka College of Journalism (SLCJ) established and run by the media industry as a collective initiative through the Sri Lanka Press Institute and the Press Complaints Commission of Sri Lanka aims to develop a more professional media, which in the long run is expected to contribute to increased access to information and participation of the public and pave the way for a more informed debate on issues of concern (Sri Lanka College of Journalism 2014). SLCJ offers three training programmes, the major one being the diploma course. Entry requirement is the Advanced Level qualification. The second is the mid-career programme of shorter duration of three to five days for working journalists based in Colombo. The third is a programme for provincial journalists. Since 2004 the College has produced over 250 journalists through its diploma course and over a thousand in the other programmes.

The contents of these study programmes cover a wide variety of topics but gender and gender sensitisation to overcome media insensitivity to gender issues are not included in the curriculum even though the Charter for Gender Equality for Media and Journalism in Sri Lanka accepts the need for such sensitisation. However, the Sri Lanka College of Journalism is reported to have introduced gender under a module titled ‘Special Topics’ when the director was a woman. In an encouraging trend, statistics, where available, show that the number of females who have graduated from these courses has been increasing over the years. For example, in the Sri Palee Campus of the University of Colombo 84 per cent of the graduates for the academic years 2007/08 to 2010/11 was females (Table).

**Table - BA (Mass Media) Student Intake
Sripalee Campus, University of Colombo**

Intake	Year	Male	Female	Total
2010/11	1	10	63	73
2009/10	2	17	57	74
2008/09	3	14	60	74
2007/08	4	02	48	50
Total		43	228	271

Source: University Grants Commission, 2013

A survey by the Sri Lanka Press Institute showed that the number of women following courses in journalism at the Sri Lanka College of Journalism exceeded 50 per cent of the total – 70 per cent in 2011, while this number was 55 per cent in 2009 (Sri Lanka Press Institute, 2011, p. 34). However, the numbers have been dwindling since then for a variety of reasons such as the stoppage of foreign funds necessitating the levying of higher course fees, saturation in the media industry, the lack of

interest in journalism and lack of English language proficiency. Further the lack of competence in technical subjects related to television and broadcasting is also a barrier that trainees have to contend with (Interview with a former Director of the Sri Lanka College of Journalism).

A significant development in the field of media education was the inclusion of Communication and Media Studies in 2002 at Ordinary Level and at Advanced Level as an optional common subject in the Arts stream with the objective of enabling students to understand the communication sector and communication processes. The National Education Commission developed the curriculum with the collaboration of the media industry.

While island wide data are not available for the number of schools that offered media studies Raguram (2012) states that only a few schools in the north and east have the facilities to teach this subject. Consequently, out of 144 schools in the north only five schools at the Ordinary Level and two of the 84 schools that have Advanced Level classes teach this subject (op cit). It is reported that many students opt for an 'easy' optional subject and that media studies was not one of them (Interview with a retired official of the Education Department).

Digital Media-Information and Communication Technology

Education and training in information and communication technology are provided at various levels from state and private universities to schools to state vocational training institutes, private institutes, non-governmental organizations and community based organisations.

State universities and private universities including the Sri Lanka Institute of Information Technology offer certificate, graduate, and post graduate level courses in information and communication technology (ICT). An important policy decision taken by the University of Colombo School of Computing (UCSC) and the Sri Lanka Institute of Information Technology (SLIIT) to relax entry requirements resulted in the increased enrolment of girls who had been earlier disadvantaged by subject selection in school. An increasing number of women have been enrolling in the Computer Science and Information Technology courses but parity in enrolment has not yet been reached in any of the ICT degree programmes conducted by the universities (University Grants Commission 2013).

The introduction of the Bachelor of Information Technology external degree increased access to non-urban and disadvantaged areas but a high drop out rate of females enrolled was reported from several disadvantaged districts due to gender related constraints such as late evening classes. The

desired result of increasing the number of female graduates did not materialise (Gamage, 2004). A major development in the education sector in the 2000s has been the increasing participation of the private sector in tertiary education and the establishment of local and foreign private universities affiliated to overseas universities. These institutes provided an alternative path to obtain a recognised local or overseas degree in IT as the majority of those who pass the Advanced level²⁹⁵ examination are unable to gain entry to state universities. However, the high cost of fees and other necessities exclude the vast majority of this cohort of students from having access to the study courses of private institutes.

Non degree level training programmes are available from public sector institutions such as the National Institute of Business Management²⁹⁶, National Youth Services Council and the Vocational Training Authority (VTA). The VTA offers certificate and diploma level courses in ICT and related fields with industry training and the possibility of obtaining a degree under the TVEC system from the UNIVOQ. No sex disaggregated data are available but a significant number of females who seek entry to VTA courses are reported to opt for IT.

Another significant development was the introduction of information technology to the school curriculum based on the National Policy on Information Technology in School Education that recommended the teaching of IT as a subject and its use as a learning tool in the classroom. A Gender Action Plan has been developed by the ADB under its Education Sector Development Programme (2013-2018) to increase the participation of girls in technology subjects in Grades 12 and 13.

A pilot project on teaching General Information Technology (GIT) to year 12 and year 13 school children started in 2002 while teaching GIT as a selective subject in a limited number of schools commenced in 2004 and at the G.C.E. Ordinary Level in 2007. Increasing ICT literacy as well as providing a base for those who want to pursue this area of study, it will also enhance the learning experience of girls whose secondary school participation rates are on par with boys. Computer laboratories have been set up in 60 per cent of the 10, 000 schools (9,714 public and over 400 private) schools, with 40 per cent of teachers, the majority of who are female, computer literate, and a teacher-computer ratio of 1:7 and student-computer literate teacher ratio of 1:57 and a computer-student ratio of 1:100. Twelve per cent of schools have internet access.

²⁹⁵In 2010 although 62 per cent of candidates were eligible for a university education only 15 per cent had been admitted to the state universities (Wijesooriya, 2012 quoting the Department of Examinations).

²⁹⁶Its degree awarding school National School of Business Management also offer courses in computing.

Of the 200,000 teachers in the system approximately 65,000 have received ICT training. The School Net provides connectivity to 1,200 schools, 100 computer resources centres and several educational organisations (Dissanayake, n.d.). Equal access to education thus provides girls the opportunity to become ICT literate through the education system.

However, there are many challenges to learning and teaching the subject. Spatial disparities in access and quality exist. Of the over 10,000 schools in Sri Lanka only about a fifth has G.C.E. Advanced Level classes (an age cohort 17-18 years), inability to reach over a third of the schools due to lack of power supplies, and for some others especially for schools in remote rural areas the very high electricity and internet charges are barriers to access thus denying access to a majority to study ICT. Inadequacy of funds for maintenance and upgrading computer facilities is another constraint. The poor performance of the students who sat the first General Information Technology (GIT) paper at the 2005 AL examination was attributed mainly to the lack of a cadre of ICT teachers and the lack of capacity to teach the subject, computer laboratories, teaching and learning material, insufficient time allocated for IT in the school time table and the medium of examination, which was English. Students in schools with better facilities such as electricity had performed better at the examination (de Silva 2007).

As reported in the 2013 National ICT Workforce Survey (Information and Communication Technology Agency 2014c) the standard entry level qualification for recruitment to many job categories is a Bachelor's degree. The total number of graduates that passed out from education and training institutions from 2010 to 2013 had increased by 5.6 per cent. However, it forecasts a mismatch in skills in demand and a shortfall of graduates indicating the employment potential in the sector, reiterating the importance of eliminating barriers to entry for, and retention of, women in the degree courses.

Employment of Women in the Traditional and Digital Media

Traditional Media

It is estimated that there are approximately 4,000 journalists working for the mainstream media including part time and freelance journalists. The number of women working in the mainstream media is not known but according to Wijedasa (n.d.) 'the story of women in Sri Lankan journalism is broadly a positive one'. Over the years an increasing number of women have entered the media industry; they have risen to the highest decision making levels; and have 'overcome social, cultural and workplace barriers to break significant ground in media' (op cit). The increase in the number of

media channels and increased opportunities for education and training have combined to open up careers in journalism and in the media.

A recent study (Sri Lanka Press Institute 2011) quoting the senior editors interviewed confirmed that the number of women pursuing a career in the print and electronic media has increased. However, still they are in the minority. The SLPI found that of a total of 656 journalists²⁹⁷ in the 31 newspapers that were studied, women accounted for 29.3 per cent with marginally higher percentages in the electronic media-radio (35.3 per cent) and television stations (33.3 per cent). While the highest number of women was in English language newspapers (33.4 per cent) there was only 25.7 per cent in the Sinhala print and electronic media and 28.8 per cent in the Tamil stream.

Women journalists who had been given assignments that are 'soft', as for instance covering entertainment, women's pages that include topics of interest to women in performing their traditional gender roles have charted their way into areas that have been the traditional male domain (Sri Lanka Press Institute 2011; Wijedasa, n.d.). Women have been covering news and politics, reporting from the frontlines of the armed conflict and are free to report on topics that are of interest to them although they have had to face many challenges in doing so (Wijedasa n.d.). As in other sectors conflict of career aspirations with family responsibilities was a major barrier to upward mobility. Restrictions however are self-imposed due to concerns of physical security, domestic responsibilities, and cultural beliefs. While journalism differed from other occupations due to the unstructured nature of the job and offered flexibility in their work schedules this same unstructured schedules 'complicated family life... when deadlines loom' (Op cit) While Wijedasa (n.d.) states that gender was not an issue, it was these same factors that kept them from moving up to higher positions. The responses however, illustrate that even the women do not have an understanding of gender issues that keep them tied to traditional roles impeding their career advancement.

Despite increasing numbers, the managerial and decision-making positions are still male dominated. Only two women are among the 14 member Board of Directors of the Press Council, Sri Lanka College of Journalism and the Sri Lanka Press Complaints Commission (personal communication 2014).

²⁹⁷Full time and permanent

As of 15th June 2014 there were no women on the Board of Directors of the state owned Associated Newspapers of Ceylon Ltd. and the Sri Lanka Rupavahini Corporation while in the Sri Lanka Broadcasting Corporation two of the nine directors and two of the ten directors at the Independent Television Network were women, the media that has the widest reach in the country.

According to the Department of Government Information (quoted in SLPI, 2011) of the 114 working in the newspapers in decision making positions only 15 were women; in radio stations 11 of the 71 were women and in the television channels of the 17 in these positions only one was a woman. The media took the responsibility to address these issues when it adopted the Charter for Gender Equity for Media and Journalism in Sri Lanka in 2006 as an outcome of the Tholangamuwa Declaration²⁹⁸ of 2005. However, no progress has been made in operationalising it, which has been superseded by the Code of Ethics of the Editors' Guild.

ICT Sector

The situation is no different in the ICT sector and the pattern of participation had not changed over the years²⁹⁹. The overall ICT workforce has grown by 50 per cent at a compound annual growth rate of 14.4 per cent from 2010 to 2013 while female participation has improved from 21 per cent in 2009 to 29 per cent in 2013. However, according to ICTA (2014) the increase in the participation rate drops to 24 per cent when employment in the BPO sector, which is at the low end of the employment hierarchy, is excluded, although the evaluation states that the BPO sector has contributed to gender equality by providing employment to females.

A survey of employees of 13 selected government agencies found that in the sample of executives, 46 per cent were females, 40 per cent of whom were less than 40 years old whereas in the non-executive grades 66 per cent were females in the same age group (Green Tech Consultants Pvt. Ltd., 2011b), reflecting the same gendered pattern of employment in the labour market.

The lead agency for ICT development in Sri Lanka had one woman on its eight member board of directors. Its leadership team has no women while in the 23 management team three are women.

²⁹⁸ The Charter for a Democratic and Pluralistic Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka, 2005, known as the Tholangamuwa Declaration sets out the 'minimum standards and principles that underpin the public's right to know and a free media in a democratic society and outlines a practical programme of action to support media freedom. It seeks to guarantee non-discrimination and gender equality and to develop a charter on gender equality in media within two years.

²⁹⁹ Data for previous year are not available.

Of the Chief Innovative Officers appointed to government and statutory organisations under its eGovernment programme females were only 30 per cent. Female e-experts and e-champions of this programme were even lower at 16 per cent. Forty five per cent of the total of the permanent IT workforce in the state that numbered 43,350, 45 per cent were females. They were, however, at the lower level of secretary.

One of the critical agencies in the sector, the Telecommunications Regulatory Commission of Sri Lanka includes five members, all male. Of the 28 Directors and Deputy Directors nine were females, a better ratio than in other ICT related institutions.

In the education sector, the premier state universities, the Arthur C. Clarke Centre for Technology, of the 37 positions in the faculties there were only seven females, and in the University of Colombo School of Computing of the 12 directors, deputy directors and heads of departments there was only one woman. On the other hand, the highest number of females was in the Sri Lanka Institute of Information Technology – over half were women (Sri Lanka Institute of Information Technology 2014).

These findings are not surprising as decision making positions in both public and private sectors are skewed in favour of men due to such factors as gender differences in the work environment, the perceptions of women of their roles and their impact on career mobility and gender discrimination. Jayaweera, Gunawardena & Edirisinghe (2008) in their gender audit of leading organisations that are responsible for policy and programmes found that the 'gender demarcations in the labour market were reflected in the patterns of employment in these institutions' with women at the lower levels of the hierarchy and the operation of the 'glass ceiling' restricting entry to decision making levels.

Women's access to the new media

The state strategy to provide access to information and communication services to citizens is through public access venues. A study (Wanasundera 2008) showed that in all public access venues (Nena Sala, Vidartha Resources Centres, Easy Seva, internet cafes, and Sarvodaya (a NGO) initiatives), women were the minority of users except in the Vidartha Resources Centres and Sarvodaya centres that were used mostly by women. Rural urban differences were also seen with urban centres of these public access venues having a higher percentage of users than those in rural locations.

However, while in 2008 Wanasundera found that fewer women used the Nena Sala due to factors such as inappropriate location, timing, and the sex of the operator and after staff, more recently Kottegoda (2012) noted that 'even though ICTs were available it did not mean that access was available to women and girls', a 2010 evaluation of the Nena Sala undertaken for the Information and Communication Technology Agency (ICTA) by Skills International Private (2010) found that women comprised more than two thirds of users across all types of Nena Sala and that they comprised nearly 75 per cent of the highest category of users-students, while 11 per cent were 'housewives'. Older women were in the minority.

While sex disaggregated data on ownership of the Nena Sala was not available, an encouraging trend was the ownership pattern in which women constituted nearly 40 per cent of the total and 22 per cent were managers. Women were engaged in other work in the venues (ibid) giving them a livelihood option and status in the community as information providers.

Other state initiatives to increase participation are the cyber extension services to farmers that use a combination of technology for disseminating information to extension agents and farmers. A 24-hour toll free telephone service and community radio broadcasts are also a part of these services. Approximately 220 of these units are to be established but access is limited in some areas due to lack of, or poor internet connections. Mostly men used these centres. However, Vidartha Resource Centres that numbered 260 in 2012 use the model of organising women at the community level into Vidartha societies to encourage them to use digital and a combination of other technology specifically to engage in self-employment.

A service that would benefit both men and women is the re-engineering government project under the e-Sri Lanka programme being implemented since 2005 to provide citizen-centred, bi-directional, and more effective government services. ICT facilitated citizen services are primarily available from Divisional and District Secretariats, but less than a third of the services are provided online except the District Secretariats that has about half of its services online. Although Karunasena et al. (2011) concluded that 'the public value of e-government in Sri Lanka is unsatisfactory in all its dimensions of public value generation' mainly due to the lack of e-services, the low adoption of ICTs in government and the low uptake of e-government initiatives by citizens, an evaluation done in 2011 reported an increase in the number of users of citizen services from 2009 and a significant reduction in the time taken for service delivery (Green Tech Consultants 2011a).

However, the use of these services by women was low. Women were only 21 per cent of users the call centres and 34 per cent of the Government Information Centre (GIC), one of the most used services that handled over 900,000 inquiries in 2009 up from 350,000 in 2007. Women users of the GIC web site were 34 per cent. Poor publicity of the service in Tamil speaking areas had resulted in 95 per cent of the inquiries being made in Sinhala.

On the other hand a survey of a sample of 543 who visited government agencies to obtain a service(s) found that of those who used the internet to access citizen services 34.5 per cent were women as against 30.7 per cent males. The majority were in the age group 21-35. The same survey showed that while 46.6 per cent of visitors have access to the internet women were 49.6 per cent of those who accessed the internet regularly. Of the 305 who could use a computer 56.4 per cent were women. The computer was used by women for educational (24 per cent), work related (25 per cent) purposes while 27 per cent used it for entertainment and 22 per cent for social purposes. More women (49.4 per cent) than men (45.6 per cent) use the internet. The survey of employees in government agencies found that those in higher positions had access to the internet than those in non-executive grades. Among the former more females had access to the internet than males surfacing another level of disadvantage. For both groups access was from office and was used for email, information search, to check news and for educational purposes.

Strategic Objective J. 2 Representation of Women in the Media

Promote a balanced and non-stereotyped portrayal of women in the media

Actions to achieve the Strategic objective J.2 include promoting a balanced portrayal of women and girls through research and information dissemination, gender sensitive training for media professionals and owners, encouraging the creation of non-stereotyped balance images of women and preventing the exploitation of women as sexual objects and commodities and developing professional guidelines and other forms of self-regulation by media and advertising agencies and taking effective measures including legal measures against pornography and projection of violence against women and children in the media and promote positive images of women including producing and disseminating material on women leaders and developing alternative media.

Influenced by international and local developments in the women's movement and women's entry to the labour force in large numbers and their contributions to the household and national economy, the print and electronic media have been allocating more space for the discussion of serious and

realistic issues relating for instance to industrial workers, migrant workers, women's participation in politics, violence against women, sexual harassment and the rights of women (Senaratne 1997).

This trend has continued with the major newspapers discontinuing most of the women's pages and cartoons that degrade women. Television has discussions on some issues of importance to women with their participation. Special programmes have been conducted featuring women leaders and 'courageous' women. However, the stereotypical images continue in the media, women are rare participants at talk shows on television that discuss current and political issues, while television advertisements still perpetuate stereotypes of women and men. Referring to an incident of verbal abuse of a female participant of a TV reality show, Catseye Sri Lanka (2010) says that television shows are 'replete with censorship of scenes of kissing (even those which display everyday affection), alcohol consumption and smoking and even a bottle of alcohol is checked out! Yet verbal sexism against women in the media grows rampant'.

Government policies, plans and programmes that have recognised the need to address the issue of misrepresentation of women in the media were the 1993 Women's Charter (section 14(ii)), the implementation strategy of the media policy of 2007 (Ministry of Mass Communication, 2007) that is in abeyance and the National Plans of Action for Women of the National Committee on Women of the Ministry of Child Development and Women's Empowerment, 2007-2012, 2013, 2014. The Charter focuses only on eliminating sex stereotypes. The implementation strategy of the 2007 draft media policy was to organise training courses to build awareness in media personnel and media institutions of the need to refrain from the publication of programmes and advertisements that would uphold crime and violence; and building awareness about providing guidance towards media practice, that will not harm the rights of children and women and citizens in society' (Ministry of Mass Communication, 2007). The National Plans of Action for Women in Sri Lanka recognising that there has been no policy level action to prevent the distortion of the image of women created by the media set out detailed actions to be taken to overcome such discriminatory practices. The action plans however have not been implemented fully for reasons such as lack of financial resources indicating the low priority accorded to gender issues by successive governments.

One of the first Codes of Ethics on the representation of women was developed by the NGO Women's Education and Research Centre (Code of Ethics for Gender Representation in the Electronic Media) based on research to assist policy makers and managers of television channels to formulate policy on gender representation in programmes and advertisements. Recommendations

included gender sensitisation of managers and programme producers and the establishment of a representative committee to monitor and implement the Code.

An attempt at self-regulation was made by the industry in 2006 when it adopted the Charter for Gender Equality for Media and Journalism in Sri Lanka, which among others states that the media should 'promote and protect gender equality ... in their representation of women' and ensure '...fair and equal representation of women and men in the media'. A code of ethics was proposed by the government of Sri Lanka applicable to print, electronic and digital media aimed at protecting the rights of the individual and upholding the public's right to know.

This Code states, among other things that publications which denigrate women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals should not be published and that advertisements that violate the Constitutional guarantees to all citizens in their depiction of women, children and differently abled persons will not be permitted (Ministry of Mass Media and Information, 2013). This Code was not implemented due to protests by the media and the advertising industry on the grounds that it bans the reporting on many important issues and that it leaves room for wide interpretation on such prohibitions (South Asia Citizens Web 2013).

However, the current code that is binding on all media institutions and journalists is the Code of Professional Practice (Code of Ethics) of the Editors Guild of Sri Lanka adopted by the Press Complaints Commissions of Sri Lanka. It has no focus on gender except a statement that is subject to interpretation '... in dealing with social issues of a particularly shocking or emotionally painful nature such as ... sexual salacity and obscenity, which as stated earlier is an issue of morality and not gender. Despite these initiatives there has been no appreciable change in the images of women in the media as shown by research and media monitoring exercises undertaken in the years before and after 1995. One of the earliest studies of women in the media (Mahendra 1993) showed that women were depicted in their traditional and stereotypical roles of carer and nurturer especially in women's magazines and tabloids and Sinhala feature articles without acknowledging the multiple roles of women (also Herath 2009).

A media monitoring project started in 1997 by a non-government agency to monitor the print and electronic media on the media's reporting of gender, the armed conflict, ethnic, environmental and

labour issues showed the manner in which women are portrayed in the media, the impact of sexism and gender role stereotyping. With the expansion of the market economy and the concomitant growth of the advertising industry women have been used in sexist advertisements that exploited the woman's body. An analysis of 101 English and Sinhala television advertisements telecast within a month and advertisements in English newspapers over three months in 1997 in a range of items, showed that women were depicted as the ideal housewife/mother, female voice over/singer/adviser, working woman and the male as ideal husband/father, man as strong/protective/brave, male voice-over/singer/adviser and appreciative male (Media Monitor, n.d.).

In promoting beauty products advertisers manipulate women's insecurity (Walisundera 2005) regarding beauty undermining women's advancement as individuals based on attributes other than beauty. The advertisers commodify beauty with sexist market forces. A case in point is the Women @ Work supplement of a national newspaper where on the one hand 'liberated' women are featured but advertisements for beauty products and bridal dresses are tucked in. Walisundera analyzing the advertisements and referring to the preference for a fair skin points to the race and class prejudice in them.

A study carried out by WERC on the representation of women in five channels on news and current affairs, films, tele-dramas and advertisements in the electronic media also showed that the majority portray women as homemakers or as performing service roles in society. Career women are shown as being in the lower levels of the employment hierarchy as secretaries, sales persons, setting women in sexist molds made by men (Seneviratne 1996); as recipients of help, decision makers of relatively inexpensive items associated with personal hygiene or the household, young and more likely to be in a dependency role (Abeysekera 2009).

Women make the news when they are victims of violence; when for instance incest occurs in families of migrant women workers apportioning blame for the act of incest on the migrant woman; headlines are used to dilute crimes committed by men against women, pushing the perpetrators (Parakrama 1997; Seneviratne 1996) out of the picture. Rarely do positive stories of women make the news headlines despite women having charted their way into non-traditional occupations. Teledramas, films continue to portray negative aspects of women's character. Referring to a study of

two specific English language glossy magazines Medawattegedara (2011) finds that 'the male image was always presented as a frontier crossing, career-seeking and the privileged or the preferred sex' in complete contrast to the 'passive, home-bound, mother-figure'.

Despite polices, programmes, codes of ethics and self-regulation, research and sensitisation of media personnel and advertising agencies, women are still depicted negatively. This trend is seen in online advertisements as well as with images reinforcing cultural conditioning (for e.g. Photographic Society of Sri Lanka 2014). Women's economic roles necessitating their absence from home and being full time child carers are blamed in the media for violence against them and the girl child (Seneviratne 1997).

Of greater concern was the presentation of women candidates at elections at a time when efforts are being made to increase their political participation. For example in the local government and general elections of 2011 the coverage that women candidates had in the media was limited although a nationwide campaign had been launched on the importance of increasing the number of women political representatives. When they were given media exposure it was to their appearance and their traditional roles rather than their competence to hold political office (Warnapala & Kodituwakku 2013).

Women's pages in mainstream newspapers have been discontinued but a large number of women's tabloid papers are published. A content analysis of 54 women's tabloid papers (Herath 2009) showed that these papers reinforce traditional stereotypical images of women. These papers have a high circulation but they reach an equal number or more through exchange including among family members.

The question then arises as to whether the different forms of media are consciously or unconsciously perpetuating a patriarchal cultural practice and whether they represent a reality that exists or whether they create a reality in line with existing norms of culture (Medawattegedera 2011).

Participation of Women's NGOs in the Media

Women's NGOs in Sri Lanka work on all the critical issues identified in the BPPA. They engage in advocacy, lobbying, awareness raising, community mobilisation and action projects, provide legal and counseling services, undertake research, data collection, training and education aimed at

overcoming discrimination, safeguarding the rights of women and empowering them. Information is disseminated through a variety of forms. All use the print media such as leaflets, posters, journals, newsletters, books and pamphlets and alternative media including street theatre. Drama, dance, and poetry are also used to create awareness about their work and women's rights. Many have websites and almost all use email in their work and for advocacy and specific campaigns while a few use SMS. All conduct programmes on Women's Day and initiate and participate in the 16 days of activism against violence against women and other special days. However their use of the traditional print, electronic and digital media for advocacy is not sustained.

A survey carried out by the Centre for Policy Alternatives in 2007 pointed to some inherent problems that confront NGOs in having a more effective communications and media strategy. Foremost among these were the lack of personnel with requisite skills in presentation and writing skills required for the media, submission of opinions without verifiable data, outdated data on web sites among others. The journalists' distrust of NGOs was another impediment the latter had to contend with and impeded engagement with journalists. The NGOs were either reluctant or unwilling to use new media and their knowledge of them was 'abysmal'.

Despite these constraints and the hostility in the media to feminism, women have been able to obtain space in the print media for regular 'women's columns' such as Cat's Eye to discuss issues of power, patriarchal ideology and women's subordination, gender relations (Seneviratne 1997). Women's groups have used alternative media such photographic exhibitions, film festivals, radio clips, television discussions, talk shows to highlight women's issues and provide space for expression (Women and Media Collective 2014). They have prepared manifestos for politicians including recommendations to political representatives on using the media to promote positive images of women (Women's Political Forum 2006).

The engagement of women's NGOs with the digital media has been more extensive. Several women's NGOs, though their outreach and resources were limited, have been in the forefront conducting research, monitoring the media, engaging in advocacy, creating awareness among women's NGOs, community based organisations and grass roots women on new ICTs and training them to participate in the information society. They have used innovative approaches to include women in the information society and to create an alternative space for themselves. Introduction of new ICTs to women's groups and women started at a time when internet facilities had just been introduced to the country and even before state e-Sri Lanka programme was initiated.

However, even up to 2006 their use of ICT was limited and only one women's NGO in Colombo had a web site (Jayaweera, Sanmugam and Wanasundera, 2006). Currently many have their own web presence, use ICTs for data tracking and the social media to create their own news (Kottegoda, 2012). Internet based networking was started and email lists and discussion groups facilitated information exchange, networking and advocacy. Dedicated web sites such as on violence against women (CENWOR 2014) provide essential resources on the types of violence including cyber security.

Collaborative arrangements with regional networks provided capacity building for women's groups and women journalists in the use of technology. They were trained in news gathering and reporting and disseminating information relating to critical issues facing women, especially those that needed global advocacy such as migrant women workers through a regional organisation that had a news syndication agreement with Yahoo World News, Reuters and Associated Press.

At the community level different models of telecentres were set up in several districts and women were trained in the use of ICT for information access and livelihood development. Action research was conducted to study key socio-anthropological and technological issues, while ensuring a 'last mile' ICT delivery and information sharing at the rural community level. Significantly women were 73 per cent of the users but it was found that males were more eager to use ICT facilities than females, even though they did not have prior ICT knowledge (Sarvodaya ICT4D 2007). Village and district information centres using a combination of traditional and digital technology were set up to overcome the infrastructural, economic and social barriers inherent in the rural sector. The participation of women as operators and users was reported to be substantial.

Action research had been conducted with women micro entrepreneurs to introduce and encourage them to adopt mobile technology to manage their enterprises and to engage in online marketing of their produce. It is noteworthy that private sector participation was available for projects of this nature (Wanasundera 2009).

A NGO initiated action research project in Batticaloa, a former conflict affected area in the East, is one of the few documented projects that targeted women in providing skills to use Web 2 tools to promote and enable their 'full participation as citizens' (Kottegoda 2012.). They have been trained to

use mobile technology to create their own news service to be distributed via Frontline SMS to subscribers. The news focuses on what is important for women, news that is marginalised in the mainstream media.

Research has been conducted especially on the new media to highlight the marginalisation of women in the use of ICT in collaboration with a range of institutions both local and regional. In engendering the MDGs new indicators were identified for Goal 8 Target 18 to measure the extent of women's access to new technology (Centre for Women's Research 2007). Research was conducted to measure women's informatisation and gender differences, to develop a methodology for evaluating ICT projects from a gender perspective in collaboration with regional media groups (Wanasundera 2004). Women's groups also participated in the preparatory meetings leading to WSIS in 2003 and 2005.

Media and Violence against Women

The expansion of the digital media makes women and girls more vulnerable to sexual exploitation and violence. Stalking, tracking devices, circulation of sexual images through mobile phones, the use of social media, chat rooms are some ways that are used to perpetrate violence. Although anecdotal evidence point to digital violence, except for an amendment to the Penal Code in 2006 that placed the onus of preventing sexual abuse of a child on the person providing a 'service by means of computer' the focus of laws has been on the prevention of commercial frauds.

The Sri Lanka Computer Emergency Readiness Team Coordinating Centre is mandated to protect information infrastructure and to coordinate protective measures against and respond to cyber security threats and vulnerabilities. In fulfillment of its mandate CERT conducts awareness programmes. While a series of seminars had been arranged for school children on internet safety no programmes on violence against women on line and related vulnerabilities had been conducted. The Sri Lanka Police has set up an Internet Crime Complaint Centre to receive and investigate complaints relating to cybercrime. However, the majority of complaints relate to scams.

Conclusion and Suggestions

A difficulty encountered in conducting a review spanning 20 years is the lack of sex disaggregated data to assess the situation of women in the traditional and the new media. Research on women and the traditional media though not very extensive is available from the universities, NGOs and individual researchers and activists. However, research on women and the digital media, especially on the social media, citizen journalism is almost non-existent.

Since 1995 technological developments have brought about rapid changes giving rise to an information society. Digital technologies have the potential to promote gender equality and women's empowerment and provide space for women's expression but it is also a space where the private becomes the public reinforcing patriarchal structures and making women and girls more vulnerable to sexual exploitation, violence and marginalisation unless proactive measures are taken to overcome them.

The review showed that the participation of women in the traditional print and electronic media as well as the digital media has increased since 1995 and that they have moved into male preserves but the sector continues to be male dominated and the number of women at decision-making levels is very low. Women's NGOs have been in the forefront of integrating women into the new media landscape but their lack of outreach and financial capability as well as the required expertise to engage in governance issues serious disadvantages.

In the print media self-regulatory mechanisms are directed towards achieving high journalistic standards but they lack a gender perspective while agender code of ethics though formulated by the media is not being followed. Gender stereotyping continues both in the traditional and the new media.

Concerted action will be required to achieve the strategic objectives of having equal representation of women at the decision making levels and promoting a balanced and a non-stereotyped portrayal of women in the media and to go beyond to the information society. No state interventions were evident in achieving these two objectives despite its centrality in ensuring women's empowerment and gender equality. A gender analysis has not informed the formulation of policies and programmes while evaluations have failed to understand the underlying patriarchal structures and systemic inequalities that inhibit women's access especially to the new media.

The national machinery has played only a marginal and *ad hoc* role in empowering women through the media and although action plans have been developed the deeper analysis of the new technological paradigm is absent and its engagement with national policy formulation and programme implementation was not evident.

Suggestions for further action that have been reiterated over the years after 1995 need to be implemented. They include

- enacting the Right to Information law,
- approaching 'women and the media' through the broader information society lens and taking into account the recommendations of WSIS,
- including a gender perspective into all policies, programmes and projects,
- incorporating gender into all media training curricula,
- sensitising media institutions including advertising agencies to gender issues,
- improving the professional and technical capabilities of women media professionals,
- establishing media monitoring mechanisms,
- using mechanisms such as the Sri Lanka Press Complaints Commission and the Human Rights Commission of Sri Lanka when women are misrepresented or abused in the media,
- getting the national machinery to take a proactive role to identify emerging issues in the information society,
- collecting sex disaggregated data,
- conducting more research and taking action to eliminate or mitigate vulnerabilities faced by women through the use of digital technology,
- enacting laws to prevent the perpetration of gender based violence in the new media and developing surveillance systems for tracking abuse against women,
- encouraging women and giving them the skills to be in the forefront of technological developments and governance, and
- identifying good practices of NGOs and civil society organisations for scaling up to ensure that all women benefit from the information society.

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K. Women and the Environment

Kamini Vitarana

Introduction

The situation as regards the environment in Sri Lanka, twenty years after the Beijing Platform for Action (BPFA), has to be reviewed in the light of two major events that occurred in Sri Lanka during this period.

The thirty year civil war, which mainly impacted the Northern and Eastern parts of the country caused untold personal and environmental damage. Women and children living in the villages bore the brunt of the devastation wreaked by rocket fire, bombing and land mines, the damage to personal dwellings, forests and water sources. The environment and the people of these areas have still to recover fully from the impact of the conflict.

The tsunami of 2004 is the other human and environmental disaster, which affected the coastal regions from the south west to the south and as far as the north east of Sri Lanka. Approximately 40,000 people died or disappeared and many hundreds of thousands were made homeless. The Beijing Platform for Action adopted at the 4th World Conference of Women in Beijing in 1995 stated, in great detail, the measures to be taken to ensure the achievement of the goals of equality, development and peace for women and girls worldwide. The comprehensive and well considered Platform for Action recognises twelve key areas to be addressed, to meet these goals.

The BPFA was closely linked to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the Convention on the Rights of the Child (CRC) and to Agenda 21 of UNCED 1992. The Beijing Declaration stated 'We are deeply convinced that economic development, social development and environment protection are interdependent...' It further declared 'Equitable social development that recognises empowering the poor, particularly women living in poverty, to utilize environment resources sustainably, is a necessary foundation for sustainable development' and added that 'women have a vital role to play in environmental management.'

Strategic Objectives

- K 1.** Involve women actively in environment decision-making at all levels.
- K2** Integrate gender concerns and perspectives in policies and programmes for sustainable development.
- K3** Strengthen or establish mechanisms at national, regional and international levels to assess the impact of development and environment policies on women.

In each of these sections there is a further elaboration as to what the government should do and what non-government and other organisations should do to achieve the objectives set out.

i) National Plan of Action for Women in Sri Lanka

Returning from the Beijing Conference in 1995, the Ministry responsible for Women's Affairs (Ministry of Transport, Environment and Women's Affairs, 2008) went on to formulate a National Plan of Action for Women in Sri Lanka to implement the Beijing Platform of Action. This was operationalised through the National Committee on Women (NCW) with inputs from State Agencies and non-governmental governmental organisations working with women. In 1995, 56 focal points were identified in the other government departments which related to the subjects included in the National Plan of Action-Sri Lanka. Of the twelve different categories of the Beijing Plan of Action, eight were included in this National Plan, one of which was Women and the Environment, which is discussed here. The National Plan of Action was updated many times in the last 15 years and the last accepted Plan was 2009-2013. The latest (2013) drawn up by the present Ministry has been accepted by the Cabinet in 2014, but with the observation that no fresh Treasury allocation is necessary because these are already incorporated in the budgets of those Ministries. The activities spelt out in the 1996 Plan are examined here to see how much has been achieved or lost in these 20 (18) years.

Goals (Targets) in the National Plan of Action for Women

- i. Improve access to natural resources for women
- ii. Reduce environmental hazards by reducing excessive use of agrochemicals
- iii. Eradicate water pollution due to poor sanitation and industry
- iv. Reduce to a minimum vehicular air pollution
- v. Reduce garbage production (by reducing and recycling)
- vi. Improve the home environment, for example by reduction of indoor air pollution

- vii. Involve women in planning levels both at local government and higher decision making levels and as was stated in the Beijing Platform for Action.

We also consider the Millennium Development Goals which are relevant to the section on Environment in the BPFA.

1. BPFA goal K1 is to: Involve women in environmental decision making at all levels (National Plan of Action, Sri Lanka section viii). Let us consider if there have been any improvements in the 18 years since 1995.

In this review, women decision-makers, or their absence in Ministries and Departments relevant to environment will be commented on including the Ministry dealing with Women's Affairs as it is a key player in implementing-the Platform for Action including environment. It should be noted that in state Boards and Corporations there is generally a Chairperson and a Board of Governors appointed by the Minister in Charge, while the Chief Executive is selected from the ranks on merit.

The Ministry of Child Development and Women's Affairs

In 1996 when the National Plan of Action was drawn up, the Minister in Charge, the Secretary to the section dealing with Women's Affairs and the Assistant Secretary were women. It was this combination of women at the decision-making levels that made it possible to forcefully pursue the implementation of the Beijing Platform for Action at that time. That is not so today and women are not at the very highest decision-making level in the Women's Ministry as the Minister as well as the Secretary are men.

Women and the environment are not priorities in this Ministry.

b. The Ministry of Environment

- In 1995 the Ministry of Environment (MOE) was linked to the Ministry of Women's Affairs and Transport. It became the Ministry of Environment and Natural Resources in 2000. The Ministry of Environment is today known as the Ministry of Environment and Renewable Energy. Its activities have expanded considerably since 2000 and cover practically all aspects of environment other than wild life which comes under the purview of a separate ministry. There has been a small increase in the number of women in positions of decision-making within the MOE (Ministry of Environment) since 1995. See Table 1 below.

- However, even in 2014 there were only two women in decision-making positions in the Ministry of Environment and Renewable Energy (Table 1).

Table 1
Ministry of Environment and Renewable Energy-Personnel 2014

Rank	Total	Female
Minister	1	0
Secretary	1	0
Additional Secretary	3	1
Directors General	4	0
Biodiversity Secretariat, Director General	1	1
Climate Change Secretary, Deputy Director General	1	0
Natural Resources Division, EIADDG	1	0
Pollution & Global Affairs	1	0
Sustainable Development Division	1	0
Sustainable Environment Unit Additional Director		
Natural Ozone Unit-Director	1	0
Policy Planning-Director	1	0
Haritha Lanka Project Director	1	0
Sustainable Biomass Utilization Project	1	0
Sustainable Energy Authority DG	1	0
Marine Environment Protecting Authority DG	1	0
Geological Mines Survey-DG	1	0

Source: Ministry of Environment, 2014

In 1995 the MOE did not have all these sub sections and the directors were limited to one Director and one Deputy Director who was a female. The Ministry expanded further in the year 2000. However, we see only two women at the 'decision making' levels. There is no planned decision to have gender parity at these levels. Promotion is expected to be through seniority and ability. However appointments can be made by the Minister in charge, if she/he so wishes.

Two other important institutions come under this Ministry. They are the Central Environment Authority and the Forest Department.

The Central Environment Authority

The Central Environment Authority (CEA) was set up in 1981 under the National Environment Act, No.47 of 1980 amended in 1988 as Act, No.56 of 1988 and further amended as Act, No.53 of 2000. These amendments were extremely important as they gave regulatory powers to the CEA to protect and manage the environment.

The three functions that the CEA performs are:

Environment Protection through eradicating environment pollution by the granting of Environment Protecting Licenses (EPL). At present only 50 per cent of industrial establishments conform to the Environment Protection Act (EPA), but there is a drive to increase this number to 80 per cent.

Environment Management to ensure that all large scale projects that are to be implemented are subject to an Environment Impact Assessment (EIA) and smaller projects are to be subject to an IEE (Initial Environment Examination.)

Environment Education—CEA Brigades or Pioneer Programmes have now been established in 6,000 of the 9,000 schools in the country. The intention is to expand them to all the schools. These brigades are educated in environmental awareness and engage in environmentally positive activities. In 1995 under the Environment Action Plan (EAP) the cadre was nearly doubled with corresponding increase in the number of female employees.

Table 2
Central Environment Authority Personnel - 2014

Rank	Total	Female
Chairman	1	0
Board Members	3	0
Directors General	1	0
Deputy Directors	5	4
General and Directors	30	
Assistant Directors	19	NA
Senior Environmental Officers	83	NA
Environmental Officers	395	NA
Total Officers	726	NA

Source: CEA, 2014

The table shows the activities and the organisational structure of the CEA. In 2014 the Director General was a woman professional who had risen from the ranks. When she retired in 2012 she was replaced with a non-professional male. The Chairperson is also a male political appointee and therefore there are at present no professionals or women at the helm of the CEA.

In 2014, of the five Deputy Directors General in charge of sections, four were women. The Director of the Environment Impact Assessment Division is a woman. This is a very important tool for

environment protection and sustainable development. However, the gender aspects of EIA which are being addressed in some countries such as the Netherlands are not being addressed by the CEA. As a regulatory body, the Central Environment Authority requires a strong legal department. The Legal Director at present is a woman as is the Director of Laboratory Services. The laboratory analyses waste water and air from factories and checks that they conform to the regulations.

The CEA has nine Provincial Offices and 13 District Offices having a cadre of 1,151 but only 762 employees. According to the Deputy Director, Administration, out of the 991 cadre in the CEA, 840 are women. It was stated that there was no a conscious decision to recruit women. The explanation provided was that men do not apply for government jobs where remuneration is poor as compared with the private sector and that women prefer the security and steady working hours of a government or a semi government job.

The Forest Department

Set up in 1887 during the colonial period, the primary function of the Forest Department was, until 1995 when a new forest policy was formulated, to protect and systematically manage forests as a source of timber for the government. The new policy changed the view of forests as an economic resource to a recognition of their ecological value and importance as water catchments, and as repositories of biodiversity, necessary for the maintenance of a sustainable environment.

The Conservator General of Forests heads this department and has three conservators, five deputies, an Assistant Conservator and five Directors. In 1995 there was one woman in a managerial position as Assistant Conservator Administration working in the office and one field officer as District Forest Officer. In 2014, the situation had improved marginally and there is one Assistant Conservator of Forests and two Divisional Forest Officers who are women.

Table 3
Forest Department Personnel (The Number of Approved Cadre
Positions, 2005)

Rank	Number of Approved Positions	Women
Conservator General of Forests	01	-
Conservator of Forests	03	-
Deputy Conservators of Forests	05	01
Assistant Conservator	01	02
Directors	05	03
Chief Research Officer	01	-

Source: Forest Department

Ministry of Wildlife Conservation

This Ministry has one Department-the Department of Wild Life Conservation. There are no women at decision-making levels in this Department.

The Ministry of Power and Energy Resources

The Ceylon Electricity Board is the sole supplier of electricity to the country. Its activities affect the environment when rivers are dammed to form reservoirs, inundating villages and shifting communities wholesale to other locations. Women have not been consulted when such decisions are taken. However such large scale relocation has not taken place since 1995. Today, the Minister is a woman lawyer. There has never been a female Chairperson in the Ceylon Electricity Board though there was a woman General Manager in 2009 promoted on seniority and ability.

The Ministry of Irrigation and Water Resources

Under the Ministry of Irrigation is the Department of Irrigation and the Mahaweli Authority, which together are responsible for all the irrigation works in the country. All irrigation projects, other than the Mahaweli project, come under the purview of the Department of Irrigation. The Department has 14 regional offices each under a Chief Engineer under whom are the irrigation engineers.

Department of Irrigation

Table 4
Department of Irrigation Personnel-2014

Position	Total number of Officers	Number of Women
Director General	01	01
Deputy Director General	04	01
Chief Finance Officer	01	01
Directors	08	03
Chief Irrigation Engineer (Class 1)	35	10
Divisional Irrigation Engineer (Class 11)	56	06
Irrigation Engineers	220	19
Mechanical Engineers	17	04
Engineering Assistant	NA	75

Source-Department of Irrigation, 2014

For the first time in its history a woman was appointed in 2014 as the Director General of the Department of Irrigation. Three of the Directors in the Ministry of Irrigation are women. Two of the five Additional Deputy General Manager's posts are held by women.

The Director of the Irrigation Management Division in the Ministry, the section which deals with farmers and their problems is also a woman. It would seem then that the position of women in decision making within the Ministry of Irrigation is significantly better than in other relevant ministries.

Since 1995, there has been an increase in technically educated girls eligible for posts in the environment and engineering sectors. Disaggregated data from the Department of Census and Statistics (DCS) show a steady increase in the number of women seeking to be engineers, in contrast to the situation twenty five years ago. There are also a number of middle level female technical officers in this Department who work in the field and interact closely with the women farmers in the rural sector enabling them to also have their voices heard.

The Ministry of Water Supply and Drainage

This Ministry is responsible for the provision of pipe borne drinking water in the country. The major activity of the Ministry is carried out by the National Water Supply and Drainage Board, a Statutory Board.

There is also the National Community Water Trust consisting of Community Based Organisations (CBOs) and other organisations with rural water supply schemes. The office bearers of the CBOs are often women where they can have a voice in decisions-making at local level.

Table 5
The National Water Supply and Drainage Board Personnel-2014

Board Grade	Designation	Total	Female
1	General Manager	1	0
	Additional General Manager	9	1
2	Deputy General Manager(05 assigned as Project Directors)	26	6
3	Assistant General Manager(14 assigned as Project Directors)	59	7
4	Managers	28	3
4	Chief Engineer(Civil, Mechanical, Electrical, Electronic) (04 assigned as Project Directors)	146	25
5	Senior Engineer (Civil, Mechanical, Electrical, Electronic)	24	6
6	Engineer(Civil, Mechanical, Electrical, Electronic)	339	91
7	Chemical Engineer I	1	0
8	Hardware Engineer I	10	1
9	Computer Engineer I	0	0

Source: National Water Supply and Drainage Board, 2014

Women in decision making at the higher levels of government agencies shown in the narrative so far indicate

- that a number of women professionals are being recruited into the government service-not only into the environment field. In 1995, these women were entering employment in new areas such as the relatively newly formed Ministry of Environment and as engineers in the much older Department of Irrigation. They are being recruited on the basis of their qualifications and ability.
- The lack of female officers in the Forest and Wild Life Departments can be explained by the fact that these Departments require officers to be stationed in remote areas. It is possible that considerations of physical safety, women's role as the primary care giver in families influenced both applicants and recruiting officers.
- In decision-making at the local levels, there are opportunities for women in community forestry and CBO managed water supply systems. These also existed in 1995. In 2014 there are many more CBOs involved in water schemes and women taking part in afforestation programmes.
- In the private sector, though no in depth study was carried out the same criteria of qualifications and ability prevail. But here one has to be prepared to work long hours if necessary. There are therefore a fewer number of women in private sector top executive posts, particularly if they have families to care for.
- It is seen that there is no policy of affirmative action in the Government or private sector for the recruitment of women. There is no recognition that it is necessary to have women in the cadre. At the same time, there is no visible gender bias in recruiting women. If such a bias is seen (very clearly), it can be appealed against and reasons have to be given by those who recruit as to why a woman who was competent was not recruited. But such confrontation is rare.
- It was evident that men disliked talking about a gender policy. *"This is not necessary", they say, "...women have the same chance as the men to come to the top if they are as good."*

K2 Integrate Gender Concerns into Policies and Programmes for Sustainable Development

While policies and programmes for sustainable development have been put in place in Sri Lanka in the last 25 years with the establishment of the Ministry of Environment, a gender analysis had not preceded the development of such policies. Any such policy considerations have been mainly through the intervention of non-governmental organisations. Gender was brought to the fore in 1996 after the Beijing Platform for Action. The Ministry of Women’s Affairs drew up a National Plan of Action. One of the major concerns was the access of women to natural resources. This was on the basis that in less developed (third world) countries, free access to natural resources such as water, fuel wood, supplementary food stuffs and medicinal plants were essential for poverty alleviation. This is very much so in Sri Lanka where 75 per cent of the people live in rural areas which has 87 per cent of the poor. As the section on poverty will show, the rural sector has the second highest percentage of poor households, after the estate sector. While the estate sector women have access to employment they have no access to free natural resources, while villagers in remote areas have very little access to employment. Therefore access to free natural resources is vital for poor rural women as well as for those in the estate sector.

Table 6
Poverty Headcount Ratio and Percentage of Poor Households
based on the Official Poverty Line by Sector

Sector	Poverty Headcount Ratio				Percentage of Poor Households			
	1995/96 (a)	2002 (a)	2006/2007 (b)	2009/2010(c)	1995/96 (a)	2002 (a)	2006/2007 (b)	2009/2010 (c)
All Island	28.8	22.7	15.2	8.9	24.3	19.2	12.6	7.0
Urban	14.0	7.9	6.7	5.3	11.0	6.2	5.0	3.8
Rural	30.9	24.7	15.7	9.4	25.9	20.8	13.1	7.5
Estate	38.4	30.0	32.0	11.4	32.2	24.3	25.8	8.9

Source: Department of Census and Statistics, 2012.

Women’s Access to Natural Resources

Access to Forests

For tropical countries that depend on agriculture, forests are the life blood of the farming families. While protecting soil, water and biodiversity and timber resources, forests provide fuelwood as well as supplementary food and medicinal requirements for the rural poor, particularly women, who have to find these resources.

The Department of Forestry together with the Department of Wild Life Conservation is responsible for almost the entire forest cover of the country. The forest cover, which was 30.4 per cent in 1999, is estimated to have reduced to 29.07 per cent. The Department of Wild Life Conservation has responsibility for forests in National Parks and Sanctuaries and these are not legally available to the general public and therefore for women.

The Millennium Development Goals (MDGs) to be achieved by 2015 are consistent with the goals of the BPFA. Goal 7 of the MDGs is to Ensure Environment Sustainability. Target 9 of this goal is - No loss of forest cover by 2015.

According to the Forest Department and the DCS figures shown, there is only a small loss of both dense forest and sparse forest. However, a number of privately owned forests are being lost due to development activities of one type or another. Although forests in lands over 5000m cannot be cleared, irrespective of the owner, this rule is not always observed. It is also on record that politicians are often asking for forest land for settlements.

Forests in the Northern and Eastern Provinces were not cleared during the years of conflict, but after the end of the conflict, forests in the Northern area have been cleared for roads and settlements. Forests are also being inundated by new reservoir schemes. Recently, forests in the north in the Padaviya area, home to many animals such as leopard and sloth bear, and gazetted as protected by the Forest Department have been given for settlements. The mangrove wetlands near cities are fast being filled up for settlements. The country report on the Millennium Development Goals (UNDP 2010) confirms that there is a (steady) decline in forest cover. A decline in forest cover means that forest resources available to poor rural women are reduced thereby increasing the hardships they face.

The Forest Policy of 1995 recognised: 1. the conservation of forests-to maintain the ecology, biodiversity and soil conservation-which cannot be used for any purpose other than research; 2. forests, which are to be used for felling mature timber (by the Timber Corporation); and 3. forests where people may enter and take non-forest products for their use. These forests could be managed with people's participation, such as helping in replanting, setting up nurseries. Women play a role in these activities.

The Forest Department has the following projects in which women play an important role today. Earlier too there were community forest projects where women participated. But today with increased education among women participants and environmental considerations given prominence in the media, women, according to a field officer of the Forest Department, provide inputs into these projects.

➤ **The Community Forestry Programme**

The Community Forestry Programme is being implemented in the Dry Zone of the country and involves communities living adjacent to forests. The project seeks to enrich the buffer zone between forest and community; to reduce deforestation; and to reduce poverty among the communities. Communities have nurseries of forest plants where the Department supplies the plants to be looked after by the community, which they buy back to plant in the forest. The community is also involved in the planting. Training is given in income generating activities such as weaving, making food from kitul treacle and also assistance with marketing.

Although women have not been targeted as beneficiaries in this project, according to officials, at least 75 per cent of the members of the societies are women. These women are also consulted on how the project can be taken forward. There are now 107 community forestry societies. It was not possible to obtain data on the number of women who are in positions of authority in the societies. However such data should be available soon, as the Department is in the process of disaggregating available statistics. This project is funded by AUS AID through UNDP. Very recently, UNDP has advertised for a Gender Specialist for this programme, which is good news.

➤ **Home Garden Development Programme**

The Forest Department has a Home Garden Development Programme. Home gardens could be described as a garden surrounding a dwelling place and having a diversity of plants and animals. This is a well-developed agro forestry system in Sri Lanka (Forest Department, 2014). Sri Lankan home gardens have a variety of plants that supply supplementary foods, medicines, fuel-wood and timber for the use of the family or for sale. According to the Forest Department they produce 42 per cent of the industrial timber and 27 per cent of the bio fuel requirement of the country. As the home garden is mostly tended by women its produce provides an additional source of income for them.

The Forest Department, recognising the value of timber provides advice and planting material preventing to an extent, the illegal felling of timber from forests. The forest cover (canopy) produced

in these home gardens contribute positively to alleviating the greenhouse effect. They too contribute to alleviating poverty and protecting biodiversity.

Table 8
The Distribution of Home Gardens by Administrative Districts

District	Land Area (ha)	Area	Home Gardens as % of Land Area in Districts
Ampara	450,031	16,245	3.6
Anuradhapura	722,178	56,143	7.8
Badulla	285,673	50,764	17.8
Batticaloa	263,983	14,359	5.4
Colombo	68,469	8,577	12.5
Galle and Matara	292,085	99,000	33.9
Gampaha	141,890	56,884	40.1
Hambantota	262,307	44,922	17.1
Kalutara	164,391	33,156	20.2
Kandy	192,808	61,029	31.7
Kegalle	168,328	46,782	27.8
Kurunegala	489,787	72,892	14.9
Matale	206,050	20,258	9.8
Moneragala	576,763	56,739	9.8
NuwaraEliya	174,109	9,172	5.3
Polonnaruwa	344,988	36,180	10.5
Puttalam	315,848	64,747	20.5
Ratnapura	327,034	56,462	17.3
Trincomalee	267,991	14,083	5.3
Total	5,714,713	818,394	14.3

Source: Ariyadasa, K.P. Dept of Forestry, 2002

Wetlands

Sri Lanka has different types of wetlands:

- The inland natural freshwater wetlands are the flood plains formed by rivers such as the Kelani and Mahaweli and the land surrounding the ‘Villus’ seen in the North western region, particularly in the Wilpattu national park area. These are important for flood protection and biodiversity. Wetlands close to large cities are at risk where there is a tendency to fill them up for housing, as has happened and is happening in and around Colombo.
- Marine and saltwater-wetlands (mangroves) near estuaries and along the coastal areas. These are breeding places for fish and prawns and are a source of supplementary foods and fuel wood for women in the communities living nearby. Many of the mangrove wetlands were destroyed

when prawn farms were established. However, later when prawn farms were destroyed the waste water could not support life and the area had to be abandoned.

- Some of these wetlands are being protected under the Coast Conservation Act. Additionally six wetlands are protected under the Ramsar Convention including the Wilpattu National Park.
- Wetlands are important for flood protection and providing breeding grounds for fish and prawns, for fishing and retention of biodiversity and important to the communities that live alongside them. They should be protected, not destroyed.

Although women are not consciously included in the programme, NGOs, the Ministry of Women’s Affairs and the National Committee on Women, and donor agencies such as the ADB- have facilitated in the participation of women in community development forestry and home gardening programmes.

Access to Energy

Fuel wood is obtained for cooking from forests, very often from sparse or degraded forests, by the rural poor. All forests, particularly those under the Ministry of Wild Life Conservation and most forests under the Forest Department are not available for collecting fuel wood. When the available forest steadily declines, so also does the supply of fuel wood. However, biomass is still available and collected for cooking. Biomass, as referred to in energy terms, is made up of crop residues from plantations such as rubber, coconut, privately owned tea plantations, home gardens and degraded forest land. It is the task of women to collect this biomass for their domestic cooking. The availability of biomass is important for the poor. However, the biomass supply has been declining since 1996, as shown in figures 1A and 1B below.

Figure 1A

Primary Energy Supply-1996 and 2001

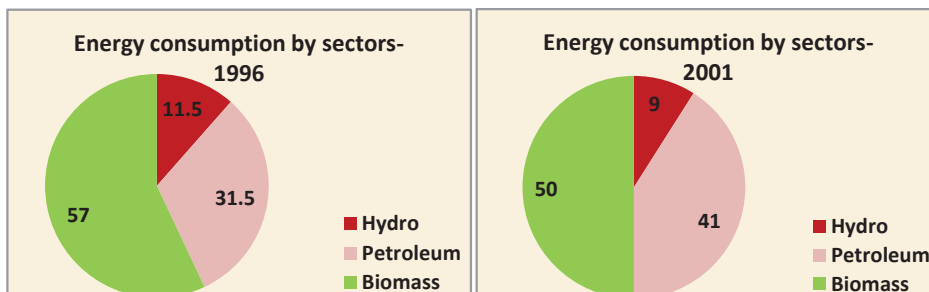
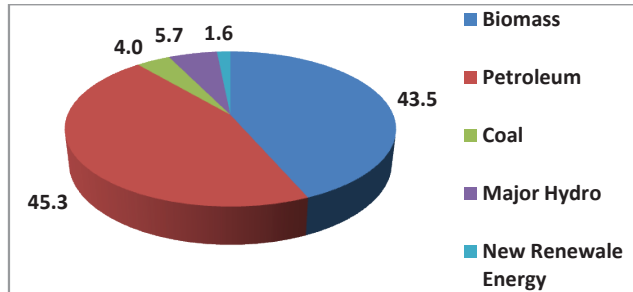


Figure 1B
Primary Energy Supply-2012



Source: Energy Conservation Fund

Sri Lanka has no fossil fuel deposits and electrical energy is available from basically three sources- hydro power (including mini and micro), imported petroleum and a small amount from renewable resources. A fourth source was added in 2011 with the setting up of the first coal powered plant in Norochchalai. There are fears that coal powered plants increase air pollution unless stringent anti-pollution measures are put in place. Imported fossil fuel (petroleum) is the main source for power generation and transport, kerosene is used for cooking and lighting. Some gas also is used for cooking.

However, biomass remains the main supplier of energy for cooking. Although it is recognised that 75 per cent of the population, even in 2012, used solid fuel for cooking there has been no attempt by the Government to increase this supply by establishing plantations for this purpose. Poor rural women, collect solid fuel from their own home gardens, from hedges, coconut and rubber plantations, if there are plantations nearby. They also collect fuel wood from degraded forest land or by illegal entry into forests, private or government. For women on tea estates, plantation discards and small forest patches provide the fuel wood. The urban woman uses gas or buys fuel wood from a vendor.

Forest degradation is caused by illicit felling by timber merchants and also fuel wood suppliers, who cut the smaller trees. The women who go into the forest in search of fuel wood, have said "...we were careful to take only the deadwood. Also if we gathered mushrooms or other produce we only took what we immediately needed. We knew we had to come back again for fresh supplies". (Vitarana 1996). This is a good example of women's attitude to taking natural resources from the wild. 'Take only what you immediately need'. This attitude is necessary to achieve sustainable development.

Rain forest in the wet zone is also lost to those who surreptitiously extend their tea or rubber plantations into the forest. Involving women in forest protection is a good strategy to pursue because of their concern for maintaining forests.

Fuel efficient stove programme

Recognizing the wasteful method of fuel wood use in the hearth in Sri Lanka, the health hazards and respiratory health especially for women and children when biomass is used in open fireplaces in poorly ventilated houses, and recognising that an increase in population and a reduction of fuel wood would cause serious problems, an attempt was made to devise a more efficient stove by a NGO (Sarvodaya) and the Ceylon Electricity Board. They designed and produced a cheap fuel efficient clay stove that any potter could be trained to manufacture. A NGO-Integrated Development Agency (IDEA) helped to train potters to make and market the stove. These stoves are popular and available for purchase in every small town and, according to IDEA, approximately 20,000 stoves are produced and sold monthly.

Lighting/Electricity

Figure 1A and 1B above indicate that as compared to hydropower the share of petroleum as a source of energy has increased from 1996 to 2011. This increase in the use of petroleum could be attributed to the extension of electricity to the rural sector as well as to the urban sector and the consequent increase in demand and the exhaustion of major hydropower options.

Table 9a

Percentage Distribution of Households by Principal Type of Lighting -2006

Sector	Electricity	Kerosene	Solar power	Other
Sri Lanka	80.4	17.2	2.4	0.1
Urban	94.2	5.8	0.1	0.0
Rural	78.8	18.2	2.9	0.1
Estate	67.0	32.0	1.0	0.0

Source: Department of Census & Statistics, 2008

Table 9b

Percentage Distribution of Households by Sector-2012/13

Sector	Electricity	Kerosene	Solar Power	Other
Sri Lanka	88.9	10.1	1.0	0.1
Urban	97.0	2.7	0.3	0.1
Rural	87.5	11.3	1.2	0.4
Estate	82.8	16.9	0.2	-

Source: Department of Census & Statistics, 2013

In 2012 electricity was available to 88.9 per cent of households in the country with the supply of electricity increasing by 3.6 per cent to reach 85.3 per cent in 2009/2010 (Table 9b). The stated goal of supplying electricity to 100 per cent of homesteads by 2014, would mean not only the convenience for lighting, but also for the use of household appliances which have reduced the drudgery of domestic work for women thus improving the quality of life of the entire family, especially for women and children.

Renewable energy

While in 1995 renewable hydro energy played a major role in the supply of electricity, Fig.3 above, today with the increase in electricity supply to houses, petroleum is the major fuel used to produce electricity. Other renewable methods are being tried such as mini hydro, solar and wind power and Dendroenergy. Solar power accounted for just 0.7 per cent of energy supply in 2012.

Attempts have been made by women's NGOs to produce energy from renewable sources. The Wilpotha Women's Savings Effort had a large biogas and fertilizer plant which served all their members. This no longer functions as grid electricity is now available in the area. A NGO in the south that attempted to provide energy from wind power had to abandon the project due to high cost of solar panels. The possibility of obtaining less expensive solar panels from India is being looked at.

It was found that if the electricity from the grid became available in an area, people tended to abandon the renewable energy source and opt for electricity from the grid because of the possibility of using appliances, which was not possible with the latter. This has meant the loss of investment on renewable sources. Dendro power is another resource being actively pursued by some entrepreneurs. Today it is possible to sell the electricity produced from renewable sources to the national grid. This could impact positively on renewable energy production.

Access to Water

As early as in 1990 the United Nations Environment Programme stated that *"...women should not be excluded from decision making processes concerning water and sanitation"*. What is the position in 2014 in Sri Lanka?

Gender concerns regarding women and water management have been discussed more than any other resource, as women's responsibilities for water supply and management in the home has come to be widely accepted. Since the commencement of the Water Decade, and the World Bank

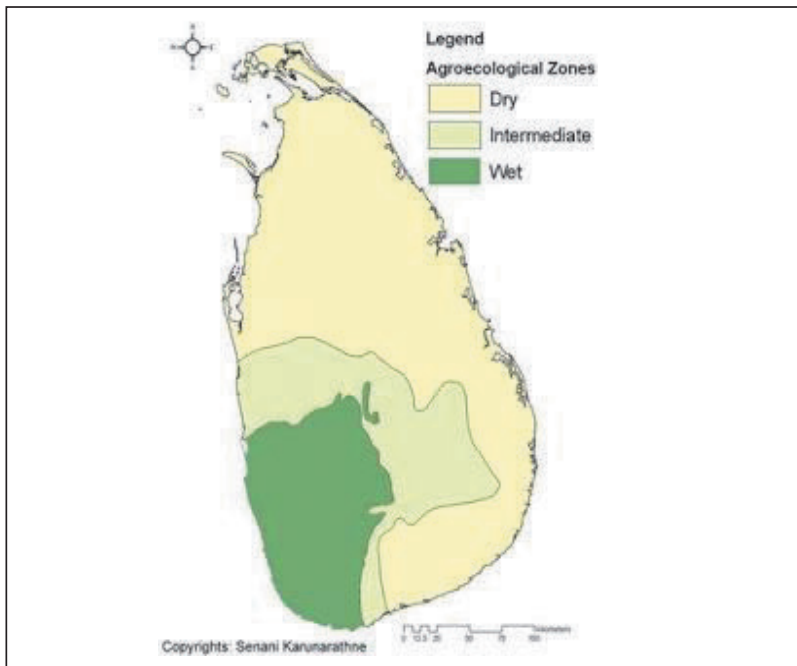
funded Water Supply and Sanitation project in which the NGO Water Decade Service, which was primarily a women’s NGO, played a major role. The Centre for Women’s Research (CENWOR) has conducted awareness programmes on this subject (1994). Studies relating to women and water are numerous indicating the important role that women play in water management.

There are 103 river basins, the rivers flowing from the central hills to the coast. The major rivers are found in the wet zone and others such as the Mahaweli and the Walawe arise in the central hills and reach the sea in the dry zone. Many of these larger rivers are dammed to form reservoirs which store water for irrigation or power generation or both.

The country is divided into a wet and dry zone. The wet zone in the southwest with the central hills has an average rainfall of about 2500mm spread throughout the year. Women in the wet zone can obtain a perennial supply of water from springs, streams and rivulets and dug wells.

The dry zone, mainly in the north and north east of the country has about 1500mm of rainfall, which falls within 3-5 months of the year, remaining dry in the other months. An intermediate zone is recognised between these the wet and dry zones (Fig 2).

Fig. 2
Map of Sri Lanka showing Wet and Dry Zones



In the dry zone the rainwater, which falls heavily during 3-5 months of the year, is stored in man-made reservoirs also known in local language as *wewa* or tank and mainly used for irrigating rice fields. A complicated system of canals provided agricultural and washing water for countless villages in the area. This system, which was put in place many thousands of years ago, fell into disuse, but has been revived in the last century and forms the water source for agriculture in the dry zone. Each village in the dry zone is associated with a tank/*wewa*, which also is used for irrigation and washing and bathing by the local population. It is also a source of drinking water when dug wells often dry out during the last months of the dry season.

Ground water is a precious resource found in so-called aquifers in different parts of the country. Those of the dry zone are tapped by tube wells or deep dug wells, when surface water fails and they are a great boon to women who would otherwise have to travel very long distances to find water during the dry season. These water sources must be shared by women. Men will participate in the transport of water if it could be transported at least on a bicycle as it is culturally unacceptable for them to carry pots or pails of water.

The management of domestic water has always been in the hands of women. Any water which is used for washing vegetables or rice or even washing plates is used to water a plant. This careful management of resources is known in the Sinhala language as '*araparissama*' and is much appreciated. Women's role in the frugal and careful management of resources reinforces the call to include women in the national discourse on water management when water is a dwindling resource.

The Ministries of Irrigation and Water Resource Management and the Ministry of Water Supply and Drainage are the two Ministries responsible for water management. The Department of Irrigation under the Ministry of Irrigation and Water Resource Management has all the reservoirs(tanks)other than those that come within the purview of the Mahaweli Authority. The anicuts-smaller water systems, which direct water to paddy fields; flood protection schemes; coastal salt water exclusion schemes; and new reservoir (tank) projects are also managed by these two agencies. There are 14 regional centres which are in charge of a Chief Engineer under whom the irrigation engineers work. Earlier studies show that apart from female irrigation engineers, there are a large number of female technical assistants who are welcomed by the women farmers (Vitarana 2007).

The present Director General, a woman who joined the Department in the 1980s is gender conscious having been in an organisation of women engineers who sought to bring women into water management.

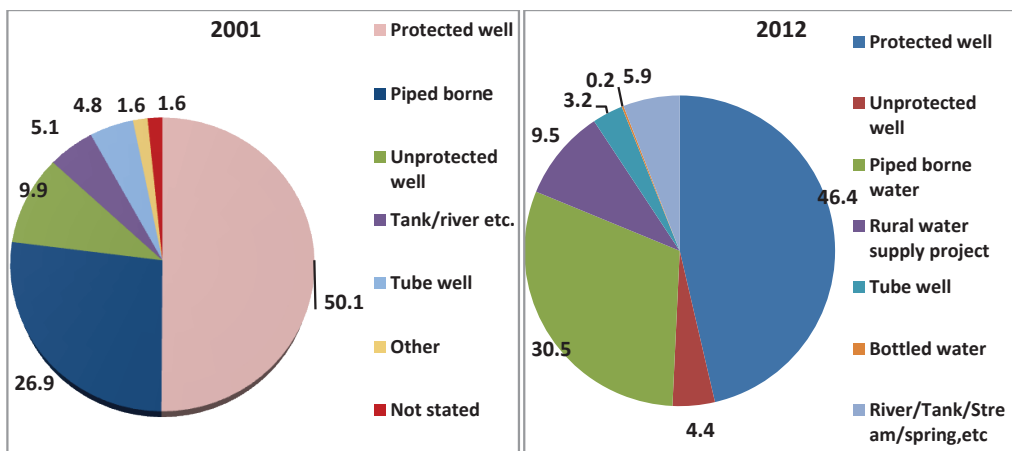
All irrigation schemes (even those under the Mahaweli Authority) have farmer organisations which have a say in water management to the fields and many other matters which arise for farmers. Both male and female farmers, depending on ownership of the paddy field, are eligible for membership in the farmer organisation. Although women are encouraged to take a leading role in these organisations, they are reluctant to take up positions that require much time due to domestic responsibilities. However, in many organisations the post of treasurer is filled by a woman. It is accepted that women are more careful in keeping accounts and money.

Drinking Water

For a woman, water is the most important natural resource to have within easy reach. It is a woman’s responsibility, be she urban or rural to have a supply of clean water in the house for drinking and for cooking. Water for washing and bathing could be obtained from a stream or a wewa (tank). Drinking water is obtained from pipe borne sources (mainly urban), dug wells, springs, tube wells, and where these are not available, from streams, rivers and wewa (tanks) especially in times of severe drought. It is well documented that women have always been and are still at the forefront (and form the majority of members) of NGOs, CBOs and of campaigns for the supply of safe drinking water.

Drinking water sources

Fig 3
Percentage of Households in Occupied Housing Units by Source of Safe Drinking Water



Source: Department of Census & Statistics, 2001, DS 2012

The National Water Supply and Drainage Board which supplies pipe borne drinking water to all areas of the country, except to some of those managed by community based organisations, come under the Ministry of Water Supply and Drainage.

While pipe borne water is a boon for the urban woman, the rural poor, if they do have a rural water supply scheme, must look after their water needs themselves.

National Water Supply and Drainage Board

In 1995, the National Water Supply and Drainage Board supplied water to 4.8 million people. In 2012, 5.587m people were supplied (National Water Supply and Drainage Board, 2014). Of the balance, 50 per cent obtain drinking water either from protected or unprotected dug wells. Ground water is also obtained from tube wells especially in the dry zone under drought conditions and from rural water supply schemes.

Table 10
Increase in the Number of Households supplied with Pipe Borne Water
2010- 2014 (National Water Supply and Drainage Board 2014)

Province	Number of Households
Western-Central	205,568
Western-North	269,521
Western South	156,481
Central	248,312
North Western	89,111
North Central	116,443
Sabaragamuwa	76,246
Southern	282,952
Uva	68,201
Northern	16,280
Eastern	239,233
Total	1,758,348

Source: NWSDB

The other activity of the Ministry is supervising the community based rural water supply systems, which are managed by the CBOs. All the projects funded by different donors are all registered with the National Community Water Trust of the Ministry.

National Community Water Trust

There are a number of rural community based organisations that have water supply systems to suit a small community. These have been organised by different organisations, for example the Community Water Supply and Sanitation Project funded by the World Bank and carried out with the

assistance of the NGO, the Water Decade Service. These are all now registered under the National Community Water Trust. The Trust is handled by a Board of Trustees of which the Secretary to the Ministry functions as the Chairperson. Members of the Board include representatives of the Treasury, the Ministry of Local Government and Provincial Councils, the National Water Supply and Drainage Board, an official from the Ministry and other appointed members. There are three representatives from the CBOs. These may or may not be women. (Nowhere is it suggested that at least one of the representatives should be a woman). There are no female officers handling the day to day operations of this organisation. However, the CBOs themselves have many women officers, as we see below.

The Ministry, through this Trust, is also responsible to prevent the degradation of watersheds, the destruction of which will cause a loss of water countrywide. This is a positive step to conserve water resources of the country. Table 12 below gives the number of women who have had managerial positions in these CBOs.

Table 12
Women in Managerial Positions in the National Community Water Trust

District	Number of CBOs	Number of Women Directors	Number of Secretaries	Number of Women Treasurers	Total Number
Gampaha	101	08	40	27	75
Colombo	145	17	81	47	145
Kandy	174	40	85	92	217
Kurunegala	97	13	38	23	74
Badulla	305	38	89	56	183
Ratnapura	242	29	51	12	92
Matale	55	32	41	24	97
Matara	300	118	254	143	515
Anuradhapura	81	08	80	49	137
Hambanthota	94	11	13	06	30
Total	1,594	314	772	479	1,565

Source: Ministry of Water Supply and Drainage, 2014

As can be seen from the table above there is a considerable number of women in managerial positions in these schemes.

Rural Water Supply Schemes

There are at present 2,059 registered CBOs in 23 districts (Table 11). It has been shown in many projects that when women get involved in these projects, empowerment comes naturally.

The Millennium Development Goals

The Millennium Development Goals (MDGs) to be achieved are consistent with the Beijing Platform for Action and should be considered here. Target 07 (UNDP 2010) of Goal 7 of the MDGs, Ensure Environment Sustainability, is to halve by 2015, the proportion of people without sustainable access to safe drinking water and safe sanitation.

Sri Lanka has achieved Target 07 (UNDP 2010), namely drinking water and sanitation. According to the report, 85 per cent of the population has access to drinking water and sanitation and is on target to reach the MDG goal. Of concern however is the recent spread of Chronic Kidney Disease of unknown aetiology, CKDu, in the districts of Anuradhpura, Polonnaruwa and other areas of the Dry Zone, which is being directly linked to drinking water. This is further discussed in the section on Women and Environment related Health Problems.

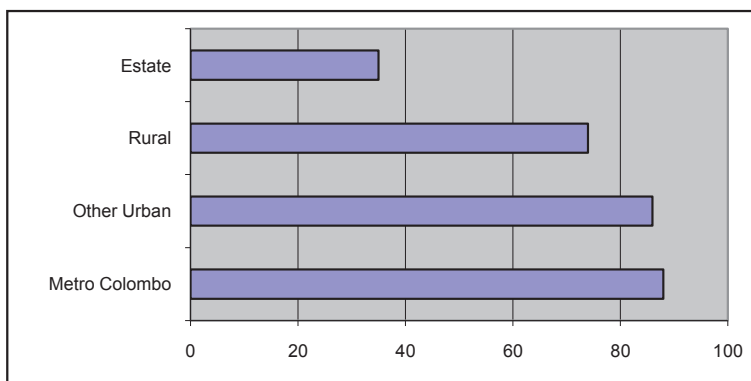
Water Pollution

To achieve safe drinking water it is necessary to remove the causes of water pollution. Poor sanitation leads to water pollution. Target IV in the National Plan of Action says 'eradicate water pollution due to poor sanitation and industry'.

Sanitation

Sanitation is important for people's health and for environmental sustainability. Poor sanitation leads to diseases such as diarrhea that affect especially children and it is doubly important for women as the care of children is always the mother's responsibility. The MDG goal for sanitation in the home has been achieved (UNDP 2010). However, it is necessary to take another look at sanitation in the estates, schools and public toilets.

Figure 4



Source: Department of Census and Statistics, Sri Lanka Demographic and Health Survey, 2000

Table 13
Households by Type of Toilet-1993 and 2000

District	1993			2000		
	Water Seal	Flush	Pit	Water Seal	Flush	Pit/ Bucket
Ampara	NA	NA	NA	50	13	13
Puttalam	45.12	19.47	5.19	66	12	04
Kurunegala	35.18	20.43	21.23	69	10	11
Nuwara Eliya	25	25.8	19.58	41	24	16
Matale	23.8	29	37.85	50	16	30
Kandy	36.3	30.3	24.13	66	18	12
Anuradhapura	16.8	24.2	31.51	48	14	22
Polonnaruwa	21.1	29.16	34.63	56	11	25
Badulla	26.4	22.17	31.19	55	21	17
Monaragala	16.3	13.48	43.42	44	09	36
Ratnapura	35.6	14.61	35.29	66	08	20
Galle	39.5	29.12	15.73	74	13	08
Matara	55.2	15.5	19.53	82	06	09
Hambantota	31.1	12.4	47.47	57	09	30
Kegalle	30.06	25.73	35.62	63	16	16
Colombo	54.36	35.14	11.6	78	17	02
Gampaha	44.26	31.46	16.52	78	14	04
Kalutara	46.24	30.59	10.81	78	14	04
Average	34.26	24.03	25.9	67	14	12

Source: Department of Census and Statistics, 1993, 2000

Table 14
Percentage of Households in Occupied Housing Units by District and Toilet Facilities, 2012

District	Households		Toilet Facilities				
			Housing Unit with a Toilet		No Toilet but sharing with Another Household	Common /Public Toilet	Not using a Toilet
	Total	Percent age	Exclusively for the Household	Sharing with another Household			
Sri Lanka	5,188,047	100	86.4	8.7	2.5	0.7	1.7
Colombo	558,755	100	89.1	6.7	0.8	3.3	0.1
Gampaha	593,317	100	87.4	10.6	1.5	0.2	0.1
Kalutara	300,402	100	90.9	7.1	1.6	0.2	0.2
Kandy	344,681	100	89.3	7.8	2.0	0.5	0.5
Matale	127,884	100	86.5	10.1	2.7	0.2	0.5
NuwaraEliya	177,420	100	80.4	11.2	3.6	1.1	3.7
Galle	269,740	100	89.4	7.7	2.3	0.2	0.4
Matara	204,194	100	90.2	7.0	2.4	0.3	0.2
Hambantota	155,299	100	88.0	8.2	3.2	0.1	0.4
Jaffna	137,503	100	81.3	8.0	4.1	1.4	5.3
Mannar	23,783	100	73.4	10.7	4.3	1.5	10.1
Vavuniya	41,214	100	75.3	9.9	3.1	2.0	9.7
Mullaitivu	24,334	100	62.6	11.7	4.1	1.2	20.4

Kilinochchi	28,304	100	62.1	10.5	5.1	0.1	22.3
Batticaloa	133,795	100	73.9	8.0	5.2	0.3	12.6
Ampara	163,388	100	86.3	7.4	3.6	0.2	2.6
Trincomalee	95,871	100	77.4	12.6	4.8	1.6	3.6
Kurunegala	439,065	100	88.3	8.4	2.2	0.2	1.0
Puttlam	200,784	100	84.5	8.6	3.1	0.6	3.2
Anuradhapura	228,304	100	83.0	11.5	3.3	0.1	2.2
Polonnaruwa	110,476	100	85.1	9.7	3.2	0.2	1.9
Badulla	212,510	100	85.2	10.4	3.2	0.3	1.0
Monaragala	117,935	100	86.6	8.6	2.8	0.2	1.9
Rathnapura	280,581	100	86.6	9.6	3.0	0.2	0.5
Kegalle	218,508	100	90.4	6.6	2.3	0.2	0.5

Source: Department of Census and Statistics, 2012.

The 2012 statistics of the Department of Census and Statistics (Table.14) show that 86.4 per cent of Sri Lankans have their own toilets, which is a considerable improvement over 1995 (Table 13). The improvement is also due to the work of international non-government organisations working together with the government and with local NGOs. For example SACOSAN (South Asian Conference on Sanitation) and UNICEF and other donors work with or through government, chiefly with the National Water Supply and Drainage Board and also with NGOs. While the national MDG targets may have been achieved, SACOSAN and UNICEF point out to the disparities between urban, rural and the estate sectors. Poor sanitation leads to diarrhoeal diseases in children, causing problems especially for women who have to go for work as well as look after the sick children.

School sanitation is another concern for especially because the lack of proper toilet facilities in schools has painful consequences for girls. The boys can relieve themselves in the open, but girls do not do so till they go back home. The older girls have problems during menstruation because even if there are toilets, disposal of sanitary napkins becomes a problem. Consequently girls who menstruate tend to keep away from school. UNICEF has taken this matter up over many years and through the WASH programme toilets are being provided to schools in the more deprived areas that include Uva, Northern and the Eastern provinces. While toilets may be provided maintaining their cleanliness equally important. Principals who have many other problems to deal with may not always consider this to be a priority. It could also be a problem of funds to have extra labour needed to keep toilets clean. It has been suggested that every school should have an environment committee comprising both men and women to look after the school environment.

Water pollution due to industry is the responsibility of CEA. An operating licence can be obtained only if regulations are followed (See Air pollution below).

Garbage

Garbage is a source of soil and water pollution. Target IV of the National Plan of Action is to reduce garbage production. However, this is difficult with an increasing population. The garbage problem has long plagued the Municipal Authorities as they try to find dumps for the city garbage amongst a storm of protests from those living near the proposed dumps. In the last few years composting plants, which produce organic fertiliser are being encouraged. The government is trying to find a solution to this problem under its 'Pilisaru' programme. It is hoped that modern technology will find a solution to this problem. Garbage litter results in flies and mosquitoes producing diseases such as diarrhea and dengue which affect mostly children and therefore becomes a woman's problem.

Air Pollution

The Air Resources Management Centre (Air MAC) is a partnership organisation set up in 2001 to tackle the problem of air pollution. The regulations of the Central Environment Authority regarding industry and issuing of licenses makes it compulsory for all large scale industries to have effluent treatment plants and to regulate the production of polluted air. The CEA hopes to achieve an 80 per cent registration of all industries qualified for registration. Vehicular air pollution has decreased with the insistence of eco-permits for registration and the prosecution of owners of vehicles that emit gas. There is also random checking of exhaust fumes while fines are levied for pollution. The MOE maintains a register of daily air pollution in the city.

All large scale industries are also subject to Environment Impact Assessment (EIA) where air quality is also a concern. Regarding EIA, although the Netherlands Commission on EIA has included gender in Environment Impact Assessment studies, in Sri Lanka Gender EIAs have not been considered.

Air pollution has respiratory consequences especially for children and results once more in an extra burden for women who have to care for them.

Climate Change

Climate change and its consequences are now an accepted prognosis globally. Sri Lanka ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1993. The Ministry of Environment, in consultation with other agencies, has developed a country strategy for meeting climate change problems and set up a Climate Change Secretariat. As Sri Lanka has very low emissions of gases such as carbon dioxide, the strategy is adaptation to deal with climate change.

Climate change will affect the weather patterns and cause more droughts, floods and landslides and result in a rise in sea levels. The greatest effects will be on the coastal sector with a rise in the sea level. However, very recently, Sri Lanka has witnessed a prolonged drought causing a shortage of the staple food, rice resulting in a steep rise in prices and in the hill area, a major landslide that buried houses, killed an estimated 34 persons and destroyed all the houses in the area. Climate change affects the poor more than the rich and poor women who have to feed their families under these difficult conditions.

The Climate Change Secretariat has put out a publication titled 'Strengthening Capacity for Climate Change Adaptation'. Consultative workshops were held on how to cope with climate change. Training and education workshops were also organised. However, there was no mention about training women even though they face the repercussions of climate change. Sri Lanka also collaborates with UN REDD (Reducing Emissions from Deforestation and Forest Degradation) hoping to increase forest cover by replanting and so increase carbon sequestration. In all the discussions on Climate Change the gender dimension has been missing.

Tsunami

The tsunami of December 2004, though a result of a massive earthquake and not a consequence of climate change showed the havoc severe climate change could wreak. It left a horrible trail of disaster in the coastal areas where 35,000 approximately were known to have been killed and another 5,000 persons disappeared. Almost all those who had been affected have been re-housed, but some problems remain. For example, soil salinity affects water from dug wells, drinking water and the cultivation of food crops.

Women and Environment related Health Problems

Indoor air pollution is a health risk for people living in small houses with no separate kitchen and poor ventilation and who use the traditional open fireplace of three stones for cooking. These are the very poor. According to the WHO (2005), indoor air pollution is responsible for approximately 1.6 million deaths per year worldwide. It has taken serious note of this situation and conducted a number of workshops in Sri Lanka and worldwide as a partnership to the Clean Indoor Air project launched by the World Summit on Sustainable Development (Rio+10, 2002). Indoor pollution in Sri Lanka is caused by the burning of biomass fuels such as wood, plantation discard or charcoal in open fires in ill ventilated rooms. Women spend time cooking in this smoke filled area, along with babies and young children who need supervision. This makes both the mother and children susceptible to

respiratory disease. The remedy is to have a hearth with a chimney, to draw the smoke outside the house. Better ventilation in the kitchen is also essential. The clay stove produced by the NGO 'IDEA', described earlier (under Access to Energy), is helpful in taking away the smoke. Housing with ventilated kitchens is the answer to this problem. All house plans in government housing now have good ventilation. As indoor air pollution primarily affects women and children, the state and particularly the Ministry of Women's Affairs should take up this issue as a priority.

Chronic Kidney Disease of Unknown Aetiology

The appearance in the last twenty years of the Chronic Kidney Disease of unknown aetiology-CKDu has been linked to the use of agrochemicals but is not yet scientifically proven. However, the disease, which is linked to drinking water is assuming epidemic proportions. The disease, which was first noted in the Anuradhapura District, has spread to all of the North Central Province, to Badulla and Moneragala in Uva Province and lately to the North Western Province. Although the use of agrochemicals as the cause is not proven, but only suspected, it focuses on K2 of the BPPA and the National Plan of Action Sri Lanka (target ii) which has the goal of reducing environmental hazards by reducing excessive use of agrochemicals. Heavy agrochemical use also increases the concentration of heavy metals in the soil, which reaches water and also yams cultivated in the soil or in the water (nelunala-lotus yam), which are themselves injurious to health and can even be carcinogenic.

CKD(u) disease, which has been linked to drinking water is also a woman's problem although it affects men, women and children. CKD(u) is believed to occur in areas where the water is hard—generally in the Dry Zone where pipe borne water is not available and drinking water is obtained from dug wells, or in the dry periods through tube wells. Drinking water in these areas has been found to have metals like Arsenic, Cadmium and Lead. In some cases glyphosate (found in Monsanto Roundup weedicide), has been found in urine samples of afflicted patients. Obviously the agrochemicals used in the fields are finding their way into the drinking water sources of the people.

The President took steps to ban certain agrochemicals in the country due to persuasion by doctors. This ban however brought protests from farmers and managers of tea estate as there were no weedicide substitutes to fall back on. There are no simple solutions. The Budget of 2014 made some financial allocations to supply safe drinking water to communities in these areas. The Ministry of Water Supply and Drainage already supplies drinking water where possible through the National Community Water Trust using CBOs involved with drinking water projects, to bring safe drinking water to the villages. Women who play a major role in these CBOs are very involved in this effort.

Rain water harvesting is being encouraged in the affected areas as rain water is not contaminated with metals and government is working with NGOs in this effort. For farmers and their families infected with this kidney disease, the outlook is very bleak indeed as the cure is dialysis in hospitals at regular intervals or kidney transplant if a kidney donor can be found. All of which drive the farmer's family into penury. The budget of 2015 has granted some relief, but more help is necessary.

The National Plan of Action 1996 stated '...reduce excessive use of agrochemicals'. This has failed. Agriculture in Sri Lanka could be divided into plantation agriculture carried out on a large scale for export; rice cultivation which is small scale in ownership but planned on a large scale for irrigation inputs; vegetable cultivation, banana cultivation and other fruits, most of which are supplied to urban areas. All these crops now use large quantities of agrochemicals, both as fertilizer and weedicide. Agrochemicals are freely imported and freely used. These are sprayed with hand held sprayers often with little protection for the person who sprays. Women also take to spraying in the absence of a man to do the job. The Lankan farmer is said to be one of the highest users of agrochemicals in the world. He (there are more male farmers than women) uses 284kg per hectare of arable land as against 153kg/ha in India and 163kg/ha in Pakistan (GMOA 2013). The reasons for this are twofold: the discontinuation by the government in the 1990s of the services of Agricultural Extension Officers who gave advice to farmers on cultivation, and the ability now to freely sell agrochemicals in whatever quantity to anybody who wishes to buy, without a permit or any proof that the buyer is a farmer. Traders are free to open up agrochemical shops in any part of the country and to sell to anyone. With no agricultural officers to advise farmers on the use of pesticides, the farmer often turns to the trader for advice. Neither the Registrar of Pesticides nor the Ministry of Agriculture is taking any responsibility for this state of affairs. Men and women are equally involved in the cultivation of vegetables.

Organic Agriculture

In K2 BPFA section 257c international organizations, non-governmental organisations and the private sector are asked to support women's initiatives inorganic agriculture. Organic agriculture is important as it helps to increase the environmental health of the land preventing degradation caused by use of chemicals. Organic agriculture programmes have been around for many years and today there are more organic agriculture projects than before. Recently the Ministry of Ayurvedic Medicine has started an organic agriculture project.

Non-governmental organisations, particularly women's NGOs, have taken to organic farming. Many such organic agriculture projects have been funded over the years by organisations such as the Global Environmental Fund (GEF) Small Grants Programme and other foreign funding agencies. Improved marketing is essential to keep these projects viable. There are also private entrepreneurs in the field.

There is a growing demand for organically cultivated foods and the recent Chronic Kidney Disease has encouraged this trend. But the products are as yet costly and out of reach of the general population. Farmers are reluctant to change from agrochemicals to organic fertiliser fearing a loss of income due to reduced yield. It is to be hoped that with the recent spotlight on the harmful effects of agrochemicals, organic agriculture will receive much needed encouragement from government sources too so as to become a viable alternative for farmers. In the recent budget for 2015, it was stated that there would be some encouragement for organic fertilisers for the tea industry.

International Support for Gender Concerns in Environment

Many foreign funded development projects such as by the World Bank, the Asian Development Bank, and country aided development projects pay heed to the environment and insist on an Environmental Impact Assessment (EIA), but not many insist on a gender EIA, although it is known that women may be the beneficiaries/participants in the particular project. For example, the earlier Community Water and Sanitation project funded by the World Bank was being executed by the NGO Water Decade Service. The recent on-going Community Forestry Project where the majority of participants are women is funded by Aus Aid through the UNDP.

The Global Environment Facility (GEF) has three types of grants the large grants given to the Government and the middle type grants given to the private sector. However, the third type, which is the Small Grants Programme (SGP), has a gender component. There is always a gender representative on the National Steering Committee which is the body that approves the grants. Also, in evaluating projects for grants, more marks are given if there is participation of women. The SGP was set up in 1992 and in Sri Lanka, according to its web site, 350 grants have been given for the promotion of environmental aspects such as biodiversity, prevention of land degradation, and water projects. In the Community Water Initiatives programme at least three of those selected were women's organisations.

It is stated by the National Co-ordinator of GEF/SGP that at least 55 per cent of projects funded by them have a majority of women participants. There are a number of 'women only' organisations assisted by GEF/SGP and of these, two have won awards: the Women's Development Centre, Aranayake and the Sagan Group. The Women's Development Centre is now able to hold their own in international fora and one organisation is a member of REDD (UN Organisation Reducing Emissions from Deforestation and Forest Degradation)committee.

The Work of Non-Governmental Organisations

It can be seen that the government's environment policy has no declared gender policy for environment (positive or negative) in decision making posts or at local level, or in projects, although there are projects that employ or work with a number of women in communities. It is the NGOs, chiefly women's NGOs that have gender positive and women inclusive programmes. Given below are some NGOs that are active in this area.

1. In preparation for Beijing, Sri Lankan women's organisations formed themselves into a Sri Lanka Women's NGO Forum. The Women's Environment Centre, which is part of RukRakaganno, the Tree Society, is a member of this Forum. The NGOs organised a Women and Development conference in 1992 and have conducted activities before and after Beijing to promote the Platform of Action mainly through the media. The Women's Environment Centre through its newsletter published in three languages promoted the Platform and contributed to formulating the National Plan of Action 1995/1996.
2. ***The Sri Lanka Women's NGO Forum*** liaises with and contributes to, the Asia Pacific Women's Watch, which has an ongoing connection with the BPFA.
3. ***The Rain Water Harvesting Forum*** is working in collaboration with the Ministry of Water Supply and Drainage, through the National Community Water Trust, particularly in areas where the Chronic Kidney Disease is prevalent, to provide uncontaminated water to affected communities.
4. ***The Wilpotha Women's Saving Effort***
This NGO has a number of activities such as tree planting, paper making. Many small NGOs get funds from the UNDP Small Grants Programme for community water supply initiatives and for organic farming.

5. **The Sri Lanka Water Partnership**, which is affiliated to the Global Water Partnership, also works to provide training for women to meet climate change problems, particularly with regard to drinking water. Sri Lanka Water Partnership works closely with the International Water Management Institute (IWMI).
6. **NETWater** is a group of women water professionals who organise through the network, capacity building among women professionals, particularly in leadership and advocacy.
7. **The Women's Development Centre, Aranayaka** had a programme where farmers planted different types of yam found in Sri Lanka and so preserved their biodiversity. This NGO won an international award for this work. The Centre has recently been working on water projects.
8. **Association of War Affected Women** is an organisation that has worked on different aspects in the North and East mainly on conflict related programmes including environment.

Conclusion

In the 20 years since the BPFA there has been a considerable increase in environmental activity by the government. The Ministry of Environment (MOE) has increased the scope of its work particularly to cooperate with the international protocols and treaties. The National Environment Action Plans 1-3 (1998), followed by other Action Plans and publications such as *Caring for the Earth* (2003) explain the improvements in environment that have occurred as a result of the work of the Ministry of Environment and its institutions. However, none of these publications has any reference to gender. It can be seen, also in these documents that gender and environment are not considered to be promoted together by the state.

It is seen that academically and technologically competent women have managerial roles in the environment sector while in some organisations such as the CEA, well over 50 per cent of the cadre are women. In the Ceylon Electricity Board and the Central Environment Authority, in 2012, women were the chief executives as it is so today in the Department of Irrigation. Women have moved into these positions because of hard work and efficiency. But achieving these positions by women is as yet rare. Considering the expansion of work in the environmental field, it is surprising that in 2014 there aren't more in the managerial and decision making positions. The sector is as yet male dominated.

The water sector presents a slightly different picture. The gender situation in the water sector is more positive as for many years women and water have been debated internationally and locally. This is seen in the Department of Irrigation with a woman Director General and in the National Water Supply and Drainage Board that has a large number of female engineers.

It has to be mentioned that this preponderance of women engineers, technicians and other employees is due to the education policy of the country where women were able to qualify in science and technology related subjects. The education statistics in university admissions over the years show that the number of qualified female engineers has been increasing steadily.

Not many women are employed in the Departments of Forest and Wild Life where the postings are made to remote areas are likely to restrict women due to the biological and cultural constraints, particularly child care.

In the area in which rural women are concerned, as in the Community Forestry Programmes and Home Gardens (Forest Department) and the Rural Water Supply Schemes in the National Community Water Trust Programmes, the main actors are women. Although not acknowledged, women form a very important part of the conservation of natural resources, particularly the forest and canopy cover, and the provision of safe drinking water.

Where energy for cooking is concerned, biomass plays a major role. In lighting there has been a substantial increase in the number of families receiving electricity. The use of petroleum has increased over hydropower and coal is being looked at as the supplier of cheaper energy. There is a long way to go to achieve reasonable sources of renewable energy. It has to be stated that the increase of electricity (lighting) to large numbers of homes has improved the quality of life of women and children.

Regarding sanitation there is an appreciation that the Millennium Development Goals will be met if not already so but the provision of sanitation to schools and estates should be pursued. The MDGs also refer to the maintenance of forest cover, which according to UNDP (2010) is in steady decline. Obviously this decline should be stopped. Even the Mahinda Chintanaya gives a very positive place to forests and biodiversity. Generally it is the NGOs that have to bring these to the notice of policy makers. The reality however, is that in the final analysis the decision on whether to take away sections of the forest for development or not, is that of the politician in charge.

The excessive use of agrochemicals in all forms of agriculture, be it paddy cultivation, plantation crops or vegetable cultivation is increasing, not decreasing. It is very damaging to people's health, the land and the environment but it cannot be solved quickly as farmers still believe in high agro chemical use. The use of agro chemicals must be controlled until a system of organic fertiliser that gives a good yield is available.

In this review we would have seen that after 18 years there is a definite increase in the number of women participating in environmental management and decision making positions. We know that this is not as a result of the acceptance of the disadvantage that women face but as a result of the development of women through education and sheer hard work. Therefore it has to be accepted that the primary objective of the Platform for Action in the case of environment, is that women's inputs are necessary to achieve sustainable development. However, the state has not accepted this position and unless this is accepted sustainable development is not likely to be achieved.

Recommendations

- a. The Ministry of Women's Affairs should take up the cause of promoting the involvement of women in decision making at the highest levels in the environment field if they have the necessary expertise.
- b. The Forest Department should take a more gender positive stance in their work at the local level. Women should be involved in the protection of forests at local levels.
- c. Women at all levels, including middle and grass roots levels should be given the opportunity to express their views on projects which impinge on the environment that affect them, before they are accepted and carried out by the government. Particular attention should be given to both men and women of the area. A gender analysis should be included in Environment Impact Assessment studies for all projects.
- d. Plans should be made for rural women to obtain natural resources from the environment in which they live, for example plantations such as hedges for fuel wood should be encouraged by the local government or the Forest Department.
- e. Control the use of agrochemicals by i. educating the farmer on its use; ii appointing agricultural officers who can advise farmers, and iii. have a system of permits or identification so that only farmers could obtain the supplies necessary for their fields.
- f. Make plans to develop and introduce organic fertilisers.
- g. Give assistance particularly to women to engage in organic farming and marketing of their produce.

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L. The Girl Child

Hiranthi Wijemanne

Overview

The review of the girl child in Sri Lanka was based on a child rights approach, together with gender aspects. Several issues affecting girls were identified based on age considerations, beginning -from birth, infancy, early childhood, indicators on health, nutrition and education, where sex disaggregated data was available. Other issues of particular importance included violence, abuse, gender based discrimination, early and underage marriages and the resulting early child bearing, as well as harmful practices. Issues of concern also included post conflict issues for girls and the impact of the migration of mothers on their daughters. Not all data available on children were gender disaggregated so that gender discriminatory issues were not always visible, to address the challenges. The principles of accountability, universality, the indivisibility and interdependence of child rights as articulated in the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination against Women (CEDAW) guided the determination of responses to issues related to the girl child.

The Sri Lankan girl child population was determined by an analysis of past fertility trends, mortality and migration. Women are over-represented in Sri Lanka's population in comparison to men with an estimated 10,404 women to 10,249 men (Department of Census and Statistics 2012). The sex differential by age groups indicates that the percentage of boys is high among the age groups below 15 years but sex composition of the population changes after 15 years, when the percentage of girls increases. This increased population of girls continues with advancing years with more women in the adult population although in the child population there are more boys than girls.

The distribution of girls in the age groups is as follows: 863,000 in the 0 to 4 age group, 895,000 in the 5 to 9 age group, 916,000 in the 10 to 14 age group and 988,000 in the 15 to 19 ages (Department of Census and statistics 2012).

There are emerging challenges and some unaddressed issues related to girl children. These include early marriages and pregnancies among particular segments of the population, and in specific geographic localities. Under age marriages in geographical 'pockets' related to under age pregnancy is an outcome of cohabitation. The lack of access to reproductive health services, (which are available only to 'married couples' over 18 years), has resulted in early and underage child bearing

with potential risks to the health of the girls concerned. It has also led to underage marriages in such localities.

Another unmet need is the protection of girls from abuse and violence; the most serious being sexual abuse, including rape and incest. Although child abuse and exploitation, particularly sexual abuse also affects boys, more girls are reported as victims, and can be considered more vulnerable. There is no comprehensive data base, except for reported incidents which are probably only the 'tip of the iceberg'. Incest is rarely reported as there is family pressure on the girl victim to desist from reporting, even by the mother and other family members, particularly when the father is the perpetrator and the only breadwinner in the family. There is little data on the extent of this aspect. At present there is no special protection for such girl child victims of this heinous crime. However, there is better reporting even if not comprehensive due to help lines of the National Child Protection Authority (NCPA), the island-wide women and children's police desks, with trained female police officers and more civil society organisations providing services to girl child victims. The media, proactive in highlighting individual incidents, also has created greater public awareness, and plays a role in promoting public advocacy for more action.

There is only anecdotal evidence of the prevalence of other forms of violence and gender-based harassment of girls, much of it still remaining hidden. This includes the trafficking of girls for sexual exploitation within the country and possibly extra-territorial, particularly in relation to employment abroad, but this is neither well reported, nor documented.

Sri Lanka's progressive measures on universal access to health and education to all children have benefited girls and continue to do so. However there are areas that need to be addressed, particularly better access to reproductive health services for adolescents and access to counseling and mental health care, especially relevant to girl victims of violence and abuse.

Other concerns include greater support in communities in the northern and eastern provinces for former forcibly recruited girl child soldiers. Although most have undergone rehabilitation, they still need continued support to enable reintegration with their families and communities, and have problems regaining 'normalcy'. Another group of girls who need special support include those left behind in families with migrant mothers. Anecdotal evidence indicates that many have to leave school to look after siblings and undertake housework. The absence of mothers from their families

due to overseas migration have negative consequences on families in general, and particularly on girls.

There is a close link between the Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). This is well recognised in Sri Lanka, as it is the same Ministry which is responsible for the monitoring and implementation of both conventions. There is also now a joint comment by the UN CRC monitoring committee and the CEDAW committee on harmful practices, as both girls and women are victims of harmful practices. The effective implementation of both conventions is the key to developing well-functioning families and communities which respect human rights, and the establishment of equity norms at all levels of society. However, in the context of developing strategies and programme planning, girls are a particularly vulnerable group that is yet to be given their due recognition in the context of their rights. This group needs to be supported by specific policies and well targeted programme interventions, including the allocation of adequate resources for implementation.

Strategic Objective L 1. Eliminate All Forms of Discrimination against the Girl Child

Girl children need priority attention to be free from all forms of discrimination and greater consideration to uphold their best interests as defined in the CRC. Due recognition must be given to their evolving capacities from birth until 18 years, and their right to life, survival, growth and development. In addition, opportunities for freedom of expression, and protection from all forms of abuse, particularly sexual abuse, are essential. Girl children are entitled to access basic and essential services and the highest standards of health and nutrition. They should be given access to quality education, including inclusive and special education if disabled, rest and leisure and opportunities to express their opinion. In addition, they must be safeguarded from economic exploitation and hazardous work, from substance abuse and cruel and degrading treatment. At present, children tend to be regarded as a single group, and there is no particular emphasis on the special rights and concerns of girl children from a programmatic or policy perspective. Gender differentials are not well recognised, and it is assumed that when children are given priority, the rights of girls are addressed. This perception needs to be changed in the context of the elimination all forms of discrimination against girl children.

Specific Needs

Several milestones exist in the life of a child, extending from birth and infancy to early childhood, from the middle years until the age of 10, and through adolescence until 18 years. Each of these phases has age-appropriate needs that require better recognition. These specific needs include health, nutrition, education and protection from negative influences. This must begin in the home, in families, and extend to communities, to schools and to all settings in which girl children function. Each milestone in the girl child's progress in developing to adulthood is of equal importance to the other and it is the completion of this whole process of transition, which will enable the girl child to maximize her full potential when she becomes an adult woman.

L 2. Eliminate Negative Cultural Attitudes and Practices against Girls

Discriminatory and harmful practices against girls dominate the traditions and practices of South Asia, and therefore Sri Lanka. However, there is no evidence that harmful practices such as female foeticide and infanticide prevail, in addition to female genital mutilation of girls. There is anecdotal information of such practices in the eastern province among some traditional Muslim communities, but these are neither well documented nor researched. Virginity continues to be perceived as important in relation to marriage. Although virginity testing practices are believed to exist, these occur only in some remote rural areas and the more traditional societies in rural areas. The actual prevalence is not well-known. There is also no documented evidence that there is a preference for sons, and any perceptions that daughters are a burden because of the dowry system, which still exists.

Marriages for girls are still 'arranged' by parents according to astrological considerations, race, caste and religion. There is an increasing trend to use the printed media for the identification of suitable marriage candidates, replacing the traditional 'marriage brokers' in the village. Today, the educational level of a girl and gainful employment are also regarded as assets in a bride. These changing requirements for a suitable marriage candidate are reflected in newspaper advertisements for brides. Higher levels of education have led to more girls finding partners by personal choice as well as to an increase in the age of marriage among girls.

Early Marriages and Prevalence of Teen Pregnancies

There are geographical 'pockets' mainly in rural areas where underage marriages take place, mostly among the more disadvantaged families. This also occurs in Muslim families, and among girls who have not continued with their education and dropped out of school.

Girls are attaining menarche at younger age, but issues related to adolescence which is a critical period of childhood are still not fully addressed. Adolescent girls are particularly vulnerable to early pregnancies, sexual abuse and underage marriages. According to Gunasekera (2009) while less than one per cent of girls 15 to 17 years were pregnant or had a child the percentage had increased to six per cent of adolescent girls, 15 to 19 years.

In the plantation sector, 10 per cent of adolescents had commenced early child bearing, in comparison to urban sectors with 16 per cent in the district of Ampara, and 14 per cent in the district of Trincomalee in the Eastern province. It exceeded 10 per cent in the Hambantota, Moneragala and Kalutara districts. The lowest per cent of adolescent child bearing at three per cent was in Galle district, followed by Kandy and Gampaha (4 per cent). Girls who have only had primary education have the highest levels of early child bearing at 20 per cent.

The birth of children in underage marriages, inexperience in financial matters, resulting anxiety and stress, all contribute to problems for such underage mothers, who are themselves still children. Immediate efforts are necessary to curb this trend as it is entirely contrary to the best interests of the child, while also having negative consequences on the children of the couple concerned. The key issue is that girl children under 18 years are unable to and barely capable of responding to the needs of being a wife and mother, which requires maturity and capacity to choose a suitable spouse.

Although the legal age of marriage for boys and girls is 18 years, this law is sometimes not applied in traditional Muslim communities. Under Muslim law, girls, as young as 12, could be legally married. The provisions of statutory rape (sex with a girl under 16) would not be applicable in this situation. Among Muslim population groups particularly in the eastern province, there are reports of girls being married soon after menarche. Efforts to change such practices have not been entirely successful because of the application of traditional Muslim law in relation to marriage.

The number of live births in 2007 registered according to the age of the mother was that out of a total of 386, 573 births, 107 were to mothers less than 15 years of age. A further 20,900 were to mothers 15-19 years. This points towards a trend of underage marriages, and early child birth among girls, which is contrary to the legal age of marriage, which is 18 years when childhood ends. This is an issue which needs to be further studied and addressed in terms of policies and programmes in the best interest of the girl child. How many of this total were from 16 to 18 years was not indicated (ibid).

A study conducted by Goonesekere and Amarasuriya in 2013 examined 71 case studies, of which six could be categorised as early marriages. The study revealed evidence of the use of false documentation for early marriage. Of the cases, 26 were instances where cohabitation had occurred, and was accepted and regarded as a marriage by families and communities.

There was no evidence of the practice of customary marriage, or that of 'forced marriage'. There was evidence of teen pregnancies, where 21 of the girls concerned became pregnant before 18 years. Although the girls had access to healthcare services, only a few had used contraceptives. It was significant that there was a lack of awareness of sexual and reproductive health information.

The study concluded that early marriage affected girls more than boys and that it reflected a gender bias and discriminatory attitude, in farmer and rural communities (ibid). The majority of the population of Sri Lanka still lives in rural areas. The study indicated that families and communities are aware of the need for the registration of a marriage and that early marriages were illegal. It is important to recognise the fact that it is the absence of societal acceptance of sexual unions between boys and girls without marriage that is creating a pressure for them to marry, and even go to the extent of falsifying documents in relation to age, for the marriage to be registered. There is also an apparent lack of clarification as to whether parental consent can validate an underage marriage. The study reinforces the negative perception which exists in relation to early marriage, and early cohabitation as being the same.

Based on the national statistics and studies, it is evident that the average age of marriage still remains high. Although the traditional practice of early marriage which exists in South Asia still does occur in Sri Lanka, it is declining, and is significantly low, even if there are areas where it still exists. The key factor that has contributed to the decline is the increased access of girls to free education, at primary, secondary and tertiary levels. This has led to a high level of literacy among girls, and greater awareness of the importance of postponing marriage and delayed fertility among the majority of women (ibid).

L3 Promote and Protect the Rights of the Girl Child and Increase Awareness of Her Needs and Potential

There is no evidence of specifically focused programmes, promoting and protecting the rights of girl children, as a particularly vulnerable group. The importance of addressing the particular rights issues that affect them, have not been given particular priority, nor identified and addressed as a specific

issue. Most policies and programmes are directed towards the rights of all children, including both boys and girls.

Information related to the CRC is made known to all children in general, using both the written and electronic media. No information is directed to girls based on the child rights violations they are particularly vulnerable to. There are Child Protection Committees established in some schools by the NCPA, but these are mostly on a separate basis for boys and girls, as schools are gender disaggregated. Although a majority of schools in cities are gender-separated, smaller schools in most rural areas include girls and boys. International schools, mostly in the capital, Colombo and in Kandy are co-educational.

Role of the Media

The media periodically highlights relevant issues of girl children, such as the need to protect them from incest, rape, and other forms of sexual abuse. This also includes other issues such as internet bullying, grooming for abuse, and child pornography. Most of the time, it is individual cases of child victims which are highlighted, and those reported to the NCPA and Women and Children Police Bureau. Although there are strict rules governing the disclosure of such information in the media, that it should in no way disclose the identity of the child victims, such rules are sometimes not observed resulting in the stigmatisation of such children, which is an issue that has not been fully addressed. Creating more awareness of these issues and imposing more stringent rules are necessary in protecting all child victims of abuse, including girl children, to prevent social stigmatisation.

Social Stigmatisation affecting Girls

Another factor is the illegal status of the unborn child in teenage pregnancies. As the circumstances of the birth are recorded, it could lead to stigmatisation through the label of illegitimacy on the child. It also reflects the lack of access to confidential and accessible contraception for girls and boys during adolescence. Another important aspect highlighted in the study on early marriage (ibid) is that, out of the 71 case studies, there were 41 incidents of statutory rape. The majority of the girls were between 14 and 15 years of age. The youngest was only four years. In 21 incidents, girls were forced to have sex, which were situations of sexual abuse. In 28 incidents, girls between 13 and 16 years had relationships preceding the statutory rape, which occurred after the girl ran away with the partner due to opposition from parents.

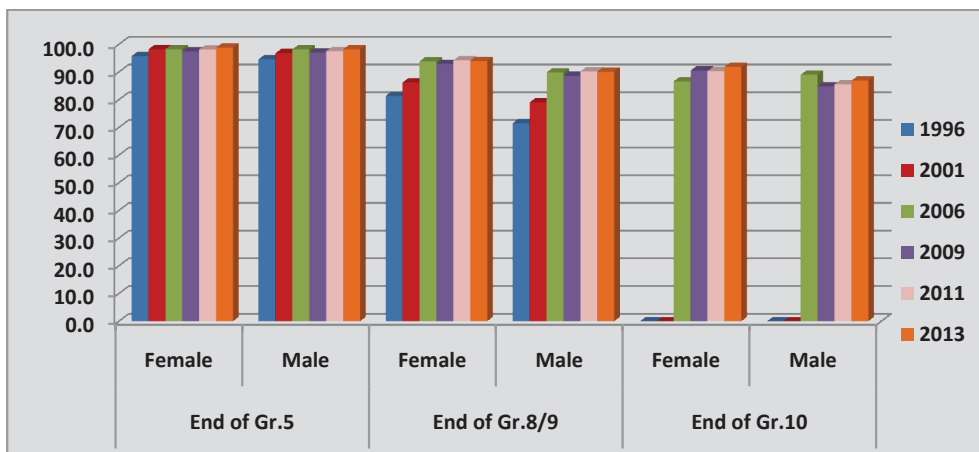
These situations raise serious concerns about lack of access to reproductive health services and easily available information for adolescents. In all such cases, what both the girls as well as the boys needed was access to confidential counselling and reproductive health information, including access to contraceptives to prevent a pregnancy. This is now considered a right of adolescent girls in many countries. According to the law, cohabitation between 16 and 18 years is not a criminal activity. This must be distinguished from rape and sexual violence.

L 4. Eliminate Discrimination against Girls in Education, Skills Development and Training

Girls in Sri Lanka are accorded equal access to free education at primary, secondary and even tertiary levels. Education statistics pertaining to retention, enrollment and performance indicate that gender has not been a major factor in access to education. In fact it appears that gender parity has been achieved at primary and secondary levels. There are more girls than boys particularly in the fields of medicine and law. They are however less represented in science and information and communication technology fields of study. Data also indicates that socio-economic and regional disparities rather than gender discrimination appear to determine the access of girls and women to education.

Fig. 1

Retention Rates

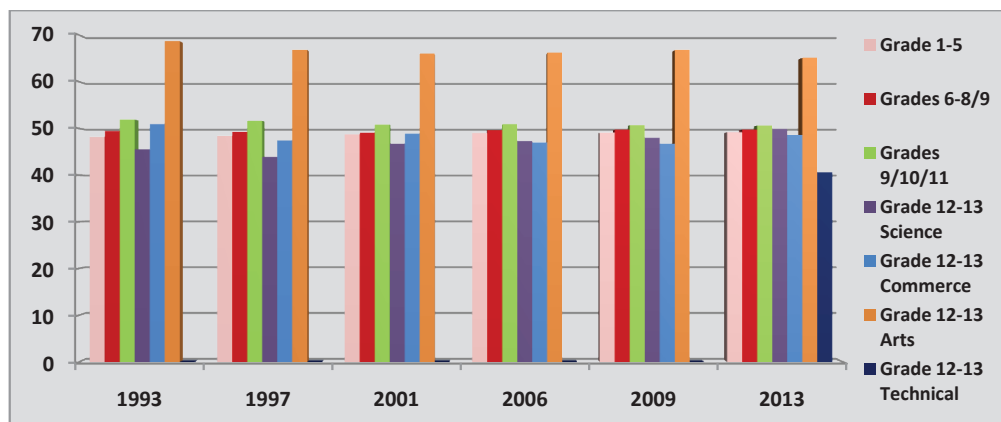


Source: Ministry of Education, Statistics Branch, 1996, 2001, 2006, 2009, 2011 & 2013

The percentage of girls in terms of total enrolment has been consistent over the years –confirming that gender parity has been achieved at primary and secondary levels. More girls (around 57 per cent), continue to the highest grades (Grades 12 and 13), perhaps because male secondary school

dropouts have easier access to employment at that level (Fig. 2). In performance at public examinations too girls have fared better than boys at all levels (Table 2).

Fig.2
Enrolment of Girls from 1993-2013 (%)



Source: Ministry of Education, Annual Census 1993,1997,2001,2006, 2009 & 2013

Table 2
Performance at Public Examinations

Year	Grade 5 scholarship Examination %		G.C.E/OL-Qualified for Entry to Grade 12-AL%		G.C.E /AL-qualified for Eligibility for Selection to Universities	
	Female	Male	Female	Male	Female	Male
1997	NA	NA	24.2	23.3	56.1	45.9
2006	8.2	7.5	51.8	41.2	NA	NA
2009	11.6	10.2	56.4	40.3	67.9	52.1
2013	10.6	9.7	73.1	55.2	66.8	47.6

Source: Department of Examinations, Ministry of Education

Girls in Vulnerable Groups

Although education has greatly contributed to reducing poverty and mitigating inequalities in many segments of the population, it has not adequately compensated for poverty among the most vulnerable groups of children (which include girl children in certain settings). There are children who continue to be victims of social exclusion. They are predominantly from remote rural locations, urban low income neighbourhoods, plantation worker families, and families affected by armed conflict. Those without access to education are destitute and unable to afford basic items such as books, shoes, uniforms and school bags. Many of these children live in the streets. Some beg. Others are

disabled. They also suffer from malnutrition. However, there is insufficient data to be able to determine the extent of feminisation of poverty.

The government's Ten Year Plan 2006-2016 (Ministry of Finance and Planning 2010) reiterates the commitment to continue free education and the right to education for those who are economically disadvantaged and proposes priority to provision of education. While it has numerous policies promoting accessibility and equity, none of these policies refer to extending opportunities to girls, perhaps because gender parity had been achieved in national data.

Gender Equality in Education

Based on World Bank research (2005) and the findings of the 2003 NEC report, the Ministry of Education with technical and financial support from the World Bank, developed the Education Sector Development Framework and Programme (ESDFP). This was implemented from 2006 to 2011. The programme sought to monitor compulsory education regulations in the 5 to 14 age group with special attention to vulnerable groups.

The second phase of the ESDFP 2012-2016, funded largely by the World Bank, is titled 'Human Capital Formation for a Knowledge Economy: Transforming the School System'. Its overall objective is 'to enable future Sri Lankan citizens to acquire the knowledge, attitudes, skills and values to meet the requirements of a modern, national and global knowledge economy.'

In both phases of the ESDFP there is no recognition of promoting gender equality, apparently on the assumption that gender parity in enrolment is synonymous with gender equality.

With gender being virtually overlooked in most national programmes, little progress has been made in eliminating gender stereotyping found in the curriculum and textbooks. The content does not empower girls to challenge negative gendered norms and social practices that hinder their personal development, distort their career choices and reinforce unequal gender relations that can trigger violence against girls and women. They should be free to follow the profession of their choice, even if it is in a male-dominated field rather than being confined to a profession dictated by culture, society and the education system (Department of National Planning, 2006; 2010; Ministry of Education 1993, 1997, 2001, 2006, 2009 &, 2013; Ministry of Finance and Planning 2006, 2010).

L 5. Eliminate Discrimination against Girls in Health and Nutrition

National level health information during the period 2000-2012 on foetal deaths according to sex and foetal deaths per 1000 live births, indicates no significant difference between males and females. In 2011, out of a total of 998 foetal deaths, 498 were male and 500 were female. In 2009 the infant deaths among boys at 1979 were higher than for girls at 1569. There were more deaths among boys than among girls in all age groups: one to two year olds - 274 boys and 140 girls; three to four year olds-188 boys and 140 girls; five to fourteen year olds-729 were boys and 684 girls and 15 to 24 year olds- 4,317 boys and 1,096 girls. Out of a total of infant deaths of 8.5 per 1000 live births, 9.4 were of boys and 7.6 were girls. Over 90 per cent of deliveries occur in maternity institutions with trained care at delivery. As a result, girls appear to survive better at birth than boys.

Early child mortality among boys is lower compared to girls. However, two per cent of births to mothers under the age of 18 years were girl children. A range of ages was used in the analysis of ante-natal and birth delivery information. The cut-off age between a girl and a woman varied from 20 to 15 to 26 years as well as under 15 years. The legal and most relevant age of 18 years, which marks the transit from being a girl to becoming a woman was not consistently used in data collection and analysis under the topic of reproductive health, which refers to mothers under 20.

According to health policies, access to reproductive health services, particularly family planning services are directed only to married couples, regarded as 'eligible' couples, through Maternal and Child Health Clinics, and by Family Health Workers, functioning in the field. Boys probably have access to condoms through pharmacies. Condom use is generally low in Sri Lanka. Lack of easy access to confidential reproductive health services for both boys and girls is an issue of importance for adolescents engaging in sexual activities. According to the law, the age of consent for sex is 16 years. Below this age, sex is regarded as statutory rape under the penal law. Between 16 and 18 if there is sexual contact, the girls need access to confidential family planning services, so they can prevent a pregnancy. When services are not available, and if the girl gets pregnant, there is pressure on both to marry and legitimise the union, although the legal age of marriage is 18 years. Gunasekera (2009) drew attention to the significance of growing teenage pregnancies and in this context, the need for higher priority to be placed on adolescent fertility issues.

The health sector does not specifically identify gender related health issues, nor gender as a specific issue in the health care system. The school health system does not deal with gender issues, but children as a common group in need of services including screening for disabilities.

Under Nutrition in Adolescent Girls

Studies have also revealed that there are possibilities of greater under nutrition and micronutrient deficiencies, particularly iron deficiency as public health problems in adolescent girls. More research is needed to determine the actual incidence and prevalence on a national basis. It is particularly significant in adolescence. This can influence future pregnancies of girls and their productivity as adults. Teenage mothers are still children themselves, and should be protected from early childbearing. They are at greater risk of maternal morbidity and mortality. In addition, such girls are not emotionally secure and mature enough to cope with the issues of childcare, also jeopardising their continued education.

Feeding Practices between Girls and Boys

In terms of overall nutrition, well documented Information on the nutritional status of girl children, particularly in the younger years does not indicate discrimination between boys and girls. The SLDHS survey in its analysis of the feeding practices of infants and young children did not find any differences in the feeding practices between girls and boys. Hence there was no evidence of any discrimination. This included the timely initiation of feeding solids, and semi-solids, increasing the amount and variety of food, and the frequency of feeding as the child became older, while continuing to breast feed (Ministry of Health 2012; Department of Census and Statistics 2009).

L 6. Eliminate the Economic Exploitation of Child Labour and Protection of Young Girls at Work

The Child Activity Survey conducted in 2008/09 (Department of Census and Statistics 2011) indicated that 12.9 per cent (557,599) children out of the total child population (age 5-17 years) are engaged in some form of work or economic activity. Out of these 12.9 per cent children, 10.4 per cent are engaged in work (but this is not considered as child labour), one per cent are in child labour²⁷⁸ and 1.5 per cent are in hazardous forms of child labour. Thus the percentage of children engaged in child labour (including hazardous labour²⁷⁹) is only 2.5 per cent (107,259) of the total child population

²⁷⁸ *Definition - Child Labour*

(1) 5- 11 yr age group: All children engaged in some form of economic activity excluding

(a) Those who work less than 5hrs per week as contributing family workers in non – agriculture sector non-hazardous activities

(b) Those who work less than 15hrs per week as contributing family workers in agriculture sector non-hazardous activities

(2) 12-14 yr age group: All children engaged in some form of economic activity excluding

(a) Those who work less than 15 hrs per week in non – agriculture sector non-hazardous activities, and

(b) Those who work less than 25 hrs per week as contributing family workers in agriculture sector non-hazardous activities

(3) 15- 17 yr age group: All children engaged in some form of economic activity excluding those who work less than 44 hrs per week in non-hazardous activities

²⁷⁹ *Definition - Hazardous Forms of Child labour*

(4,338,709) in Sri Lanka. Out of these 107,259 who are engaged in child labour, more than half (60 per cent or three in every five children in child labour) are engaged in hazardous child labour. Out of a total child population (107,259) aged 5 to 17 years, of those determined to be in child labour and hazardous child labour, 61.8 per cent were boys (73,262) and 38.2 per cent were girls (33, 997).

Child Labour and Risks Involved

Although those who work more than 43 hours in any industry or occupation, fall under the category of those engaged in 'hazardous child labour', young persons are legally permitted to work for 60 hours a week in Sri Lanka. As a result, there is a conflict between the law and the prohibition of children working in hazardous work. Of the child labourers, 53.4 per cent are attending school, while only 29.9 per cent of children in hazardous child labour are able to attend school. There are no noteworthy differences between boys and girls in the school attendance of children engaged in both child labour and hazardous child labour.

It is known from the relatively few cases of working children, especially in the case of girls, that they are at greater risk of physical, sexual, and emotional. Children in domestic service often lose contact with their parents and have no access to opportunities to articulate/report offences. More research is needed on the prevalence of the issues concerned, and the extent of girls involved in child labour as well as their vulnerability. Girls working in the non-formal sector, especially in domestic service are particularly at risk, including the deprivation of access to health and nutrition as well as education(ibid).

L 7. Eradicate Violence against Girl Children

It was only in the recent past that violence against girls has been recognised and documented. Incidents are highlighted in the media, but what is reported is probably only a handful with the larger numbers still not reported. This is because the abuse is by family members, which includes incest involving fathers, step-fathers, grandfathers or uncles. There are also incidents involving the clergy, teachers and close relatives. Boys too are victimized in addition to girls. Girl victims are most often abused by people in positions of trust, rarely a stranger, in which case 'grooming' precedes the offence. There are also isolated instances of internet 'grooming', not well documented. Threats and intimidation precede the committing of such offences, and are significant barriers to child victims reporting these crimes.

The children who are engaged in industries and occupations that are designated as hazardous and those who work for more than 43 hours per week in any industry or occupation are considered to be engaged in hazardous forms of child labour.

Family pressure on the girl victims, even by their mothers is known to occur, when the perpetrator is the father, and the principal breadwinner of the family. When such incidents occur, the girl victims may display changes in their behavioural patterns, and schooling can get interrupted.

Health Issues of Early Pregnancy

A subsequent pregnancy leads girls into situations they are not equipped or mature enough to deal with, which also leads to higher risks of maternal mortality and morbidity. Unfortunately such girl victims are also denied the right to a therapeutic abortion under the present laws in Sri Lanka. Advocacy by medical professionals of both the Sri Lanka College of Obstetricians and Gynaecologists and the Sri Lanka College of Paediatricians to amend the law was not successful. Some child victims are known to seek unsafe abortion services which can lead to harmful consequences. The emotional impact of such episodes of abuse and subsequent pregnancies is both short and long term. The emotional issues are poorly addressed. Girls are most often are told to not talk about it, and given inadequate psycho-social support, although they are special victims of a heinous crime. This is an issue needing greater attention in the context of more data and research.

The Need for Improved Law Enforcement

The study (ibid) indicated certain inconsistencies in the manner in which issues related to early marriage and statutory rape were also reported. More precise guidelines are needed. The media, while playing an important role in exposing gender-based violence, sometimes tends to sensationalise such incidents with not enough effort to analyse and promote positive action. But it is the obligation of law enforcement authorities to ensure that there is action to punish perpetrators of this heinous crime. But delays in the legal process remain a serious constraint in encouraging more victims to report offences and seek legal redress, well-supported by law enforcement officers to prevent impunity.

There are serious issues such as perpetrators being granted permission to be free, provided bail is paid. They thus function in the same community as the victim, even the same family, which creates problems for victims. Such girl victims need special protection.

There is also family pressure for the victim to withdraw from the case. Lack of special victim and witness support systems needs to be addressed. The financial support for legal proceedings must be made available to victims through legal aid schemes or other means. There are some civil society organisations that help victims through the court process. This is essential for children. However, the

state has a responsibility to provide more support to child victims in general, girls in particular. These, as well as other general issues, which include a reluctance to openly condemn perpetrators, could be a continued manifestation of a stereotypical attitude and gender-biased behaviour towards girls and women.

This has particular bearing on sexual behavior and sexual relationships. None of the girls who participated in the 2013 study by Goonesekere and Amarasuriya had access to information related to sexual health, or information and access to reproductive health services. This is a huge gap which is yet to be addressed. Family Health Services are generally directed to those termed 'eligible couples' (those who are married). This signifies a continued lack of recognition of sex outside marriage. This remains an important gap in services related to adolescence, particularly for girls, as it is they who get pregnant and have to face the consequences.

A national survey on adolescents in 2004 (UNICEF) indicated that a total of 29,911 adolescents representing all 25 districts of the island, reported sexual abuse and were mostly from the poorer socio-economic classes of society. In the context of sexual abuse in early adolescence (10 to 13 years), more boys (14 per cent) were victims as compared to girls (8 per cent).

The proportion of girls who had been victims of abuse by a family member (63 per cent), was higher than boys (50 per cent). The number of adolescents (14 per cent) reported as being sexually abused was divided more or less equally between boys and girls. The proportion rises from the poorest families to those with a higher socio-economic status. The profile of the perpetrators who abused adolescents was categorised as family members (38 per cent), relatives, and non-family members (27 per cent), and outsiders (35.2 per cent). More girls (40 per cent) than boys (34 per cent) reported victimization by family members. In the context of late adolescence, three per cent had been victims of forced sex. Out of this, 81 per cent were abused by relatives and the others by outsiders.

Among school adolescents, one in ten reported sexual abuse, and most were girls (12 per cent) compared to boys (8 per cent). The highest prevalence was among Moors (17 per cent) which was nine per cent. It is known that increasing access to education and improving socio-economic standards are factors which can have a positive impact in reducing such abuse (ibid).

Sexual Abuse of Girls in Residential Care

Studies conducted on children in residential care homes indicated that most girls who were victims of sexual abuse were from families which were maladaptive, and which had parental and marital problems. Illegal adoptions, domestic employment in this country and overseas, also led to abuse by the employer or a stepfather in the home, and were common causes of unwanted pregnancy resulting in the child being sent to homes.

Child Abuse Data from Courts

A child abuse study by National Child Protection Authority (2011) based on data from courts indicated that girls were more vulnerable to abuse, as 80.2 per cent of the victims were females, most were over five years, with a few as young as three and four years of age.

The majority of the offences committed against them was grave sexual abuse, and 23.6 per cent of all the offences were rape. Grave sexual abuse recorded the highest number of incidents (35.1 per cent), while three per cent of all the cases were cruelty, but not of a sexual nature, whereas 97 per cent (532 out of 549) were of a sexual nature.

The offenders included immediate family, usually the father, extended family, boy friends, neighbours, known persons including school teachers, Buddhist monks, family friends, trishaw drivers, shop keepers, boy friends of the mother, boy friends of siblings, and van drivers. Even an occasional vegetable seller was a perpetrator.

It is evident from the study (ibid) that children were victimised mostly by people known to them and in positions of trust, and respect in society, dispelling the myth that abuse is perpetrated by strangers. Of the complaints received, 47 per cent reached the police stations within 48 hours and 75 per cent in a month. In 25 per cent of the cases, it took more than a month for complaints to be lodged and in some, nearly two years (77 of 549 cases).

Hospital Data on Child Sexual Abuse

A UNICEF funded study (Colombage, Dissanayake & Waidyaratne 2005) on child abuse in the districts of Anuradhapura, Ratnapura and Colombo analysed hospital information related to children alleged to have been abused referred to judicial medical officers and admitted to paediatric, gynaecological and surgical wards. During the 17 month study period, there was a total of 170 such

incidents. Of these, 18 were excluded from a total of 190 incidents due to the incompleteness of the data.

Girls outnumbered boys in all areas covered by the study. Sexual abuse was the commonest form of abuse in the study area. It is important to take into account that, although other forms of abuse may be occurring, even if all incidents are not reported, sexual abuse, because of its gravity, tends to be the most reported. Girls outnumbered boys in many areas, which should not imply that boys are not sexually abused. Many are, but such instances could be kept more secret compared to girls. Boys had suffered more physical abuse in comparison to girls. Of these cases, 16 per cent of the victims had delayed reporting the alleged abuse. The complaint was made when the abuse occurred twice or more times by the same perpetrator.

Analysis of the types of abuse revealed that, there were 145 incidents of sexual abuse; 30 of physical abuse and six children were victimised with more than one form of abuse. Girls were definitely at a higher risk than boys, particularly in the 14-16 age group. Data showed that 59 per cent had the abuser living with them at the time the abuse occurred. A total of 47 per cent (918 fathers and 29 mothers) had left the family for employment in the Middle East at the time of the abuse.

In 984 instances, the abuser was known to the child victim only and in 6 instances occurred because of a stranger. Of the victims, five were abused in a children's home, where they were supposed to be cared for and protected. A significant proportion (74 per cent) of the children was attending school at the time when the abusive incident occurred. Confidentiality of the information had not been maintained, which left victims more vulnerable and humiliated.

Some principals had even put pressure to dismiss the child victim from the school indicating a serious lack of awareness on the part of school authorities. They are unaware that empathy and sympathy are critical needs for such child victims including their rights to protection and support. Key issues include the lack of emotional support, adverse publicity, media exposure detrimental to the victim, the negative attitude of school officials, slow legal procedures, poor monitoring of such incidents, lack of protection to child victims and absence of a coordinating mechanism to address the issue which has multi-sectoral dimensions.

Another issue was the need for better and more widespread education and awareness for children on child abuse for prevention and protection. Abuse thrives on secrecy, hence girls need to expose

abusers, but they need support to do so. Schools as institutions in which so many children spend a great portion of their time need to be made aware of the risk of abuse, and the need to protect and support child victims. Failure to do so has to be dealt with in a more severe manner than has been carried out so far. Child abuse needs to be discussed more openly, and the secrecy surrounding it must be eliminated. Girls need support to have the courage to expose perpetrators, even suspected ones. Access to recovery services for child victims are inadequate and need to be addressed. There is no information on the sexual abuse of street children and disabled girls, who are particularly vulnerable (Colombage, Dassanayaka & Waidyaratne 2005).

L 8. Promote the Girl Child's Awareness of and Participation in Social, Economic and Political Life

Particular groups of girls have issues and challenges to be addressed in the context of participation in social and economic life. Among these, one of the most significant are girls who were forcibly recruited during the conflict, and following its cessation have been reunited with their families mostly in the northern province.

In a study (Women and Media Collective 2014) on women and girls affected by the conflict in post-war Sri Lanka issues were identified in the context of the rehabilitation and reintegration of women and girls. The data related to former child and women combatants. The study documents the many challenges they have to face, both in their own families and communities. Of these women, 19 per cent were reported as having been unable to conduct a normal life, even after the period of rehabilitation, because of their past role as combatants and traumatic experiences related to the conflict which may/may not have been completely resolved and addressed.

A further 55 per cent was reported to be making use of skills they had acquired during the rehabilitation phase. Some reported continuous intimidation and harassment in their communities, and even had such issues between each other. During the reintegration phase, they were unable to cope with the patriarchal values and norms which prevailed in their families, as they had enjoyed autonomy and freedom as combatants. Labelling them as ex-combatants continues to occur although discriminatory. The access to psycho-social support was inadequate. Unmarried girls found it difficult to get married due to their association with the LTTE.

Following the end of the conflict in May 2009, and the subsequent screening of the internally displaced persons by the government, 562 children, including 201 girls were identified throughout the North and East, formerly associated with the LTTE. The whereabouts of 1,373 persons recruited

by the LTTE when they were children is not known. The monitoring and reporting only revealed the case load (ibid).

L 9. Strengthen the Role and Protection of the Family to improve the Status of the Girl Child

In society, the family unit is supposed to provide security, stability and protect its members, in which context, the mother plays a key role. She is usually the person who runs the home, looks after the husband, nurtures and rears the children. However there is an erosion of this family unit, mainly because of mothers seeking employment overseas to augment the household incomes. In 2012, there was a 7.36 per cent increase in the already high level of mothers leaving families for overseas employment as compared with 2011. Unpublished data of the Sri Lanka Bureau of Foreign Employment for 2012 indicated that, out of a total of 262,331, 49.07 per cent were women.

Perera, & Rathnayake (2013) who conducted a study in four districts based on focused group discussions on this issue of migrant women and the impact on their families indicated that the daughters of migrant women were at greater risk of sexual abuse, rape and incest by fathers and other male relatives. Although there is no proof of causality, districts which had the highest numbers of incest victims and girl child abuse, showed a close correlation. In addition, there is a likelihood that the actual number is much greater than the reported. This is an issue to be addressed in the context of the protection of the girl child.

L 10 Responding to Negative Impact on Girls related to Migrant Mothers

Other factors which need consideration are the reasons why women migrate. These are well known, particularly in association with domestic violence and alcoholism in husbands, under-employment and unemployment, and low family incomes. The study (ibid) also established links between the commercial sexual exploitation of children and migrant mothers. The study concluded that early/underage marriages are a root cause of migration, in addition to extra-marital relationships which contribute to child neglect and abandonment, early pregnancies and the institutionalisation of children. Most of the children in institutions are not orphans, but are children of single parents, most commonly women, who have left their husbands, or migrated, or who have been abandoned and get no maintenance.

L 11 Human Smuggling and Trafficking which Victimize Girls

Sub-agents for foreign employment, who are not often licensed, function at village level, capitalise on vulnerable women as well as girls and urge them to leave for employment abroad, as it is in their

best financial interest to do so. The activities of sub agents need better and more stringent control. Such persons are involved in human smuggling and trafficking schemes. The detection of these illegal activities are constrained by the lack of reporting of such offences by the victims. Often married girls and women in such situations tend to abandon their children.

In 2009 there was widespread media exposure on the plight of underage girls who were mostly from the Eastern Province and from disadvantaged families (Perera & Ratnayake 2013). These girls left for employment, using forged documentation, including birth certificates indicating ages 18 years and over. These false documents were obtained through unlicensed job agents operating at village level. This practice is particularly rampant in the Eastern Province, and an estimate of such illegal migration is considered to be as high as 25 per cent of the total migrants from that area.

The falsification of birth registration and travel documents enables traffickers to victimise underage girls with the support of their parents. This practice must be curbed. There are current efforts by IOM to strengthen the validity of such documents, including the introduction of biometry for passports and IDs.

A much publicised case was that of a 17 year old girl who was trafficked to the Middle East for employment, incarcerated for five years and subsequently put to death under Saudi law, because the infant under her care died (Perera & Rathnayake 2013).

L 12 Child Suicides, Psycho-social and Mental Health Issues

Information on the issue of suicide among Sri Lankan children clearly needs greater attention in the context of the important aspect of prevention. There is no significant gender variation. In 2006, out of a total of 23 suicides among 10-14 year olds, 13 were boys and 10 girls. In the age group 15-19, out of a total of 315, 145 were boys and 170 girls (Registrar General's Department 2011). There were insufficient details available on this data. These were mostly adolescents, pointing to the greater need for services for adolescents. The key issues concern determining the reason for suicide, the need for better and more comprehensive preventive services, and easily accessible help-lines when girls are in need of urgent counseling services. It is a poor reflection on the availability of adequate support, which if provided could have prevented the tragic loss of young lives. It also reflects a lack of emotional support in families. It is necessary to foster further research on the causative factors, to determine preventive action. This could include factors related to stress in school, relationship issues, and even the possibility of sexual abuse.

Areas of Concern and Recommendations

In considering the recommendations, the four foundation principles of the CRC which underpin all other articles were upheld. These include non-discrimination, right to life, survival and development, and the views of the child.

1. Establishment of a gender disaggregated and age specific database related to children on a rights basis

To identify key issues related to girls, it is important that all data related to children from birth to 18 years be gender disaggregated. It should cover the specific age groups of births, infancy, pre-school years till five years, five to ten years and adolescence from 10 to 18 years. A comprehensive information base must be established, to support better analysis and the identification of priority issues, to enable policy formulation and the determination of strategies related to girls, specially focused on rights based needs and concerns. Girls have age specific issues, which are different to that of boys. This also should be done in the context of geographical inequities at district and pradeshiya (divisional) levels where there could be social and economic factors as well as family issues which are gender discriminatory, affecting girls. These also include the plantation sector, coastal areas and the post conflict areas in the North and East as well as the region bordering the north central province. This would enable better assessment of the situation, the identification of key issues, and the developing of area-based policies and programme interventions which may be necessary, in addition to national priorities. More comprehensive data is needed on protection issues, disaggregated by incest, rape, sexual harassment as well as other forms of violence.

2. Develop and build an enabling environment for the promotion of the rights of girl children in the information system related to all forms of media including digital technology

The media already plays a key role not only in relation to access to information, but in highlighting the issues of girl children. It could contribute more to change attitudes on stereotypical gender discriminatory behaviour that still persists in relation to girls. The portrayal of continued patterns of gender unequal behaviour between girls and boys in the media has a significant impact on how girls are treated in families and communities, including society in general. The importance of gender equality as a rights based issue must be communicated as children and youth are strongly influenced by the media. Policies are also needed to prevent the misuse of media for purposes of cyber bullying, 'grooming' of

girls for sexual abuse and the promotion of child pornography which is known to occur. This also includes social media such as Facebook.

3. Increasing awareness among girls regarding their right to protection from violence, sexual abuse and harassment

Interventions need to be formulated including providing protective education to girls on specific child abuse issues in schools and other settings, including homes. This should include providing access to confidential help lines when such incidents occur, undertaking follow up of all allegations and providing access to protection from the victimiser, even if it is a family member. In addition, access to safe and protective accommodation, access to psycho-social therapy and victim protection services, as well as legal aid and child-friendly court procedures are all essential. While media exposure may occur, a media code of ethics is essential to protect the identity of the victim. Action is needed if there is a violation of such requirements.

Judicial authorities need to give higher priority to expedite all cases involving children/girls, and ensure that perpetrators do not escape with impunity. This includes assessment of the extent of the problem, not only on the basis of information reported to law enforcement authorities and the NCPA, but also to communities. Particularly vulnerable geographical communities need to be identified along with the risk factors.

Protective education to prevent sexual abuse must be provided to all girls in schools and other settings. Parent education is also necessary. Help lines need to be effective including those of the police. Action against perpetrators needs to be swift, and the victim should be provided with support and counselling. Law enforcement systems need to be strengthened and quality services enhanced. There is a need to expedite cases involving children, and delays in the legal system act as a barrier to the reporting of incidents. Stigmatisation of victims should be actively prevented including any publicity and disclosure of identity. A coordination mechanism is essential to bring together all relevant organisations.

More research is necessary to determine if girls are being trafficked within the country and also abroad for sexual exploitation. A surveillance system, including cyber surveillance is necessary for identification and monitoring purposes.

4. Equity in access to education and vocational training for all girls

Girls need to be supported more in terms of joining all available academic streams, and if regular schooling is not completed, be provided with appropriate vocational and other training in keeping with employment needs.

Attention must be paid to girls in specific settings such as in remote rural areas and the plantation sector as well as to street children and differently abled girls where access to education is hampered by poverty and other factors.

The education sector also needs to undertake a gender audit of all textbooks and teaching materials, and ensure that gender stereotyping is prevented.

5. Access to reproductive health services and nutrition for girls

Studies and surveys have highlighted the importance of addressing the lack of access to reproductive health services for adolescent girls, including contraception. Services for girls should include access to safe abortion services, which are particularly important if there has been forced sex/rape and in instances of incest. Underage girls sometimes resort to unsafe abortion practitioners and either lose their life or suffer health complications. The current legal system only allows for a therapeutic abortion to save the life of the mother. This needs to be amended to include the health of mothers, when it is an underage girl victim of sexual abuse. While studies indicate that many adolescent girls have micronutrient deficiencies, particularly iron deficiency anaemia, further research is needed in this area.

6. Eliminate the use of girls in exploitative child labour

Already efforts are ongoing to eliminate child labour for girls and boys. Such efforts need strengthening, with particular focus on girls. Those girls who drop out of school, are at risk of being placed in work situations such as domestic workers. They are more vulnerable to sexual abuse than boys. In addition, when they are employed, they often lose contact with their families.

Keeping girls in school, improving school retention and enabling gainful occupation contributes to the postponement of marriage and early child bearing. It is also necessary to strengthen vocational skills development and opportunities for girls who may not be in formal schooling. This includes providing markets for their products. This support to

facilitate income-generation can reduce the illegal migration of girls for work, as well as address their vulnerability to trafficking and risks of commercial sexual exploitation.

7. Provide a platform for girls to express their views

Girls should have more opportunities to articulate their views and needs. This should be in addition to current initiatives on the promotion of child rights involving all children. Mechanisms are needed at schooling, community and other systems such as civil society organisations for girls to be able to express their views and opinions on issues which affect them. It is important that their views are taken into consideration in planning processes. The particular issues facing girls need to be discussed with them, to make them aware of their rights as well as to seek solutions in consultation with them. This is particularly important for adolescent girls.

8. Promotion of parent education to enable families to protect and improve the status of the girl child

Families play a key role in determining the status and protection of girl children. This includes decisions on education, schooling access to health care and nutrition as well as responding to the needs of adolescent girls. Families therefore need to be aware that girls are equal to boys in the context of not only access to education, but also to have opportunities for gainful occupation. Marriage should not be an inevitable option. Between 16 and 18 years, relationships with boys are natural, and there is no necessity for marriage, unless the girl is ready for it, and wants it, including the boy. Girls need access to information on reproductive health.

More awareness on preventing underage/child marriages is needed, and information on its negative consequences on the girl child as well as their children. Initiatives may be necessary in specific geographic localities or communities where these occur. This should include awareness promotion by local community- based organisations, child protection staff, health personnel, and others trained and knowledgeable on such issues. Advocacy and awareness-raising activities should stress that under-age marriages are illegal, and that there are serious complications due to early marriage and childbirth. Ensuring schooling for girls is a preventative measure.

9. Improving family protection for those with a migrant mother

The issue of migration of mothers for employment needs to be addressed. If such migration cannot be prevented, a well focused family protection system is needed for all such families, particularly centred on the protection of girls, including other children too. Support from social services is needed for such families to access health, education and, to prevent abuse and exploitation as well as early marriages.

10. Improve the rights of girl children in post conflict affected areas

Girls who live and have lived in such areas throughout the conflict as well as former girl child combatants are vulnerable to stigmatization when readjusting to their families from which they were separated during the conflict. These girls as well as others who have witnessed violence, and who may have missed out on education need to be identified and given the necessary support and services to integrate in society. An analysis of needs and concerns is necessary to determine the interventions necessary. This may include health issues related to injuries and psychosocial support, including for those who have lost close family members. Based on this information, policies and programmes will need to be planned and developed, in addition to those which are ongoing.

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