



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fifth periodic report of Sri Lanka*

I. General information

1. Please provide information on the status of the drafting of a comprehensive bill of rights and indicate whether it would still be possible to bring the proposed bill into full conformity with the rights laid out in the International Covenant on Economic, Social and Cultural Rights, and whether the rights proposed in the bill will be justiciable, especially in the light of the provisions of article 29 of the current Constitution, whereby what are considered as Covenant rights do not confer or impose legal rights or obligations and are not enforceable in any court or tribunal.
2. Please provide information on the impact of measures taken to improve knowledge and awareness of the Covenant among the judiciary, law enforcement officials and other actors responsible for its implementation.
3. Please inform the Committee of any assessment made of the implementation of the 2011-2016 National Action Plan for the Protection and Promotion of Human Rights.
4. Please provide information on the impact of the measures described in paragraphs 22 to 42 of the State party's report (E/C.12/LKA/Q/5), including on investigation of high-level corruption cases.
5. Please provide information on the impact of the measures taken by the State party to prevent and address corruption in the acquisition, occupation and sale of land and property by the military, members of political parties and civil servants. Please also provide related statistics on reported cases of acquisition of land and occupation of public facilities by the military and cases of distribution of land owned by refugees and of forest lands.

* Adopted by the pre-sessional working group at its fifty-ninth session (10-14 October 2016).



II. Issues relating to general provisions of the Covenant (arts. 1-5)

Non-discrimination (art. 2 (2))

6. Please provide information on the impact of the measures described in paragraphs 49 to 54 of the State party's report on access to support and services by persons with disabilities, and statistical data on their enjoyment of the right to education, the right to work, the right to social security and the right to an adequate standard of living.

7. Please provide the Committee with updated information on the overall situation of estate worker families subsequent to the implementation of the measures mentioned in paragraphs 43 to 46 of the State party's report. In that regard, please provide statistical data on their enjoyment of economic and social rights, such as the right to an adequate standard of living, the right to just and favourable conditions of work, the right to social security, the right to education and the right to health.

8. Please provide information on the impact of measures taken to address statelessness and lack of birth certificates affecting the Tamils.

9. Please provide information on the measures taken by the State party to repeal all legal and regulatory provisions that discriminate or have discriminatory effects on lesbian, gay, bisexual, transgender and intersex persons, and on policies adopted to protect them against discrimination.

10. Please provide information on measures taken by the State party to establish a legal and institutional framework for the implementation of the right to seek asylum and to protect the economic, social and cultural rights of asylum seekers and refugees.

11. In reference to paragraph 21 of the State party's report on the participation and consultation of adivasi community in the process of making decisions that affect them, please inform the Committee as to how their informed consent is obtained in such process. Please also inform the Committee about any revision of laws and policies undertaken by the State party to strengthen the protection of the rights of indigenous peoples.

Equal rights of men and women (art. 3)

12. Please provide an update on the implementation of the activities related to the equality of the rights of men and women under the National Action Plan for the Protection and Promotion of Human Rights 2011-2016, including the impact of any reforms of family laws, countering ill-founded stereotypes concerning the status and role of women and combating domestic violence.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

13. Please provide information on the impact of the measures taken for the promotion of stable employment and decent work, as described in paragraphs 61 to 68 of the State party's report, including statistical data on employment disaggregated by sex, age group, urban/rural area and other relevant factors.

Right to just and favourable conditions of work (art. 7)

14. Please clarify whether minimum wages exist for all industries and to what extent they enable a decent standard of living for the workers and their families. Furthermore, please inform the Committee how the right to equal pay for work of equal value across industries is implemented.

15. Please provide information on the impact of measures taken to protect migrant workers from the State party against trafficking, exploitation and violence in receiving countries and to provide assistance to victims who have returned to the State party.

16. Please provide information on the impact of measures taken to ensure the protection of labour rights in the informal economy and to regularize progressively informal employment and businesses.

Trade union rights (art. 8)

17. Please indicate to what extent the strengthened investigation procedure into unfair labour practices has effectively addressed the discrimination against and harassment of workers involved in trade union activities, in particular in free-trade zones.

Right to social security (art. 9)

18. Please provide updated statistical data on the percentage of the population covered by the various social security schemes in the State party. Please also provide an update on the progress achieved towards the establishment of a universal social protection scheme and a social protection floor, including for those in the informal economy, as mentioned in paragraph 98 of the State party's report.

Protection of family and children (art. 10)

19. Please provide information on the outcome of the implementation of the 2016 road map on the worst forms of child labour, including statistical data on prosecutions against and punishment for exploitation of children in labour relations. Please provide information on obstacles to the eradication of exploitation of children in domestic work, agriculture and manufacturing sectors.

Right to an adequate standard of living (art. 11)

20. Please provide information on the assessment made of the impact of poverty alleviation programmes in districts where the incidence of poverty remains high and among disadvantaged women, such women in rural and plantation sectors, female heads of households, single women and women with disabilities.

21. Please provide information on the protection of the rights of land owners and users in the case of the acquisition of land for public purposes. Please also provide information on the outcome of the work of the committee that was established to investigate evictions and resettlements carried out by the Urban Development Authority, including information on reparations provided to victims.

22. Please provide an update on the strengthening of the legal, procedural and policy framework for the protection of the rights of internally displaced persons. Please also indicate how disputes are resolved relating to livelihood, land and housing rights between returnees (internally displaced persons) and those who had settled on their land.

Right to physical and mental health (art. 12)

23. Please provide information on the impact of measures taken to address the inequitable access to quality health care, including the measures taken subsequent to the review of human resources, infrastructure, equipment and availability of drugs at public health-care facilities.

24. Referring to the information in paragraph 156 of the State party's report, please inform the Committee to what extent mental health services are available and accessible, especially for persons from former conflict-affected areas, including the families of missing persons.

Right to education (arts. 13 and 14)

25. Please provide an update on the impact of the implementation of the programme "All Children in School by 2015". Please indicate the groups of children who are at risk of not being enrolled in school or of dropping out of school. Please also provide information on the impact of measures taken to address inequalities in the enjoyment of the right to education across provinces and the language groups in the State party.

26. Please inform the Committee of the measures taken to ensure the quality and relevance of education at the secondary level, especially in rural areas, which would encourage the continuation of education.

Cultural rights (art. 15)

27. Please inform the Committee of the obstacles to the implementation of the official language policy, including regarding the translation of laws into the official languages and the mandate of the Official Languages Commission. Furthermore, please provide examples of cases where individuals have successfully challenged the availability and accessibility of public services in their languages. Please also provide information on regulatory and organizational measures taken subsequent to related decisions.

28. Please provide an update on Internet access and free Wi-Fi connections in remote areas and by disadvantaged and marginalized groups and individuals, and information about the impact of measures taken to address related gaps.
