

# ONE IS NOT BORN, BUT RATHER BECOMES A WOMAN

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According\* to Simone de Beauvoir, on her book the “Second sex”, “woman” is a concept created rather than biologically, psychologically determined. It is a construct depending on existing cultural viewpoints, stereo types, social stigma of communities which will limit and bound the female to a certain scope expecting herself to block her freedom, ironically freedom for her is a locked cage. Constructs and gender roles redefine her identity and is constantly looked down either as the daughter, or the shadow of the husband or the caretaker of the children or the one who keeps the pot boiling. The life of a woman will never lay on a rose bed. A life for a woman is hard as the pelting stone on a river, constantly being pushed and thrown by the waves of the current.

When a woman is expected to only cook, speak when allowed, practically living a socially excluded life, at another sphere of living women have the liberty to enjoy an occupation she desires, to perform in public places and to roam in to nightclubs. These massively diverse roles women play depend on culture. Certain instances, traditional roles impose threats, making her run to save her own life from the existing cultural expectations that society wish to see. The African tribes which require women to add rings to the necks, or add enlarged plates to the lips, or to undergo sexual cultural stigma which involve in harming her interior body parts as pointed out in the book “Desert Flower” by Waris Dirie. The tradition of female genital

mutilation practiced, un hygienically, leaves many young to bleed and die and others to come back and spend the normal life which will never be normal.

With time and changing economy gender roles are constantly pushed in to a flux that change along with the social and economic conditions. Today we live in a different *society*, a different paradigm which allows us to speak and say what we want and desire and have reached in to a pedestal where we are able to demand for our rites. But not all women are ready to accept this opportunity.

Sri Lanka is a country where gender-based violence is not completely eradicated and with the society structured on the male dominance, chauvinism and patriarchy, some men abuse their power as they believe that women are an object of possession. The situation is similar in countries such as Middle East where the gender equality and the gender gap is so vast and extreme, the living world a living hell for women while in countries in the Europe continent gendered violence is mild as the law and the functioning is strong. However according to the Central Bank report 2.1% of women in Sri Lanka, experience violence daily and 17% experience violence of any sort including 75% of them are belittled or seriously offended, 15% are forced for sex and 3% are burned or hit with objects<sup>[1]</sup>.

Women are subjected to many foams of violence; violence inflicted within the family (domestic violence), cultural/traditional violence and violence

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inflicted by the community such as rape, sexual harassment, prostitution, murder abortion etc. For examples, the sexual bribes asked from mothers who are willing to get the child in to the school, or the situation where the child was not admitted to the school on a rumor that the mother of the child has HIV which turned out that she was not a carrier of HIV. Another type is the violence inflicted by the state which includes custodial violence, violence against displaced or refugee women, exploitation of labor, and violence against migrants. The use of females in sex slavery by the Japanese military at the Second World War period under the label of “comfort women” resulted in controversial issues as there were about 200,000 women suffering in the hands of men, leaving nothing but incurable physical and psychological wounds. [2]

The International Criminal Court (ICC) defines rape “invasion the body of a person by conducts resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.” [3] However according to the penal code of the country, rape was defined to be an interaction forcefully condoned on a woman by a man where penetration is essential. However, this limits the definition of rape in to a man and a woman where it was made gender neutral and inclusive by the amendment No. 22 of 1995, including “using his genitals, or any other part of the body, or any instrument, on any other part of another human being”. Act no. 29 of 1998 and the Act no.16 of 2006 advances the existing laws on rape, incest, trafficking, sexual harm and sexual exploitation with the

introduction of gang rape and other graver offences.

These unfortunate situations result in unwanted pregnancies, injuries and diseases such as HIV, AIDS and other sexually transmitted diseases and resulting suicides and homicides due to shame, psychological trauma, and heavy stigmatization on sex and related acts are still a taboo in certain societies. Violence is a vicious circle. Children who are subject to see their mother beaten up or assaulted in various forms have traumatized mentality and providing a reason for justifying their anger and revenge. Children absorb what he hears, the brutal words, the cries of the pain, the fear they witness all create an imaginary story which they try to fit themselves in to while equally being absorbed in to the violence, which is a behavior learnt through experience.

*“I’ve met many women who were forced to have abortions, and one that stands out is a woman who had gone abroad to work and was raped by the husband in the family for which she worked... she had to come back to Sri Lanka and get an unsafe, backstreet abortion.”*

– Sonali Gunaseka, Director of Advocacy at the Family Planning Association of Sri Lanka<sup>[4]</sup>

The section 303-307 of the penal code points out the laws on abortion, where 306 permits an abortion if the life of the mother is in danger. However, the law needs amendments as unwanted pregnancies due to rape, and abnormalities in the fetus is given no space where as it should be permitted to abort with the consent of the mother. The vacuum on law makes such unfortunate to get abortions done illegally on unsafe practices, unhygienically leaving bigger scars on her

life. The choice should be hers. It should not be forced on her. Further in countries like India, China, Pakistan and many other South Asian countries, the slight knowledge of a birth of a female child is subjected to an abortion. Parents favor a boy as their first child.

Countries like Malaysia, Cost Rica, Hong Kong and Thailand have given space for abortion to be conducted on rape victims as she has a right to live freely and being raped was not her choice. World today is moving forward to liberalization of abortion laws. France, Vietnam Netherlands, Cuba and Canadian states have fully liberalized the concept allowing free and safe abortion leading to reduction in maternal mortality. However, 39% of the world's population lives in countries with highly restrictive laws governing abortion including Sri Lanka. [5]

On topics such as abortion, the religious perspectives, brings out opinions which are debatable and subjective such as asking whether killing a being is fair, or the topic of the fetus claimed to be a being or life is not. However, is it fair to being pushed in to having a fetus cultivated on a woman without her consent? The force she had to endure, the mental pain and agony, traumatization, can it all be covered up by the word Karma or any religious principle. Law and religion are separate topics where the amalgamation leads to a mess. In deciding laws related to rape, abortion the woman should have a say in it.

Most women are now mindful and is being aware of their rights and given a chance to make and amend the existing life better than the current state of living. It is unfortunate that some women choose to keep silent at times of battles in their lives while some are prevented from accessing the law and authority, or simply having access to another person to turn into

is so farfetched. However, as Malala Yousafzai once said, "do not wait for someone to come and speak for you. It is you who can change the world". [6]

The dying question is why women choose to stay silent? Cultural and traditional societies guided with heavy family structures and roles. Countries like Pakistan, certain parts of India, and other South Asian countries women see themselves as the caretaker of the house, being confined to the four walls of the house, eating the leftovers or given tea when her brothers and father is having milk, getting the bones of the chicken while the male members get the thighs and the juicy parts of the meal. Life beyond the walls is unimaginable.

At certain times some women simply stay silent as they are so engrossed in to and is blinded by the social stigma, that their deep connection towards the husband, or due to the deep acceptance towards the system that they believe in, they are doing the right action or the accepted mode of living by staying silent. The pressure and the fear instilled in females keeps the women silent as asking for their stand or their right is an unimaginable leap as the certain society refuses to accept women's rights which gives the fear of being ridiculed as a gullible woman, or as an insane woman. Further the concept of the privacy is crucial as all domestic activities are considered as private family problems that outsiders are excluded to. Hence the violence women face is kept bottled up and silenced. Most women are ashamed to openly talk as these memories are haunting and shameful to be said to another.

Women also reject justice due to limited knowledge about their rights and due to the unfamiliarity of the justice system. At a circumstance, they prefer forgetting the

unwanted memory, the courts and the legal activist wants them to relive the dream making them uncomfortable. In a situation they keep their grievances blocked and bottled, the courts expect them to voice it out for many people to hear and judge. Women also faces the inconvenience of talking to male lawyers, the language barrier of certain minorities too may add blocks and barracks to justice.

Referring to the “Concluding Remarks” of the observations given by the United Nations Convention of Elimination of Discrimination Against Women (UNCEDAW) on a periodic report of Sri Lanka, draws attention and highlights few aspects of the Muslim Law of the country.<sup>[7]</sup>The law governing Sri Lankan Muslims is the Muslim Marriage and Divorce Act of 1951 (MMDA), where many laws are traditional and long standing leading to oppression of females and children. Muslim society is dominated by the heavy masculinity, placing men in the roles of law authority such as the Board of Quasits, Quazi’s courts, jurors, marriage registrars. Many Quazis are not lawyers who act on their discretion resulting the law to bend on partiality toward their own sex. The Article 16(1) of the 1978 Constitution gives effect to the MMDA, even though there are inconsistencies with the fundamental rights provisions. Hence the report recommends the women to be eligible and play active roles of such authority, remove the inconveniences in discussing certain matters and for fair justice. But it is hardly possible with the traditional mentality and male chauvinism.

Further, the report points out that the Muslim women should have freedom of choice to get married under the General law of the land or the Muslim law. In marriage

rather than the two-people deciding their favorable law, they are expected to marry according to the customs and traditions which are long held principles of the community. The discussion on increasing the minimum age of marriage for a Muslim had brought out many positive remarks but however the implementation is taking a snail journey. Child marriage is immoral and barbarous. A married Muslim child, not below the age of twelve to be engaged in sexual acts is exempted from the liability of statutory rape.

Women’s Right in the international platform took its baby steps in the year 1848, with the introduction of the Seneca Falls convention, the first women’s right convention along with the suffrages movement making the voice on rights, equality and equity. The movement was born since women were denied some of the basic rights enjoyed by male citizens.<sup>[8]</sup> Married women could not own property and had no legal standing over any money but confined to topics of the house hold and motherhood. Such movements gave rise to a wave of feminism which redefined the role of women. Theodore Roosevelt a key activist in the support of the movement on equal rights while the climax of this movement was the passing of the 19<sup>th</sup> amendment which granted the right to vote for women.<sup>[9]</sup>

The decade of 1976 – 1985 was known as the “Decade of Women” while the First World Conference on Women took stand in Mexico City (1975) resulting the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace.<sup>[10]</sup> This was held with the conjunction of the International Women’s Year, 1975. CEDAW was an important milestone where the conference

focused on equal access to education, employment opportunities, and adequate health care services. Further, broad concepts of women's rights such as sex-based discrimination (Article 1), the adoption of the domestic legislation (Article 2), laws which ensure gender equality (Article 3), trafficking and sexual exploitation (Article 6). Article five talks on the role of the state in eliminating prejudices and customs based on inferiority and superiority of sex or the stereotypical roles of the two sexes. This was signed, opened to ratification of the general assembly and came in to force as a United Nations mechanism in 1979 but enforced in 1981.

The Second Conference on Women, Copenhagen, 1980 focusing on equal access to education, employment opportunities, and adequate health care. The Third World Conference on Women took place in Nairobi, 1985 was mirroring the progress women's equality and encourage women's participation in various fields while the Fourth Conference on Women was at Beijing, 1995. [10] In 1993, the Vienna Declaration and Program of Action, gives light on the protection of human rights and fundamental freedom, claiming it to be a birthright of any person where its protection is the state's first responsibility of the government. [11]

The Declaration of Elimination of Violence Against Women (DEVAS) 1993 is an important concept as for the first time the convention specifically refers to women in all sorts of environments "such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children,

women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence". [12] Further defining violence, it includes, gender-based violence, physical, sexual or psychological harm/suffering to women, threats, coercion, deprivation of liberty either in public or in private life.

Sri Lanka took the initiative to ratify women's right according to the CEDAW back in 1981 by ratification and Sri Lanka is also a member of the Declaration of Elimination of Violence Against Women. However, it is interesting to note that, a decade before initiating this rights Sri Lanka and the world was gifted with the first female prime minister, where she was abused and engulfed in a wave of vulgar sexist attack. Ranasinghe Premadasa said the parliamentary seat of Mrs. B was to be purified ones a month, implying the menstrual cycle. [13] She was a woman who broke the glass ceiling.

According to the statutory provisions of the law, the constitution of Sri Lanka, the Article 12 states that everyone is entitled to the equal protection of the law without being subjected to any discrimination based on petty margins of demarcation such as sex, religion, cast and so on. The Chapter 16 of the penal code, talks on the offences effecting life, yet psychological abuse and economic abuse not is emphasized and is unable to create a substantive offence without physical abuse.

Mirroring on the recent events of the country, the ban on women to purchase liquor really lit the discussions on gender neutrality and equity as many was not aware of such a law. However, adoption of the new notification to amend Excise Notification No.666 of 31st December 1979, removes the ban on

the sale of liquor to women “within the premises of a tavern” but keeping a loophole for the sale of liquor to women in other places except a tavern.[14]The late president bought back the ban on the sale of liquor to women within a week or two. The controversial issue was that the Article 2 of the Constitution state that no person can be discriminated based on sex, but however women still are banned from gaining her own drink at a bar, which violate the fundamental rights of women and there for is unconstitutional.

The ministry spokesmen Ali Hassan claimed that “The idea was to bring gender neutrality”. While some human right activists such as Thaygi Ruwanpathirana stated that “the world is going one way, Sri Lanka is running a race to the bottom”. She further stated that women living in Saudi Arabia, a heavy ultra conservative society had loosened the tight grip on women giving them the right to drive cars.[15]

To have effective mechanisms on women’s rights, it is important to have awareness and acceptability in a society. The relevant authorities such as law advocates must always reach for the needy as a woman not knowing her rights, the law and the power she has is like a sheep that blindly spend their life. Hence as the Latin maxim says, “ignorance of the law is no excuse”. Every person is to understand the law and adhere to it. Every woman should exercise their power. Stereotypical stigmatized views are to be eradicated. However, it is difficult to change existing traditions and practices, long held believe and thinking patterns, but with time and access to education, the economic burdens and cultural influence starts to deteriorate. Further these notions on how a girl is to behave, what women are allowed and what not is heavily influenced

by religion as it define and guide morals. Law and religion cannot be stirred by the same spoon.

In certain societies women themselves look down upon other women. Stigmatized cultured societies will have a rigid, inflexible notion and attitude towards women who have been subjected to rape, abortion or any other offences and injustices. They are rejected, excluded, shouted at and treated as criminals where the offence might not be her fault at all. Such attitudes pull out her remaining broken self-esteem and trample on it as it is like poking a finger on an eye which is almost ready to burst out in tears. Receiving help, medical assistance, law advice is itself a burden as we live in a society of harmful notions, destructive attitudes, where everyone and everything is judged, made comments on, while the facts are irrelevant. Due to the vast amount of cases the courts are lodged with, reaching the verdict on a rape case or an abortion had lost its real value as within the interval of time from the rape to the verdict she will be verbally abused, looked down and squashed by mean compliments. In unfortunate situations she is not even be responsible for the crime. An innocent girl framed, slaughtered by the community where she will always be the raped girl or an indecent girl. The attitudinal change is a dire. A woman should be a steady hand to another, ready to help those who are stepped on and need help not further push them down.

Women should be active participants on any and every field they prefer. There are no limits as limits are constructs. Many societies recommend teaching as the best occupation for a female, since a teacher is close as a mother to children, again shining

on the gendered identity, sticking like superglue.

Girls are condemned and prevented following their hearts while expected to fit in to the selected roles like pieces of jigsaw puzzle. However, women have been successful in breaking glass ceiling and making their own mark. Ada Augusta Lovelace, (first female programmer), stephanie Kwolek[16] (inventing Kevlar, a material five times stronger than steel and used in creating bullet proof materials) and Katherine Johnson, a brilliant mathematician condemned for being black and for being a woman, made her statement by stating, "There's no protocol for a man circling Earth either, sir"[17] when she was dismissed entering a meeting regarding space travels, "There's no protocol for women attending." Girls are to be encouraged choosing mechanics over bakery, working with drills and grills, because its passion that leads to creators and inventors who will drag the countries name forward. School teachers and parents should not cut down the shoots that reach for the sky.

Have you ever wondered what is the point that changes a girl from laughing loud to a hearts content to simply covering her mouth and giggling like a lady? What is the change that made a girl to alter their simple behavior such as running, talking, eating from a boy? Have you noticed that there is no change in behavior of a child, either boy or a girl at their young ages but gradually the girls change, and boys remain the same? These massive changes in their lives are due to three words an adult use. The “-LIKE A GIRL” phrase, which will immediately stop a girl and insert elegance, softness while redefining the system. The phrase used it to a boy would give them a sense of

inferiority, which they immediately try to alter. Hence “run like a girl”, “talk like a girl” and “be a girl” are just words that simply ask her to hide the strong character and be the fictitious character community wants her to be.

As the topic of this article says, “ONE IS NOT BORN, BUT RATHER BECOMES A WOMAN” is true. The society creates the woman; the society limits her, and controls her. Hence, I conclude with the statement made by Maya Angelou, an American poet and a civil activist “EVERY TIME A WOMAN STANDS UP FOR HERSELF. SHE STANDS UP FOR ALL THE WOMEN”.

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