



# The President's Pledges to Women

A review of the promises and progress made  
in President Sirisena's pledge:  
"A New Sri Lanka for Women"

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This report was prepared with the research support of Zahabiya Abidali, Chalani Ranwala, Nithya Thiru, Adrian Marcus, Gita Thyagarajah, Nawal Arjini and Deepanjali Abeywardena with the overall research supervision of the Politics Research Team.

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Email comments to: [publications@veriteresearch.org](mailto:publications@veriteresearch.org)

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# Introduction

President Maithripala Sirisena pledged ‘A New Sri Lanka for Women’, during his election campaign. The pledge is an ambitious document; it comprises fifteen broad promises, by which the government seeks to alter the lives of women across all age groups, education levels, social statuses and industries. While the promises vary in nature, impact and specificity, they provide a framework within which committed action can take place.

Unfortunately, these pledges and the overarching commitment towards creating ‘A New Sri Lanka for Women’ have largely been forgotten. This report, released exactly one year since President Sirisena won the presidential election on 8 January 2015 offers a review of the progress made on the President’s promises up to date. It also offers policymakers and advocates suggestions on further steps that could be taken to fulfil these promises.

Certain other promises made by the Sirisena government after January 2015, including the 100-day programme, have had platforms created by civil society to monitor its progress and hold the President and his administration accountable for its progress. However, there has been no system created for monitoring the progress made on the President’s pledges to women. Further, the media has failed to pick up on the significance of these promises and the respective action points needed by the government to fulfil them.

Certain promises are more actionable than others. This report offers some insight into the **actionable promises made in certain pledges**. The nine actionable promises featured below have been classified according to the level of progress seen in their fulfilment. The classification is based on three basic category definitions:

**No progress:** no implementation plan announced or action taken.

**In progress:** policy and/or implementation plan formally approved, legislation tabled, budgetary allocation announced or service delivery towards fulfilling the promise has commenced.

**Complete:** the commitment made in the language of the pledge has been mostly met, and, if applicable, the continued delivery or maintenance of that commitment has been provided for.

PROMISE	PROGRESS
Create an effective system of law enforcement that addresses mounting sexual offences against both women and children	No Progress – no new policy or legislative changes proposed to date
Provide state support for better lodging facilities for women in the apparel sector	No Progress – no specific provision in the Budget 2016, no other action taken
Guarantee legal recognition and protection for domestic workers and women employed in the informal sector	No Progress – no proposed regulatory change
Offer a special protection scheme for war widows of all communities and their dependents	In Progress – ‘National Centre for the Upliftment of the Households headed by women established in Kilinochchi; no comprehensive policy announced <sup>a</sup>
Give every mother an allowance of Rs. 20,000 at childbirth to obtain nutritious meals	In Progress – provision made in the interim budget speech and a process of distribution begun; Rs. 20,000 allowance provided to mothers over a 10-month period <sup>b</sup> ; a long-term plan for the continuation of the initiative has not been determined by the new budget.
Provide all women in the estate sector with fair wages, safe housing, land rights and adequate sanitation services	In Progress – 200,000 estate worker families given 1,900 sq. ft. of land with ownership documents, with title deeds in the name of both the husband and the wife; <sup>c</sup> daily wages increased to Rs. 770; <sup>d</sup> projects initiated to provide housing and improve water supply and sanitation
Take protective action at state level against abuse, maltreatment and injustices suffered by workers abroad	In Progress – MOU’s signed with the governments of Saudi Arabia and Qatar to protect migrant workers’ voting rights, and establishment of a limited insurance scheme under the auspices of the Sri Lanka Bureau of Foreign Employment (SLBFE) <sup>e</sup>
Make provisions for migrant workers to have a provident fund, similar to the local Employees’ Provident Fund (EPF), an unemployment trust fund and gratuity payment entitlements	No Progress – no progress towards establishing formalized funds; ad hoc relief provisions made for the financial assistance for retired, returning migrants under the SLBFE. <sup>f</sup>
Increase the representation of women in local authorities and provincial councils to 25%	In Progress – the Prime Minister submitted a proposal to amend the Local Authorities (Special Provisions) Act No. 21 of 2012. The amendment aims to increase female representation in local authorities, and was approved by Cabinet in November 2015. <sup>g</sup>

a “Govt. to establish National Centre for Upliftment of Households”, News.lk, 6/4/2015 accessed: 07/12/2015, <http://www.news.lk/news/business/item/6961-govt-to-establish-national-centre-for-upliftment-of-households>

b “Interim Budget 2015”, Ministry of Finance, 29/1/2015 accessed: 07/12/2015, <http://www.treasury.gov.lk/imag->

- es/depts/fpd/docs/budgetspeech/2015-jan29/InterimBudget2015-20150129-eng.pdf
- c “Indian-origin estate workers to get land with deeds”, Ada Derana, 23/4/2015 accessed: 07/12/2015, <http://www.adaderana.lk/news/30596/indian-origin-estate-workers-to-get-land-with-deeds>
  - d Ashanthi Warunasuriya, “New Deal to Increase Wages for Estate Sector”, The Sunday Leader, 4/10/2015 accessed: 07/12/2015, <http://www.thesundayleader.lk/2015/10/04/new-deal-to-increase-wages-for-estate-sector/>
  - e “Towards a safer working environment for female domestic aides in ME,” The Sunday Times, 23/8/2015 accessed: 07/12/2015, <http://www.sundaytimes.lk/150823/sunday-times-2/towards-a-safer-working-environment-for-female-domestic-aides-in-me-161580.html>
  - f “Services Provided by the SLBFE to Migrant Workers”, Migrant Worker Rights, 2012 accessed: 07/12/2015, <http://www.migrantworkersrights.net/en/resources/services-provided-by-the-slbfe-to-migrant-workers>
  - g “More women’s representation in local authorities”, The Nation, 19/11/2015 accessed: 07/12/2015, <http://nation.lk/online/2015/11/19/more-womens-representation-in-local-authorities/>

Out of the nine pledges selected for this report, five have been classified as ‘in progress’ and the remaining four have been classified as ‘no progress’. While it is clear that some progress was made during the past year, several important issues discussed in this report remain unaddressed.

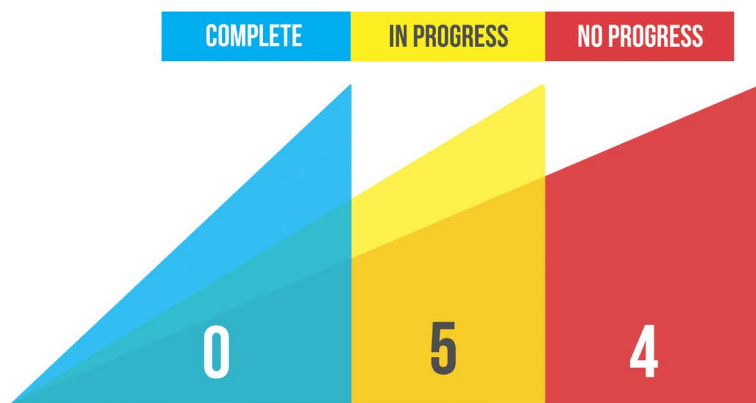
This report is the result of a collaborative exercise. It is a compilation of articles written by several researchers on specific promises that emerge from the President’s manifesto. Each chapter represents a separate promise made by the President. The first section of each article illustrates the current context of the pledge, which includes background information, past and present initiatives and weaknesses in existing structures. The second part then outlines what further steps need to be taken by the government to fulfil the President’s pledges.



EDUCATION  
 HOPE PROTECTION LAW  
 LEGAL RECOGNITION HEALTH SAMURDHI  
**REDUCE VULNERABILITY**  
 FAIR WAGES ENTITLEMENTS SAFE HOUSING  
**POLITICAL REPRESENTATION**  
 STATE-SUPPORT GRATUITY PAYMENTS  
**EMPLOYMENT OPPORTUNITY** FINANCIAL STABILITY  
 UNEMPLOYMENT TRUST FUND  
 INDEPENDENCE  
 DEBT-REDEMPTION  
 INCOME GENERATION  
 EPF/ETF DEBT-REDEMPTION INCOME GENERATION  
 ACCESS TO DRINKING WATER  
**FUTURE LAND RIGHTS**

# #MY3 FOR WOMEN

THE PRESIDENT'S ACTIONABLE PROMISES PRIORITISING WOMEN



Create an effective system of law enforcement that addresses sexual offences committed against women and children



Provide state support for better lodging facilities for women in the apparel sector



Guarantee legal recognition and protection for domestic workers and women employed in the 'informal sector'



Make provisions for migrant workers to have a provident fund; an unemployment trust fund; and gratuity payment entitlements



Take protective action at state level against abuse, maltreatment and injustices suffered by workers abroad



Provide all women in the estate sector with fair wages; safe housing; land rights; and adequate sanitation services



Offer a special protection scheme for war widows of all communities and their dependents



Give every mother an allowance of Rs. 20,000 upon the birth of her child to obtain nutritious meals



Increase the representation of women in local authorities and provincial councils to 25%

# Creating an effective system of law enforcement that addresses mounting sexual offences against both women and children

Implementation Status: No Progress



## CURRENT CONTEXT

A 2013 study published by the United Nations (UN) on men and violence in Asia and the Pacific found that 1 in 7 men in Sri Lanka admitted to raping a woman or a girl<sup>3</sup>, and over 40% of them reported raping a non-partner.

Among these men, 97% suffered no legal

consequences. The Grave Crime Abstract for 2014 published by the Sri Lanka Police states that there was only 1 conviction from 2,008 ‘true cases’ of rape in 2014. Cases of cruelty towards and sexual exploitation of children have a similar result, with 376 ‘true cases’ and only 4 convictions. In both these categories, over 94% of the cases are ‘pending’.<sup>4</sup>

Poor law enforcement is a longstanding problem, and is underscored by Surani Perera writing in Ceylon Today in October 2012 on ‘Sex Offenders and Suspended Sentences’. She notes that:

“Information collected by LHRD [Lawyers for Human Rights and Development] on 129 disposed sexual violence cases of 2009 and 2010 revealed that the accused had been ordered to pay nominal compensation... there were 114 cases in which the accused had been released with suspended jail sentences despite there



Courtesy of [www.beyondborders.wordpress.com](http://www.beyondborders.wordpress.com)



being no mitigating circumstances for it whatsoever.”<sup>5</sup>

Therefore, creating an effective system of law enforcement on sexual offences is an important pledge by the president, on a pervasive and severe problem facing women in Sri Lanka.

### **MOVING FORWARD: IMPROVING LEGISLATION**

Legislation can be improved in two ways. The first is to enable legal action against marital rape (rape committed by the victim’s spouse), which is currently not a crime in Sri Lanka. 66% of the men who admit to rape in Sri Lanka claim their motivation as ‘sexual entitlement’.<sup>6</sup> Laws against marital rape can help reset this abusive sense of entitlement.

The second is to ensure proper sentencing. Currently those convicted of rape face a sentence between 7 and 20 years only. Internationally, the norms on sentencing can be much higher; the UK for example allows life imprisonment for those convicted of rape. Furthermore, sexual violence cases, which are now liable to suspended sentences, can be subjected by law to mandatory sentencing.

Further, broadening definitions in current legislation can also ensure proper sentencing. In November 2014, Verité Research proposed an amendment to Section 345 of the Penal Code that broadened the definition of “Sexual harassment” [See Appendix 2]. Specifications of the type of language used as well as locations in which harassment may occur were added to the explanations within the penal code.<sup>7</sup>

The following are some other identified ways in which the issues of prejudice and trauma can be addressed:

- Prevent (with training and court room policies) witness badgering in cases of sexual victimisation.
- Create provisions to allow victims to submit pre-recorded evidence to courts.
- Improve the staffing and training of the Children and Women Bureaus in police stations – in 2011 the Sri Lankan NGO Collective reported that these bureaus were staffed mostly by men and by staff who lacked adequate training to avoid further traumatising the victim.<sup>8</sup>

The pledge correctly notes that the problem of sexual offences against women is large and the system of law enforcement is currently ineffective. Weak laws, delays in judicial processes and trauma created when seeking justice are the main issues that need to be addressed in honouring this important pledge.

## #MY3 for women

The President's pledges to women – Reducing sexual violence

**97** PERCENT

*\*Data sourced from the 2013 UN Multi-Country Study on Men and Violence in Asia and the Pacific, and the Sri Lanka Police Grave Crime Abstract for 2014*

Rapists who have suffered no legal consequences

**94** PERCENT

Reported cases of rape currently pending in Sri Lankan courts

**66** PERCENT

Rapists motivated by sexual entitlement

**40** PERCENT

Men who reported raping a non-partner

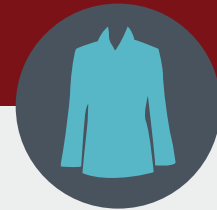
**15** PERCENT

Men who were ever-partnered who admitted to rape



# Provide state support for better lodging facilities for women in the apparel sector

Implementation Status: No Progress



## CURRENT CONTEXT

Women have traditionally been involved in the apparel industry in Sri Lanka. Over 80% of workers in the industry are young women, according to a 2008 guide to workers' rights published by the American Solidarity Centre.<sup>9</sup> Female workers in the apparel industry face a serious problem in securing accommodation that is safe and at an adequate standard.

According to a 2003 Cornell University<sup>10</sup> study of worker rights in Sri Lanka, 'the three major EPZs (Export Processing Zones) employ more than 100,000 workers, mostly young women from rural villages'. The Joint Secretary of the Free Trade Zones & General Services Employees' Union (FTZ&GSEU) Anton Marcus told the Sunday Leader 'they receive a basic salary of less than Rs. 10,000 and they have to manage their expenses with that amount'. These workers get accommodation in congested rooms with no facilities or inadequate sanitation. The aforementioned study describes lodging facilities as follows: 'boarding houses are mostly one-room cinderblock additions to homes near the EPZs reached by dirt paths off the main roads. Owners typically rent the boarding house space to four, six, or eight workers who cook and sleep in the single hot, crowded room and all share one bathroom.'

Rent accounts for a large portion of the female worker's salary, which compels them to seek lodging for the lowest rate possible. The study by Cornell University also mentions that



Courtesy of [www.theneweconomy.com](http://www.theneweconomy.com)

many of these workers often travel alone to their lodges after a night shift, leaving them vulnerable.

### **AN INTERNATIONAL EXAMPLE**

An example of innovative and cooperative progress can be found in Bangladesh, where female garment workers grapple with the similar circumstances as Sri Lankan workers. According to reports in Apparel Resources (a sourcing platform for the textile and garment industry) in November 2014,<sup>11</sup> an initiative to improve living conditions involved an agreement signed between the Bangladesh Bank and the BGMEA (Bangladesh Garment Manufacturers and Exporters Association). This initiative grants Bangladeshi garment exporters funds to build hostels for their workers at only a 2% interest rate.. 60% of the funds to build the hostels on land belonging to the factory owners would be provided by Bangladesh Bank. The remaining cost would be borne by the factory owners. According to the news report ‘even though there have been wage hikes in the past, the acute problem of housing continues to loom over the workforce as the cost of living has gone up in the same proportion. The agreement if implemented will improve the living conditions of over 40 million garment industry workers.’

### **MOVING FORWARD: RECOGNIZING THE CONTRIBUTION OF THE APPAREL INDUSTRY**

This pledge recognises an important step towards the overall reform and betterment of the lives of workers whose contribution to the economy is of great significance: the apparel industry is one of the three main sources of revenue in Sri Lanka and totalled USD 4.9 billion in 2014.<sup>12</sup> Current boarding facilities are not adequate to meet the demands of female workers in this industry and the government should step up to take immediate action to address this shortcoming.

# Guarantee legal recognition and protection for domestic workers and women employed in the informal sector

**Implementation Status:** No Progress



## CURRENT CONTEXT

Women make up 69.1% of Sri Lanka's domestic work sector (Sri Lanka Labour Force Survey, 2007).<sup>13</sup> Domestic work is characterised by low wages, an absence of social security and high levels of abuse. Moreover, domestic workers are largely excluded from the labour law framework in the country. The two key wage-fixing mechanisms in the

country – the Shop and Office Employees Act No. 19 of 1954 (Regulation of Employment and Remuneration) and the Wages Board Ordinance No. 27 of 1941 – currently exclude domestic workers from their scope.<sup>14</sup> This leaves domestic workers in a financially vulnerable and dependent position in relation to their employers.

Further, domestic workers currently do not have access to social security under Sri Lankan labour law. This is because domestic work is explicitly excluded from legislation guaranteeing social security for the labour force<sup>15</sup> (i.e. the Employees' Provident Fund Act No. 15 of 1958, Employees Trust Fund Act No. 46 of 1980 and the Payment of Gratuity Act No. 12 of 1983).

## MOVING FORWARD: BROADENING INTERPRETATIONS AND SECURING BASIC RIGHTS

Fulfilling President Sirisena's Pledge to Women employed in the informal sector will require at least three critical points of intervention.



Courtesy of Verité Research



**(a) *Securing minimum conditions of work for domestic workers***

There are two ways in which domestic workers are excluded from labour rights frameworks. On the one hand, under the Shop & Office Act domestic workers are excluded, as they work in private households as opposed to a shop or an office.<sup>16</sup> On the other hand, the Wages Board Ordinance (WBO) is currently not applied to domestic workers, as there is no Wage Board that regulates the domestic sector at present. This prevents them from securing basic conditions of work.

However, the Ordinance defines trade as being ‘any industry, business, undertaking, occupation, profession or calling carried out, performed or exercised by an employer or a worker’.<sup>17</sup> As such, despite the fact that domestic workers provide services for private households, domestic work can constitute an ‘occupation’ or an ‘undertaking’ under the WBO – fulfilling the requirements of a ‘trade’.

The WBO should be interpreted to include domestic workers and a Wages Board set up that regulates the minimum conditions of work (i.e. rest, annual leave, working time and wages) in the domestic work sector.

**(b) *Ensuring social security for domestic workers***

In the absence of social security, domestic workers are left vulnerable to high levels of dependency on their employers. Channels to social security protection for domestic workers can be established in at least two ways:

- (i) Including domestic workers as an eligible class of persons with respect to the EPF, ETF, and Gratuity Acts.
- (ii) Devising a dynamic social welfare scheme for domestic workers, which enables individuals to benefit from legal aid, basic healthcare services and vocational training.

India’s Domestic Worker’s Welfare Bill (2010)<sup>18</sup> contemplates a Welfare Fund that is set up for domestic workers. The Fund is mandated to provide workers with access to healthcare, vocational training and legal aid. Further, the Fund is accessible to the worker during the course of her employment - making it better suited to targeting and reversing particular vulnerabilities associated with domestic work (i.e. financial dependency, under-professionalisation and the worker’s limited access to complaint mechanisms).

**(c) *Securing decent work for domestic workers***

In June 2011 the International Labour Organisation (ILO) adopted the Domestic Workers Convention (C189) and its supplementing Recommendation Concerning Decent Work for Domestic Workers (R201).<sup>19</sup>

These two instruments set out a framework of principles targeted at strengthening and implementing national laws to address the under-professionalisation and vulnerability inherent in the domestic work sector. To date, fourteen countries including the Philippines, South Africa, Uruguay and Mauritius have ratified C189.

Ratifying this Convention will be a positive step forward, demonstrating that the



Government of Sri Lanka has not only acknowledged its domestic workers, but is also mindful of the urgent need for reform in the domestic work sector.

## #MY3 FOR WOMEN

### PRESIDENT'S PLEDGE TO WOMEN SRI LANKA'S DOMESTIC WORK SECTOR

#### THE PLEDGE

Guarantee legal recognition and protection for domestic workers and women employed in the 'informal sector'

- New Sri Lanka for Women

There are over  
**87,400**  
domestic workers in  
Sri Lanka, and  
**69%**  
are female

Only  
**half**  
earn wages  
over  
**Rs.400**  
daily

#### INTERVENTIONS



Secure minimum  
conditions  
through  
labour rights



Inclusion in  
social  
security/welfare  
schemes



Ratify ILO  
Domestic  
Workers  
Convention

# Offer a special protection scheme for war widows of all communities and their dependents

**Implementation Status:** In Progress; A National Center for the Upliftment of the Households headed by women established in Kilinochchi



## CURRENT CONTEXT

After the end of the war in May 2009, there were an estimated 89,000 war widows in Sri Lanka.<sup>20</sup> Chapter 5 of the report of the Lessons Learnt and Reconciliation Commission (LLRC), identified war widows as a vulnerable group facing serious difficulties for economic survival. Efforts to provide

compensation under this category included issuing death certificates for their deceased spouses, which entitled the widows to a one-off state grant of an amount between Rs. 6,000 and Rs. 50,000. This grant aimed to help the widow pay off her loans, rebuild her home, launch a small income generating activity and pay for the education of her children. The LLRC recommended that widows' immediate needs be met through initiatives such as livelihood assistance programmes.<sup>21</sup>

According to a Verité Research study published in December 2014, poor progress has been made in implementing this recommendation. As of September 2014, several livelihood-generating projects were implemented such as the 'Single Families Development Programme' and 'Divineguma'. However, these initiatives remained one dimensional, as they only provided specific types of skills development for women such as sewing. They failed to provide widows with the transferable skills needed to find employment.<sup>22</sup>



Courtesy of Center for Human Rights (CHR) Sri Lanka

While these initiatives can be effective with good planning and monitoring, the pledge extends well beyond what the state can offer in terms of economic welfare. Women widowed by the war in the North reportedly face exploitation, violence and sexual abuse by members of their community and the Sri Lankan military. A recent report titled “The Forever Victims: Tamil Women in Post-War Sri Lanka” stated that the threat of violence by the military has led women to lead tightly circumscribed lives, limiting their daily activities in order to minimise their risk of sexual assault.<sup>23</sup>

In May 2015 the government announced that it would establish a National Center in Kilinochchi to look after the needs of families of female-headed households. This programme would offer low-interest loans of up to approximately Rs. 36,700 and also provide customised vocational training.<sup>24</sup> This is an important step to fulfil the promise made by President Sirisena in his pledge.

### **MOVING FORWARD: GUARANTEEING SAFETY IN ADDITION TO SOCIO-ECONOMIC WELFARE**

Current initiatives to protect war widows only focus on the socio-economic wellbeing of these women, neglecting protection from other forms of insecurity. In April 2015, Prime Minister Ranil Wickramasinghe acknowledged that the Northern Province lacks women police personnel and that this gap has to be filled within the shortest possible timeframe.<sup>25</sup>

Due to social stigma and shaming by communities, many women feel uncomfortable speaking about sexual violence and abuse. In this context, interventions such as Gender Based Violence (GBV) desks in hospitals

and police stations allow war widows to reach out to female officers with greater ease and comfort.

Although the government has taken positive steps towards fulfilling this pledge, it has some distance to go before war widows are fully able to engage in social and economic activity without fear. On the one hand, the government’s skill development and livelihood development programmes must provide transferable and employable skills to these women. On the other, and most importantly, the interpretation of the pledge needs to be broadened to include personal safety and security measures for war widows – socio-economic wellbeing and personal safety are not mutually exclusive.

# Give every mother an allowance of Rs. 20,000 at childbirth to obtain nutritious meals



**Implementation Status:** In Progress; Provision made in the interim budget speech and a process of distribution begun. Rs. 20,000 allowance provided to mothers over a 10-month period.

## CURRENT CONTEXT

Sri Lanka is faced with high rates of malnutrition among mothers and children. According to *The Global Nutrition Report 2015*, 14.7 % of Sri Lankans experience stunting, 21.4 % experience wasting, and 17 % of children are born with a Low Birth Weight (LBW). In addition,

UNICEF reports that close to 58 % of children in Sri Lanka between the ages of 6 to 11 months suffer from anaemia.<sup>26</sup>

Combatting malnutrition among children begins with improving maternal health. LBW is directly linked to maternal undernourishment, and micronutrient deficiencies among mothers contribute to anaemia, iodine deficiency disorders, and Vitamin A deficiency among infants and children.<sup>27</sup>

Access to nutritional foods in Sri Lanka remains limited for households living in poverty. A report compiled by the World Food Programme found that large percentages of the population in each province are unable to afford a nutritious diet.<sup>28</sup>

In March 2015, President Sirisena honoured this pledge by implementing a program that provides a Rs.20,000 allowance to expectant mothers. Mothers registered with government maternal clinics are eligible to receive



Courtesy of [www.rosesrilanka.info](http://www.rosesrilanka.info)



Rs. 2,000 worth of nutritional foods on a monthly basis over the course of a ten month period—the last six months of pregnancy and the first four months following the child's birth. The aim of the program is specifically to combat LBW among Sri Lanka's infants. The programme is being implemented by the Ministry of Child Affairs in conjunction with doctors and other healthcare professionals.<sup>29</sup> The government has yet to provide detailed information on the contents of the food packages being distributed to new and expectant mothers. Accordingly, the nutritional value of the food packages cannot be adequately assessed.

The monetary value of the packages indicates insufficient nutritional and caloric value. According to the World Food Programme's findings, a nutritional diet for a single household could cost anywhere from Rs. 12,000 to 14,000 per month, depending on location.<sup>30</sup> The average household size in Sri Lanka comes in at about 3.9 people.<sup>31</sup> Based on these findings, the cost to provide a nutritional diet to one individual within any given household is between Rs. 3,076 and Rs. 3,589, which is higher than the allowance provided to mothers by the government's programme.

### **MOVING FORWARD: COMBINING WELFARE WITH EDUCATION**

This pledge, if implemented effectively and sustainably could help increase access to nutritional food, and thereby have an enormous impact on efforts towards sustainable development, including improved productivity in the agricultural sector, higher educational performance among girls and lower infant mortality.<sup>32</sup> The Budget 2016 does not mention any allocation to provide nutritious meals for mothers, hence there is no indication that this initiative will continue. The government

should take every effort to improve the current allocations and further provide women with the necessary education and support to address the wide array of issues that continue to cause malnutrition across Sri Lanka.

# Provide all women in the estate sector with fair wages, safe housing, land rights and adequate sanitation services



**Implementation Status:** In Progress; 200,000 estate worker families given 1,900 sq. ft. of land with ownership documents, with title deeds in the name of both the husband and the wife; daily wages increased to Rs. 770

## CURRENT CONTEXT

While women make up the majority of estate workers in Sri Lanka, they occupy the lowest tier of plantation work hierarchies. General hardships within this sector include low wages, fewer health facilities and cultural and political isolation.<sup>33</sup> The pledge made by President Sirisena is a timely and much needed

commitment for many reasons. First, estate workers are traditionally housed in line-rooms which are often small and crowded. Second, lands on which estate workers are sheltered belong to the estates, with its workers holding no entitlements to land rights. . Third, access to safe drinking water and sanitation in the estate sector is significantly lower compared to the urban sector.

The steps taken by the Sirisena government to honour this pledge have been positive. Under the government-proposed agreement, guaranteed maximum daily wages for estate workers will be increased to Rs. 770 from Rs. 680. The collective agreement is expected to be prepared by including the proposals of the Lanka Estate Workers Union, Ceylon Workers Congress and the collective of estate trade unions.<sup>34</sup>

The government has begun building homes for hill-country tea estate workers at risk of landslides, under a program that aims to replace their current line-rooms with individual houses. Under the program, 162,000



Courtesy of Anja Leidel



line-rooms will be fully converted to houses.<sup>35</sup> This commitment is as stated in the 2015 Budget under the previous government. The Budget 2016 also makes a commitment to build low cost houses and amenities for the plantation community, allocating Rs.1,000 million to the initiative, as an estimated 160,000 families from the community still reside in line-rooms.<sup>36</sup>

Another achievement of the current administration with regards to female estate worker welfare has been the granting of land rights in April 2015. Additionally, the government has provided each worker a plot of land to the extent of 7 perches (1,900 sq. ft).<sup>37</sup> Most importantly, these lands are in the name of both husband and wife. This is a significant step in the right direction.

Donor funded initiatives have helped improve sanitation in the estate sector. In response to a government request, the World Bank has agreed to provide \$ 14 million for the improvement of water supplies and sanitation in the plantation sector on a pilot basis in the Nuwara Eliya district.<sup>38</sup> Ongoing initiatives by the Ministry of Hill Country New Villages, Infrastructure and Community Development include 700 latrines being constructed in 7 plantation regions to provide safe sanitation to the plantation community living in line-rooms.<sup>39</sup>

### **MOVING FORWARD: CREATING JOB MOBILITY AND MONITORING PROGRESS OF PROJECTS**

Although data reveals that women's pay is comparable to men's when they are engaged in the same jobs, female workers will receive lower earnings on average as they work primarily in low-paying estate jobs.<sup>40</sup> Hence, to benefit from equal wages, the state can help

create mobility for female estate workers, who are predominantly tea pluckers, to have the opportunity to pursue other jobs in the same sector.

While building new infrastructure is essential to the improvement of living conditions of female estate workers, education and awareness is important to ensure this infrastructure is maximized. A study done by the Water Supply and Sanitation Collaborative Council revealed that authorities recognize Open Air Defecation (OAD) in the estate sector, but due to the lack of hygiene awareness sanitation provided in these areas is often not made use of.<sup>41</sup>

Many promising initiatives have been taken by the government to honour this pledge. Progress monitoring by ministries as well as external parties is important to ensure that targets are met and projects do not stall. Accordingly, the government must ensure that promises already made under this pledge are kept and are not abandoned as a result of administrative back-log and political transitions.

# Take protective action at state level against abuse, maltreatment and injustices suffered by workers abroad



**Implementation Status:** In Progress; MOU's signed with the governments of Saudi Arabia and Qatar to protect migrant workers' voting rights and the establishment of a limited insurance scheme under the auspices of the Sri Lanka Bureau of Foreign Employment

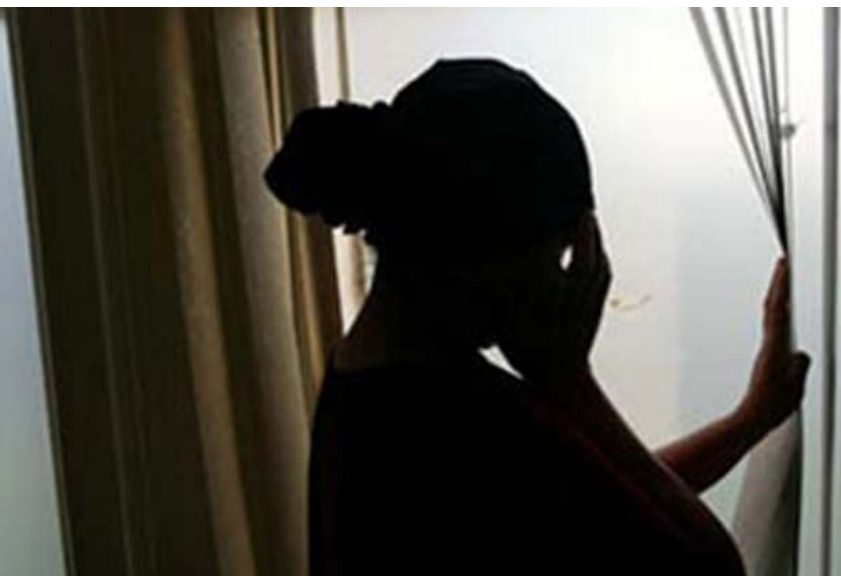
## CURRENT CONTEXT

Foreign remittances contribute significantly to the Sri Lankan economy. According to the Central Bank Annual Report 2014, the provisional figure for migrant worker contribution is over US \$7 billion.<sup>42</sup> A significant proportion of migrant women workers in Sri Lanka

are domestic workers. Between January 2014 and May 2015, 37% of departing migrant workers were women, of which 80% were employed as domestic workers.<sup>43</sup>

Female migrant workers are one of the most exploited groups of workers. A 2012 background paper entitled 'Understanding Psychosocial Issues Faced by Migrant Workers and their Families' claimed that 'workers face pervasive workplace abuses, work in an unregulated environment and in isolated conditions, without access to information or support networks and are at significant risk of exploitation'.<sup>44</sup> The paper further observes that the Sri Lankan consular officials often provide little or no assistance to domestic workers who approach them with cases of severe physical and sexual abuse, unpaid wages or exploitative working conditions.

In light of this, Sri Lankan mechanisms for providing assistance to workers are



Courtesy of [www.therepublicsquare.com](http://www.therepublicsquare.com)

significantly lacking. For example, migrant workers who are registered with the Sri Lanka Bureau of Foreign Employment (SLBFE) are covered under an insurance scheme, but this scheme avoids coverage for ‘runaways’<sup>45</sup>. The above mentioned 2012 background paper cites a 2004 study by Ramani Jayasundere and Malsiri Dias: ‘The most common form of escape from situations of abuse and harassment is to run away from the scene of employment and seek refuge in the Embassy’. Denying insurance coverage to abused women not only avoids the issue of abuse, but also becomes a reason for them to continue working for their abusive employers.

### **MOVING FORWARD: MIGRANT WORKER REPRESENTATION AND INTERNATIONAL AGREEMENTS**

In May 2014, the UN Special Rapporteur on the human rights of migrants delineated the responsibilities the state had taken on, finding significant shortcomings in the regulatory role of the SLBFE.<sup>46</sup> Additionally, the SLBFE board is overly represented by the very recruitment agencies it is meant to regulate—creating a potential conflict of interest. Meanwhile, it has no migrant worker representation. The Special Rapporteur also found that more comprehensive legislation was required to sufficiently protect the rights of migrants.

One such example is the Domestic Workers Convention of the International Labour Organization (ILO C189). It is designed to protect the rights of domestic workers, addressing issues such as minimum wage, abuse of workers, and human trafficking. Ratifying the convention would strengthen Sri Lanka’s claim to similar protections for Sri Lankan migrants working in other countries.

One of the most important recommendations made by the Special Rapporteur highlights the need to ‘work together with destination states.’ A uniform model contract was also suggested as part of the recommendation. Such a contract would have defined terms and conditions, would be incorporated into any bilateral agreements made with foreign states, and would be made public.

The Indonesian government has used bilateral and multilateral agreements with host countries to tackle the issues faced by its migrant domestic workers and to ensure that their rights will be protected.<sup>47</sup> Beginning to remedy the appalling circumstances their citizens face upon leaving, the Indonesian government negotiated a MoU with the Malaysian government in 2011 for a weekly rest day and the right of the worker to retain possession of their passport. This was agreed upon after the Indonesian government placed a ban on Indonesians migrating to Malaysia to perform domestic work; a delay due in part to alleged abuse and in part to the delayed attempts to negotiate a new agreement after the previous one lapsed.

According to a Human Rights Watch report in 2012, when faced with cases of physical abuse and killings of domestic workers in Saudi Arabia, Indonesia proceeded to engage in high-level diplomatic efforts as a response. Knowing citizens were facing the death penalty abroad, Indonesia has established task forces to examine the situation. These are promising measures that the Sri Lankan government can emulate.

# Make provisions for migrant workers to have a provident fund; an unemployment trust fund and gratuity payment entitlements



Implementation Status: No Progress

## CURRENT CONTEXT

Sri Lanka has a very large migrant worker population, amounting to almost 1.8 million citizens who are currently living and working abroad with at least 200,000 more migrating each year. This is equal to 20% of the country's total economically active population.<sup>48</sup> More than 90% of migrant workers reside in the Middle East. The majority of migrant

workers are women. As previously mentioned, Sri Lanka's largest source of foreign exchange comes is migrant workers<sup>49</sup> and yet the government has made slow progress in making facilities and services available to them.

Foreign employment comes with its own set of challenges. Often workers have to leave their children behind with their parents who themselves are economically dependent. The lack of awareness of legal procedures, the lack of involvement from law enforcement and the inability to communicate in the host country's local languages have remained a weakness in the system since the late 90s.

The Sirisena government hopes to address some of these grievances faced by female migrant workers through this pledge. The Ministry of Foreign employment has been entrusted with this responsibility and the progress of the pledge is as follows:



Courtesy of [www.colombotelegraph.com](http://www.colombotelegraph.com)

PROPOSAL	PRESENT STATUS	MILESTONE
A pension scheme will be introduced for migrant workers	Requesting Cabinet of Ministers approval to implement the proposal	Obtain Cabinet Approval
A programme will be put in place to ensure support and protection for the families of migrant workers in the Middle East and elsewhere who provide an invaluable service to the country through their labour.	<ol style="list-style-type: none"> <li>1. A programme has been prepared and informed to the Cabinet of Ministers. As per the cabinet directives, data collecting measures are being implemented.</li> <li>2. Awareness programmes were conducted for development officers attached to this ministry in Colombo &amp; Ratnapura district secretariats and to be continued in other districts as well.</li> </ol>	<ol style="list-style-type: none"> <li>1. Obtain data on migrant workers and families.</li> <li>2. Make the families of migrant workers aware of the welfare programme.</li> </ol>

Source: <http://www.foreignemploymin.gov.lk/project-info.php?lg=EN>

The government, along with the Central Bank provide EPF (Employees Provident Fund) and ETF (Employee Trust Fund) services for local workers. However, no such provisions are made for migrant workers. They often face hardships in maintaining their households once they return from their tenures abroad. President Sirisena’s 100 Day Programme proposed a Social Security Fund for migrant workers, with contributions made by employers, migrant workers and the government. The proposal received Cabinet approval in March 2015.<sup>50</sup>

by migrant workers is immense, thus it is only fair that they receive these benefits as recognition of this contribution and security for those who need or need to consider this form of employment.

### **MOVING FORWARD: COLLABORATING WITH EXTERNAL BODIES**

The crackdown on illegal foreign employment agencies bodes well for the safety of migrant workers. This, coupled with more bilateral and multilateral ties with foreign labour-rights organisations, employment agencies and direct employers would push the proposed scheme towards practicability. The EPF, ETF and gratuity payments have served as social security for local state sector employees for a long time. The contribution to the economy



# Increase the representation of women in local authorities and Provincial Councils to 25%



**Implementation Status:** In Progress; the Prime Minister submitted a proposal to amend Local Authorities (Special Provisions) Act No. 21 of 2012, which is aimed at increasing female representation in local authorities and was approved by the cabinet in November 2015

## CURRENT CONTEXT

As it stands, Sri Lanka has the lowest representation of women in local government among South and Southeast Asian countries. The difference is staggering; according to a 2010 report by the United Nations

Development Programme (UNDP) 33% of local government representatives in India and Bangladesh are women, while women constitute only 2% of representatives in Sri Lanka.<sup>51</sup>

The Women Parliamentarians' Caucus, re-established in 2010, has held training programmes at the local level to educate and engage women in political and economic affairs. They have also met with the Election Commissioner and the new government to present a plan to involve women in local government. In March, Prime Minister Wickramasinghe reiterated the President's pledge and acknowledged the proposal of the Caucus, promising further talks in the upcoming months.<sup>52</sup>

Many countries around the world, including India, Nepal, Bangladesh and Pakistan set mandatory minimum percentages for the representation of both sexes.<sup>53</sup> Sometimes this is implemented entirely by the government,



Courtesy of Kolitha de Silva



by reserving seats on councils for women. In other cases, it is a collaborative effort where political parties ensure their campaign lists have a certain percentage of women. Women must be placed high on the candidate list or assured of at least every fourth place in party rankings or candidate lists.

Quotas are the most direct and successful method that many countries have used to increase the number of women serving in local government. After instituting quotas, South Africa went from the 141<sup>st</sup> to 8<sup>th</sup> place on a worldwide list ranking female representation in governments. Sri Lanka currently ranks 132<sup>nd</sup> on the same Inter-Parliamentary Union list.<sup>54</sup>

### **MOVING FORWARD: HONOURING QUOTAS AND PROVIDING ASSISTANCE TO FEMALE POLITICIANS**

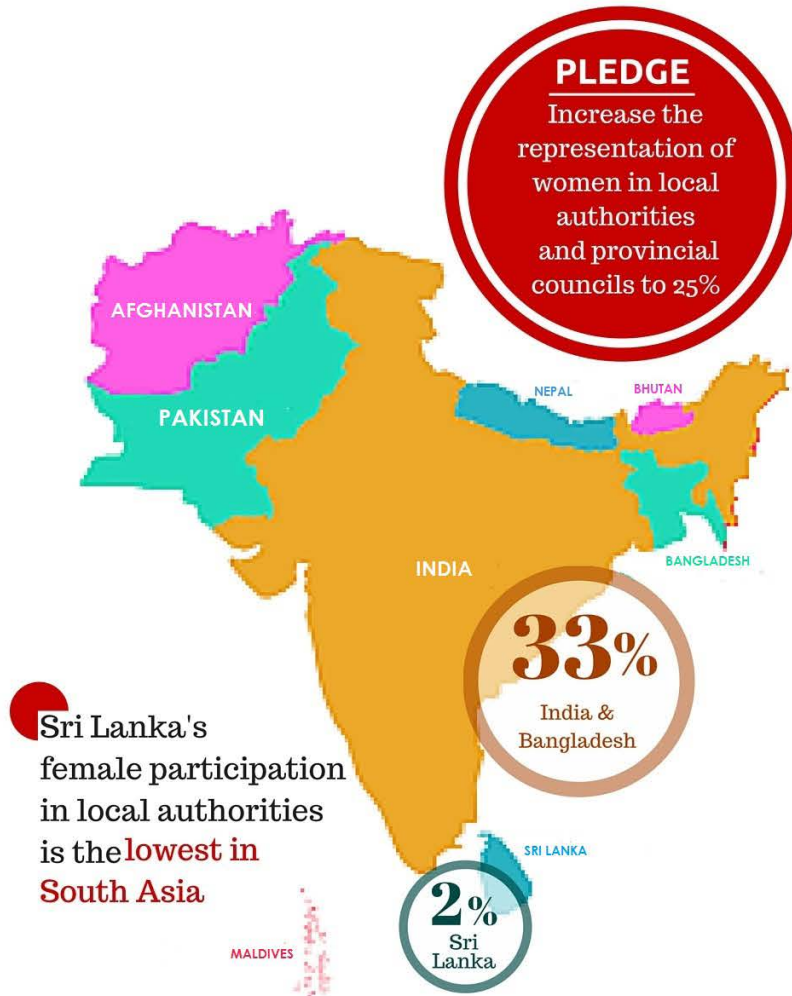
A MoU between the United National Party and the Sri Lanka Freedom Party after the general election contains a clause on improving the condition and position of women in Sri Lanka. It concludes with a statement on the coalition's intention to provide a constitutional provision guaranteeing 25% female representation in local government and 15% in Provincial Councils and Parliament.<sup>55</sup>

Along with ensuring that these quotas are met, parties could offer training on the drafting of legislation to ensure that potential candidates are better equipped to fulfil their duties. The Women Parliamentarians' Caucus could be mobilised to provide support and share guidance and experience.

Even after elected to a Provincial Council or local authority, there is no guarantee that women will be given decision-making power. For example, with just two women Cabinet ministers out of a 48), women's representation in the executive branch of government is likely to remain even smaller than its 5.8% representation in the legislature. Arguably, real impact requires solutions that reach beyond the pledge's remit, and reform access to power structures. A larger plan is needed and resources must be mobilised with initiative and purpose.

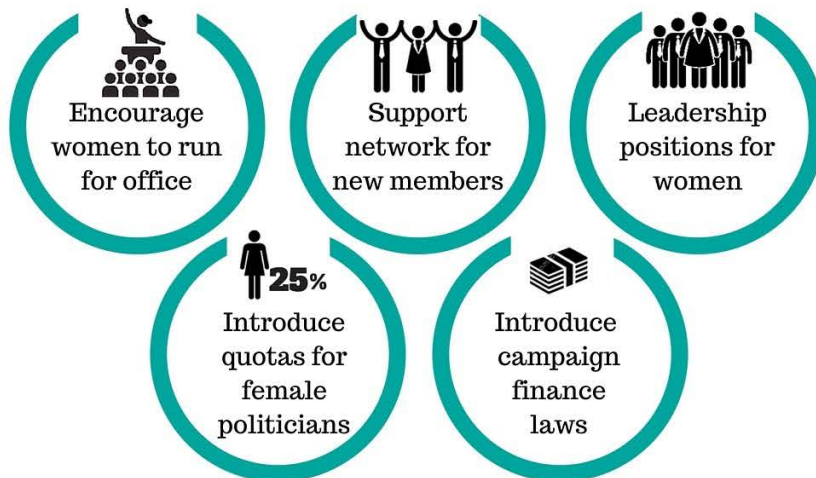
# #MY3 for women

PRESIDENT'S PLEDGE TO WOMEN



## INTERVENTIONS

TO INCREASE FEMALE PARTICIPATION IN SRI LANKA



# Conclusion

The level of progress of ongoing initiatives and the actual results of past initiatives with respect to the nine pledges appear to vary. While positive steps have been taken on some, others have not received adequate attention. In moving forward, each pledge requires careful evaluation of the success of current systems as well as its gaps. This being said, there are some common overarching obligations that the government needs to address if there is to be significant progress made in honouring these pledges.

First, the general safety and protection of women, including protection from sexual harassment and abuse, should be prioritised. The ability of women to reap the benefits of employment will depend on the extent to which they feel safe in their own communities and in their work environments. Accordingly, the government must be held accountable for drafting new laws as well as tightening existing laws that protect women from all forms of abuse and exploitation.

Second, reforms in terms of fair wages, benefits and social security must be introduced expeditiously. These provisions must be equal to those received by male workers. Moreover, the state should focus on creating new employment and livelihood opportunities for women, such as through low interest loans to set up small independent businesses.

Third, international conventions that provide a framework for securing basic rights for women must be ratified. For example, ratifying the Domestic Worker Convention (C189) will be a positive step towards ensuring that women in this sector receive fair treatment according to international standards. Further, the understanding of current legislation must be broadened to include vulnerable groups that are currently excluded.

The pledges made by President Maithripala Sirisena remain ambitious. Yet they are actionable through proper planning and monitoring, and effective advocacy. It is anticipated that this report will assist those who wish to advance the rights and interests of women in Sri Lanka and hold leaders to their promises.

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# Appendix 1

## A New Sri Lanka for Women



## **I pledge to;**

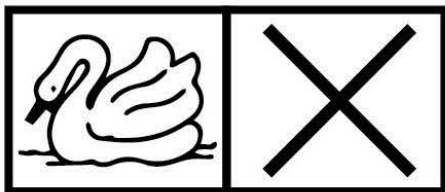
01. Create an effective system of law enforcement that addresses the mounting sexual offences including rape, sexual abuse, and harassment against both women and children regardless of the perpetrators' influence, position or political power.
02. Give every woman in Sri Lanka the opportunity and access to secure employment or income generation activities to attain financial stability and independence.
03. Introduce a debt-redemption scheme so that women who are suffering from indebtedness due to the hardships faced in providing for themselves and their families under the destructive economic policies of this government are no longer vulnerable. I will cancel 50% of debts for women in agriculture who have faced exceptional hardships in recent years.
04. Fulfil the state's responsibilities in protecting the rights and entitlements of women who face many difficulties both in terms of family life and other ways.
05. Address the issue of unemployment among educated young women as a top priority, provide state support for better lodging facilities for women in the apparel sector and guarantee legal recognition and protection to domestic workers' and women employed in the informal sector.
06. Accept the protection of children and other dependents of women migrant workers' as a responsibility of the state, take protective action at state level against abuse, maltreatment and injustices suffered by workers' abroad and make provisions for a provident fund similar to the local Employees' Provident Fund (EPF), an unemployment trust fund and a gratuity payment entitlements.
07. Support women in the apparel sector and other private sector jobs by protecting the EPF/ETF retirement savings from political manipulation and the "stock market mafia" to ensure the best possible returns. Considering the grave difficulties faced by women in the estate sector I will work towards providing all women in the sector fair wages, safe housing, land rights and adequate sanitation services.



08. Offer a special protection scheme for war widows of all communities and their dependents and ensure that they be accorded due place in social and economic activity in society.
09. Give every mother an allowance of Rs. 20,000/- at childbirth to obtain nutritious meals.
10. Lower excessive taxes to reduce prices on 10 essential food items, and at the same time put in place special provisions for protection of those producing such goods locally. I will reduce the price of domestic LP Gas Cylinders, petrol and diesel. I will also double the monthly Samurdhi allowance given to persons facing the greatest economic hardships.
11. Restore the dignity of all women in the public sector by increasing public sector salaries by Rs. 10, 000.
12. Increase the total provision for education from the present 1.7% to 6% and healthcare from 1.8% to 3%, thus ensuring better education and adequate healthcare and medicine provision.
13. Ensure that all villages and schools have access to safe drinking water.
14. Increase the representation of women in local authorities and provincial councils up to 25%.
15. Introduce systematic planning and policy making to create a future where all women's needs are accurately assessed and met.

By fulfilling the above pledge I wish to work towards a Sri Lanka where women are equal citizens and stakeholders and have the opportunity to become equal partners in the economic social and political spheres of the country. A New Sri Lanka for Women.

## Maithripala Sirisena



# Appendix 2

## SUGGESTED AMENDMENT TO SEXUAL HARASSMENT LEGISLATION Women Parliamentarians' Caucus Meeting, 4 November 2014

### EXISTING LEGISLATION

#### *Section 345 Penal Code*

"Whoever by assault or use of criminal force, sexually harasses another person, or by the use of words or actions, causes sexual annoyance or harassment to such other person commits the offence of sexual harassment and shall on conviction be punished with imprisonment...which may extend to five years..."

### EXPLANATION

- 1) Unwelcome sexual advance by words or action used by a person in authority, in a working place or any other place, shall constitute the offence of sexual harassment.
- 2) For the purposes of this section an assault may include any act that does not amount to rape under section 363.

### SUGGESTED AMENDMENT – *in between Explanation 1 and Explanation 2*

Annoyance or harassment by words or action of a sexually suggestive or explicit nature, including but not limited to catcalls, obscene comments, exposure of sexual organs, groping or stalking used by a person in a public place or mode of transport such as streets, sidewalks, public buildings, beaches, public parks, buses, and trains would constitute the offence of sexual harassment.



A | No. 5A, Police Park Place, Colombo 5  
T | +94 11-2055544  
E | [reception@veriteresearch.org](mailto:reception@veriteresearch.org)  
W | [www.veriteresearch.org](http://www.veriteresearch.org)