Conference Proceedings
4th World Conference on Women’s Studies
(WCWS 2018)

03 – 05, May 2018
Colombo, Sri Lanka

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MESSAGE FROM THE CHAIR WCWS 2018

College of Humanities and Social Sciences
Anthropology Department

Greetings and welcome to Colombo, Sri Lanka and to the Fourth, World Conference on Women’s Studies.

It is with great pleasure that I serve as conference chair for the third time for the World Conference on Women’s Studies, organized by The International Institute of Knowledge Management (TIIKM). Bridgewater State University, my home institution, is honored to be a hosting partner. I attended the second and third conferences in Colombo in 2016 and 2017, for which I also served as conference chair. The 2018 conference, like the previous one, is in part shaped by observations and insights from the previous conferences, and we are pleased to offer some additional features to the regular panels for the event. 1) The World Conference on Women’s Studies (WCWS) Forum: “Women’s Economic Empowerment and Increasing Leadership Opportunities”. This is a panel of scholar-activists who will address key challenges and potential solutions for gender equality via economic and leadership opportunities, both within Sri Lankan and wider global contexts; 2) A publishing workshop to encourage submissions to partnering journals; and 3) A youth forum where we can learn from local youth about challenges they face an and to encourage awareness of gender and women’s issues.

As with last year, this year we also look forward to a stimulating and provocative conference, one that challenges our ideas, builds our connections with one another, and invigorates us in our work. The theme, Women’s Studies: Gendered Scholarship, Activism, and Storytelling for a Sustainable Planet, promises to help us achieve these goals by highlighting the current challenges we face in building resilient local, regional, and global women’s movements that respond to the increasing pressures of climate change. Women’s stories are critical in this endeavor.
I want to thank TIIKM on behalf of all conference participants, for organizing the conference, juggling all the logistical details including the hotel, meals, program, and other features of the conference planning. This group of sharp thinking, energetic, and hopeful conference organizers continue to add to the human story through their innovative conference themes, tackling the most difficult, persistent, and pressing topics of our times, bringing scholars, activists, policymakers, educators, artists and others together from across the region and the planet.

Please take every opportunity during the conference to engage with one another, to discuss your ideas for research, writing and practice. I also hope that you take some time to explore Colombo in all its vibrancy. Welcome to the conference!

Conference Chair WCWS 2018,  
Diana J. Fox,  
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Anthropology Department,  
Bridgewater State University,  
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PARTICIPATION AND VOICE OF WOMEN IN COMMUNITY-BASED ORGANIZATION (A SPECIAL REFERENCE TO MATHAGAL EAST RURAL WATER SUPPLY)

Cavitha Balachandran*

University of Jaffna, Sri Lanka

Abstract: Participation of Women in Community-Based Organizations has the significance for the controlled access of community resources, enhanced decision-making and chipping away at socio-cultural norms that constrain the voice of women. Women empower the Programmes managed by the community with an initial support from the government or international organization are considered as the useful strategy to provide safe drinking water to the rural communities in the world to achieve the “gender equality”, sustainable development goal of UN. Across the developing countries, studies show that the Women are active participants in CBOs but they are still underrepresented in leadership positions and entrenched traditional views and cultural practices continue to restrict their public roles. This research aims to identify the participation and capability of women in community-based organizations to manage rural water supply. Furthermore, this study tends to propose some recommendations to enhance the women participation in CBOs. Primary data were collected by field observation, interview, questionnaire survey and discussion methods and secondary data were obtained from different official sources. Research samples were selected through Simple Random sampling method. Descriptive statistical analysis was used for this study. The study concludes that the women participate actively in CBOs during various stages and hold higher positions in the CBOs. Women in the CBOs are capable to manage the rural water supply with sustainability. Poor education and leadership, socio-cultural influences, domestic and family responsibilities and religious beliefs are some factors hindering the women’s participation in CBOs. Some useful recommendations are proposed here to enhance women’s participation in CBOs. These findings help the researchers, planners, policy makers and graduates to advance women’s participation in CBOs.

Keywords: Women Participation, Community Based Organizations, Rural Water Supply

Introduction

Background of the study

Participation of Women in Community-Based Organizations has significance for the controlled access of community resources, enhanced decision-making and chipping away at socio-cultural norms that constrain women’s voice (Asian Development Bank Report, 2014). Women empower the programmes managed by the community with an initial support from governments or international organizations which are considered as the useful strategy to provide safe drinking water for the rural communities in the world to achieve the “gender equality”, sustainable development goal of United Nations.

The importance of involving women in the management of water and sanitation has been recognized universally at the United Nations Water Conference at Mar del Plata in 1977. Following that, the International Drinking Water and Sanitation Decade (1981-1990) and The International Conference on Water and the Environment in Dublin (January 1992) explicitly recognize the central role of women in the provision, management and safeguard of water. The United Nations conference on Environment and Development in Rio de Janeiro, the World Summit on Sustainable Development in Johannesburg and the Water for Life

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International Water and Sanitation Centre and World Bank Studies found that projects are designed and run with the full participation of women which are more sustainable and effective (United Nations Water Report, 2006). Wallace and Coles (2005) states that efficient participation tools that encourage the female participation within the water management at all societal levels constitutes a vital element for promoting sustainable and efficient water supply management and distribution. Across the developing world studies show that the women are the active participants in Community-Based Organizations such as water user groups, sanitation committees, farmer groups, loans and savings groups, and irrigation user groups (Asian Development Bank Report, 2014). However, they are still underrepresented in leadership positions and entrenched in traditional views and cultural practices which continue to restrict their public roles. According to Wilson (2009), it is apparent that the progress towards women participation in development has encountered obstacles at the institutional level all over the world.

Among traditional societies of the world, men and women were assigned for various roles (Start, 2008). In most cultures, women have the primary responsibility for the use and management of water resources and for sanitation and health at the household level. Women and girls are often obliged to walk many hours every day fetching water while men are almost never expected to perform such tasks. Yet the water facilities are provided without the involvement of women, who want the facilities properly. Despite they are denied to come out with their opinions in relation to water and sanitation and the services they receive. Women and children suffer a lot to fetch water as they commonly carry it for domestic purposes as they are responsible for these (Karolin Svahn, 2011).

In the post era of the thirty years of ethnic war, the drinking water has become a serious issue in Jaffna Peninsula. Ground water is the only natural resource and it is often polluted due to sea water intrusion into the fresh water lens, nitrate pollution through the continuous use of organic manure and inorganic fertilizers, improper planning of soakage pits and latrines (Nanthini, Mikunthan, Vijayaratnam, 2000). High incidence of water borne diseases are reported in the surveys, including diarrhoea, dysentery, typhoid, hepatitis, parasitic infections, and skin rashes, during the rainy season especially for women and children (Asian Development Bank Report, 2011). Mostly women and children in rural areas, spent up to four hours per day walking 3–6 kilometers to fill the containers with water (Asian Development Bank Report, 2011). In this situation, National Water Supply and Drainage Board has implemented the Community Based Water Supply and Sanitation Project for the first time to reduce poverty, empower the women and improve the quality of life in post-conflict rural communities in Jaffna and Kilinochchi districts through women participation and Water Supply and Sanitation (WSS) services in order to achieve Millennium Development Goals and the Sustainable Development Goals. However, there are insufficient studies conducted in Jaffna peninsula regarding Gender and water management. Thus this study gets its significance to evaluate the women participation in community-based organizations and community-based development projects.

**Statement of the problem**

The effective participation of women is strongly associated with water supply and the effectiveness and sustainability sanitation project. Across the developing countries, the studies in Gender and Development show that the Women are willing to participate actively in Community Based Organizations but the traditional views and cultural practices continue to restrict their public roles and leadership positions. The participation of women in community – based is a serious challenge that the developing countries governments and foreign donors are facing when starting community-based water supply and sanitation projects. This study involved with participation and capability of women in community-based organizations to manage rural water supply, challenges and possible recommendations to activate women participation in Community Based Organizations.
Objectives of the study

The main objective of the study is to identify the participation and capability of women in community-based organizations to manage rural water supply.

Second one tends to propose some recommendations to enhance the women participation in community-based organizations and execute water supply efficiently.

Significance of the study

The findings of the study contribute to enhance the women’s participation in different phases of community-based development projects and empower the capability of women in community-based organizations to manage rural water supply efficiently.

These research findings are helpful to the Governmental organizations, Non-governmental organizations, Academicians, Researchers, Policy makers and Planners to advance women’s participation in development projects.

Limitations of the study

In undertaking the study, a number of limitations were encountered :-

Community Based Water Supply and Sanitation project implemented in Vaddakachchi, Akkarayan, Mathagal East, Delft, Shanthai divisions, even though this study only involved women participation in community-based organizations in Mathagal rural water supply. The second limitation was attributed to the authentication of the information given by the respondents. Majority of the respondents were reluctant to give detailed information. Some attempted to conceal crucial and correct facts, while others shy away from responding to the questionnaire. The third limitation was attributed to the sample size and generalization of the findings.

Research Area

Mathagal East is a coastal area situated 16 Km away from Jaffna Town in the North of Sri Lanka, to the North West of Jaffna. It has an area of 1.81 square kilometers and surrounded by Mathagal Sea, Mathagal South, Mathagal West and Mareesankoodal and consists eleven parts. Agricultural lands, settlements, shrubs and waterbodies are the major land use of this area and majority of the people engaged in Agricultural and fisheries sectors. According to the statistical handbook of the Vali south west divisional secretariat only 33 percentages of people access the safe drinking water and 84 percentages access to the basic sanitation facilities. Most of the wells in research area only use for the secondary purposes due to the salinity problem.

The census conducted by the Department of Census and Statistics shows the Mathagal East is having 1075 male population and 1119 female population in the year 2017. Mathagal East Rural Development Association, Thuraimugam Rural Development Association, Sahayapuram Rural Development Association, Pukkaipulo Women Association for Rural Development, Mathagl East Youth Club, Mathagal East Farmers Association, and Navalar Community Development Center are the community-based organizations in the research area that involve in community-based development projects.
Methodology of Research

Primary and Secondary data were used for this study. Primary data was collected by Field observation, Interview, Questionnaire survey, discussion methods and secondary data was obtained from report of Asian Development Bank, pamphlets of National Water Supply Drainage Board, Statistical hand book of Valikamam South West Divisional Secretariat, report of Mathagal East Water User Committee. All the members in CBOs were selected for this study. Research samples (100 samples) were selected from women beneficiaries through Simple Random sampling method and NWSDB officers from Non-probability sampling. Descriptive statistics was used for this study. The data collected through questionnaire survey have been analyzed using MS excel software.
This diagram shows the sampling size of women Beneficiaries

Total beneficiary population
200 Families

Mathagal East 10
Sahayapuram 10
Konavalai 10
Thuraimugam 10
Ammal koviladi 10
Navalar Road 10
Kanchipuram 10
Pukkaipulo 10
Main Road 10
Kusumanthurai 10

Total samples 100

This diagram shows the sampling size of NWSDB officers

Total samples - 6

Engineers -2
Field officers-2
Technical officers-2

Source- By researcher (2017)
Methodology of Research

- Literature Survey
- Problem Identification
- Data Collection

Primary Data Collection
- Field Observation
- Discussion with CBO members & Beneficiaries
- Interview with NWSDB officers
- Questionnaire survey

Secondary Data Collection
- ADB Report on CBRWSSP
- Vali South West Divisional Secretariat Statistical Handbook
- NWS&DB Pamphlets & Maps
- Mathagal East GN Division Data book

- Data Analysis Techniques (Ms-Excel)
- Data Analysis Methods - Descriptive
- Findings (Women participation in CBO)
- Recommendations
Data Analysis and Findings

Pukkaipulo Women Rural Development Committee and Mathagal East water user committee are the key community-based organizations for the rural water supply in this research area.

Details of the female respondents in Community Based Organization

It is very important to identify the demographic characteristics of the respondents to achieve the desired responses in the study.

Age range of the female respondents in Community Based Organization

Age is a very important variable in influencing the demographic characteristics of the respondent. 30 percentages of the respondents are in 20 to 30 years, 40 percentages of the respondents are in 31 to 40 years, while those above 41 years.

Gender role in Community Based Organization

Gender means socially constructed roles, behaviors, activities and attributes which a particular society consider that is appropriate for men and women. 100 percentages of committee members are female in Pukkaipulo Women Rural Development Committee and 60 percentages of the committee members are male while 40 percentages are female in Mathagal water user committee. This study is mainly concerned with female committee members; however, there was a need to get some ideas from men who works closely with women especially in women enterprise development.

Highest level of Education

Education improves the ability of a person to think critically and understand the issues. Active involvement in organizational activities depended mainly on education. 40 percentages of the female members who had primary education, 30 percentages had secondary education and 20 percentages of them had tertiary education. This suggests that all the respondents should have at least basic education and its assumed that they could make any decisions.

Service Experience of the female members in Community Based Organization

40 percentages of the female committee members have less than one-year service experience, 34 percentages of them have two-year service experiences, 6 percentages of them have 6 years and 20 percentages of them have more than 20 years’ service experience in Community Based Organization.

Women Participation in Community Based Organization during the different phases of Mathagal East community based rural water supply and sanitation project

As a result of analyzed data, this research findings emphasized female committee members highly involved in community-based organizations during the planning, designing, decision making, implementing stages and slightly engaged in operation and maintenance stages of community based rural water supply and sanitation project. Pukkaipulo Women Rural Development Committee and Mathagal East water user committee are the key community-based organizations for the rural water supply in this research area. More than 60 percentages of the female committee members stated that they are holding many positions in Community Based Organization as president, secretary, treasurer, members, team leader for construction works, organizer for meetings, awareness programs and medical camps and monitor for operation and maintenance work.
The above figure shows that more than 70 percentages of women in community-based organization actively participated in the planning and decision-making stages which are considered the most important phase of the project success.

60 percentages of female committee members actively involved in the discussions and meetings regarding the location and design of the water supply facilities during the designing phase such as design the water tower stand posts, common taps and pipelaying.

Nearly 80 percentages of female committee members from community-based organization stated that they were involved in the construction works such as construction of well, water pumping station, meter room, valve room and chlorinity room in Pertyavilan, pipelaying through Uyarapulam road and Anthoniyar road to water tower, water tower construction at Pallakulam, construction of thirty stand posts, fitting solar panel and latrine construction under cash for work programme. Most women from women rural development committee contributed by cooking and bringing the meals to the construction site workers who engaged with digging land, earth filling and construction of well tasks. Some female committee members perform some preparation tasks before the construction phase such as cleaning the well construction and tower construction sites, removing the unwanted stones and bushes in the road site where the community need to lay the pipes. Most of the female committee members were participated in the implementation stage as volunteers.

40 percentages of female committee members engaged in operation activities of rural water supply such as providing water supply in regular basis and repairing water pumps, pitting damaged pipes and solve the technical problems. 40 percentages of women involve with maintenance, monitoring activities and managing the water supply in sustainable manner. They are responsible for monitoring the 30 stand posts in the water supply time for preventing the waster of water and water pollution. In the same time, they prepare the water bills and collecting monthly water fees, maintaining bank accounts, book keeping, pay the payment for the services monitoring water quality and conducting meetings and awareness Programmes.
The study found that more than 75 percentages of female committee members were actively involved in organizing and participating in the general meetings, hygiene awareness Programmes, health clinics, women and social empowerment Programmes in school and social level with the proper guidance of National Water Supply and Drainage Board, Sevalanka and Health ministry. Most of the women in Community Based Organization participated in the livelihood development Programmes such as Jam production and Palmyra based production. As the same time 10 of the female committee members actively worked as social mobilizers for creating social maps.

Assess the Capability of female committee members to manage rural water supply schemes

Table 01: capability of female committee members to manage rural water supply schemes

<table>
<thead>
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<th>More capable</th>
<th>Partially capable</th>
<th>Less capable</th>
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<tr>
<td>Technical skills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation and maintenance</td>
<td>60%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Repairing</td>
<td>10%</td>
<td>20%</td>
<td>70%</td>
</tr>
<tr>
<td>Monitoring</td>
<td>70%</td>
<td>20%</td>
<td>10%</td>
</tr>
<tr>
<td>Administrative skills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collecting water fees</td>
<td>80%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Maintaining Bank Accounts</td>
<td>60%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Book Keeping</td>
<td>80%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Pay the payment for services</td>
<td>70%</td>
<td>20%</td>
<td>10%</td>
</tr>
<tr>
<td>Personality skills</td>
<td>70%</td>
<td>20%</td>
<td>10%</td>
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<tr>
<td>Problem solving</td>
<td>70%</td>
<td>20%</td>
<td>10%</td>
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<tr>
<td>Planning</td>
<td>60%</td>
<td>20%</td>
<td>20%</td>
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<tr>
<td>Leadership</td>
<td>70%</td>
<td>20%</td>
<td>10%</td>
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<tr>
<td>Decision making</td>
<td>70%</td>
<td>10%</td>
<td>20%</td>
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*Source- Questionnaire survey (2017)*

**Factors hindering women participation in Community Based Organization during the operation and maintenance stages**

Women participation in Community Based Organization has been hindered or affected by several factors. 50 percentages of respondents said that the long period war and its effects and internal political situation is the main obstacle for the empowerment of women in research area. 40 percentages of respondents’ state that as a result of these domestic and family responsibilities many women are not ready socially, intellectually and politically. This leads to low confidence and lack of self-esteem. 30 percentages of them stated that socio cultural influences are very strong tools for hindering women participation in Community Based Organization. Such social norms and behaviors are the determining factor of the behavior of the society and capture the mindset of people especially in rural areas. In the point of view of 30 percentages of respondents that the lack of experience is the key factor for the hesitation of women to take leadership roles. Women themselves shy away from taking up leadership challenges and our society does not give a chance to women to participate in Community Based Organization. 20 percentages of respondents’ state that the biggest obstacles to women becoming empowered are their own attitude and lack of confidence in their abilities.

From our traditional culture and belief that men are superior to women and therefore the decision makers. 10 percentages of them stated that lack of education and unawareness of hygienic practices, women empowerment are the hindering factors for the women participation in Community Based Organization. Religion is an integral part of society and it has been used as a tool for social control. 10 percentages of respondents’ state that religious beliefs creating a barrier to women’s participation in development activities in research area.

*Figure 04: Factors hindering women participation in Community Based Organization*

*Source- Questionnaire survey (2017)*
Recommendations

In view of the above Findings this study proposes the following recommendations to enhance the women participation in community-based organizations to execute water supply efficiently

- Setting female quotas for women participation in community user groups can help to slowly chip away the social norms and confront cultural barriers to facilitate women’s effective membership and leadership of Community Based Organization and create the space for women’s entry into the public space of community decision making
- Complementary Capacity building initiatives such as leadership, advocacy and facilitation training and workshops are required to build women’s technical administrative, personality skills and contributed to their social empowerment and mobilization
- Make sure that sector meetings at community level are organized to overcome socio cultural and religious barriers to women’s participation in Community Based Organization
- Providing technical training, financial training, administrative training to the female committee members of Community Based Organization to manage rural water supply in sustainable manner
- Increasing the participation of young, energetic, knowledgeable, skillful female committee members in Community Based Organization
- Conduct effective environmental conservation Programmes, hygiene awareness workshops, gender awareness workshops and women empowerment Programmes in community and school level to give awareness regarding the safe drinking water, sanitation practices and empower the women in rural areas
- Promote that operational agencies to provide information for decision making on policies, strategies, plans and investments that accessible to women and marginalized groups

Importance of women’s participation in Community Based Organizations

World Commission on Environment and Development (WCED) points out that the “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs” is sustainable development. For attaining the sustainable development, women need to be empowered for active participation in Community based development projects. Empower women for leadership is an essential need that gives them the courage needed for participating in Community Based Organization and worked as a manager of the human and financial resources of an organization, an organizer, mobilizer, motivator, producer, communicator, and planner.

Participation of women in Community Based Organization is necessary because of “the essence of participation is exercising voice and choice and developing the human, organizational and management capacity to solve problems as they arise in order to sustain the improvement” (Zablon Bundi Mutongu, 2012). The active participation of women is strengthening women’s ability to make decisions, accomplish tasks effectively and maximize the outcomes of their efforts (Zablon Bundi Mutongu, 2012). The United Nations Economic Commission for Latin America and the Caribbean (ECLAC) states, “women at all levels of responsibility have always been involved in activities for the improvement of the quality of life of their families and communities.

Conclusion

The study concludes that the women participate actively and hold higher positions in the Community Based Organization during the various stages of Mathagal Water supply and Sanitation Project. The female committee members in the Community Based Organization have technical, administrative and personality skills significantly and capable to manage the rural water supply in sustainable manner. However Poor education, lack of leadership experience, socio cultural influences, domestic and family responsibilities, long time war and internal political situation and religious beliefs are some factors hindering the women’s participation in Community Based Organization. These findings help the researchers, planners and policy
makers to empower the women capacity and advance their participation in Community Based Development Projects. In the same time this research has attracted research attentions especially in the field of water, sanitation and hygiene, gender equality.

Furthermore, there is a need to analyze the linkage between the active participation of women and the effectiveness of community Based Development projects. Another area which needs to be study further that the positive outcomes of participating women in the different stages of community-based development projects and the factors influencing women participation in community-based development projects.

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Annexure –

Administrative meetings of CBO

General meetings of CBO

Hygiene awareness programmes organized by CBO

Medical camps organized by CBO

Awareness programmes for students organized by CBO

Source: 2017
CBO involvement in the construction phase

Digging pits for pipe laying

Laying water supply pipes

Construction of stand post

FEMALE COMMITTEE MEMBERS OF CBOS INVOLVE IN IMPLEMENTATION, OPERATION AND MAINTENANCE PHASES

Source: Field Observation (2017)
WHO PERPETRATES VIOLENCE ON OWN SPOUSES? EVIDENCE FROM INDIA

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Abstract: Perpetration of violence by men on their spouses is taking place around the world while a general understanding of the underlying precipitating factors for this violence remains limited and significant knowledge about its root causes is lacking. It is very important to understand the version of spouse violence from the perpetrator’s perspectives too in order to have a complete comprehension of this violence and their violent behavior. A 24 item Men’s Childhood Experience of Gender Inequity Scale [MCE-GE] and an 18 item Men’s Childhood Experience of Violence Scale [MCE-V] are developed as part of this study as there were no cultural context tools available to assess these variables. In order to find out whether their childhood gender inequity attitude and violence experiences bear any impact on the prevalence of spouse violence of men, a study in multiple sites representing a range of gender equality and development indices within Gujarat, India is conducted and the findings indicate that there are very strong statistically significant links between childhood violence experiences and the perpetration of violence against women in adulthood, and this cycle of violence is facilitated and fuelled by the perpetrators’ childhood gender inequity experiences.

Keywords: childhood violence experiences, childhood gender inequity experiences, spouse violence, perpetration of violence

Introduction

Women around the world experience staggering levels of all types of violence by their spouses or intimate partners. This leads to complete devastation in their lives and blocks their overall development. Yet a general understanding about the underlying precipitating factors for intimate partner violence remains limited and significant knowledge about its root causes is lacking in the society even though some studies found that the factors which lead violence against women are unequal power relations, demographic diversities, gender hierarchies and power imbalance in family itself. It is only recently researchers started trying to find out the reasons behind this human rights violation inflicted upon women by their own husbands.

A 2014 study by the Washington based women’s rights and anti-poverty organization the International Center for Research on Women highlighted some incredible numbers. Nearly a fourth of the male survey respondents in India reported perpetrating sexualized violence at some point, a majority of them against an intimate partner- a girl friend or a wife. At the same time between 6 and 59 percent of ever-partnered women experience sexual violence (whether by a partner or non-partner) in their lifetimes.

This study contributes significantly to the body of evidence by exploring the prevalence of spousal violence as well as its link with childhood gender inequity and violence experiences of perpetrators. In addition to that it endows with a distinctive input to existing research on intimate partner violence by developing two standardized tools to measure the childhood gender inequity and violence experiences of men in a country like India.

Violence on Spouse: An overview

Violence against women is one of the most extreme manifestations of gender power inequalities used by many men to exert control and dominance over women (ICRW, 2012). Intimate partner violence refers to any
behavior within an intimate relationship that causes physical, psychological or sexual harm to those in that relationship. It includes acts of physical aggression, psychological abuse, forced sexual intercourse or any other controlling behavior (WHO, 2015). It may include a single act of violence, or a number of acts that form a pattern of abuse. This can have serious-and sometimes fatal-consequences for victims and for those who see or hear the violence (Department of Justice, Canada 2017).

Available literature suggests various reasons behind violence against women. While some argue that hierarchical gender relations, perpetuated through gender socialization and socio-economic inequities, are the root causes of violence against women (Heise et al. 1994), a multi-country study in Chile, India, Egypt and Philippines identified regular alcohol consumption by the husband or partner as a risk factor for any life time intimate partner violence across all four study countries (WHO 2015).

A National Seminar on violence against women sponsored by Indian Council of Social Science Research (ICSSR), MHRD, Government of India, New Delhi and Himachal Pradesh University, Shimla on 21st & 22nd August 2013 reported that the causes and factors of violence against women include entrenched unequal power relations between men and women that foster violence and its acceptability, aggravated by cultural and social norms, economic dependency, poverty and alcohol consumption etc.

Early childhood experiences of gender inequality have been found in many studies to shape people’s views and behaviors in their later life (Gil-Gonzales et al. 2008; UNICEF 2007; WHO, 2005; Heise, 1998). Intimate partner violence is a leading cause of death among adult women in the USA and is associated with maternal mortality in the UK.

Any form of violence significantly affects victim and the witness of such brutal acts. Violence in any form can erode a woman’s sense of self-worth and can be incredibly harmful to her overall mental and physical wellbeing (Committee on Health Care for Underserved Women. Intimate Partner Violence, 2012). According to a study by the National Centre for Biotechnology Information, suicide attempts in India are correlated with physical and psychological intimate partner violence (Vizcarra B, 2004).

From a psychological point of view, traumatized victims of violence are emotionally worn out. They may “withdraw, turn inward, appear depressed, display difficulties with attention, school achievement, and social engagement; they may assume the role of oppositional, aggressive perpetrator” (Marans & Cohen, 1993). Serious health problems often result from physical, emotional, and sexual forms of domestic violence.

Physical health outcomes include: injury (from lacerations to fractures and internal organs injury), unwanted Pregnancy, gynaecological problems, STDs including HIV, miscarriage, pelvic inflammatory disease, chronic pelvic pain, headaches, permanent disabilities, asthma, irritable bowel syndrome, self-injurious behaviours (smoking, unprotected sex). Mental health effects can include depression, fear, anxiety, low self-esteem, sexual dysfunction, eating disorders, obsessive-compulsive disorder, or post traumatic stress disorder. Fatal effects can include suicide, homicide, maternal mortality, or HIV/AIDS.

In most cases, the target of the brutal physical attack is the mother of the child. In the article Family Violence: A Review of the Literature Rudo and Powell (p.6) state that children who experience and/or witness violence in their home “become tomorrow’s murderers and perpetrator of other crimes of violence”.

It is known that witnessing family violence is as harmful as experiencing it directly. Often parents believe that they have shielded their children from intimate partner violence, but research indicates that children see or hear many of the incidents. Children who witness family violence suffer the same consequences as those who are directly abused. In other words, a child who witnesses intimate partner violence is experiencing a form of child abuse (Government of Canada, RCMP, 20120).
Relevance and Significance of the Study

Although childhood trauma and violence against women are global public health issues, few population-based data from low-income and middle-income countries exist about the links between them. Even though there is evidence that the main perpetrators of intimate partner violence in almost all developing country settings are men, most of the relevant research has been mainly focused on the perspectives of women respondents (Koenig et al 2006).

A general understanding of the underlying precipitating factors for intimate partner violence in developing countries remains limited while important knowledge about its root causes is lacking. It is very important to understand the version of intimate partner violence from the perpetrator’s perspectives too to have a complete comprehension of this violence and their violent behavior. To find out whether their childhood gender inequity and violence experiences bear any impact on the prevalence of IPV is essential to have relevant policy changes in the curriculum of school syllabi to inculcate a gender equity attitude among children so that to an extent they grow with a positive attitude to adolescent and adulthood stages.

To develop effective intervention programs and policies, it is vital to study the attitude and behavior of both men and women to understand this problem. Yet, most of the available studies concentrate on women’s perspective of domestic violence. Studies on prevalence and patterns and the risk factors of domestic violence have viewed the male partner as perpetrators of violence, but there are few studies that reveal a male perspective on this issue. Further, research on men and violence is extremely limited in India and theory building on this issue within the Indian context has rarely been attempted. Therefore, there is an urgent need to understand the men’s perspectives, along with the factors and circumstances that shape the masculinity of men in India.

While this study aims to assess men’s perpetration of different types of violence against their intimate female partners in Gujarat, it seeks to assess and compare the correlations between the intimate partner violence and their early childhood gender inequity and violence experiences. The information obtained as a result of this study gives a complete picture of the reality situation of the extent of violence within the intimate relations perpetrated by men. In addition, the determinants of violence against an intimate partner also will be identified and discussed.

Moreover, the present study highlights the need to encourage and engage boys at a very early stage in gender equitable norms and practices. It also helps us to understand the importance of a gender related violence–free family environment where children should be brought up so that they develop healthy gender role concepts and practices in their entire life. This is so because childhood experiences of gender equality can make a man able to respect his spouse and can give enough space for equality in all spheres of their family lives including division of labour in domestic works. This is in fact one of the urgent needs of the day as more women are stepping out of their houses to get into the work force while many women are forced to stay back leaving their lucrative and much needed jobs, which can provide them with a feeling of identity and empowerment.

Methodology

Objectives of the study

1. To assess and compare the correlations between men’s childhood gender inequity & violence experiences and perpetration of spouse violence.

2. To guide and influence policies for active governmental intervention towards correcting gender imbalances and promoting proper gender socialization among boys and girls.

Hypotheses
1. There exists a significant correlation between men’s childhood gender inequity experiences & and perpetration of spouse violence.

2. There exists a significant correlation between men’s childhood violence experiences and perpetration of spouse violence.

Research Design

Descriptive research design is used in this study as the main purpose of this study is to describe the men’s perpetration of different types of violence against their spouses and its associations with their childhood gender inequity & violence experiences.

Universe, Sample & Tools of Data Collection

The sampling frame for the present study comprises of men in the age group of 18 to 50 years from Gujarat state. A multistage random sampling method is used to select the talukas, villages and households from which 1600 samples were selected. In his working paper titled “Reporting and incidence of violence against women in India, Aashish Gupta (2014) accounted that Gujarat has a comparatively higher incidence of both physical and sexual violence of women by their husbands than many other states in India.

Multiple study sites were chosen to represent a range of gender equality and development indices within Gujarat. The chosen sites include Ahmedabad with low gender equality and high development indices, Banaskantha with both low gender equality and development indices, Gandhinagar with both high gender equality and development indices and The Dangs with high gender equality and low development indices.

According to Krejcie and Morgan (1970), for the population of 10,00,000 and above required sample size is 384. Therefore, it was decided to select a total of 1600 respondents. Then for calculating number of respondents from each district keeping in mind the urban-rural ratio of the district, proportionate sampling method was used.

Detailed Interview schedule covering areas of demographical variables are used to collect the demographical variables of the respondents. Following standardized tools are used to assess their perpetration of violence on intimate partners as well as childhood violence and gender inequity experiences.

a. Intimate Partner Violence Scale: List of 18 statements are asked to the respondents which are prepared with the help of Margolin’s “Domestic Conflict Scale” or “Conflict Inventory” (Margolin, G., B. Burman, R.S. John, and M. O’Brien, The Domestic Conflict Instrument, Los Angeles: University of Southern California, 1990) and Straus’s “Conflict Tactics Scales” (Straus, M.A., “Measuring Intra family Conflict and Violence: The Conflict Tactics Scales,” Journal of Marriage and the Family 41(1979): 75–88) to assess the level of perpetration of IPV by respondents

b. A men’s Childhood experience of gender equity scale [MCE-GInE] and Men’s Childhood experience of Violence scale [MCE-V] are developed to assess respondent’s violence and gender inequality experiences during childhood.

Discussion

This study was conceptualized to unearth and generate knowledge about the prevalence of violence women are subjected to by their husbands, in the study sites. Also, it aimed to discover different forms of gender inequity and violence experiences of men during their childhood.
Links between perpetration of IPV and men’s childhood violence & gender inequity experiences were also explored. Results of the study suggest perpetration of violence on women by their spouses is prevalent in its all forms in the study sites of Gujarat even though there are clear variations in its magnitude within the sites.

**Childhood Violence Experiences of Men and Intimate Partner Violence**

Despite the numerous efforts taken by concerned bodies and governments, children around the world are subjected to different types of violence. Research has long confirmed the unswerving association of childhood violence experiences on adulthood behavior.

This study confirms the connections between intimate partner violence and childhood violence experiences of men as there is a statistically significant correlation between IPV and men’s childhood experiences of violence at 0.00 levels. So, it is evident from this study that those men having high level of childhood violence experiences are at high risk of perpetrating different types of violence against their spouses.

Literature review supports this theory of cycle of violence as Coker and colleagues found that men were 2.5 times more likely to report exposure to IPV as adults if they had reported being physically assaulted as children. (Saenge 2000) observes from infancy to adolescence, family violence interfered with the children's growth and development.

Much research recognizes the association between having childhood violence experiences and perpetrating intimate partner violence as an adult, as it is proved to be statistically significant in each of the six surveyed countries, says an international study conducted in Chile, Croatia, India, Rwanda, Brazil and Mexico. The same study also found that adult men who are victims and witnesses of violence as children may accept violence as a conflict resolving tactic and reported that the most consistent influence on ever having perpetrated violence on spouse is having witnessed one’s mother being hit by her husband or partner.

Research in family violence established evidence that abusive parents have experienced some form of abuse in their childhood. Adults who experienced and witnessed violence in their childhood had increased potential of becoming batterers themselves. A cross sectional study by Diana Gil-Gonzalez et.al (2007) suggests when an individual is being exposed to violence during their childhood it is the risk factor for spousal violence and partner violence can be a consequence of patriarchal ideology and consequence of learned violence behavior.

Research evidence showed that having experienced abuse and neglect individuals tend to engage in antisocial activities. Individual being sexually abused or assaulted as a child would further result into similar type of offending behavior and individuals having experienced of physical abuse or neglect would have higher risk factor of perpetrating violence against children and spouse.

A United Nations Multi Country Study on Men and Violence found that there is a strong relationship between men perpetrating violence against women and childhood experiences of any kind of violence. Present study strongly asserts the validity of the theory of cycle of violence as it undoubtedly proves that men’s experiences of childhood trauma contribute to violence against their spouses in later life. It reinforces the already established finding of many other researches that childhood violence experiences of men are associated with their perpetration of IPV and childhood experiences control and outline men’s outlooks and deeds enormously.

Correlation analysis in this study confirmed the influence of childhood violence experiences on spouse violence of men as there is significant correlation between Intimate Partner Violence and Men’s Childhood Experiences of Violence i.e. r = 0.773 is significant at 0.00 level that means higher the childhood experiences of violence amongst men, higher is the risk of perpetrating different types of violence by them on their spouses.
By extending her support to a petition by Insia Dariwala, a filmmaker-activist-researcher said that "male child sexual abuse is an ignored reality in India", Women and Child Development Minister of India Ms. Maneka Gandhi acknowledged the gravity of this menace in India. The study by Insia Dariwala revealed a possible correlation between unresolved sexual trauma on boys and increasing violence on women and children. Boys who are sexually abused as children spend a lifetime of silence because of the stigma and shame attached to male survivors speaking out TOI (2018).

Table 1  Table showing correlations between Men’s Childhood Violence Experiences and Intimate Partner Violence [MCE-V &IPV] and Men’s Childhood Gender Inequity Experiences and Intimate Partner Violence [MCE-GInE &IPV]

<table>
<thead>
<tr>
<th></th>
<th>IPV</th>
<th>MCE-_GInE</th>
<th>MCE-_V</th>
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<tbody>
<tr>
<td>Pearson Correlation</td>
<td>.981**</td>
<td>.773**</td>
<td></td>
</tr>
<tr>
<td>Sig. (2-tailed)</td>
<td>.000</td>
<td>.000</td>
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<td>N</td>
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Men’s Childhood Gender Inequity Experiences and Intimate Partner Violence

It is an undisputed fact that what children witness or learn or experience during childhood can have an impact on their adult attitude, perception and behavior. Intimate partner violence by men are inextricably grounded and intertwined with their attitudes towards gender equality including the roles and responsibilities of males and females, mainly learned and developed from their childhood gender equality or inequality experiences. In other words, attitudes of sanctioning of men’s violence on their partners are formed through the norms of gender roles they have ingrained in childhood from their own families. How a father behaves with mother, are what the son learns from his father, how his mother behaves and what all she does are what he expects from his spouse.

Unfortunately, in many societies the existing notions sanctions the dominance of males in families and their aggressiveness in intimate relations and endorses subordinate role of women in all aspects including right on her own body that men can impose their right through dominance too. Such beliefs have a long history in western and other cultures and have been enshrined in western legal systems (Straton, 2002) and social norms (Berkel et al., 2004) too. For example, female victims of domestic violence are judged more harshly where they are perceived to have ‘provoked’ aggression, for example by being verbally aggressive or in situations which might inspire their husbands’ jealousy (Hillier & Foddy, 1993; Pavlou & Knowles, 2001).

Perpetration of violence by men on their intimate partners is taking place around the world and one of the important factors responsible for due to which women end up being victims some way or the other is the childhood gender inequity experience of perpetrators of violence. The special attention, privileges, power and care boys and men enjoy compared to girls and women in their families from childhood due to their gender, for example- served food, washed clothes, more say, more freedom etc, play a vital role in forming gender inequity attitude as well as a sense of superiority in them over women. In several cultures, parents have different socialization goals and child-rearing practices for boys and girls. For example, girls must "learn to serve others", "listen to and respect adults", and "stay at home and play". On the other hand, "naughtiness" in boys is expected and condoned.'

Table no: 1 shows strong statistically significant correlations between Intimate Partner Violence and Men’s Childhood Experiences of Gender Inequity i.e. r = 0.981 is significant at 0.000 level that means higher the childhood experiences of gender inequity, higher are the chances of men to perpetrate violence against their
intimate partners. This finding confirmed and reiterates the connections established between intimate partner violence and men’s childhood gender inequitable experiences by an IMAGES study which reported that men who had experienced or witnessed gender inequitable behavior in childhood were more likely to perpetrate IPV than those who had not.

The relationship between adherence to conservative gender norms and tolerance for violence has been documented among males in a wide variety of communities and countries, both Western and non-Western, including Arab and ultra-Orthodox Jewish communities in Israel (Haj-Yahia, 2003; and adult men and young men in Australia (De Judicibus & McCabe, 2001).

Conversely, the more that people maintain egalitarian gender attitudes, the better are their attitudes towards violence against women. They are more likely to see violence against women as unacceptable, to define a wider variety of acts as violence or abuse, to reject victim-blaming and to support the victim, and to hold accountable the person using violence. This egalitarian attitude would get ingrained in a boy’s mind only if he had the experience of his father respecting his mother with dignity and he himself was not given undue importance in own house compared to his sisters.

A review of literature describes how boys are socialized into an environment with norms about household roles and childrearing. For example, studies across the globe find that fathers tend to contribute about one-third to one-fourth of the time that mothers do in direct child care (Population Council 2001). In sum, existing literature supports the notion that boys and young men are socialized around a constellation of gender norms related to sexual and reproductive health and risk, sexuality, fatherhood, use or acceptability of violence against women, and participation in domestic chores.

The most consistent predictor of attitudes supporting the use of violence against women is attitudes towards gender roles, that is, beliefs about appropriate roles for men and women (Berkel, Vandiver, & Bahner, 2004; Good, Heppner, Hillenbrand-Gunn, & Wang, 1995; Simonson & Subich, 1999). Pearson’s correlation test undeniably indicates that those husbands having more inequitable gender experiences during childhood perpetrated more violence upon their spouses.

**Conclusion**

One of the important objectives of this study was to recognize those elements explain violence on spouses by husbands and whether the childhood gender inequity and violence experiences bear any impact on the prevalence of intimate partner violence. The findings demonstrate significant insights into strong links between perpetration of IPV against women in adulthood and childhood violence experiences as well as gender inequity experiences of perpetrators. In other words this study indicate that those husbands who have either experienced or witnessed violence during childhood have a higher likelihood of internalizing violence as a normal act and therefore show more propensity towards spouse violence. Similarly husbands grown up with childhood gender inequity experiences in families where rigid gender roles were strictly followed have a higher probability of developing male dominated attitude and consequently perpetrate more violence on their spouses.

It is therefore undoubtedly clear that young boys who experience violence at home, neighborhood or school tend to inflict violence on their intimate partner too. Youngsters who used to get discriminated importance due to their gender in their families also are prone to act violence on their partners. These findings strongly point towards importance of creating violence free and gender friendly family environments to our small children so that coming generations will respect their partners. Complete prevention of all types of abuses of children can, to some extent, ensure a mentally healthy generation.

At the same time eradication of age old discriminatory practices and beliefs prevailing in society in favour of boys will help them to grow up without any such self-proclaimed importance. Efforts should be taken to
incorporate lessons of respect, equality, dignity of labour including household work from early childhood so that they can shed away the wrong beliefs they used to acquire from the society.

**Acknowledgements**

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DOMESTIC VIOLENCE: PUBLIC REACTIONS AND STRATEGIC INTERVENTIONS

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Abstract: This paper was prepared as part of the Domestic Violence against Women Research Project conducted by JEIWA’s Research and Innovation (R&I) with the support of Department of Women’s Development, Malaysia. The paper seeks to explore the factors that contribute to the public reactions to domestic violence against women and strategic interventions in increasing public awareness. Violence against women deprives women of their right to fully take part in social and economic life. It causes a myriad of physical and mental health issues. An extensive investigation of related literature and in-depth interview with domestic violence witnesses are employed for this purpose. The key findings of this study found that the culture and tradition, social stigma and lack of knowledge of public’s right have been identified as the factors that hinder the community to respond to domestic violence perpetration. The findings from this research could help policy makers, authorized agencies and non-governmental organizational leaders to strategize and adequately craft a suitable and high impact program that suits the target groups' needs and lifestyle.

Keywords: culture and tradition; strategic interventions; lack of knowledge; reactions; social stigma

Introduction

Domestic violence is a global problem that crosses cultural, geographic, religious, social and economic boundaries and is a violation of human rights. Domestic violence deprives women of their right to fully take part in social and economic life which has serious impacts on women's health and well-being (Idris et al., 2018). Moreover, Domestic violence is a complicated and difficult issue to study and the research findings are inconsistent (Khan, 2015; Shuib et al., 2013).

Domestic violence is often described as a family-centred problem and generally understood as patterns of abusive and coercive behaviour, which may cause physical injuries, psychological and emotional disturbances, sexual intimidation as well as financial oppression of the victim (Ghani, 2014). There are many definitions of domestic violence, according to the World Health Organisation (WHO, 2013), domestic violence can be defined as the intentional use of physical force or power, threatened or actual, against women, which either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.

Meanwhile, the Department of Public Health and Innovation, England, identifies domestic violence as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been, intimate partners or family members regardless of gender or sexuality. However, this study focuses on domestic violence against women that have been abused by husband or intimate partner. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, and emotional that disproportionately impact on women, is a violation of women’s fundamental rights with respect to dignity, equality and access to justice.

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According to statistics released by the Malaysian Royal Police in Parliament last session, 62,670 domestic violence cases were reported from 2000 to January 2017 with an estimated 3,800 cases per year equivalent to 323 cases per month (Parliament of Malaysia, 2017), (refer figure 1). Furthermore, domestic violence cases have recorded a sharp increase of 66% between 2012 (3,488 cases) and 2016 (5,796 cases). Based on the latest statistics in 2016 that are sourced from the Royal Malaysia Police and Ministry of Women, Family and Community Development, urgent attention is needed to study this matter because the data showed that cases of domestic violence are increasing every year, and has been recorded as the highest form of violence against women in Malaysia for more than a decade (Idris et al., 2018). Despite various steps have been taken by governmental and enforcement agencies as well as non-governmental organisations (NGOs), the problem of domestic violence is still at its most serious level.

Hence, what causes domestic violence? Why the percentages of domestic violence rising despite the various campaigns, awareness programs and enforcement of the act have been carried out? What society should (and should not) do when it occurs? There are many more questions that cannot be answered and resolved even though the issue of violence against women has long been widespread (García-moreno, Claudia; Jansen, Henrica; Ellsberg, Mary; Heise, Lori; and Watts, 2005; Uzun & Uzunboylu, 2015). There are many studies and many interventions regarding domestic violence have been conducted but the problem continues to rise in today's society. Very little has been known about the prevalence of domestic violence in Malaysia and there has been a real need for evidence to learn more about the prevalence, causes and consequences of domestic violence (Aziz, Idris, Ishak, Wahid, & Yazid, 2018a; Idris et al., 2018). It is believed that the outputs from empirical research are the key elements in proposing any possible solutions to overcome this problem.

In view of this, there is a need to explore on the nature and extent of public reactions or response to domestic violence. More aggressive enforcement and strategic interventions for victim's protection and support system, especially in combating domestic violence are closely related to assumptions about what the public knows and believes about domestic violence and what they should do when it happens in public area. Furthermore, the effectiveness of these strategies may be influenced by contextual factors such as community perception that support or oppose public responsibility. Understanding public attitudes and the extent of public knowledge about domestic violence is crucial because community perceptions about this complex social problem form the context in which public policy is formulated and criminal justice agencies respond. People may not report victimization because they expect an unhelpful response and have lack of knowledge about their rights, they may fear or they simply believe that despite good intentions, the law cannot protect victims. For the same reasons, friends or relatives may ignore victims and discourage her from reporting violent incidents. Hence, the purpose of this research is to learn more about the nature of public responsiveness toward domestic
violence against women by investigating how society reacts to domestic violence against women and identifying the factors that contribute to public responses.

Literature Review

Over the years, majority of society has seen violence between married couples as personal problems that cannot be interfered (Khan, 2015; Oon et al., 2016; Carlson, 2005). Previously from global context, criminal justice system has been criticized in processing domestic violence cases when the problem of violence against women was brought to the attention of the public and policy makers. In addition, police were criticized because they did not take domestic violence cases seriously and were reluctant to arrest the perpetrators unless there are serious injuries of victims due to physical abuse (Fagan and Browne, 1994). Prosecutors were criticized because they too often dismissed wife assault cases, contributing to disincentives for police to arrest. Judges have been criticized too for their reluctance to impose serious sanctions, or to utilize intermediate sanctions such as probation and mandated treatment for batterers, unless victims were seriously injured (Fagan and Browne, 1994). The system in general has been criticized for being insensitive to victims' needs.

However, since late 1970s, reforms in criminal justice policy and practice have increasingly addressed the problems of victims. In Malaysia, Domestic Violence Act has been amended for the second time in 2017 where the improvised definition has been added (Aziz et al., 2018a). Domestic violence now includes acts which cause the victim to fear for her safety, property or a third person or causing her distress. It also includes any communicative acts with an intention to insult the victim’s modesty. This is essential to broaden the scope of domestic violence to enhance prevention of various types of abuses. On top of that, public policy makers and practitioners begun to systematically improve and innovate the strategy or interventions through programs aimed at increasing victim and witness reporting, improving victims’ access to the legal system and social services, initiating public information campaigns, and continues education support for primary prevention. These innovations are critical in increasing community awareness and intervention as well as responsive public which acts as imperative elements of any strategy aimed in combating domestic violence against women.

Understanding that domestic violence may affects live and work performance (Idris et al., 2018), many studies have been conducted to identify the risk factors that contribute to the occurrences of domestic violence (Aziz et al., 2018a; Capaldi, Knoble, Shortt, & Kim, 2012; Flury, Nyberg, & Riecher-Rössler, 2010; Gil-González, Vives-Cases, Ruiz, Carrasco-Portiño, & Álvarez-Dardet, 2008; Idris et al., 2018; Laeheem, 2016; Mavrikiou, Apostolidou, & Parlalis, 2014; Stith, Smith, Penn, Ward, & Tritt, 2004). However, only a few studies have been conducted to determine how the society responses to the issue of domestic violence (Ahmad, Driver, McNally, & Stewart, 2009; Bagshaw, Chung, Couch, Lilburn, & Wadham, 2000; Clark, Burt, Schulte, & Maguire, 1996; Kaur & Garg, 2010; Laeheem, 2016, 2017; Lund, 2014; Naved, 2013; Sallan Gül, 2013). The following sub-topic will discuss about the factors that hinder the community to response to domestic violence.

Culture and Tradition

The responses that are expected to be done by local communities including surveillance of domestic violence situations, offering support to victims, and challenging men to stop violence (Unicef, 2000). Several studies have discussed about the reasons of society for not responding to the case of domestic violence (Ahmad et al., 2009; Bagshaw et al., 2000; Kaur & Garg, 2010; Laeheem, 2016, 2017; Lund, 2014; Naved, 2013). One of the reason is most of violence often happens behind closed doors (Bagshaw et al., 2000). Some culture consider domestic violence is a personal matter between husbands and wives, in which outsiders should not interfere (Laeheem, 2017; Sallan Gül, 2013). Even though community members are aware of the occurrence of domestic violence, they do not feel that they can be involved because ‘it is not their business’ (Bagshaw et al., 2000). The attitude of "do not disrupting the affairs of others" is worse in urban areas where people are busy at work so there is no time to recognize and greet the neighbours. As compared to rural areas,
communities are aware of each other and people talk to each other so they often can be expected to respond appropriately to the issue of domestic violence occurring in their neighbourhood (Clark et al., 1996). People often agree that husbands and wives should solve their own personal problems (Kaur & Garg, 2010). The possible explanation is that often people who are trying to interfere with other people's affairs or trying to disperse fights in the family will later be treated as if it was their fault (Bagshaw et al., 2000). This culture is an impetus to the indifference of society to the cases of domestic violence that is happening around them.

**Social Stigma**

In countries that are highly regarded by customs and traditions, family violence is commonly considered as bringing shame to the family. In response to these customary practices, members of the community may refrain from exacerbating the situation or punishing the perpetrator (Bagshaw et al., 2000). Social stigma is seen not only failed to recognize wives who are victims of sexual abuse, but also interfere with the victim's confession, as they are concerned with the perception of society towards them (Naved, 2013). Some studies linking negative stigma as a community response to women who are victims of intimate partner abuse. Society often associates husband's abuse of the wife with the failure of marriage, which indirectly induces shame among victims and their parents (Ahmad et al., 2009; Lund, 2014).

Some studies have found that social stigma is among the reasons why domestic violence victims are not seeking help and reluctant to disclose their suffering (García-moreno, Claudia; Jansen, Henrica; Ellsberg, Mary; Heise, Lori; and Watts, 2005; Ghimire, Axinn, & Smith-Greenaway, 2015; Rodriguez, Quiroga, & Bauer, 1996) especially those suffered with sexual abuse (Naved, 2013). This allegation is parallel to the study done by Ludermir, Lewis, Valongueiro, De Araújo, and Araya (2010) that violence may under-reported due to social stigma and shame. There is also a recent study (Evans & Feder, 2016) found that the delay in obtaining help amongst victims of abuse was obviously due to social stigma arising from exposing domestic violence to their work colleagues. In short, social stigma is not only one of the causes of community for not responding to the issue of domestic violence, but it also becomes a barrier to victims to seek help.

**Lack of Knowledge of Public's Right**

Some study have been conducted on employers’ and supervisors’ perception toward intimate partners violence in the workplace (Samuel, Tudor, Weinstein, Moss, & Glass, 2011). Their findings show that many employers and supervisors have expressed their concerns over an employee who has experience intimate partner violence, but often states that they do not know what the best response should be. The probable reason is that sometimes the violent behaviour of the perpetrators towards the victim also scare witnesses to lodge a police report (Laeheem & Boonprakarn, 2016). Lack of knowledge about the act that protects the safety of the complainant becomes a barrier to employers to assist workers who experience domestic violence.

Most members of the community are unaware of the existence of the Domestic Violence Act 1994 (Parliament of Malaysia, 2017). The section, among others, provides that any person having reason to believe that a domestic violence offense has occurred, or is happening, may provide information to the enforcement officer or the police. Such provision creates immunity protection for the complainant from any defamation liability, if the report is found to be inaccurate or incorrect. In short, the provision provides the right to any person in society to do something in addressing the issue of domestic violence, which is to report the matter to the authorities.

Members of the community do not have to witness the violence and legal provisions say that only if any individual is suspected or there is a good reason for the perception that domestic violence has been or is happening (Parliament of Malaysia, 2017). The provisions of this law clearly set aside the attitude of the society to "not interfere with other people's affairs" in dealing with the issue of domestic violence in our society. Hence, it is clear that with the application of section 18 of the 1994 ACT, people should not blind the eyes, deafening or closing their hearts in dealing with the household violence in our society today.
Community members need to be sensitive to the environment and understand what is domestic violence and its impact on religion, race and nation.

**Methodology**

Researchers and social activists claimed that the women related campaigns and services that exist today began with research on women’s experience that has been previously neglected. Thus, starting with real life experiences is a powerful tool which provides the rationale for women’s research. Qualitative research method is utilized in this research mainly because there is a need for in-depth understanding of a social phenomenon. A qualitative research seeks to gain first hand holistic understanding of a phenomenon, using flexible methods such as interviews and discussions. It is aimed at gaining the subject’s experience of a certain phenomenon. A qualitative approach has the advantage of being flexible it allows the interviewer to respond to new theories and concepts raised by respondents. This research method is appropriate for this study because the researcher intends to gain information of women victims and witnesses of domestic violence from own accounts.

A purposive sampling procedure was used to identify women or men who have been known to be the witnesses of domestic violence in public. Purposive sampling is based on the decision of the researcher. Participants were found through social activists group in JEiWA who are willing and consent to participate in this research. Further, focus groups consisting of domestic violence victims and social activist who have experience on domestic violence will be used. The aim of sampling is to get an approximate representation of the possible target population. The samples must fulfill three main criteria that include women and men holding at least high school certificate, they are in good health which makes them capable to respond realistically and have experienced with domestic violence situation in public as a witness of that violence incidents.

This approach utilizes interviews with each participant in order to create a natural atmosphere which elicits more information. Thus, in-depth interviews with the witnesses of domestic violence were employed in this study. Further, the method will enable the researcher to follow up particular interesting issues that will emerge during the interviews and the participants will be able to give a clear picture. Out of 18 samples contacted, the researchers managed to get responds from 14 of them (all are Malays); which makes the 77.8 % response rate. A summary of the respondents’ profiles can be referred in Table 1. Personal interviews were conducted by researchers to collect important data and information. The data and information were then analysed using interview coding and themes. In order to protect confidentiality of the respondents, their real names are concealed and were recoded as Respondent 1 to Respondent 14.

**Findings**

Demographic profile of the fourteen respondents that have been interviewed in this study is as shown in Table 1.

*Table 1: Demographic Profile of Respondents*

<table>
<thead>
<tr>
<th>Respondents</th>
<th>Age</th>
<th>Gender</th>
<th>Education</th>
<th>Profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>42</td>
<td>F</td>
<td>Diploma</td>
<td>Businesswoman</td>
</tr>
<tr>
<td>2</td>
<td>37</td>
<td>F</td>
<td>Diploma</td>
<td>Businesswoman</td>
</tr>
<tr>
<td>3</td>
<td>37</td>
<td>F</td>
<td>Secondary</td>
<td>Businesswoman</td>
</tr>
<tr>
<td>4</td>
<td>56</td>
<td>F</td>
<td>Bachelor Degree</td>
<td>CEO</td>
</tr>
<tr>
<td>5</td>
<td>38</td>
<td>M</td>
<td>Diploma</td>
<td>Businessman</td>
</tr>
<tr>
<td>6</td>
<td>62</td>
<td>F</td>
<td>Secondary</td>
<td>Housewife</td>
</tr>
</tbody>
</table>
Overall, respondents reported substantial experience with domestic violence, as reported in the next sub-topic. Few of respondents personally know the victims and experienced the situation while the other respondents did not know the victims.

Culture and Tradition

Respondent #1 (female, 42 years old) who is a businesswoman and holds a diploma mentioned that she refused to interfere with other people's affairs even though she witnessed the quarrelling of a couple in front of her. She describes her thoughts as:

“I did not want to interfere in their arguments even though the man kept pushing his partner… that was their personal matter”

Respondent #4 (female, 56 years old) and Respondent #10 (male, 30 years old) also shared the same reason and expressed their sense of innocence when letting a woman be assaulted by her husband. Considering that the husband and wife quarrel was common, they said:

“…a husband and wife quarrel is normal. It is a common marital problem, why we should interfere in their fighting” (Respondent #4).

“I did not want to get involved in their problems, they should solve by their own” (Respondent #10).

Respondent #7 (female, 37 years old) who are a CEO is also often see rudeness occurs between intimate partners. However, the busyness of the job and always struggling with juggling multiple roles (employer, mother, and wife) she feels unimportant to interfere with other people's affairs, while she has many commitments to be fulfilled. She said:

“I am too busy to disrupt with their personal affairs, that was not my own business”

Respondents #14 (female, 37 years old) shared that she was afraid to interfere with other people's affairs. Her good intentions to help her neighbours from being victims of emotional and financial abuse end up with allegations of wanting to destroy their marriages. She said:

“My neighbours are often abused emotionally and financially by her husband. While crying she came to my house telling me their problem. I advised her to get counselling …then when her husband knows about it, he accused me of inciting his wife, and not allowing his wife to be friends with me again. After a few days I saw the couple reconcile… they go out for dinner together and buy some groceries. So I concluded that each spouse had their own problems and fighting in many ways. Yesterday they had quarrel, today they are reconciled. The next day they fight again, next month we heard that his wife was pregnant. So I think it's better not to interfere with other people's affairs to maintain friendship / neighbourhood relationships”.

<table>
<thead>
<tr>
<th>#</th>
<th>Age</th>
<th>Gender</th>
<th>Education</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>37</td>
<td>F</td>
<td>Diploma</td>
<td>Nurse</td>
</tr>
<tr>
<td>8</td>
<td>47</td>
<td>F</td>
<td>Master Degree</td>
<td>Senior Officer</td>
</tr>
<tr>
<td>9</td>
<td>38</td>
<td>M</td>
<td>Bachelor Degree</td>
<td>Engineer</td>
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<tr>
<td>10</td>
<td>30</td>
<td>M</td>
<td>Bachelor Degree</td>
<td>Architect</td>
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<td>11</td>
<td>66</td>
<td>M</td>
<td>Bachelor Degree</td>
<td>Manager</td>
</tr>
<tr>
<td>12</td>
<td>46</td>
<td>M</td>
<td>Bachelor Degree</td>
<td>Businessman</td>
</tr>
<tr>
<td>13</td>
<td>55</td>
<td>M</td>
<td>Secondary</td>
<td>Marketing Officer</td>
</tr>
<tr>
<td>14</td>
<td>37</td>
<td>F</td>
<td>Master Degree</td>
<td>Lecturer</td>
</tr>
</tbody>
</table>
From all the instances above, a conclusion can be made as to why public are not keen to intervene on domestic violence. The one and only obvious reason being that even though the act may seemed to be very violent but in the end the victims still succumb to their predicament. They often forgive their abusing partners and live on like nothing had ever happened to them. Victims of domestic violence are mostly forgiving and had developed a certain kind of immunisation towards the abuse they received and this had actually deterred public intervention. Only few victims had actually seek help and feared for their lives whilst others had accepted that it is fated for them to be abused and that they want to be with their partners notwithstanding the pain they suffer.

A research should be done not only on the perpetrators as to why they administer violence on their partners, but also on the victims as to why they are willing to go on with their abusive lives. Such research should also include on those victims who decided to report on their abusive partners and had better lives after that. What elements do they possess and what trigger them to end violence against them. Public intervention will not happen because they had predicted that most victims in the end withdrew reports against their partners out of love.

**Social Stigma**

Some respondents also questioned the reasonableness of the public to interfere with other couples because it involves not only the dignity of the victim and the perpetrator, but also the dignity of their parents. The possible reason is perhaps they imagine themselves to be embarrassed if their home affairs are intercepted by strangers, and this imagination restricts them to do so in order to prevent victims from being embarrassed. Respondent #3 (female, 37 years old) and Respondent #6 (female, 62 years old) share the same opinion with regard to the embarrassment that would be suffered by the victim.

“They will feel ashamed if I offering my help because marital problems were really affect the whole family's name, especially if it involves the substances abuse”. (Respondent #3)

“I did not want to interrupt or get involved in their personal problem, I believe that victim may feel shame if I offer any help”. (Respondent #6)

Such views will make witnesses to pretend to not hear quarrels or pretend not to know about the couple's problem to prevent the victim from being embarrassed. Another two male respondents attributed the issue of dignity that would have been scratched if an outsider interfered with one's household problem. Respondent #9 (male, 38 years old) who work as an engineer said that:

“I have witnessed such as violent behaviour of my neighbour to her wife, but I can't interfere as it would affect his dignity”

Respondent #12 (male, 46 years old) who is a businessman describing the unpleasant feelings of interfering with the arguments of the spouses as:

“That was really personal marital issues that can't be interfered or it would affect their relationship and family's dignity”

Furthermore, we also found that gender ideology is also one of the factors that affect the public's reaction to domestic violence issues. This finding is in line with the argument of recent studies(Aziz, Idris, Ishak, Wahid, & Yazid, 2018b; Idris et al., 2018) who mentioned that if someone identifies themselves with the status of marriage is of the 'tradition' type, then they believe that the husband should be the main breadwinner and the wife must stay at home(Aziz et al., 2018b). Based on this ideology, the older male respondent agrees that hitting the wife is appropriated for some husbands to teach his wife. Respondent #13 (male, 55 years old) said:
“Men who beat up their wives, do it to discipline their wives, they beat them up so that the women can recognize their positions as heads of the house”

There are some groups of people who believe that they belong to a certain group of people. In some countries the best group of people is dignified people who are often regarded as the highest rank of all groups of people. This dignity is often based on wealth and good family. It is important for these kinds of people to maintain the two elements to stay in the highest rank. They must maintain their wealth and must not have divorce history in their lines of family tree. Hence if any of they are involved in domestic violence, it remains as secrets within their families as it will bring shame and they will immediately be out casted by the group members. As a conclusion domestic violence against family dignity, the latter holds more water. Social status is often being the highest importance than an individual’s personal interests. Due to this social stigma plays an important role in non-intervention by public as the public are not aware.

**Knowledge and Use of Public’s Right**

The following four respondents expressed their sympathy for the victims, but they were more concerned with their safety. This finding is in line with a study done by Laheeem and Boonprakarn (2016) who found that the violent behaviour of perpetrators sometimes scare witnesses to lodge a police report. Respondent #2, #5 and #11, share the same views with regard to their own safety concerns:

"I am very scared, shocked and cannot offer any help, I want to report that incidents to police but I am afraid that the perpetrators will know about this and have revenge on me" (Respondent #2, female, 37 years old),

“I did not want to interfere because this was their family matters, if anything happened to me, who will look after my family?” (Respondent #5, male, 38 years old)

“I did not know them, why should I interfere to help, who will protect me if the perpetrator beat me up?” (Respondent #11, male, 66 years old)

The anxiety about their own safety may also be attributed to a lack of knowledge of the Domestic Violence Act 1994 which protects the complainant. In fact, respondents also lack of knowledge on how to deal with the offenders. Respondent #8 (female, 47 years old) said that she felt sympathy with the victim but felt uneasy to give helps. She said:

“Actually, I want to offer my help, but I do not know what is the best response should be done”

Previous studies highlighted that most domestic violence victims do not know whom they complain and do not know the form of assistance and protection services that are available in a country. Lack of knowledge causes women to survive in fear, continues to be victims of domestic violence and continues to tolerate with unhealthy relationships. Hence, victims surrounded by people who do not know how to take action to help them certainly will exacerbate the emotions of the victim. The results of this study may inform public about the information of initiatives or what they should do when it occurs because there are few peoples believe that partner violence is normal or acceptable. There is a need to convince the public that domestic violence is a serious marital problem which is illegal, or that it calls for police intervention. The public may be misinformed about other issues, such as the difficulties women faced when involved with violent relationships.

**Conceptual Model and Research Propositions**

This study attempts to identify the factors that influence public reaction to domestic violence against women. Each factor is studied using a detailed literature review and in-depth interview as discussed above. Hence, a conceptual model is proposed as presented below which is in line with literature review and supported by our research findings.
Figure 2 Conceptual model

As Figure 2 illustrates, the arrangement of the model suggests that there are three main factors that may influence the public reaction to domestic violence against women namely, culture and tradition, lack of knowledge of public’s right and social stigma. Considering the negative culture, social stigma and lack of knowledge about the right of the public enshrined in the Domestic Violence Act 1994 may influence public responses to domestic violence, we thus make the following propositions:

**Proposition 1:** Culture and tradition has a significant effect on public reaction to domestic violence.

**Proposition 2:** Social stigma has a significant effect on public reaction to domestic violence.

**Proposition 3:** Lack of knowledge of public’s right has a significant effect on public reaction to domestic violence.

**Discussion**

**The Challenges in Community Reactions to Domestic Violence**

In order to help women faced with domestic violence, there are numerous efforts taken by governments, NGOs and even individuals. There are many NGOs offering aids and even shelters for domestic violence victims throughout the world and these NGOs have been updating their designs on how to help these kinds of women. This is evident from a number of implementations of interventions to reduce the number of domestic violence offences. The effectiveness of aids offered by NGOs are often subjective (Akyüz & Sayan-Cengiz, 2016) as the healing process taken by victims are often slow. Many factors contribute to whether such aids are helpful or not. In an article by UN Women, Ending Violence against women, failures of aids provided by NGOs are because lack of legal intervention. In some countries, domestic violence offences are regarded as ‘private affairs’.

Domestic violence is not regarded to be a serious offence as the perception by some countries is domestic or internal family issues (Laeheem, 2017; Sallan Gül, 2013). Hence no matter what length of help that NGOs provide to the victims will not be effective as there are no sanctions to the offenders. Victims are left unprotected. Victims of domestic violence usually suffer in silence (O’Brien, Cohen, Pooley, & Taylor, 2013; Rodriguez et al., 1996). In an article by healthtalk.org, women’s experiences of domestic violence and abuse, victims are sometimes too scared of their abusive partners to report on them due to emotional blackmail often administered by the offenders to the victims. Most victims never approached anyone (Samuel et al., 2011) to
get help and therefore NGOs could not exercise aids for them. This is another factor which contributes to the failure to help victims.

Public non-intervention also plays a major role in minimising domestic violence offences. In the same article, a research was done by re-enactment of public display of domestic violence. Hidden cameras showed that public will just shun away and never bothered to interrupt or help domestic violence victims.

**Strategic Interventions**

Among the parties who are highly responsive to the issue of domestic violence are non-government organizations (Wijayatilake & Guneratne, 2002). In Malaysia, there are 873 non-governmental organizations in the category of women's organizations, in which 147 of them using the name of "Women's Welfare Organization / Association". Information from the Women Department's official website also listed 32 NGOs under the category of violence against women. These organizations generally are independent bodies, not-religious, non-profit, and is committed to the fight any violence against women. These NGOs are also involved in educating the community, especially women on issues of domestic violence, discrimination against women and women's rights. Sometimes NGOs have also played a role in providing temporary shelter to women who are victims of violence. These services offered by NGOs are essential in determining the success of the community in dealing with domestic violence (Shepard, 1999).

In a nutshell, most women NGOs are set up with the goals of (1) providing temporary protection services and on-demand services to women and children suffering from mental, physical and sexual abuse; (2) offering emotional and social support to any woman who asks for it; (3) organizing programs to raise awareness and better understanding among individuals, and public agencies on issues of violence against women; (4) conducting research on any of the factors that contributed to the conquest and violence against women; and (5) conveying the voice of women through legal reforms, policies and institutions.

**Government Interventions**

Department of Women Development under the Ministry of Women, Family and Community have been actively initiating programs for the empowerment of women specifically to fight violence against women because the issue impacts not on the victim, but the family, society and the whole nation. Thus, the Anti-Violence Campaign is a major event by the Department, in collaboration with various governmental and non-governmental agencies to educate the community that violence against women is a human rights violation and a global pandemic. The government is reaching out to the community to create awareness among the public on everyone’s roles and responsibilities in addressing all forms of violence against women.

Realising the impact on the violence against women to the society and the country, especially on the health and wellbeing of the victims (Idris et al., 2018) and the nation, prevention is always possible and essential. Therefore, various activities held in different states, with multiple layers of target group both urban and rural areas. For instance, ‘Legal Support Groups’ for women who are seeking legal a domestic violence on violence issues are available at all states. This support groups are aimed to increase legal literacy among women, as they will be educate about what they will go through during divorce process and how the government will help them such as legal domestic violence, fees and support. Other than that, a program called ‘Bridge to a better life’ is to enhance the psychological well-being of women to be better person, with positive attitudes regardless the challenges they are going through. Participants are being taught to have the ability to stay resilient at any circumstances. The Psychological Support Group will also discuss on how to understand, to identify and to deal with multiple characteristics of the abusers.

At the ground level, the government has trained PERWANI Lay Counsellors (PERWANI 1Malaysia Community). PERWANI Lay Counsellors are so that they can help the women in their communities. PERWANI Lay Counsellor help to educate women to be more knowledgeable, equipted with counselling and
psychology skills because this will help to accelerate the process of guiding and helping, particularly to address social problems. Since 2017, a total of 172,309 members PERWANI, 5423 members is PERWANI Lay Counselor who have conducted a total of 26,232 counselling sessions with an average PERWANI Lay Counselor and counseling of 1: 4.8 sessions (Faridah Awang, Raja Kamariah, Mohamad, 2017). PERWANI Lay Counsellor activities have been implemented throughout the community level across race, religion and gender in Malaysia. Recognizing the roles and contributions of women for the country’s socioeconomic development, family and community wellbeing, the government is vigilant in enhancing the involvement and capacity of women in various sectors to achieve gender equality as the basis towards the creation of a developed nation but first, is to eliminate violence against women.

Legislative Interventions

Malaysia has a considerable number of domestic violence cases tried in its courts. However, police reported more cases than those that were brought to court. Could the discrepancies in the number of cases between police reports and tried cases caused by loopholes in the law governing domestic violence? The law governing domestic violence in this country dated back since 1994. The Domestic Violence Act 1994 had been the statutory dealing with domestic violence cases in Malaysia. It recognizes all forms of domestic violence as sizable offences (crimes for which the perpetrator can be arrested without a warrant).

How does law enforces punishments and sanctions towards domestic violence perpetrators? The Malay Mail Online dated 26 April 2017 reported that there were 57,519 cases of domestic violence against women since 2010 according to police statistics. Does that big numbers portrays that the Act has not been successful to deter domestic violence? For record, the Domestic Violence Act (Amendment) Bill 2017 has includes the expansion of the Interim Protection Order (IPO) and Protection Order (PO). This includes the permission for the social welfare officers to grant victims of domestic violence immediate protection, without the need to make a police report or receive a court order. In theory IPO is used when there is a pending police investigation. It provides temporary protection until further action can be taken against perpetrators. It could be said that on the contrary the Act is quite thorough to protect and help victims. The Bill also protects victims against offenders who threaten them, or employ third parties to carry out violence against them and offenders who contact victims to harass or embarrass them via any medium, including text messaging (Parliament of Malaysia, 2017).

However, there were cases where IPO breaches went unpunished. This is a dilemma. In 2012, the Act had undergone some amendments whereby a mechanism has been set up via the Malaysian criminal justice system for the purpose of investigating reports, prosecuting the perpetrators and protecting victims of domestic violence. It is supposed to be the most effective method to curtail domestic violence, however, more cases were reported to the police but only a small number were brought to the court. The main contributing factor to the failure to curb domestic violence is because the victims had a low level of knowledge of their legal rights. This is added by the victims’ attitude of feeling ashamed to open up and some still have feelings towards the perpetrators. In the broader overview the sentiment of the public towards domestic violence is it is purely a domestic issue where it should be dealt domestically. Sadly no one bother to acknowledge that domestic violence is physical attack equivalent to grievous bodily harm. In fact domestic violence is not only physical attack, there are many other forms which are in the form of mental torture and financial abuse. It is more complex than physical attack as defined in the Criminal Procedure Code.

Now Domestic Violence Act has been amended for the second time in 2017 where domestic violence has a wider definition. Domestic violence now includes acts which cause the victim to fear for her safety, property or a third person or causing her distress. It also includes any communicative acts with an intention to insult the victim’s modesty. This is essential to broaden the scope of domestic violence to enhance prevention of various types of abuses. The amended Act also introduced a new order known as the emergency protection order (EPO). Now victims can approach a social welfare worker to get an EPO rather than having to go through lengthy process of making police report in order to get an IPO. EPO protects victims by preventing
perpetrators from entering victims’ safe place or any shared residence. It is issued to the victims within two (2) hours from application and is valid for seven (7) days; ample time for victims to apply for IPO. The amended Act went on to punish abusers who breach EPO (with or without violence).

We see here that now the law is more substantial and had focused more on protecting victims thus intervene domestic violence. It even put a restriction on the courts. This seems to give a negative connotation; restricting court powers when dealing with domestic violence cases. However, this restriction serves as an innuendo to provide more protection for domestic violence victims. Previously, victims can be forced to undergo reconciliatory counselling sessions with their abusers. Now, the courts can no longer order both parties to attend counselling sessions simultaneously. Instead, the courts can order the abusers to complete a rehabilitation session and the victims can only be ordered to attend it if the victims consent to it.

While putting a restriction on the powers of the courts as stated above, the amended Act now gives a new power to the courts. If victims are allowed to continue living in the house they had been living with their abusers during court proceedings, the courts have to grant the victims exclusive occupation over the whole property. This is a good protection for domestic violence victims as opposed to the old law that the courts can only grant exclusivity of only some parts of the property to victims. The above are evidence that the law has been improvised to provide an airtight protection for domestic violence victims hence to further deter and curb the offence from being committed.

**The Positive Outcomes of Survivors through Housing Facilities Program**

Most of the available literatures focused on the negative impact of domestic violence against women. Recently, there are emergence of studies, NGOs initiatives and testimonies that speak on how abusive relationship turned women to be more creative and critical thinking. Instead of living in trauma and look at the dead end routes, the positive perspective on dark situations made women seek for help managed to transform their lives and get better opportunities that suits their profiles. Women who suffered from domestic violence relationships are usually unable to leave their partners mainly because lack of financial and housing resources, child support issues, education and employment opportunities, fear of batterer retaliation and social pressure (Bell & Naugle 2005). Based on article by Bell and Naugle (2005), numerous theories have emerged on evaluating woman’s actions in leaving abusive relationships and start new life. The decision to leave an abusive relationship involves not just a single behavior, but a string of behaviors, each potentially under the control of different variables including safety and economic issues which regarded as reinforce (housing facilities).

**JEIWA’s Initiatives**

The Johor Empowerment of Intellectual Women Association (JEIWA) is a registered non-governmental organisation (NGO) that consists of professional women focusing on helping abused women to start a new life and become new women. The organisation was established in June, 2016 has supported their members from the aspects of legal reference, business opportunities, personality rebranding, spiritual enhancement, women’s healthcare and community arts. In August 2018, the Research and Innovation (R&I) unit has been developed that comprises a group of professional researchers from various backgrounds working together in a committed way towards the research goal. The (R&I) team is supported by Department of Women’s Development, Ministry of Women, Family and Community Development, Malaysia. This organisation advocates for domestic violence prevention through research and strategic program as well as partnership with other governmental agencies and corporate companies. This research collaboration emerged with the express purpose of sharing resources to conduct research that would have an impact on improvement of women’s related policy in Malaysia. The Research and Innovation team meets and engage with senior policy makers and advocates at the state and national levels.
A safe house also known as “RumahSelamat” introduced by JiShian Single Mother Association from Johor Bahru, Johor, Malaysia via collaboration with JEIWA as the facilitator to Iskandar Regional Development Authority (IRDA) to provide options for housing facilities for domestic violence survivors. The Safe House is a place where it provides opportunity for battered women to start managing their own lives and continue to make living. The house provides job opportunities and appropriate medical for survivors. The house is located in a strategic location of Iskandar Malaysia and within 10 km radius of upcoming town of Iskandar Puteri. It offers fresh environment and job opportunities for women where numerous development projects take place. The house is within a gated & guarded community provide ease of mind for women to continue building their lives. Located within the radius of 5.0 km from nearby schools, walking distance business areas and transportation hub, it provides survivors confidence and positive assimilation process with available infrastructure within the safe house area. The safe house not only a place to stay but a stepping stone to a better life. The trial period is 14 days and duration of up to two (2) years. Every month the committee will analyse woman’s positive transformation through the social support provided not only for their mental health development but also on their domestic violence cases at court (if any) and their children education and medical conditions. The “graduation from safe house” will commence in two (2) years with the aim that survivors can sustain their lives without any support from the committee towards adequate permanent housing.

Limitations and Recommendations

This study has been restricted by a number of limitations. By recognizing these limitations it is important to provide a viable basis for interpreting the findings of the study as intended. It includes within the research process as well as outside the research process itself. By rectifying the shortfalls of the present research, it helped to address the future research work. This present study utilized an in-depth interview with witnesses of domestic violence in public and a re-enactment video of a true case and it is only intended for the purpose of conducting a study on public reaction witnessing domestic violence virtually instead of a social experimentation video. Thus, future research with social experimentation video is suggested since it may give better insight into the factors and relationships investigated. Recommendations of using a greater number of respondents and other methods of analysis, such as quantitative approach are also encouraged in order to test the significance effect between the factors as presented in the Figure 2 and signify better results that would have stronger governmental implications.

Conclusion

In general, these findings could inform policy makers about levels of support for innovations of existing interventions. The findings could help policy makers, authorized agencies and non-governmental organizational leaders to strategize and adequately craft a suitable and high impact program that suits the target groups’ needs and lifestyle. NGOs and authorised agencies have the responsibility of managing educational campaigns for the whole community that will challenge the belief that domestic violence is a public concern rather than personal concern. The campaign will also help the community to recognize the dangers of domestic violence and report cases such as wife abuse, rape, etc. to the enforcement agent as soon as possible to bring the perpetrator to court.

Campaigns should also stress on the victims that they are responsible to themselves and their children (if any). The safety and well-being of children is closely related with mother's safety. Children may be exposed to various forms of violence when they see their mother being attacked, hearing conflict or a strong quarrels and seeing the consequences of such a disorder. Victims cannot rely on help to be initiated by others. They have to act first. This is the most important step to end domestic violence. Despite many cases of domestic violence recorded by hospitals, police, and the Women's Department, this issue is rarely documented by the mainstream media. Social media should proactively serve as a source of information dissemination in the effort to re-educate society about domestic violence. Information regarding the authority to be contacted if one is aware of the occurrence of abuse cases among neighbours, the existence of NGOs and shelters, and legislation related to women's rights, should be disseminated by social media to the society. With the
existence of the Act 1994, any person who has only argued that a case of domestic violence has or has occurred should play their part to report to the authorities and to ensure that the community’s disease must be stopped. Every member of society should play a role in eradicating or reducing this social illness. Additionally, community members should also take a role in promoting local communities in the importance of their roles and measures to curb these social phenomena together.

The findings of this study are expected to encourage further research to examine more factors that could shed more light on effective interventions. It is hope that this present study can act as a starting point for them to begin their development of such an insight. On top of that, a coordinated community responses is suggested in combating domestic violence. This coordinated local approach includes working together across disciplines to encourage an integrated and consistent approach to the victim, the children and the perpetrators. Such an approach includes the justice, health care, child protection, social services, immigrant settlement, and education systems specifically addressing the needs of victims of domestic violence and of diverse groups. Major reports on violence against women have confirmed the crucial importance of coordination of all sectors, at all levels, across the entire continuum of the response to domestic violence. A coordinated response is particularly important in supporting women who are fearful of proceeding through the justice system and victims who are marginalized or particularly vulnerable. Services that may be available in the community and can potentially be coordinated include justice system supports child supports and health and social supports.

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References


SOCIAL CONSTRUCTION OF BOYHOOD IN SCHOOLS OF DELHI

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Introduction

In the context of education, 'social system' refers to the internal organization and processes of education analyzed as a coherent unit which is distinguishable from other aspects of society. Education cannot be divorced from its social setting because those engaged in education are also the ones who carry with them the symbols and orientations that identify them as members belonging to distinct sections of society. Children bring with them a certain culture. They have learnt certain patterns of speech, certain habits and certain orientations to life from their family and neighborhood. Children do not drop their accent or style of dress soon after entering a school. These are often subtle yet deeply ingrained. Social background is relevant to the analysis of the relationship between education and socialization because it orients a child to enter into certain patterns of association, or to have certain responses to the school. Social background, however, is not the only factor. Peer relationships are equally important.

Children develop a set of relations among themselves and their teachers in school. Factors that contribute to the manner in which these relations develop are, the division of school into classes, extra-curricular activities in school, grading of pupils between and within classes, the attitudes of teachers, the values emphasized by headmasters and teachers, and the social background of pupils. These factors place a pupil in a set of social relations that establish him or her in a particular position in the school. It may encourage a child to succeed in accordance with the set goals of the school. This position may also contribute to a child's failure. Any educational organization that ranks and differentiates students is likely to raise 'self-fulfilling prophecy'. Irrespective of their intelligence in comparison with children in other classes or other schools, those who do not rise high are likely to be treated by other pupils and teachers as slow or stupid. Unfortunately, over a period of time the pupils come to believe this leading to considerable decline in self-esteem.

The objective of the paper is to understand

- the meaning of the process of social construction as well as the gender construction;
- How the process of gender construction operates in our society
- discuss how different socio-cultural settings influence the experience of childhood
- The dimensions and implications of gender construction of boyhood in schools;

Human beings are social animals, right at birth the child enters into a social world – a world of family, friends and community. It is with this world that the child develops a lasting relationship, a relationship characterized by love, learning and growth. For the child it is an ever expanding world as s/he graduates from home to school and to world of work and citizenship. The essential issue to understand is that there is a complex interplay of variables which operate in the child’s world directly and indirectly. In this paper we will try to understand the child’s social world, a world in which she/he is living, growing and interacting directly, a world in which she/he is learning the ways of the community.

For a layperson sex and gender may be one and the same, but for a sociologist these are different and distinct value-loaded concepts. Sex simply means the biological identity of an individual, of being male or female, which is innate. Whereas gender can be either of biological sex (female or male) and the role expectations attached to that biological identity. The biological identity of an individual is inherent but the role

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expectations attached to that biological identity is not inherent in them; they are external to the individuals and inculcated to them through various social, cultural and institutional agencies. What does that mean? A baby is born as female or male sex. The baby wouldn’t be aware of the behavioural attributes attached to her or him as being female or male. A set of attributes exclusively identified with the gender is acquired by individuals from their early childhood through the processes of various social agencies. This acquired behaviour is exhibited by them throughout their life. This gender identity is constructed and inculcated into the individuals by external agencies.

**History of Childhood**

If one analyses history one will realize that meaning and description of children varies across time periods in history. A French historian called Philippe Ariès, analyzed how children were depicted in history. Using works of art, letters, and many other sources he explored how the meaning of childhood evolved from medieval times onwards to the present.

Philippe Aries’ wrote that childhood is a very new concept. It did not exist at all in the Medieval period. He found there were no children depicted in paintings of that era. There were only very young babies or adults. All those who were not babies were painted in adult dresses, with adult body language, and adult-like expressions. Most young people were apprenticed, became workers in the fields and entered the adult roles at a very early age. Even ‘people’ of around seven years of age were seen as little adults, and not as children.

The Medieval cultures lacked the concept of childhood. Childhood is a later historical creation. It came into existence among the rich people (upper class) in the 16th and 17th centuries. It further developed in the 18th century among the upper class. And it finally emerged on the scene in the 20th century in both the upper and lower classes. Once the institution of childhood began to emerge, the situation of the young person began to change in society. First they were named children. A theory of innocence of the child emerged. Children were to be protected from adult reality. The facts of birth, death, sex, tragedy and adult world events, were hidden from the child. Children were increasingly segregated by age.

—Philippe Aries (1962), Centuries of Childhood

Another thinker, John Holt, writes about young people and their place, or lack of place, in modern society. He talks about the institution of modern childhood, the attitude, customs and laws that define and locate children in modern life and determine, to a large degree, what their lives are like, and how we, their elders treat them. And also about many ways in which modern childhood seems to him to be bad for most of those who live within it and how it should and might be changed.

—John Holt (1974), Escape from Childhood

There have been different ways in which childhood has been perceived in different times in the history of civilization. Therefore, childhood is not a given; it is a concept which develops through adults’ lenses, and ways of perceiving young growing-up people in the society.

**Childhood in Modern History**

Children have been regarded as miniature version of adults with no special needs and attributes during most of the human history. The way we think about children today is influenced by European enlightenment, industrial revolution and colonization. The normative ideas associated with childhood are also influenced by democracy and individualism, on one hand and rise of urban leisure class on the other. Prolonged battles by progressive educators and reformist thinkers led to the realization of the United Nation charter of children’s right. Scientific discoveries and inventions helped control infant mortality, improved sanitation and public hygiene and eradicate common illnesses.
In developed countries the survival rate among children has improved and developing countries are also catching up depending upon their access to scientific and industrial advancements.

Paul Hazard pointed out certainty and predictability of life as central features of the child’s nature in modern history. The mental attributes of a desirable childhood is threatened by rise of terrorism. The industrial revolution of the 18th and 19th century saw the rise of the working class which fought hard for the recognition of childhood as a protected and prolonged period of life. Further the rise of capitalism ensured that special efforts were made to acknowledge the psychological demand of children in terms of toys, books and other colorful concepts. The institutionalized care for health and education though grew at a very slow pace. The rise of childhood as a social construct in the 17th century Europe provides a benchmark for non-European world to judge their own development. Europe experienced improvement in public hygiene and saw an emergence of middle class which valued its privacy and family and recognized sexual innocence as the hallmark of the childhood. Majority of children in the world lived in poverty and oppression, struggling for survival and falling to common diseases.

“The mid nineteenth century prototype of childhood as a protected socio-psychological category continued to serve as an undisputed norm and educational ideal throughout the world”. (Krishna Kumar)

The United Nation Charter recognized childhood as a global concern after the two world wars Post war scenario saw nations acquiring freedom and embracing democracy. Though newly independent nations achieved limited success in controlling child mortality, universal access to schooling, childhood got its legal and political recognition

**Childhood as A Social Construct**

Sociologists have always been concerned with the development of the child inasmuch as their theories of social order, social stability and social integration depend on a uniform and predictable standard of action from the participating members. In this sense then, they begin with a formally established concept of society and work back to the necessary inculcation of its rules into the consciousness of its potential participants – these are always children. The process of this inculcation is referred to as ‘socialization’. Sociologists are not ignorant of the biological character of the human organism but are singularly committed to an explication of its development within a social context. The socially developing model of childhood does share certain chronological and incremental characteristics with the naturally developing model but it largely avoids, or indeed resists, the reduction to explanation in terms of natural propensities or dispositions. The socially developing model is not attached to what the child naturally is so much as to what the society naturally demands of the child (Mary Jane Kehily 2009 :102)

Many of the childhood experiences are universal, yet each child experiences childhood in different manner because of different socio-cultural settings. One of the factors which influence the experience of childhood is gender. It determines the way a child is expected to talk, dress, and behave as well as the values inculcated in her. Boys are given more importance than girls and this result in discrimination against girls in matters of food, clothing, education and love and attention of parents. This bias gets pronounced when resources are scarce. The social class to which the child belongs determines the facilities and opportunities available to her. For children belonging to the lower social class many basic needs and desires remain unfulfilled. Economic necessity forces the children to take to work at an early age. Children may sometimes be working under hazardous circumstances and may be out of school. Children belonging to the middle and upper social class do not lack the essentials of life and most children attend school. Religion provides values, attitudes and beliefs that outline a code of conduct for the child. The family is the nucleus of the child's life and has a great influence on her. The type of family the child lives in and the interaction among the family members influence her development. Ecology has an impact on the type of skills and abilities the child acquires. Whether the child lives in a rural, urban or tribal area, near the coast in the plains, in the hilly regions or desert areas determines her lifestyle to a large extent.
Understanding of Self, Identity and Society

The concepts of self and identity are widely discussed and differently defined and explained in different streams of social sciences. Self can be said as the conscious, reflective personality of an individual in totality and identity as the distinct personality of an individual that is regarded as a persisting entity. The issues of self and identity are frequently used in the symbolic interactionist theories. According to the interactionist theorists self reflects society that means society shapes self, which in turn shapes social behaviors. For them society and self are unorganized, unitary and unstable. However, the structural symbolic interactionists visualizes societies as highly differentiated yet organized systems of interactions and relationships encompassing wide variety of cross cutting lines based on social class, age, gender, ethnicity, religion and more. Here self is seen as multifaceted, as comprised of a variety of parts that are sometimes interdependent and sometimes independent of other parts, sometimes mutually reinforcing and sometimes conflicting and that are organized in multiple ways. Each part is an identity formed external to the self, based on role expectation. Thus self is conceptualized as sets of discrete identities or internalized role designations. For example the self is a totality of a set of identities of as being a particular gender, caste, race, class, etc. and the role expectations attached to each identity. By this we understand, identities are self-cognitions tied to roles, through roles to positions in organized social relationships. It is also argued that identities vary in their salience. That a given identity can be invoked in a variety of situations or it can be defined as differential probability. Thus choice between or among behaviours expressive of particular roles reflects the relative location of the identities associated with those roles (Singha Roy 2004).

Identity and Construction of Gender Roles

It is argued that the individual self and identity are socially constructed. We as individuals living in a society imagine or construct various social process or phenomena as well as our own social identity based on our everyday observations, experiences and encounters with other individuals in other society. Individuals develop different identities based on their interactions with their fellow beings. The sense of community and fellowship relates closely to the idea of social identity of an individual self (Singha Roy 1999). There are strong influences of the community and the people with whom an individual self identifies and associates (Ibid). In that sense, gender (the acceptance of self as female or male sex and the roles and expectations attached to that sex) as one of the identities of an individual is largely created by her/his social interactions and influenced by the community. The process of social construction of gender identity is closely associated with the culture and institutional arrangements of the society through which it operates. Thus we can say gender identity is not universal but culture specific discursive construction and cultural identity is continuously formed (Hall 1990). This implies that gender identity is cultural specific and socially constructed, which shows variations across time and space.

Social Construction of Gender

Social construction is a social process in which both individual and other social processes are intrinsically related. Every construction or image of the world is influenced by the individual’s experience of society and his / her interaction with various social process. Social construction itself carries subjective biases as it is shaped by individual experience. Social construction is also influenced and controlled by the interests of dominant group or class of group. In this sense, the culture, norms, ideologies and values of the influential group are used to justify and sustain particular form of social construction. Hence social construction through which we understand the everyday life try to classify people on the basis of caste, class, religion community, kinship, gender and so on. The classification of people is the product of social construction and also forms an integral part of the social processes. Social processes such as a primary socialization and the presence of social institutions help to produce and accepted kind of social construction. Hence gender is the product of such social construction.
Construction of Gendered Roles

Gender is understood as social, historical and cultural construction explained on the basis of sexual difference and the connections built between both the sexes. Construction of gender is multidimensional. The phenomenon of gender construction has bias in social cultural institution economic historic etc. The construction of gender determines the range of choices or options open to women and men. These choices are linked to work and production process, to mobility or seclusion, dress, behavior and so on. Thus the sexual division of labour in society and family, role allocation and stereotyping property and inheritance, distribution of authority and governance and most importantly the unequal concentration of power and status of men and women in society depict the pattern of its gender construction. Gender category varies from society to society. Hierarchies between women and men obtain in terms of resources, control over choices and social evaluation of roles. Thus gender construction of girlhood and boyhood favours and perpetuates the unequal status of sexes, which invariably gives a subordinate status leads to the discrimination and marginalization of female sex in the society.

It is argued that the child as individual self and identity are socially constructed. We as individuals living in a society imagine or construct various social process or phenomena as well as our own social identity based on our everyday observations, experiences and encounters with other individuals in other society. Individuals develop different identities based on their interactions with their fellow beings. The sense of community and fellowship relates closely to the idea of social identity of an individual self (Sen cf. Singha Roy 1999). There are strong influences of the community and the people with whom an individual self identifies and associates (Ibid). In that sense, gender (the acceptance of self as female or male sex and the roles and expectations attached to that sex) as one of the identities of an individual is largely created by her/his social interactions and influenced by the community. The process of social construction of gender identity is closely associated with the culture and institutional arrangements of the society through which it operates. Thus we can say gender identity is not universal but culture specific discursive construction and cultural identity is continuously formed (Hall 1990). This implies that gender identity is cultural specific and socially constructed, which shows variations across time and space.

School and the Child

School is an important part of child’s world, and an important socializing institution. We all have some very pleasant and not so pleasant memories of our school days. It is at school that we learnt to sit quietly for hours, take turns, stand in rows, work on tasks and so on. There are a number of things that the child learns at school – some are taught in a very explicit way while others are part of the school culture and the child imbibes these as they are part of the school environment. In other words the form and content of the learning material, the organization of the school, the daily classroom social relationships, the structure and organization of the curriculum; the attitudes of the school staff all together form the school experience that deeply influences the child. It however needs to be understood that each of these aspects are not neutral but are deliberate choices, often determined by the dominant ideology in the society.

Krishna Kumar demonstrates it is very difficult to visualize equality of attributes in childhood of girls and boys. The dice is loaded heavily against the girls. Between the age of 5 and 11, the physical and intellectual capacities grow. The girls face restrictions and control as far as their physical movements are concerned. They are made aware of their developing physical attributes and are actively denied intellectual pursuits. The girls are forced to accept certain customs and rituals which have a very negative impact on their childhood. On the other hand the childhood of boys is allowed to blossom in all its glory unabashedly. Childhood of girls is further embarrassed by highlighting the concepts of maternity and motherhood to a girl long before puberty sets in. Therefore according to Krishna Kumar there cannot be a common construction of gender which is compatible with girlhood.
Keywords Defined

**Masculinity**

Masculinity is defined as roles and responsibilities to be acquired by male members who are socially constructed in our society. These are known as masculine traits e.g. Strong, powerful, bread-winner, head of the family etc.

**Femininity**

Femininity is defined as roles and responsibilities to be acquired by female members which are socially constructed in our society. These are known as feminine traits e.g. passive, receptive, taking care of domestic work.

**Boyhood**

The period when a person is a boy, and not yet a man, or the state of being a boy. The above mentioned definition implies during the period of childhood boys acquire the masculine traits. The understanding of boys that they resemble with male members in their family and society. Their understanding of roles and responsibilities are to be carried as male.

**Girlhood**

The period when a person is a girl, and not yet a woman, or the state of being a girl. The above mentioned definition implies during the period of childhood girls acquires the feminine traits.

The understanding of girls that they resemble with female members in their family and society. Their understanding of roles and responsibilities are to be carried as female.

**Social construction**

Social construction is a social process in which both individual and other social processes are intrinsically related. Every construction or image of the world is influenced by the individual’s experience of society and his/her interaction with various social processes.

**School as A Sight of Construction of Gender (Boyhood & Girlhood)**

Girls and boys have different socialization experiences. By the time they enter nursery school, most of them have a fair understanding of their gender identity which is largely acquired from parents, siblings, television and other socialization agents. The term, 'gender role' refers to expectations regarding proper behaviour, attitudes, and activities of males and females. 'Toughness' for example has been traditionally identified as a trait of men while 'tenderness' has been viewed as a trait of women. As the primary agents of socialization, parents play a critical role in guiding children into gender roles that deem them appropriate in a society. Other adults, older siblings, the mass media and religious and educational institutions also have a noticeable impact on a child's socialization into gender identity.

Students spend more than six hours a day in classes and school related activities. Therefore, teachers and schools become important sources of information on appropriate behaviour for boys and girls. Children learn by observing and imitating adult roles including the roles of teachers and administrators. They observe the ratio of males to females and the authority structure in the educational hierarchy and learn appropriate behaviour for main gender through positive and negative sanctions. Social learning theory explains that gender images are transmitted through books, television programmes and children's toys. Of these three areas,
it is the sexism in books that has received most attention. In particular, Lobban (1975) has examined the extent to which reading schemes in the infant and junior school transmit sexist images through the characters used, the illustrations and the portraits of males and females and the use of stereotypes.

**Children's toys** play a major role in gender socialization. Boys' toys – chemistry sets, doctor kits, telescopes and microscopes etc. - encourage manipulation of the environment and are generally more career oriented and more expensive than girls' toys. Parents are generally very conscious of buying toys that are appropriate for the gender of their children. By the time young children reach nursery school they have learnt to play with the appropriate toys for their sexes. Delamont (1980) has provided an analysis of toy catalogues that illustrates how the girls’ toys emphasize passive domestic roles, while the boys’ toys emphasize action, adventure and career growth. In turn, the images of girls presented through television and other media lay emphasis on subordination and passivity. McRobbie (1978) confirmed this in an analysis of the schools girls' magazine, Jackie in which stories reinforce the idea of a girl being subordinate to a boy. Sexism in textbooks too has received a great deal of attention.

**Books** are a major source of messages about sex roles. Content analysis of texts is based on illustrations, positive and negative images of men and women, stereotypes, and many other factors related to the portrayal of sex roles in the societal systems. While classrooms may be co-educational, many activities within the classroom are gender-linked. It has been found that girls do not receive the same attention as boys do. Boys are encouraged to solve problems while girls are provided the answers readily. Girls are often asked to water the plants while boys are asked to clean the blackboards. Children line up for activities by gender. Even imposition of discipline and quantity of time a teacher spent with children have a bearing on gender differences. Studies establish that boys are disciplined more harshly than girls, but they also receive more time and praise from the teachers. Interestingly, teachers' expectations are based on students' gender, class, and race. Why do boys perform better than girls in mathematics most of the time? Most researchers explain that the difference in mathematical ability results from differential socialization and differential experiences of boys and girls. These commence in the primary school itself. Boys are encouraged to be independent thinkers and develop creative ways of dealing with mathematics rather than following rigid norms of mathematics formulae. Though much has been made of the difference in mathematics score between girls and boys on standard tests, these differences are not significant and need to be considered in the light of social and cultural factors that ban girls from participation in achievement in mathematics and science. Cross cultural studies of differences in parental support, teacher expectations, study habits and values, beliefs that affect achievement indicate that girls in some countries do excel in mathematics.

Nandini Bhatachargee through the looking glass 1999 gender socialization in Primary school explained that task within the classroom are assigned on sex differentiated system in which task magnifies the gender dichotomy, catering as it does to the notion of girls as “dutiful daughters” and boys as” roughhousing rouges”

Davin (1979) found that schools imposed the family form of the bourgeoisie with a male breadwinner and a dependent wife and children - a view that influenced the pattern of girls' schooling. Purvis and Hales (1983) identified two models of femininity that were used in schools, the 'perfect wife and mother' for children belonging the middle class, and the 'good woman' for children belonging to the working class. In the school curriculum, a set of assumptions about women and marriage were included with the result that they were able to perpetuate an education system that does not open up new opportunities for most girls. In a similar vein, Miriam David (1985) has illustrated how courses on family life and parent education within the youth training scheme and other post-school programmes emphasize education for motherhood. Such evidence from the 19th and 20th centuries has been used to illustrate the way in which education maintains relationships, particularly gender relationships in society.
Religion

Most modern religions are patriarchal, defining male authority as supreme. They present a patriarchal order as being supernaturally ordained. The feminine principle of power which existed before the evolution of institution alised religions has been gradually weakened, goddesses have been replaced by gods. All major religions have been created, interpreted and controlled by upper class and upper caste men; they have defined morality, ethics, behaviour and even law; they have laid down the duties and rights of men and women, the relationship between them. They have influenced state policy and continue to be a major force in most societies; in South Asia their power and presence are enormous. In India, for instance, inspite of the fact that it is a secular country, a person’s legal identity with regard to marriage, divorce and inheritance is determined by his or her religion. Religions have constructed stereotypes about men and women in their own ways. The Christian stereotype of woman is seen as Eve, who has been blamed for instigating events leading to the original sin. The Indian myths explain how the world was created, treat ‘brahm’ the creator as an androgynous entity - an embodiment of half male and half female. Traditional Indian society is primarily based on agriculture and establishes a symbiotic relationship with nature. Femininity is linked with prakriti (nature) and prakriti with leela (activity). The concept of adyashakti (original power) is entirely feminine. There is sufficient analysis now to show how almost every religion considers women to be inferior, impure, sinful; how they have created double standards of morality and behaviour; how religious laws often justify the use of violence against “deviant” women.

Socialization

Leela Dube has studied gender socialization in detail, emphasizes how it is important to understand the subtleties and complexities of gender based socialization in order to understand it fully. She asks the questions, “what does it mean to be a girl? ; how are women produced as gendered subjects?” Leela Dube also says that although gender differences are culturally produced , it is claimed that they are part of the natural order of things – or rooted in biological based difference. According to her, ‘Gender roles are conceived, enacted, and learnt within a complex of relationships.” She explains how girls are not received happily in families , given the low sex ratios and prevalence of female foeticide. She has cited several songs and rituals performed at the birth of girl/ boy children to substantiate her point. She further elaborates on how proverbs and folk songs pass a message to the girls that they are a temporary member of their natal families. One such proverb that she cites goes like this: A father who takes care of a girl is actually watering a plant in someone else’s garden!

The Nobel prize winner, Amartya Sen has worked extensively in the area of famines, poverty and low sex ratio (we will read about sex ratio a little later). He has pointed out that it is not only socialization that is based on gender differences that is problematic, the very idea of gender based entitlement also does not work in the favour of girls. Girl children have lesser access to resources- to food, healthcare, nutrition, inheritance of property and also access to information.

Gender in Everyday School Life

As researchers have closely looked within classrooms, they’ve found patterns of practices that lead to the construction of masculinity and femininity in various ways. Some of the issues that emerge in this connection are:

- Curriculum and its selective portrayal of men and women/ boys and girls.
- Knowledge by itself has been has been understood to be patriarchal. Look up the NCF on Gender Issues in Education to understand what this phrase means.
- Schools exaggerate the differences between boys and girls.

Gender is used in the school as a means of organization, or for social control or disciplining. For instance, you may have seen many times that when children queue up for assembly, they are asked to stand in separate lines
meant for boys and girls. When boy/girl are to be punished for misbehaving, they are made to sit with the opposite gender. These are simple examples where gender is unnecessarily evoked in the school.

Can you think of more such examples? How do children sit in the class? Who distributes the mid-day meal? Who is responsible for the cleanliness of the class? Who is the class monitor? Ponder why was it necessary for the teacher to choose this on the basis of gender, and perhaps you will understand how “gender is everywhere”. Another related debate is that whether it is beneficial to have same-sex or mixed sex groups in schools.

**Perception of Teachers Towards Gender Roles Within Classroom**

**Attitude towards Disciplinary Subjects**

Girls should choose arts then science, lastly commerce as business related subjects are good for boys. Citing reason for these girls should take up those courses which supports her family in carrying out home affairs whereas boys are the bread earner of family so they should focus on their work.

Teachers’ perception is that girls are good in literary, drawing and social sciences where boys are good in Mathematics, Science and Technology. Boys have more reasoning power whereas girls have good writing expression.

Girls should be passive, receptive and whereas boys are physically strong, aggressive and violent.

**Gender Relationships**

As we have read above, girls and boys are treated differently from the minute they are born. In interactions between adults and children, we can see different patterns of stereotypes, beliefs and metaphors. For instance there has been a lot of research on how teachers perceive students. Researchers found that there were some themes that repeatedly emerged. Teachers describe good girl students as 'appreciative, calm, conscientious, considerate, cooperative, mannerly, poised, sensitive, dependable, efficient, mature, obliging, thorough. On the other hand, good boy students are described as active, adventurous, aggressive, curious, energetic, enterprising, frank, independent, and inventive. What are some of the differences that you see in these perceptions? Who comes across as more active? Who comes across as passive and obedient?

**Roles and Responsibilities given by Teacher**

During my observation in primary schools roles and responsibilities given by teacher in classroom is gendered as Boys were assigned the task of minds the boys only. Boys were allowed to go outside the school to bring food for teachers or shopping the material for schools. They were involved in distribution of mid-day meal during lunch. Carry or shift furniture from one place to other. On the other hand Girls were involved to mind the girls only. Task given by teacher includes clean the classroom, black board and table, decorate teacher’s register etc and teach both in teacher’s absence and when she’s busy, read aloud lessons write questions and answers on the blackboard.

**Seating Arrangement**

Seating arrangement within classroom are organized in such a way girls and boys are not allowed to sit together. This means boys will sit with girls, whenever boys gets punishment in class by his class teacher otherwise they are not allowed to sit together.
Hidden Curriculum

A curriculum encompasses the essential and appropriate knowledge taught in schools. It involves the praxis of policy as well as the syllabi used in the teaching-learning process. Teaching and learning materials, classroom practices, evaluation and assessment procedures and language policy are all components of curriculum are ‘learned’ in school. It demands investigation of the contexts within which the children make meaning of, or responds to, these notions, through the filter of her/his subjective experience while growing up as female/male in society. While it is important to understand the ideologies underlying the presentation of gender in school textbooks, it is equally pertinent to examine how these ideologies are expressed at the level of everyday school practices and experiences, through what is often termed the ‘hidden’ curriculum.

This curriculum is hidden in the sense that it is not explicitly outlined in the formal work culture of the school. But over the years it has come to be seen as a kind of a norm which nobody seems to be bothered or confused about. It can be organizational arrangement which include division of physical spaces within the classroom and school along gender lines. There is division of labour among boys and girls. Boys are allowed to cross the school boundaries while girls are assigned indoor tasks like sweeping, cleaning gardening. Adoption of different strategies to discipline the students according to their gender. Routines, rituals and practices in everyday school life like segregation of boys and girls while seating, forming teams and sports.

Outside Classroom

Playground and Physical Education

In outdoor play, girls are usually found playing “langdi” (hopping) and versions of hopscotch; whereas boys play cricket with equipment made from throw away material, such as crumpled paper for a ball, or a stick for a bat, or a tree stump for wickets. They also play catching and abadubi (versions of ball and running games).

Indoor games in the classroom usually constitute sequencing of film songs/episodes from television serials for girls and book cricket or horseplay for boys.

The play space boundaries used by girls are usually clearly demarcated before play – either naturally or by the girls themselves – and do not involve the girls moving more than 10 feet away from the central location of play. The boys, however, use whatever space is available and even playgrounds in the vicinity of the school.

School Assembly

In school assembly activities are gendered in such a way that all dancing and singing of prayers are done by girls whereas drum beating, maintaining discipline, line up of classes are done by boys.

Participation in Co-Curricular Activities

In school space co-curricular activities are also gendered in a way all the dancing and singing activities are done by girls whereas debates, extempore etc. are offered to boys. In schools there is lack of gender mix activities among boys and girls.

Conclusion

Constructions are being evolved and practiced based on certain values, norms, tradition and customs of the society. However these constructions of social practices are not always value neutral. This is because mostly these constructions are related to power relations in each society and usually these serve the social, economic and political interests of dominant groups in it. The same is true with gender roles. The gender roles are
socially constructed. As the process of construction is culture specific, it has been rooted in the ideological and institutional arrangements of each society.

Education thus preserves, and often increases, social biases present in society. Different socialization experiences of students have significant implications on the kind of personalities or self which children develop, the attitudes, skills and knowledge, they acquire, which in turn affects their achievement level in school. There are certain factors in their socialization, which are conducive to learning in school, whereas there are others, which place the students at a disadvantage vis-a-vis school and inhibit learning. To belong to a particular type of family, social class, caste or gender group and be exposed to certain types of child rearing practices have specific implications for the kind of persons we develop into and subsequent development of skills, attitudes, knowledge and linguistic forms, which in turn affects our performance in school. It would be naive, therefore, to assume that school functions in isolation of one's family background. Home and school both constantly interact with each other, to determine a student's overall personality, knowledge level, attitude and educational performance. So, even though the school may appear to be a fair and neutral institution, it works in consonance with the existing differences among people, not just maintaining but at times enhancing these differences to the disadvantage of the marginalized groups.

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SEXUAL DIVERSITY AND GENDER IDENTITY IN SRI LANKAN PERSPECTIVE WITH SPECIAL REFERENCE TO RIGHTS AND POSITION OF SEXUAL MINORITIES IN CRIMINAL JUSTICE SYSTEM OF SRI LANKA

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Abstract: All human beings have acquired a set of rights since their birth and these rights are called "Human Rights". These set of rights cannot be derogated due to the sexual orientation. The Constitution of Sri Lanka states that all citizens are equal before the law and every citizen have the same opportunity without considering their sexual orientation. The Penal Code of Sri Lanka prescribes that, the sex between men and sex between women as offences. This research mainly focused on sexual minorities and their position in Sri Lankan Criminal Justice arena. Through this study, the rights of sexual minorities and penal laws relating to sexual behaviours will be discussed in a critical manner. The purpose of this research is gathering qualitative information in relation to rights of sexual minorities and it further analyzes the penal laws regarding homosexual behaviours in Sri Lankan Criminal Justice System. Generally, this work is internet based research therefore scholarly work on the issue will be reviewed. This qualitative information will help in the formulation of recommendations to build up a better surrounding for sexual minorities and ameliorate their position in Sri Lankan society.

Keywords: Sexual minorities, Human Rights, Penal Code of Sri Lanka, Criminal Justice System

Introduction

The term “Sexual Diversity” is often used to describe the sexual characteristics, sexual orientation and gender identity of human society. Sexual diversity means, which every human being has own understanding of what sex means to them. Gender identity refers to "one's self-identification as male, female or an alternative gender.” The sexual diversity and gender identity have a broad spectrum of expressions, identities, behaviours, feelings of attraction. The sexual characteristics of all human beings are not heterosexual, some are gay, lesbian, bisexual, queer or questioning. Sexual diversity and gender identity of human beings are a comprehensive concept associates with biological factors, social factors and behavioural factors. The Umbrella term LGBT (Lesbian, Gay, Bisexual and Transgender)/ LGBTIQ (Lesbian, Gay, Bisexual, Transgender/Trans sex, Intersex and Queer/Questioning) is used to describe the sexual minor community. LGBT community is described as "sexual minority" because they differ from the major heterosexual oriented society. The sexual minorities have different necessities and their expectations are different from large heteronormative value oriented context.

With regard to South Asian context, the third gender has a traditional recognition from the ancient history. They acted a significant role in cultural, religious, ritual functions, dance and Theatre. Hijra is an Indian cross-dressing male community exists from ancient history. India, Nepal and Bangladesh have taken steps to recognize the third gender even though, Sri Lanka does not accept the concept of the third gender due to the social, cultural and religious influences. A majority of general public represents the hetero-patriarchal dominant

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society and the same-sex relationship is commentated as a forbidden and anti-social activity. Further, the LGBT activists are labelled as perverts and their activities are being named as anti-moral practices.

At present, many countries have taken steps to decriminalize homosexual activities and legalize same-sex marriages. However, 75 countries including Sri Lanka criminalize homosexuality and 6 countries and some parts of Somalia and Nigeria impose capital punishment for the offence of homosexuality.

Like many colonial territories, the Sri Lankan judicial system also inherited by British rules of the Victorian era. The procedural law such as the Penal Code of Sri Lanka was formulated by British. Through the root codification of Penal Code, the sex between men are criminalized even though, the existence of sex among women was not even admitted by it. Through 1995 amendments to the Penal Code, the lesbianism also identified as a criminal offence in Sri Lanka.

A considerable percentage of sexual minorities dwell in Sri Lanka whereas a lesser population is exposed to the public due to detestation is arisen from the society upon them. According to the fundamental rights of the Constitution of Sri Lanka, any person shall not be discriminated due to their sex, even though the sexual minorities are flagrantly discriminated by the general public. Furthermore, they are ceaselessly confronted with denial of rights, social phobia, and psychological pressure and marginalized from the hetero-normative valued society.

Globally, LGBT movements are raised up their voices against anti-homosexual laws and human rights violations upon sexual minorities. All of the European countries have taken steps to de-criminalize homosexual behaviours and most of the domestic jurisdictions such as Finland, Denmark, and Sweden offer legal recognition for same-sex marriages and same-sex civil unions.

Methodology

This study mainly focused on to the sexual minor community. The research is qualitative research. In social science field, qualitative researches are more popular. These types of researches are designed to reveal a target audience’s range of behaviour and the perception that drive it with reference to specific topics or issues.

This is also a literary research and mainly based on internet. Scholarly articles, newspaper articles and previous researches in relation to sexual minorities in Sri Lanka may be analyzed.

Articles from magazines and journals, scholarly books may be retrieved as a secondary source.

Limitations

Although this research is mainly focused on rights and positions of sexual minorities. It was not conducted direct interviews with sexual minorities due to practical difficulties and limited only to internet-based articles and scholarly works.

Literature Review

An overview of Constitution of Sri Lanka in relation to sexual minorities

The Constitution of the Democratic Socialist Republic of Sri Lanka identified and consolidated the fundamental rights of citizens. From Article 10 to 14 of the Constitution, the fundamental rights are prescribed and from article 15 to 17 the restrictions of fundamental rights and remedies for infringements of fundamental rights are contained.
Article 12(2) of the constitution attempts to ensure the rights of non-discrimination among the citizens of Sri Lanka. According to the Article 12 (2) “no citizen shall be discriminated against the ground of race religion, caste, sex, language, political opinion, and place of birth or any one of such grounds.” Through this provision, the sexual minor community is safeguarded from the discrimination due to their sexual orientation or sexual diversity. The Article 12(3) is given the opportunity to citizens to enter to any public place without considering their race, religion, caste, sex or any other of such grounds. Through this provision, the sexual minorities are permitted to access to public places without any discrimination.

Penal Code of Sri Lanka and sexual minorities

The Sri Lankan Criminal Justice system was directly influenced by British Victorian rules as Sri Lanka was a British colony till 1948. The Penal Code of Sri Lanka was formulated by British Parliament in 1883. The root codification of Penal Code of Sri Lanka stated that gayness as an offence. It was identified as “gross indecency among men”. But the British Parliament or British Lawmakers were not acknowledged about the existence of lesbianism or sex between women. Therefore they have not categorized lesbianism as a criminal offence under Penal Code of Sri Lanka.

Through 1995 amendment the penal code the lesbianism also acknowledges as an offence in Sri Lanka. The word “men” was substituted with “persons” from the amendment, thereafter the lesbianism also considers as a sexual offence in Sri Lanka.

Further, section 365 of Penal Code is criminalized under the offence called “unnatural offences”. According to Penal Code, unnatural offences are called "carnal intercourse against the order of nature with any man, woman or animal".

Cheating by Personation

This provision also used by Police to target sexual minor community especially, transgender people and cross-dressers.

Vagrancy Ordinance

This Ordinance came into the force in 1824 in relation to the law regarding vagrants. The provisions of this outdated ordinance pave the path to police to criminalize and discriminate the innocent sexual minorities especially, section 7 of the ordinance. It states that “soliciting and act of indecency in public places as an offence”. The police have been used this provision to harass and deter the sexual minorities.

International Covenant on Civil and Political Rights (ICCPR)

ICCPR is a cardinal treaty to recognize and promote the human rights of human beings. Sri Lanka also a state party to the covenant and should promote and ensure the rights of citizens of Sri Lanka without any

1 Section 365A-Any person who acts of gross indecency with another person shall be guilty of an offence, and shall be punished with imprisonment which may extend to two years or with fine or without fine or both.

2 Section 365-Whoever has carnal intercourse against the order of nature with any man, woman or animal should be punished with imprisonment which may extend to ten years or with fine or with both.

3 Section 399-Any person who pretends to be some other person or by knowingly substituting one person for another or representing him or such other person really is should be punished with imprisonment which may extend to one year or with fine or both.
discrimination. Article 26 of the covenant states that "all persons are equal before the law and are entitled without any discrimination on the equal protection of the law". Further article 2 states that "states parties shall ensure the rights recognized in the covenant without any discrimination such as any ground of race, colour, sex religion, political or any other opinion, national or social origin property birth or other status”. Therefore the government should ensure the rights prescribed in the covenant without considering the sexual orientation or sexual diversity of citizens of Sri Lanka.

**International Covenant on Economic, Social and Cultural Rights (ICESCR)**

The ICESCR also one of the prominent human rights covenants under international law. Sri Lanka also a signatory to the covenant, therefore Sri Lanka has a binding capacity over the covenant. According to the article 2 para, 2 of the covenant “the rights enunciated from the covenant should be practised among the citizens of state parties without discrimination grounds such as race, language, colour, sex, birth or other status.” Therefore the sexual minorities have the opportunity to enjoy all the rights enunciated in the covenant without any discrimination. For example, article 9 of the covenant states that “everyone has right to social security including social insurance”. The sexual minorities also including into the category of “everyone” therefore they also have right to social security in their societies without any discrimination.

In the context of Sri Lanka, there are plenty of scholarly articles written by academics and LGBT activists. Much of these articles were written by LGBT activists and non-governmental organizations work for sexual minorities. There is relatively little written by legal scholars regarding LGBT community in Sri Lanka.

In their work MAN Chandrathilake and P.Mahanamahewa held that “Sri Lanka is in the backwater of the global gay rights village requires no further explaining”. According to them the law cannot and should not penalize persons due to their sexual preferences.

**Discussion**

This particular section discusses two aspects regarding sexual minorities.

The rights consolidated under Constitution of Sri Lanka and international treaties ratified by Sri Lanka with regard to sexual minorities will be discussed in comprehensively.

The position of the sexual minorities in the context of Sri Lankan Criminal Justice System will be discussed in the second part of this section. The contemporary penal laws regarding sexual behaviours will be retrieved. Conflict among laws and sexual preferences of sexual minorities will be argued to provide an idea of the present situation in Sri Lankan society.

**Constitution of Sri Lanka and Sexual minorities**

As mentioned in the literature review the constitution of Sri Lanka prescribes the fundamental rights of the citizens. According to the article12 (1), (2) and (3), all citizens are equal before the law and sex should not be a ground of discrimination. Even though the Sri Lankan justice system does not use any specific mechanism to protect the sexual minorities from discrimination on the basis of sexual orientation. While studying the constitutional law and criminal law relating to sexual minorities in Sri Lanka *prima facie* conflict could be noticed in the fundamental rights and penal code. The penal code criminalizes the same-sex conduct, whereas constitution states that the sex should not be a ground of discrimination. These contradictory legal provisions

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4 Sexual Orientation and Human Rights; Applicable Laws of Sri Lanka and the UK, Proceedings of 8th International Research Conference, KDU, November 2015
create a conflict between penal laws and human rights arena whereupon sexual minorities are aggrieved in an unreasonable manner.

Sri Lanka does not recognize the right to life, right to privacy and right to health as fundamental rights. Further, Sri Lankan society gives more priority to good morals other than the privacy of individuals. Through the article 15 (7) of the constitution of Sri Lanka, some fundamental rights could be restricted to protect the public morality. This provision could be used to marginalize and narrow down the rights of sexual minorities. Further, so-called public morality could be used to discriminate the sexual minorities. On the other hand, the religious and devotional activists and traditionalists treat sexual minorities as perverters and wrongdoers.

Overview of International Covenant on Civil and Political Rights (ICCPR) and sexual minorities

As a signatory to the ICCPR, Sri Lanka has an obligation to ensure the civil and political rights of the citizens in the territory. Article 26 of the ICCPR ensures the right of equity before the law. Further Article 2 of the covenant clearly defines that, “all state parties should safeguard the rights of citizens without any discrimination such as sex”. Therefore as a state party to the covenant, Sri Lankan government should ensure the rights of sexual minorities without any discrimination.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Economic, Social and Cultural Rights also a cardinal Human Rights treaty and Sri Lanka as a state party to the covenant it should be protected, promoted and respected the economic, cultural and social rights acknowledged by the covenant. The section 2 of article 2 of the covenant states that “the rights enunciated in the covenant should not be discriminated such as any grounds of sex”. Further, the covenant safeguards the work right of every person under article 6. The work rights, equal opportunity and the discrimination-free environment in workplaces due to sexual orientation could be enjoyed by the LGBT community in the light of this article.

Most of the times the sexual communities especially, gays and lesbians are forced to attend heterosexual marriages by their families in Sri Lanka. This situation creates various types of disputes among sexual minorities, their families and spouses. The Article 10 identifies “entering into the marriage with free consent

5 The Supreme court has accepted the Right to Life as a fundamental right- Bulankulame V Secretary, Ministry of Industrial Development and Others(Eppawala Case) 3 SLR,243

6 The exercise and operation of all the fundamental rights declared and recognized by Article 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interest of national security, public order and the protection of public health and morality.

7 Article 26-All the persons are equal before the law and entitled without any discrimination to the equal protection of Law. In this respect, the law shall prohibit any discrimination and guarantee all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth or other status.


9 Article 10(1)-Marriage must be entered into with the free consent of the intending spouses.
as a right of individuals”. Through this provision forced marriages are debilitated. This provision does not specifically mention about sexual minorities even though they could use it as a shield against forced marriages.

Majority of Sri Lankans treated, sexual minorities as perverters or sinners. If a sexual minority is a member of a family, the society is ignored the whole family. Therefore most of the family members are reluctant to divulge about their sexual minority member and most of the time such members are set apart from families and they are maltreated. The ICESCR identifies the adequate living conditions of everyone as a fundamental right. Sri Lanka as a signatory to the covenant it has an obligation to ensure the minimum standard of living conditions of citizens. Therefore both government and general public should facilitate the standard living conditions for sexual minorities without any discrimination.

The Article 12 of the Covenant prescribes that “the enjoyment of mental and physical health as a human right”. In Sri Lanka, the primary health care is totally free for every citizen. A well developed and well-equipped government hospital system and well-trained health care providers are available in Sri Lanka. As citizens of Sri Lanka sexual minorities have the right to access free medical facilities. Unfortunately, these people are discriminated and stigmatized in the public healthcare sector. LGBT community is labelled as mentally ill population and health staff is often unaware and insensitive about their health issues and other health-related matters.

Penal Laws regarding sexual minorities in Sri Lanka

The act of gross indecency and unnatural offences are punishable offences under penal code of Sri Lanka. According to the penal code, “unnatural offences are the offences of carnal intercourse against the order of nature with any man, woman or animal”. The word “unnatural” means different from what is normally expected or different from anything in nature. The word “carnal” denotes “connected with the body or sex”. While considering these meanings, the unnatural offences means “sexual activates contrary to nature”. These activities could be identified as sodomy, buggary, bestiality, tribadism, sadism, spanking, kissing.

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11 Article 11(1)-Right of everyone as an adequate standard of living for himself and his family including adequate food, clothing and housing and continues improvement of living condition.

12 Article 12(1) - The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

13 Human Right Watch Report 2016, p 1,3,39

14 Ibid, p 39

15 Oxford Advanced Learner’s Dictionary, 6th Edition

16 Ibid

17 Brother John Antony, Petitioner V The State, Respondent,1992, CrLJ 1352

18 Non-coital carnal intercourse with the same sex or opposite sex partner e.g.-per anus or mouth
masochism. With regard to section 365 of the Penal Code of Sri Lanka sodomy, buggery, tribadism and bestiality are categorized under unnatural offences in Sri Lanka.

The section 365 A of Penal Code does not describe what an “act of gross indecency” actually is. No any clear definition or interpretation of what counted as gross indecency. Gross indecency is much easier to prove than unnatural offences. Under unnatural offences, it is mandatory to prove the existence of penetration. But under section 365 A, the law is silent and does not give any explanation to constitute the offence. Therefore the practice of gross indecency cannot be clearly demarcated. For example, two men are kissing and cuddling in a public place or a private place could not constitute the offence of unnatural offence even though it could constitute the offence of gross indecency.

From the recent judgement Supreme Court of Sri Lanka, oral sex practice among two men in a vehicle is considered as an offence under the section 356 A of Penal Code. In his judgement, Aluwihare J. held that “the contemporary thinking, that consensual sex between adults should not be policed by the state nor should it be grounds for criminalisation. However, the offence remains very much a part of our law”. But none of the court decisions defines or interpret what an “act of gross indecency” actually is. According to the Joint Submission for 3rd cycle UPR review of Sri Lanka report “gross indecency is not defined by the law or any Sri Lankan court decision, the current law is understood to target sexual acts and displays of romantic affection between two individuals of the same sex. Because the term “gross indecency” is left open to interpretation by police officers, prosecutors, and judges, the breadth and ambiguity of what could constitute “gross indecency” invites abuse”.

Through the section 399 of Penal Code the offence “cheating by personation” makes LGBT community as offenders. Most of the times transgender community are targeted by the police, based on their gender identity. Because their gender identity differs from the sex assign at the birth. National identity card and passport are issued based on the birth certificate, therefore transgender’s present gender identity does not match with their documents. Further, their appearance does not match with the gender identity included in their documents. As a result of this entanglement, the transgender community is happened to unnecessary questioning by the police and everyday life events. Many incidents have reported that the transgender people were arrested by police under section 399 of Penal Code.

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19. sexual intercourse per anus by a man with another man or woman, or intercourse per anus or vagina by a man or woman with an animal

20. sexual intercourse by a human with a lower animal

21. Friction of the external sexual organs by a woman with another by mutual bodily contact to have sexual desire

22. Sexual excitement in response to inflicting pain upon other people

23. practice of getting sexual pleasure from being physically hurt from others

24. SC Appeal No 32/11, Galabada Payagalage Sanath Wimalasiri, Petitioner V AG, Respondent


26. See Supra note 3
The Vagrancy Ordinance\textsuperscript{27} is another outdated act, which often criminalizes sexual minorities. The act of gross indecency is identified as an offence under the section 7 of this ordinance also\textsuperscript{28}, although the act of “gross indecency” is not defined in the ordinance. Further, section 7 states that “soliciting in or about any public place for the purpose of committing illicit sexual intercourse or indecency as an offence”. But the act of “illicit sexual intercourse” does not interpret in the ordinance. Many incidents have reported that the police use these legal provisions to target and harass the transgender people\textsuperscript{29}. Similarly, they are arrested by the police under the section 399 of the Penal Code and the Vagrants Ordinance.\textsuperscript{30}

The Prevention of Domestic Violence Act\textsuperscript{31} gives the appropriate legal protection to victims of domestic violence. Through this act, the ex-spouses and cohabiting partners are categorised under aggrieved parties and they could seek the protection from domestic violence offences. Unfortunately, the same-sex partners do not categorise as one of the aggrieved parties, therefore, they cannot seek the protection from this act.

Legal Gender Recognition in Sri Lanka

Sri Lankan Justice System does not provide a clear path to changing legal gender. Before the year 2016 transgender community was unable to amend their official documents such as national identity cards, birth certificates, after their gender reassignment. Due to this lacuna, transgender community faced obstacles while accessing employment, housing, higher education and healthcare. In the year 2016, a circular was passed by Ministry of Health to issue Gender Recognition Certificate for the transgender community. Through this certificate, the individuals would get a chance to change their gender indicated in official documents such as birth certificates, national identity cards, and passports. Issuing the gender recognition certificate still is in the state of administrative policy under a circular and does not consider as a law. Therefore this policy is under the control of administrative officials and their discretion is directly influenced by this process.

However obtaining a Gender Recognition Certificate also a challenge to the transgender community. Under this certification process, three steps of difficult proceedings should be fulfilled by the individuals. (a)The individual should be assessed by a psychiatrist, (b) the psychiatrist should be certified that “the person was referred for hormonal therapy and necessary surgical treatments”, (c) the psychiatrist should certify that “the person underwent the gender transformation process”.\textsuperscript{32} According to this circular, to obtain a Gender Recognition Certificate, the transgender person should undergo a psychiatrist’s assessment. Besides, appropriate hormonal therapy and surgical treatments such as gender confirmation surgery should undergo to obtain the certificate. In Sri Lankan context these types of surgeries are rare and cost-effective. Therefore a limited people could get a chance to undergo the sex reassignment surgeries. Majority of the transgender

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\textsuperscript{27} Ordinance No 4 of 1841

\textsuperscript{28} Section 7 (b) of Vagrants Ordinance-Any person found committing any act of gross indecency or found behaving with gross indecency in or about any public place shall be guilty an offence and shall be imprisoned or fine or both.

\textsuperscript{29} Human Right Watch Report 2016,p 11,16,30,37

\textsuperscript{30} Ibid

\textsuperscript{31} Act No 34 of 2005

\textsuperscript{32} Dr. P.G Maheepala, Director General of Health, Issuing of Gender Recognition Certificate for Transgender Community, General Circular Number-01-34/2016,16 June 2016
community unable to obtain the certificate, therefore, their official documents cannot be amended with their present gender identity.

In Sri Lanka, official documents such as national identity card and birth certificate have a significant value to identify the appropriate person. In the government institutions such as banks, government offices, educational institutions, police, the trans genders should tender their official documents for the identification process. In every such situation, these people are faced with discrimination, harassments and violations due to contrariety of actual gender identity and the documentary gender recognition.

Heteronormative value oriented Sri Lankan society and Transgender community

In Sri Lankan society the gender identity is classified only into two categories, i.e male and female. The traditional Sri Lankan society vehemently ignores the concept of the third gender. Due to this discrimination and stigmatize situation LGBT community is faced various problem in housing and employment. Finally, these people are working as sex workers as they do not have any alternative path to survive within this society.

LGBT people are facing more vulnerable when their appearance is not tally with the social expectation. The society called the transgender people with a disgusting word “Nachchi or Ponnaya”. But in ritual and cultural occasions, Trans gender’s performances such as dances acquired a great value and attraction from the audience. Even though they are stigmatized by the heteronormative value oriented Sri Lankan society in a ruthless manner.

Conclusion and Recommendation

Sri Lanka is in the nethermost position of LGBT rights in world ranking requires no further explanation. In South Asian region countries such as India, Nepal and Bangladesh shows more amenable and attentive in LGBT rights while compared with Sri Lanka. Globally the LGBT rights are acquired with remarkable achievements in the last few decades. In the year 2017, the debate of homosexuality came to the parliament of Sri Lanka. In 17th January 2017, the Sri Lanka cabinet met to discuss the proposal of decriminalizing the homosexuality in Sri Lanka. Unfortunately, the decision was rejected by the majority of cabinet members stating that “when homosexuality is legalized it may cause various social problems” and the Buddhist clergy community was vehemently opposed the decision. The sexuality differs from individual to individual and it is the privacy of person’s. Specific religious groups or any other social groups cannot derogate the sexual behaviours or sexual preferences of others. The law cannot divide the sexual behaviours of persons as legal and illegal and lawmakers should not peep through the windows of the bedroom of persons to criminalize the sexual conduct of them.

At present, a wide dialogue is created on the new constitutional reform in Sri Lanka. The new government elected in 2015, gave a new hope to Sri Lanka about a new constitution which addresses current requirements of the citizens. This stage creates a space to discuss the dilemmas of the current constitution of Sri Lanka. Through the committee of Constitutional Reforms, new recommendations were proposed to eliminate the discrimination of LGBT community. Through the paragraph 28 of the report under subtopic "Right of People

33 https://www.pinknews.co.uk/2017/01/18/sri-lanka-just-took-a-decision-on-whether-to-legalise-homosexuality/


with Diverse sexual and Gender Identities,” it discusses widely on constitutional rights and protection of LGBT community. Further, it recommends that the “section 365 and 365(A) of Penal Code should be repealed and amended to ensure full compliance with article 2 and 26 of ICCPR”\(^\text{36}\). Therefore Sri Lanka should take immediate actions to follow these recommendations while consolidation of the new constitution.

Whenever there are any amendments to the acts of Sri Lanka it should be pass from the parliament with the majority. The parliament of Sri Lanka often consolidates new laws and amends acts contemporary with the present world. Unfortunately, the parliament wilfully evades the discussion of LGBT issues. But the parliament should open platform to negotiate with civil organizations and other LGBT activists to create a dialogue of LGBT rights and their position. The government should more attentive and mindful of contemporary modern dimensions of sexual minorities in the global village and try to adopt appropriate issues to the legal system of Sri Lanka.

Under the homosexual offences, only a few cases have filed in criminal courts and a lesser amount of numbers reached to the upper courts. The sexual minorities harass by the Police due to the anti-homosexual laws. Especially transgenders and cross-dressers are targeted and, sexually abused or raped by the police. These victims are reluctant to lodge complaints against the police offers due to the fear of revenge, therefore they are often targeted and assault by the police officers. At present, an official dialogue about the way of treating LGBT community is emerging and as a result of that, a considerable safeness is creating in the society for them. Further, civil organizations and LGBT activists contribute their strength to build up a safe surrounding for the sexual minorities. The Government should advise the police department to take appropriate actions to respect the rights of sexual minorities and protect their dignity.

In Sri Lanka, a considerable percentage of sexual minorities work as sex workers. High prevalence of HIV/AIDS could be noticed among them especially, among gay men. Therefore they should be screening and testing for HIV to prevent it. In the healthcare sector, these people are discriminated and ill-treated by the health care workers. This situation creates a barrier to them to access the health care to getting tested for HIV and STDs (sexually transmitted diseases). Therefore, the discrimination should be eradicated from healthcare sector to protect sexual minorities from HIV. Further, health care officials should engage in effective programmes collaborate with sexual minorities to prevent HIV.

As one of the commonwealth countries, the Sri Lanka should subscribe and respect to the Commonwealth’s values and principles outlined in the Commonwealth Charter. The chapter XII of the charter recognises the gender equality as essential components of human development and basic human rights. Therefore Sri Lanka also binds by these principles and should take immediate actions to safeguard the sexual minorities.

The Yogyakarta Principles are a set of principles of application of international human rights law in relation to sexual orientation and gender identity. This document addresses 29 principles those are important to LGBTIQ people. In the year 2017, another set of additional principles were amalgamated to the Yogyakarta principles and they are called “Yogyakarta Principles plus 10”. The policymakers, LGBT activists from national and international forums have treated the Yogyakarta principles as the cardinal authoritative document of sexual minorities despite that these principles are not legally binding for any sovereign state or governing body. Nevertheless, Sri Lankan policy makers and legal drafters may have an opportunity to take cue from these principles while preparing new laws and regulations for sexual minorities.

Furthermore, it should be understated that laws alone cannot seek remedy for embedded ideologies prevailing in the society regarding sexual minorities. Therefore awareness programmes should be conducted by police officers, health sector, and other governmental and non-governmental organizations. The information sending
through the clergy society may give fruitful result and definitely, it may evince more achievements. Ultimately, these recommendations would resulted in the protection of rights of sexual minorities and ameliorate their position in Sri Lankan society while creating a safe and prestigious surrounding for them.

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International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights


Penal Code of Sri Lanka

Prevention of Domestic Violence Act, No 34 of 2005

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The Constitution of the Socialist Republic of Sri Lanka

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