

SEXUAL HARASSMENT ON PUBLIC BUSES AND TRAINS IN SRI LANKA

The Issue

90% of women have been subjected to sexual harassment on public buses and trains, according to the findings of a study¹ commissioned by the United Nations Population Fund (UNFPA) Sri Lanka in 2015.

Sexual harassment on public transport is faced by women globally, and may occur in varying degrees of physical and verbal abuse, even leading to incidents of rape. It limits the mobility of women and reflects the deeper issues of gender imbalances within societal structures. In addition to violating the fundamental rights and freedom of women and girls - it also contributes towards creating an environment of insecurity, which limits their full participation in public life, employment and education.

Public transportation, being the most economically viable option for the majority of Sri Lankans, can act as a catalyst for development stimulating economic progress. However, there is a distinct disparity in access and usage of public transportation among men and women. Studies show that women depend more on public transport than men, especially when they are part of the lower income strata.² Women having to bear the larger part of the household burden have the need to make more frequent trips using the most economical option. However the gendered nuances impact the usage of public transportation, with safety being a priority concern for women.

If Sri Lanka is to achieve its economic potential, maximizing labour force participation is essential. Taking into consideration the declining female labour force participation³ it is important to understand the concerns affecting women. Among the many issues highlighted, sexual harassment in public transport is among the key deterrents that restrict movement of women for economic opportunities.



Source: Sri Lanka Labour Force Survey Annual Report, Department of Census and Statistics (2014)

What is Sexual Harassment?

"Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive."⁴

Sexual harassment on public transportation is part of a larger issue of sexual harassment occurring at home, within the workplace, and in public spaces.

¹ Sexual Harassment on public trains and buses, UNFPA (2015) {unpublished}
² http://www.wriroscities.org/sites/default/files/Final_Report_30072015.pdf
³ participation which has decreased from 39.5% in 2006 to 34.7% in 2014
⁴ UNHRC Policy on harassment - [http://www.un.org/womenwatch/osagi/UN_system_policies/\(UNHCR\)policy_on_harassment.pdf](http://www.un.org/womenwatch/osagi/UN_system_policies/(UNHCR)policy_on_harassment.pdf)

Sexual harassment on public transport contributes to a culture that discriminates women and girls and affects them physically, psychologically and economically.

According to the Census on Population and Housing, Sri Lanka's female labour force participation has decreased from 39.5% in 2006 to 34.7% in 2014.

One of the key findings of the study was that 50% of the women surveyed used public transport as a means of travelling to their workplace. Thus, the issue can be derived as a contributory factor to the decline in female labour force participation in Sri Lanka.

Law on Sexual Harassment

According to **Article 12 (2)** of the Constitution, **"discriminating against a person based on his or her sex is a violation of a person's fundamental right to equality"**.

Section 345 of the **Penal Code (Amendment) Act, No. 22 of 1995** also recognizes sexual harassment as an offence that is criminally punishable. Under this section, sexual harassment constitutes: **"Harassment of a sexual nature using assault, criminal force, or words or actions which causes annoyance to the person being harassed."** If the perpetrator is convicted, the penalty for such an act is imprisonment up to five years and/or a fine. The perpetrator may also be ordered to pay compensation to the aggrieved person.

The survey indicated that

52%

of respondents were aware of a law rendering sexual harassment as a criminal offence.

However,

60%

were not aware that there was a penalty for the crime of sexual harassment.

About the Study

In December 2015, UNFPA commissioned a national study on sexual harassment against women on public buses and trains in Sri Lanka. The objective of the study was to generate research-based information in order to obtain a comprehensive understanding of the prevalence, incidence, frequency, nature and extent of sexual harassment on public transport.

Data was collected via stakeholder consultations, key informant interviews, and questionnaire surveys. The sample population of the survey consisted of 2,500 individuals between 15-35 years of age, representing all the administrative districts in the nine provinces of the country.

Key Findings



90%

said they had experienced sexual harassment in buses and trains

The surveyed women and girls primarily use public transport for:



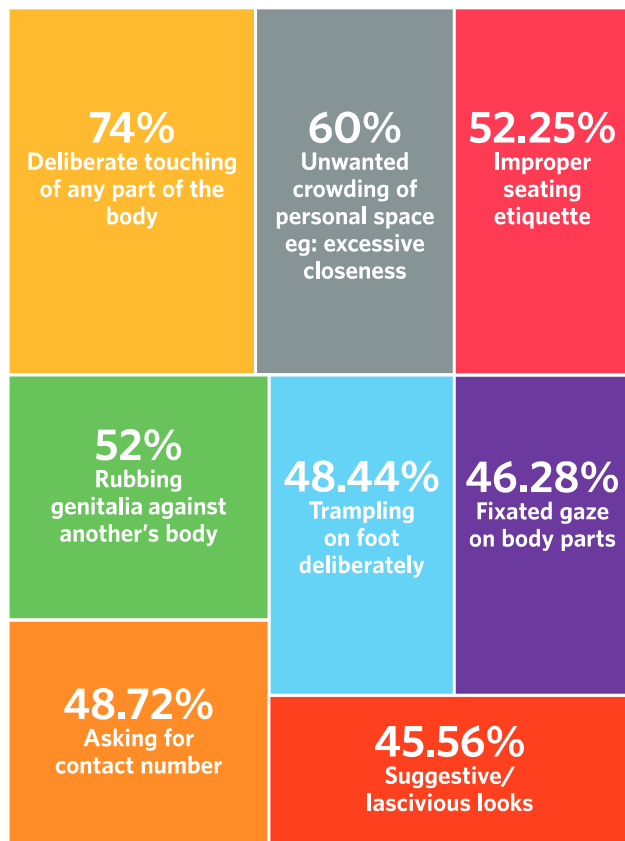
50%
to travel
to work

28%
to travel
for study

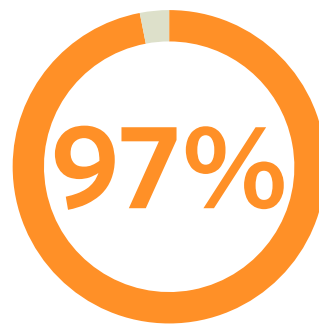
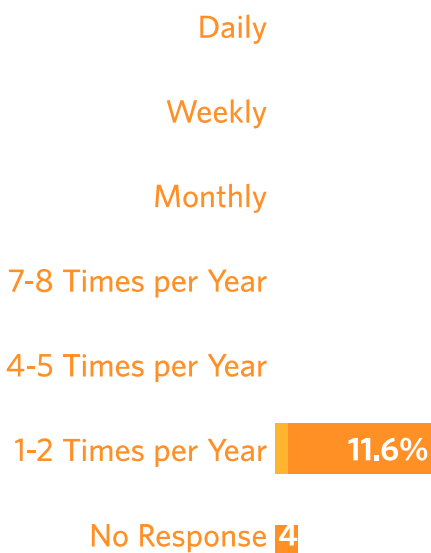
20%
for other
personal
purposes

Types of sexual harassment experienced at least once

The study identified 35 different actions which can be categorized as acts of sexual harassment ranging from physical contact to verbal and visual actions of sexual nature. However, the findings indicated that majority of sexual harassment faced was **physical** in nature.



Frequency of Sexual Harassment Experience



said the perpetrator was male

Contributing Factors

Distance

Incidents of sexual harassment take place on public transport irrespective of travel distances. During the focus group discussions, it was noted that incidents were more likely to occur on long distance buses subjecting the victim to face harassment for longer periods of time.

Timing

It was also noted that incidents are more prevalent during peak hours (morning and evening) when transportation is more crowded. High congestion on buses or trains is a contributing factor for sexual harassment, particularly unwanted physical contact.

“Once when I was travelling by bus for a tuition class, ‘a boy around 15 years old’, was sitting next to me. He ejaculated on my dress before getting off the bus. There was nothing I could do, I felt helpless and I didn’t speak to anyone about it.”

- Focus group participant



37%

said that the incident(s) negatively affected their performance at work



29%

said the incident(s) negatively affected their studies

Emotional impact of sexual harassment

76% Felt Angry

68% Felt Humiliated and Embarrassed

48% Felt Scared

45% Felt Degraded and Demeaned



44%

stated that it affected their personal life

“As a nurse I have to work late nights - on one occasion after leaving work exhausted, I got into a bus and noticed a male passenger seated behind me. He was well-dressed and in his mid-40s. He started unnecessarily touching me and as I objected, he told me that I should travel in a private vehicle. This incident made me feel uncomfortable.”

- Focus group participant

Taking Action

A frequent response observed on public transport systems, especially buses, was that victims of sexual harassment chose to remain silent at the moment of harassment and after.

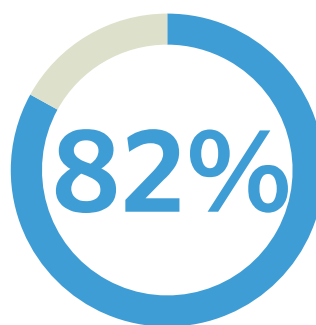
92% of the respondents **never sought help from law enforcement** when facing sexual harassment in public transport. Additionally, it was noted that they were not in a practical position to take complaints of sexual harassment to the police at the time of the incident. If incidents continue to take place, the findings show that women and girls attempt to complain to the police through family or friends.

The focus group discussion indicated that women and girls faced with harassment would either:

1. Move location within the same bus to get away from the harasser (eg: shift seats)
2. Take an alternative bus or train to get to the desired location.

The study revealed that in cases where harassment was experienced frequently and alternative modes of transport are less, the victims changed location of residence to avoid harassment.

Bystander Intervention



said they had noticed others being sexual harassed in public transport

Recognizing the key role of bystanders

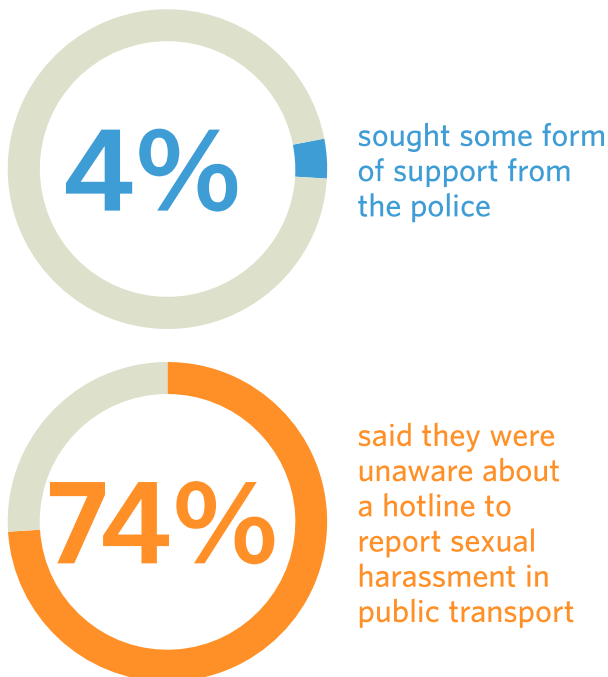
Most often, when there is an incident of sexual harassment or assault, there are other people around the victim and perpetrator who could be potential witnesses and bystanders. A bystander is a person who is present when an incident takes place, or could witness the circumstances that led up to the incident(s), but is not directly involved in it.

The study indicates that it is rare that other passengers in buses or trains intervene to stop perpetrators of sexual harassment if they observe or are alerted to an incident. The main reason for this as noted in focus group discussions was the 'unwillingness to take the risk of causing conflict' and 'fear of drawing attention to oneself'.

“I have witnessed, on multiple occasions, male passengers inappropriately touching and leaning on small girls. Bus conductors also unnecessarily touch small children when getting on to the bus.”

- Key informant

Seeking Support



PUBLIC CAMPAIGNS

- Public campaigns are vital in calling for national acknowledgement of the issue of sexual harassment in public transport, raising awareness of the adverse impact on individuals as well the community and the country;
- Media engagement should foster public discussions to raise awareness on what constitutes sexual harassment and on practical interventions by bystanders and others, through social change campaigns and other initiatives on television, radio, the press, and social media;
- Public messaging on the issue should encourage and utilize behaviour-change communication strategies, which call for zero-tolerance against sexual harassment and encourage people to act against such incidents.

Recommendations

1. Engaging stakeholders for policy interventions

A national dialogue on the issue needs to be conducted with key stakeholders to identify how a gender perspective can be adopted in formulation of policy and operations of public transportation. There should also be effective monitoring, evaluating and implementation of the policies.

2. Strengthening Response and Grievance Mechanisms

Effective institutional changes are needed to establish a culture of safe travel in public transport systems in Sri Lanka.

- Establish a dedicated helpline to ensure strengthened reporting, along with a standard operating procedure (SOP) which outlines the steps that hotline personnel and law enforcement should follow when dealing with issues relating to sexual harassment on public transport;
- Improve coordination between transport security and the Sri Lanka Police in monitoring, responding to, and tracking sexual harassment cases;
- Establish mechanisms in the bus stands and railway stations for the persons who face harassment to make complaints against perpetrators in a swift and effective manner;
- Ensure training is provided to public transport officials on the developed SOPs and established response mechanisms in handling cases regarding sexual harassment on public transport;
- Conduct frequent safety audits⁵ to evaluate how women and girls experience travel, movement, and access to and within cities and public spaces, which can assist in formulating evidence-based policy to address the issue of sexual harassment on public transport.

5 Women's Safety Audits: What works and where? UN-HABITAT http://mirror.unhabitat.org/downloads/docs/7381_86263_WICI.pdf

3. Empowering women and girls to speak out

Women and girls are often silent in instances of sexual harassment in public transport, because it is considered a 'normal' experience of travel. Awareness raising campaigns must be clear on the messaging that sexual harassment is a form of sexism, a criminal offence under Sri Lankan Penal Code, and that it is the right of the individual to speak out and seek support. Any person, especially women and girls, who are victims of sexual harassment must feel empowered and safe to report a crime to local authorities through established strong response systems.

It is recommended that a 'Code of Conduct' is developed for passengers travelling in public transport systems and ensure that there is display of the code of conduct inside buses and trains.

4. Encouraging bystander interventions

Bystanders have the potential to prevent and/or intervene when they witness or become aware of incidents of harassment. Bystander intervention has the ability to create a deterrent for perpetrators of sexual harassment and contribute to a safer environment for all individuals.

Public initiatives should encourage 'Bystander Interventions' – for bystanders to be more vigilant and sensitive to incidents of sexual harassment towards women and girls in public transport to create safer travel environments.

Bystanders have the power to stop harassment and influence positive behaviour in others.

Tips for bystander interventions⁶

CARE

C **CREATE** a distraction and do what you can to interrupt the situation. It can give the person at risk a chance to get to a safe place.

A **ASK** the person who is being harassed if she is okay and if she needs help

R **REFER** to an authority. E.g. the police or alert bus conductor or driver of the incident.

E **ENLIST** / get the help of others to take some action to stop the incident. The more people standing against the harassment, the better.

Four D's

D **DIRECT:** Step in and directly intervene to stop the harassment. E.g.: by speaking to the perpetrator, alerting the perpetrator that you are aware, asking the victim if she needs help

D **DISTRACT:** Create a distraction that will stop the person from further harassing.

D **DELEGATE:** Alerting the bus conductor or driver and asking them to do something; alerting other passengers.

D **DELAY:** If you can't act at that moment, then ask the person who was harassed if they are okay and if they need any support.

5. Sensitizing Drivers and Conductors

Drivers and conductors are often the first persons who have the power to take action and prevent/stop harassment occurring at the hands of passengers. In addition to adopting bystander interventions, drivers and conductors can also relocate passengers and stop harassment in certain situations by reporting harassment, taking perpetrators to the nearest police authorities and /or removing perpetrators from buses and trains.

Suggested Interventions

- Effective training sessions for bus drivers and conductors should be carried out regularly to ensure their understanding of the legal accountability and gender discrimination and to instill responsibility as a competent authority to intervene and take action when such incidents occur.
- Review existing training materials to ensure gender mainstreaming is incorporated with a focus on security, safety, gender-based violence, and sexual harassment;
- Clear guidance and protocols established to respond, report, and document sexual harassment cases. These measures need to be made mandatory through circulars or key public messages from government and law enforcement;

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'Population Matters' is a series of analytical policy briefs on Sri Lanka's emerging social development issues.



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