
A project of the Global Network of Women Peacebuilders

Afghanistan, Azerbaijan, Burundi, Canada, Colombia, Democratic Republic of Congo, Fiji, India, Kenya, Libya, Iraq, Nepal, Netherlands, Nagorno-Karabakh, Philippines, Serbia, Sierra Leone, South Sudan, Sri Lanka, Sweden, and Uganda
Sri Lanka

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* This is an update of the 2013 report.¹

¹ The 2013 report was prepared by Kumudini Samuel and Jayanthi Kuru-Utumpala.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCGR</td>
<td>Bureau of the Commissioner General of Rehabilitation</td>
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<tr>
<td>CBO</td>
<td>Community Based Organization</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CEPA</td>
<td>Centre for Poverty Analysis</td>
</tr>
<tr>
<td>CFA</td>
<td>Ceasefire Agreement</td>
</tr>
<tr>
<td>GBV</td>
<td>Gender Based Violence</td>
</tr>
<tr>
<td>GOSL</td>
<td>Government of Sri Lanka</td>
</tr>
<tr>
<td>IDP</td>
<td>Internally displaced person</td>
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<tr>
<td>JMO</td>
<td>Judicial medical officer</td>
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<tr>
<td>LDO</td>
<td>Land Development Ordinance</td>
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<tr>
<td>LLRC</td>
<td>Lessons Learnt and Reconciliation Commission</td>
</tr>
<tr>
<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>MOD</td>
<td>Ministry of Defence</td>
</tr>
<tr>
<td>NCPA</td>
<td>National Child Protection Authority</td>
</tr>
<tr>
<td>NCW</td>
<td>National Committee on Women</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>NPoA</td>
<td>National Plan of Action</td>
</tr>
<tr>
<td>OIC</td>
<td>Officer-in-charge</td>
</tr>
<tr>
<td>PDVA</td>
<td>Prevention of Domestic Violence Act</td>
</tr>
<tr>
<td>SEWCORB</td>
<td>Socio Economic and Welfare Coordinating office for Rehabilitated Beneficiaries</td>
</tr>
<tr>
<td>SGBV</td>
<td>Sexual and Gender Based Violence</td>
</tr>
<tr>
<td>SGI</td>
<td>Sub-committee on gender issues</td>
</tr>
<tr>
<td>SOE</td>
<td>State of emergency</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<tr>
<td>VAW</td>
<td>Violence against Women</td>
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<tr>
<td>WFP</td>
<td>World Food Programme</td>
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<tr>
<td>WHH</td>
<td>Women Headed Households</td>
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<tr>
<td>WPS</td>
<td>Women, Peace &amp; Security</td>
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</table>
I. Women, peace and security profile

A. Nature of the conflict

Sri Lanka has a population of 21 million people.¹ The population of Sri Lanka comprises of four main ethnic groups: a Sinhalese majority (mainly Buddhists and some Christians), who constitute 74 percent, 11.2 percent Sri Lankan Tamils (mainly Hindus and some Christians), 4.2 percent Tamils of Indian Origin, 9.2 percent Muslims, 0.2 percent Malays, 0.2 percent Burghers (of British, Dutch and Portuguese colonial descent) and 0.1 percent others.² Despite being a multi-ethnic, multi-religious and multicultural society, Sri Lanka has failed to ensure that political power is shared between the centralized Sinhala majoritarian state and the marginalized non-majoritarian ethnic communities, in particular the Tamils. In the 1970s, unequal power-sharing and discriminatory policies against ethnic minorities led to armed conflict between the Sri Lankan state and the Liberation Tigers of Tamil Eelam (LTTE), who fought for a separate state in the northern and eastern regions of the country. During the 30-year conflict, there were a number of peace talks, but none of them succeeded in putting an end to the violence. The armed manifestation of conflict ended with the military defeat of the LTTE in May 2009 by the Sri Lankan armed forces.

Since the end of the armed conflict in 2009, neither the root causes, nor the consequences of the conflict have been addressed. Instead, Sri Lanka has experienced militarization, particularly in the conflict-affected areas in the North and the East, and in civil, political and economic life.³ Due to decades of the existence of a state of emergency (SOE), even following the lapse of the SOE, many practices from that period, which would now be considered extra-judicial, continue to exist. The war between the Sri Lankan forces and the LTTE had immediate as well as long-term effects on the civilian population, particularly in the North and East of the country, and in the adjacent regions.

Although the majority of the displaced have returned to their areas of origin, as of May 2014 there were 90,000 persons displaced within Sri Lanka.⁴ Most of these persons have been living in situations of multiple and protracted displacement and have specific needs as a result of this – particularly related to land. Despite large scale infrastructure development, such as roads and expressways and several urban rejuvenation and renovation projects in the South, many of those that have returned still have assistance and protection needs, and require support to achieve a durable solution to their displacement. There is a need for effective mechanisms to restore land and property and for facilitated mechanisms to compensate for losses. There also continues to be concern over the lack of access to adequate information on the situation of those displaced, and the challenges and assistance needs of those seeking a durable solution in places of return, local integration and relocation. The exact number of remaining internally displaced persons (IDPs) is currently unobtainable and heavily debated. On December 2012, the United Nations High Commission for Refugees (UNHCR) reported there are still 93,447 displaced.⁵ Those who returned to their areas of origin did so with limited, or in some cases no resources to re-build their lives. This forced them to access new and freely available credit to re-establish a habitable space and restart livelihoods. Due to their inexperience managing debt, and the inability of most, whose livelihoods are dependent on the agricultural and fishing sector, to compete in an open and competitive economy, their resources have depleted and many are in severe debt. Consecutive natural disasters, such as floods and droughts, and the consequent loss of livelihoods have compounded stress on their already limited resources. Their vulnerability has been worsened by steady inflation, which has increased the cost of living and related escalation in the prices of materials and labor. Groups with vulnerabilities such as women headed-households and the elderly are disproportionately affected.

B. Impact of conflict on women

In Sri Lanka, as in other countries, women and girls were particularly affected by the war. As men fled or took up arms, women were left behind to care for fractured families and communities. Women lived through multiple displacements and were housed in IDP camps or distant and unfamiliar villages. War and attendant militarism contributed to an increase in the levels of violence against women, ranging from sexual harassment to rape and domestic violence.

Women were also on the frontline as combatants as well as human rights defenders, engaging with political and military institutions on behalf of the detained, tortured, raped, disappeared or executed. They negotiated mutual co-existence with hostile neighbors, such as Sinhalese and Tamil women collaborating in the border villages adjoining the conflict areas, and campaigned for the end of the conflict. At the community level, women also engaged in conflict mediation, management and resolution with state and non-state entities.

The war, displacement, and life in IDP camps have had different impacts on women from different communities in Sri Lanka at different times. When men joined combatant forces, and were arrested/abducted, or fled to safer locations, women became de facto and de jure heads of households; they were thrust into new roles both within and outside the private domain. Commonly perceived merely as victims, numerous Tamil, Muslim and Sinhala women became responsible for the physical and economic security and survival of their families, and had to overcome the cultural constraints that challenged this transition. Hence,

⁵ Ibid.
women were forced to assume new roles and responsibilities and widespread displacement compelled them to move beyond their socially ascribed roles. For some women, conflict and displacement restricted their freedom, as some displaced communities adopted conservative cultural practices that restricted women's movement as a way to assert their ethnic or religious identity.6

Since 2009, women in the conflict-affected areas continue to face physical, economic and social insecurity due to militarization, lack of sustainable livelihoods, and lack of social protection and support mechanisms. Post-war militarization in Sri Lanka is taking place in complex ways, and at multiple levels.7 For instance, the Sri Lankan defense budget for 2014 was USD $1.94 billion, which is two percent of the country’s GDP. The military therefore continues to receive the highest expenditure in the government's national budget. In June 2013 UNHCR report titled “A Protection Assessment of Sri Lankan Internally Displaced Persons who have Returned, Relocated or are Locally Integrating,” surveyed 917 households, and showed that 82 percent of respondents in Mullaitivu, 58 percent in Kilinochchi and 57 percent in Jaffna in the North said that the nearest army/navy/air force camp was less than 1 mile from their residence. 63 percent of respondents in Trincomalee in the East said it was one to five miles from their residence. Moreover, 36 percent of respondents in Jaffna, 30 percent in Mannar and Mullaitivu and 25 percent in Kilinochchi stated that the military is engaged in activities such as building houses for returnees. 24 percent of respondents in Kilinochchi, 21 percent in Mullaitivu and 19 percent in Jaffna stated that the military was involved in development activities in their villages. These are the obvious, and therefore perhaps the more benign signs of militarization.

The physical presence of the military causes fear and makes women vulnerable to sexual violence and harassment. Furthermore, surveillance and monitoring of the population carried out by the military creates fear and suspicion amongst people, which leads to self-censorship and breakdown of intra-community trust and relations. This leads to the isolation of women-headed households and reduces their access to traditional community support mechanisms, such as extended family or neighbors. Women ex-combatants face particular difficulties. Of the 12,000 LTTE cadres who surrendered at the end of the war, 2,240 were women.8 All those identified by the State as former combatants have been subjected to the state-run rehabilitation program and have returned home.9 However, reintegration is challenging for these women who continue to be under military surveillance and monitoring, which leads to community suspicion that these women function as informants for the state security forces.10

7  Satkunanathan, “Militarisation as panacea.”
9  Following the end of the armed conflict in May 2009 those LTTE cadres who surrendered, those suspected of having been members of the LTTE and even those forcibly recruited during the last stages were separated from the IDP population and held in detention centers. The government later sent these persons to rehabilitation camps.

C. Relevant legal and policy framework

There are no national policies relating directly to women, peace and security (WPS); neither has the state subscribed to national, regional or global policy frameworks to implement UNSCR 1325 or other WPS resolutions. However, the Sri Lankan government has ratified a number of UN Conventions that require the State to protect, promote and fulfill the rights of women. These include: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Optional Protocol to CEDAW; International Convention on Civil and Political Rights; International Convention on Economic, Social and Cultural Rights; the Convention Against Torture; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; and, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime.

At the national level, the Sri Lankan Constitution guarantees that “no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds.”11 It also contains a provision that allows “special provision being made by law, subordinate legislation or executive action, for the advancement of women.”12 Crimes against women are governed by the Penal Code and some protection is afforded by legislation such as the Prevention of Domestic Violence Act (PDVA) of 2005.

National Action Plan on Women (NAPW)

Even though Sri Lanka does not have a National Action Plan specifically on the implementation of UNSCR 1325 and the supporting WPS resolutions, Sri Lanka’s National Committee on Women has spearheaded the drafting of National Action Plans on Women, through a consultative process between government and civil society representatives. The Ministry of Women’s Affairs has drafted the National Action Plan for Women for a five-year period from 2014 – 2018, which contains a chapter on Women and Social Reconciliation, Resettlement and Rehabilitation. The chapter makes special mention of UNSCR 1325 in the following paragraph:

Special attention is paid to prevent conflict situations by translating into action Resolution No. 1325 of the United Nation Security Council on Women, Peace and Protection to eliminate violence and harassment women are subjected to in such situation and to obtain women’s participation and contribution to the maximum in the peace building and development process. Here, it is also important to pay attention to women in rebuilding of the conflict areas and development and rehabilitation process.

The NAPW was approved by Cabinet in 2014, and the Ministry of Women’s Affairs is reportedly in the process of planning to disseminate it.

**National Action Plan for the Protection and Promotion of Human Rights**

Sri Lanka has developed a Sri Lanka National Action Plan for the Protection and Promotion of Human Rights (2011-2016), which includes chapters on women and IDPs and mentions some interventions relating to the “effective reintegration of women ex combatants” into society; the development of policy and programs for war widows; the reduction of violence against women; and women IDPs. Although the Cabinet approved this plan in 2011, it still remains to be implemented with serious political will.

The Women’s Caucus in Parliament, which brings together all 13 women MPs in the house across party lines, adopted an Action Plan for the Caucus in July 2013 that commits to monitor the implementation of the section on women in the National Action Plan for the Protection and Promotion of Human Rights. The action will also monitor the recommendations on women and conflict.

**II. Data presentation and analysis**

**A. Participation**

**Indicator 1 – Index of women’s participation in governance**

**Table 1.1: Women’s participation in governance in 2014**

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Government</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>6.7%</td>
<td>7.65%</td>
</tr>
<tr>
<td>Provincial Government</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4%</td>
<td>4.4%</td>
</tr>
<tr>
<td>Local Government</td>
<td>1.87%</td>
<td>-</td>
<td>2.03%</td>
<td>1.9%</td>
<td>2.3%</td>
</tr>
<tr>
<td>Average</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4.2%</td>
<td>4.7%</td>
</tr>
</tbody>
</table>

*It should be noted there are gaps in the data due to unavailability of or inability to access information.

The obstacles to increasing women’s representation and participation in governance set out in the 2013 report remain true to date.

Arguments from national policymakers that women are reluctant to run for elections are belied by the fact that a number of women have come forward to run in critical elections. For example, during the Jaffna Municipal Council elections in 2009, in the immediate aftermath of war, 30 percent of those receiving nominations from mainstream Tamil political parties were Tamil women. Three of these women won seats in the Council, of which the Mayor is a woman. The strong voter bias against women and the lack of political will—not the lack of women coming forward to run for election—are preventing progress in terms of women’s participation in governance.

Elections for the Provincial Council in the conflict-affected Northern Province were held in September 2013, to which only two women were elected of 38 members. Election violence coupled with the heavy presence of, and intimidation by the military, created an environment that was not conducive to women’s participation. For instance, as the Commonwealth election observer mission stated in its final report, opposition candidates received repeated home visits by the military conducting background checks, including late at night. The report cites the example of three opposition candidates who were visited multiple times, including at night, by persons either in uniform or stating their affiliation to the military. There were also repeated attacks on one of the few female candidates, Ms. Ananthi Sasitharan. The attack on September 20, 2013 at her home, during the eve of the elections, allegedly by men wearing military uniform, was violent and resulted in injuries to her supporters.

**RATING: No significant change**

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15 Ibid.
17 Ibid.
Indicator 2 – Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements

There are no on-going peace negotiations in Sri Lanka, since active armed conflict ended in May 2009.

RATING: Not applicable

Indicator 3 – Index of women’s participation in the justice, security sector, and peacekeeping missions

Table 3.1: Women’s participation in the justice sector in 2014

<table>
<thead>
<tr>
<th></th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court Judges (total 11)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court of Appeal (total 12)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Courts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Courts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magistrates</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Women in the Judiciary

Even though women’s participation in the judiciary has been increasing in recent years, the number of women in superior courts continues to be relatively low, with about 18.8 percent women in the Supreme Court and 16 percent in the Court of Appeal. The first female justice of the Supreme Court was appointed in 1996; in 2014 there are two women judges on the Supreme Court. Sri Lanka appointed its first woman Chief Justice, Justice Shirani Bandaranayake, in 2011, but she was impeached and removed from office in January 2013, even after the Supreme Court established that her impeachment was unconstitutional. The impeachment was politically motivated rather than gender related. As the above table illustrates, women fare better in the lower judiciary where they are better represented than in the upper echelons.

Approximately 70.6 percent of new students in the various law faculties in 2012 were women, indicating that women are increasingly pursuing careers in state, judicial, and the corporate sector. Women have also been appointed to key positions in the justice sector. For example, the current Secretary to the Ministry of Justice is a woman, and the first woman Attorney General was appointed in 2011. Yet, the low number of women in the judiciary points to continuing structural inequalities, including patriarchal attitudes, that prevent women assuming leadership positions in the sector.

Women in the Security Sector

There is no sex disaggregated data for women in the security sector available to the public, aside from limited statistical information in the Quarterly Report of the Sri Lanka Labour Force Survey- 4th Quarter 2013 (Sri Lanka Department of Census and Statistics), in which figures are available for Public Administration and Defense and Compulsory Social Security, under a single category. Women constitute approximately 31.6 percent of the total.

In late 2012, the army began recruiting Tamil women from the conflict-affected areas “as part of the government’s effort at reconciliation” Since the initial recruitment drive during which reportedly 109 women were recruited, there have been continuing allegations of Tamil women being coerced into joining or being recruited under false pretences, i.e. being told they were being recruited to work with local government officials.

A few weeks following the initial recruitment drive, around 20 recruits were admitted to a local hospital supposedly exhibiting symptoms of hysteria. This led to allegations that the women had been sexually assaulted, allegations that were later denied by a doctor who reportedly treated the women. Since then, there have been several drives to recruit Tamil women from the North into the army. Similar active recruitment drives to target women from other parts of the country have not been initiated.

In tandem with minimal participation, the predominant male bias in the armed forces endures. For instance, in March 2014, a video of women recruits being assaulted with sticks and being verbally abused during training by their instructors surfaced. Although the army issued a statement that it would investigate the incident and take action against perpetrators, to date there is no information on progress in this regard. There have been reports of courses in beauty culture and sewing as vocational training for women in the Army, Navy and Air Force nearing retirement.

Starting in the 1990s, the Police Department has established branches of the Children and Women’s Bureaus in police divisions to investigate complaints of abuse against women and children. 36 such desks operate island-wide and, generally, have at least one woman officer on duty to receive complaints. These desks are considered to be helpful but there have been concerns that the desks are not operational at night, and, in some instances they do not have a woman police officer and in some areas—particularly the Tamil speaking areas—there is a lack of Tamil

24 Ibid.
speaking personnel. As of November 2014, of 41 police stations in five districts in the North, 19 police stations did not have Tamil speaking officers and instead have officers who function as interpreters, of whom 12 were male. Of four stations in Mullaitivu, two do not have Tamil speaking officers or interpreters - instead Sinhala speaking officers with basic Tamil proficiency are posted to the desk. Five police stations of the 41 have only a male officer posted at the desk. Activists complain that that interpreters rarely interpret accurately, often omitting important details. Further, using male interpreters means that many women are reluctant to share details when they lodge complaints, which leads to a lesser offence being registered or the complaint being rejected further along the process due to lack of evidence. Other service gaps include the paucity of shelters for victims of SGBV.

According to officials of the Ministry of Women’s Affairs, women psycho-social assistants of the National Child Protection Authority (NCPA) have been appointed to work in the North and women and child development units have been established — five in Mullaitivu, four in Kilinochchi, four in Vavuniya, six in Mannar and 16 in Jaffna —to undertake case conferencing in instances of sexual and gender based violence. There are also plans to establish temporary safe houses for women and children for which reportedly 700 million have been allocated. Although no review of these mechanisms has been conducted by women’s groups yet, reports by activists and community workers in the North point to continuing shortcomings, not only in the conflict-affected areas but in the country as a whole, as illustrated by the example below.

A fundamental rights petition has been filed in the Supreme Court by a mother who complained about the failure of law enforcement authorities to take action against her own husband who had abused her children. In her petition, the mother has cited the Director of Women and Children Bureau of the Police, Anoma Dissanayake, Chairperson of the NCPA, the officer in charge, Special Investigations Unit NCPA, the Officer in Charge of Marawila Police Station and the Attorney General as the respondents for their inaction against her husband, who had sexually abused two daughters from her previous marriage (aged ten and eight years-of-age), and two infants (a boy and a girl since they were a month and six weeks old respectively). The petitioner has stated that although she tried to lodge complaints at Marawila Police Station more than 10-12 times, the police did not record her complaints. She has also complained to the Women and Children Bureau at the Fort Police Station on several occasions, but no action was taken. The petitioner alleges that the Women and Children Bureau of the police was allegedly protecting the child abuser while misleading the courts and the Judiciary. She further said that the NCPA and its Officer in Charge (OIC) of the Investigations Unit have conducted an investigation into the complaint she made and have not taken any steps to prosecute the offender as directed by the Juvenile Court Magistrate. She further stated that the NCPA Police Unit helped the abuser obtain custody of the abused children.25

In April 2014, it was reported that in the Northern Province, the Jaffna police launched an action plan to recruit more women into the police force across the conflict-affected Northern Province. The District Superintendent is quoted stating that a training centre will be established in the North for this purpose once they receive 500 applications.26

Table 3.2: Women’s participation in peacekeeping missions (TROOP CONTRIBUTING) in 2014

<table>
<thead>
<tr>
<th>Countries/Missions where peacekeepers were deployed – 2014</th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peacekeeping missions (total)</td>
<td>12</td>
<td>1,508</td>
<td>0.8%</td>
</tr>
<tr>
<td>Contingent Troop</td>
<td>4</td>
<td>1,473</td>
<td>0.27%</td>
</tr>
<tr>
<td>Experts on Mission</td>
<td>0</td>
<td>9</td>
<td>0%</td>
</tr>
<tr>
<td>Individual Police</td>
<td>8</td>
<td>26</td>
<td>23%</td>
</tr>
</tbody>
</table>

Source: United Nations

Table 3.3: Percentage of women participation in the justice, security sector, and peacekeeping missions from 2012 and 2014

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice sector</td>
<td>21.7%</td>
<td>27.2%</td>
</tr>
<tr>
<td>Security sector</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td>Peacekeeping missions (troops contributing)</td>
<td>0.38%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Peacekeeping missions (troops receiving)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: Global Network of Women Peacebuilders; Combined 5th, 6th, & 7th Periodic Reports of Sri Lanka submitted to the CEDAW Committee during the 48th Session of the CEDAW Committee in January 2011; Court of Appeals of Sri Lanka, United Nations

The number of women sent overseas on peacekeeping missions is extremely low. This is a reflection of the overall low participation of women in the military and the police, as well as the preference given to male members of the Security Services for these placements, which are often perceived as lucrative and career-advancing posts. In July 2013, Military Spokesman Brigadier Ruwan Waniagasooriya, speaking to the Daily Mirror online, explained that the training of female soldiers for peacekeeping

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26 “Police to recruit 500 Tamil women,” Ceylon Today, April 28, 2014.
missions was initiated in 2010, as per a request of the UN for a contingent of female military personnel to be deployed in peacekeeping to focus on incidents of gender based violence, in particular in African missions. Although the female soldiers of the Sri Lanka Army are now trained and ready, the Brigadier said they have not yet had the opportunity to be deployed in a peacekeeping mission and use their skills. The numbers of police women being deployed are, however, higher than the number of women soldiers and this may indicate a higher demand for women Police within the Peacekeeping Forces.28

RATING: Slight progress

Indicator 4 – Number and percentage of women participating in each type of constitutional or legislative review (including security sector review)

In the period 2013 to 2014, there was no constitutional review process in Sri Lanka. There was also no special legislative review process other than the review undertaken by parliament as part of the normal process of enacting legislation. Hence, there has been no progress with regard to resolving the root causes of the armed conflict.

The information provided below focuses on parliamentary committees established under the standing orders of parliament and consists of groups of Members of Parliament (MPs). These committees are established to inquire into issues delegated by the House, ranging from examining bills or investigating an issue of public concern. Standing committees are those that scrutinize bills as well as committees established for special purposes, such as the Committee on Public Accounts. Select committees have specific terms of reference to deal with issues of major public concern.

Since women constitute only 4.8 percent of MPs (i.e., 13 in a house of 225 members), they are present in lesser numbers and are in multiple committees. Some Committees for Special Purposes, such as the Committee to recommend measures for the maintenance of Propriety, Discipline, Traditions and Security of Parliament, Committee on Selection, Committee on Public Accounts, Committee on Standing Orders, Committee on High Posts and the Select Committee of Parliament to inquire and Report on Strengthening the Independent Character of the Parliament do not have any women members.29

There are 61 parliamentary committees. Except for the Committee on Child Development and Women’s Affairs, which includes all 13 women MPs in a Committee of 25, most of the other Committees count only between one and three women, or very rarely, four. Significantly, women are completely excluded from the most important Committees, such as Defence and Urban Development, Civil Aviation, Construction, Engineering Services, Housing and Common Amenities; Education; Finance & Planning; Highways, Ports and Shipping; Public Administration and Home Affairs; and Public Management Reforms.30 The need for increasing women’s representation in Parliament becomes imperative if women are to play a more significant role in legislative review. This is a concern the Women’s Caucus in Parliament has continued to highlight in the Action Plan of the Caucus.

RATING: Not applicable

Indicator 5 – CSOs in task forces/committees/working groups on UNSCR 1325 and 1820 (out of total task force members)

To date, there is no National Action Plan for the implementation of UNSCR 1325 and 1820 in Sri Lanka. There are no official task forces or committees established to develop a NAP or to monitor the implementation of UNSCR 1325 or 1820 through an equivalent national mechanism.

There are two formal mechanisms somewhat related to Women, Peace and Security in Sri Lanka is the National Action Plan for the Protection and Promotion of Human Rights (2011-2016), approved by the Cabinet in 2011, and the National Action Plan for Women for a five-year period from 2014 – 2018, which contains a chapter on Women and Social Reconciliation, Resettlement and Rehabilitation. Both still remain to be implemented with serious political will. To address this lack of implementation, the Action Plan of the Women’s Caucus in Parliament, which was approved in 2013, has decided to monitor relevant aspects of the National Action Plan for Human Rights dealing with women and conflict recovery.

As stated in the 2013 report, in the absence of a NAP and a formal committee for UNSCR 1325 implementation, women’s NGOs have taken the lead in terms of awareness raising, implementation and monitoring of the WPS resolutions. Since this work has not focused all the pillars of the UNSCR 1325 (UNFPA Assessment 2008), very little space has been created for implementing the resolution at the community level.

RATING: Not applicable

B. Prevention and protection

Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized

There is extremely limited comprehensive data nationwide on sexual and gender-based violence against women (SGBV) in Sri Lanka. Demographic health surveys throughout the country provide some information on people’s perceptions of violence against women, but data on actual incidents of SGBV are sporadic and limited.

Data on violence in war-affected areas where civil society organizations face many obstacles to data gathering is even more limited. Sexual and gender based violence (SGBV) desks in the main government hospitals in the North and East provide some

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30 Ibid.
data on SGBV cases in conflict-affected areas, but they provide only a partial depiction of the problem. Some of the CSOs in the North and East that provide assistance to women victims of violence also report on cases of SGBV. Both data collected from SGBV desks of government-run hospitals and data collected by CSOs is presented in the data tables below.

**Table 6.1: Number of SGBV cases reports 2013**

<table>
<thead>
<tr>
<th>Type of SGBV</th>
<th>Vavuniya</th>
<th>Akkaraipattu</th>
<th>Batticaloa</th>
<th>Trincomalee</th>
<th>Mannar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>93</td>
<td>23</td>
<td>96</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td>Rape</td>
<td>No data available</td>
<td>No data available</td>
<td>22</td>
<td>5</td>
<td>No data available</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>No data available</td>
<td>No data available</td>
<td>26</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>93</strong></td>
<td><strong>23</strong></td>
<td><strong>144</strong></td>
<td><strong>5</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Home for Human Rights

**Table 6.2: Number of SGBV cases reported 2014**

<table>
<thead>
<tr>
<th>Type of SGBV</th>
<th>Vavuniya</th>
<th>Akkaraipattu</th>
<th>Batticaloa</th>
<th>Trincomalee</th>
<th>Mannar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>No data available</td>
<td>14</td>
<td>95</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td>Rape</td>
<td>No data available</td>
<td>No data available</td>
<td>21</td>
<td>7</td>
<td>47</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>No data available</td>
<td>No data available</td>
<td>18</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
<td><strong>134</strong></td>
<td><strong>7</strong></td>
<td><strong>47</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Home for Human Rights

**Table 6.3: Incidents of Sexual Violence against Women Registered in the Northern and Eastern Provinces during the period January – October 2013**

<table>
<thead>
<tr>
<th>Types of sexual violence</th>
<th>Incidents registered with six women’s organization in Batticaloa</th>
<th>Incidents registered in Amparai</th>
<th>Incidents registered in Vavuniya</th>
<th>Incidents registered in Mannar</th>
<th>Incidents Registered with GBV desk in Mullaitivu</th>
<th>Incidents Registered in Kilinochchi</th>
<th>Incidents Registered in Jaffna</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual abuse</td>
<td>22</td>
<td>No data available</td>
<td>6</td>
<td>16</td>
<td>02</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td>Rape and murder</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
<td>03</td>
<td></td>
</tr>
<tr>
<td>Attempted murder</td>
<td>06</td>
<td>03</td>
<td>No data available</td>
<td>03</td>
<td>No data available</td>
<td>01</td>
<td>No data available</td>
</tr>
<tr>
<td>Rape</td>
<td>02</td>
<td>04</td>
<td>16</td>
<td>05</td>
<td>04</td>
<td>No data available</td>
<td>03</td>
</tr>
<tr>
<td>Rape of girl children</td>
<td>06</td>
<td>No data available</td>
<td>24</td>
<td>No data available</td>
<td>No data available</td>
<td>08</td>
<td>22</td>
</tr>
<tr>
<td>Sexual abuse of girl children</td>
<td>01</td>
<td>12</td>
<td>No data available</td>
<td>25</td>
<td>04</td>
<td>No data available</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total registered incidents</strong></td>
<td><strong>37</strong></td>
<td>19</td>
<td>46</td>
<td>49</td>
<td>10</td>
<td>09</td>
<td>44</td>
</tr>
</tbody>
</table>


31 Information provided by Home for Human Rights. Please note there is no information on the number of cases that were investigated, prosecuted and penalized.
Even though domestic violence and psychological abuses were the types of SGBV most often reported in Northern and Eastern regions, it is widely known that these numbers are not an accurate representation of the prevalence of domestic violence.32 There continues to be underreporting of domestic violence, in spite of the Prevention of Domestic Violence (DV) Act of 2005, which offers women civil protection from domestic violence. There is still little awareness of the Act, and due to the prevalence of patriarchal values, such as fear of breaking up the family, the Police continue to be reluctant to use it. For instance, many domestic violence cases continue to be mediated by the Police through counselling. Since domestic violence is most often perpetrated by family members, women victims are reluctant to use the Act, except in cases of extreme violence. There are also reports by community workers of women who lodge police complaints of domestic violence thereafter being subjected to unwelcome advances by police officers.

Cases related to sexual violence specifically are also underreported. Many of the cases of sexual violence are anecdotal in nature and not reported to the police, but are dealt with through CSO counselling and accompaniment, i.e. providing support to the women by accompanying them to access medical services, livelihood opportunities or mediation. Women and girls are reluctant to speak of sexual violence or to identify the perpetrators because rape is stigmatized. The reluctance is heightened by fear, particularly if the perpetrator is a state actor, due to fear of reprisals.

Impunity is another factor that prevents women from reporting domestic violence as well as sexual and gender-based violence in general. Impunity is still extremely pervasive in post-war Sri Lanka, and prosecution, particularly in cases of sexual violence, continues to be drawn out and rarely leads to convictions. On 6 June 2010, a woman IDP who returned to her area of origin, Vishwamdu in the Mullaitivu district in the North, was raped by four armed forces personnel. She reported the incident, leading to court hearings and the alleged perpetrators were released on bail after being held in judicial custody for five months. Rights activists accused the police of delaying the submission of evidence and allowing the accused, who do not attend hearings and whose whereabouts are unknown, to abscond. In July 2011, the case was transferred to the Jaffna High Court and the case file has been given to the Attorney-General’s Department. Yet, the case is still pending in Jaffna High Court with the accused not appearing for court hearings. Meanwhile, the victim has continued to suffer harassment and intimidation by unidentified persons; the latest incident took place in March 2014 when she was attacked by a few men, and her shop was vandalized.33

In February 2013, Human Rights Watch published a report that documented 75 cases of rape—41 of women—perpetrated by members of the state security forces during the period 2006-2012 in official and unofficial state custody. In all cases documented in this report, acts of rape and sexual violence were accompanied by other forms of torture and cruel, inhuman, and degrading treatment. The conditions in which the individuals were held, without access to judges, defense lawyers, relatives, or doctors, violated fundamental due process rights.34

Although there are no formal studies that correlate the increase of militarization with an increase in reporting of violence against women, anecdotal evidence suggests a correlation between heavy military presence in conflict-affected regions in the North and East, and the rates of SGBV, including domestic violence. The UNHCR Tool Three report found that 40 percent of women did not feel safe staying home alone, illustrating serious concerns regarding physical security for women at the village level. It also notes that 25% of women felt unsafe to travel out of their village.35 Another study of 128 former women combatants from eight districts in the North and East who had undergone the government rehabilitation program states that 42 percent of respondents felt that the continuous monitoring and surveillance by the military constituted a threat to their physical security.36

The three cases discussed below illustrate the vulnerability of women and young girls to sexual violence in the conflict-affected areas.

- The first is the brutal rape of a six year old girl by a soldier in May 2013. The soldier, who was attached to an army camp in Nedunkerny in Vavuniya North in the Northern Province, had been released on bail for sexually abusing another child a week before he committed this offence. He subsequently confessed to raping the child and was remanded.

- On August 18, 2013, it was reported that a woman from Poonekery was raped and left for dead allegedly by two men wearing khaki pants and green t-shirts. Local activists had learned of the incident only after the woman was re-admitted to the Kilinochchi Hospital to be treated for internal bleeding, a month after the rape. Following the attack, the military handed over a local fisherman to the Police, accusing him of having committed the sexual assault.

- In July 2014, the rape of two young girls aged 11 and 9, allegedly by a navy officer in Karainagar in the Jaffna peninsula in the North, was reported. It was later revealed the 11 year old had been subjected to continuous abuse during school hours due to which she had missed school for several weeks. The child was taken to the hospital and examined by the Judicial Medical Officer (JMO), who confirmed multiple instances of rape. Hospital authorities also informed the child probation officer. When the 11 year old first appeared in court the report of the medical report of the JMO was not submitted. The Tamil National Alliance (TNA) alleged that the investigation was being conducted “in an improper manner” and the parents of the victims were being pressured to withdraw the

32 A focus on domestic violence (MWRAF 2013, unpublished) in selected war affected regions in Eastern Sri Lanka, one of the two provinces most affected by the conflict, helps shed some light on the conditions of women affected by domestic violence and the impacts it can have on their families. It also broadens insights into the services to which women who are affected by domestic violence have access.

33 Information provided by women’s activists.


35 UNHCR, “A Protection Assessment of Sri Lankan Internally Displaced Persons who have Returned, Resettled or are Locally Integrating,” June 2013.

More than 11 members of the Sri Lankan Navy were brought to court for identification, which was not conducted in-camera. This meant the child was forced to be in the close presence of the Navy personnel when asked to identify the perpetrator. Navy Media Spokesperson, Commander Kosala Warnakulasuriya stated that those arrested had denied the charges, but a special investigation has been launched by the Navy to determine whether the alleged crime had taken place. He further said those found guilty "will be dealt with legally." In addition to existing barriers to reporting sexual and gender based violence, military presence constitutes an additional obstacle that prevents women from seeking assistance due to the fear the perpetrator could be part of or affiliated to the military. For example, women report an increase in sexual harassment, particularly in public transport, but say that since they don’t know whether the person is an intelligence officer or affiliated or linked to the military, they do not report it for fear of reprisals.

Transactional sex remains an ambivalent and grey area, with women having to offer sexual favours to access resources and food entitlements or to receive assistance for building homes or accessing state facilities. Militarisation in the North and East appears to facilitate some form of voluntary or coercive transactional sex, in which women sometimes engage as a survival measure.

The most recent available data for crimes committed by the armed forces and police is for the year 2011, which is set out in the table below and is not geographically aggregated.

Table 6.4: Crimes committed by Officers of the Armed Forces and Police during the year 2011

<table>
<thead>
<tr>
<th>Offences</th>
<th>On Duty</th>
<th>Off duty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Army</td>
<td>Police</td>
</tr>
<tr>
<td>Rape / Incest</td>
<td>80</td>
<td>4</td>
</tr>
<tr>
<td>House Breaking / Theft</td>
<td>50</td>
<td>3</td>
</tr>
<tr>
<td>Grievous Hurt</td>
<td>31</td>
<td>7</td>
</tr>
<tr>
<td>Robbery</td>
<td>74</td>
<td>16</td>
</tr>
<tr>
<td>Unnatural Offence Grave Sexual Abuse</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>Hurt by Knife etc.</td>
<td>26</td>
<td>11</td>
</tr>
<tr>
<td>Other</td>
<td>166</td>
<td>63</td>
</tr>
<tr>
<td>Total</td>
<td>445</td>
<td>105</td>
</tr>
</tbody>
</table>

Source: Sri Lanka Police

Rating: No significant progress

37 “Girl was raped by navy men for 11 days: TNA MP,” Tamil Guardian, July 22, 2014.
As set out in the 2013 report, in Sri Lanka, due to lack of political will, national gender-responsive laws and policies are seldom enacted into law or not implemented.

The transformation of the Ministry of Women’s Affairs into a Ministry of Women’s Empowerment that is now combined with Child Development since 2005 has undermined the women’s ‘right to equality’ agenda. In addition, for the first time in its history, the Ministry has both a male Minister and a male Secretary, depriving women’s representation even at the very top of national gender architecture. In addition, the government’s commitment to women has been put in doubt by certain statements made by the Minister of Child Development and Women’s Affairs, Tissa Karaliyadda. For instance in December 2013, when discussing CEDAW and other international standards for women’s rights and equality, he was quoted stating in Parliament that in Sri Lanka, “Women enjoy equal recognition and protection. Most of these conventions go against our culture and religion.”

It has also been reported that the Minister said in a statement that women who work for NGOs on women’s rights are those who were unable to “protect their own chastity.”

Further, the Sunday Leader of 13 April 2014 reported that Minister Karaliyadda had stated that proposals on new laws to respond to the large and growing number of rape cases will ensure that rapists are bound by law to marry the victim if she gives her consent to court. This news report indicated that this proposal would be forwarded to the Ministry of Justice for necessary action. Despite repeated calls for the resignation or removal of the Minister by rights activists, he remains in office.

A number of laws contain discriminatory provisions that need to be amended. For instance, circular 13/2013 dated June 7, 2013, which was issued by the Sri Lanka Bureau of Foreign Employment, states that since a “considerable number of female domestic housekeepers” are “leaving the country without informing the actual state of affairs at home in Sri Lanka,” all licensed foreign employment agents are instructed to obtain “an assurance” from the worker in order to issue a “clearance of their state of affairs at home in Sri Lanka.” This requirement is set out in a section titled “Mandatory requirement of obtaining clearing certificate for domestic sector female workers preventing unqualified domestic housekeepers going abroad.” The circular requires women migrant workers to complete a form to obtain said clearance implying that they will not be able to travel abroad for employment without receiving this clearance. The circular applies only to women migrant domestic workers and places a number of restrictions on their rights, including freedom of movement and right to work. Although the sub title of the circular states the purpose is to “prevent unqualified domestic housekeepers going abroad,” the majority of questions focus on the “family situation” of the woman and her ability to find a caretaker for her children. Hence, it assumes and places sole responsibility for childcare upon the woman.

On September 22, 2013, it was reported that Nilmini Kularathna filed a fundamental rights petition on the basis the circular not only exhibited gender bias but also violated her right to equality enshrined in the Constitution, after she was informed by the employment agency that a letter of consent from the husband/family was required to travel overseas for employment. The Supreme Court refused “leave to proceed” to Kularathna and the court, headed by Chief Justice Mohan Peiris, took the position that the rule was not gender discriminatory, nor did it violate an individual’s human rights. The court stated that since many women have faced problems when working abroad, the rule sought to protect women and children. The court also referred to the new cabinet decision to bring about an age requirement for women who seek work overseas as domestic. Further, in its decision the court pointed to Sri Lankan culture and tradition, which view women as the force that binds the family.

The legal reforms for which women’s organizations continue to advocate as listed in the 2013 report are the following:

- Amendment of Land Development Ordinance to remove the clause of “primogeniture”;
- Decriminalize same sex relations by abolishing Section 365a of the Penal Code, which criminalizes adult consensual same-sex relations in public and private spaces;
- Amend the Thesawalamai Law to allow women to have absolute power of disposition of their own immovable property without written consent from either husband or the State;
there have been some developments since the 2013 report regarding the implementation of the specific provisions on women, which are discussed below:

**Missing Persons, Abductions, Involuntary/Enforced Disappearances**

The LLRC recommended the appointment of a Special Commissioner of Investigation to probe alleged disappearances and to provide material for the Attorney General to initiate the appropriate criminal proceedings. In August 2013, the President appointed a Presidential Commission to Investigate into Complaints Regarding Missing Persons. To date, the Commission, which has held public hearings, has received 14,471 complaints from civilians and 5,000 complaints from families of the security forces. Human rights groups have expressed concerns regarding the manner in which the Commission is functioning.

With regard to the LLRC recommendation that, "The families need to be assisted to deal with the trauma of not knowing the whereabouts of their family members, in some cases for years. They could also be assisted financially in situations where the missing persons had been the breadwinners. Legal aid should also be provided as and when necessary", has been ignored and women continue to suistit on informal sector support that is insufficient and insecure, pushing them to engage in illegal or dangerous activities to meet their basic needs.

**Demobilization, Disarmament and Reintegration**

The LLRC called on the GOSL to implement programs to ensure that former combatants are integrated into civilian life, and called on CSOs to play a more substantial role in this reintegration process. This recommendation has special significance for female ex-combatants who face a number of obstacles reintegrating into their communities, including being subjected to surveillance and monitoring by the security establishment. Despite these factors the NPoA states “No further activity required as recommendation has been given effect to.”

**Women**

Although the previously discussed recommendations had an important gender component, the LLRC made a series of recommendations specifically on women. The recommendations dealt with women 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 recognized the need for the immediate provision of livelihood and income generating means to these women, many of whom were living in poverty. The NPoA sets out various measures to address the needs, particularly the economic needs of women headed households, which it states are on-going.

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44 Ibid., paragraph 9.71.
With regard to recommendation 9.90, which calls on the government to “create a conducive environment in all areas of the country, especially the conflict affected areas, for women to feel that they live in a secure environment and their basic human dignity is safeguarded and protected,” awareness raising programs have been identified as the activity through which it will be implemented. As the previous sections illustrate, structural changes are required in addition to awareness raising programs to ensure the security of women.

**Land**

The LLRC recognized that there is a need to grant legal land ownership to those conflict-affected IDPs who have been resettled, and the NPoA inter alia called for the effective implementation of statutes, i.e. The State Lands Ordinance, Land Development Ordinance (LDO), and the Land Grants (Sp. Provisions) Act. However, it failed to recognize the discrimination against women entrenched in the Land Development Ordinance 1935 (LDO) on the application of the principle of primogeniture (or preference for males in any category of heirs) on death of a male permit holder of State land. This provision remains in place.

**RATING: No significant change**

**Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes**

There is limited information on women’s access to economic packages within the recovery and development context in war-affected regions. After the war, non-governmental agencies provided a range of support intended to offer livelihood opportunities in the early recovery phase. This support included the provision of machinery, infrastructure renovation, and small business support, including home-based businesses focusing on women, skills training, etc. As these regions slowly began to recover, agencies have provided market-based livelihood opportunities, some consciously trying to include women as beneficiaries. Female rural labor force participation in 2013 was 37.2 percent, while female unemployment is 6.6 percent nationally.

Most of the population in the conflict-affected areas comes from rural/agricultural communities and many women work in family owned plots, as itinerant labor and small-scale vegetable and fish vendors. Due to appropriation of land by, and/or the presence of the military, many women are unable to access land and livelihood opportunities. Some women rely on immediate or extended family or engage in day labor for which they receive Rs. 300 (Sri Lanka Rupees), while others supply food to the local eatery or shop or are involved in cottage industries, such as weaving. As the women are not part of a formal mechanism, such as a co-operative, their incomes are subject to the vagaries of their personal situation, such as ill-health. These women have to also compete with the military, which now manages large agricultural farms and is hence able to sell produce at cheaper prices. Eighteen percent of respondents of the aforementioned 2013 UNHCR survey reported that in their village the military is engaged in farming and fishing activities and are selling the products below market price, thereby creating strong competition in the market, (rising to 21-26 percent of respondents in Kilinochchi, Mullaitivu and Mannar) and 6 percent reported that the military is involved in commercial enterprises. Hence, the military’s foray into the agricultural and commercial sector, which has adversely affected small farmers and retailers, has increased the economic vulnerability of women.

Women in the agriculture sector earn less than men with women being paid Rs. 653 as the average daily wage in 2013 for transplanting, which is Rs 165 lower than the male average daily wage for the same work. Further, since 2012 the food security situation in the North has worsened. A comprehensive assessment by World Food Programme (WFP) conducted in late March 2012 in Northern and Eastern Provinces found that 44 percent of the population could not get adequate, nutritious food. According to an August 2013 WFP study of 300 households interviewed over two days in Vavuniya and Mullaitivu districts, half reported selling assets, such as jewelry, to cope with diminishing income and rising debt. A study of 182 households in 2 villages in Batticaloa (Kattimurivu and Thandiyadi) in the Eastern Province found that 90 percent in Kattimurivu and 76 percent in Thandiyandid were earning less than what was required to meet the basic needs of their households. According to a similar study conducted with 270 women headed-households in Jaffna and Vavuniya districts in the North and Batticaloa in the East, the mean income of women headed households was only Rs. 3,875 per month, which is severely inadequate to meet their daily needs. In this context, women headed households are extremely vulnerable, which also functions as a push factor to enter exploitative relationships, particularly with members of the armed forces.

Another factor that has pushed women headed households further into poverty and debt is the Housing Project for the conflict-affected that is being funded by the Government of India. This is because the project is being implemented in a manner that doesn’t take the vulnerabilities of project beneficiaries into account. For instance, it expects beneficiaries to have surplus funds in hand to begin the first stage of the project. Most women, who do not have surplus funds and are forced to borrow mostly from local money-lenders at exorbitant rates with interest rates reportedly as high as 60 percent, engage in casual labor and earn a daily wage of LKR 300-500. Hence, this not only economically disempowers them but also makes them vulnerable to being forced into exploitative relationships due to dire economic necessity. For instance, in a number of instances, masons and

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49 Ibid.
51 World Food Programme, “Food security, Nutrition Situation,” (Briefing to donors, Aug 1, 2013).

contractors have entered into relationships with women who have employed them, exploited them financially, and after a few months have abandoned them and left the area. It should be noted that the average income of women headed households is one-third less than the national average.54

A study by the Centre for Poverty Analysis (CEPA) states that women-headed households reported an average debt of LKR 129,490, with the average debt of women who had begun construction being LKR 12,000 higher than this average.55 Further, most women are forced to hire labor, which is an additional cost as they are reluctant to seek the assistance of male members of the community or even extended family due to fear of social ramifications such as rumors of an inappropriate relationship with the man and resulting social censure and stigmatization.56

The CEDAW Committee in its Concluding Observations on the combined fourth and fifth periodic reports of India that were issued in July 2014 expresses concern at the lack of a gender perspective in and of consultations with women over this project, and recommends India undertake an immediate review of the impact of the India Housing Project in Sri Lanka and adopt a consultative and gender-sensitive approach in implementing the on-going and future phases of the project and address the needs and concerns of the most disadvantaged and marginalised groups of women.

In Sri Lanka, post-2009, women combatants who have been held at rehabilitation centers have found social and economic re-integration challenging. Despite government statements that all rehabilitees were provided vocational training, according to released persons, only a handful appear to have received any form of substantive training that can enable them to earn a sustained income. Many stated that of thousands of persons, only a limited number, around 20-30, were chosen for each training course at any given time—i.e. training was not provided to all persons held at rehabilitation centers. The vocational training programs women were able to access were gender stereotyped, such as bridal dressing, hairdressing and cake-making.57 Many women former combatants stated they found it difficult to reintegrate economically due to lack of education and skills with those lacking both being forced to give large dowries in order to find a match.58

Although IOM provided a grant to enable them to kick-start income generation activities, some released persons experienced delays in accessing these grants while others utilized the grant to engage in one-off economic activities that did not provide a sustainable income. In other instances, due to lack of guidance and support in the form of market knowledge, means of distribution, etc., some undertook income generation projects which they were not qualified to run and thereby incurred losses, most often resulting in the loss of the capital as well. Also, the fixed grant provided by IOM did not cover all costs related to a certain income generation activity, which prevents some from engaging in the activity productively.

Former combatants have also found it difficult to obtain loans, since banks or other institutions require guarantors, which former combatants are unable to secure. For instance, a former rehabilitee who wished to obtain a bank loan explained that when she approached an individual known to her to sign as the guarantor for the loan, he refused saying that ultimately she would become responsible for the loan and be forced to pay it as she might get abducted one day by state forces.

The Bureau of the Commissioner General of Rehabilitation (BCGR) has established a follow up mechanism known as the Socio Economic and Welfare Coordinating office for Rehabilitated Beneficiaries (SEWCORB), with the purpose of providing “assistance to improve the livelihood of [the] reintegrated:” The Bureau’s website lists self-employment loans provided via three state banks as set out in the table below. Ex-combatants are able to borrow up to Rs. 250,000 (USD $2,000) with a below-market interest rate of 4 percent with a repayment period of 10 years through this loan scheme. A total of 1,568 loans amounting to Rs. 259,195,000, i.e. USD $2,073,560 have been disbursed.

55 Ibid.
56 Shadow report on the impact of Indian Housing on conflict-affected women in the North and East of Sri Lanka submitted to the CEDAW Committee review of the combined 4th and 5th periodic reports of Indian, The Northern Women Action and Advocacy Network, June 2012.
58 Satkunanathan, Whose nation, 641.
### Table 9.1: Self-employment loans provided by the banks detail at district level

<table>
<thead>
<tr>
<th>SEWCORB</th>
<th>Reintegrated Beneficiaries</th>
<th>Self-Employment Loans for Expected</th>
<th>Districts</th>
<th>Bank of Ceylon</th>
<th>People Bank</th>
<th>Sri Lanka Savings Bank</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jaffna</td>
<td>3,263</td>
<td>Jaffna</td>
<td>89</td>
<td>199</td>
<td>No data available</td>
<td>288</td>
<td></td>
</tr>
<tr>
<td>Wanni</td>
<td>1,271</td>
<td>Vavuniya</td>
<td>117</td>
<td>41</td>
<td>151</td>
<td>No data available</td>
<td>309</td>
</tr>
<tr>
<td>East</td>
<td>592</td>
<td>Anuradhapura</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td>Mullathivu</td>
<td>2,457</td>
<td>Polonnaruwa</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
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<td>760</td>
<td>603</td>
<td>418</td>
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Source: Bureau of the Commissioner General for Rehabilitation\(^{59}\)

A study of 20 loan recipients from Jaffna and Killinochchi in the North found that:

> Most ex-combatants continue to live a very low quality of life and are not doing well through their businesses. Some regret that they took the loan in the first place. Overall, their loans have not provided the needed economic stimulus to uplift their living standards, and many continue to live at a subsistence level. Nine mentioned that because the loan was not sufficient to make ends meet they had to go out in search of another job, but many found it difficult to find other work. Most had undertaken their business venture because there was no other choice, and they had not received sufficient entrepreneurship or technical training before the loan was given.\(^{60}\)

**Rating: No significant change**

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**C. Promotion of a gender perspective**

**Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law**

**Trainings for Peacekeepers**

As mentioned in the 2013 report, since Sri Lanka’s participation in UN peacekeeping in 1960, Sri Lanka continues to be a committed partner for UN peacekeeping operations with over a thousand men and women from the three armed forces and the police serving in seven different UN peacekeeping missions, and as of November 30, 2014, ranks 22\(^{nd}\) in terms of troop contributions to the UN peacekeeping.\(^{61}\) The Sri Lanka military provides some human rights and humanitarian law training to its cadre, but there is no specific information available on the nature of pre-deployment training and post-deployment programs for the military or police incorporating UNSCR 1325 or UNSCR 1820 specifications.

Trainings for the Sri Lanka government officials and Security Sector

There has been no significant change in this regard since the previous report.

RATING: No change

Indicator 11 – Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government

In 2014, there continued to be no specific allocation of government funds for work on women, peace and security programs either for CSOs or government departments, which is indicative of a lack of political will to further the protection and promotion of the rights of women. Since 2013, reportedly Rs. 700 million has been allocated to establish temporary safe houses for women in different parts of the country. The National Committee on Women continues to run a counselling services and loan schemes for conflict-affected women heads of household and widows for livelihood support. However, these programs are still insufficient to meet security and economic needs of the large numbers of women affected by conflict and those living in poverty due to the consequences of conflict.

UNDP had through the N-peace network conducted training-of-trainers programs. In addition, UNFPA supported the printing of a trilingual booklet on 1325.

Rating: No significant change

D. Optional Indicators

Optional Indicator A – Extent to which gender and peace education are integrated in the curriculum of formal and informal education

There is no program in the formal curriculum on “gender and peace education.” It has been difficult to have gender be included into the curriculum and the combination of gender and peace would be even more difficult, as the curriculum is already considered to be overloaded.

In 2012, the Centre for the Study of Human Rights, which is aligned with the Law Faculty of the University of Colombo, began a diploma program on UNSCR 1325 which the Centre conducts in Colombo, through the University of Jaffna and the Eastern University. Designed together with CSO activists and academics conversant with peace and security concerns the programs are available to both government and non-government activists and advocates and offer an innovative means by which work on the resolution can be mainstreamed into both government and non-governmental sector to work on conflict recovery. This program is funded by FOKUS.

RATING: Moderate progress

III. Conclusion and recommendations

Conclusion

Progress in the Participation pillar of UNSCR 1325 in Sri Lanka remains extremely low or non-existent. Only women’s participation in the Judiciary has slightly increased in the past several years, while women in decision-making posts at national and sub-national levels and in the security sectors have remained the same. This is in large part due to enduring patriarchal attitudes that perceive women as unfit for politics and for security.

Official and reliable data on SGBV cases remains scarce. Impunity for the perpetrators of SGBV and the stigma that women and girls face in their communities when they report cases of SGBV contribute to the underreporting of sexual violence and reluctance to institute litigation for domestic. Although no formal report has been produced on the subject, anecdotal reports and CSO reports indicate that there is a correlation between heavy military presence, militarisation and the general culture of impunity and the rates of SGBV in the Northern and Eastern regions of the country, which were particularly affected by the conflict.

Existing laws and policies fail to prevent SGBV and to protect women and women victims. For the most part, the gender-responsive policies in place are not implemented due to a lack of political will and enduring discriminatory attitudes.

Although a number of recommendations specifically targeted at women in the recovery process are included in Sri Lanka’s LLRC, implementation has not been effective, further preventing women from being active participants in the recovery process and from benefiting from gender-responsive recovery programs. Women ex-combatants face particular challenges, as their communities perceive them with mistrust due to constant monitoring and surveillance by the military, and existing state programmes are severely inadequate to meet their needs. Hence, they continue to find socio-economic reintegration difficult.

Generally, women’s socio-economic empowerment is ignored with women reporting that their most pressing need is livelihood opportunities. Due to food insecurity, increasing inflation and lack of livelihood opportunities women headed households are pushed further into debt, thereby increasing their vulnerability to exploitation.

Even though there is still little knowledge of the resolutions among government officials and security sector members, CSOs have played a crucial role in raising awareness of UNSCR 1325 in Sri Lanka, through trainings and awareness raising programs and the Center for the Study of Human Rights at the Faculty of Law offers a diploma program based on UNSCR 1325 at the tertiary level.

There is a serious need for better collection of quantitative and qualitative data on women’s participation and SGBV, which must be linked to clear mechanisms of action on the pillars of UNSCR 1325.
Recommendations

To Government:
- Develop and implement a comprehensive approach such as a National Action Plan on USNCRs 1325 and 1820 to address the gendered nature of conflict and its impact on women, post-war rehabilitation, reconstruction, social transformation, justice for violations of human rights and humanitarian law committed during the armed conflict, particularly the last stages of the war, and reconciliation;
- Introduce mandatory quotas and mechanisms for the nomination and meaningful participation of women at all levels of governance, while supporting and carrying out voter education on women’s participation in political spaces;
- Include women’s CSO representation in all relevant policy and decision making bodies at national, provincial and local levels;
- Reform or abolish discriminatory laws and policies such as the Land Development Ordinance, Section 365a of Penal Code, Personal Laws and decriminalize marital rape even in cases of judicial separation, abortion on the grounds of rape, incest and foetal abnormalities, and same sex relations;
- Implement effective, innovative programs for the prevention of SGBV and to provide support to women affected by SGBV, including provision of free legal and medical and psychosocial services;
- Include all LLRC recommendations with regard to women in the NPoA and allocate adequate financial and human resources and effect the necessary policy and legal reforms for the implementation of these recommendations;
- Remove obstacles, such as continued monitoring and surveillance by the military, to the socio-economic reintegration of women former combatants, including through not only provision of financial resources but also by strengthening their capacity to effectively engage in economic activities through training and advisory mechanisms;
- Increase resource allocation in the national budget for work related to 1325, including for the protection of women from SGBV, provision of support to those affected by it and enhancing the ability of women to access livelihood opportunities;
- Collect systematic quantitative and qualitative data on women’s political participation, women-headed households, the prevention and protection from SGBV and the promotion of a gender perspective, ensuring that all data is accessible to CSOs; and
- Support CSOs in reporting and programming on UNSCR 1325.

To Civil Society:
- Advocate for the development and implementation of a comprehensive approach such as a National Action Plan on USNCRs 1325 and 1820;
- Collect systematic quantitative and qualitative data on women’s political participation, women headed households, the prevention and protection from SGBV and the promotion of a gender perspective; and
- Continue to implement awareness-raising programs on UNSCR 1325 among national and local authorities, the security sector and the education sector.

To the Donor Community:
- Support CSO and government-led programs on WPS and UNSCR 1325 that seek to improve the conditions of women and to help promote gender equality;
- Support local organizations, such as CBOs and Women’s Rural Development Societies (WRDS), so that their work and role within the community should be promoted and strengthened; and
- Build initiatives designed to ensure public support for women’s property rights and to support actions to help resolve bureaucratic inertia and resistance.
IV. Bibliography


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(Endnotes)

i Data compiled by information provided on the website of the Office of the Cabinet Ministers of Sri Lanka, (http://www.cabinetoffice.gov.lk/).


vi Ibid.

vii Combined 5th, 6th, & 7th Periodic Reports of Sri Lanka submitted to the CEDAW Committee during the 48th Session of the CEDAW Committee in January 2011.


x See table 3.1.

xi Ibid.

xii See table 3.2.

xiii Section 311 of the Penal Code designates the following as “grievous hurt”: emasculation, permanent privation of the sight of either eye; permanent privation of the hearing of either ear; privation of any member or joint; destruction or permanent impairing of the powers of any member or joint; permanent disfiguration of the head or face; cut or fracture, of bone, cartilage or tooth or dislocation or subluxation of bone, joint or tooth; or any injury which endangers life, or in consequence of which an operation involving the opening of the thoracic, abdominal or cranial cavities is performed; or any injury which causes the sufferer to be in severe bodily pain or unable to follow his ordinary pursuits, for a period of twenty days either because of the injury or any operation necessitated by the injury.

xiv According to section 365 of the Penal Code ‘whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal’ would be committing an unnatural offence.

