

## Committee on the Elimination of Discrimination Against Women, Concluding Observations: Sri Lanka (2002).

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Draft report

*Rapporteur:* Ms. Rosalyn Hazelle

Consideration of reports of States parties

Sri Lanka

Combined third and fourth periodic report

1. The Committee considered the third and fourth periodic reports of Sri Lanka (CEDAW/C/LKA/3-4) at its 545th and 546th meetings on 28 January 2002 (see CEDAW/C/SR.545 and 546).

I. Introduction by the State party

2. In her introduction, the representative of Sri Lanka informed the Committee that Sri Lanka was sincerely committed to honour its obligation under the Convention and that efforts to improve the status of women had been made not only in accordance to the country's obligations as a State party to the Convention, but also pursuant to the principle of equality enshrined in the country's Constitution.

3. Sri Lanka was a developing country, currently experiencing severe economic constraints resulting primarily from the long civil unrest in the country, which, besides draining the country's human and capital resources, also militated against its human development efforts. The representative indicated that approximately one third of the total population of Sri Lanka lived below the poverty line, with Government welfare support, and that, despite this, Sri Lanka had sustained positive social indicators, particularly with regard to education and health. According to the 2001 Human Development Report, the Human Development Index for Sri Lanka had risen to 81, while the country's Gender Development Index was 70.

4. The representative informed the Committee that targeted state interventions had impacted favourably on women. The literacy rate of women had improved, thereby narrowing the literacy gap between women and men, as had women's educational achievements. Progress was also seen in relation to the increase of women's participation in the labour force. Women had penetrated into a variety of new fields hitherto dominated by men. Women's contributions to the country's foreign exchange earnings through employment overseas — in the Export Processing Zones and the plantation sector — had received recognition, and rural women had been mobilized into economic activity through special savings, credit and skills development programmes.

5. With regard to health issues, the representative informed the Committee that the improvement of delivery systems had resulted in the reduction of maternal and infant mortality rates. She also indicated that the life expectancy of women had surpassed that of men and that women's visibility in the field of sports had increased.

6. The representative indicated that Sri Lankans' willingness to recognize gender equality at the highest level was demonstrated in 1994, when a woman was elected executive President of the country. Sri Lanka continued to focus on: improving the law and order situation to address violence against women; eliminating gender stereotyping; introducing special care programmes for ageing women; introducing programmes for the improvement of the nutritional status of mothers; implementing educational programmes to prevent the spread of HIV/AIDS among women; encouraging women to take up non-traditional vocations; and empowering women migrant workers and those employed in the Export Promotion Zones. In addition, Sri Lanka continued to focus on providing humanitarian assistance to the families affected by the conflict, creating an enabling environment to motivate women to assume political leadership, engendering legislation and stepping up efforts in gender mainstreaming.

7. The Government had taken several measures to establish administrative mechanisms with proactive mandates in order to prevent abuse and harassment of persons affected by armed conflict, particularly women and children. The representative indicated that the Government was adopting a multi-pronged approach when dealing with those internally displaced as a result of the conflict. Plans had been formulated and programmes implemented with respect to humanitarian assistance and compensation, for building temporary shelters and for dealing with resettlement and relocation. The representative informed the Committee that infrastructure facilities for displaced children had been provided and that a scholarship scheme had been introduced. Efforts were now being made by the Government to improve the health conditions of the internally displaced.

8. The representative informed the Committee that upholding human rights during the civil strife was a challenge, but that the Sri Lankan Government had introduced measures to this end. Violence against women and human rights violations committed by the security or police personnel were not condoned. Sri Lanka submitted regular reports to the human rights machinery of the United Nations and was preparing to sign the Optional Protocol to the Convention.

9. The representative also stated that, over the past years, the country's national machinery had been vested with various powers and functions. The new Government, established in December 2001, had directed that every programme should contain a gender component and that the gender impact of every programme should be assessed. It was expected that this commitment would provide the leverage for new initiatives for gender mainstreaming across the entirety of the government machinery and this would facilitate the implementation of the components of the National Plan of Action for Women. The 2002 National Plan of Action for Women highlighted all priority areas of intervention, including the need to address the inadequate participation of women in power-sharing and decision-making processes. The representative stated that the political climate of the recent past was perceived as having created an environment that was detrimental to women's political participation and that, with a change in the political culture, it was hoped that women would be empowered to become partners in implementing values of good governance. The representative also stated that the Government expected the national legislation giving statutory recognition to the National Commission on Women to be enacted shortly.

10. The representative informed the Committee that the Law Commission of Sri Lanka had been requested to address inequities in national legislation. Reforms to personal laws in the multi-ethnic, multi-religious and multicultural society had to be attempted with due regard and sensitivity to deeply rooted pluralistic and ethnic beliefs.

11. In concluding her presentation, the representative noted that, in order to implement the Convention fully, the Government was working in cooperation with non-governmental organizations and with the support of the donor community. However, in its efforts to honour its obligations under the Convention, the Government was faced with difficulties stemming from both the internal conflict and the external pressures arising from global uncertainties. Sri Lanka hoped the current initiatives towards securing a resolution to its internal conflict would be successful in order that the ensuing peace would bring benefits to Sri Lankan women.

## II. Concluding comments of the Committee

12. The Committee expresses its appreciation to the Government of Sri Lanka for submitting its third and fourth periodic reports, which were in accordance with the Committee's guidelines for the preparation of periodic reports. It commends the Government for the written replies to the issues raised by the pre-session working group and for its oral presentation, which provided additional information on the current situation of the implementation of the Convention in Sri Lanka.

13. The Committee commends the Government of Sri Lanka for its delegation, headed by the Secretary of the Ministry of Women's Affairs, and including officials from various branches of Government, which enabled a frank and constructive dialogue with the members of the Committee. The Committee notes that governmental action, in particular the National Plan of Action for Women, is placed within the context of the implementation of the Beijing Platform for Action.

#### Positive aspects

14. The Committee commends the efforts to implement the Convention despite the difficult socio-political situation. It welcomes efforts to strengthen the national machinery on women, the introduction of gender mainstreaming and the adoption of a range of policies and programmes to eliminate discrimination against women, including the Women's Charter, the establishment of the Ministry of Women's Affairs, although short-lived as a separate Ministry, the National Committee on Women and the formulation of a National Plan of Action for Women.

15. The Committee commends the introduction of legal reforms that have been adopted since 1995, in particular the amendments to the Penal Code, which introduced new offences and more severe punishments with regard to violence against women, as well as the revision of the marriage laws, which increased the age of marriage, except in the case of Muslims, to 18 for both women and men.

16. The Committee commends the educational achievements and improved literacy rate of women, as well as the curriculum reforms and teacher training programmes to eliminate gender role stereotypes. The Committee also commends the easy access to family planning for women and men and the well-developed maternal and child health care system, which has contributed to a decline in maternal mortality.

17. The Committee welcomes the very active and lively participation of women's organizations in monitoring and implementing the Convention and Beijing Platform for Action.

#### Factors and difficulties affecting the implementation of the Convention

18. The Committee recognizes that economic globalization puts constraints on the situation of women, while the ethnic conflict in the north and east of the country poses serious challenges to the full implementation of the Convention.

19. The Committee notes that the persistence of a strong patriarchal culture that emphasizes the traditional roles of women and men constitutes an impediment to the full implementation of the Convention.

#### Principal areas of concern and recommendations

20. The Committee expresses its concern about the contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women. In particular, the Committee is concerned that the Muslim personal law, which, inter alia, does not provide a minimum age of marriage, is discriminatory against women. The Committee is further concerned that the nationality law prevents a Sri Lankan woman from passing on her nationality to her children if her husband is not Sri Lankan, while a Sri Lankan man married to a non-Sri Lankan may do so.

21. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention, taking into account, where appropriate, suggestions by the Muslim community. The Committee encourages the Government to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

22. The Committee is concerned that the constitutional provisions on fundamental rights do not create accountability for the activities of non-State actors or the private sector.

23. The Committee urges the State party to guarantee that the constitutional rights apply to non-State actors and the private sector.

24. While welcoming the efforts of the Government to strengthen the national machinery for women and to introduce gender mainstreaming, the Committee notes with concern that the legal, institutional and financial framework is still insufficient to implement the Convention.

25. The Committee urges the State party to give legal force to the Women's Charter, expedite the establishment of the National Commission on Women, strengthen the gender focal points in government ministries and ensure sufficient human and financial resources for the implementation of the National Plan of Action.

26. While recognizing that women have occupied the position of head of Government of Sri Lanka, the Committee is concerned about the very low level of women's representation in politics and public life.

27. The Committee urges the Government to take all necessary measures to increase the representation of women in politics and public life at local, provincial and national levels, including through the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

28. Despite the progress in education for women and girls, the Committee is concerned about the underrepresentation of women in engineering and technology related courses in tertiary education.

29. The Committee urges the Government to take all necessary measures to increase the representation of women in engineering and technology related courses in tertiary education.

30. The Committee is concerned that abortion is allowed only when the mother's life is in danger and is strictly prohibited otherwise, even in extreme circumstances, which results in women resorting to illegal abortions.

31. The Committee recommends that abortion be permitted in cases of rape, incest and congenital abnormalities.

32. The Committee expresses its concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and that there is a lack of systematic data collection on violence against women, in particular domestic violence. The Committee, while appreciating the many amendments to the Penal Code, notes with concern that marital rape is recognized only in the case of judicial separation. The Committee is also concerned that the police fail to respond to complaints of violence against women in a gender sensitive and effective manner.

33. The Committee urges the Government to ensure the full implementation of all legal and other measures relating to violence against women, to monitor the impact of those measures, and to provide women victims of violence with accessible and effective means of redress and protection. In the light of its general recommendation 19, the Committee requests the Government to enact legislation on domestic violence as soon as possible. The Committee recommends that the Government devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex and ethnic group. The

Committee urges the Government to consider recognizing marital rape in all circumstances as a crime. The Committee recommends that the Government provide comprehensive training to the judiciary, police, medical personnel and other relevant groups on all forms of violence against women.

34. The Committee is alarmed by the high and severe incidences of rape and other forms of violence targeted against women of ethnic minorities, in particular Tamil women, by the police and security forces in the conflict areas. While recognizing the establishment of the inter-ministerial working group to counter these acts of violence, the Committee is concerned that victims in remote areas might be unaware of their rights and of how to seek redress.

35. The Committee urges the Government to strictly monitor the behaviour of the police and the security forces, ensure all perpetrators be brought to justice, and take all necessary measures to prevent acts of violence against women, especially ethnic minority women and girls.

36. The Committee, while noting with appreciation the efforts of the Government to eliminate gender role stereotyping in formal education, expresses its concern that the general public and the media perpetuate traditional stereotyped gender roles.

37. The Committee calls upon the Government to strengthen measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including awareness-raising and educational campaigns directed at both women and men of the general public and at the media. It also calls upon the Government to undertake an assessment of the impact of its measures in order to identify shortcomings and to adjust and improve these measures accordingly.

38. The Committee is concerned about the low level of women's economic participation, the high unemployment rate of women, the complete lack of protection for women working in the informal sector and the lack of enforcement of laws to protect women workers in the Export Processing Zones. The Committee is also concerned that no data is available on the wage gap between women and men.

39. The Committee urges the Government to take all the necessary measures to increase the economic participation of women and ensure that women have equal access to the labour market and equal opportunities to and at work. The Committee calls on the Government to revise the labour laws so that they apply to all workers, including those in the informal sector, and to ensure enforcement of those laws in all areas, including the Export Processing Zones. The Committee recommends that sex-

disaggregated data on income distribution and wages be collected and included in the next report and that the Government take measures to ensure that a gender perspective is incorporated into all labour policies.

40. The Committee is concerned about the increasing number of women migrant workers in vulnerable situations, who, despite the progressive and protective measures taken by the Government, including mandatory registration and insurance coverage, are often subjected to abuse and sometimes death.

41. The Committee urges the Government to ensure the full and effective enforcement of the measures taken to protect women migrant workers, including preventing the activities of illegal employment agencies and ensuring that insurance covers the disabled and jobless after they return to Sri Lanka.

42. Noting that the majority of women live in rural areas, the Committee is concerned about discrimination against women under the Land Development Ordinance. The Committee is also concerned that economic policies do not incorporate a gender perspective and do not take into account rural women's role as producers.

43. The Committee urges the Government to amend the Land Development Ordinance so that it is compatible with the Convention. The Committee also urges the Government to recognize rural women's contributions to the economy by collecting sex-disaggregated data on rural production and to ensure the incorporation of a gender perspective in all development programmes, with special attention to minority rural women.

44. The Committee is concerned about the high percentage of households headed by women, many of whom are illiterate and have meagre means of living and half of whom are elderly women.

45. The Committee urges the Government to develop policies and programmes to improve the situation of women-headed households and elderly women, including recognizing women-headed households as equal recipients and beneficiaries of development programmes.

46. The Committee expresses its concern about the continued situation of armed conflict in the north and east of Sri Lanka and the increase of internally displaced persons, the majority of whom are women and children.

47. The Committee urges the Government to allocate more resources to meet the needs of internally displaced women and children and to ensure their privacy, access to health facilities, security and protection from

violence. The Committee calls on the Government to ensure full and equal participation of women in the process of conflict resolution and peace-building.

48. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment of article 20, paragraph 1, of the Convention on the meeting time of the Committee.

49. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee, in particular, requests the Government to provide information on the assessment and impact of all laws, policies, plans, programmes and other measures taken to implement the Convention.

50. The Committee requests the wide dissemination in Sri Lanka of the current concluding comments in order to make the people in Sri Lanka, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women as well as of further steps that are required in this regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".