

Foregrounding Women's Human Rights

by Kumudini Samuel

The status of women in Sri Lanka has deteriorated steadily within the context of an ongoing ethnic conflict and the introduction of open economic policies. This brief note looks at the present status of women and at how women have used local forms of struggle and international human rights mechanisms to foreground their concerns.

The Status of Women in Sri Lanka, measured by social indicators, has long been quoted as unique when compared with rest of South Asia and indeed most countries in the developing world. These include 83 percent literacy for women, a life expectancy of 72 years, maternal mortality rates of 39.8 per 100,000 live births and low population growth limiting an average family to 2.3 children, all achieved within a low per capita income of 600 U.S. dollars. This has been attributed to social welfare benefits introduced by post-independence governments ranging from free education to free health care, subsidised transportation and subsidies on staples such as rice, flour and bread. However, open economic policies and a free market introduced in 1977 have substantially eroded these benefits and today as much as 50 percent of the population is estimated to live below the level of poverty.

In the realm of political participation and decision-making, it has been a matter of pride that the first woman Prime Minister in

the world was a Sri Lankan elected to office in 1960. The present head of State, is also a woman, Sri Lanka's first woman president, elected in 1994, with 62 percent of the popular vote. Sri Lankan women have also enjoyed adult franchise since 1931 and have been a significant force in electoral politics. However, the number of women representatives in Parliament has been dismally low, totaling a mere 12 in the present Parliament of 225 representatives. At Cabinet level women have fared even worse. In the present Parliament there are only two women ministers, one of whom is the president. In the 49 years since independence, Cabinet portfolios assigned to women, other than those held by the women prime minister and president, have been limited to the subjects of health, education, environment, transport and women's affairs.

Despite free education and near-parity of women graduates from the faculties of medicine, engineering, law and the humanities, women are nowhere near as representative in the higher echelons of these professions. In 1993 women judges in the lower courts made up 23 percent of the total while the superior courts had only one woman on the bench. Class-one woman employees in the Sri Lankan administrative service, scientific service and planning services were only just above 10 percent of the total.

By 1996 the percentage of employed women within the labor force was only 27.6 percent predominantly in the categories of semi-skilled and unskilled labor, and employed mainly in the plantation sector and the export processing zones. By 1995, own-account women workers, employed mainly in the informal sector, had risen to 15 percent and unpaid family workers to 16

and sexual harassment. Of equal concern has been the rate of suicides, committed by both men and women, believed to be the highest in the world.

In the area of women's human rights, Sri Lanka has ratified a series of important international treaties. The Convention for the Elimination of All Forms of Discrimination Against Women was ratified in 1981. Sri Lanka has also ratified the International Covenants of Civil and Political Rights and Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Torture Convention. However it has not ratified key ILO Conventions regulating standards for women workers and ratified the Convention relating to migrant workers and their families only in 1996, although Sri Lanka is a key "sending country".

There has also been very little effort to incorporate international standards into the national legal system. Despite having a substantial labor force of women in the manufacturing sector, there are very few safeguards in place to protect the rights of women workers against economic and social exploitation. Furthermore, some customary or personal laws, such as inheritance, marriage, divorce, custody of children and the disposal of property affecting Muslim women and women from certain regions of the country are prejudicial to the rights of women.

Attempts at legal reform however have also been met with resistance, sometimes even from women's groups. Legal reforms to divorce law attempting to introduce the concept of "no-fault" was seen as an attempt to undermine the family and resisted. Efforts to reform rape laws to include "rape within marriage" was challenged in particular by male leaders of the

Muslim community. These protests stem primarily from attitudes prejudicial to women which locate women's place in society firmly within the ambit of "traditional" social values on the family and marriage.

Another measure of discrimination is the nongranteeing of the right of citizenship to children of Sri Lankan women married to nonnationals together with restrictions on the issue of visas to them and their fathers. A significant percentage of Tamils of recent Indian origin, living and working mainly in the plantation sector are also as yet stateless. And while considerable emphasis has been laid on family planning policies and the use of contraception, questions remain on the right to informed choice, and abortions are limited to situations where pregnancies are found to be detrimental to the woman's health or defects in the fetus.

The legal system also makes no provisions to address the rights of widows and single women who become heads of household, especially in the context of war and political violence, at the death, disappearance or desertion of the male who is deemed the legal head of household.

A glaring discriminatory factor is also the use of women's bodies and image in the media which consistently promotes stereotypical and gender-biased images of women, both in program and report content and in advertising. Similarly, educational material particularly at primary and secondary school level are not gender-sensitive and promote stereotypical images and ideology detrimental to the status of women.

In 1993, the government adopted a charter on Women's Rights, drafted with the participa-



Alternatives

Women have used local forms of struggle to fight for their rights

percent. Another significant percentage of Sri Lankan women are employed as domestic workers in West Asia. Despite these figures and the comparatively low wages earned by women, the main sources earning foreign exchange for the country are remittances from migrant workers, earnings from the plantation sector and the export processing zones, all of which comprise predominantly of female labor. However, the vast majority of women are as yet employed in the agriculture sector and the informal sector; income earned by them is marginal, often bordering on subsistence levels or below it.

Another serious concern, impacting on the status of women, has been the incidence of family and societal violence ranging from murder to battery, rape, incest

tion of women from both state and non-governmental organizations. This was a crucial policy document based on the principles of the Women's Convention. However it has no basis in law and the National Committee on Women established under its auspices is severely under-resourced and has been absolutely ineffectual in translating the Charter into effective and implementable policy.

Although Sri Lanka has been one of the few countries to have ratified the Women's Convention without any reservations, its reports before the monitoring committee of CEDAW have left much to be desired and occasioned much negative comment, calling into question the seriousness of its commitment to the Convention.

Another fundamental factor affecting the status of women in Sri Lanka has been the protracted ethnic conflict in the island which has today escalated into an armed struggle for a separate state in the northeast of the country. Defense expenditure in the interests of fighting the war against the separatist militants make up the largest percentage of GNP expenditure and has meant significantly lower spending in public sector areas such as education and health. It has also meant the breakdown of utilities and services in the conflict zone which makes up roughly 1/3 of the country.

The war has also taken its toll on life and property. Large segments of the population have been internally displaced; in 1990 this figure rose to 10 percent of the population. In some of the northeastern districts up to 90 percent of the population remain displaced due to active military engagement between the state and the militants. A significant

percentage of the population in the war zones have no access to adequate shelter, employment, education and health services and are dependent of food rations provided by the state. In many of these areas of the northern province this ratio is estimated to be as much as seven women to one man. War-related violence against women has taken the form of rape, murder, injuries in crossfire and by landmines,

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hostage-taking, detention, torture and disappearances. In the conflict areas, women and children have thus to bear the brunt of the ravages of war while at the same time buttressing the fabric of society and sustaining their communities.

An armed insurrection in the south during the period 1987 to 1990 together with the ongoing war in the northeast also resulted in an estimated 45,000 disappearances since 1988 and over 50,000 war related deaths. Adding to the problem of displacement therefore are the number of widows and households headed by single women. No comprehensive data is available to determine an exact figure and no significant policy initiatives have been put in place to cater to the very specific needs of women living in the conflict zone or the number of widows and female-headed households spread throughout the country. Their needs extend from those of security to employment, adequate

income, food, health and education facilities. A major area that has been most insufficiently dealt with has also been the question of social and psychological trauma and their effects on women.

Sri Lanka has had a tradition of strong civil organization and women have played an active role in the trade union movement, the human rights movement and in community-based organizing. In particular during the period following the 1st UN World Conference on Women in Mexico in 1975, there emerged a number of progressive women's groups organizing around a range of issues related to workers' rights from equal pay for equal work, better wages, reproductive rights, campaigns against multi-nationals, peace campaigns, to legal reform and in particular, campaigns around violence against women.

Women have also been actively concerned with seeking a political solution to the ethnic conflict and have strived to work across ethnic, language, class and religious divides. They have made links with other civic organizations such as human rights groups, humanitarian agencies, independent media coalitions and have participated in a range of mass campaigns to build and strengthen democracy and respect for democratic rights in the country.

The Mothers Fronts, established in the North in 1984 and in the South in 1991 in response to the detentions and disappearances, demanding the return of husbands and children and calling for justice and accountability, were able to use their gendered role of motherhood in a positive expression of anger and emotional outrage in a situation where traditionally male

forms of struggle were either ineffective or impossible due to political violence and terror.

The methods of struggle adopted by the Fronts were clearly innovative and accessible to the women. Marches and demonstrations were interspersed with ritual invocations to the Gods, in the form of *Kannaluwas* (lamentations or appeals to the Gods for assistance in times of need), both for the return of their children but more powerfully, to wreak vengeance on the guilty. While the issue of democracy and human rights and in particular disappearances, extrajudicial executions and accountability became the political slogans used by the Mothers, their vengeful lamentations to the Gods became the psychological weapon that most disturbed the state apparatus and propelled it to some action.

The efforts of the women also undoubtedly helped to bring the issue of disappearances to the notice of the international community and were instrumental in Sri Lanka's decision to invite the UN Working Group on Enforced and Involuntary Disappearances to visit. The Mothers were able to meet the Group and put before it a range of issues, dealing not only with direct civil and political rights violations but also raising questions in relation to the violations of their rights as indirect victims of state repression.

A significant development, in a period of escalating ethnic conflict and politically motivated violence has been the emergence of human rights organizations, some of which are headed by women.

It was initially through human rights organizations that rights-related issues were brought

to the attention of the international human rights community and the various mechanisms of the United Nations. Following concerted lobbying, at the UN Commission on Human Rights, and the dissemination of information, both singly and together with international human rights groups such as Amnesty International, Human Rights Watch, Article 19, and so on, the UN Working Group on Enforced and Involuntary Disappearances made two country visits to Sri Lanka in 1991 and 1992.

As with the work of the Mothers Front and the human rights community in the country, the work of women's groups highlighting the issue of the internally displaced and the effects of conflict on women helped bring the UN Special Representative on Internally Displaced to the country in 1995. Here again women played an important role in meeting and discussing gender-specific violations and remedies with the Special Representative.

A large amount of women's groups facilitated by the Sri Lanka Women's NGO Forum for Beijing were also actively involved with the preparatory process towards the 4th World Conference on Women and made an input into the Asian Declaration at the Jakarta Ministerial Meeting in 1994 and the draft Platform for Action. About 75 women, from all ethnic communities, working on a range of women's issues and from the different regions of the country attended the World Conference on Women in Beijing and the NGO Forum in Huairoa, China. As part of follow-up activity they will be preparing a shadow country report for CEDAW, before which Sri Lanka is due to report in January 1998.

Women's groups have also accessed the UN Special Rapporteur on Violence Against Women with information on violations committed against women and have also had discussions with her on her mandate and reports.

A campaign was launched in November 1996, with vigils, marches, demonstrations and petitions, to highlight the abduction, alleged rape and murder, by soldiers, of a 16-year old school girl, Krishanthi Kumarasamy, her mother, brother and a friend, in the Northern Province and raising the issue of disappearance and sexual violence against women in the conflict zone. Thanks to the campaign, the case received wide international publicity and condemnation. The Sri Lankan government in response initiated an investigation and indicted 11 soldiers suspected of committing the crimes. A similar campaign was launched, in May this year, against rape and murder of women in the Eastern Province which is also within the conflict zone.

Women have therefore used various UN Conventions and mechanisms to highlight gender-specific violence and violations both at the national and international level. Women have also strived to integrate and mainstream gender concerns into UN mechanisms in creative and positive ways, not limiting themselves to merely using the Women's Convention.)

Kumudini Samuel is a women's rights and human rights activist from Sri Lanka. She is the Jt. coordinator of a feminist women's rights group, the Women and Media Collective. She is the editor of the Women's Rights Watch Monitor.