

WOMEN'S CHARTER (SRI LANKA)

**National Committee on Women
Ministry of Women's Empowerment and Social Welfare
117, Nawala Road
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Sri Lanka**

WOMEN'S CHARTER

(Approved by the Government of Sri Lanka on 3rd March, 1993)

PREAMBLE

Whereas the Constitution of the Democratic Socialist Republic of Sri Lanka recognises that gender equality and freedom from discrimination on the ground of sex is a fundamental right, and provides for its enforcement in the Courts of Law;

Whereas the Constitution provides for affirmative legislative and administrative intervention to eliminate gender inequalities;

Whereas the Universal Declaration of Human Rights affirms the principle of nondiscrimination and proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all rights and freedoms without distinction of any kind, including distinction based on sex;

Whereas Sri Lanka has endorsed these international standards and has accepted by ratification, international obligations under the Convention on the Elimination of all Forms of Discrimination against Women;

Concerned that discrimination against women continues to exist, recognizing that gender-based violence is a violation of human rights and fundamental freedoms in that it impairs or negates women's enjoyment of these recognized rights and freedoms;

Desiring to restate laws, policies and measures on gender equality that have been realised, and set down new commitments and standards;

Desiring that the rights, principles and policies specified in the Charter shall, be respected by and shall guide the actions of all persons, institutions, organizations and enterprises;

Determined to ensure justice and equity and the recognition of gender equality in all areas of life in Sri Lanka;

The Government of Sri Lanka Declares as follows:

Part I

1. The State shall in all fields, in particular in the political, social, economic and cultural fields, take all appropriate measures, including the promulgation of legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

POLITICAL AND CIVIL RIGHTS:

2.
 - i) The State shall take all appropriate measures to eliminate discrimination against women in the Public and Private Sectors, in the political and public life of the country, and ensure to women, on equal terms with men, the right;
 - a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies,
 - b) to equitable representation in the nomination process at the National, Provincial and Local government elections,
 - c) to participate in the formulation of state policy and the implementation thereof and to hold public office and perform all public functions at all levels of state.
 - ii) The State shall promote the participation of women in organizations and associations that are involved in trade union and political activity.
3. The State shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their State at the international level and to participate in the work and activities of international organizations.
4.
 - i) The State shall take all appropriate measures to ensure that women enjoy equal rights with men to acquire, change or retain their nationality. The State shall in particular ensure that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of her husband.
 - ii) The State shall ensure that women enjoy equal rights with men in deciding on matters which may have a bearing on the nationality of their children.
 - iii) In the case of a mixed marriage, the State shall ensure that the spouses shall have the right to choose to be governed by the General Law.
 - iv) The State shall ensure that men and women enjoy the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

5. The State shall take all necessary measures to realize the constitutionally guaranteed fundamental rights of women including the right to liberty and security of the person and to equal protection of the law.
6. The State shall take necessary measures to accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity.

RIGHTS WITHIN THE FAMILY

7. i) The State shall work towards taking all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations in particular and shall work towards ensuring, on basis of equality of men and women:-
 - a) The same right to enter into marriage;
 - b) The same right to choose a spouse and to enter into marriage only with their free and full consent;
 - c) The same rights and responsibilities during marriage and at its dissolution;
 - d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, so that in all cases the interests of the child shall be paramount and there is no discrimination in any manner whatsoever between marital and non-marital children;
 - e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - f) The same rights and responsibilities with regard to guardianship, curatorship, trusteeship and adoption of children, or similar institutions where these concepts exist or are recognized in national legislation;
 - g) The same personal rights as husband and wife, including the right to choose a family name, residence and domicile;
 - h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and dis-position of property.
- ii) The State shall enact legislation to prohibit the transfer of movable or immovable properties to any person other than one's own children in consideration of marriage, except where such transfers are legal under existing religious laws.

8.
 - i) The State shall provide for the registration of marriages in an official registry and shall enact legislation to specify 18 years as the minimum age of marriage, providing special measures for a specified interim period in order to protect the parties to the union, where such unions have been effected.
 - ii) The State shall recognize the breakdown of marriage as the basis for dissolution and provide for equal sharing of family provision and support, parental rights and responsibilities after dissolution and annulment.
 - iii) The State shall take necessary measures to provide for conciliation in family dispute settlement and recognize the right to confidentiality and privacy wherever it is relevant.

RIGHT TO EDUCATION AND TRAINING

9. The State shall take all measures to ensure for men and women:
 - i)
 - a) access to the same educational opportunities in pre-schools, primary, secondary and tertiary, technical, vocational and professional education including co-educational, non-formal, and continuing education, training and extension programmes;
 - b) access to 10 years of compulsory education;
 - c) access to the same opportunities to benefit from scholarships and study grants;
 - d) access to the same curricula, examinations, certification procedures, teaching staff with qualifications of the same standard and facilities in schools and training programmes, equipment of the same quality and the same opportunities to participate actively in physical and aesthetic education; and
 - e) access to career and vocational guidance and counseling programmes.
 - ii) Recognizing the primary responsibility which devolves on women in families which have disabled persons, the State shall ensure that disabled persons shall have equal access to education and training.
 - iii) In keeping with National policy the State shall ensure to both mother and father the equal right of choice with regard to the medium of instruction in which children are to be educated taking into account the paramount interest of the children.
 - iv) The State shall take all steps to ensure the elimination of gender role-stereotyped concepts in content and educational material in all types of education, through the revision, preparation and writing of teaching – learning material.
 - v) The State shall take all appropriate measures to ensure the reduction of early school-leavers and the organization of programmes for girls and women who have left school prematurely.

RIGHT TO ECONOMIC ACTIVITY AND BENEFITS

10. i). The State shall take all appropriate steps to ensure to all women and men in the formal and informal sectors of the economy:
- a.) the same right to engage in economic activities for financial benefits;
 - b.) the same rights and the same opportunities in employment in the public, private and informal sectors at all levels of employment without gender based discrimination in recruitment, placement, promotions, conditions of service and job security;
 - c.) equal access to the same opportunities for vocational training and re- training, in-service training and apprenticeship;
 - d.) i). equal access to ownership of and other rights to land, including land in Settlement schemes and equal treatment in land and agrarian reforms;
 - ii). equal access to resources such as agricultural credit and loans, other forms of credit, marketing facilities and extension services.
 - e.) equal access to appropriate technology including access to improved technology –
 - i. to enhance avenues of improving incomes of women;
 - ii. to reduce the time and labor involved in economic and non-economic activities so that men and women share equally their responsibilities in the home, work place and in the community;
 - f.) the right to receive equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as in the evaluation of the quality of work;
 - g.) the same right to social security, particularly in cases of retirement, unemployment, sickness, and old age and other incapacity to work;
 - h.) the right to leave and re-entry after a period of leave taken for child-care and fulfillment of family responsibilities or any other reasons recognized by law;
 - i.) the same right to protection of health and to safety in working conditions devoid of all health hazards, including the provision of safe and protective equipment in work places; and
 - j.) equal access to a healthy working environment including safe drinking water, adequate sanitary facilities and basic medical and welfare facilities.
- ii) The State shall redefine the term “Head of household” so as to ensure that women’s contribution to the household is recognized and they have equal access with men to all State development programmes, distribution of benefit and entailed responsibilities.

11. In order to prevent discrimination against women on grounds of marriage or maternity and to ensure their effective right to work, the State shall take appropriate measures:

- i) to ensure that the granting and enjoyment of maternity leave and benefits shall be considered a fulfillment of parental and community responsibility;
- ii) to work towards the granting of parental leave;
- iii) to encourage and also to implement legal provisions on maternity leave with pay or comparable social benefits without loss of existing or current employment, seniority or social allowances, and to make provisions for breast feeding;
- iv) to prohibit and impose sanctions for dismissal (whether under another pretext or not) on the grounds of marriage, pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- v) to encourage and also implement legal provisions on necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- vi) to ensure whenever possible that both spouses are entitled to work in the same geographical location; and
- vii) to prohibit the employment of women during pregnancy in types of work proved to be harmful to them and to the unborn child.

12. The State shall take appropriate measures to:

- i) ensure through legislation that the minimum age of employment shall be 15 years;
- ii) ensure that interests of all migrant women are protected within the country and in the host country through bilateral agreements;
- iii) ensure that all protective laws in regard to industrial workers are effectively enforced in all sectors of industry and to develop new laws and policies to ensure that their rights and interests are protected and not undermined;
- iv) to eliminate discrimination against women in other areas of economic and social life in order to ensure on a basis of equality of men and women, the same rights, in particular the right to bank loans, mortgages and other forms of financial credit;
- v) collect, classify and make available gender disaggregated data and information reflecting their economic, social and cultural contribution to the country including the G.N.P.;
- vi) organize where necessary, self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment: and

- vii) ensure that employers shall pay all remuneration, salary, benefits or allowances payable to a women worker directly to her.

RIGHT TO HEALTH CARE & NUTRITION

13. The State shall ensure to both women and men without discrimination:

- i. a) equal access to health care information and education including nutrition education, counselling and services including preventive and curative services and equality in the distribution of family food resources.
- b) access to information, education, counselling and treatment with regard to sexuality transmitted disease. (S.T.D)

The State shall in particular ensure:

- ii.
 - a) the availability of and access to programmes which will promote and protect the mental and physical health of women, including the provision of proper and humane facilities with regard to medical and psychiatric treatment of patients, and ensure access to social support measures for the elderly and physically handicapped women;
 - b) the provision of the highest available standards of health care, quality services in connection with pregnancy, confinement and the post-natal period, free services and social support where necessary and ensuring sufficient rest during pregnancy and lactation, including special protection and safeguards for women in custody.

The State shall ensure:

- iii.
 - a) women's right to control their re-productivity, equal access to information, education counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety;
 - b) that in pursuing Family Planning Policies such policies are equally focused on men and women; and
 - c) that family education includes a proper understanding of parenting as a family and social responsibility of equity in entitlement, it being understood that the interests of the child is the paramount consideration in all cases.

RIGHT TO PROTECTION FROM SOCIAL DISCRIMINATION

14. The State shall take all appropriate measures to:

- i. promote social and cultural attitudes with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either gender and stereotyped roles for men and women;
- ii. prevent the portrayal of negative images of women in all forms of media; and
- iii. eliminate all forms of exploitation of, trafficking in and prostitution of women and children.

15. The State shall;

- i. work towards the elimination of negative social attitudes towards widows, divorcees, single parents, single women and any vulnerable groups of women;
- ii. take all steps to ensure that such women do not suffer social and economic discrimination; and
- iii. take positive action to ensure their participation in the mainstream of society.

RIGHT TO PROTECTION FROM GENDER-BASED VIOLENCE

16. The State shall take all measures to prevent the phenomenon of violence against women, children and young persons in society, in the workplace, in the family as well as in custody, in particular such manifestation of it as rape, incest, sexual harassment and physical and mental abuse, torture and cruel, inhuman or degrading treatment.

Such measures shall also include:

- i. the promotion of legislative reforms not only in terms of the substantive law but also with regard to preventive and punitive measures which would clearly recognize the rights of the women victims of violence;
- ii. the promotion of structural reforms within the law enforcement machinery and sensitization of enforcement authorities so as to strengthen their capacity to deal with crimes of violence directed against women;
- iii. provision of support to Non-governmental organizations, community-based organizations and programmes which provide support and counselling services to women victims of violence, including those affected by armed conflict and civil strife.

Part II

ESTABLISHMENT OF THE NATIONAL COMMITTEE

17. (1) There shall be established for the purpose of examining progress made on the realization of the obligations undertaken by this charter and for monitoring the achievement of its objectives, a **National Committee on Women**, hereinafter referred to as the “Committee”.
 - (2) The Committee shall consist of 15 members as follows:
 - i. Two members each appointed by the president of Sri Lanka from amongst persons of standing in the community who have distinguished themselves in the fields of:
 - (a) Law,
 - (b) Health,
 - (c) Economic development,
 - (d) Education,
 - (e) Science and Technology,
 - (f) Environment;
 - ii. Two members appointed by the president of Sri Lanka amongst persons who have distinguished themselves in the work of women’s Voluntary Organizations or in the sphere of women’s activities;

and

 - iii. An Executive Director appointed by the President of Sri Lanka who shall be of a rank not less than Class 1 of the All Island State Services or of like equal rank in the non – government sector, having experience in the work related to women and development. The Executive Director shall also be a member and a full-time official of the Committee;
 - iv. The Chairperson of the Committee shall be appointed by the president of Sri Lanka from amongst the 14 members appointed under paragraph (1) and (11) of this Sub- section;
 - v. There shall be a Secretary to the Committee who shall be a full-time official also appointed by the President of Sri Lanka.
18. 1) The Chairperson and other members of the committee shall hold office for a period of 4 years and shall be eligible for re-appointment for one consecutive period.
- 2) Subject to the approval of the president of Sri Lanka the Minister may appoint a suitable person to fill any vacancy occurring among the members and person so appointed shall hold office for the unexpired period of the term of office of the member whom she/he succeeds.

- 19.** The **Functions of the Committee** shall be as follows:
- (a) to entertain and scrutinize complaints of gender discrimination and channel such complaints where appropriate to the relevant administrative authorities and concerned persons or bodies for necessary action;
 - (b) to refer complaints of violation of the provisions contained in this Charter to governmental and non-governmental organization for redress, legal aid / or mediation services;
 - (c) to monitor such action and require annual reports of progress from relevant administrative authorities and make these reports widely available within the country;
 - (d) to evaluate the impact of legislative and development policies on the rights and responsibilities of women as contained in this Charter;
 - (e) to help to realise the objectives of the Charter through the encouragement of relevant research and to make recommendations for reforms based on such research; and
 - (f) to advise the Minister (responsible for the status of Women) on such matters relating to the status of Women as the Minister may refer to the Committee for its consideration, or as the Committee may deem appropriate.
- 20.** (1) The quorum for any meetings of the Committee shall be 7 members.
- (2) The Committee shall meet as often as may be necessary and at least once in every two months.
- 21.** (1) Any member may resign her/his office by a letter addressed to the Minister.
- (2) The president of Sri Lanka may if he thinks it expedient remove a member or official of the Committee appointed by him.
- 22.** The Committee may act notwithstanding any vacancy among the members thereof.
- 23.** The Committee shall have a permanent office and a Secretariat with full-time staff functioning under the Executive Director.

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