

Role of the parliament for enforcing gender equality in Sri Lanka

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Abstract

The paper examines role of the parliament for enforcing gender equality in Sri Lanka. Gender equality does not mean that men and women become the same. Achieving gender equality requires women's empowerment to ensure that decision-making at private and public levels and access to resources are no longer weighted in men's favour, so that both women and men can fully participate as equal partners in productive and reproductive life¹. The Sri Lankan women contribute to socio-cultural and economic development as a key player. There are no legal or institutional barriers for equality of women. However, there are only some cultural barriers which are common in Sri Lanka as well as South Asia. Further, political participation is not satisfactory in Sri Lanka compared to other democratic countries. Therefore, laws and institutional frameworks are needed to fulfill gender equality successfully. In this respect, The Parliament of Sri Lanka is playing a significant role to enforce gender equality.

Key words: Gender equality, Parliament of Sri Lanka, Women empowerment

Introduction

All democratic countries believe that enforcing gender equality is essential to building and sustaining democracy. Therefore, democratic countries recognize that women must be equal partners in their process of democratic development. The third Goal of the Millennium Development Goals also focuses on promoting women's equality. Also the Rio+20 in 2012 agreed to implement Post-2015 development agenda with a set of Sustainable Development Goals (SDGs) that is people centered development agendas including women's rights, gender equality and sustainable development. The Office of the High Commissioner for Human Rights has outlined some reflections on ensuring women's rights which are central to any post-2015 development framework. The following principles for a post-2015 development framework are important from a gender perspective:

- Advance equity (fairness in distribution of benefits and opportunities), equality (with full protection of the law), and non-discrimination (prohibition of any illegal grounds to restrict rights).
- Nothing about us without us: ensure women's meaningful participation and a process in which all voices are heard nationally and internationally.
- Accountability, requiring political commitment, transparency; institutional mechanisms; measures for monitoring and benchmarking to achieve gender equality.
- The indivisibility of human rights as the basis for achieving sustainable and equitable development (this refers to all rights: civil, political, economic, social and cultural)
- Universality: gender inequality is not confined to any region in the world but universally relevant (Spielfoch, 2013).

The Universal Declaration of Human Rights (UDHR) states that “**All human beings are born free and equal in dignity and rights**” (UN Website, 2014). Hence, protection of women's human political rights is important and it helps to achieve sustainable development and good governance in any country; consequently, gender equality is a universal topic. Democratic countries have recognized gender equality based on the UDHR and their governments have ratified international treaties, covenants and declarations and protocols such as the International Covenant on Civil and Political Rights of 1966, International Covenant on

Economic, Social and Cultural Rights-1966, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) - 1977, The Fourth World Conference on Women Beijing Declaration of 1995 and the World Conference on Human Rights Vienna of 1993. Sri Lanka also accepted above mentioned all the international treaties, covenants and declarations. They have implemented gender equality related international agreements through their Constitutions, Laws and institutional frameworks. In this regard, Parliament is the highest lawmaking authority which has power to pass, amend and repeal laws for contributing to gender equality. Three functions of parliament are as follows:

1. Enact, amend and repeal laws
2. Represent and articulate the views and wishes of the citizens in decision making process
3. Oversee the activities of the executive so that government is accountable to the people.

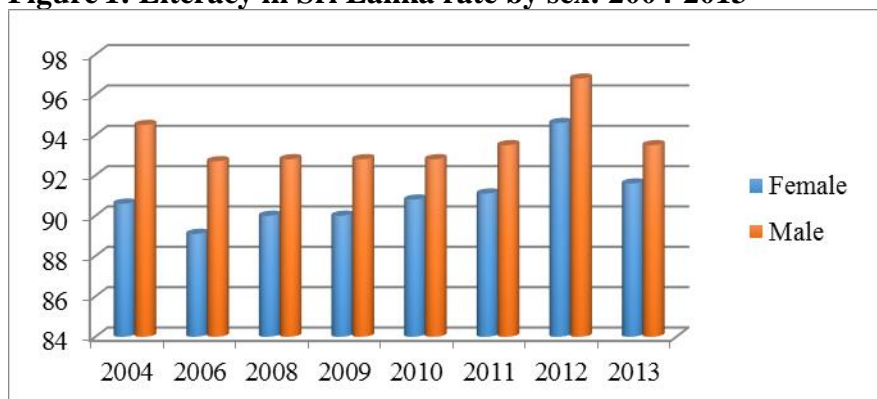
Parliamentarians should use their legislative powers to support the development of comprehensive legal frameworks to enhance women's equality and their rights (Sinabulya, 2010).

Situation of women in Sri Lanka

In the South Asia, women and men have different roles and responsibilities compared to the Western countries. Our culture greatly differs from the West and, traditionally families are headed by males and women are considered subordinates. The South Asian countries face issues of their own, the most being patriarchy and traditional gender stereotypes that prevent women from entering the public sphere due to different reasons (One world South Asia, 2012). Most South Asian countries throw up almost similar circumstances for women and dependence on men prevent women from exploring avenues like politics. In addition, lack of education ensures these women are not taken seriously and even if they get a political office, the culture is maintained to prevent them from making major decisions. Sri Lankan women have been living in a patriarchal society from ancient times, but their role has changed. They have equal rights and freedom without discrimination in Sri Lanka compared to other South Asian countries; also they are represented in socio-economic and political sectors and enjoy equal rights under national, civil, and criminal laws. In 1931, women were given suffrage and after the introduction of the open economy in 1977 mobilizing and changing Sri Lankan women's roles and responsibilities have ever increased.

In Sri Lanka, women constitute a little over 50% of the population who play a significant role in all development spheres, and their contribution to the national economy is enormous. They work as migrant workers, tea pluckers, and garment sector employees etc. Their contributions to the Sri Lankan economy can be seen in various sectors. For example, Women comprise a significant portion of migrant workers who are employed mainly as domestic workers in the Middle East had remitted Rs. 503,073 million out of which a total of Rs. 916, 344 million of foreign employment remittances in 2014 (Central Bank Annual Report,2014). Also they have achieved vast educational progress compared to men. Women's literacy rate in Sri Lanka was 91.6 % in 2013 (Central Bank Annual Report, 2014).

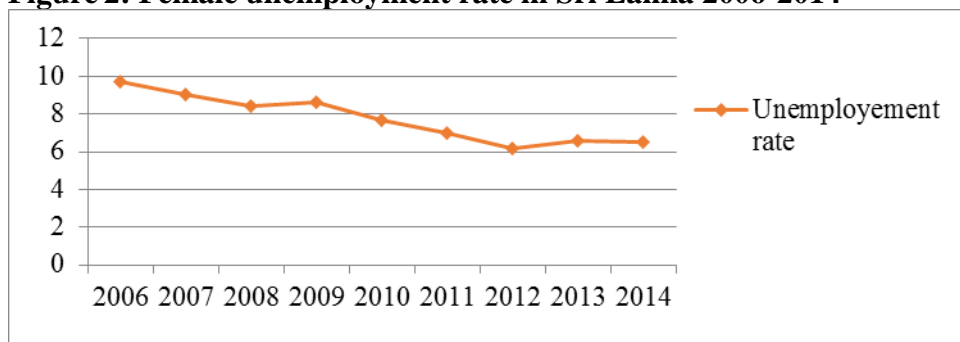
Figure 1: Literacy in Sri Lanka rate by sex: 2004-2013



(Source: Central Bank Annual Reports, 2004-2014)

Female unemployment rate had steadily decreased year by year. In 2005 female unemployment rate was 12% but it declined to 6.5 % in 2014 (Labour force survey report, 2014). Anyway, unemployment rates of females are higher than those of males. At the national level, the unemployment rate for females (6.5%) is more than double as that of the male unemployment rate (2.8%). Official data has shown that economically inactive female population is higher than the male population. The main reason for the majority of females (57.1%) to be under economically inactive category is that their involvement in household work. The relevant percentage for males is 4.8. (Labour force survey report, 2014).

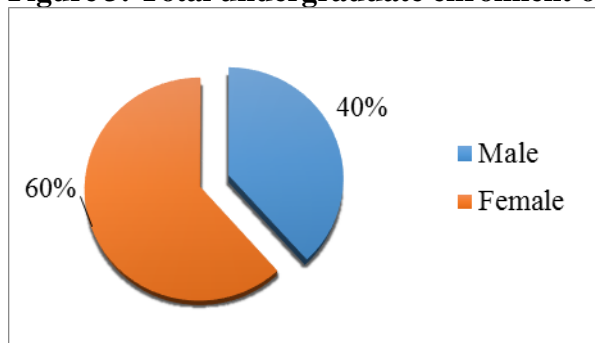
Figure 2: Female unemployment rate in Sri Lanka 2006-2014



(Labour force survey report, 2014)

Women hold positions in all sectors such as judiciary, higher education, health, public administration and other civil society organizations. . The percentage of female paid employees in the public sector is higher (19.9%) than that of males (12.8%). Further considering occupation group, female professionals are higher (309,289) than male professionals (207,384). The country has reached gender parity in primary education with the ‘ratio of girls to boys in primary education’ reaching 100% percent in 2009/10. In secondary and tertiary and collegiate education, the proportion of girls to boys exceeds 100 percent (UNDP, 2012).

Figure 3: Total undergraduate enrolment of higher educational institutions by Sex-2014



(Source: Report of University Statistics, 2014)

As far as the women representation is concerned, the region's record is not satisfactory. Only 16% of women are represented in the parliaments in South Asia. According to Inter Parliamentary Union (IPU) statistics, women representation in the Parliaments is as follows; Nepal 29.9%, Afghanistan 27.7%, Pakistan 20.7%, Bangladesh 20.0%, India 11.4%, Bhutan 8.5%, Maldives 6.8% and Sri Lanka 5.8% (IPU,2014).

Table 1: Political Participation in Selected Countries -2014

Level	Country	Lower or Single House		Upper House	
		Women (%)	Women/Seats	Women (%)	Women/Seats
50% to 59.9%	Rwanda	63.8	51/80	38.5	10/26
40 % to 49.9%	South Africa	44.8	179/400	34.0	18/53
35% to 39.9	Norway	39.6	67/169		
30% to 34.9%	Switzerland	31.0	62/200	19.6	9/46
25% to 29.9%	Nepal	29.9	172/575		
	Afghanistan	27.7	69/249	27.5	28/102
20% to 24.9%	Pakistan	20.7	67/323	16.3	17/104
	Bangladesh	20.00	70/350		
15% to 19.9%	Saudi Arabia	19.9	30/151		
10% to 14.9%	India	11.4	62/545	11.4	28/245
5% to 9.9%	Bhutan	8.5	4/47	8.00	2/25
	Maldives	6.8	5/74		
	SRI LANKA	5.78	13/225		

(Inter-Parliamentary Union: 2014)

The use of quota and reserved seats for females at the political institutions are very limited in the region. Especially, the political representation is not satisfactory in Sri Lanka compared to other South Asian countries. Women political representation can be seen in the Parliament, Provincial Councils and Local Government institutions as 5.7%, 5% and 1.8% respectively.

Table 2: Women in Ministerial Positions: 2014

Rank	Country	Women (%)	Women	Total Ministers
1	Nicaragua	57.1	8	14
2	Sweden	56.5	13	23
3	Finland	50.0	9	18
4	France	48.6	18	37
5	Norway	47.1	8	17
6	Denmark	45.5	10	22
9	Switzerland	42.9	3	7
16	South Africa	37.1	13	35
48	Maldives	17.6	3	17
54	United Kingdom	15.6	5	32
67	Indonesia	11.8	4	34
73	India	9.3	4	43
81	Bangladesh	6.7	2	30
83	Malaysia	6.3	2	32
94	SRI LANKA	2.9	2	68
97	Pakistan	00	00	17

(Inter Parliamentary Union, Women in Politics, 2014)

Political representation of women seem to be low but their entrance to national and local government political fields is not hindered in any way. Though they face no discrimination due to cultural and social factors their entrance to the political field is somewhat limited. In the democratic process, political parties have a major responsibility in enhancing women representation in decision making process from local to national level. In recent years more women have been selected as candidates at elections and appointed to government positions at national, state and local level which helps improve gender-sensitive governance.

Role of the Parliament of Sri Lanka

As per discussed above, Parliament has key roles to play with regard to gender equality through mechanisms such as legislative activities, oversight powers on government activities and financial allocation. It could play a crucial role in achieving gender equality, accountability and sustainable development. Parliamentarians can positively contribute in preparing, updating and monitoring the implementation of gender equality plans, strategies and programmes by initiating effective legislation. Political will of the Parliamentarians can play a vital role to ensure gender equality and dignity for all women.

Enacting legislations

Sri Lanka has accepted the gender equality under the 1978 Constitution which protects women's rights under article 12(2) and Chapter 6 -27(16). The article 12(2) of the Constitution of Sri Lanka opposes any discriminative actions based on the sex and it further states that the State is able to take legislative or administrative actions for the advancement of women. It has accepted gender equality as a basic right.

Furthermore, the Parliament had enacted legislations to prevent gender based violence including all forms of sexual harassments. These Acts are, the Penal Code and its Amendments, the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act No.30 of 2005, the Prevention of Domestic Violence Act No. 34 of 2005, the Sri Lanka Bureau of Foreign Employment Act No.21 of 1985 and its

Amendments, the Maternity Benefits Ordinance No. 32 of 1939 and its Amendments, the Shop and Office Employees Act No.15 of 1954 and the Widowers and Orphans' Pension Act No. 24 of 1983 and the Marriage Registration (Amendment) Act No.18 of 1995. The Women's Charter was approved by the Government of Sri Lanka on 3rd March 1993 and therefore Parliament has taken action to prevent gender based violence.

Establishing a sound institutional framework.

Institutional Frameworks help implement national legislations which contribute to maintaining law and order and rules and regulations for implementation. The Government established a separate institution for women empowerment called the Ministry of Child Development and Women's Affairs. The Ministry has functions to develop, implement, monitor, evaluate and co-ordinate the policies and programs for the realization of the Rights of Women and it stems from the International Human Rights treaties formulated within the socio-cultural framework of Sri Lanka in order to ensure women's development, protection and participation in all affairs.

The Parliament had supported to establish other institutional frameworks for empowering women and to ensure gender equality. The Women's Bureau of Sri Lanka was established under the Ministry in 1978 for the advancement of Sri Lankan women. There can be seen several functions of the bureau such as ensuring equal opportunities for women before the Law and in the Social, Economic, Educational, Political and Cultural fields through the promotion of equality between women and men, safeguarding the Right of Women to protect them from Gender Based Violence, mainstreaming gender in all development policies and programmes and creating awareness on women's rights. The National Committee on Women -1993, was established under the Ministry with the objectives of achieving "women's convention" that embodies the government policies pertaining to women. It has several other functions such as creating awareness on women's rights as indicated in women's convention, receiving and reviewing the complaints on indifferent treatments based on gender equality and referring them to relevant authorities etc. Children and Women Bureau Desks, under Sri Lanka Police, are also established to prevent violence against women.

Parliamentary Committees

Monjurul Kabir has stated that the committee system has become the main vehicle for legislative scrutiny and oversight over the last few decades, and the plenary session (full parliamentary assembly) provides the opportunity for generalized debate and a forum for major announcements (Kabir, 2012). Women Parliamentarians can engage with Parliamentary committees to scrutinize the executive. Oversight committees provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditure.

Women composition of committees is an important factor in this regard. Women Parliamentarians' composition in Committees in Parliament of Sri Lanka is as follows;

Table 3: Committee composition in Parliament of Sri Lanka

Name of the Committee	Total Members	Women Members
House Committee	31	1
Committee on Standing Orders	31	0
Committee on Parliamentary Business	31	0
Committee on Public Accounts	33	0
Committee on Public Enterprises	33	2
Committee on Privileges	31	0
Committee on Public Petitions	33	5
Committee on High Posts	31	0
Standing Committees A and B	31+5	4
Consultative Committees	25	13

(Source: Parliament Debates (Hansard), 2014 March)

Parliament is the place where a country's policy direction is set. Therefore, the number of female parliamentarians should increase to enforce gender equity. Concerning on Parliament of Sri Lanka, women parliamentarians' caucus is functioning to enforce gender equality.

Women parliamentarians' caucus (WPC) under Committee of Selection

Women's Caucus provides capacity-building initiatives and empowerment for women. Furthermore, it creates an access point for advocacy by civil society and provides a focal point for women parliamentarians to communicate with women's organizations in civil society (IPU, 2006). In Sri Lanka, women's caucus of Parliament was established in 2006 which helps to promote gender related decision making and discuss and debate gender issues etc. Women parliamentarians can discuss country related gender discrimination issues as part of their work. Further, members of the caucus actively participate in parliamentary debates including adjournment debates on women's issues. Discussions of gender issues in a women's caucus can improve women's confidence and their ability to articulate and address issues within their communities. Within the caucus, women are able to assist each other with information and access to women's organizations (Bunrany, 2011). Their approach is entirely apolitical. Parliamentary caucuses can play a leadership role in the promotion of gender equality and the empowerment of women, in particular by working for gender equality legislation, overseeing its implementation, and ensuring that gender perspectives are systematically integrated in all legislation (Commission on the Status of Women, 2010). Main activities of the WPC are as follows;

1. Advocacy through Parliament
2. Coordinated activities with the women Provincial Councilors and Members of the Local Government bodies
3. Coordinated activities with Government Ministries, Departments and Institutions
4. Awareness programmes, workshops, trainings and conferences
5. Outreach activities at district level
6. Coordinated activities with UN Agencies
7. Partnership with local women organizations and professionals.
8. Cooperation with other Parliamentary women's organizations and international women's organizations (WPC, 2014)

Further, the WPC has prepared an Action Plan and it was officially declared at the national conference held on 10th July 2013. The action plan recognises the commitments made to women's equality articulated in the Constitution of Sri Lanka, the Women's Charter, the

National Human Rights Action Plan and the UN Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). The Action Plan identifies goals as follows;

Goal 1: To amend/repeal laws those discriminate against women and monitor implementation

Goal 2: To increase women's representation in representative political institutions at local, provincial and parliamentary level

Goal 3: To take into consideration the provisions of the National Human Rights Action Plan and all relevant UN Conventions protecting women's rights ratified by the Government of Sri Lanka with special emphasis to women affected by disaster and recovering from conflict (WPC Action Plan ,2013)

The Parliamentary Women's Caucus is responsible for guiding and monitoring the above goals in the plan. Further, the WPC launched a separate website (www.womencaucus.lk). This committee is implementing all programmes as mentioned above in association with Provincial Councils, Local government institutions, relevant ministries, international and national organizations and other civil society organizations.

Parliamentary Questions

Tom Duncan, Clerk of the Legislative Assembly for the Australian Capital Territory, stated that “*the number of laws passed or questions asked that indicate whether a Parliament is healthy or not*” (Duncan, 2010). Because of this, The Parliament has mechanisms to obtain information and scrutinize information from the executive branch as sufficient to exercise its oversight function in a meaningful way. In Sri Lanka, Women and Men Parliamentarians ask a number of questions on women's issues (see example given below). In the seventh Parliament, under the Democratic Socialist Republic of Sri Lanka, Parliamentarians had asked over 25 questions from 2010 April to May 2014. All questions asked were subject to topics such as women's representation, Gender based violence, women's affairs, and women in conflict situation.

13.

3329/'12

Hon. (Mrs.) Rosy Senanayake,— To ask the Minister of Child Development and Women's Affairs,—(1)

- (a) Will he inform this House—
 - (i) of the total number of complaints;
 - (ii) separately, the number of complaints received from each District; and
 - (iii) separately, the number of complaints received from each age category;with regard to violence against women during the period between 2008 and 2012?
- (b) Will he also inform this House of the number of complaints on incidents of violence against women received against persons who are connected to politics as per the police records?
- (c) If not, why?

Further, Parliamentarians play an important advocacy role for enforcing gender issues through the media. Women Parliamentarians engage in press briefings to create public awareness.

Conclusion

Gender equality is essential to building and sustaining democracy. Parliament is a principal institution in any country that can play a vital role in ensuring equality for women. Parliament of Sri Lanka consists of 225 members with a two thirds majority for the ruling party. Therefore, the ruling party should support to enhance gender equality through parliamentary process. They can easily support to enact gender related legislations. On the other hand, Parliament should provide research facilities (primary research facilities) and gender based research centers in the parliament premises to access gender issues related data and information. Those research findings can be used for enforcing gender equality.

(Notice: Information of the parliament based on the seventh parliament of under the constitution of 1978)

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