

**PEOPLE'S DEVELOPMENT JUSTICE REPORT ON
NATIONAL REVIEW AND MONITORING OF
SUSTAINABLE DEVELOPMENT GOALS IN
SRI LANKA**

COLOMBO

June 2019

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Colombo
Centre for Women's Research (CENWOR) Sri Lanka
2019

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CENWOR
June 2019

Abbreviations

BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of Discrimination Against Women
CKDu	Chronic Kidney Disease of unknown Aetiology
CSOs	Civil Society Organisations
DCS	Department of Census & Statistics
EU	European Union
FDI	Foreign Direct Investment
FTA	Free Trade Agreement
GCE (AL)	General Certificate of Education (Advanced Level)
GDP	Gross National Product
GOSL	Government of Sri Lanka
GSP	Generalised System of Preferences
GSP+	Generalised System of Preferences Plus
HDI	Human Development Index
IFC	International Finance Corporation
IMF	International Monetary Fund
ITC	International Trade Centre
LKR	Sri Lanka Rupee
MDGs	Millennium Development Goals
MOU	Memorandum of Understanding
NCDs	Non Communicable Diseases
ODA	Overseas Development Assistance
PIP	Public Investment Programme
RIA	Rapid Integrated Assessment
SBN	Sustainable Banking Network
SDGs	Sustainable Development Goals
SLSFTA	Singapore Free Trade Agreement
UNGC	United Nations Global Compact
VAW	Violence Against Women
WRI	World Risk Index

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Executive Summary

Sri Lanka has put in place a legal and administrative framework at national and sub national levels for the implementation of Agenda 2030. The government has attempted to align its public investment programme with the SDGs while the 2018 Budget provides a strategic framework for addressing the three key dimensions of sustainable development – economic, social and environmental over three successive budget cycles.

The government has prioritized Goals 1, 4, 7, 10 and 11 for implementation in three phases - 2017-2020; 2020-2025: and 2025-2030. It has developed a National SDG Roadmap, a National SDG Action Plan and conducted an institutional coherence mapping. A rapid integrated assessment showed an uneven alignment between the policy initiatives in the current Public Investment Programme and the SDG targets. Baseline data is available for 36 of the 244 indicators. Major constraints in achieving the SDGs have been identified as the lack policy and institutional coherence as well as institutional capacity, interest to change and political instability.

This People's Development Justice Report focuses on Goal 5 – Gender Equality. The Sri Lankan constitution¹ guarantees equality before, and equal protection of the law, and non discrimination including on the basis of sex. However, a remedy for rights violations is available only in respect of state action or those acting under State authority. Despite the lack of overt discrimination and favourable indicators for women in health and education major barriers to equality is the stagnation in political and economic empowerment. Women's representation has not exceeded 5.8 per cent in parliament; and only 4.3 per cent hold ministerial positions. A temporary special measure was introduced in 2018 was a 25 per cent quota for women at the local government level, but it did not yield the desired results.

Poverty has declined over the years but income and regional disparities are stark between the Western that includes the capital, and other provinces. Female labour force participation continues to remain at almost half that of male labour force participation while unemployment is twice as high for women. Barriers that women face in the economic sphere make them more

¹ Sri Lanka The Constitution of the Democratic Socialist Republic of Sri Lanka Sri Lanka, Article 12.
<https://www.parliament.lk/files/pdf/constitution.pdf>

susceptible to conditions of poverty, discrimination, unemployment, and low wages. A recent trend is the erosion of worker rights through the recruitment of workers in the formal sector, especially in export processing zones dominated by women, and in state institutions through manpower agencies without employer accountability.

Macro level policies have resulted in women losing their productive resources due to the acquisition of land by the state for large scale development projects, allocation of land to private companies, and encroachment by developers with the connivance of the political establishment. Women have become victims of unsupervised microfinance agencies and the demand for their labour has dwindled with increasing agricultural mechanization. Critical issues to be addressed are youth unemployment, ageing, spread of non-communicable diseases, climate change and extreme weather events. Persons with disability, female heads of households, and those who are geographically isolated are the most vulnerable. However, the parameters for defining vulnerabilities are not limited to the conventional norms of vulnerability. The impact of macro policies is seen in multiple vulnerabilities e.g. disabled persons having health issues such as Chronic Kidney Disease of unknown Aetiology.

Priorities for women are increasing the budgetary allocation for Goal 5 and cross cutting targets such as in education and health as well as for community engagement and introducing gender budgeting. Of equal importance is the repeal of discriminatory laws, enacting the Women's Rights Act and setting up the National Commission on Women, increasing participation in political decision making, introducing a quota for parliamentary representation and cabinet portfolios, increasing livelihood generation, eliminating discriminatory labour practices, providing social protection for informal sector workers and vulnerable women, and eliminating and criminalizing violence against women.

Challenges to women's empowerment include a lack of integration among different processes, lack of clarity on factors that create exclusion, inconsistency in sustaining inclusion in development agendas, regarding women as a group of passive recipients and a buffer group, and not being able to create a critical mass to bring about positive change.

Country Profile

- ☞ Population by sex (2018 mid-year population):
 - Female - 11,062
 - Male - 10,382
- ☞ Age Dependency Ratio: 51.47 per cent (2016)
- ☞ GDP per capita (2018): US\$ 4102
- ☞ GNI per capita (2017): US\$ 3,944
- ☞ Growth of GDP (in real terms, 2017): 3.3%
- ☞ Palma Ratio (2010-2017): 1.9%
- ☞ Gini coefficient (2016): 39.8
- ☞ Expenditure on education as a % of GDP (2017): 2.81
- ☞ Expenditure on health as a % of GDP (2015): 2.9
- ☞ Expenditure on Military as a % of GDP (2017): 2.17
- ☞ UNDP Human Development Index: (2015): 0.766
 - Rank among 188 countries: 73
- ☞ UNDP Gender Inequality Index (2018): 0.354
 - Rank among 160 countries: 80
- ☞ National minimum monthly wage: US\$ 68 (LKR 10,000)
- ☞ National minimum daily wage of a worker: \$2 (LKR400)
- ☞ Net worth of the richest individual in Sri Lanka: US\$ 550mn (LKR 100,000mn)



Map of Sri Lanka with Provinces²

² Map of Sri Lanka with Provinces. https://d-maps.com/carte.php?num_car=61

Chapter 1

Introduction

The international community has been subscribing to sustainable development agendas since the 1992 Earth Summit in Rio that adopted Agenda 21 as well as the UN Framework Convention on Climate Change (UNFCCC) and the follow up proposals that were adopted at the 2002 Johannesburg World Summit on Sustainable Development (WSSD). All UN member states adopted the Millennium Development Goals (MDG) for 2015 following the Millennium Summit in 2000. At the 2012 Rio+20 Earth Summit, nations agreed to work towards a broad-ranging post-2015 agenda, a process that led to the universal acceptance of the 17 Sustainable Development Goals (SDGs) and the 2030 Agenda by all UN member states in 2015.

Sri Lanka as a signatory to this global compact has full responsibility for achieving the SDGs. However, researchers and civil society organisations have argued that implementing and monitoring the 17 goals will be challenging and overly ambitious and that it would be necessary to identify the most relevant and critical issues and obtain the cooperation of all stakeholders to operationalise their implementation.³

Sri Lanka has put in place a legal, policy and an institutional framework and has undertaken a series of actions to implement the SDGs. In June 2018 Sri Lanka presented its Voluntary National Report at the High Level Political Forum while the People's Voluntary Review prepared by a wide range of non-state stakeholders was also presented at the same Forum.

This People's Justice Report attempts to review the actions that have been taken in Sri Lanka since the global compact was endorsed. Its focus is on Goal 5 but 54 other gender specific indicators of the SDGs that have been mainstreamed into the other Goals are equally relevant to the achievement of the targets of Goal 5.

³ Nanayakkara, W. 2016. From Millennium Development Goals to Sustainable Development Goals: Is Sri Lanka Ready for the Next Step? *Trading Economics and IPs*. <http://www.ips.lk/talkingeconomics/2016/01/06/from-millennium-development-goals-to-sustainable-development-goals-is-sri-lanka-ready-for-the-next-step/>

The report commences by looking at the national context within which the SDGs are being implemented. Chapter 2 discusses Sri Lanka's commitment to achieving the SDGs with reference to the legal and institutional framework that is in place, structures that have been created, and actions that have been initiated to achieve the SDGs and constraints that are being faced in the course of implementation. Chapter 3 focuses on the CENWOR priority of Goal 5 - Achieving Gender Equality and Empowering Women and Girls Everywhere. This chapter is followed by the Common Ground Analysis and the conclusion and recommendations are presented in Chapter 5.

1.1 National Context

1.1.1 Legal Framework - Right to Equality and Non Discrimination

The Sri Lankan constitution⁴ guarantees equality before, and equal protection of the law, and non discrimination on the grounds of race, religion, language, caste, sex, political opinion [or] place of birth to all citizens.⁵ However, a remedy for rights violations is available only in respect of state action or those acting under State authority (Article 17).⁶ Sri Lankan jurisprudence has interpreted State action to include State inaction on the part of State officials and that the lack of action by the State to protect citizens from discriminatory practices would amount to a violation of this Article. Discriminatory laws, whether written or unwritten that were operative prior to the promulgation of the 1978 constitution are valid "...notwithstanding any inconsistency with the preceding provisions of this Chapter".⁷

1.1.2 International Instruments and Agreements

Sri Lanka has acceded to several international conventions that place an obligation on the State to protect women from discrimination and violence within the rights framework of these conventions. Of these conventions, women's rights are recognized in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Sri Lanka

⁴ Sri Lanka The Constitution of the Democratic Socialist Republic of Sri Lanka Sri Lanka, Article 12.
<https://www.parliament.lk/files/pdf/constitution.pdf>

⁵ *ibid*

⁶ *Rajarante v. Air Lanka Ltd.* 1987, New Law Report 128

⁷ Sri Lanka The Constitution of the Democratic Socialist Republic of Sri Lanka Sri Lanka, Article 16.
<https://www.parliament.lk/files/pdf/constitution.pdf>

reports to the CEDAW Committee while a citizen may petition the Human Rights Committee set up under the Optional Protocol of the International Convention on Civil and Political Rights (ICCPR) for redress for the violation of any of its provisions provided that all local remedies had been exhausted. The conventions that have been acceded to by Sri Lanka, bring the country under international scrutiny.

1.1.3 Political Background

Sri Lanka followed a parliamentary system of government since political independence from colonial rule in 1948, became a republic in 1972 but retained membership in the Commonwealth of Nations. In 1978 a presidential system of government was introduced with almost unlimited executive powers vested in an elected President. Constitutional amendments introduced a second layer of government by devolving power to Provincial Councils. Currently another constitutional amendment is being drafted for more devolution. However, at the time of writing this report, the term of office of all Councils had expired but no elections have been held. A presidential act in December 2018 embroiled the country in a constitutional crisis and resulted in a governance vacuum. Subsequent redistribution of cabinet portfolios abolished the Ministry of Sustainable Development. A court verdict established the status quo but political instability continues while a terrorist attack in April 2019 claimed to have been perpetrated by ISIS has turned the focus once again on terrorism.

1.1.4 Economy

Beginning with the end of the secessionist conflict, the Sri Lankan economy, recorded a growth rate of 5.8 per cent from 2010-2016, but growth declined to 3.4 per cent in 2017 and 3.2 percent in 2018 due mainly to adverse weather conditions that saw a contraction in agricultural output⁸ and a deceleration in the construction sector.⁹ A 4 per cent growth is projected in the medium term.¹⁰ With a GDP per capita income of USD 4,073 (2017) Sri Lanka is ranked as a lower middle income country.¹¹

⁸ Central Bank of Sri Lanka. 2019. Annual Report of the Monetary Board of Sri Lanka.; Economy Next 2018. Sri Lanka's Economy slumps to 3.1 pct in 2017. Sri Lanka's economic growth slumps to 3.1-pct in 2017

⁹ World Bank 2019. Overview. Recent Economic Development. <https://www.worldbank.org/en/country/srilanka/overview#4>

¹⁰ *ibid*

¹¹ Since writing this report the World Bank has classified Sri Lanka as an upper mid-income country for the fiscal year 2020 with a per capita income of \$4060. <http://www.ft.lk/front-page/SL-classified-as-upper-middle-income-by-WB/44-681124>

Poverty declined from 40 per cent in 1990 to 6 per cent in 2012/13 and to 4.1 per cent in 2016. However, 4.1 per cent of the population is still poor.¹² There is also a high concentration of non-poor people just above the poverty line¹³ who are vulnerable to falling into poverty.¹⁴

The liberal market oriented economy adopted in 1977 has been continuing with the private sector as the 'engine of growth'. Concomitantly, structural adjustment programmes supported by the World Bank and the International Monetary Fund were implemented reducing, among other things, public sector and social sector expenditure and implementing a policy of privatising public enterprises. Currently, Sri Lanka is embracing more integration within the global economy at a time when globalisation is being questioned,¹⁵ and there is resentment against political elites.

The most significant structural change seen in the economy after 1977 is the declining contribution of the agricultural sector to the GDP (7 per cent in 2018¹⁶) and the increasing importance of the industrial and service sectors. The contraction of agriculture is expected to have negative impacts on a labour force of nearly three million and on food security.^{17,18}

At present Sri Lanka is beset by high levels of debt, a heavy reliance on foreign capital inflows, dwindling exports and foreign direct investment (FDI), currency depreciation, and high rates of interest. Macroeconomic instability due to structural imbalances is seen in recurring fiscal and external current account deficits with a debt ratio of over 75 per cent of the GDP accompanied by low government revenue of approximately 13 per cent of the GDP. In 2015 the government allocation for debt servicing amounted to 22 per cent of the total expenditure. The savings-investment gap widened in 2018 indicating an increasing

¹²Data for 2016.

¹³ Rs. 4,440 in 2017. Department of Census and Statistics 2018. Statistical Pocket Book 2018. Colombo.

¹⁴ More people would have fallen into poverty as the official poverty line had increased since 2016. Department of |Census and Statistics 2017. Poverty Indicators. Colombo.

¹⁵ Stiglitz, Joseph 2017. Globalisation: Time to Look at Historic Mistakes to Plot the Future. *The Guardian* 5 Dec. 2017. <https://www.theguardian.com/business/2017/dec/05/globalisation-time-look-at-past-plot-the-future-joseph-stiglitz>. Institute of Policy Studies 2018. Sri Lanka State of the Economy 2017. Colombo, IPS, p. 1.

¹⁶ Central Bank of Sri Lanka 2019. Annual Report (Volume 11). Colombo, p.48

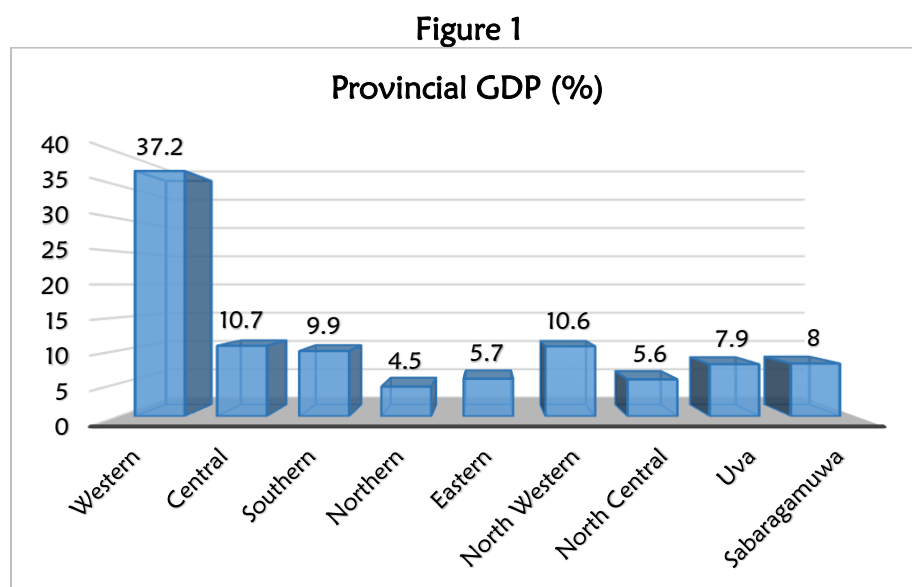
¹⁷ Department of Census and Statistics 2018. Statistical Pocket Book 2018. Colombo. p.19.

¹⁸ Athukorale, Rohantha N. 2016. Sri Lanka heading for an agricultural issues in 2017? *Daily FT* 3 January, 2017. <http://www.ft.lk/columns/sri-lanka-heading-for-an-agricultural-issue-in-2017/4-588715>

dependence on external resources to fill the shortfall.¹⁹ The widening current-account deficit together with economic inefficiencies and a high level of corruption and an unstable political situation compounded by an unfavourable global environment are projected to result in a sharp depreciation of the rupee against the US dollar in the period 2019-23²⁰ impacting especially on GDP growth, debt repayments and on government capacity to finance the SDGs.

1.1.4.1 Disparities and Inequalities

Disparities characterise Sri Lanka's growth. Spatial and income inequalities are stark between the western and the other eight provinces. The Western Province with 5 per cent of the land area and 28 per cent of the population accounted for the largest share of nominal Provincial GDP in 2017 (37.2 per cent).²¹ The poverty head count index was the lowest in the Western Province (1.7 per cent) and highest in the Northern Province (7.7 per cent)²² (Figures 1 & 2). The dominance of the Western Province is attributed to concentration of investment, developed infrastructure and market reforms. Unemployment was the lowest in the Western Province.



Source: Department of Census and Statistics 2017. Poverty indicators 2016.
http://www.statistics.gov.lk/poverty/Poverty%20Indicators_2016.pdf

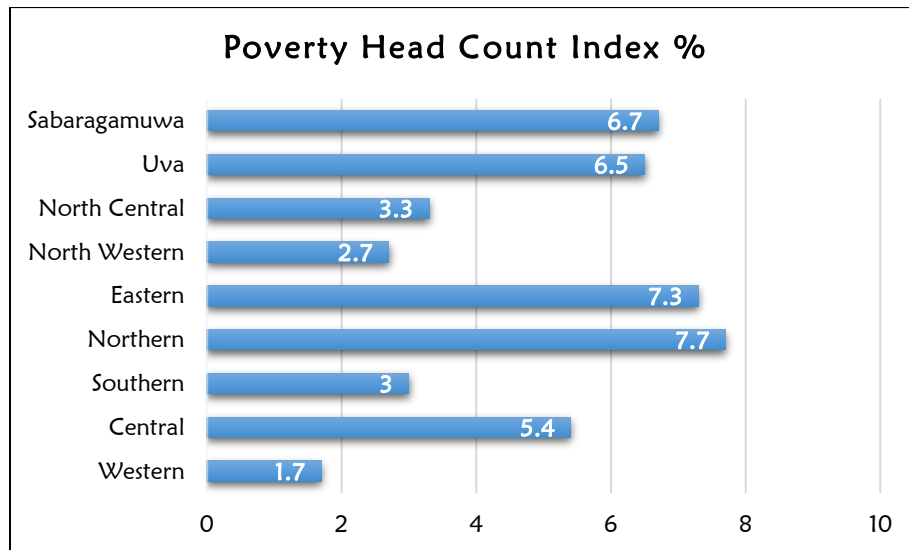
¹⁹ Central Bank of Sri Lanka 2019. Annual Report (Volume 11). Colombo,

²⁰ The Economist EIU 2018. <http://country.eiu.com/Sri%20Lanka>,

²¹ www.cbsl.gov.lk/sites/default/files/cbslweb_documents/press/pr/press_Provincial_Gross_Domestic_Product_2017%20_20181102e.pdf

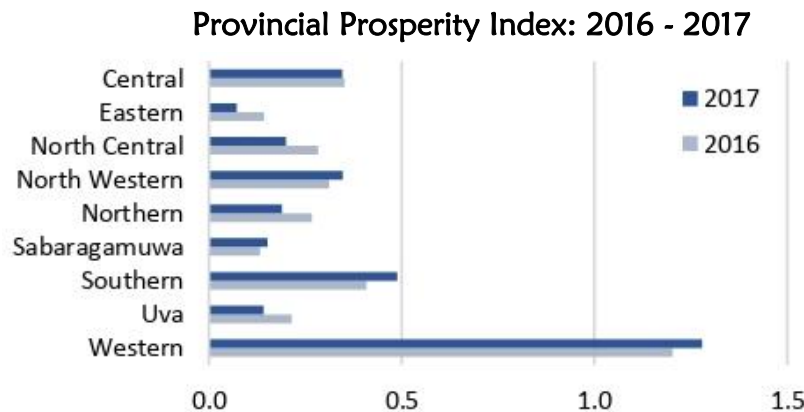
²² Poverty indicators 2016. http://www.statistics.gov.lk/poverty/Poverty%20Indicators_2016.pdf

Figure 2



Source: Department of Census and Statistics 2017. Poverty indicators 2016.
http://www.statistics.gov.lk/poverty/Poverty%20Indicators_2016.pdf

Figure 3



Source: Central Bank of Sri Lanka. Sri Lanka Prosperity Index 2017.
https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/statistics/note_sri_lanka_prosperity_index_2017_e.pdf

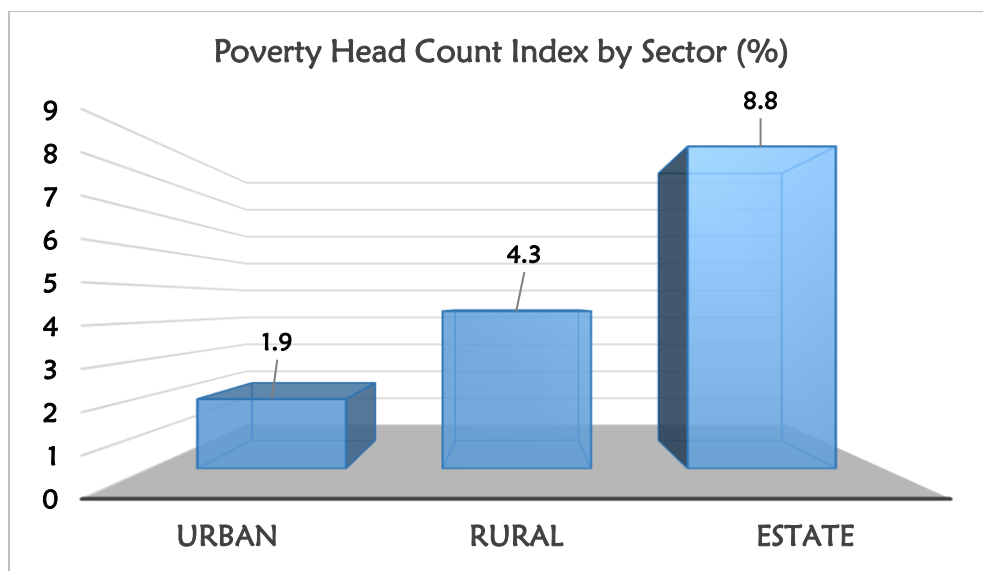
These regional disparities are reflected in the Sri Lanka Prosperity Index (SLPI)²³. As is to be expected the Western Province had the highest prosperity level with increases over a two year period. The Eastern, Uva and Sabaragamuwa Provinces were at the bottom of the Prosperity Index.

²³ SLPI is a composite indicator compiled by the Central Bank of Sri Lanka to measure the level of prosperity of the country. The index comprises three sub-indices, Economy and Business Climate, Wellbeing of the People, and Socio-Economic Infrastructure. Central Bank of Sri Lanka 2018. Sri Lanka Prosperity Index .

https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/press/pr/press_20181116_sri_lanka_prosperity_index_2017_e.pdf

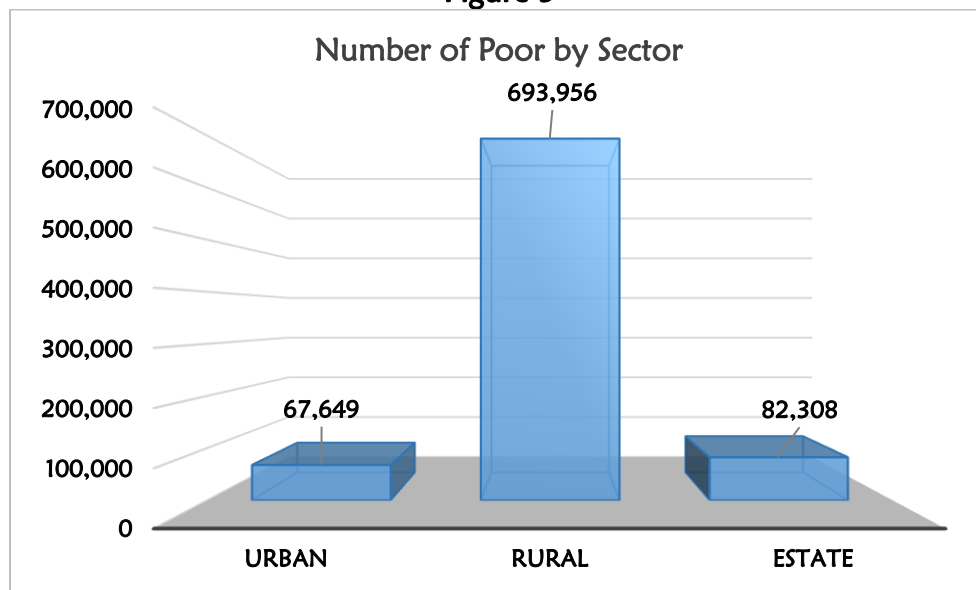
Of the three sectors, the rural sector is the most disadvantaged with the highest number of the poor - 693,956 (82 per cent) in contrast to 82,308 (9.8 per cent) in the estate sector, and 67,649 (8.0 per cent) in the urban sector.

Figure 4



Source: Department of Census and Statistics 2017. Poverty indicators 2016.
http://www.statistics.gov.lk/poverty/Poverty%20Indicators_2016.pdf

Figure 5



Source: Department of Census and Statistics 2017. Poverty indicators 2016.
http://www.statistics.gov.lk/poverty/Poverty%20Indicators_2016.pdf

Further, 80 per cent of poor children²⁴ were also in the rural sector among population groups engaged in agriculture, forestry, fisheries, in households headed by those who cannot or are too old to work, and those engaged in household work only.²⁵ During 2009-2012 the increase in mean household income of the rural sector with 79 per cent of households was 23 per cent as compared with a 48 per cent increase in mean household income in the urban sector that had 17 per cent of households and a 24 per cent increase in the estate sector comprising 4 per cent of households.

1.1.4.2 Minimum Wage and Living Wage

The national minimum monthly wage for all workers in any industry or service is LKR 10,000,²⁶ the equivalent of US\$ 68 a month. The national minimum daily wage of a worker is LKR400 (\$2).²⁷ A Sri Lankan migrant domestic worker in Kuwait receives a minimum wage of \$198 or approximately LKR 36,000.

However, there is a wide gap between the minimum wage and the living wage. In December 2018 the living wage for an individual and a typical family²⁸ was calculated to be between LKR 17,200 and 31,700 and Rs. 37,400 and 52,300²⁹ per month respectively. There are no legal provisions for a living wage to be paid to workers in any sector.³⁰ The net worth of the richest individual in Sri Lanka is LKR 100,000mn (US\$ 550mn.)³¹

Sri Lanka also has a wide gender gap in wages, with private sector female workers earning 30-36 per cent less than male workers for doing the same job. Public sector workers have greater gender parity in wages.³² Sri Lanka has ratified ILO Convention No. 100 on Equal Remuneration, but the principle of equal pay for equal work is not reflected in legislation. The private sector cannot be legally prevented from violating the principle of equal pay for

²⁴ Children affected by income and/or multidimensional poverty

²⁵ Department of | Census and Statistics 2017. Poverty Indicators. Colombo.

²⁶ National Minimum Wage for Workers Act, No. 3 of 2016. https://www.srilankalaw.lk/gazette/2016_pdf/Act%20No.%2003.pdf

²⁷ Ibid

²⁸ 2 parents, 2.1 children, 1.6 working. Wage Indicator Series –Sri Lanka-December 2018- in Sri Lanka Rupee per Month. <https://wageindicator.org/salary/living-wage/sri-lanka-living-wage-series-december-2018>

²⁹ US\$ 1 = LKR 172

³⁰ Trading Economies. <https://tradingeconomics.com/sri-lanka/living-wage-individual>

³¹ The net wealth of the richest person has been used instead of the wage due to lack of reliable data

³² ILO. Women at Work: The Course for Sri Lanka. https://www.ilo.org/colombo/info/pub/pr/W/CMS_558635/lang--en/index.htm

work of equal value in wage determination as a legal remedy for rights violations is available against state action only.

1.1.4.3 Trade and Investment

Sri Lanka's current development thrust is to promote trade-led growth, create employment by improving the ability of firms to export and to compete for domestic markets. During the period 2008-2017 Sri Lanka had a persistent annual trade deficit accounting for between 9 and 15 per cent of the GDP.³³ Sri Lanka's major export destinations are USA (26 per cent), United Kingdom, Germany, Belgium, and India (6 per cent).³⁴ Over 80 per cent of imports are from India, China, the Middle East and EU.

Sri Lanka entered into the first Free Trade Agreement (FTA) with India, followed by a similar trade pact with Pakistan; multilateral trade agreements with seven South Asian countries and several other trade pacts. Sri Lanka has entered into FTAs recently with three strong economies - China, India and Singapore. The possibility of signing FTAs with Bangladesh, Malaysia, South Korea and Thailand are also being considered.³⁵

FTAs are entered into not only for economic benefit. Some countries show a great deal of interest in signing a FTA with Sri Lanka due its geopolitical and strategic importance. Local opposition to FTA is based, among others, on flawed negotiation processes that include the lack of transparency, influence of vested business interests/groups that influence political authorities to enter into agreements and concede high levels of liberalisation adversely affecting the majority of industry/agriculture/ groups as for example in the recent FTA negotiations with Singapore,³⁶ disadvantageous terms and conditions due to the significant non-tariff barriers that Sri Lankan exporters face, dumping, inclusion of provisions on services, intellectual property, trade facilitation, customs cooperation, Government procurement, ecommerce and investments.

³³Department of Census and Statistics.2018. Statistical Pocketbook – 2018 Sri Lanka. Colombo, The Department.

³⁴ibid

³⁵Central Bank of Sri Lanka 2017. Annual Report. Colombo, 2018.

³⁶Perera, Ajith D. 2019. FCCISL on Government's Road to FTAs: How Rational? Part 1; Part 2; Part 3. *Daily FT* January 19, 2019. <http://www.ft.lk/columns/FCCISL-on-Government-s-road-to-FTAs--How-rational--Part-1/4-670765>; <http://www.ft.lk/columns/FCCISL-on-Government-s-road-to-FTAs--How-rational--Part-2/4-670847>; <http://www.ft.lk/columns/FCCISL-on-Government-s-road-to-FTAs--How-rational--Part-3/4-670902>

Negative trade outcomes (trade balance as a percentage of exports) are seen with the FTAs with India (from 2000-2017) and Pakistan (from 2012-2017) casting doubt on potential trade gains with countries in the region.³⁷ Further, such agreements may widen the income gap between the rich and the poor creating uneven gains across different household groups.^{38, 39} All stakeholders stress that there is an urgent need to have a National Trade Policy for Sri Lanka which will govern and provide directions for any trade agreement to be signed with any other country, especially to protect domestic industries including the Small and Medium Enterprise sector from unfair trade practice.^{40, 41}

1.1.4.4 Foreign Direct Investment

The current government follows a pro-business private sector stance with an emphasis on expanding exports, upgrading industry, boosting private investment and public private partnerships.⁴² Foreign direct investment is approximately 1.1% of the GDP, a statistic that does not show a high level of integration with the world economy.

However, FDI is projected to triple to US\$ 4 bn. by 2022 especially with Sri Lanka joining China's One Belt One Road Initiative.⁴³ Value wise, much of the recent FDI in Sri Lanka has come as debt for equity swaps from China. While increases in the quantum of FDI is focused on, the impact of investments on strategic infrastructure, ports, airports and electricity grids,⁴⁴ the type of investment and the possibility of investors choosing investment

³⁷ Athukorale, Premachandra & Silva, Dayaratna 2019. Sri Lanka FTA Debate: What have We Gained and What can We Achieve? *Daily FT* 18 March 2019. <http://www.dailymirror.lk/features/Sri-Lanka-FTA-debate:-What-have-we-gained-and-what-can-we-achieve-/185-164100>

³⁸ Naranpanawa, Bandara&Selvanatha 2011. Trade and Poverty Nexus. The Case of Sri Lanka. *The Journal of Policy Modelling*. 33(2): 328-346.

³⁹ Liyanaarachchi, Tilak et al. 2015. The impact of trade liberalization on labour markets and poverty in Sri Lanka. Queensland, Griffith University, Griffith, Griffith Business School . <https://www120.secure.griffith.edu.au/research/file/31db11e0-541d-49e2-a1a5-f90fc67c2ebc/1/2015-05-the-impact-of-trade-liberalisation-on-labour-markets-and-poverty-in-Sri-Lanka.pdf>

⁴⁰ Samaraweera, Sujeewa 2018. Sri Lanka urged to Develop a National Trade Policy *Sunday Times* February 04, 2018

⁴¹ Athukorale, Premachandra & Silva, Dayaratna 2019. Sri Lanka FTA Debate: What have We Gained and What can We Achieve? *Daily FT* 18 March 2019. <http://www.dailymirror.lk/features/Sri-Lanka-FTA-debate:-What-have-we-gained-and-what-can-we-achieve-/185-164100>

⁴² UNESCAP 2017. Changes and Developments of Foreign Direct Investment Policy 2016/2017.

<https://www.unescap.org/sites/default/files/Investment%20Policy%20-%20Sri%20Lanka-%20Recent%20Changes.pdf>

⁴³ Santander Trade Portal <https://en.portal.santandertrade.com/establish-overseas/sri-lanka/investing-3>

⁴⁴ Abeyagoonsekera, Asanga 2019. Geopolitical Scales of One Belt One Road. *CT News* April 04, 2019 <http://www.ceylonontoday.lk/print-edition/3/print-more/27855>

destinations such as Sri Lanka due to less stringent regulations,⁴⁵ the lease of vast extents of land, influx of migrant labour, especially Chinese and Indian, loss of livelihoods and social impacts and human rights haven't been factored in.

As FDI agreements are usually focused on economic aspects and do not contain any provisions on social conditionality,⁴⁶ or create any obligations for investors, they do not pay attention to labour rights and to social matters in the host country - the benefits are mainly for the investors. Sri Lanka has no mention of social conditionalities or the protection of the rights of individuals in its Investment Policy Review.

When Sri Lanka opened up to multinational corporations and established exclusive free trade zones, rights abuses occurred as labour laws were not applicable in the zones. Multinationals have come into criticism due to their impact on the labour market, the hire of low skilled women in labour intensive manufacturing processes at low wages, poor labour practices and standards, health and safety concerns, and gender discrimination. Worker agitations and advocacy subsequently have brought the workers under the ambit of labour law and working conditions have improved over the years but wages are still low and gender discrimination continues while new forms of discrimination and exploitation are taking root (Chapter 3).

1.1.4.5 Land and Resource Grabbing

Land degradation, deforestation, encroachment of state lands and fragmentation are some of the issues relating to land. A third of the Sri Lankan population depends on agriculture for their livelihoods. However, per capita availability of land resources had decreased to 0.6 hectares by 2010. It is estimated that a million acres of land had been alienated for different development schemes resulting in a growing scarcity of land.⁴⁷

Sri Lanka commenced a programme of redistributing land to the landless and limiting individual ownership through the Land Reforms Act introduced in 1973. Today, Cabinet

⁴⁵ Munasinghe, Mohan 2017.

⁴⁶ A few exceptions are found in Canada, Mexico.

⁴⁷ Institute of Policy Studies of Sri Lanka 2017. Sri Lanka State of the Economy 2016. Colombo.

approval has been given to remove restrictions on the purchase of land by non citizens having more than 50 per cent of shares listed in the Colombo Stock Exchange.⁴⁸ There is a push for the development of land markets by conferring land rights to overcome some of the imperfections associated with the current land policy,⁴⁹ a policy intervention that will deprive the disadvantaged and vulnerable groups of the only valuable asset that they have.

Land grabbing whether legal or illegal affects the well-being of the present and future generations and the right of any entity to partake of the benefits of natural resources, either directly or indirectly. Land grabbing in Sri Lanka has historical antecedents especially by the British that evicted the Kandyan peasantry in the central hills making generations landless. Today land grabbing is carried out for ‘development’ by the state, public corporations, the private sector and individuals as well as foreign investors. A 2016 study conducted by the Sri Lanka Nature Group and People’s Alliance for Rights⁵⁰ that covered 25 projects found profound social and environmental impacts in 12 districts the most affected being the Moneragala district, one of the poorest districts in Sri Lanka. A total of 36,371 hectares had been acquired through illegal means. Land is grabbed legally by the government for various purposes at an increasing pace. Government institutions had seized 26,321 hectares while 10,050 hectares have been appropriated by the private sector. The scale of land grabbing is seen when in nine days there had been 20 gazette notifications pertaining to the acquisition of land in 15 districts.⁵¹

Most of the land has been appropriated for tourism projects, agricultural projects, and very recently large swathes of land have been given to foreign companies on a 99-year lease. Communities have been uprooted and resettled involuntarily. The majority who had lost their livelihoods are farmers, fisher folk and small scale informal sector workers such as coir workers⁵² in the Southern Province. Land grabbing has led to the rapid depletion of the

⁴⁸ Revising the Land (Restrictions on Alienation) Act, No.38 of 2018. *Ada Derana Biz* 20 June 2019.

<http://bizenglish.adaderana.lk/revising-land-transfer-law-on-foreign-listed-companies/>

⁴⁹ Institute of Policy Studies of Sri Lanka 2017. Sri Lanka State of the Economy 2016. Colombo.

⁵⁰ Quoted in Wijedasa, Namuni 2013. Hundreds displaced, livelihoods destroyed in Govt. land grab for development. *Sunday Times* 10 March 2013 <https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20130310/281612417830546>

⁵¹ Wijedasa, Namuni 2013. Hundreds displaced, livelihoods destroyed in Govt. land grab for development. *Sunday Times* 10 March 2013 <https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20130310/281612417830546>.

⁵² Coir is coconut fibre used to make products such as carpets, rope

forest cover including reservations and heritage sites, aggravated human-elephant conflict among other negative impacts. During the armed separatist offensive the state acquired land in the north and east for defence purposes while the armed groups grabbed land belonging to other ethnic groups. The release of lands acquired by the state is proceeding but the latter who was evicted has not received their land.

The people and communities that are affected are disempowered groups lacking in negotiation ability and ignorant of their entitlements in land transactions. They often become labourers of these projects devoid of their assets and dignity. Even when compensation is given, it is too little, and too late.

While State institutions play a key role in land grabbing the private sector land grabbers have support through political affiliations. In such cases, usually, the affected communities have, in addition, been deprived of justice.

Siyambalanduwa (Moneragala district) – The Wattegama Rajamaha Viharaya has given 2000 acres of temple land to a private company called 'Athimale Plantation Company' to cultivate sugar cane. This land was previously used by 450 families for chena and maize cultivations. Farmers who used to cultivate in these lands are now engaged in daily paid labour work in neighbouring villages. The company which has taken over the land has put up an electric fence along the periphery of the land to restrict access.

Kaludiya Ella - An extent of approximately 1850 acres of forest and state land has been given to a Korean company for large scale fruit cultivation. The livelihoods of around 370 farmer families depended on this land where they primarily engaged in chena cultivation.⁵³ Reports claim that the lands were given away to the Korean company with the influence of a cabinet minister. The land was surveyed with the support of local police officers due to protests.

⁵³ Slash and burn

It has been alleged that in Moneragala, a foreign owned company and its local partner have unlawfully acquired 800 hectares of state forest land in 2008.⁵⁴ Ejection notices submitted by the Department of Forests have not been enforced by the relevant authorities.

The impact of the encroachment of forests in proximity to national wild life parks include escalating the human-elephant conflict, water shortages created by the tapping of water from the Kuda Oya, Menik Ganga and deep water wells impacting on the livelihoods of the local populations and also affecting animals. It is alleged that these lands were obtained with the connivance of ministers and government members of parliament.

1.1.4.6 Corporate Capture

Sri Lanka continued open economic policies adopted in the late 1970s moving away from the nationalisation of private enterprises to a private-sector growth model during the same period. Inefficiency, aggregated losses, public sector administrative costs and budgetary constraints, failures in public sector service delivery and limited economic growth, the ‘efficiency’ of the private sector, and its ability to mobilise funds are some of the reasons that have been attributed for the privatisation of state owned enterprises.

The PPP model of development, promoted by the World Bank, IMF and multilateral agencies had been initiated in Sri Lanka since the 1990s. The 2011-2016 Medium-Term Development Policy Framework regarded PPP as an alternative to the privatisation of state owned businesses and as an economic reform strategy.

PPPs are an integral feature of the present economic policy framework (Vision 2025). The policy identifies the importance of empowering the private sector and reducing reliance on public sector borrowing in the provision of public assets and services and expanding PPPs into health care, education, and leisure, tourism. Sixteen such projects⁵⁵ have been identified for World Bank financing. There is also a focus on small scale projects. The National

⁵⁴ Bandara, Nayanajeewa 2018. Agricultural Company Allegedly | Encroaches on State Lanka. *Daily Mirror* 18 October 2018.

<http://www.dailymirror.lk/expose/article/AGRICULTURAL-COMPANY-ALLEGEDLY-ENCROACHES-ON-FOREST-LANDS-157328.html>

⁵⁵ Transport, Aviation, Milk and Dairy Farming, Tourism and Drinking water supply

Agency for Private Public Partnerships established under the Ministry of Finance in 2018 is the lead agency for implementation.

A total of 80 PPP projects had been implemented from 1999 to 2017 with a total investment \$2722mn. Currently 78 projects are active with a total investment of \$2701 mn.^{56, 57} These PPPs are largely concentrated in infrastructure development such as ports, highways, power, and telecommunications.

PPPs are also implemented at provincial levels for the development of agriculture, dairy farming, small industries, ayurveda and western medical centres. They also obtain beneficiary contributions while the responsibility for maintaining capital assets by community organisations is also envisaged.

PPPs have been initiated by the private sector (Unilever Sri Lanka and other large corporates), and United Nations agencies (United Nations Development Programme, Sri Lanka and the United Nations Global Compact (UNGC)) PPPs around the country's key priorities related to the 2030 Agenda. A means of implementation of SDGs, especially Goals 2,8,10 and 17 appear to be through a policy of trade and investment.⁵⁸

Appuhamy⁵⁹ argues that public-private partnership policy has been diffused to developing countries like Sri Lanka with coercion from international aid-granting organisations through conditionalities attached to financial assistance. Wettasinghe et al.⁶⁰ identified public opposition, lack of confidence and distrust in the private sector and higher charges to the end user as a few of the barriers that limit the implementation of PPPs. According to a 2018

⁵⁶ PPP Knowledge Lab. <https://pppknowledgelab.org/countries/sri-lanka>

⁵⁷ e.g.Colombo-South Harbour improvement project, the construction of the Second Coal Power Plant Project at Trincomalee

⁵⁸ Khan, Tessa 2016. Delivering Development Justice? Financing the 2030 Agenda for Sustainable Development.A Discussion Paper. New York, UN Women.

⁵⁹ Appuhamy, Ranjith 2011.Coercive Policy Diffusion in a Developing Country: The Case of Public-Private Partnerships in Sri Lanka *Journal of contemporary Asia* 41 (3) <https://www.tandfonline.com/doi/full/10.1080/00472336.2011.582713?scroll=top&needAccess=true>

⁶⁰ Wettasinghe, K.K. 2016.Barriers in proper implementation of private public partnerships (PPPs) in Sri Lanka.he 40th Australasian Universities Building Education Association (AUBEA) 2016 ConferenceAt: Cairns, Australia
https://www.researchgate.net/publication/308166890_BARRIERS_IN_PROPER_IMPLEMENTATION_OF_PUBLIC_PRIVATE_PARTNERSHIPS_PPP_IN_SRI_LANKA

report of the Ministry of Finance and the World Bank,^{61, 62} the proposed PPP transactions that will be supported under the project are expected to have significant environmental impacts and high risks, as well as social impacts.

Further, gender issues are by and large invisible and have not received adequate recognition. This is critical since males dominate the employment structure, and women are incorporated as low wage workers. Resettlement impacts are particularly hard on females, female-headed households, poor and other vulnerable groups. The influx of labour, including foreign workers to construction sites could lead to unemployment among other negative impacts.

1.1.5 Militarism, Conflict and Military Expenditure vs Expenditure on Health and Education

Two insurgencies in the south in 1971 and 1989, and armed terrorism for nearly three decades from 1983-2009 has had economic, political, social, cultural and psychological impacts on the Sri Lanka polity.

During the thirty years prior to 2009, the average annual defence expenditure was 5.5 per cent of GDP. In 2016 it reduced to 2.14 per cent but was higher than the 1.2 per cent health expenditure. The expenditure on education was 3.5 per cent of the GDP.

Increasing shares of Sri Lanka's resources had to be diverted to defence to quell the southern insurgencies and northern terrorism. Defence expenditure that was approximately one per cent of the GDP rose to 3.5 per cent in 1986 increasing to 5 per cent in 1987. Increases in defence expenditure also coincided with declining export earnings making it necessary for the government to resort to commercial borrowing. The occupation of the North and East by the Indian Peacekeeping Force in 1987 resulted in a decline in defence outlays by as much as 37 per cent.

⁶¹ <http://documents.worldbank.org/curated/en/972591525333833635/pdf/SFG4315-EA-REVISED-PUBLIC-disclosed-7-24-18.pdf>

⁶² Sectors considered for PPPs are transport, energy, water, sanitation, urban development, housing and construction, education, tourism, industries and health. These include middle income housing, establishment of diagnostic centres, Inland Water Transport System, Urban Expressway, East Container Terminal of the Colombo Port, Tunnel to Port City, Transport Smart Card, Logistic Park, Along the Shoreline South of Colombo (in the form of perched beaches, Convention centre in the Port, cruise terminal, Wastewater collection, treatment and disposal system for Gampaha Municipal Council Area, Kalpitiya desalination, 100MW Solar park in Siyambalanduwa, 170MW and 100MW Solar parks in Pooneryn.

Defence spending declined to 2.7 per cent in 2010 from 3.6 when hostilities ended in 2009. Expenditure on national security as a percentage of GDP has been declining thereafter to reach 2.2 per cent in 2017. Further decreases are expected by 2020, after past obligations for purchases of military hardware. However, payment of compensation to families who had lost soldiers in the fighting and to veterans who had been severely wounded and medically boarded out of the military is expected to continue beyond 2020.

Military, Health and Education Expenditure as a Percentage of GDP

Year	Education*	Health**	Military ***
2017	2.807	-	2.172
2016	3.475	-	2.143
2015	2.229	2.966	2.553
2014	1.933	2.83	2.413
2013	1.621	2.773	2.154
2012	1.496	2.606	2.155
2011	1.809	2.947	2.683
2010	1.718	2.971	2.701
2009	2.056	3.699	3.619

Source: The World Bank Data

* <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?locations=LK>

** https://data.worldbank.org/indicator/SH.XPD.CHEX.GD.ZS?locations=LK&name_desc=true

*** <https://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS?locations=LK>

Budgetary Allocations Health, Education and Defence Fiscal Year 2018

Ministry	Expenditure – LKR bn
Defence	Recurrent- 4.9 Capital- 4.8 Total- 9.1
Health, Nutrition and Indigenous Medicine	Recurrent 134 Capital 44 Total 178
Education and Higher Education	Recurrent 33 Capital 150 Total 183

Source: http://www.treasury.gov.lk/documents/10181/490927/V_01_Approved_E.pdf/378d791a-3c68-48d8-8648-7cde311d3b99

1.1.6 Health

Health care expenditure in 2016 was 1.2 per cent of the GDP down from 1.3 per cent the previous years and is one of the lowest in world.

The state is the major provider of preventive and curative health care services in the country. These services have been provided free of charge since independence. According to provisional data for 2018, there are 613 government hospitals in the state health sector with 3.6 beds for 1,000 persons in the country. Specialist maternity and children's hospitals and the provision of medical clinics for pregnant and lactating mothers and infants are also available throughout the country. The state provides 99 per cent antenatal care, 99.9 per cent hospital deliveries and 91 per cent post-partum domiciliary care. There was one qualified doctor for every 1,054 persons and one nurse for every 627 persons in these government hospitals by end 2018.⁶³ In addition, there were 109 government Ayurvedic hospitals with a capacity of 4,365 beds.

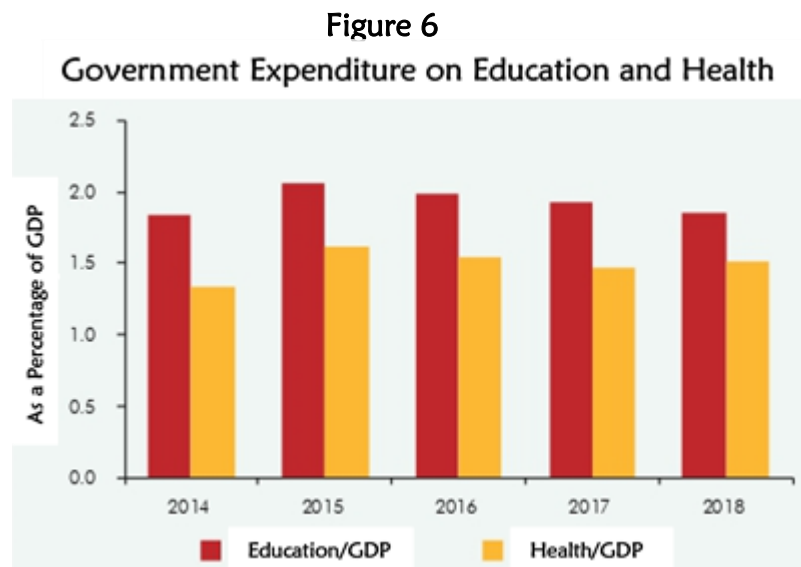
Although health care is 'free' for every citizen, and there is an extensive network of healthcare facilities there is congestion, essential drugs are in short supply and often patients are required to purchase prescription drugs and use diagnostic and laboratory services from the private sector.

The government is facilitating the growth of private sector service provision but under strict regulatory controls. It is also encouraging healthcare insurance to make the services more affordable to the public particularly for the ageing population.⁶⁴ By end 2018, registered private hospitals had increased to 200 with a bed capacity of 5,120 and 23 private Ayurvedic hospitals with 454 beds accounted for 23 per cent of the total number of hospitals in the country.

⁶³ Central Bank of Sri Lanka 2019. Annual Report 2018. # Economic and Social Infrastructure, p. 105
2017.https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/publications/annual_report/2017/en/7_Chapter_03.pdf

⁶⁴ Central Bank of Sri Lanka 2019. Annual Report 2018. # Economic and Social Infrastructure, p.107

According to the Demographic and Health Survey 2016,⁶⁵ within a period of one month prior to the survey, 14.6 per cent per cent of the households have accessed out-patient treatment in private hospitals compared with and 15.7 per cent per cent of the households that used government hospitals indicating the increasing importance of private healthcare sector not only to the highest income quintile but also to a significant number in the lower income quintile.⁶⁶



Source: Central Bank of Sri Lanka – Annual report 2018

https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/publications/annual_report/2018/en/7_Chapter_03.pdf

1.1.7 Patriarchy and Fundamentalism

Patriarchal attitudes and structures are still ingrained in Sri Lanka despite the lack of overt forms of discrimination. Legal provisions such the lack of a uniform age for marriage for girls and personal laws, laws prohibiting women from being employed in a particular industry, banning the purchase of such consumer items as liquor, and lack of voting rights for women in appointing the custodian of a major religious body disadvantage and discriminate against females. Discriminatory laws still exist for different ethnic communities as for instance in disposing of land without the spouse's consent, inheriting state land, and the inability to pass on citizenship rights to the spouse of a different nationality as opposed to the ability of men to do so. The existence of discrimination in legal provisions means

⁶⁵Department of Census and Statistics 2017.

⁶⁶ De Silva, Amala, Ranasinghe, thushara & Abeykoon, Palitha 2016. Universal Health Coverage and the Health Sustainable Development goal: achievements and Challenges for Sri Lanka. WHO south East Asia Journal of Public Health September 5(2).

that public institutions such as courts of law, with administrative authorities reinforcing such attitudes through their decisions.

Patriarchal structures and attitudes are also evident in the mechanisms that devalue and marginalise women workers. Glass ceilings and brass ceilings operate with the top ranks being closed for women, as for instance, in the Police Service as also in the existence of a sex disaggregated cadre for other ranks.⁶⁷

Women's work in the care economy, a major contribution to the economy, has no recognition as statistics categorise them as economically inactive. Women's contribution to the household is not recognised and even when she is the main income earner, the head of household is deemed to be the male. Patriarchal attitudes disadvantage the 23 per cent female headed households in the country.

Patriarchal attitudes also render women powerless in political decision making that could make a difference to their status. This is seen in women's representation in elected bodies - only 5.8 per cent of parliamentarians were women. The current cabinet of 29 ministers (December 2018) has only two women. After years of advocacy a 25 per cent quota was introduced for local governments, but women candidates faced innumerable barriers including sexual harassment and violence in the run up to elections. There are no voluntary political party quotas for women while obtaining nominations is an uphill task. Ethnicity, religion and patriarchal values intersect to act as barriers to women's political participation.

⁶⁷ Sri Lanka Police. Performance Report 2016
<https://www.parliament.lk/uploads/documents/paperspresented/performance-report-srilanka-police-2016.pdf>

Women's Representation in Decision Making Positions

	Number	Total	%	Comment
Parliament - 7 th & 8 th Parliament 2009 & 2016 *current)	32	225	14	
Local Government – 2011	82			
Local Government - 2018	8,690	2,526	29	After the introduction of a 25 % quota for women
Judges ⁶⁸	64	280	23	Higher courts-36%: Court of appeal-17%: High court-43%: Others-23%
Management positions			An estimated 10 per cent	Data not available across public and private sectors

Source: Salary.lk Women in Leadership Roles 2018. <https://salary.lk/job-and-career/women-and-work/women-in-leadership-roles-1>

Within this backdrop Sri Lanka's gender gap index as measured by the World Economic Forum has been declining from its base year rank of 13 out of 115 countries in 2006 to the 100th position out of 145 countries in 2018. Sri Lanka fully closed its health and survival gender gap in 2006 and maintained its number one position into 2018. However, the country has not made any progress in economic participation and opportunity, and political empowerment as well as in educational opportunity.

Gender Gap Index

	2006		2017		2018	
	Rank (115 countries)	Score	Rank (144 countries)	Score	Rank (149 countries)	Score
Global Gender Gap Score	13	0.720	109	0.669	100	0.676
Economic participation and opportunity	84	0.545	123	0.521	125	0.549
Educational attainment	52	0.990	86	0.986	90	0.988
Health and survival	01	0.980	01	0.980	01	0.980
Political empowerment	07	0.365	65	0.188	65	0.188

Source: World Economic Forum <https://www.weforum.org/reports/the-global-gender-gap-report-2018>
http://www3.weforum.org/docs/WEF_GGGR_2018.pdf

⁶⁸ Women in Leadership Roles 2018. <https://salary.lk/job-and-career/women-and-work/women-in-leadership-roles-1>

In 2017 Sri Lanka had a value of 0.354 and was ranked 80 out of 189 countries in the Gender Inequality Index of the UNDP.

Gender Inequality Index

Year	HDI Rank	Value	Rank
2014	73	0.370	72
2015	73	0.386	87
2016	73	0.37	72
2017	76	0.354	80/189

Source: http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf
http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/LKA.pdf

Patriarchy that also manifests in violence against women and girls (VAW) has emerged in recent years as a major obstacle to the realisation of women's rights. It is estimated that over 60 per cent of Sri Lankan women experience violence and abuse such as sexual, physical, emotional and psychological, and in many settings such as in public transport where a record 90 per cent of women have faced sexual harassment. The incidence of rape and incest, as recorded by the police, has increased by 40 per cent in the last 10 years and Sri Lanka has the fifth highest rate of domestic violence in the world. According to the Department of Census and Statistics,⁶⁹ 17 per cent of ever-married women aged 15-49 have suffered from domestic violence from their intimate partner. Two per cent of ever-married women who suffered from domestic violence, experience some form of domestic violence daily. Prevalence of domestic violence by an intimate partner increases with the age of the women. Urban residents (20 per cent) and former conflict affected districts of Kilinochchi and Batticaloa have the highest level of domestic violence (50 per cent). Ever-married women who belong to the lowest wealth quintile and those with only a primary education reported the highest percentages in domestic violence (28 per cent and 30 per cent respectively).

⁶⁹ Department of Census and Statistics 2017 http://www.statistics.gov.lk/social/DHS_2016a/FIST%20PAGE_&_CONTENTS.pdf. Sri Lanka Demographic and Health Survey 2016 .

While relevant laws are in place but the State's duties do not end at law-making. It has an obligation to ensure enforcement and to reduce and deter further instances of violence against women. In 2016 it was reported that there were no convictions against any accused rapist despite over 2000 reported cases of rape in the same year.⁷⁰ The Penal Code statutory rape provision criminalises sexual intercourse with a girl under the legal age of consent (16 years of age) but married Muslim girls under 16 do not have the protection of this law⁷¹.

A 2013 study⁷² found that 83 per cent of females in the estate; 57 per cent of female garment workers, and 11 per cent of returnee migrant women, and 62 per cent of female employees in the industrial sector have been victim-survivors of domestic violence resulting in productivity losses, discontinuation of employment and eventual withdrawal from the labour force, a factor that lowers female labour force participation. Further, the safety of more than half a million Sri Lankan women who have migrated to West Asian countries for employment is an area of concern. The incidence of violence against vulnerable women such as women with disabilities too is alarming. Newer forms of abuse such as cyber violence against women have also emerged.⁷³

⁷⁰ Christopher, Chrisanthi 2017. Widespread Brutality against Women Uncontained. *Sunday Times July 16, 2017*. <http://www.sundaytimes.lk/170716/news/widespread-brutality-against-women-uncontained-250444.html>

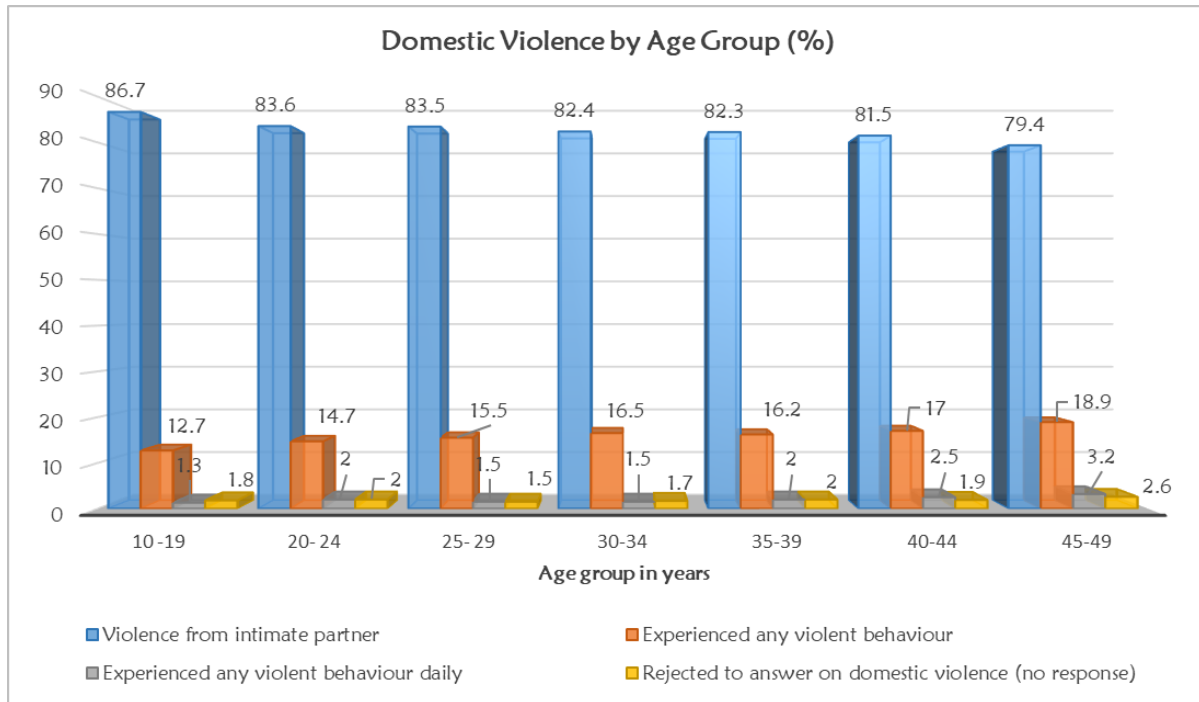
⁷¹ <https://www.bbc.com/news/world-asia-39898589>

⁷² Madurawala, Sunimalee 2013. Broken Promises: The Plight of Women in Sri Lanka and Its Economic costs.

<http://www.ips.lk/talkingeconomics/2013/03/08/broken-promises-the-plight-of-women-in-sri-lanka-and-its-economic-costs/>

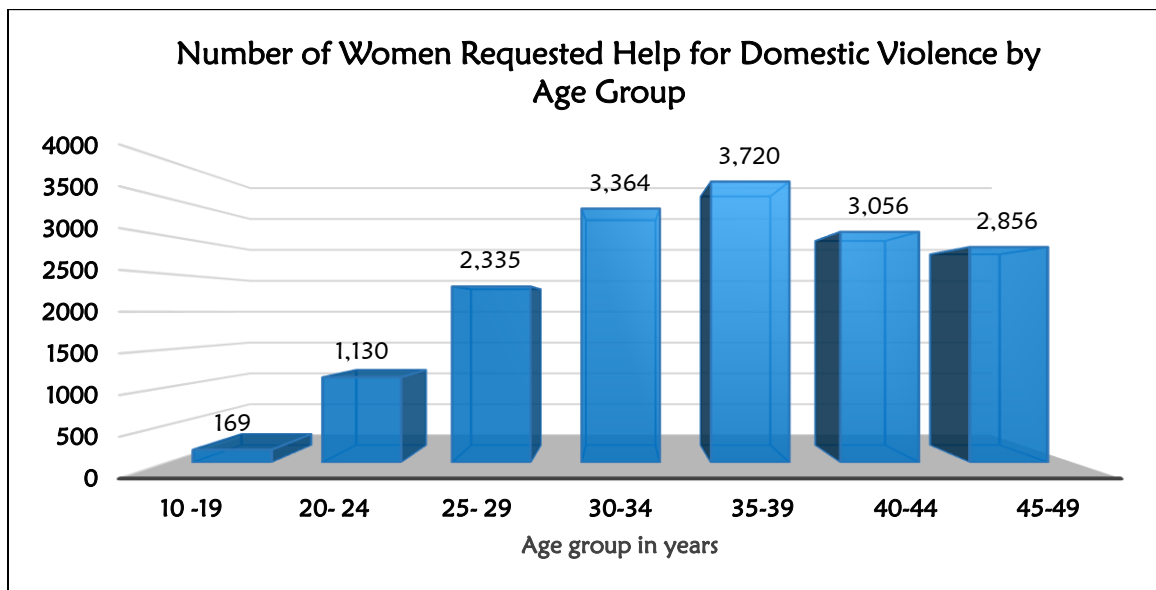
⁷³ Wanasundera, Leelangi & Wijayawardhana, Harsha. 2016. Cyber Violence against Women and Adolescent Girls. Colombo, CENWOR

Figure 7



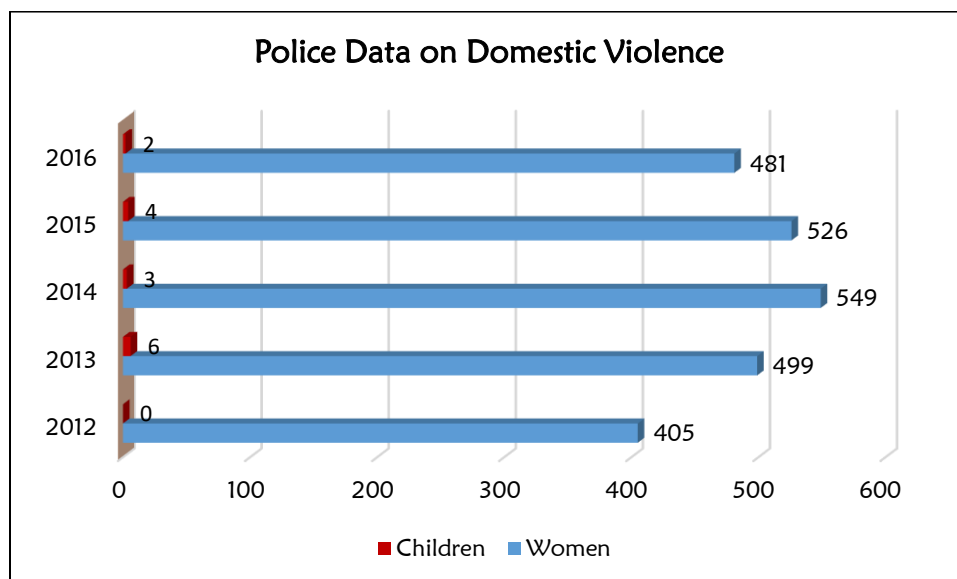
Source: Department of Census and Statistics 2017. Sri Lanka Demographic and Health Survey 2016.
 Domestic Violence from Intimate Partner (Chapter 13).
http://www.statistics.gov.lk/social/DHS_2016a/Chapter13.pdf

Figure 8



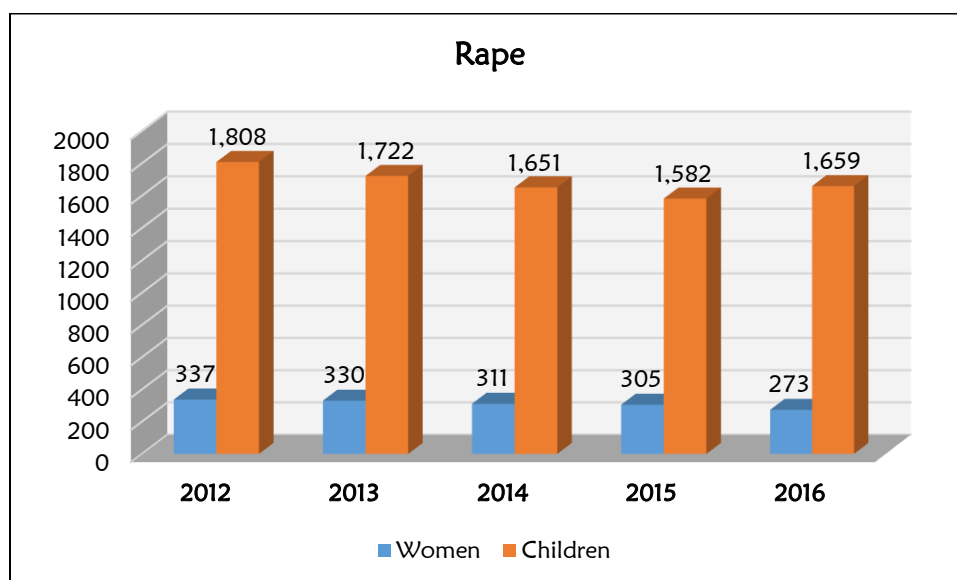
Source: Department of Census and Statistics. Sri Lanka Demographic and Health Survey 2016.
 Domestic Violence from Intimate Partner (Chapter 13)
http://www.statistics.gov.lk/social/DHS_2016a/Chapter13.pdf

Figure 9



Source: Children and Women's Bureau Headquarter, Sri Lanka Police (unpublished data)

Figure 10



Source: Children and Women's Bureau Headquarter, Sri Lanka Police (unpublished data)

1.2 National Context As It Pertains to the 2030 Agenda

As of July 2018, out of the 17 SDGs, Sri Lanka's score card showed progress in four SDGs, moderate progress in six, lack of progress in six and a downward trend in two SDGs.⁷⁴ Overall, Sri Lanka had an average index score of 64.6 as compared with 64.1 for the region. Sri Lanka's global rank was 89 out of 156 countries.⁷⁵ The periodic reviews of the implementation of the BPFA and the MDGs showed that the gains that had been made were not spread evenly across geographical areas and population groups while women bear the brunt of these variations.⁷⁶ The earlier chapters presented the political, economic and social backgrounds, the critical issues that have to be addressed to overcome to build an inclusive society. The SDGs adopted in 2015 by the global community after intense discussion therefore, has relevance to Sri Lanka.

1.2.1 The Priority Issue for CENWOR

Ensure Gender Equality and Empower All Women and Girls (Goal 5)

CENWOR selected Goal 5 as its priority area since its inception CENWOR has been working towards ending discrimination against women and empowering them, and because "... all SDGs depend on the achievement of Goal 5" and gender equality is "integral to all dimensions of inclusive and sustainable development".⁷⁷

The SDG indicator framework for monitoring the achievement of gender equality is gender specific in Goal 5, and gender sensitive in Goals 1, 3, 4, 5, 8 and 16. The indicators in Goals 2,10,11,13 are gender sparse, and gender blind in Goals 6,7,9,12,14 and 15 (Annex 1).⁷⁸

⁷⁴ Data was not available for one Goal.

⁷⁵ 2018. SDG Index and Dashboards Report. Global Responsibilities

<http://sdgindex.org/assets/files/2018/02%20SDGs%20Country%20profiles%20edition%20WEB%20V3%20180718.pdf>

⁷⁶ Hancock, Peter et al. 2017. Policy Brief. Empowering Women: What Works? Edith Cowan University & Centre for Women's Research. Australian Government Department of Foreign Affairs and Trade.

⁷⁷ UN Women 2016. SDG 5: Achieve Gender Equality and Empower All Women and Girls. <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>

⁷⁸ ibid

Goal 5 - Achieve Gender Equality and Empower All Women and Girls

- 5.1 End all forms of discrimination against all women and girls everywhere*
- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual, and other types of exploitation*
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage, and female genital mutilation.*
- 5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure, and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate*
- 5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life*
- 5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences*
- 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws*
- 5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women*
- 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.*

Sri Lanka ratified CEDAW as well as all the core conventions without reservation, placing an obligation on the state to make changes to achieve substantive equality for women. Most importantly, the state has a legal obligation to take reasonable action and appropriate measures to protect rights (positive duty) in order to ensure that substantive equality is realised especially for vulnerable groups such as groups that face multiple forms of discrimination.

A key area that requires action from the government relates to end discrimination is relates to law on and law enforcement. A number of discriminatory laws, some enacted in the colonial era such as the Land Development Ordinance that discriminates against women, the Vagrants Ordinance and the Brothels Ordinance criminalises sex work that infringes on

sex workers' rights to work and denies their labour rights;⁷⁹ criminalisation of homosexuality and restriction on the freedoms of the LGBTQIA+ communities are still valid.

Personal laws also conflict with the Constitutional principles of non-discrimination. For example the Muslim Marriage and Divorce Act has no restrictions on the minimum age of marriage although the legal age of marriage for all other citizens is 18 years-old. This has resulted in an alarming number of child marriages.⁸⁰ Additionally, Muslim women and children who are subject to this law do not have equal rights to marriage nor at the dissolution of marriage.⁸¹ The Thesavalamai law and the Kandyan law, discriminate against women in matters of inheritance, land rights, and rights to marriage and dissolution of marriage.^{82,83} Under Muslim law, a man can pronounce 'talak' to divorce his wife unilaterally.⁸⁴

Sri Lanka has been performing poorly in two indicators specific to the achievement of gender equality - labour force participation and representation in elected political bodies. In addition, gender based violence is a serious concern. The labour force participation rate of women has been half that of men for over two decades. The majority is engaged in the unstable informal sector; and as unpaid family workers with a widening gender gap in wages.⁸⁵ Women's representation in governance is very low, as also their access to decision making positions. Women and girls are subjected to gender based violence, particularly to domestic violence. Harmful traditional practices are prevalent among the Muslim community while personal laws discriminate against women.

Gender Equality and Selected Cross Cutting Issues

The achievement of the following goals is also essential to overcome multidimensional disadvantages faced by women and girls

⁷⁹ CENWOR, CEDAW Shadow Report, 2016, p.11.

⁸⁰ Asian Development Bank. Country Gender Assessment Sri Lanka, 2008.

⁸¹ Sri Lanka Brief 2017. Sri Lanka: Campaigning for Ensuring Equal Rights for Muslim women gets Broader Support. <http://srilankabrief.org/2017/04/sri-lanka-campaing-for-ensuring-equal-rights-for-muslim-women-gets-broader-support/>

⁸² Shadow Report to the UN CEDAW Committee New York, Centre for Women's Research (CENWOR), 2016.

⁸³ <http://www.dailymirror.lk/article/Deeds-pertaining-to-property-rights-gender-inequality-and-discrimination-118537.html>

⁸⁴ UNFAO, Sri Lanka Women's Property and Use Rights in Personal Laws, n.d.

⁸⁵ Department of Census and Statistics 2017. Household Income and Expenditure Survey 2016.Colombo.

http://www.statistics.gov.lk/HIES/HIES2016/HIES2016_FinalReport.pdf

Goal 1 - Ending Poverty in All its Forms and Reducing Inequality

Poverty in Sri Lanka has declined to reach 4.1 per cent of the population in 2016⁸⁶ (DCS) shrinking the number of the absolute poor. However, data shows that 14.6 per cent still live on less than US\$3.10 per day indicating a moderate level of poverty. Disparities also exist across provinces and districts and sectors indicating vulnerabilities associated with other variables such as uneven development. The depth and severity of the poor is also considerable.⁸⁷

Goal 2 - Zero Hunger

Sri Lanka ranks 84 out of 199 in the 2017 Global Hunger Index. FAO estimates that 25 per cent of the population does not have sufficient food to sustain a healthy life. Two indicators for this goal are positive, one is improving but three are negative.

Overcoming child malnutrition and under nourishment of children and women, micro nutrient deficiencies,⁸⁸ reducing underweight births and wasting in children under five years of age⁸⁹ are some of the challenges that the country faces as also regional disparities in malnutrition in rural and estate sectors and among poorer quintiles of the population.

Goal 3 - Ensure Healthy Lives and Promote Well-being for All at All Ages

The State approach to providing free universal health coverage for Sri Lankans since 1948 is seen in positive demographic indicators, morbidity and morbidity patterns and reproductive health, eradication of diseases, and the reduction in maternal and infant mortality. The policies and programmes have had a positive impact on women and the girl child. Sri Lanka is ranked number one in health and survival in the HDI.

However, there are serious public health issues such as the emergence of non-communicable diseases (NCDs) as a dominant health problem and a leading cause of morbidity, mortality

⁸⁶ *ibid*

⁸⁷ *ibid*

⁸⁸ Abeywickrema, Hansani 2018. Micronutrient Status in Sri Lanka: A Review *Nutrients* 10(11) 1583 https://www.researchgate.net/publication/328594696_Micronutrient_Status_in_Sri_Lanka_A_Review

⁸⁹ Department of Census and Statistics 2017. Demographic and Health Survey of 2016/17 Colombo

and disability, the problem of Chronic Kidney Disease of Unidentified etiology (CKDu) in agricultural districts attributed to cultivation practices, and a high incidence of malnutrition and anaemia among pregnant women and low birth weight. Death due to traffic accidents, pollution related diseases and the resurfacing of eradicated diseases such as tuberculosis and the lack of progress in eradicating them are areas of concern.

Comprehensive information on sexual and reproductive health in school curricula and to adults is also lacking.

A rapidly ageing population and lack of adequate geriatric care are also concerns for policy makers as also that of persons with disability that was 1.6 percent of the total population in 2012.⁹⁰

Goal 4 - Ensure Inclusive and Equitable and Quality Education and Promote Lifelong Education for All

Sri Lanka has achieved universal primary education and gender parity in education. Education is compulsory up to 13 years and child labour is prohibited up to the 15th year. The existence of a large cohort that has secondary and tertiary level qualifications without employment point to the need to improve the relevance of education as well as its quality at all levels. This is a crucial goal that will empower women, improve productivity, bring about attitudinal change and lead to inclusiveness.

Goal 6 - Clean Water and Sanitation

Currently 86 per cent of households have access to safe drinking water, and 87 percent of households have access to sanitary facilities. But sectoral and geographical disparities exist. Further, specific districts are subject to water related diseases such as CKDu,

Goal 7 - Affordable and Clean Energy

While over 90 per cent of the population has access to electricity, no progress has been made towards providing access to clean fuels and technology for cooking and reducing Co2 emissions from fuel combustion /electricity output (MtCO₂/TWh).

⁹⁰ Department of Census and Statistics. Census of Population and Housing 2012.

Goal 8 - Decent Work and Economic Growth

Approximately 30 per cent of the labour force is engaged in agriculture and agriculture related activities but the contribution of the sector to the GDP was 6.9 per cent in 2017.⁹¹

Given the declining growth rates of the last two years, the country has to move to a higher growth trajectory, increase the labour force participation especially of women and youth, engage in innovation and apply technology. Higher growth rates are particularly important given the higher dependency ratio of Sri Lanka's ageing population.

Issues related to fragmentation of land, low productivity, lack of diversification, land degradation, climate change, post harvest losses and a host of other factors need to be addressed.

Development of infrastructure facilities to support economic growth and reduce geographical isolation is required for entrepreneurship development.

Goal 10 - Reduce Inequalities

Inequality is a serious concern. Sri Lanka's growth rate averaged 5.88 per cent from 2009-2017 but this growth has been accompanied by increasing income and consumption inequality, disparities in access to services, and to benefits of development.

In 2017, while Sri Lanka's Human Development Value was 0.776, the inequality adjusted value was 0.664 down from 0.776 with the overall human development loss increasing from 11.6 per cent to 13.8 per cent. The difference from HDI rank was 8.⁹² For the period 2010-2015 the Palma ratio was 1.9 while the Gini coefficient was 39.8.

In 2016, 40.7 per cent of the income was held by 20 per cent of the population⁹³ while the lowest 10 per cent held 2.9 per cent of the income.⁹⁴

⁹¹ Central Bank of Sri Lanka 2017. Annual Report of the Central Bank of Sri Lanka 2016. Colombo

⁹² UNDP 2018. Human Development Indices and Indicators: 2018 Statistical Update.

http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/LKA.pdf

⁹³ Sri Lanka-Income Share held by Highest 20 %. <https://knoema.com/atlas/Sri-Lanka/topics/Poverty/Income-Inequality/Income-share-held-by-highest-20percent> while

⁹⁴ Knoema Sri Lanka – Income Share held by Lowest 10%

<https://knoema.com/atlas/Sri-Lanka/topics/Poverty/Income-Inequality/Income-share-held-by-lowest-10percent>

The net worth of the richest individual in Sri Lanka is US\$ 550mn⁹⁵ and Sri Lanka has been ranked as the sixth best performing wealth market for 2016-2017 in the world with a growth of 20 per cent. The country's global wealth rose by 12 per cent in 2017 (from \$192 trillion at the end of 2016 to \$ 215 trillion at the end of 2017).⁹⁶

Goal 16 - Promote, Peace and Justice and Inclusive Societies

The targets of this goal focuses and developing effective, transparent and accountable institutions: promoting the rule of law, and ensuring equal access to justice to all, substantially reducing corruption and bribery, on violence and sexual violence, human trafficking. Sri Lanka has a high level of sexual violence but victim-survivors do not receive justice and perpetrators often have impunity. Sri Lanka is making efforts to combat human trafficking but the government has failed to fully meet the minimum standards in the elimination of trafficking and is on Tier 2 of trafficking in persons.⁹⁷ Corruption is reported to be very high, but yet again no high profile convictions have been made. In short, this section is on governance, transparency and accountability.

Goal 17 - Partnerships for the Goals

This Goal has crucial significance as achievement of the SDGs will depend to a great extent on the availability and mobilisation of resources. Sri Lanka has a low tax base, and the opportunity to generate revenue is limited. With a high debt servicing ratio - 79.3 per cent of the GDP in 2016 Sri Lanka has to achieve debt sustainability. FDI stands at 1.1 per cent of the GDP and a shortfall is also seen in ODA. As a country moving towards upper income status Sri Lanka will need to obtain much of the financial resources it requires for implementing the SDGs through domestic resource mobilisation and ODI, concessional financing and commercial borrowing. Sri Lanka scores only as a tax haven.

⁹⁵ The net wealth of the richest person has been used instead of the wage due to lack of reliable data

⁹⁶ Sri Lanka World's Sixth Best Performing Wealth Market *Daily FT* <http://www.ft.lk/front-page/Sri-Lanka-world-s-sixth-best-performing-wealth-market/44-655552>

⁹⁷ US Office to Monitor and Combat Trafficking in Persons 2018. 2018 Trafficking in Persons Report. Sri Lanka Tier 2. <https://lk.usembassy.gov/wp-content/uploads/sites/149/TIP2018-Sri-Lanka.pdf>

1.3 Objectives of the People's Review

Overall Objective

The overall objective of undertaking this review is to ensure that women's voices are incorporated into the SDG implementation process.

Specific Objectives

The specific objectives are to

- contribute to the Asia Pacific Regional Civil Society Engagement Mechanism (APRCM) or the Women's Major Group strategic advocacy plans and opportunities to support women's own position and solutions for development policy at national level, regional and international levels,
- review the implementation of SDGs with special focus on Goal 5 –Achieving Gender Equality
- ascertain challenges to women's empowerment, and
- identify implementation challenges and suggest means for overcoming such challenges

1.4 Methodology

The methodology for the review included a literature, document, and data review focusing on the SDGs in general. Women's perspectives were obtained from focus group discussions held with women's and civil society groups in seven districts selected on the basis of geographic, ethnic, and livelihood diversity; key informant interviews, and a validation workshop.

There is an extensive body of literature on the SDGs. Information for the desk review as obtained from a scan of published and unpublished material and Internet resources including databases. Google Scholar was used with appropriate keywords. Reference lists were also followed up. These included background material that provided information and analysis of the political economy, social and environmental issues and particularly gender issues in Sri Lanka. UN documents, material on development justice relating to the specific sections in the report, laws, commission reports, policy documents, reports of commissions

on SDG implementation. Peer reviewed journal articles, conference proceedings, and statistical data, documents of UN agencies provided valuable insights. For Sri Lankan material newspaper articles were also included.

The participation of the researchers at the national level and divisional level conferences and meetings consist of the Department of Census and Statistics, Policy planners , Ministerial representatives , Experts , NGOs working on different SDGs, Advocacy Groups , INGOS and media personnel contributed to the discussions and in validation workshops. Cenwor also gathered information from the Voluntary National Review of the state and the CSO People's Review and at regional and international conferences which provided opportunities to add to the knowledge base.

Locations of Community Consultations

District	Rational for Selection	Town/Villages
Anuradhapura	-Central positioning -Changing patterns in agriculture -Transitional locations for many communities	Kekirawa, Galenbidunuwewa, Thambuththegama
Polonnaruwa	-Focus of development interventions -Cultural triangle and area for tourism development -Affected by Chronic Kidney Disease of Unknown Aetiology -Some areas bordering former conflict affected districts	Polonnaruwa
Ampara	- Former conflict affected - Mix of ethnic groups and religions.	Ampara
Batticaloa	- Former conflict affected - Mix of ethnic groups and religions. - Interest in women's issues	Akkareipaththu, Batticaloa
Trincomalee	- Concerns for national peace - Economic development projects - Environmental issues	Trincomalee town , Kanthale
Puttalam	-Representation of all three communities -Environmental issues -Political participation of women	Anamaduwa, Palawiya
Galle	-Changing livelihoods -Considered to be the central positioning of the voice of south -The type of political interest	Hikkaduwa
Hambanthota	-New trends in economic development - Better access due to the express way - Political important and focus	Seeni Modara, Thissamaharamaya, Yodakandiya

Chapter 2

Sri Lanka's Commitment to Achieving the SDGs

A Brief Assessment

2.1 Introduction

Sri Lanka has followed up on its commitment to the achievement of the SDGs by 2030 within the given time frame of 15 years. Political leadership is provided by the Executive President, the Prime Minister, and the 14-member Select Committee of Parliament on SDGs established in October 2016. The President declared a sustainable era, appointed a Presidential Executive Committee to develop a strategic path to achieve the 2030 vision. Because of the large number of targets to be achieved and their complexity and the difficulty of achieving them within the short span of 15 years when even all the MDGs that demanded less could not be achieved, the Presidential Expert Committee recommended their implementation in three stages: 2017 to 2020, 2020 to 2025, and 2025 to 2030.

The government enacted the Sustainable Development Council Act in 2017 that incoed the Sustainable Development Council (SDC) as the central coordinating agency into the implementation framework, and, adopting a whole of government approach, incorporated the existing institutions at central (national) and sub national levels - provinces and districts, The SDGs are to be implemented at national and sub national levels through their existing structures.⁹⁸ According to the Act, all government agencies are required to prepare their own strategies in conformity with the national strategy. They are also required to carry out environmental and social audits when approving new development projects.

The implementation of the SDGs is a complex process as it does not fall only on a single entity. Responsibility for one SDG is divided among several ministries. For example five ministries have the mandate for achieving SDG 1-No Poverty; and the responsibility for Goal 8 is divided among six ministries. The SDGs also address other issues such as corruption, transparency and inclusiveness necessitating the involvement of wide range of stakeholders - the private sector, civil society organizations, individuals as well as the media.

⁹⁸ Sri Lanka Parliament 2017. Sri Lanka Sustainable Development Council Act, No. 19 of 2017.

A Ministerial Sub-Committee comprising five Cabinet Ministers and the Chief Minister of a Province that functions under the President is tasked with identifying the priority areas for development and setting a time frame for achieving the goals; identifying the roles of public sector, private sector and CSOs and conducting progress reviews.

The central government ministries that have a key role in the SDG process are the Ministry of National Policy and Economic Affairs and the Department of National Planning responsible for the preparation of the Public Investment Programme (PIP) 2017-2020 and aligning it with the SDGs. The Department of Census and Statistics is the lead data collection agency and the Department of Project Management and Monitoring within the same ministry is responsible for reporting SDG progress. The Ministry of Finance and the Treasury makes financial allocations while the Finance Commission is responsible for making allocations to the Provincial Council.

Issues that have adversely impacted on implementing Agenda 2030 are political instability that retarded progress in setting up the institutional framework for implementation. For example the Sustainable Development Act to establish the Sustainable Development Council (SDC) was enacted in 2017 but was formed only in October 2018 necessitating the establishment of a Sustainable Development Division within the Ministry of Sustainable Development, Wild Life and Regional Development to formulate the national strategy; frequent change of the minister in charge of sustainable development; the absence of a Ministry for Sustainable Development after the October 2018 constitutional crisis, and the SDC that is required to lead the process being in a “period of transition” and faced with resource constraints and administrative problems.⁹⁹ The lack of interest and commitment of officials at the provincial level is identified as another constraint to the achievement of the Goals.¹⁰⁰ The 14-member Parliamentary Select Committee that was appointed in 2016 is not active currently.¹⁰¹

⁹⁹ Stakeholder who participated in the SDG Validation Workshop conducted by CENWOR in June 2019.

¹⁰⁰ Sri Lanka SDG Stakeholder Platform 2018. Peoples Voluntary Review on the implementation of the 2030 Agenda for Sustainable Development. <https://action4sd.org/wp-content/uploads/2018/07/SRI-LANKA-Voluntary-Peoples-Review-on-the-SDGs-to-HLPF-2018.pdf>

¹⁰¹ Sri Lanka Parliament. 2019. <https://www.parliament.lk/en/component/committees/committee/showCommittee?id=185>

As stated before the SDGs are to be implemented at central, provincial, district and local government levels. A wide network of central government agencies exists at the district level (Annex 3). The central government agencies are hierarchical and the line ministries are responsible for policy decisions that are implemented at the district and village level while the elected nine provincial councils and local bodies will be implementing their own programmes. Below this level are the elected local bodies (Municipal, Urban and Pradeshiya Sabha). (Annex).

The fragmented institutional structure also leads to inefficiencies. The public institutional structure includes 51 ministries and 425 plus public institutions, 09 provincial administrations, 325 local authorities, and 25 district administrations. The integration and mobilization of this large number of institutions to work towards the single goal of achieving the SDGs would require structural changes. Issues that need consideration are: the central government agencies are hierarchical and the line ministries are responsible for policy decisions that are implemented at the district and village level; provincial councils are independent bodies with powers devolved to them from the centre; these councils and district level organisations are accustomed to working in isolation, engaging with their own subject areas; low level of awareness and interest in SDGs at sub national; the capacity of the Councils as well as the other agencies to engage in this complex process, and the extent to which these agencies could work in together to overcome bottlenecks and achieve policy coherence.

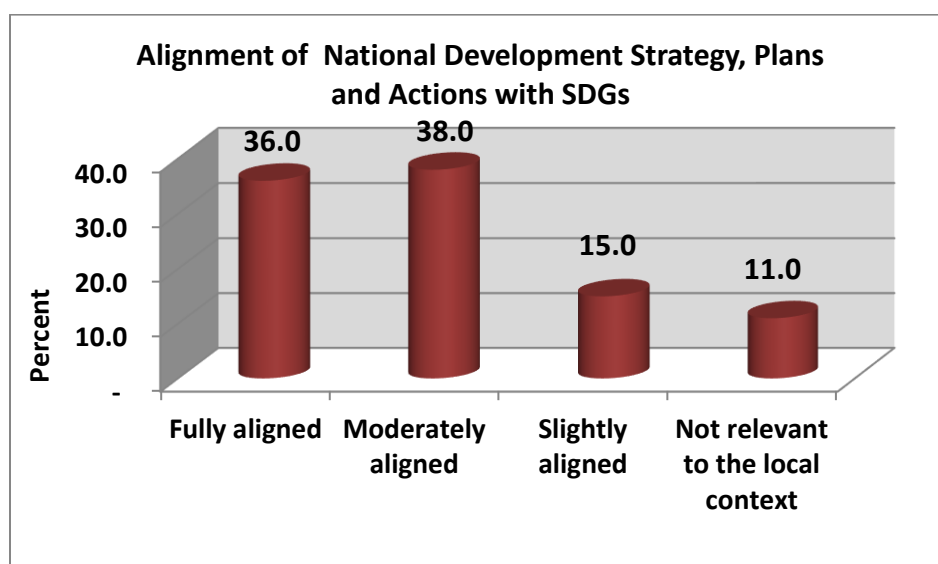
2.2 Alignment of SDGs with National Priorities

The Public Investment Programme (PIP) 2017-2020, attempts to align with the SDGs.

As at present, the existing national development strategy, plans and actions are

- 36 per cent is fully aligned to the targets,
- 38 per cent per cent is moderately aligned to the targets,
- 15 per cent is slightly aligned to the targets, and
- 11 per cent of the targets are not relevant to the local context.¹⁰²

Figure 11



Source: United Nations and Government of Sri Lanka 2018. MAPS Approach supporting SDG Implementation in Sri Lanka. <https://lk.one.un.org/wp-content/uploads/2018/07/Sri-Lanka-Report-MAR18.pdf>

¹⁰²United Nations and Government of Sri Lanka 2018. MAPS Approach supporting SDG Implementation in Sri Lanka. <https://lk.one.un.org/wp-content/uploads/2018/07/Sri-Lanka-Report-MAR18.pdf>

2.3 Means of Implementation

Goal 17 of the SDGs seeks to “strengthen the means of implementation (Mol) and revitalize the global partnership for sustainable development.”

Sri Lanka is utilizing a mix of public, private and innovative finance options at present to meet the financing challenges and achieve its development objectives, in keeping with the Addis Ababa Action Agenda.¹⁰³ Local resources are insufficient to finance the SDGs. Sri Lanka has had on average, budget deficits in the range of 8-10 per cent of GDP. Since 2009 the deficit declined from 10 per cent of GDP in 2009 to 5.7 per cent in 2014, but increased to 5.9 per cent of GDP in 2016. The annual debt grew by 6.2 per cent in 2015-2016 compared to 4.5 per cent in the previous two years with recourse being made to International Sovereign Bond Issues and syndicated loans. The external sector outlook is risky in the near term. However, despite the high external debt, the government continues to rely on foreign borrowings for development. Fiscal consolidation and improved domestic resource mobilisation and improved export earnings are required.¹⁰⁴ Sustaining revenue reforms are critical to enable necessary public expenditure programmes to be carried out without excessive reliance on borrowing. The other financing options that the government is considering include, in addition to rationalizing domestic fiscal policies and increasing the tax base, external assistance in the form of ODA. However, going by previous experience it is unlikely that ODA will be adequate to meet the shortfall.

The government policy is to tap other sources of financing including increasing foreign remittances that are contributed by female migrant workers often working in exploitative conditions, by lowering transaction costs, accessing climate finance, and diaspora funds. The government policy is also to tap state owned financial institutions and development banks, the private sector, enter into PPPs and borrow from international and regional funding agencies.

¹⁰³ Permanent Mission of Sri Lanka to the United Nations 2017. Statement by H.E. Dr. Rohan Perera at the High-Level SDG Action Event on an SDG Financing Lab. <https://www.un.int/srilanka/news/statement-he-dr-rohan-perera-high-level-sdg-action-event-sdg-financing-lab>

¹⁰⁴ Weerakoon, Dushni 2017. Sri Lanka's Foreign Debt Reliance. https://economynext.com/Sri_Lanka%E2%80%99s_foreign_debt_reliance-3-7859-2.html

The 2018 provides the strategic framework for addressing the three key dimensions of sustainable development - economic, social and environmental that is based on three successive budget cycles. They constitute successive reform platforms leading to mainstreaming the SDG framework in budgeting, and implementation on a whole of government basis.¹⁰⁵

In issuing instructions for the preparation of budget estimates for the fiscal year 2018, the Treasury required estimates to be made for SDGs, Gender Responsive Budgeting and Differently abled Persons. The spending agencies were required to align the SDGs with the national development strategies from 2018 onwards. They were required to identify and localise the SDGs that are particularly relevant to them and would support the achievement of targets. Only the Ministry of Women and Child Affairs had prepared the budget estimates for the major projects that are to be implemented with reference to the SDGs, the targets and Key Performance Indicators (Annex 2).¹⁰⁶

According to the report on 'Mainstreaming SDG Implementation in Budgeting and Budget Monitoring in Sri Lanka,'¹⁰⁷ an analysis of the alignment of government budgets and budgeting with the implementation imperatives of SDGs points to gaps in systems, structures and processes in contextualizing Agenda 2030 in the country's public finance management system. These gaps arise from fundamental differences in concepts and approaches implicit in planning for sustainable development and managing public finances, eventually for the same set of objectives.

Suwachandra¹⁰⁸ recommends requiring ministries to identify budget allocations for each target, introducing performance budgeting, overcoming the mismatch between expenditure responsibilities and resource sharing among different levels of government,

¹⁰⁵ Department of National Budget 2017. Addendum to the Budget Call – 2018. Guidelines for the Preparation of the 2018 Budget Estimates. BD/CBP/14/1/2-2018 http://www.treasury.gov.lk/documents/10181/31346/NBD-addendum-II-2018-20170731E_1.PDF/af142196-d757-46fb-8761-a3102039e465?version=1.0

¹⁰⁶ http://www.treasury.gov.lk/documents/10181/490927/V_02_Approved_E.pdf/0c832f1d-73b7-4fa7-8c31-641fe6e99ff3

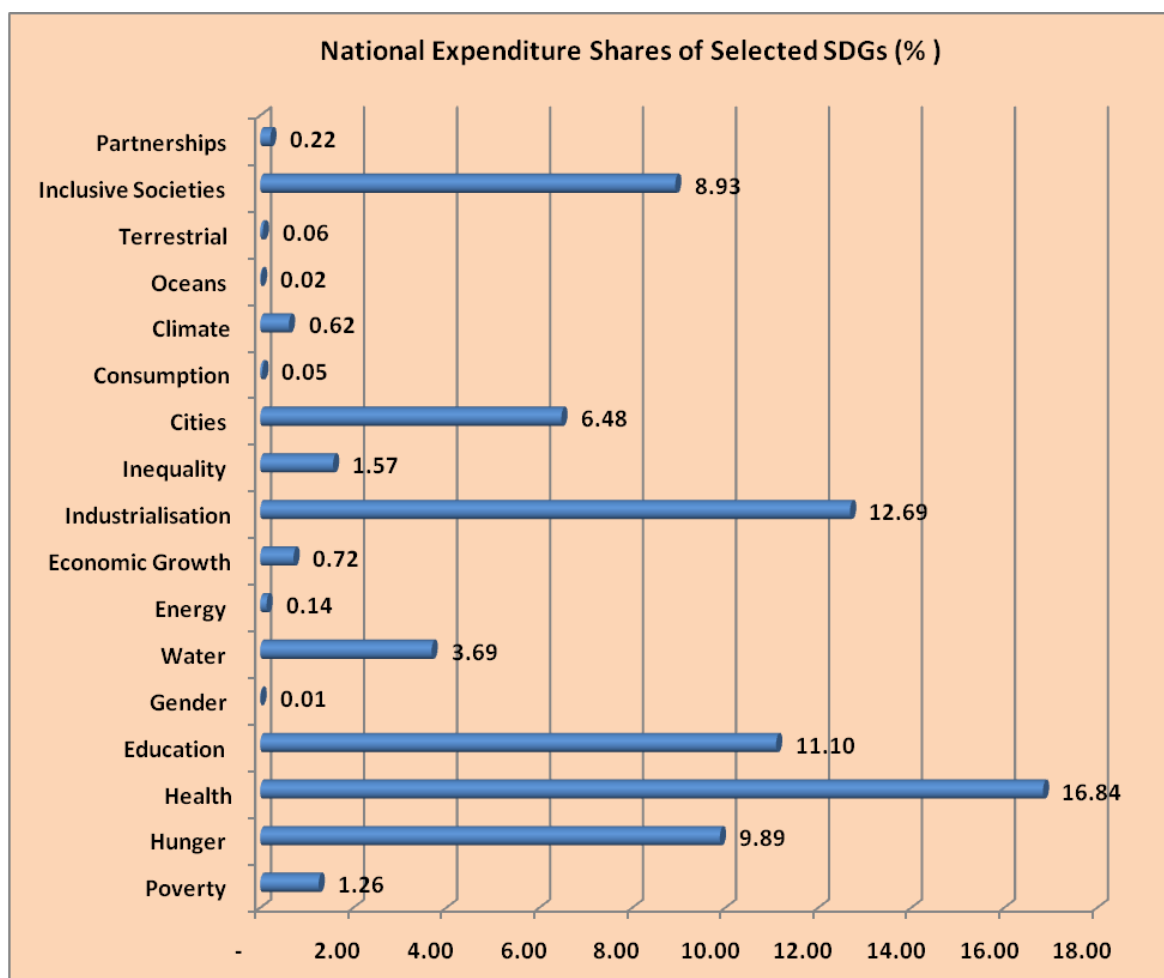
¹⁰⁷ Suwachandra, K.D. Mainstreaming SDG Implementation in Budgeting and Budget Monitoring in Sri Lanka <http://www.asia-pacific.undp.org/content/dam/rbap/docs/meetTheSDGs/K.D.%20Suwachandra%20-%20Sri%20Lanka%20-%20Mainstreaming%20SDG%20into%20National%20Budget.pdf>

¹⁰⁸ *ibid*

and introducing budgeting to fill fiscal knowledge gaps through a bottom-up, participatory, multi-stakeholder engagement.

The following Figure presents a comparison of the shares of national expenditures for SDGs although these shares may not reflect relative national priorities.

Figure 12



Source: Gunasekera, Asoka 2017. 'Mainstreaming SDG Implementation in Budgeting and Budget Monitoring in Sri Lanka.' <http://www.asia-pacific.undp.org/content/dam/rbap/docs/meetTheSDGs/K.D.%20Suwanchandra%20-%20Sri%20Lanka%20-%20Mainstreaming%20SDG%20into%20National%20Budget.pdf>

The Figure shows that gender equality has the lowest investment focus at 0.01 per cent, followed by oceans, sustainable consumption, climate action, clean energy, and terrestrial ecosystems, while the highest investment is on health, industrialization, education, hunger,

inclusive societies, cities, a heavy focus is on poverty eradication, health, education and water.

The Finance Commission that is responsible for fund allocations to provincial councils and local government entities has prioritised the development sectors relevant to the SDGs.¹⁰⁹

In the private sector, 18 banks have formed the Sustainable Banking Network (SBN) to provide sustainable finance. The Network has signed a MOU with the IFC and the Central Bank of Sri Lanka to enhance and develop environmental and social risk management and sustainable financing practices for the financial sector. The Central Bank will collaborate with SBN to develop a sustainable finance roadmap to guide the local banking and finance industry; strengthen the capacity of the banking sector to implement such practices; facilitate knowledge sharing with other SBN members; and promote green investment. To date, 18 SBN member countries have launched sustainable finance policies, guidelines and roadmaps.

Successive Sri Lankan governments have been retreating from its role of providing essential goods and services leaving room for the private sector and corporations to step in as for example in education and health as discussed earlier. These developments would invariably widen inequalities. Some of the impacts are detailed in Chapter 3.

2.4 Data Requirements

The Department of Census and Statistics (DCS), the key agency in the National Statistical System (NSS) of Sri Lanka, has classified data in accordance with its tier system. Accordingly, data is available for 46 indicators, data for 29 indicators will have to be compiled by DCS, while 131 indicators have to be compiled by other institutions of the (NSS). Baseline data is not available for 166 indicators. Of the indicators that are directly relevant to Goal 5 and the 16 goals that have gender specific and gender sparse indicators baseline data was

¹⁰⁹ Finance Commission of Sri Lanka 2016

available for eight of the 30 targets. Thirty five SDG indicators were identified to be used for monitoring SDG targets at regional or global level.

Three indicators, one of which relates to harmful traditional practices, have been considered irrelevant to Sri Lanka. However, there are reports and anecdotal evidence on the existence of harmful traditional practices in parts of the country.

Many of the targets require the involvement of cross governmental and stakeholder participation. However, target setting by all relevant ministries and departments is at an incipient stage. One exception is the health sector that has identified 42 out of the 46 Core Health Indicators as the most relevant. These include non-communicable diseases; communicable diseases; reproductive maternal health and newborn health; and service capacity and access.

The National Science Foundation has introduced Science Indicators for Policy Development. However, these have not been included in the implementation process.

Attention should also be drawn to sex disaggregated data. The Department of Census and Statistics has been collecting and making available national level sex disaggregated. Disaggregated data is available for population, education, health and nutrition, contribution to the economy, public life and special concerns that include foreign employment, and convicted prisoners.¹¹⁰ However, a serious data gap exists on gender based violence and other areas of the SDGs.

¹¹⁰ Department of Census and Statistics. <http://www.statistics.gov.lk/Gender%20Statistics/MoreInfo.php>

2.5 CSO Engagement

Stakeholder Participation

An important development was the initiation of the Sri Lanka Stakeholder SDG Platform (SLS SDG Platform) in March 2018 by a collective of CSOs, NGOs, the private sector, academia, professional associations, and trade unions, to monitor and report on the implementation of SDGs. Its main objective is to ensure accountability in the implementation of the SDGs by periodically assessing progress and identifying and taking collective action to ensure implementation. It looks at national policies and engages with the government, engage in creating awareness of the SDGs, undertakes research, training activities and engages in advocacy. In 2018, it prepared and presented the People's Voluntary Report at the High Level Political Forum.

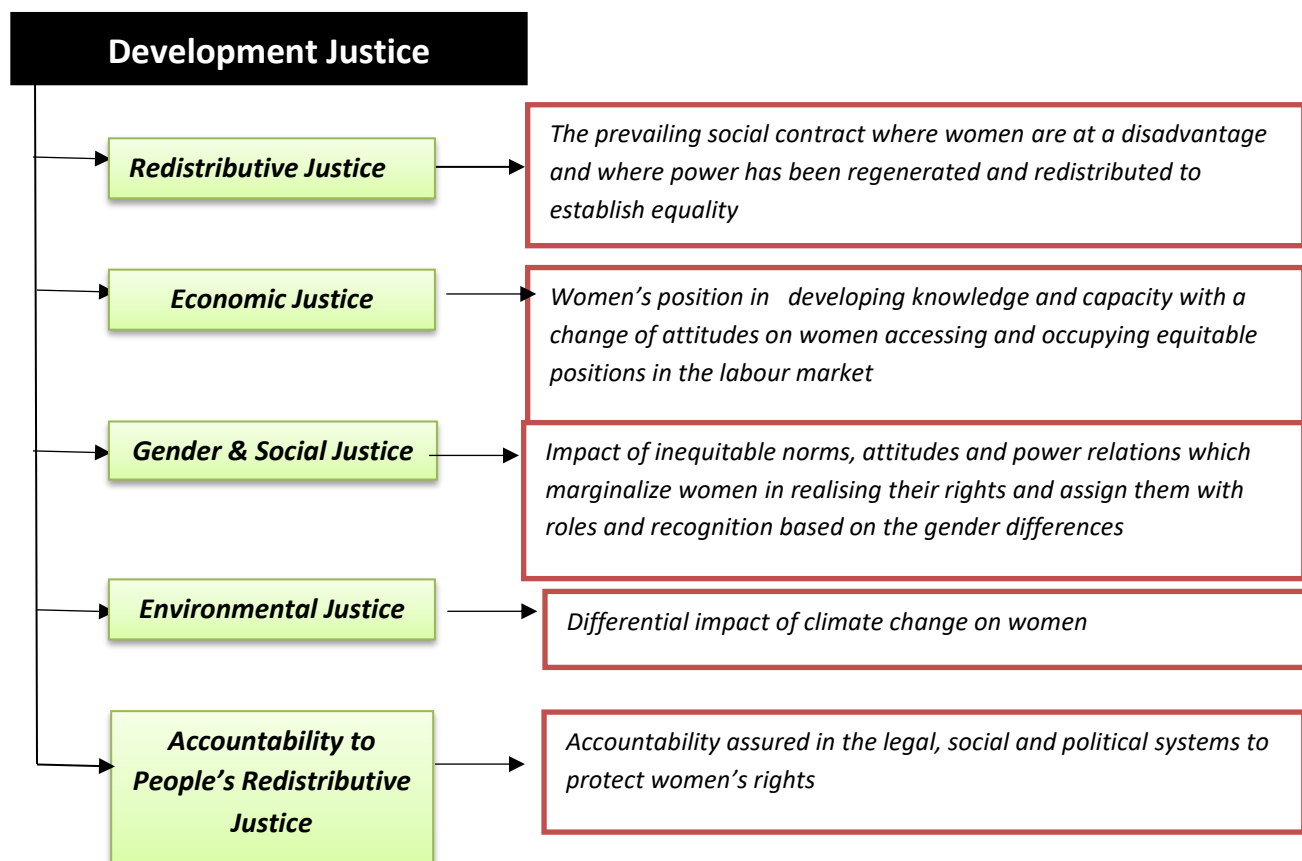
Chapter 3

Thematic Analysis: Women's Priorities

3.1 Priority Concerns

The field work and the research conducted has been based on the five targets of SDG 5 and the indicators have been localized to be aligned with the Development Justice Indicators. In order to present a holistic view of the experiences gathered from Sri Lanka, the five targets of SDG 5 have been addressed by using the following working definitions.

Figure 13



3.2 Observations and Women's Voices on Ending All Forms of Discrimination Against Women and Girls Everywhere

3.2.1 Political Participation

Representation of Sri Lankan women in political structures is one of the lowest in the Asian region. Women's share of parliamentary seats has not exceeded six per cent at any time since political independence in 1948. Representation in local government was even lower at two per cent. Nominations given by political parties had ranged between 4-10 per cent.

Among the main barriers to the representation of women are the family, financial constraints and male dominated political parties, the candidate selection process being determined by the party¹¹¹ and a lack of voluntary quotas for the nomination of women. The parties include 'Women's Wing' but there are very few women at decision making level.

After long years of advocacy by civil society organisations for increased representation for women in the governance structures, a 25 per cent quota, considered to be a temporary special measure under CEDAW General Recommendations, came into force at the 2018 local government elections. But this does not create an enabling environment to ensure substantive equality for women.

On the contrary, the actual experiences of women who were eager to contest, get elected, and represent their community show different disadvantages created due to the prevailing systems and practices in selecting public representatives. Some women's representatives that were met in Kanthale expressed the difficulty they had in getting nominations, a process governed by the party organiser of the respective areas. If the contestant is not in the list of the organiser it was not possible to be nominated.

Three women in the focus group discussions who contested the most recent local government elections said their experience had been negative. One woman said, “/

¹¹¹ CENWOR, CEDAW Shadow Report, 2016, p.4

campaigned for the party, spent a lot of time but my name was not in the list. Those who had not been in the list had been selected by the party hierarchy.” There was much disappointment in the process that permitted elected and selected lists to be submitted. The few women who were forthcoming on this issue were highly demotivated and had lost faith in the democratic process. They were of the view that women should enter politics as they could make a difference but, “... *parties do not want us to be in politics except as campaigners and voters, and would adopt devious ways to keep us out of electoral politics*”, said one woman. The others who contested the elections said that the task of some women who had been given party nominations had been to promote the male leader of the group.

A more discriminatory practice was the existence of two lists of candidates – those elected as people’s representatives and a selected list that is decided by the party hierarchy especially by the party leader to fill the seats under proportional representation. The very spirit of the law had been subverted when women selected by the party had been prioritised over those who were elected.

3.2.2 Impact of Development - Land Grabbing

Women in southern Sri Lanka have been working in the coir industry for generations. From the time they could remember the retting pits of coconut husks were along the coast. These public areas along the coast are now out of bounds to the women workers as they have now become private beaches of hotels. They have difficulty in accessing the raw materials required for production. They have also faced violence when they go to the beach, and have been sexually harassed. These combined disadvantages have resulted in reduced economic activities. The women coir workers are concerned about the violation of their rights and the insecurity in the area.

Women in the dry zone who participated in discussions surfaced similar experiences. The land that was used for cultivation had been allocated to private companies where the farmers have become labourers in a process decided by policy makers and land owners.

3.2.3 Changing Patterns of Income Generation

In Kekirawa and Galenbidunuwewa in the Anuradhapura district, the researchers had discussions with young women who had successfully completed secondary school education but were unemployed. The main reason for unemployment or “no work” was the stagnant local economy, as the main income generation activities such as agriculture, fisheries, home based industries have not gone through a diversification or modernisation process. Nor has there been any product development that could have created opportunities for young people in the locality.

Consequently a gradual change is seen in the small holder agricultural community with more women participating in agriculture as men prefer to go to Colombo or to city limits in search of employment. The first preference of young men, who have not had any type of technical training and skills, is to join a taxi service. The discussions showed that both women and men had little understanding of livelihood choices available to them. A majority had not been exposed to any career guidance.

During post conflict rehabilitation some communities have been mobilized to start self-help groups and self-employment projects in livelihood strengthening programmes implemented by both the state and non state sectors. A major programme of the Women’s Bureau of Sri Lanka that is implemented through Women Development Officers (WDOs) attached to the District Secretariat and the Divisional Secretariat Divisions is livelihood development. Yet most of the interventions have not shown much progress in the absence of other inputs especially in access to affordable sources of credit, market linkages and support to sustain entrepreneurial activities.

Inequality in the wages paid, political patronage and sexual bribery for employment were also identified as issues facing women.

3.2.4 Income Earning Opportunities and Cultural Norms

The Southern coastal areas are tourist hot spots. With the current push to make Sri Lanka a leading tourist destination, infrastructure facilities in the southern coast have been and are

being developed to cater to tourists. The planners highlight the opportunities available for women to join the tourism sector that would enable them to earn a better income and improve their living standards. However, barriers to entry exist.

Discussions with women in the southern coast as well as those in Batticaloa, Ampara and Polonnaruwa showed that these barriers related to attitudes of families, patriarchal attitudes of the hoteliers and women themselves. The biggest barrier however was the negativities of women and their families. Their understanding of the hospitality industry was limited and stereotypical thinking made them equate the hotel sector as an unsafe and an unsuitable industry for women. There were ethnic differences in attitudes to being engaged especially in the hotel trade. However, hoteliers were receptive to having women work in their hotels but only in appropriate sections such as the reception or the kitchen. But women could benefit from several other activities in the tourism value chain.

3.2.5 Access to Resources

Microfinance

Microfinance emerged in the 1970s to empower groups of poor women through access to credit to engage in livelihood activities. The repayment methods adopted at the time by micro finance agencies place them at an advantage.¹¹² The impact of microfinance that targeted women had been positive as it had helped households to improve their income, assets and housing conditions. Per capita savings too had increase.¹¹³ Over the years the original objective of poverty reduction and women's empowerment got diluted by micro finance organisations commercialising their operations and placing emphasis on profits and growth. Loans are taken for a consumption, to meet health expenditure, for overseas migration, marriage, education of children among other non-productive purposes. The microfinance companies resort to illegal deposit mobilisation, charging of interest rates as high as 50 per cent, and unethical recovery methods.

¹¹² Gunatilaka, Ramani & De Silva, Dulan 2010. Microfinance and Women's Empowerment. Colombo, Centre for Women's Research.

¹¹³ Tilakeratne, G. Et al. 2005. Microfinance in Sri Lanka: A Household Level Analysis of Outreach and Impact on Poverty. Colombo, Institute of Policy Studies.

Today microfinance has become one of the major issues faced by women, as in the post war period of rehabilitation and livelihood activities many microfinance institutions have been promoting credit facilities for women and making access to credit easy. According to the 2016 Household Income and Expenditure Survey¹¹⁴ conducted by the Department of Census and Statistics, household indebtedness varied from 49 per cent in Trincomalee to 50.4 per cent in Batticaloa, 57.5 per cent in Ampara to a very high 78.2 per cent in Polonnaruwa. The highest amount of credit is disbursed by finance companies. It was reported that in the Batticaloa district alone there were 72 micro finance agencies but only seven had been registered under the 2007 Companies Act.¹¹⁵ A Microfinance Act, came into effect in 2016 but the regulatory impact appears to be minimal.

The discussants commented that the agents are very friendly and convincing, but are threatening when they fall back on repayments. They said that women who take loans from these credit agencies are not fully aware of the terms and conditions under which the loan is being granted such as the 'metre policy'¹¹⁶ of the lenders. The lack of financial discipline, use of the loan by other members of the family, and for non-productive work place a greater burden on women who have taken loans. *"We heard of 17 suicides in May this year alone because the women couldn't meet the repayment deadline,"* said a participant in Batticaloa.

Land

Land rights for women remain a contentious issue. Women have equal rights to land ownership and inheritance under the General law. However, personal laws of Kandyan Sinhalese, Jaffna Tamil and Muslims impose restrictions on ownership, inheritance and transfer of land. The law that affects all women is the Land Development Ordinance under which state land is redistributed for agricultural activities. Its table of inheritance favours males. The spouse has lifelong ownership but the woman cannot sell the land or nominate a successor. But she loses ownership if she divorces the husband or remarries. Thus women

¹¹⁴ Department of Census and Statistics 2018. Household Income and Expenditure Survey 2016. http://www.statistics.gov.lk/HIES/HIES2016/HIES2016_FinalReport.pdf

¹¹⁵ These statistics have not been verified

¹¹⁶ Continuous increase in the rate of interest

are deprived of a productive asset due to administrative action under which the ownership of state land passes to the eldest male bypassing female children.

The government practice of conferring land titles on couples who enter into a matrimonial relationship has had social implications. Focus group discussants in Polonnaruwa said that young women have been given in marriage to obtain land, as the marriage certificate becomes a valid document for applying for state land. A common practice is to give under aged girls in marriage to obtain land as the Registrar permits the marriage on the parents' declaration and does not require proof of age.

This practice places young girl at risk, as the man then becomes the legal owner using the land according to his wishes. Sometimes she ends up in greater difficulties when the man deserts her - she has neither the land nor a marriage.

3.2.6 Outbound and Inbound Employment Migration

Poverty, sole responsibility for the family, inability to get married without a dowry were some of the push factors for the migration of women for overseas employment. Migration, especially for low skilled and housemaid category of workers becomes the only viable option to overcome debt, to earn a living, and for young, single women to collect money for a dowry. Thus migration had increased significantly in the post conflict years despite livelihood interventions and government restrictions on the migration of women with children under the age of five years. Livelihood interventions had not been viable making women find ways to overcome regulatory obstacles. Their desperation and determination was such that the discussants in Trincomalee and Polonnaruwa cited instances where women had left the country without the knowledge of the family or the spouse.

However, a recent trend observed is the decline in the migration of women. At the same time, bilateral treaties signed with countries such as India and China have seen an influx of nationals of those countries to work in Sri Lanka. Young people from Hambanthota in the south were particularly concerned that the Chinese workers who have been brought to work on construction sites have captured their space in the labour market.

3.2.7 Changing Gender Roles and Relations

Conflict Affected Areas

A recurrent theme of the discussions was the changing role of women in former conflict affected areas. According to the respondents, ten years after the end of the conflict women are more informed of opportunities and challenges that exist not only in the country but also globally. Further, information on employment opportunities is also available freely. Women who were living within the confines of traditional norms have taken on new roles and responsibilities but are faced with the burden of juggling both domestic and income earning roles most often with community disapproval. The preference of women to seek work outside the household has created many challenges at the household level. Discussants attributed the new found motivation among women to work outside the homes a cause for an increase in gender based violence.

However, despite an empowering process, post conflict years have also witnessed the reinforcement of traditional customs such as dowry, gender role stereotyping and women as culture bearers. This fact was emphasized by women who participated in the discussion in Batticaloa and Trincomalee districts in the Eastern Province.

Women in Trincomalee and Kanthale said that the Muslim women hardly participate in community activities due to pressure from religious leaders. Unlike in the past, they also do not integrate and socialise with the Sinhalese and Tamils anymore. For women, the hijab has now become a standard marker unlike in the past. In response to a question from a non-Muslim participant to a friend as to why she is covered, the latter said, *“I have no issues about what I wear from my husband or father, but my son insists on my wearing the hijab or covering myself fully.”* She said, *“... a Muslim woman needs to be dressed properly.”* They were of the view that identity has become an issue with the younger generation. The contrary view was that wearing of the hijab does not restrict women in obtaining an education or finding employment. In fact, the majority that enters the university are women.

The participants from Batticaloa and Trincomalee expressed their concern that the availability of a dowry has become a determinant of whether a woman will marry or not. The amount of dowry being demanded varied with the profession of the proposed bridegroom, “... *the going price for a doctor is at least five million rupees and a teacher can demand three million rupees*”. If parents do not honour the payment of the dowry money, the girl is sent back home. Three women present at the discussion said that the main reason for them to remain single was their inability to provide a dowry.

3.2.8 Vulnerable Populations

Female Heads of Households

Females headed households comprise approximately 20% of all households in the country. War widows are seen to be more vulnerable than other female heads especially in the East. Patriarchal attitudes about the concept of a head of a household being a male are pervasive in administrative practices (including in personal laws). Young women and old women who have been widowed, women who are de facto heads of household in instances where the spouse is incapacitated, and having to look after children, the elderly and the sick are not recognized as household heads. They have many issues to contend with including land rights, inheritance, etc. which further disadvantages women in matrilineal cultures,¹¹⁷ stigma, mental and psychological problems and having to confine their income earning activities to the home.

Persons with Disabilities

The organizations based in Batticaloa said that more children are born with Autism in specific areas of the district and that public health authorities are alert to this situation. Birth defects are seen increasingly in Batticaloa. In Ampara and Batticaloa inter marriages were seen as the reason for these conditions although this perception was contradicted during discussions. The armed conflict had resulted in a significant number having mobility issues, blindness and hearing difficulties. These hearing difficulties are mostly experienced by children who had been directly affected by sound produced by mortars. Cognitive disability

¹¹⁷ COHRE

is a problem in Welioya in the Polonnaruwa district while some had cognitive disabilities as well as behavioural changes.

The focus group discussants questioned the official definition of disability as a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks. In Polonnaruwa, injuries sustained due to attacks of wild elephants and reptile bites have disabled people making them unable to attend to their daily needs without assistance.

The prevalent kidney disease-Chronic Kidney Disease of Unknown Aetiology (CKDu), cancer, and undiagnosed paralysis disable individuals. Some families have more than one person that has been affected CKDu, a disease that requires costly treatment, disabling the patient from engaging in livelihood activities and placing a greater burden on women.

Yet, these types of disability are categorized as diseases that need medical care and are not recognized as disabilities thus excluding individuals from the support systems that are available to PwDs.

Sex Workers

Sex work is not criminalised in Sri Lanka although but the Brothel Law and the Vagrants Ordinance, two colonial laws, are still the statute books. The number of sex workers has been increasing over the years despite the violence and exploitation by clients, risk of STDs, vulnerability to trafficking, and stigmatisation. Sex workers are prone to being arrested, intimidated, jailed, and harassed under the Vagrants Ordinance that is not applied to 'high end' sex workers and to brothel keepers.

The experience of the commercial sex workers that participated in the focus group discussions in Puttalam was no different. They face tremendous difficulties at the societal level as they face violence from the state system and government service providers including the police. They also pointed out that the Vagrants Ordinance is used to harass and perpetrate violence against them.

3.2.9 Application of the Law

Women in Kekirawa, Yodalandiya, and Netolpitiya in the Anuradhapura district shared their experiences in facing societal violence. In general they all agreed that advancements in technology have contributed to an increase in the incidence of violence faced by women. The women agreed that the existence of a legal system does not make much difference to them, as it does not provide the immediate relief that they require and due to the lack of support services.

Sexual harassment has been challenged in courts, but the group in Tangalle expressed their disappointment in terms of the judgements that had been given making them believe that the perpetrators have a stronger voice and subvert the law if they have political connections and are affluent.

3.2.10 Changing Life Styles

The life style of Sri Lankans has changed over time. The availability of improved technology including household equipment and technology has eased the burden of those who are engaged in care work. Easy methods are used to prepare meals resulting in a change in food habits and consumption patterns. This was evident even in the plantation sector where the women responded that they mostly prefer to make ‘fast food’ - fried rice and an egg or processed food such as a sausage to the children rather than serve vegetables from their own garden. The women from the older generation mentioned how they have been involved in cultivating vegetables in their home gardens where they have not missed green leaves and fruits for their meals without spending any money outside. The downside is the consumption of fast food contaminated by fertiliser and pesticides. Changing food habits is a contributing factor for the increase in non-communicable diseases.

3.2.11 Industrialisation, Defective Systems and Environmental Pollution

People living in proximity to the Prima Factory, the Cement Factory and rice mills have respiratory problems such as asthma and breathing difficulties, conditions that become chronic over time. These conditions are experienced across the community irrespective of age. The noise from the ilmenite factory was also identified as a cause of long term hearing

difficulties. The Rathna Mill and Mithrapala Lankeswara (rice mills) and all other rice mills operating in Polonnaruwa also cause hazardous conditions due the dumping of waste and garbage in the lakes polluting the water that is used by the people.

There are also concerns and beliefs in the communities that the water disposal mechanism may cause disabilities in the long run. According to the service providers from Kanthale, the pipe borne water is contaminated. People living in the Thiraimadu village around the Batticaloa hospital are affected by the smoke and the bad odour that results in respiratory problems.

3.2.12 Social Problems

Focus group discussion in all the locations several problems that had emerged in recent years.

- ***Sexual Relations*** – in both rural and urban areas there are opportunities in for school schoolgirls to engage in sexual activities, e.g. availability of forest cover in rural areas and the increasing number of guest houses that attract school children (Polonnaruwa).
- ***Drug Peddling*** - the use of school girls for the distribution of drugs is an increasing trend (Polonnaruwa)
- ***Early Marriage*** - was common in Kekirawa and Galenbidunuwewa in the Anuradhapura district. Low educational attainment and lack of marketable skills that could be used for income generation disempowered them economically. They face discrimination and domestic violence.
- ***Harmful Traditional Practices*** - the Muslim discussants in Ampara said that harmful traditional practices such as female genital mutilation (FGM) are promoted, a practice that is hidden and secretive. They said that the incidence of FGM in Kattankudy and Oatamavadi was high.
- ***Under-aged Marriage*** - customary marriages are recognised. Except for a Muslim woman of the Hanaffi sect and those governed by Kandyan law others are not required to register a marriage and to sign at the registration of marriage. Under-aged girls were found to have entered into de facto marriages in the study locations.

- **Use of Communication Technology** - While the female discussants agreed that new communication media is a tool to be used for women's empowerment, the attitudes of male participants were to the contrary. They considered women's access to mobile devices as a major social issue. In all the locations, examples were given of how blue films are watched on mobiles, and how women were being misled by men initiating relationships, exchanging intimate photos, and instances where mobile communications had triggered domestic conflicts.

3.2.13 Women's Employment Rights

Global economic outsourcing tends to dilute the collective lobbying of women, as for example in the garment sector. Labour rights of workers, especially those of women who formed the majority of the workforce in specially designated free trade or export processing zones saw an improvement consequent to the activism of trade unions and civil society organisations.

A recent trend has been the entry of 'manpower' companies in the recruitment and management of workers resulting in a casualisation of the workforce. Manpower agencies or sub-contractors enter into agreements with companies to supply labour, but the terms and conditions of these agreements are not disclosed to the manpower workers. Some 'manpower employees' are kept 'permanently' at a factory, but usually, they are picked up at prearranged locations in the morning, and taken to the workplace.

They are daily workers who are transferred from company to company depending on demand. These workers who are in precarious employment face discrimination; the employee has no contract with the employer who has no legal obligation to provide a living wage and statutory benefits. This practise has become a common practice in the export processing zones that are dominated by female workers. This practice is also followed by public sector entities such as the Ceylon Electricity Board, National Water Supply and Drainage Board and in state sector banks among others.

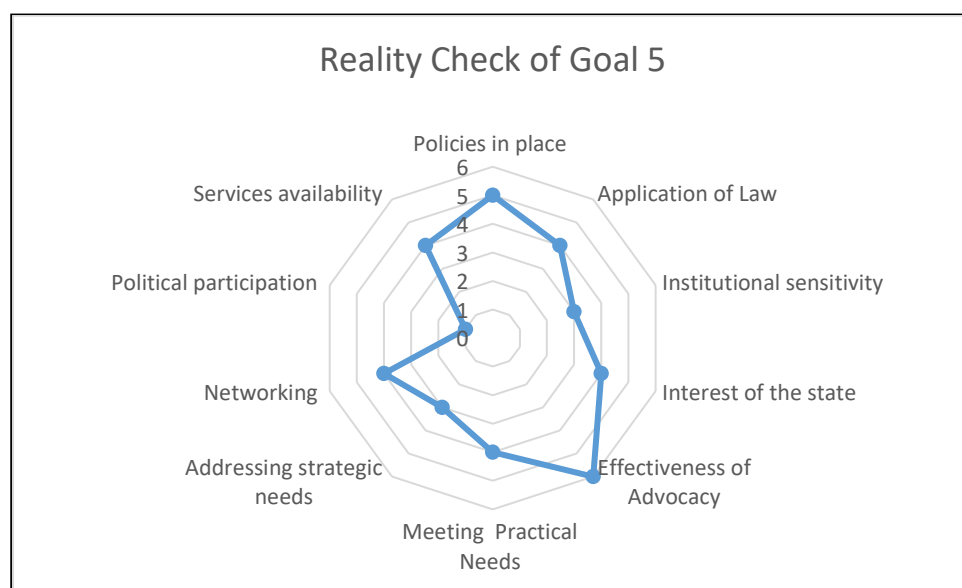
3.2.14 Erosion of Statutory Benefits

Although maternity leave is mandated by law for women in both the public and private sectors, discussions with private sector employees surfaced the issue of women being afraid of becoming pregnant due to workplace discrimination. A solution that was deemed as appropriate by the government was a recent budget proposal was to give the private sector tax relief for violating the right of the women to avail themselves of maternity leave. Another proposal was to allow women to work from home. The Corporate sector has no accountability as outlined in the UN Guiding Principles for Business.^{118, 119}

3.3 Reality Check of Goal 5

Based on the experiences of the groups with whom discussions were held to gather information for this study following diagram provides a reality check of the current situation in relation to Goal 5.

Figure 14



¹¹⁸ OHCHR. 2011. Guiding Principles on Business and Human Rights.

https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

¹¹⁹ Goonesekere, Savitri, resource person at the Validation Workshop, June 14, 2019

Concern	Issues
Policies in Place	Women's awareness of the policies in place is poor. Sri Lanka should conduct an integrated gender analysis of the policies in different sectors which create an environment to work towards equality at all levels.
Application of Law	Women are not confident that the legal process will be impartial and that they will receive justice. Gender sensitivity of institutions responsible for the implementation of the law should be studied. Legal literacy programmes have to be conducted while institutions such as the Legal Aid Commission should develop effective and gender sensitive outreach mechanisms to enable the vulnerable women and men to access justice.
Institutional Sensitivity	Gender action plans developed in Sri Lanka identify the initiatives that have to be undertaken in creating gender sensitivity at the institutional level. Equality and gender sensitivity are not major concerns in the prevailing work environments. Public and private sector entities that have adopted a policy of gender equality and sensitivity should be highlighted and their initiatives appreciated.
Interest of the State	The state does not appear to be concerned in eliminating gender discrimination and promoting gender equality. While the National Committee on Women (NCW) has undertaken a range of activities to promote the empowerment of women, the Ministry of Women's Affairs and the NCW are marginalised especially in relation to SDG implementation process.
Effectiveness of Advocacy	Effective advocacy programmes on critical issues faced by women have been undertaken mostly by the civil society and women's NGOs.
Meeting Practical Needs	Implementing a rights based approach is found to be problematic in situations where practical needs are not met. Vocational training is one of the areas where efforts had been taken to promote the practical needs of the trainees.

Addressing Strategic Needs	Steps taken to change the status of women have not been consistent and lack a holistic view with forward looking plans for bringing about and sustaining change.
Networking	NGOs and CBOs network on specific issues, but these are mostly ad hoc and there is no sustained coalition building. The impact of such networking efforts should be assessed and developed.
Political Participation	Affirmative action was taken to introduce a women's quota for local governments. Yet implementation has not achieved the expected targets due mainly to the existence of entrenched patriarchal attitudes in political parties and the lack of a conducive environment.
Service Availability	Services are available to women especially in sectors such as health, education, legal aid but there is a lacunae in the area of economic advancement and livelihood development.

Chapter 4

Common Ground Analysis (based on the annual HLPF theme)

The HLPF 2019 theme is, “Empowering people and ensuring inclusiveness and equality”, and conduct an in depth review of the following Goals:

- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 10. Reduce inequality within and among countries
- Goal 13. Take urgent action to combat climate change and its impacts
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17. Strengthen the means of implementation and revitalize the global partners

This section will comment on the three components of the theme-empowerment, inclusiveness and equality.

4.1 Empowerment

Women have been left behind in planning and monitoring of the SDGs at the national and local levels as women are mostly considered as a group of recipients and not as change agents. The fourteen-member Parliamentary Select Committee on SDGs appointed in October 2016 had only two female members¹²⁰ despite gender equality being a goal to be achieved. The decision makers in the department of SDGs under the Ministry of Sustainable Development did not include women. The Ministry of Women’s Affairs was not included in the Expert Group on SDGs. Consequently women do not have direct access to influencing decisions relating to the achievement of inclusiveness and equality.

¹²⁰ There is no parliamentary select committee on SDGs at present.

Fundamental rights jurisprudence relating to gender equality is weak and inconsistent as in some instances the Courts have refused to accept violations of substantive equality.¹²¹ Further, gender equality is compromised as constitutional rights are applicable only to executive and administrative action of the state and not to actions of non-state actors.

At present there are legal barriers such as to land and inheritance rights that restrict women's economic empowerment. Microfinance, an essential input for women's livelihood activities, provided by mushrooming micro finance agencies has brought about untold hardships due to inadequate supervision by monetary authorities.

The disregard for the empowerment of women is evident in political propaganda as well as in the poverty alleviation programmes of the state such as Janasaviya and Samurdhi. There had been many instances where the discourse on a rights perspective promoted by the development initiatives do not match the practical and the strategic needs of women's empowerment.

- Lack of integration among different processes which are meant to be empowering women miss out on the larger achievements.
- Women, considered as a group of passive recipients and a buffer group in many situations and has not made any viable change to introduce a broader understanding of what inclusiveness means for women.
- The level of interest and the commitment of the state to promote women's empowerment have not reached a critical mass that can bring about a positive change.

4.2 Inclusiveness

According to the UN Women's global monitoring report "Turning Promises into Action", four out of the six SDGs that are under review this year are gender-blind at the indicator-level. This includes SDG 6 (water and sanitation) and SDG 7 (energy).

¹²¹ Goonesekere, Savitri & Samararatne, Dinesha 2014. Human Rights of women In Review of the Implementation of Beijing Platform for Action 1995-2014. Colombo, CENWOR, p. 176.

To promote inclusiveness and assure equality of representation at all levels, the concept of leaving no one behind should be addressed in a practical manner. This needs the attention and recognition of the different needs and requirements of those that have fewer resources and also the opportunity to represent their own interests. As inequality is the result of a highly webbed system, the root causes of these most discriminatory cycles of dependency can be challenged only with clear political will and genuine commitment of governments and other global affiliations which are also the culprits of the prevailing marginalization. Concentration of wealth and income on a small affluent group impacts adversely on the majority.

According to the UN Women's, "Turning promises into action" report, monitoring the status of gender equality in countries should be guided by the following

- i) improving the availability and quality of gender statistics;
- ii) assuring an honest, effective and meaningful participatory process that gives real space for civil society involvement, that allows for women's rights organisations, through coalitions and alliances, to keep tracking gender equality as a key domain of the SDGs;
- iii) exposing how resources are mobilised and allocated to programmers and policies aimed at meeting gender equality commitments;
- iv) strengthening gender-responsive processes and institutions;
- v) using Voluntary National Reviews not only to congratulate governments on their good practices, but also to expose the obstacles that are making progress difficult, and to create a shared vision of how challenges can be faced;
- vi) Allowing civil society organisations' shadow reports that might push governments to respond on slow progress; and
- vii) to open up opportunities for dialogue so that the growing voice of the feminist movement gets into institutional spaces.

Chapter 5

Conclusion and Recommendations

The government of Sri Lanka committed to the achievement of the SDGs, set up the legal basis and identified the agencies that are to be involved in SDG implementation, and created new institutions as also oversight bodies. It developed the Public Investment Programme 2017-2020 incorporating the five development goals of Vision 2025.

The SDGs are to be implemented by 51 ministries, 25 district administrations and 425 plus public institutions, 09 provincial administrations, and 325 local authorities. The responsibility for one SDG is divided among several ministries. The fragmented institutional framework requires a strong coordination mechanism but the national coordination body established by an act of parliament is not fully functional. Political instability has resulted in a frequent change of the Minister in charge. Currently there is no Ministry for Sustainable Development. Further, provincial level implementation is at a standstill as the scheduled elections to the nine provincial councils have been postponed indefinitely. Major constraints in achieving the SDGs have been identified as the lack of institutional and policy coherence, and institutional capacity, interest to change as well as political instability.

As of July 2018 Sri Lanka's score card showed progress in four SDGs, moderate progress in six, lack of progress in six and a downward trend in two SDGs.¹²² Overall, Sri Lanka had an average index score of 64.6 as compared with 64.1 for the region.

Field level interactions with a range of stakeholders in seven districts showed that macro level policies have had differential impacts on vulnerable groups of women. While existing discriminations and disadvantages persisted new forms of exploitation have emerged.

Recommendations based on the findings of the review follow.

¹²² Data was not avail for one Goal.

General Awareness of SDGs

Awareness of the SDGs appears to be poor outside the district of Colombo and even among officials for whom awareness raising programmes have been conducted and tasks assigned. This is so even among the CSOs.

Recommendations

Awareness-raising among all agencies included in the implementation process and enhancing their capacity to achieve the SDGs are essential.

The stakeholder platform should be reactivated to ensure stakeholder involvement.

Monitoring and Evaluation

Sri Lanka has baseline data for only 36 indicators gathered from censuses and surveys conducted mainly by the Department of Census and Statistics. The Ministry of Women and Child Affairs has prepared the budget estimates for 2018 for the programmes and projects to be implemented with reference to the SDGs. Indicators have been identified for the health sector. However, as most of the available data does not have a sufficient degree of disaggregation it is not available to assess progress at sub national and local levels.

Recommendations

Consider the use of big data for SDGs to overcome data challenges.

Ensure the collection of sex disaggregated data for all sectors and relevant Goals and Indicators. SDG focal points at the ministerial level should identify the existing indicators and finalize a set of indicators for each ministry and trained personnel to collect information aligned to the indicators identified for monitoring purposes.

Include women's groups in the SDG monitoring and review processes of the government.

Means of implementation

Sri Lanka is facing a public finance crunch with limited revenue generation, a low tax base, a high public debt, budget deficits, and limited inflows of ODA and FDI, and non availability of concessionary loan facilities. Consequently the government policy is to attract ODA and FDI as well as to use new financial instruments. It is planning to enter into PPPs especially for large scale infrastructure projects. The private sector has stepped into the social sector to fill the lacunae in public investments, reversing policies that enabled generations to move out of poverty with the possibility of excluding vulnerable groups from reaping the benefits of development. Ground level interactions with citizens showed the adverse impacts of macro policies as for example in land and resource grabbing that dispossessed vulnerable populations and reduced welfare.

Recommendations

Ensure that the rights of individual citizens, especially the marginalised and the vulnerable in relation to land and other productive resources, working conditions and remuneration are safeguarded when entering into FTA and accessing FDI.

There should be greater emphasis on improving community participation in the implementation and monitoring of SDGs.

Recommendations Relating to Goal 5

As a signatory to CEDAW and all core conventions without reservations the Sri Lankan state has a duty to make adopt measures to achieve substantive equality for women. Most importantly, the state has a legal obligation to take reasonable action and appropriate measures to protect rights (positive duty) in order to ensure that substantive equality is realised for vulnerable groups such those who face multiple forms of discrimination. Discriminatory laws that do not comply with the national constitution as well as CEDAW needs reform to ensure non-discrimination in law against women.

Legal and Policy Framework

- Give legal status to CEDAW, relevant ILO Conventions and the Women's Rights Bill.
- Establish a National Commission on Women.
- Ratify ILO Convention on domestic work.
- Reform all discriminatory laws/sections of laws such as the Penal Code, the Land Development Ordinance, the Muslim Personal Law, the Kandyan Law and the Tesawalamai Law, Vagrants Ordinance, Brothel Law, Mines (Prohibition of Female Labour Underground) Ordinance.
- Allow for judicial review of legislation pre-dating the Constitution.
- Criminalise all forms of violence against women.
- Decriminalise sexual relationships between consenting adults of same the sex.
- Conduct a Gender Impact Assessment of all programmes and projects similar to Environmental Impact Assessments.
- Ensure that women's rights are safeguarded when entering into FTAs and access is given to foreign investors.

Institutional Framework

- Given that gender is a cross cutting issue, a separate central coordinating and management mechanism is required to focus only on matters related to SDG 5. The Ministry of Women and Child Affairs should play a lead role in this regard, as the Women's Bureau of Sri Lanka, the National Committee on Women as well as the Department of Probation and Childcare Services, the National Child Protection Authority, and the Children's Secretariat fall under this Ministry.
- Appoint a gender focal point in the President and Prime Minister's office and in each relevant ministry and agency to liaise with the Ministry of Women and Child Affairs.

Means of Implementation

- As the budgetary allocation for the implementation of Goal 5 is one of the lowest, adequate financial resource should be provided for this Goal as well as for other cross

cutting issues.

- Re-introduce gender budgeting to ensure that monetary allocations are available for achieving Goal 5 and its related issues.

Discriminatory Practices

Women in decision making positions

- Provide a quota for women parliamentarians in the Cabinet of Ministers
- Abolish discriminatory practices such as sex-differentiated cadre positions in public institutions such as the Police Department

Women and Girls at Risk

- Identify women and girls who face multi-dimensional vulnerabilities

Data Availability

- Identify data requirements for Goal 5 and relevant indicators of the other SDGs as given in Annex 1 ensuring sex disaggregation by different sub indices. These should include data on violence against women, marital status, urban and rural disparities to monitor and evaluate progress towards the achievement of women's substantive equality and the SDGs.
- Make the collection of sex disaggregated data for all Indicators mandatory.

Research

The failure to ensure equal participation in the economy, equal work opportunities, and equal pay are all violations of women's right to work. In pursuance of the positive duties of the state to protect women's right to work undertake gender audits especially in the corporate sector, research work cultures, and engage with those working in the informal sector to understand the best way to protect their rights.

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SDGs with Gender Specific, Gender Sparse and Gender Blind Indicators

GENDER SPECIFIC INDICATORS

GOAL 5 - GENDER EQUALITY

5.1.1 Legal frameworks to promote, enforce, and monitor equality and non-discrimination based on sex

5.2.1 Women and girls subjected to intimate partner violence

5.2.2 Sexual violence against women and girls

5.3.1 Child marriage among women and girls

5.3.2 Female genital mutilation/cutting

5.4.1 Unpaid domestic and care work, by sex

5.5.1 Women in parliaments and local governments

5.5.2 Women in managerial positions

5.6.1 Proportion of women and girls who make informed decisions on reproductive health

5.6.2 Laws on equal access to reproductive health, information and education

5.a.1 Ownership or secure rights over agricultural land, by sex

5.a.2 Laws that guarantee equal land rights

5.b.1 Women who own a mobile phone

5.c.1 Countries with system to track gender equality

GOAL 1 - NO POVERTY

1.1.1 Population living below US\$1.90 per day, by sex

1.2.1 Population living below the national poverty line, by sex

1.2.2 Multidimensional poverty among women

1.3.1 Population covered by social protection, by sex

1.4.2 Secure tenure rights to land, by sex

1.b.1 Proportion of government spending to sectors benefiting women, poor and vulnerable groups

GOAL 3 - GOOD HEALTH AND WELL-BEING

3.1.1 Maternal mortality ratio

3.1.2 Births attended by skilled health personnel

3.3.1 New HIV infections, by sex

3.7.1 Satisfactory family planning with modern methods

3.7.2 Adolescent birth rate

3.8.1 Coverage of essential health services, including reproductive and maternal health

GOAL 4 - QUALITY EDUCATION

4.1.1 Minimum proficiency in reading and mathematics at the end of primary and lower secondary, by sex

4.2.1 Early childhood development, by sex

4.2.2 Pre-primary participation, by sex

4.3.1 Participation of youth and adults in education, by sex

4.5.1 Parity indices for all education indicators

4.6.1 Proficiency (at a given age group) in functional literacy and numeracy skills, by sex

4.7.1 Mainstreaming of global citizenship education, gender equality and human rights

4.a.1 Upgrade education facilities with hand washing and single sex sanitation facilities

GOAL 8 - DECENT WORK AND ECONOMIC GROWTH

8.3.1 Proportion of informal employment, by sex

8.5.1 Average hourly earnings of female employees

8.5.2 Unemployment rate, by sex

8.7.1 Proportion and number of children engaged in child labour, by sex

8.8.1 Fatal and non-fatal occupational injuries, by sex

8.8.2 National compliance of labour rights, by sex

8.9.2 Jobs in tourism industries out of total tourism jobs, by sex

GOAL 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS

16.1.1 Intentional homicide, by sex

16.1.2 Conflict-related deaths, by sex

16.2.2 Victims of human trafficking, by sex

16.2.3 Sexual violence against girls

16.7.1 Women in public institutions

16.7.2 Perceptions of inclusion in decision-making, by sex

GENDER SPARSE INDICATORS

Goal 2- No Hunger

2.3.2 Average income of small scale food producers, by sex

GOAL 10 - REDUCED INEQUALITIES

10.2.1 People living below 50% of median income, by sex

GOAL 11 - SUSTAINABLE CITIES AND COMMUNITIES

11.2.1 Access to public transport, by sex

11.7.1 Share of open public space in built-up urban areas, by sex

11.7.2 Victims of physical or sexual harassment, by sex

GOAL 13 - CLIMATE ACTION

13.b.1 LDCs and SIDS receiving support for climate change related planning and management

GENDER BLIND INDICATORS

GOAL 6 - Clean water and sanitation

GOAL 7- Affordable and clean energy

GOAL 9 -Industry, innovation and infrastructure

GOAL 12 -. Responsible production and consumption

GOAL 14 -Life below water

GOAL 15 - Life on land

Public Organisations

Organisations	Number	Comment
Ministries	43	Under an elected or appointed member of parliament. Numbers may change from time to time during the term of parliament
Departments	121	
Public institutions	425+	
Special Spending Units	272	
Provincial administration (Provincial Councils)	9	Elected
District administration	25	Sub divided into divisions
Local Authorities (Municipal Council, Urban Councils Pradeshiya Sabha)	325	Elected
Total	1,220	

Note: Numbers could vary