



Network. Transform. Engage.

A study on Women's Representation and Sexual and Gender based Violence in Northern Sri Lanka

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Attitude, Skills, Knowledge to Empower (ASKE)

SHE IS GOING AT THIS TIME TO FLIRT | SHE HAS NO MAN, SHE IS
ROAMING | LOOK AT HER AGE AND HER CLOTHES | WOMEN
SHOULD BE AT HOME, FIRST YOU LOOK AFTER YOUR FAMILY |
SHE IS TOO EDUCATED, SHE THINKS TOO MUCH OF HERSELF |
HER HUSBAND DOES NOT HAVE GUTS, HE SENDS HER OUT TO
DO SOCIAL WORK AND POLITICS | GOOD FAMILIES NEVER
ALLOW THEIR WOMEN TO ENGAGE IN POLITICS, THEY MUST BE
FROM A LOW LEVEL FAMILY | SHE HAS NO MONEY – YET SHE
GOES TO THESE MEETINGS

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INTRODUCTION

Having being one of the pioneering countries to have obtained the universal franchise for women in 1931, way ahead of women in European countries Sri Lanka flaunts this fact with much pride. However, women's representation in Parliament¹ is currently 5.8 percent (12 out of 225² members), the lowest amongst other countries in South Asia despite the fact that women make up 52 percent of Sri Lanka's population³. In 2012, women's representation was 4 percent in the Provincial Councils. Currently, women comprise 22 percent of the Local Government bodies⁴, as a result of the 25 percent mandatory quota introduced, by amending the Local Authorities Act in 2016. The Northern Provincial Council has one woman who is the Provincial Minister of Women's Affairs. In 2011, there was only one woman who was elected to the Pradeshiya Sabha from Mullaithivu, while one contested from Kilinochchi.

The allocation of the 25 percent mandatory quota to promote women's representation at local government bodies is a progressive step. However, the implementation will solely be dependent on the choice that women make and the strength of the support systems (including family and community) and other networks.

Women make up 34 percent of the senior level official cadre in public and semi-government positions in the Northern Province; 62 percent are assistants or occupy additional administrative positions with no decision-making authority. Nationally, 52 percent of the senior government positions are filled by women of which 62 percent occupy acting, additional or assistant administrative positions. In total, there are 90 female

Divisional Secretaries and 3 female District Secretaries in Sri Lanka – (only 8 Divisional Secretaries and one District Secretary⁵ in the Northern Province) indicating the scarcity of women in decision-making positions in the administrative system and in the legislature at national and sub-national levels.

This low representation of women in decision-making platforms (both in the political bodies and the administrative system) is associated with broader social and economic issues: household responsibilities, access and control over resources, economic power, deep rooted attitudes about the roles, responsibilities of men and women and situations intertwined with the socio-cultural and political structure in post conflict societies.

¹ Inter-Parliamentary Union "Women in National Parliament" available at <http://archive.ipu.org/wmn-e/classif.htm> [Accessed on 21 November 2017]

² The Parliament website shows that there are 13 women in the Parliament. This includes Geetha Kumarasinghe who lost the seat due to her dual citizenship.

³ Department of Census and Statistics, Mid-year Population Estimates by District & Sex, 2012 – 2017, available at <http://www.statistics.gov.lk/PopHouSat/VitalStatistics/MidYearPopulation/Mid-year%20population%20by%20district.pdf> [Accessed on 21 November 2017]

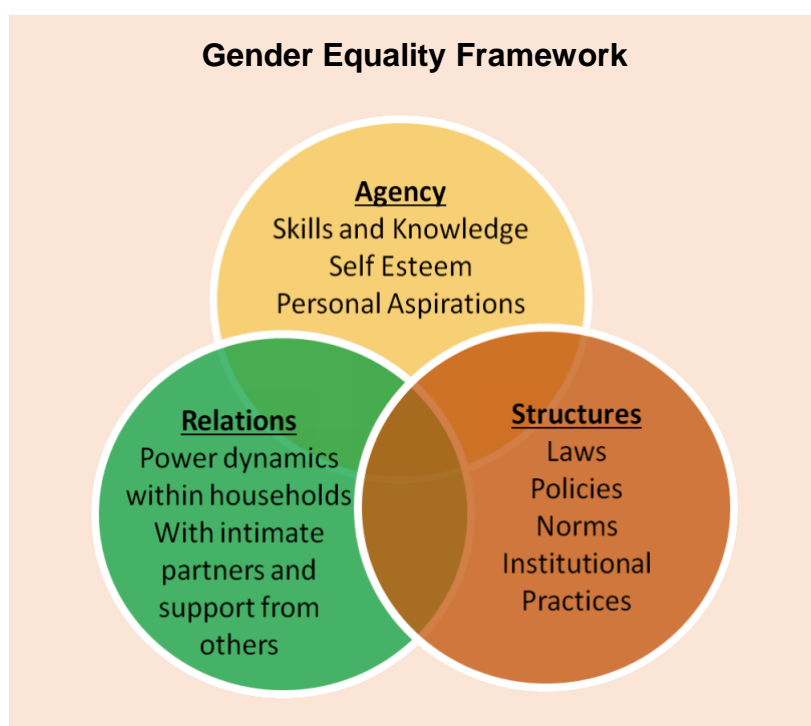
⁴ Calculation based on results issued by the Election Commission

⁵ information taken from <http://www.pubad.gov.lk/> [Accessed on 21 November 2017]

THE STUDY

Undertaken between September and October 2017 in Kilinochchi and Mullaithivu districts in the Northern Province of Sri Lanka, the research explored the existing mechanisms and procedures that facilitate women's political participation, identifying the skills and capacities required to become a leader and steps taken by the political, administrative and civil society to combat sexual and gender-based violence (SGBV).

The study was conducted utilizing CARE International's Gender Equality Framework as the analytical tool focused on understanding women's **agency** (knowledge, skills, abilities, self-esteem and personal aspirations); **structures** that shape women's choices (societal norms, customs, institutional practices and policies) and the **power dynamics** within the household (with intimate partners and support from others) and **relationships** through which she negotiates her path (relations).



This report presents the findings of the survey conducted with 122 participants, 24 key informant interviews, 7 in-depth interviews and two participatory context analysis workshops.

KEY FINDINGS

Current status of SGBV in the Northern Province

Evidence indicates that sexual and gender-based violence was widespread during the last phase and immediate aftermath of the war in 2009⁶ in the North and the East of the country. An increasing trend in sexual violence was observed in other parts of the country⁷ as well. The increase in sexual violence against children was also a particular concern⁸. Over the past few years, the reportage of incidences of domestic violence and child sexual abuse had increased. High levels of reporting of domestic violence was observed in certain Grama Niladhari divisions in Kilinochchi and Mullaithivu districts⁹. However, reporting remains low in general. The low rates of reporting of violence including incidents of rape in Kilinochchi and Mullaithivu districts (01 rape incident in each district)¹⁰ can be primarily attributed to the reluctance of survivors to report such violence due to the social stigma. The excessive and exaggerated media reporting of sexual violence also creates a feeling of insecurity, as well as an unwillingness to obtain support services fearing exposure to societal criticism.

The prosecution of perpetrators of Vithya Sivlogathan who was raped and murdered in Punguduthivu¹¹ in May 2015 was also seen as a landmark judgement. A significant growth of women's physical insecurity in conflict-affected areas as well as in the other parts of the country, however, can be partly attributed to the impediments in law enforcement.

The Supreme Court judgments on sexual violence against two women, a woman from Vishuwamadu (2015) in Mullaithivu meted out by a military personnel¹ and another woman from Jaffna (2017), are important steps towards attaining some level of justice for victims of violence.

Women headed households, widows, spouses of missing persons as well as women from economically impoverished households have become the target of micro finance institutes and loan schemes. Due to the lack of awareness on the conditions laid in loan agreements, women are compelled to obtain multiple loans due to being unable to settle previous borrowings, resulting in high cumulative payable loan instalments, to be paid monthly¹². As a result, some women have fallen prey to the sexual exploitation of debt collectors.

⁶Sooka, Y. (2014) An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009—2014, the International Truth and Justice Project, Sri Lanka, available at https://www.colombotelegraph.com/wp-content/uploads/2014/03/STOP_report.pdf; Silenced: survivors of torture and sexual violence in 2015, available at <http://www.itjpsl.com/assets/Silenced-jan-2016.pdf> [Accessed on 20 February 2018]

⁷Colombage, D. Rapes Surge in Sri Lanka Amid Weak Martial laws, Aljazeera, available at <http://www.aljazeera.com/indepth/features/2014/08/rapes-surge-sri-lanka-amid-weak-marital-laws201481772359790802.html> [Accessed on 20 February 2018]

⁸Samath, F. Child Rape on the Rise in Sri Lanka, available at <https://www.colombotelegraph.com/index.php/child-rape-on-the-rise-in-sri-lanka> [Accessed on 20 February 2018]

⁹Interviews held with four Women Development Officers from Kilinochchi and Mullaithivu districts.

¹⁰See https://www.police.lk/images/others/crime_trends/2017/distribution_of_grave-2017.pdf for further details

¹¹<https://www.colombotelegraph.com/index.php/living-with-violence-rape-murder-in-jaffna/> [Accessed on 20 February 2018]

¹²Some women had taken 6 to 8 loans from different sources and stuck with a sum of Rs. 50,000 of monthly instalment

Men too suffer in silence as a result of physical and psychological violence they face at the hands of their spouses and societal expectations. Such situations are not reported and addressed by authorities or non-government service providers.

The wave of sexual violence over the country is not an isolated issue but a phenomenon that is associated with the wider socio-economic, cultural and political structure of the country. According to the grave crime¹³ abstract produced by the Department of Police, a total of 35,978 incidents were reported in 2017, from which 215 and 145 crimes were reported from Kilinochchi and Mullaithivu districts respectively. Mt. Lavinia (2026) and Nugegoda (3051) police divisions reported the highest number of crimes. There were 294 incidents of rapes of women over 16 years of age and 232 statutory rapes without the consent of the victim. The share of rapes by Kilinochchi and Mullaithivu districts in the same year is 01 each. Similarly, the share of statutory rape without consent from the survivor in Kilinochchi and Mullaithivu are 08 and 03 respectively.¹⁴ Anuradhapura and Ratnapura districts record the highest number of reported sexual violence cases over several years: reporting 25 and 28 rapes of women of over 16 years of age in 2017.¹⁵

Excessive and exaggerated media reporting of sexual violence not only creates a feeling of insecurity, but also unwillingness among survivors to obtain support services fearing exposure to societal criticism. Certain rape incidents were highly politicized and wide media coverage was given as the politicians at local and national level had interfered in the post incident contexts. Additionally, media tend to publish more and more sexual violence related incidents as a marketing and outreach strategy (Priyadarshani & Seneviratne, 2015).

Existing Mechanism to Address SGBV

Sri Lanka has sound policies and supporting instruments to address sexual and gender -based violence at national, district and divisional levels. The main instruments are: the Women's Charter¹⁶, Prevention of Domestic Violence Act¹⁷, National Action Plan to address Sexual and Gender Based Violence¹⁸ and the National Action Plan for the Protection and Promotion of Human Rights 2017-2021¹⁹.

With the mandate of the Ministry of Women and Child Affairs to address sexual and gender -based violence, the objective of the Women Parliamentarians' Caucus to "empower women and eliminate all sorts of violence and harassment against them"²⁰ and the purpose of the

¹³ Grave crime abstract is a list of 26 offences by civilians ranging from abduction to obstruction to police officers. This list also includes five types of sexual crimes: 1) Rape of Women over 16 years of age; 2) Statutory Rape (Women under 16 years) With the consent of the victim; 3) Statutory Rape (Women under 16 years) Without the consent of the victim; 4) Unnatural offences / Grave Sexual Abuse; and 5) Sexual Exploitation of Children. See www.police.lk for further details

¹⁴ See https://www.police.lk/images/others/crime_trends/2017/distribution_of_grave-2017.pdf for further details

¹⁵ See www.police.lk

¹⁶ National Committee on Women (1993) Ministry of Child Development and Women's Affairs, Battaramulla

¹⁷ GOSL (2005) Prevention of Domestic Violence Act, No. 34 of 2005, Colombo: Dept. of Government Printing

¹⁸ Ministry of Women and Child Affairs (2016) Policy Framework and National Action Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka 2016-2020

¹⁹ GOSL (not dated) National Action Plan for the Protection and Promotion of Human Rights 2017 – 2021 available at http://www.pmooffice.gov.lk/download/press/D00000000063_EN.pdf

²⁰ Parliament of Sri Lanka "Women Parliamentarians Caucus in Parliament of Sri Lanka" available at <http://www.parliament.lk/en/component/committees/committee/showCommittee?type=committee&Itemid=206&id=77> [Accessed on 20 November 2017].

The Caucus's Terms of Reference includes: 1) Increasing the participation of women in politics; 2) Safeguarding women's rights and gender equality; 3) Preventing all sorts of violations and harassments against women; 4) Looking into the welfare of the women workers including the migrant workers; 5) Poverty alleviation among underprivileged women & widows and

Sectoral Oversight Committee on Gender and Women to oversee the laws, projects and programmes addressing subjects within the jurisdiction²¹, a combination of administrative and legislative systems are in place at national level to address SGBV.

The Children and Women Development Units (CWDU) embedded in each Divisional Secretariat (implemented by the Ministry of Child and Women Affairs) are the units set up to be the main service providers to survivors of SGBV. Children and Women Development Units work through a referral system directing its clients to respective organisations to obtain services. The effectiveness of the units, varies depending on the commitment of the officials involved. However, the inefficiencies of these units have led to poor service provision, as reported by the participants of this study. Key informants also questioned the mandate of these units in relation to SGBV. One of the key reasons for the limited effectiveness is linked to vacancies within the units not being filled for many months.

State officials attached to the CWDUs as well as female and male leaders have equally complained about communicating and obtaining services in the language of choice, from the central government and government institutions (such as the Police Department).

The GBV Forum at a divisional level is established to better coordinate the efforts of addressing and combatting SGBV issues at national, district and divisional levels. The District GBV Forum, however, is disconnected from that of the National Forum. The limited number of officials to systematize and sustain the functions in the District GBV forums such as in Kilinochchi and Mullaithivu, have an impact on its inefficiency.

With regard to the civil societies' service provision, most of the organisations are engaged in providing befriending services (10 and 8 in Kilinochchi and Mullaithivu respectively), creating awareness and conducting training (12 in Kilinochchi and 6 in Mullaithivu). Half of them are engaged in referrals, provision of legal advice and legal aid. A vast majority of organisations fall under the prevention function, that engages in building community resilience to prevent and mitigate the acts of SGBV and contributing to the systemic empowerment of the community to be agents to act on preventing and responding to SGBV. While such services and resources exist, the respondents observed that the execution itself

is not well coordinated. It was also observed that much of the services were prevention focused while the protection services were limited.

Local level politicians do not or make very limited contribution towards combatting SGBV, contrary to their mandate and the authority entrusted to the Women Parliamentarians' Caucus and Sectoral Oversight Committee on Gender.

providing them with vocational training and facilities; 6) Improving education among women; 7) Looking into the health related problems of the women; 9) Providing legal aids and counselling; 10) Enacting legislation for the betterment of the women; and 11) Contributing to the development of the country in general

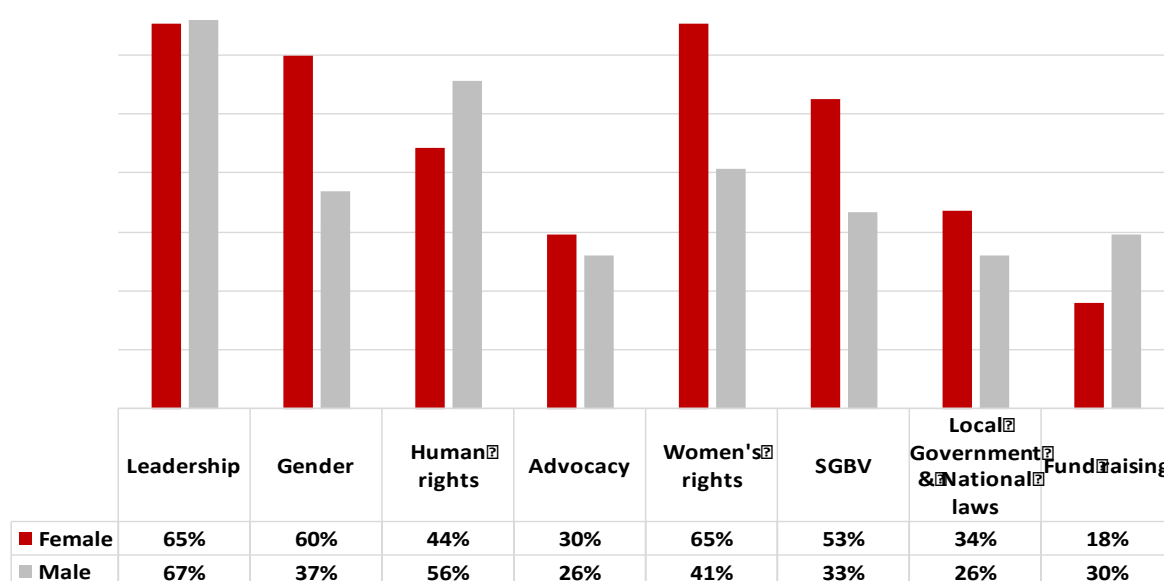
²¹ Parliament of Sri Lanka (2017) Oversight Plan of the Sectoral Oversight Committees, available at <http://www.parliament.lk/files/committees/soc/oversight-plan-8th-parliament-en.pdf> [Accessed on 20 November 2017]

Leadership and Participation

Political party organizers at a district level are vested with the authority of identifying candidates for their parties. The candidacy is often determined by their voter-base, family background, affiliation to power structures, and financial capacity of the candidate. The links with the district organizer is a key determinant of a women's ability to engage in political processes – often resulting in abusive relationships.

Women's household responsibilities restrict them from taking up leadership roles in the community and within the political sphere. Women as well as women headed households are burdened with both the productive and reproductive work; hence giving them little or no time for community engagement. **Character assassination** is used as a tool to discourage women from engaging in political leadership and to silence them.

Figure 1: Trainings attended by Women and Men Leaders



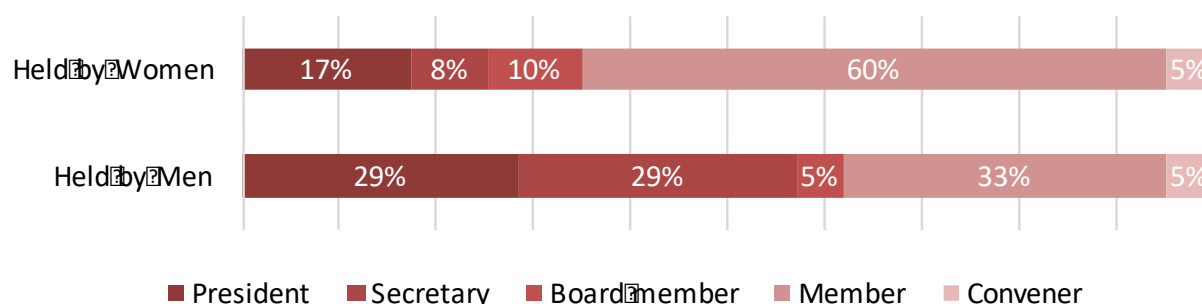
Financial capacity: Political parties prefer to select candidates with better financial capacity, therefore, women are usually left out. **Low educational attainment:** The family's economic situation, the size of the family, conscription into the liberation struggle and early marriage to escape child conscription, were amongst the key reasons for not being able to complete their general education for both women and men.

A considerable percentage of women had received training on gender (60 percent women and 37 percent men), women's rights (65 percent women and 41 percent men), sexual and gender-based violence (53 percent women and 33 percent men) and local government and national laws (34 percent women and 26 percent men). Male leaders require more exposure and awareness on gender, gender-based violence as well as women's rights and laws pertaining to local governance.

Community-based organisations have created a space for women and men to engage with the community and do social work. The mandate of many of these organisations is socio-economic development. Addressing sexual and gender-based violence is not included in the goal, mandate or objectives of these organizations.

When taking into consideration the positions held by women and men of these organisations (**Figure 2**), women accounted for a majority percentage of members. However, 63 percent of men (29 percent president, 29 percent secretary and 5 percent board members) hold key decision-making positions, while only 35 percent of women (17 percent president, 8 percent secretary and 10 percent board members) were in similar positions, which indicates a significant disparity in the power distribution between women and men in community organizations.

Figure 2: Divisional level positions held by Women and Men in Civil Society Organisations



The establishment of women's networks was seen as a crucial need, since collective action and networking are important factors that contribute to increased capacity. The perceived reasons for creating women's networks were almost the same for women as well, due to the following reasons: (Figure 3): 1) it creates a space for women to raise their concerns/issues (69 percent women and 67 percent men); 2) it is a place where women can collectively raise their voice against SGBV (65 percent women and 59 percent men); 3) it is an opportunity for women to raise awareness on SGBV (71 percent women and 74 percent men). However, the research found that both women and men do not have links to many civil society organisations with district, national and international scope.

Women who had less of a burden within the households' management (whose children are grown up and are married) had access to better opportunities and time, to be readily available in responding to the community's needs. Women who were single parents and head of households played multiple roles of the income earner, caregiver as well as the one who maintained family relations and social interactions.

The president of a Rural Development Society said women can conveniently attend any type of meeting after 9.30 am; by that time, they would have finished their household tasks and sent the children to school. However, women have to return from any social engagement by 11.30 am to be ready to receive their children after school.

Male dominated platforms do not create a conducive environment for women leaders to make decisions. Women are seen as catalysts. They can be easily approached by survivors of SGBV and therefore can inform state institutions and civil society organisations about any occurrence of SGBV. They can also discuss, identify and implement actions to curtail the incidents of violence. Women had taken proactive roles to inform the decision makers and the general public about the occurrence of violence. In order to bring these issues to the attention of decision makers, women have implemented a number of actions such as follows: organizing protests, handing over petitions and letters with signatures collected from the community, forming small groups to meet weekly to discuss the SGBV situation in the village, engaging in awareness creation among school children, teachers, women's groups and religious leaders, displaying posters and distributing leaflets, and networking with like-minded organisations at village level. The sporadic nature of women's collective activism is an indication that the action does not have a strategy to systematically address the core issue by involving all the parties concerned; rather these are ignited reactions to unexpected incidents of SGBV depending on its severity to which women and men respond emotionally.

Norms and Attitudes

The derogatory terms used to discourage women's engagement in social and community work focused on her sexuality (*she is going at this time to flirt, because she has no man, she is roaming, look at her age and her clothes*); to emphasize her reproductive roles (*women should be at home, first you look after your family*), question her education (*is she too educated?*) and leadership skills (*she thinks she is a big person*), insult the husband (*because her husband does not have guts, he sends her to social work*), inquire about her family background (*good families never allow their women to do this they must be from lowborn families*), being sceptic about her productive engagement (*is it because they do not have an income they participate in meetings?*)

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Sri Lanka has an established state service provision spread across national, district and divisional level to assist those affected by sexual and gender-based violence. To keep pace with the constitutional guarantees to protect the rights of women and men, Sri Lanka prepared a Women's Charter to express the state's commitment towards all forms of sex-based discriminations. Subsequent policies and laws such as PDVA and the National Action Plan to address Sexual and Gender-Based Violence are national level instruments brought forward to combat SGBV and create an environment that is safe and secure for both women and men. Though the local level politicians (both women and men) have not contributed to addressing SGBV, the national platforms at the Parliament (Women Parliamentarians Caucus and the Sectoral Oversight Committee on Gender and Women) have the mandate and authority to make policy decisions and follow them up. Civil society's service provision mostly focuses on preventing the occurrence of SGBV. The GBV Forum, both at divisional and district level, makes an effort to exert a positive influence towards policy formulation, implementation and following them up. On the other hand, community engagement could be utilized to influence the law enforcement and the administrative system to provide an efficient, effective and a sensitive service provision.

The newly amended Local Authorities Act with a 25 percent mandatory women's quota and other existing policies provide a sound policy environment to promote women's political participation; hence, the selection of women candidates is a task assigned to both the political parties and the voters.

Increase of women's representation in the political system would take time, as it is a bottom up process from local government to Parliament. However, increasing women's representation is important as it could have a positive influence in addressing SGBV: from setting up streetlights, to policy formulation and implementation, following up of SGBV policy and ensuring gender equality. Hence, every stakeholder must actively participate in creating a conducive environment for women to be engaged in decision making, contesting in elections and continuing their political roles.

Recommendations

The following is a set of ideas and suggestions to enhance the existing service provision for SGBV, and to capacitate female and male leaders at community level, to influence the political and administrative leadership to address SGBV.

Capacitating Women and Men Leaders

- Capacity building of female and male leaders on the notion of masculinity; specifically addressing how masculinity contributes to the formation and maintenance of male dominant structures that become an obstacle for both women and men to be aggressively engaged in combatting all aspects of SGBV.
- A comprehensive training on what SGBV entails, as opposed to the more generalised training; its effects on the survivor, cost of violence, survivor associates, perpetrator, perpetrator associates and the wider society, and importantly the root causes of violence.
- Enhance the capacity of women leaders in order to facilitate the process of being recognised and accepted as potential candidates in local government elections. This may include building their leadership and communication skills, providing and receiving constructive feedback, research skills to identify the issues and possible intervening points and campaigning skills. Coaching and mentoring should be included as an important part of the capacity building process.

Strengthening the existing mechanism to combat SGBV

- Create awareness among the general public about the state service provision on SGBV: services provided by the Children and Women Development Unit (CWDU); the referral mechanism and its benefits to the community.
- Secure financial and managerial support for CWDUs.
- Advocate with the state to recognise the National Forum against Sexual and Gender - Based Violence, District and Divisional GBV Forums as a state entity and to combat SGBV in terms of strengthening the forum as a platform that holds the decision makers accountable. Both District and Divisional GBV Forums can be brought within the purview of Ministry of Child and Women Affairs by adding a task to the WDO's job description. The National Forum can be brought under the National Committee of Women, which has a mandate to create a harassment free environment for women. The provincial SGBV Forum can bring together provincial stakeholders (administrative, political and civil society) and discuss province specific issues and new trends. It can also be utilised to formulate provincial policies on SGBV and mobilise provincial resources towards combatting SGBV. This Forum could be brought under the Provincial Ministry of Women Affairs.
- Initiate a policy dialogue with the Parliament's Sectoral Oversight Committee on Gender and Women on selected SGBV issues, in order to influence the policy formulation and their implementation.

Strengthening the Existing Mechanism to Capacitate Women to take up Political Roles

- Pradeshiya Sabhas are expected to appoint four citizen committees. The committees are to oversee finance and policy making, housing and community development, technical services and environment and amenities, and to advise the Pradeshiya Sabha with reference to any of its powers, duties and functions²². The Pradeshiya Sabha could delegate its duties to these committees authorizing them to work on women's safety and security; in deciding on establishing maternal clinics, public sanitary facilities and the provision of improved street lighting. This is an opportunity for women leaders to bring their perspectives into local governance. Based on the interviews conducted and in other published research, it is understood that neither had citizen participation been encouraged, nor had the committees consulted the public in related matters.
- Facilitate the observation of the Pradeshiya Sabha sessions. This could be an opportunity for community women leaders to observe and understand how such meetings are conducted, what is discussed and whether it is representative of their perspectives. Over time, having gained the knowledge, the general public observing the sessions would increase pressure on Pradeshiya Sabha members to adhere to their mandate of being "effective, collaborative, innovative and accountable" to the communities²³.
- Provide mentoring support for newly elected women leaders to be familiar with the local government proceedings, help gain confidence to raise SGBV issues in a non-threatening manner and give feedback on their performance with regard to raising their voice on behalf of women and men.

Research on Men, Masculinity and SGBV

- There is a dearth of research, evidence and institutional capacity to improve services for female survivors of SGBV. Apart from the CARE International Sri Lanka's study of "Broadening Gender: Why Masculinities Matter", there has not been any other published comprehensive research conducted on men in Sri Lanka.
- Further research is needed to understand characteristics associated with sexual violence perpetrated by men and against men. The understanding of health, economic and societal impacts of violence, will help negotiate the service provision needed for male survivors and their families.

Networking and Linking

- Support women's networks at district, provincial and national level to organize and sustain collective action.
- Link local women leaders and networks with national level government support mechanisms and civil society networks and activists regularly and systematically while connecting with regional and global platforms.

²²Pradeshiya Sabha Act No 15 of 1987 - Section 12

²³<http://www.lgpc.gov.lk>

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