

Establishment of Gender Mainstreaming Programmes at Ministerial Level.

Right to equal treatment for all irrespective of gender has been ensured by Article 12 of the Second Republican Constitution of the Democratic Socialist Republic of Sri Lanka of 1978. At the same time, under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) that Sri Lanka has acceded to in 1981, minimizing all forms of violence against women has been identified as a key component. The government is committed to eliminate all forms of discrimination and violence against women and to create a safe environment conducive for physical, mental, social and intellectual development and education of children in line with human rights and fundamental freedom and the government has taken measures in that regard which have been given priority.

During the 57th session of the Committee on the Status of Women which took place from 4th - 15th of March, 2013 under the priority theme of "Elimination and Prevention of all forms of Violence against Women and Girls", the aforesaid matters were identified as obligations to be fulfilled. Under that, the government has expressed the consent to set up a gender focused unit in public institutions initially and to extend such to the private sector as well.

Likewise, at the CEDAW committee session held in Geneva in 2011 according to article 35 (a) (b) and (c) Convention on the Elimination of all forms of Discrimination Against Women that was ratified by Sri Lanka in 1981 it has been specified that measures relevant to the protection of women from sexual harassment at work place should be implemented and that those measures should be included in the next periodic report. As the initial step towards this, approval was obtained for the Cabinet Note dated 3rd May 2006 bearing number 06/0746/223/003 and titled "Establishment of Committees of Inquiries regarding sexual harassment at work place" presented by the then Ministry of Child Development and Women Empowerment.

To further implement these measures, implementation of anti sexual harassment at work place policy in all public institutions, review, setting up in those institutional committees authorized

to take action in relation to complaints on sexual harassment at work place and monitoring the implementation of anti sexual harassment policy in the private sector were included, under No. 4 of the Chapter on Women's rights in the National Action Plan for the Protection and Promotion of Human Rights.

Accordingly, when graduate trainees were recruited in 2013, approval was obtained for 53 posts of Gender Focal Points and they were attached to all relevant Ministries. These officers were given a 3 months theoretical and practical training after recruitment. By now the number of these female officers has dwindled to 6 as most of them have obtained transfers to other institutions as Development Officers, teachers, etc. owing to reasons such as lack of support from the Ministries they were attached to, their lack of knowledge regarding the subject and lack of recognition for this subject in those Ministries. However, we are accountable as a country to the United Nation as well as to various organizations championing human rights, in relation to eliminating all forms of discrimination against women.

Thus the Ministry of Women and Child affairs is taking the initiative to re-establish these posts and re-structure them with the aim of minimizing violence against women in public institutions, ensuring gender equality and equity in public institutions and achieving sustainable development goals. Similarly, allocation of provisions that enable the receiving of direct income by women in rural development has been ensured by the approval granted by the Cabinet of Ministers for the proposal "Allocating a minimum of 25 percent of the project investments for rural economic development for women" bearing number 15/1983/740/005 dated 09.03.2016, submitted by the Ministry of Women and Child Affairs. Under this, the channeling of provisions to direct income for women under gender budgeting will contribute to minimize violence against women and children. The Additional Secretaries / Directors nominated by each Ministry as Gender Mainstreaming Coordinating Officers will be assigned the responsibility to check whether such allocation of funds has actually occurred. Therefore, the Ministry has made arrangements to establish these Gender Focal Point in a new form.

The scope of work of the Gender Mainstreaming Coordinating Officers

Responsibilities relevant to the aforesaid posts will be held by an Additional Secretary/ a Director of the respective Ministry and the said officer has to identify activities in the programme relevant to the afore mentioned subject and report to the Ministry of Women and Child Affairs on quarterly basis in relation to the duties assigned to that office..

Key responsibilities of the Gender Mainstreaming Coordinating Officers

- i. Promoting Gender mainstreaming policies and practices to eliminate discrimination against women and girls.
- ii. Creating and maintaining projects and programmes to facilitate equality practices for men.
- iii. Maintaining gender balance and implementation of gender budgeting.
- iv. Formulating programmes, systems and measures to minimize the occurrence of gender based violence.

Key activities

- (1)
 - 1.1 Promoting gender based policies and practices within the Ministry as well as in the institutions affiliated to it.
 - 1.2 Reviewing the current policies and practices within the Ministry and submitting proposals and recommendations in order to amend these policies and practices to enable the implementation of the same based on gender equality.
 - 1.3 Formulation of policies, rules, plans and programmes in order to ensure gender mainstreaming in achieving the targets of the Ministry, as well as the sustainable development goals.
- (2)
 - 2.1 Creating and maintaining projects and programmes based on gender mainstreaming within the Ministry as well as in the institutions affiliated to it.
 - 2.2 Formulation of programmes, systems and measures to minimize the occurrence of gender based violence within the Ministry as well as in the institutions affiliated to it.
 - 2.3 Taking measures to maintain Gender balance in the decision making process of the Ministry and the affiliated institutions and in the committees appointed for that purpose.

2.4 Avoiding attitudes which are damaging to women and girls in the implementation and creation of programmes and implementation of programmes to ensure equality and equity

(3)

3.1 Giving priority to gender budgeting in formulating all programmes of the Ministry.

3.2 Analyzing whether equal budget allocations have been made for men and boys and women and girls in formulating projects and programmes and whether both parties have benefitted equally through that.

3.3 When projects and programmes are formulated by the Ministry formulation and planning of the same based on gender budgeting ,

3.4 Monitoring whether the Ministry and its affiliated institutions are acting in line with "Allocating a minimum of 25 percent of the project investments for rural economic development for women" bearing number 15/1983/740/005 dated 09.03.2016 submitted by the Ministry of Women and Child Affairs.

3.5 Follow up, analysis and auditing on implementation of gender sensitive programmes .

(4)

4.1 Formulation of programmes, systems and measures to minimize the occurrence of gender based violence within the Ministry and in the institutions affiliated to it.

4.2 Acting under the cabinet note dated 3rd May 2006 bearing number 06/0746/223/003 and titled "Establishment of Committees of Inquiries regarding sexual harassment at work place" presented by the then Ministry of Child Development and Women Empowerment.

To act in line with this cabinet note, the guide lines prepared by the National Committee on Women under the Ministry of Women and Child Affairs have to be followed.

Setting up committees within the Ministry and other Institutions and follow up on its activities.

4.3 Creating an environment that facilitates relief through these committees for sexual harassment and violence against women within the institutions..

4.4 Referring persons who ~~requires~~ relief and services to obtain counseling services and health services and legal assistance as required.

A specific plan of activities for his or her Ministry has to be prepared by the Officer targeting the four key areas mentioned above. For this purpose the cabinet note "Allocating a minimum of 25 percent of the project investments for rural economic development for women" bearing number 15/1983/740/005 dated 09.03.2016 submitted by the Ministry of Women and Child Affairs and "Action plan for elimination of Gender based violence" can also be used. The progress of the programmes implemented in line with the plan has to be reported to the Ministry of Women and Child Affairs. The format for reporting the progress is given below.

The activities carried out by these officers are mainly evaluated by the Ministry of Women and Child Affairs. At the same time the progress is reviewed on a quarterly basis under the criteria given below.

Establishment of Gender Mainstreaming programme at Ministerial level – Evaluation of Performance

Key area of responsibility	Functions	Performance Indices	functions performed quantitatively
1. Promoting Gender based policies and practices to eliminate discrimination against women and girls.	1.1 Promoting gender based policies and practices within the Ministry as well as in the institutions affiliated to it.	Number of newly introduced / implemented policies, rules and plans	
	1.2 Reviewing the current policies and practices within the Ministry and submitting proposals and recommendations in order to amend these policies and practices to enable the implementation of the same based on gender equality.	Number of policies and measures improved based on gender concepts	
	1.3 Formulation of policies, rules, plans and programmes in order to ensure gender in achieving the targets of the Ministry, as well as sustainable development goals.	No. of programmes formulated	
2. Creating and maintaining projects and programmes based on gender within the Ministry as well as in the institutions affiliated to it.	2.1 Creating and maintaining projects and programmes based on gender within the Ministry as well as in the institutions affiliated to it.	Number of programmes implemented directly targeting women	
	2.2 Formulation of programmes, systems and measures to minimize the occurrence of gender based violence within the Ministry as well as in the institutions affiliated to it.	Number of programmes and methods formulated	

	2.3	Taking measures to maintain Gender balance in the decision making process of the Ministry and the affiliated institutions and in the committees appointed for that purpose.	Number of committees, councils, associations, maintained with gender balance	
	2.4	Avoiding attitudes damaging to women and girls in the implementation and creation of programmes and implementation of programmes to ensure equality and equity	Number of programmes with criteria included for alleviating gender disparities.	
3. Maintaining gender balance and implementation of gender budgeting.	3.1	Giving priority to gender budgeting in formulating all programmes of the Ministry.	Number of programmes that allocated provisions targeting women.	
	3.2	Analyzing whether equal budget allocations have been made for men and boys and women and girls in formulating projects and programmes and whether both parties have benefitted equally through that.	Number of analysis reports on benefits of provisions allocated as per gender	
	3.3	When projects and programmes are formulated by the Ministry, formulation and planning of the same based on gender budgeting ,	No. of programmes planned on gender budgeting	
	3.4	Monitoring whether the Ministry and its affiliated institutions are acting in line with "Allocating a minimum of 25 percent of the project investments for rural economic development for women" bearing number 15/1983/740/005 dated 09.03.2016 submitted by the Ministry of Women and Child Affairs.	Percentage of total investments made for women through institutions affiliated to the Ministry	

	3.5 Follow up, analysis and auditing on implementation of gender sensitive programmes .	The number of reports prepared including data disaggregated based on gender and the number of institutions following that practice.	
4. Formulating programmes, systems and measures to minimize the occurrence of gender based violence.	4.1 Formulation of programmes, systems and measures to minimize the occurrence of gender based violence within the Ministry and in the institutions affiliated to it.	Number of Codes of ethics prepared and the number of institutions implementing them. Number of programmes conducted to increase sensitivity and raise awareness	
(Implementation of this is given in Annexure 2)	4.2 As the initial step towards this, approval was obtained for the cabinet note dated 3 rd May 2006 bearing number 06/0746/223/003 and titled "Establishment of Committees of Inquiries regarding sexual harassment at work place" presented by the then Ministry of Child Development and Women Empowerment. To act in line with this, the guide lines prepared by the National Committee on Women under the Ministry of Women and Child Affairs have to be followed. Setting up Committees within the Ministry and other Institutions and follow up of their activities.	Number of incidents reported and the number for which relief and services were provided. Number of committees set up and the number of activities implemented through them.	

	4.3 Creating an environment that facilitates relief for harassment and violence against women within the institutions through these committees..	Number of follow up reports prepared	
	4.4 Referring persons who expect relief and services to obtain counseling services and health and legal assistance as required.	The number referred for counseling, legal aid and health services.	

**Establishment of
committees at public
sector institutions to
eliminate gender
based violence**

Policy position

- Cabinet approval has been granted for the policy on 26.04.2006.
- Included in the National Plan on Human rights.
- Establishment of these committees has been emphasized in the observations in the last report related to the Convention on the Elimination of All forms of Discrimination Against Women.
- Mentioned in the Women's charter
- Indecent conduct in public places has also been mentioned under conduct in Part II of the Establishment Code.

What is sexual harassment at work place?

- Sexual harassment is a discrimination against women.
- Physical, verbal and non verbal advances or conduct sexual in nature and evoke displeasure, that are unwelcome and intimidating
- Taking sexual bribes is also included.

Legal position

- No one can be subjected to violence as provided from Article Twelve to Article Fourteen of the Constitution
- According to the Penal Code use of any threatening action, verbal or in actions or words criminal in nature against another person is a punishable offence. Punishable with imprisonment for 05 years or fine or with both imprisonment and fine.
- Anti Ragging Law
- Labour Law
- Bribery Law
- Womens' charter

Investigation committee

- Minimum membership is 3.
- Equal representation of women and men required.
- One representative of the management, one representative of the Trade Unions and an outsider representative appointed with the consensus of both of those sectors

Functions of the committee

- Listening to, receiving and investigating complaints on sexual harassment
- Conducting discussions with all stakeholder personnel to prevent sexual harassment and raise awareness in this regard.
- Creating awareness on laws related to ethical behaviour at work place
- Improving awareness on incidents of sexual harassment and launching programmes in this regard
- Distributing details of the committee members among the employees
- If disciplinary action is required on the nature of the complaint, referring the report of the initial investigation to the relevant authorities to take action in compliance with the disciplinary code.

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Cabinet Memorandum
Ministry of Women and Child Affairs

Establishment of Gender Mainstreaming Programme at Ministerial Level

The government is committed to eliminate all forms of discrimination and violence against women and to create a safe environment conducive for physical, mental, social and intellectual development and education of children in line with human rights and fundamental freedom and this Ministry has given priority to translate that commitment into action.

Furthermore, the 57th session of the Commission on the Status of Women (CSW) held in March 2013 had “Elimination of all forms of violence against women and girls” as its priority theme and establishment of Gender Mainstreaming Committees within public institution has been emphasized during that session.

The report presented by Sri Lanka at the session of the Committee held in Geneva in 2011, in compliance with the convention on the Elimination of all forms of Discrimination Against Women (CEDAW) ratified by Sri Lanka in 1981, has stated that legal and other measures to protect women from sexual harassment at work place must be implemented and included in the next periodic report.

The programme to establish Committees of Inquiries in relation to sexual harassment at workplace was commenced by this Ministry in 2006. Hundred and five (105) such committees were established by 2008 and awareness programmes were also been conducted regarding the functioning of these committees. In addition to that, monthly follow up was carried out on the progress of the Committees by summoning the officers of the committees to our Ministry. Guidelines for the functioning of those Committees were distributed to the Ministries and the Departments under them. But these committees remain inoperative at present due to various reasons and the Ministry has made arrangements to establish them again in a new form.

Likewise, approval for 53 posts of Gender Focal Points has been obtained when Graduate Trainees were recruited in 2013. The female officers recruited accordingly were provided full time theoretical and practical training in gender mainstreaming and they were attached to all the Ministries. The expected targets of our Ministry could not be achieved due to lack of support for those officers from the respective Ministries they were attached to, lack of proper recognition for this subject and due to lack of proper guidance for these officers to act in relation to gender mainstreaming. At present only six (6) out of those officers remain.

However, we are under obligation as a country to be accountable in relation to elimination of all forms of discrimination against women to the United Nation as well as to various organizations championing human rights. Accordingly, it has been planned to assign the responsibility of the implementation of gender mainstreaming programme to an Additional Secretary / Director of the relevant Ministries. This Additional Secretary / Director (Co-ordinating Officer) will have to maintain gender balance, implement gender mainstreaming and gender budgeting and establish the committee to eliminate sexual harassment in the Ministry itself and in the Departments and district and divisional institutions under it. The programme prepared for this purpose is given in (Annexure 01 and 02) Ministry of Women and Child Affairs will conduct awareness and empowerment programmes on gender and gender related issues for those institutions.

At the same time, I wish to propose that it is appropriate to include the 53 posts of Development Officers approved for Ministry of Women and Child Affairs by the Management Services Department into the cadre of each Ministry and grant appointment from that Ministry itself to a suitable Development Officer to assist the proposed Additional Secretary / Director, considering the difficulty faced by the officers earlier attached to those Ministries in implementing the programmes.

Accordingly, I hereby seek the approval of the Cabinet of Ministers for taking the following measures in order to implement the programme proposed in Annexure I and II.

To establish the gender mainstreaming programme in every Ministry.

To implement this programme under the supervision of an Additional Secretary / Director of the each relevant Ministry itself.

To include the 53 posts of Focal Point Officers already approved for the Ministry of Women and Child Affairs in the approved cadre of each Ministry and appointment of a suitable Development Officer from the relevant Ministry to assist the Additional Secretary / Director and ,

To assign the supervision and follow-up of this programme to a sectoral oversight committee comprised of the Secretary to the Ministry of Women and Child Affairs, two active members of non – governmental organizations and the Additional Secretary / Director of the relevant Ministries assigned with the responsibility for the subject.

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