

Women's Rights in Sri Lanka: An inquiry into the Rights of Plantation Women

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Abstract

The Sri Lankan Constitution of 1978 and the CEDAW¹ are two of the most important key contributors to the promotion of women's rights in Sri Lanka. However, the topic of women's rights has not been given due recognition during the last few decades in the plantation sector which still continues to provide clear examples of continual violation of women rights and discrimination against women. Further, poverty, unremitting toil, domestic violence and all other forms of discrimination are the hard realities of life for most of the women in plantation areas. Plantation structure and its environs, lack of education, economic vulnerability, domestic violence, alcoholism rigid management practices of the estate management, and global market crisis are influencing violating civil, political, economic, socio-cultural rights of the plantation women. Although Sri Lanka has ratified co-treaties of UN, women in plantation areas are still been subjected to various women rights violations.

Key words: Plantation women, Plantation community, women's' rights, violation and discrimination

1. Introduction

Sri Lanka is a developing country in the South Asian region with twenty million multi-ethnic populations. In the UNDP Human Development Report of 2010, Sri Lanka has been ranked 91 (HDI value 0.58) whereas India occupies the ranking position of 119 (HDI value 0.519). This reveals that Sri Lanka is far front compared to India (UNDP, 2010). Although Sri Lanka has achieved relatively high stands of Human Development, there are considerable concerns about the higher level of poverty, unemployment, and decline in nutritional status, situation of the illiterate groups and discrimination and violence against women. These are some of the major obstacles in attaining the expected millennium development goals (Chandrabose &

¹ Convention on the Elimination of All Forms of Discrimination against Women

Sivapragasam, 2012). The plantation Community is one of the mostly marginalized (Ethnic, cultural, religious & linguistic) minority groups which is excluded by the mainstream socio- economic developmental discourse due to the comparatively higher level of the above issues (Sivapragasam, 2005).

Plantation remains an important aspect of agricultural production in many parts of the world (C. Kemp, 1987). Tea and rubber are the principal plantation crops of Sri Lanka. These crops together account for about 15-20 percent of the cultivated area and employ around 10-12 percent of the Sri Lankan workforce (Coordinating Secretariat Plantation Area- CSPA, 2002). Approximately, 80% of tea plantation workers are Tamils of Indian Origin. One half of the plantation workforce is female. The female labour force participation rate amongst the Tamil plantation workers was 54.3% in 2002 (CSPA, 2002).

In general, women in Sri Lanka have been facing numerous problems and challenges at home, work place and society for a considerable amount of time due to the entrenched patriarchal cultural norms, reliance on traditional gender role, gender based division of labour, sexual jealousy, suspicion of women's having extra marital affairs, alcoholism (Shifani & Seelagama, 2010) etc. Likewise, in the Plantations and its environs, the women headed families and children undergo an untold hardship and their civil, political, economic, social and cultural rights, human dignity and healthy atmosphere to work have been faced with serious challenges. The internal conflicts and systematically practiced political oppression of the successive governments in Sri Lanka have ultimately resulted in emergence of a variety of women workers and have given rise to various social issues among them. Particularly, women engaged in tea, rubber and coconut estates and migrant & garment women workers have been put into immeasurable problems. In the meantime, the civil war, political oppression and the effects of globalization have placed a direct impact on women in the plantation areas (Sahadevan, 1995, Philips, 2004).

1.1 Objective of the study

The present study intended to examine the status of women's rights in the Plantation sector in Sri Lanka. Basically, it focused on examining the means and forms of violating women rights and its consequences.

1.2. Methods and Materials

Both primary and secondary data were used for this study. A large amount of data was collected by Desk study method using published and unpublished materials in relation to the major theme(s) of the study. In the meantime, several key interviews and focus group discussions were also conducted in Dickoya and Bogawanthalwa Estates in the Nuwara Eliya District in order to verify the validity of secondary data. Twenty five women were selected from each estate and the total sample was fifty. Information was collected from women civil society activists by means of Key informant interviews. Descriptive analysis method was employed to analyse primary and secondary data.

2. Status of Women Rights in the Plantation Sector in Sri Lanka

In order to analyze the status of women rights in the plantation sector in Sri Lanka, it is importance to pay reasonable attention to the aspirations and interests of an interviewed women activist in the plantation community.

“Women workers within plantations or outside the plantations face various forms of human rights violations. Especially, sexual violence, sexual harassment, domestic violence, alcohol induced violence, forced rapping at the work place, violation of right to education of girl children for economic purposes at

both work place and the society are still prevailing. Indeed, internationally recognized human rights instruments or ILO Conventions guaranteeing women rights, are a mirage”².

Some may argue that the above mentioned incidents of human rights violations encountered by the vast majority of the plantation women are common phenomenon in the country. However, existing literature (Chandrabose & Sivapragasam, 2012, Kanapathipillai, 2012, Fontkallnt, 1994) and the field study on which this paper is based consider women rights violations in the plantation sector as crucial due to a number of reasons such as the lack of education, awareness, entrenched patriarchal culture, higher degree of alcohol consumption, economic vulnerability of women and limited access to public institutions. Sri Lanka has ratified a large number of human rights treaties promulgated by the United Nation. The Sri Lankan constitution of 1978 contains a bill of rights which incorporates the major provisions of the Universal Declaration of Human Rights. However, at the practical level, norms and the standards of human rights have become critical issues affecting the country as a whole. Although Sri Lanka has ratified co-treaties on human rights, People living in the plantation areas have become subjects of various oppressions on the grounds that they are commonly treated as an Indian Tamil minority group concerning their civil, political, economic, socio- cultural rights and the right to development. Especially, the colonial British government and the post-independent local governments have not paid due attention to the development of the plantation community. The resulting deprivation of citizenship rights have led to greater setback in the socio-economic development, in particular. Approximately, they were marginalized thirty years in the course of the national development process until gaining civil and political rights in the late 1970s through legislative enactments such as Indian and Pakistani Resident Citizenship Act³, Srima –Shastri Pact (1964), Indo-Ceylon Agreement Implementation Act⁴, Grant of Citizenship to Stateless Persons Act⁵, Grant of Citizenship to Stateless Persons (special provision) Act⁶ and Grant of Citizenship to Persons of Indian Origin Act⁷. Therefore, the plantation community was not given a space to exercise or enjoy either international human rights norms or national human rights protections. Avenues were largely restricted in seeking international remedies through international legal instruments and due to lack of awareness on human rights standards (Sivapragasam & Chandrabose, 2012). Hence, the general public and the responsible authorities need to be aware of the fact that international human rights norms are an integral part of Sri Lankan law, and, that there are a number of worldwide organizations to consider such issues when there are no successful national level solutions to them⁸.

Indeed, until relatively recently, the discourse of women's rights and its importance were not prominent in Sri Lanka due to the impact of globalization and inceptions made by both national and international agencies. However, even at the present, it can be observed that the recent development of the discourse of women's right is has not been assigned a key role in the plantation sector of the country. This situation has resulted in a considerable degree of women's rights violations in the plantation sector. One interview with the HRA revealed that;

“Women’s rights are human rights” is a new phenomenon in Sri Lanka in general, and in the plantation community in particular. For the last several decades, women’s rights did not gain due recognition as human rights. Even today, there has been reluctance to recognize the concepts of land and resources rights for

² Focus Group discussion with women workers and women leaders at Dickoya Estate on 12/10/2011

³ Act No 03 of 1949

⁴ Act No 14 of 1967

⁵ Act No 05 of 1986

⁶ Act No 39 of 1988

⁷ Act No 35 of 2003

⁸ An interview with P.P. Sivapragasam, Human Rights Activist, Kandy, 12/20/2011

women, granting them separate legal status and a degree of autonomy in general and it is comparatively deprived in the plantation sector”⁹.

According to the Universal Declaration of Human Rights (UDHR), the human rights of women and of the girl-child are on inalienable, integral and indivisible. It further mentions that full and equal participation of women in political, civil, economic, social and cultural spheres at the national, regional and international levels, and the eradication of all forms of discrimination based on sex-gender hierarchies are priority objectives of the contemporary international community (*Logeshwary & Bastian, 2010*)

Articles 12 & 14 in the Chapter III of the Constitution (1978) of Sri Lanka are devoted to guaranty equal rights to women. The ratification of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW -1979) is a milestone in the case of promoting women’s rights in Sri Lanka. The Convention moves beyond guarantees of equal protection before the law in existing legal instruments and sets out measures for the achievement of equality between men and women, regardless of their material status, in all aspects of political, economic, social and cultural life. These arrangements are not pragmatically experienced or enjoyed by the Plantation women (Fontkallnd, 2004)

3. Human Rights Violations and Discriminations against Plantation Women: An evaluation based on the field survey

3.1. Right to Education for Women

Education is often seen as a means of obtaining employment which in turn facilitates upward social mobility. This is a phenomena which can be equally applied to individuals irrespective of their cast, class, region and ethnic identities (Hettige, Gunawardane, 2000) Further, education in a democratic society benefits everyone and we must ensure that the people are aware of the advantages of education. The term "education" has to be broadened with regard to the functioning of democracy to stress disciplining peoples' minds improving living conditions. Education in this sense enables people to develop skills and acquire knowledge, thereby providing a better understanding of social and physical environment. Although the above arguments generally emphasize the importance of education, the scenario in the plantation sector is quite different. Educationally the plantation people are disadvantaged in comparison with the population as a whole. For example, the national literacy rate of females in 2003/04 was 90.6 per cent but for the female Indian Tamils, it was 74.7 per cent (CFSES, 2003/04)¹⁰ and the highest school avoidance rate found in the plantation sector in 2003/04 was 10.2 per cent of the plantation student community above five years of age. They lacked a formal education. The other important feature was the wide sex disparity in school avoidance rates in the plantation sector. The female rate was higher than double value of the rate males¹¹. The above statistical data clearly reveal the educational level of the plantation women. As far as the female literacy rate is concerned, it is clear that there is major setback in the educational attainments of the plantation women due to the continual denial of their right to education based on their subject-position as the children of plantation labourers. Some studies have demonstrated that the educational attainments and school drop-out of female girls in the plantation sector is relatively higher than those of the male population in the same secotr(*Chandrasegaran, 1999, Kamalrathne & Galahitiyawa, 2010*) The following case study elaborates on the violation of right to education due to social causes.

⁹ Ibid

¹⁰ According to the Consumer Finance and Socio Economic survey report of 2003/04 literacy rate of the plantation community was only 76.9%, while the national average was 92.8%.

¹¹ See Compiled Consumer Finance and Socio-Economic Survey Report of 2003/04, Pp 39

“Ranjani, 13 years in age, is the eldest of the family. She has two sisters and two brothers. She had to give up her school education when she was in grade six. Her mother had worked in Dickoya Tea Estate as a tea plucking women. Her father had also worked as a daily-paid-labourer. Given this condition, their family income had been low and insufficient for them to survive and continue their daily life. Therefore, Ranjani's mother had asked her to join in tea plucking works. Such little girls are generally not allowed to work in the estates. Therefore, she had to informally work in the estate. She had started work weighing tea bags. Gradually, the employment had negatively affected her school attendance. As a result, she had rarely gone to school and had to face lot of difficulties in the school. Sometime she had been severely punished by the teachers because of her regular absenteeism and untidy school work. This had made her feel frustrated and isolated from other students. As a consequence, this girl had gradually dropped out of school within a period of six months, though, she liked to go school. As Ranjani herself says: ‘I still like to go to the school though I feel inconvenience and there!’”¹²

The above case study shows how poverty has become a major reason of the violation of right to education and the lack of awareness among the parents regarding the importance of education.

In the plantation areas, it is interesting to note that 57.7% of girls aged 5-9 years attended school compared to 55.8% of the boys in the same age group. However, a drastic decline in female education occurred after the age of 10; only 49.55% of the girls aged 10-14 attended schools compared to the value of 69.2% of the boys. In the age group 15-19, the rate had decreased to 6.7% for girls and 20.8% for boys. Until recently, literacy aimed educational concerns were considered unnecessary or even undesirable for female children because a girl's future was seen to be limited to plantation works as a tea plucker or a rubber tapper. Generally, a female tea plucker has to do domestic works for about 15-17 hours a day (firewood collecting, care of children, washing clothes, domestic livestock rearing - take up many each day). This is an addition to the work done in the field. Indeed these is a very small amount of time left for her to maintain social contacts and other social engagements¹³. The following statement of a respondent further validates this argument.

A daughter who is old enough takes over some of the work. Because she is a girl, she has to clean the house, prepare the food, collect firewood and look after the younger children as her mother is tired. This is the tradition. The girl does all this at the expense of her education¹⁴.

In order to fulfill their economic needs, several family members have to work on the estates. Many of the younger generation, especially females, have to work at the home, needless to say, an unpaid task. The girls, sometimes boys as well, help their mothers to pluck tea and collect latex. In weeding tea or rubber fields, children work with other family members. It should also be noted at this point that many young estate children are employed as domestic servants in other parts of the island, especially during the periods of economic hardship¹⁵.

Health and nutrition are two other important factors which affect education in a number of ways. Low levels of nutrition lessen resistance to disease, the important point being that nutritional and non-nutritional environmental factors are closely linked to the general community life in the plantation setting. Anemia is widespread among women plantation workers in Sri Lanka. Generally the plantation women eat what is left remain after men and children. For them, this has become an unofficial tradition. Consequently, these malnourished women usually work exceeding their limits and produce weak children. Mentally and

¹² Case study conducted at Dickoya, 2012

¹³ Interview with Yogeshwary Krishnan, Trade Union activist, 12/20/2011

¹⁴ Interview with Letchuman, father of two girl children and worker in the Dickoya estate, 12/23/2011

¹⁵ Kusumawathi Thilakarathna, Family welfare officer of Dickoya estate on 12/05/2011

physically weak children are unable to work hard on their studies¹⁶. See the following table for more information. It comparatively demonstrates the greater level of backwardness of the plantation women in relation to education.

Table 01: Sector wise Literacy Rate of the Group Aged 15-24 Years

	Sector	Total (Both)	Male	Female
2003/04	Urban	94.8	95.9	93.8
	Rural	92.8	94.7	91.1
	Estate	81.3	88.3	74.7
	Sri Lanka	92.5	94.5	90.6
1986/87	Urban	93.0	94.7	91.3
	Rural	89.5	92.8	86.5
	Estate	68.5	80.0	58.1
	Sri Lanka	88.6	92.2	85.2
1996/97	Urban	94.5	96.1	93.0
	Rural	92.3	94.4	90.4
	Estate	76.9	87.2	67.3
	Sri Lanka	91.8	94.3	89.4

Source: Compiled Consumer Finance and Socio-Economic Survey Report, 2003/04

Plantation women and female children do not equally benefit from the facilities of education provided by the government. At the same time, the higher level of illiteracy among them further contributes to their isolation in the plantation areas.

32 years old women Sivakumary¹⁷, is a plantation worker who said: “ our life depends on tea plantation activities, we get nothing from the government facilities, we are working hard for the development of this country by plucking tea, but there are no any notable improvement in our life in the last two hundred years, even our children, we are not enjoying our rights and entitlements as other citizens do in the country, our girl children undergo untold hardships due to the limited access to education and poor educational attainments, a large number of young girls migrate from the estates to city area for employment in order to look after their family for inadequate and unfair wage. I think poverty, poor wage and limited income are the prime reasons for the discontinuation of education of women in the plantation sector”.

The above statement very clearly reveals that the backwardness in the economy is one of the fundamental reasons that prevent the plantation areas based women from enjoying the right to education

3.2. Health & Reproductive Rights

Women's rights to health are adversely affected in these areas. Maternal mortality and infant mortality rates for this sector are higher than national averages. According to the Consumer Finance and Socio-Economic survey of 2003/04, data shows that ill health female population (10.4%) is higher than ill health male population (9.8%) in the estate sector (CFSES, 2003/04). The following table further provides an aspect of health status in the estate sector.

¹⁶ Informal discussion with Shanthakumar, Estate Medical Assistant of Dickoya Estate on 12/05/2011

¹⁷ Tea plucker in the Bogwanthalawa estate who has four children of them three are women

Table:2 Health Status in the Estate Sector

Key areas	Percentage
Stunted	35%
Underweight	45%
Weight & Size birth rate less than 2.5 Kg	31%
Low birth weight	38.3%
Under weight pregnant mothers	41.7%

Source: Nutrition and Food Security Assessment in Sri Lanka, Medical Research Institute of Ministry of Health Sri Lanka WFP and UNICEF March 2010)

Women are provided with facilities to use contraceptives but are prevented from accessing services of family planning and their rights to bodily integrity and freedom of choice. This denial partly stems from a community perception of genocide; that is, they strongly believe in the idea that their population is being rapidly diminished. The individual woman's right to make choices and decisions over her reproductive rights has been fiercely disregarded by men in the community. Women are also prone to occupational health hazards.

In spite of the existence of permanent and temporary methods of family planning, the government has enforced the former (permanent family planning) on the plantation sector. It is noted that female sterilization is much more prevalent in the plantation sector than at the national level. Women in the plantation sector are often compelled to undergo sterilization. Furthermore the conditions under which sterilization takes place tends to violate basic human and reproductive rights. It is usually done in open places or unhealthily estate dispensaries. Further, a large number of females are taken and brought back in Lorries¹⁸ for sterilization. These poorly educated plantation women are also been prevented from the right to information. These women are never informed about the advantages and disadvantages of committing sterilization. This is a violation of some of the international instruments which are recognized and ratified by the Sri Lankan government: Article 25th of UDHR¹⁹, Article 12th of ICESCR²⁰ and Article 12 and Article 14 (b) of CEDAW²¹. Respondents of the study vehemently criticized the unacceptable family planning practices which prevail in the plantation. These family planning practices have been implemented by the Plantation Human Development Trust and the Estate Management since 1996²². Sterilization has been taking place in the estate area covering neighboring estates. Officials in charge of the health affair of these people undertake a campaign in all divisions to convince women on the importance of permanent sterilization. Although various pressures and criticisms concerning permanent sterilization can be seen to be

¹⁸ The vehicle which carries tea leaves from the tea field to tea factory

¹⁹ Universal Declaration of Human Rights

²⁰ International Convention on Economic Social and Cultural Rights

²¹ Convention on Elimination of all forms of discrimination against Women

²² Records of the Welfare Officer, Dickoya Estate

coming from the Civil Society activists, trade unionists, and politicians, it is still prevail at a higher level in the estate sector than the other sectors in the country (see table 01).

3.4. Permanent Family Control

As a consequence of the internationally circulated debate on population and development after the 1960s the government of Sri Lanka has introduced family planning methods in order to control the population growth. These programs were implemented through Family Planning Association, family planning bureau, family health bureau and population division. In the late 1980s, a number of NGOs engaged in family planning. The Ten year plan (1959-1968) and Five year plan (1972-1976) were important policy initiatives that largely focused on population control to enhance the process of national development. Currently, oral contraceptive pills and injectables, IUDs, condoms, female sterilization and male sterilization have become popular family planning methods. The following figure illustrates the consumption of contraceptive methods in Sri Lanka.

Table: 02 Percent Distribution of currently married women by contraceptive method currently used, according to background characteristics, Sri Lanka, 2006/07

Background characteristic	Any method	Any modern method	Modern Method								Any Traditional method	Traditional method			Total	Num of women	
			Female Sterilization	Male sterilization	Pill	IUD	Injectables	Norplant	Male condom	LAM		Periodical Abstinence	withdrawal	Folk method			Not currently using
Urban	59.2	43.5	13.1	0.6	6.4	4.5	11.8	0.4	6.5	0.2	15.7	11.1	4.6	0.0	40.8	100.00	1780
Rural	69.6	53.7	15.9	0.6	8.4	6.9	16.0	0.3	5.6	0.1	15.9	9.9	6.0	0.1	30.4	100.00	11220
Estate	64.2	61.0	41.1	1.4	5.6	2.5	9.0	0.0	2.0	0.1	3.2	2.0	1.1	0.2	35.8	100.00	751

Source: Demographic and Health Survey, 2006/07

According to the above table, both female and male sterilization can be seen at a higher level in the plantation sector when compared to other sectors. Further, the data reveals that the usage of modern methods such as male condoms, Pills, Norplant and injectables is comparatively low in the estate sector. However, promoting the above methods, there is a possibility to reduce harm which caused by permanent sterilization on women health. In other words, despite the greater number of the contraceptive methods which have already been promoted, there is a possibility of women's health being badly affected by permanent sterilization.

Regional Plantation companies strategically propagate (to a greater or lesser extents) permanent family control methods since such methods indirectly help them to make the maximum profits out of the male/female labour by reducing the number of children. Because for each infant company has to pay certain amount of money. This has to be stressed as an instance of using governmental initiatives for economic benefits given that the profits are reduced when companies have to spend more money on social welfare, that is, the well-being of their workers. The calculated number of the working population in 1990 was 384168. By 2001, this number has been reduced to 273513. The current number of total workers, as it has been estimated, is 230,000. Thus is becomes clear the sole objective of the company policies has been to reduce the number of children in workers household in order use/exploit the labor of these people as much

as possible (Logeshwary & Bastian, 2008, Fontkallant, 1994). Plantation data indicate the profit of the company gained by reducing the number of the children. According to the report on Labour Economic in Tea by the Tea Research Institute of Talawakelle (2003, if a child was born in 1996 a company lost Rs.27 692/= which was Rs 44904/= in 2003. There are various other indirect profits to the companies through child reduction. For example, if the number of family members is reduces, the number of medical officers welfare officers in the plantation areas and can also be reduced.

In 1978, the government declared the following concessions for permanent family control:

Enhanced payment in respect of permanent birth control

- ❖ Necessary medical training.
- ❖ Special payment to the medical team responsible for every permanent birth control and surgery.
- ❖ Incentive payment and special leave privileges for those who volunteer for these treatments.

These facts greatly contributed to absorb more plantations in to the scheme.

Permanent sterilization is not the only possible means of Family Control. There are other alternative means as well. While the temporary measures are encouraged in other sectors, in the plantation sector permanent sterilization is being implemented and thus encouraged. Permanent sterilization in the plantation sector was 2.9% in 1975 and was increased to 40% by 1987. By 1997, the value has further increased to 80%. Meanwhile, there is a gradual decrease in the temporary sterilization system. For example, the rate of the use of temporary system was 83% between 1986 and 1999, and, was decreased to 10% in 1997 in the plantation sector (Logeshwary & Bastian, 2008). According to 2006/07 demographic and health survey indicates, female sterilization in the plantation sector was 41.1% and 15.9 and 13.1 in rural and urban sector respectively. This shows that the permanent female sterilization is very high in the estate sector than other sectors while there is a significant decrease in using the temporary contraceptive methods (Logeshwary & Bastian, 2008)

3.5. Violence against women in the Plantation Sector

Violence against women in the plantation sector is a commonly visible phenomenon which is basically an outcome of gender based violence. The term 'gender based violence' can be generally defined as a state under which a person is made to a subject of a particular violent activity by another person./agency". Even though this seems to be applicable to both men and women without any semantic alteration, day to day realities suggest that in most cases women have become the usual victims of violence caused by men. (Guneratne, 2007: 01). According the article 2 of the Vienna declaration on violence against women and the article 01 of CEDAW, violence against women refers to any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (Guneratna, 2007: 01).

Based on the empirical information which was collected during the focus group discussion conducted in Dickoya, it could be justly assumed that, Sexual violence is extremely prevalent in the plantation areas. Women are battered, raped, harassed and abused to a greater degree in these areas. In addition to that, there are a growing number of cases of suicides, incest, alleged accidental household deaths and sexual violence. Domestic violence or wife battery is relatively high in the plantation communities. Young girls who serve as domestics are not only physically exploited but also they are often sexually abused and forced to return home, having become a subject of unwanted pregnancy.

“A widow, Mrs. Kalaichchelvi, from Dickoya Estate with two children, had gone to Abu-dha-Bi, Middle East on 17.11.1997 as a domestic servant due to poverty. She had not contacted her family for a considerably long time since she had gone there. On 07.08.1999, her family had received a telegram

informing on Kalaichelvi's death. After this message, the children wept bitterly and her body had been sent to Sri Lanka, her coffin fully sealed, the children could not even see the body of the dead mother. The children were had dreamt of their mother returning with lot of things but everything had suddenly changed. Ultimately, her children become orphans and now depend on their uncle- brother of the father. The government is responsible for her death as there is no guarantee of the life and safety of those who go abroad for employment as migrant workers. The cause of death in the death certificate was "suicide". The children, having failed to believe so, had questioned why their mothers attempted suicide given that she went to help the of her family". (Information by a representative from a Civil Society Organization that works for Women Rights in Hatton area)

Nevertheless, nature of civil, political, economic and sociocultural rights of the women workers in the plantation sector deserves a special attention in this regard. The contribution made by the plantation female working community to the national economy is so important that it cannot be disregarded in any sense. It is not an exaggeration to say that, at least to a certain extent; they are the backbone of the country's economy. According to the gender-wise population surveys, plantation women account for 53% of the total workforce in the country (Department of Census and Statistics, 2010). It is also noteworthy that a plantation woman worker works more than a male counterpart in terms of the number of hours worked per day. She gets up as early as 3.00 am in the morning and engages in various kinds of household works such as preparing the meals for the rest of the family, feeding children and sending them to school. She has to go to the working place at around 6.00 am every day²³.

In many cases women are not supported by men in their household tasks. One important fact that deserves careful attention is that even in the household tasks, women have to help women, that is, female children are supposed to help their mothers, but not the male ones. In cases where the mother is unable to perform the usual tasks at home, her daughter(s) has/have to work on behalf of her²⁴. In the rubber plantation areas, both male and female workers are engaged in tapping 350 to 400 trees per day and collecting latex. However, given the amount of the work a woman has to carry out at home, and the hours she spends restlessly on them, the additional hard work she is expected to do in the field, makes her tired and sick more often (Samarasinghe, 1993).

Surprisingly, women are also engaged in applying chemical fertilizers. Instances where the protective gear is given to them are rare with adverse consequences to their health condition. It was reported in the focus group discussion that even pregnant women are reported to be engaged in applying these chemical fertilizers. Some researches reveal that most of the existing forms of violence against women in the plantation sector are physical violence, including beating and assault, pushing, dragging by hair and attacking with objects, and sexual violence (Kiribamune, 1994, Sakunthala, 1991, Shifani & Seelagama, 2010)

While a tea plucking woman worker has to carry the bags of leaves of about 20 kgs of weight which she has plucked during the whole day to the weighing shed walking all the way²⁵, in a rubber plantation area, a woman has to carry the latex which is about 20 litres of weight she has collected to the weighing shed. Consequently, the woman worker suffers from miscarriage, womb trouble and sometimes mental troubles.

²³ Direct observation during the field survey

²⁴ Focus group Discussion at the Bogawana Estate, Bogawanthalawa on 07/12/2012

²⁵ In some estates it was observed during the field survey women pluckers have to carry and walk the tea leaf bags with 15-20 Kg of weight for three or four Km to the weighing shed

3. 6. Right to Wage for Labour

The wage inequality between men and women workers was removed in 1985, but it must also be noted that the wage hike is not given to plantation workers by the national budget. Further, increasing wages does not increase the cost of living. Since the re-privatization of the plantation in 1990s, the wage hike is granted to plantation workers based on a wage Collective Agreement concluded between selected plantation trade unions²⁶ and the employee's federation. Although men and women are receiving equal wages, where the longer hours worked by the women workers and the consequent loss of more energy are concerned, one cannot assume that the wages earned by women workers are not adequate on practical grounds. This can be seen as an indirect form of violation against her human rights.

Women in the plantation areas are engaged in night time works at the factories as well. Even though this trend has not been challenged, special attention has to be paid to some other important factors: while working, they must be supervised only by a female supervisor; there should be a rest room and social amenities; and they must be provided with the travelling facilities to return home after work. But, these measures are not available to plantation women workers. As a result, women have to encounter various sexual and physical harassments²⁷. In other words, international labour rights are not guaranteed during night time shifts in almost all factories. Sometime's the officials of the estate ask women workers to perform their personal works since the working class women are not powerful to challenge their decisions.

If a woman takes even five to ten minutes more than one hour given to her for lunch, she is not tolerated. Invariably, the estate authorities misuse legal regulations in order to chase them away. Since time of re-privatization, companies appear to have not been granting sufficient leaves for feeding mothers to take care of their babies.

Health care facilities available to plantation workers are not satisfactory with regard to the workers of other sectors. Health care system has not been absorbed into the mainstream. Even in the time where the British companies owned the plantation transactions, each and every estate had a dispensary with a maternity ward facilities and dispenser (Logeshwary & Bastian, 2008). CEDAW guaranteed the women workers rights and Sri Lanka also ratified the convention. But in the plantation areas, rights of the women workers are facing critical challenges. i.e. Plantation women workers do not have their basic health facilities such as sanitary facilities (water, toilet). With the takeover of plantations by the governments in the 1970s, the tradition of having a separate dispensary for each estate vanished. Two or three estates were combined into one unit based on the argument that it was done in order to reduce the cost of maintenance²⁸.

It must be noted in this regard that these changes have not contributed to improve the system at all. An Estate Medical Assistant (EMA) who until then had to be in charge of one estate, had been compelled to be in charge of a larger unit with a larger number of workers. Pregnant women do not have the facility of attending prenatal, antenatal clinics or having regular checkups. This is because the EMAs are not qualified enough to conduct such clinics. At the same time, there were no ample physical resources to undertake such clinics.

Plantation women, women workers in the Free Trade Zone and migrant women workers play significant roles in the country's foreign exchange operations. The plantation women population is provided with the minimum wages among these three categories – even less than rural women who do odd jobs on a daily basis. It has now become commonsensical to assume that the plantation women workers have a regular income. However, they not paid based on the amount of the work and the number of hours worked in the

²⁶ Only three trade unions involves in bargaining salary hike of the workers and signing collective agreement, these trade unions are not representing the aspirations of the entire workers

²⁷ Focus group discussion at Wanarajah Estate with women workers on 07/12/2012

²⁸ Ibid

fields. Simply, it would not be incorrect to argue that the valuable labour of plantation women works is often underestimated as "cheap labour"²⁹.

As per the collective agreement of 2011, the basic daily wage is Rs 385/= on which EPF and ETF are computed, plus a daily price wage share supplement of Rs 30/= and a daily attendance incentive of Rs 90/= (i.e) if the out turn is or over 75% of the No. of days work offered. A notable factor is that the attendance incentive and the daily price share supplement are not included in the fringe benefits, and, even if they work on Sundays and other holidays they are not paid attendance incentive³⁰.

Generally, women form the major component of the plantation worker population and in a tea plantation where plucking leaf is the major function to be performed. In the collective agreement it is mentioned that the daily plucking norm is variable in consultation with the state committee. In fixing this norm, the women puckers are not consulted. It is done at the discretion of the committee leader who always happens to be a male. Although the majority of the subscribers to the unions are female, when it comes the decision making processes, women are always likely to be ignored³¹.

Likewise, even during the election times, certain initiatives can be seen as confining the role of women to specific political parties. Indeed, due to the household commitments and works, plantation women do not have ample knowledge on elections, political parties or its importance. They very often ignore franchise rights and go for work or engage in other sort of activities in the Election Day. Even though some women are interested in politics, males largely prevent them from doing what they want to do. Indeed, cultural barriers and male domination in the community are highly preventing active participation of women in politics and other social activities. Furthermore, conflict occurs when women cast their vote to a candidate to whom her husband or brother does not vote. In such contexts, women encounter problems within the family such as chase out from home, harassment, verbal abuse and so on³².

There is another clause (3) in the collective agreement according to which "neither party shall in any manner add or attempt to add to, vary or alter this remuneration package or any of the direct monetary payments currently applicable to the employees"³³. A Collective Agreement, once signed, is in operation for 3 years, but there is no guarantee that during these 3 year period ,there will be no increase in the cost of living.

4. Conclusion

This study is an attempt to assess/inquire the nature of rights of women in the plantation sector. Some of the statements and case studies that were used during field survey revealed various forms of women rights violations and discriminations against plantation women. It was found in the study that right to health, right to education, reproductive rights, and civil, political and economic rights of the plantation women have been violated in many forms. Notably, the lack of educational attainments, chronic poverty, limited of access to

²⁹ Sivakumar, (29 years old) teacher of Dickoya Tamil Vidyalaya, whose mother still works in the tea estate expressed his views anxiously

³⁰ Abstracted from the newly signed 2011 collective agreement

³¹ It was found in the field survey that approximately 60% of women are the subscribers in the trade unions in the plantation but they are not given top level decision making positions and decision making is confined to male in an undemocratic manner. Most probably male take decisions on issues affect women at the liquor Shops, toddy tavarene and so on

³² Kumarakody, youth, 28 years of old, works for a NGO brought out this issue at a focus group discussion took place in Bogawanthalawa Estate

³³ Abstracted from the collective agreement of 2009

health services, lack of social mobility, limited of access to legal protection mechanism, trade union politics, rigid and cruel regulation of estate management are significant factors that largely influence on women rights violation in the Plantation sector. Especially, the deep rooted patriarchal cultural values in the estate sector are visible as major factors which cause many forms of violence against women at domestic, work place and at societal levels. Therefore, government, trade unions, and civil society organizations should take appropriate measures to empower and educate plantation women to improve their social position. Further, as the present study suggests, although there are a number of governmental and Non- governmental institution's involvements to protect rights of the plantation women, many among them are focusing largely on women and neglecting men. Nevertheless, men also should be educated on the rights of women to uplift the status of women in the plantation sector.

5. References

1. Biyanwala, Janaka, (2006) Trade unions in the Sri Lankan tea plantations: Women worker struggles and ethnic identity politics, TASA Conference 2006, University of Western Australia & Murdoch University
2. Caspersz, Paul, (2006) A New Culture for New Society: Selected Writings 1945-2005, Satyodaya, Kandy
3. Central Bank of Sri Lanka, Consumer Finance and Socio- Economic Survey Report, (2003/04)
4. Chandrabose, A.S & Sivapragasam, P.P, (2012) Red Colour of Tea: Central Issues that impact the Plantation Community in Sri Lanka, Human Development Organization, Kandy
5. Department of Census and Statistics, (2010) Quarterly Labour Force Survey
6. Dissanayake, Lackshman, (2008) Reproductive Health Concern of the youth in the Plantation Sector, Family Planning Sri Lanka, Colombo
7. Fernando, Lacksiri, (2002) Human Rights Politics & State, Social Scientists' Association, Colombo
8. Fontkallant, Guy De, (2004) The Challenges faced by the Plantation Tamils in the Twenty First Century, Leo Marga Ashram, Badarawela
9. Fontkallant, Guy De, (2004) The Challenges faced the Plantation Tamils in the Twenty First Century, Leo Marga Ashram, Badarawela
10. Foundation for Co-Existence (2005) Human Security in the Hill Country, Foundation for Co-Existence, Colombo
11. Gunaratne, Camena, (2007) "Gender Based Violence in Sri Lanka", Gender Based Violence : Sri Lanka, CENWOR, Colombo
12. Jayaraman, R, (1975) Cast Continuities in Ceylon: A study of Social Structure of Selected Three Tea Plantations, Popular Prakasan, Bombay
13. Jayaweera, Swarna and Others, (2007) Gender Dimensions of the Millennium Development Goals in Sri Lanka, Centre for Women Research, Colombo
14. Jayaweera, Swarna, (1991) Women in the estate sector, Center for Women's Research, Colombo
15. Kamalrathne, Thushara and Galahitiyawa, H N K, (2010) "Changing Aspirations and Values among Youth in the Plantation Sector in Sri Lanka", The Plantation Sector in Transition: Research on the Upcountry Plantation Sector in Sri Lanka, Department of Sociology, University of Peradeniya
16. Kanabathipillai, Valli, (1992) A Decade of Change in the Plantations: The implications for women workers, International Center for Ethnic Studies, Colombo
17. Kanapathipillai, M, (2012) Epic of Tea, Social Scientist Association, Colombo
18. Kemp, Charles, (1987) People in Plantations Means or Ends, IDS Bulletin Vol. 18, England

19. Kiribamune, S, (1994) Wife beating in Sri Lanka: Some Conceptual and Methodological Issues, in Fourth national Convention on Women's Study
20. Little, W. Angela, (2003) Labouring to Learn: Towards a Political Economy of Plantations, People and Education in Sri Lanka, Social Scientist Association, Colombo
21. Logeshwary, P & Bastian, F, (2008) A Study on Right to Health of Plantation Women in Sri Lanka, Human Development Organization, Kandy
22. Nadesan, S. (1993) A History of the Up-Country Tamil People, Nandalala, Hatton, Sri Lanka
23. Philips, Amali, (2004) "Unequal Citizens: Estate Tamils in Sri Lanka", The Sri Lankan Journal of the Humanities, vol.XXIX & XXX, no 1&2, 2003/2004, University of Peradeniya
24. Sahadevan, P, (2000) India and Overseas Indians: The Case of Sri Lanka, New Delhi
25. Sakunthala, K.L,(1991), Domestic Violence: A survey on an estate Tamil Labor Community, paper presented at the seminar on women and Violence, ICES, Kandy
26. Samarasinge,V, Kiribamune, S & Jayathilaka,W (1990) Maternal Nutrition & Health Status of Tea Plantation Workers in Sri Lanka, ICES, Colombo
27. Samarasinghe, Vidyamali, (1993) "Puppets on a string: Women's Wage Work and Empowerment among Female Tea Plantation Workers of Sri Lanka", The Journals of Developing Areas, vol 27, no 3. College of Business, Tennessee State University
28. Samaresinghe, Vidyamali, (1993), Puppets on a string: Women's wage work and empowerment among female tea plantation workers of Sri Lanka, The Journal of Developing Areas, Vol, 23, No 3, Pp 329-340, pub, College Business, Tennessee State University
29. Sandirasegaram, S, (1999) Some thoughts on Plantation Education, Kavitha publishers, Colombo
30. Shifani, G and Seelagama, P (2010) "Domestic Violence in the Plantation sector", The Plantation Sector in Transition: Research on the Upcountry Plantation Sector in Sri Lanka, Department of Sociology, University of Peradeniya
31. Sivapragasam, P.P, (2005) Right to Education in the Plantation Sector in Sri Lank, Human Development Organization, Kandy
32. Tamilmaran V. T, (1998) Comparative Law: A Few Thoughts, Maduri Malarvagam Publication, Colombo
33. UNDP, (2000) Human Rights & Human Development, in Human Development Report of 2000, Oxford University Press, New York.
34. UNO, 1979, Convention on the Elimination of all forms Discrimination Against Women, New York
35. Voice of the Voiceless, Coordinating Secretariat for Plantation Area, varies issues, Satyodaya, Kandy, Sri Lanka
36. Wijeyathilaka, K & F.Zackariya, (2001) Sexual Harassment at Work place in Plantation Sector, ILO, Colombo