



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the ninth periodic report of Sri Lanka\*

#### Visibility of the Convention and the Optional Protocol thereto

1. Please provide information on efforts to give visibility to Convention and the Committee's general recommendations, so that they are made an integral part of the training of judges, lawyers, prosecutors, police officers and other law enforcement officials. Please provide information on the measures taken to disseminate the Committee's previous concluding observation ([CEDAW/C/LKA/CO/8](#)).

#### Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

2. Please describe efforts made and mechanisms put in place to face the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, armed conflict, economic crisis, food insecurity and climate change. Please inform on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises, and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also inform on measures taken to ensure the equal and meaningful participation of women in these processes, and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

#### Legal status of the Convention

3. In the light of the constitutional provisions of the right to equality and non-discrimination on the basis of sex and other grounds, under articles 12 (1) and (2), as stated in paragraph 2 of the report of the State party,<sup>1</sup> please provide detailed information on the laws and provisions enacted by the State party, as indicated in paragraph 16 of its report, and explain how they fully incorporate all the provisions of the Convention.

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\* Adopted by the pre-sessional working group on 2 March 2023.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party ([CEDAW/C/LKA/9](#)).



**Legal framework for prohibition of discrimination against women**

4. In line with the previous concluding observations ([CEDAW/C/LKA/CO/8](#), para. 11), please provide detailed information on the full participation of women's groups in the 2016 and 2020 Constitution drafting processes, what proposals were made by these groups and to what extent these proposals have been effectively inserted in the Constitution adopted in 2022, as indicated in the State party report (para. 18). Please, also provide information on:

(a) The content and status of the draft bill to establish a women's commission, mentioned by the State party in its report (para. 20), in particular with regard to the incorporation of the principle of independence, equality and non-discrimination;

(b) Whether article 16 (1) has been repealed and the judicial review of all laws effectively inserted in the Constitution, including amendments to the Muslim Marriage and Divorce Act to introduce changes in the age of marriage, registration requirements, qualifications of appointments of Quazis and consent for marriage in conformity with the Convention;

(c) The status of the draft national women's policy of Sri Lanka, mentioned in the State party report (para. 21), and its conformity with the Convention in addressing intersecting forms of discrimination against women;

(d) The specific legal provisions addressing caste-based discrimination in this draft law as well as in any other legal provisions in domestic law.

**Discriminatory laws**

5. In line with articles 1 and 2 of the Convention, target 5.1 of the Sustainable Development Goals on ending all forms of discrimination against all women and girls and its previous recommendations ([A/57/38 \(Part I\)](#), para. 275, and [CEDAW/C/LKA/CO/8](#), para. 13), please provide information on the measures taken to accelerate the State party's law reform process and detailed information on the review and repeal of all discriminatory laws as well as on the specific measures the State party has taken to ensure the full and meaningful participation of women in these reforms. Please, also provide updated information on the current status of:

(a) The Land Development Ordinance, after the amendment of 4 January 2021 described in the report of the State party (para. 23), with regard to repealing its discriminatory provisions on succession, inheritance and joint ownership, in particular regarding grants of land to women;

(b) The Civil Procedure Code, No. 2 of 1889 and its conformity with the Convention, after the amendments referred to in the report of the State party (para. 24);

(c) The proposal to amend the Kandyan Marriage and Divorce Act with regard to the minimum age of marriage, mentioned in the report of the State party (para. 25), and its conformity with the provisions of the Convention;

(d) The recommendations to reform criminal law and civil law, including family law, expected from the committees established by the Ministry of Justice and listed in the report of the State party (para. 26).

**Access to justice**

6. Recalling the Committee's general recommendation No. 33 (2015) on women's access to justice, its previous concluding observations ([CEDAW/C/LKA/CO/8](#), para. 15) and in addition to the information provided in the report of the State party (paras. 27–31), please indicate:

(a) Any other measures taken to provide capacity building to judges, prosecutors, lawyers and the police and other law enforcement officials specifically related to the Convention;

(b) Steps taken to increase the number of Tamil-speaking judicial enforcement officers in the north and east of the country, in addition to the number of Tamil-speaking prosecutors indicated in the report of the State party (para. 32); to increase efforts aimed at strengthening the activities that enhance women's legal literacy and awareness; and to eliminate the stigmatization of women and girls who claim their rights;

(c) Whether the paralegal training referred to in the report of the State party (para. 36) has been provided and what are the immediate effects of these training activities.

### **Women and peace and security: transitional justice mechanisms**

7. In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and its previous concluding observations ([CEDAW/C/LKA/CO/8](#), para. 17), please provide additional information on the following:

(a) The specific measures taken by the State party with the direct purpose to effectively implement the recommendations of the Consultation Task Force, in particular those regarding the rights of women, and provide detailed and documented information on the participation of women in the implementation of those recommendations;

(b) The results of the Office for Reparations, established pursuant to Office for Reparations Act, No. 34 of 2018;

(c) The national plan of action on women and peace and security adopted in December 2022, the participation of women in its development and how they will be involved in its implementation, in the light of the objectives presented in the report of the State party (para. 42), and the implementation of the road map with a clear time frame, benchmarks, dedicated budget and regular monitoring mechanisms;

(d) Amendments to the Assistance to and Protection of Victims of Crime and Witnesses (Amendment) Act, No. 27 of 2017, including the amount of evidence recorded outside of Sri Lanka, and its impact, as referred to in the report of the State party (para. 46).

### **National machinery for the advancement of women**

8. Recalling the Committee's previous concluding observation ([A/57/38 \(Part I\)](#), para. 277, and [CEDAW/C/LKA/CO/8](#), para.19), please provide detailed information on the following:

(a) The status of the adoption process of policies and action plans on gender for the advancement of women; the coordination mechanisms in place to ensure the implementation of the national policy on women, national disaster policy, the national human rights resources development policy and the national action plans, in particular the national plan on households headed by women, the second action plan on sexual and gender-based violence; and, finally, ways in which women's groups participate in the elaboration and adoption processes related to these policies and action plans;

(b) The impact of the National Action Plan for the Protection and Promotion of Human Rights 2017–2021, mentioned in the State party's report (para. 41) with regard to the implementation of the Convention, and of the first National Plan of Action to Address Sexual and Gender-Based Violence in Sri Lanka 2016–2020;

(c) The substantive reasons explaining why the independent national commission on women is still not established and information about the road map, specific process and timeline for its establishment, including the measures taken to ensure the participation of women in its establishment as referred to in the report of the State party (para. 50).

### **Temporary special measures**

9. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, please provide information on temporary special measures applied during the reporting period to accelerate the achievement of substantive equality between women and men, in particular in the area of participation in public life, notably in decision-making positions in the political system and transitional justice mechanisms, as well as in the areas of education, employment and economic empowerment. Please provide information on the significant results of the Cabinet Memorandum of 2015, in which certain ministries and all provincial councils were called upon to reserve 25 per cent of their allocations for the rural development for women, as referred to in the State party report (para. 53). Please indicate the steps taken to adopt temporary special measures taken for the most disadvantaged and marginalized groups of women, such as women belonging to ethnic and religious minorities, women with disabilities, rural women and migrant women.

### **Stereotypes and harmful practices**

10. In line with the Committee's general recommendation No. 19 (1992) on violence against women, and the Committee's previous recommendations ([A/57/38 \(Part I\)](#), para. 289, and [CEDAW/C/LKA/CO/8](#), para. 23), please provide information on the following:

(a) In the light of previous concluding observations, steps taken to criminalize marital rape and expand the definition of torture in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994, beyond the establishment of a committee as reported in the report of the State party (para. 55);

(b) Steps taken by the State party to amend the Prevention of Domestic Violence Act, No. 34 of 2005, including explaining why the criteria recommended by the Committee were not included in the amendments made in 2020, to ensure that protection orders, upon court issuance, are immediately made available to the parties and effectively enforced, and remove any requirement to participate in mediation prior to pursuing a case in court;

(c) Measures taken to establish a special unit in the Attorney General's Department to expedite the handling of cases of sexual violence against women, in addition to establishing a unit to investigate cases of sexual violence related to children as mentioned in the report of the State party (para. 58), and to introduce legislation with the view to prohibit suspended sentences and stipulate mandatory minimum sentences for acts of violence against women;

(d) The final findings of the review of the implementation of the multisectoral national action plan for addressing sexual and gender-based violence, in terms of societal impact and whether a new national survey on sexual and gender-based violence has been conducted since 2019;

(e) The practice of female genital mutilation in the State party, measures taken to prevent it, and notably any legislative steps to criminalize it.

### **Sexual and gender-based violence against women**

11. In the light of the efforts of the State party to implement the zero-tolerance policy for sexual violence perpetrated by the army and the police, as described in the report of the State party (paras. 75–78), please provide details on the impact of these measures, including with regard to: (a) data on the number of cases of conflict-related sexual and gender-based violence against women; (b) information on the results of the measures taken to reinforce national capacities in the areas of investigation and prosecution, as well as, in particular, the protection of and support for witnesses and victims; (c) information on whether there is an effective decrease in cases and an increase in criminal investigation and punishment; and (d) information on the steps taken to carry out a comprehensive mapping of all pending criminal investigations, notably in the context of the efforts of the State party to “expedite the speedy completion of large number of cases of sexual violence pending before the courts”, as stated in its report (para. 80).

### **Trafficking and exploitation of prostitution**

12. In the light of the Committee’s previous recommendation ([CEDAW/C/LKA/CO/8](#), para. 27) drawing attention to target 5.2 of the Sustainable Development Goals on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on the following:

(a) The specific objectives of the National Strategic Action Plan to Monitor and Combat Human Trafficking (2021–2025), the allocation of resources for its implementation and its mid-term achievements, in addition to those of previous national action plans, enumerated in the report of the State party (para. 81), including through measures of bilateral regional and international cooperation;

(b) Capacity-building activities for concerned public officials beyond the police and prosecutors, as well as whether these trainings cover the measures of early identification, referral, rehabilitation and social integration of trafficking victims; information on projects to expand the number of shelters for victims of trafficking who are women and girls, as well as on the reasons why all victims of trafficking are not provided with protection measures;

(c) Measures taken to ensure adequate investigation, prosecution and punishment of traffickers, as well as data on the number of convictions and their punishment, in particular regarding police officers who harass women in prostitution and sexual minority women; how the identified gaps related to article 360 (c) of the Penal Code, as indicated in the report of the State party (para. 85), will be addressed; the amendments proposed to the Vagrants Ordinance and the reasons why the State party decided not to repeal the Ordinance, as recommended by the Committee in its previous concluding observations ([CEDAW/C/LKA/CO/8](#), para. 27 (g)).

### **Participation in political and public life**

13. In line with the Committee’s general recommendation No. 23 (1997) on women in political and public life and the Committee’s previous recommendations ([A/57/38 \(Part I\)](#), para. 279, and [CEDAW/C/LKA/CO/8](#), para. 29), please provide information on the following:

(a) Measures taken or envisaged by the Ministry of Women and Children’s Affairs and the national committee on women to maintain and strengthen awareness-raising and empowerment activities on the participation of women, including women of minority groups, in decision-making, as reported in the report of the State party (paras. 92–93), including the establishment of a disaggregated data collection system

on the participation of women representing various minorities in decision-making positions in all sectors and at all levels;

(b) Number and types of awareness-raising activities targeted to the general public and political parties on the importance of the participation of women in decision-making in order to eliminate discriminatory stereotypes regarding the roles of women and men in the family and in society;

(c) The request and the memorandum by the Ministry of Women and Children's Affairs on amending the Provincial Councils Election (Amendment) Act, No.17 of 2017 to introduce minimum quotas for women candidates on nomination papers for political parties both at the provincial level and at the national level, as described in the report of the State party (para. 89), and whether these quotas are already enacted and, if not yet, what is the time frame and whether there are any other measures including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, to introduce legal quotas for women, including minority women, with a view to ensure targeted representation of women, including minority groups, at all levels, particularly in the Parliament.

### **Education**

14. In line with target 4.5 of the Sustainable Development Goals, to eliminate gender disparities in education, recalling the previous recommendations ([A/57/38](#), part one, para. 281, and [CEDAW/C/LKA/CO/8](#), para. 30), please provide information on:

(a) Measures taken or envisaged to maintain and strengthen the district quota system, by introducing temporary special measures in favour of women belonging to groups with low levels of education, such as low-income families, in particular from ethnic minority groups, among those going to schools located near fisheries and plantations in the northern and eastern provinces and in poor urban and rural areas; children of migrant workers whose parents work abroad; households headed by women; victims of child and early marriage; and girls with disabilities;

(b) Measures to combat discriminatory gender stereotypes in education and strengthen mainstreaming gender into national education policies, in addition to the measures described in the report of the State party (para. 98), as well as information on measures to develop and expand gender-sensitive programmes, including temporary special measures in high technological skills for accessing employment in such sectors;

(c) How age-appropriate comprehensive education on sexual and reproductive health and rights, addressing responsible sexual behaviour, is being institutionalized, with special attention given to the prevention of early pregnancy.

### **Employment**

15. Please provide information on measures taken to promote the participation of women in the formal sector, such as by facilitating women's entry into traditionally male-dominated fields of employment; ensuring adequate pay to reduce the gender wage gap; addressing sexual harassment in both the public and private sectors, notably with appropriate sanctions imposed on perpetrators; and providing assistance to former women combatants to access appropriate employment and vocational training opportunities. Please also provide information on the measures taken to protect the rights of women working in informal sectors and free trade zones. Please provide information on the steps taken towards the ratification of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

## Health

16. The Committee, recalling its general recommendation No. 24 (1999) on women and health, drawing attention to targets 3.1 and 3.7 of the Sustainable Development Goals, on reducing the global maternal mortality ratio to less than 70 per 100,000 live births, and on ensuring universal access to sexual and reproductive health-care services by 2030, requests information on the following:

(a) The status of the amendments proposed to existing legal provisions in the Penal Code, as described in the report of the State party (para. 116), with a view to legalizing abortion under specific circumstances and whether the Penal Code has eventually been amended in line with the previous recommendations of the Committee ([CEDAW/C/LKA/CO/8](#), para. 35 (a)) as well as information on measures taken to achieve global minimum standards for medical termination of pregnancies, which includes rape, incest, and severe fetal malformations to prevent any possible maternal mortality or morbidity;

(b) The budgetary allocations to specifically meet the health needs of women in conflict-affected areas and in the plantation sector, especially for sexual and reproductive health, in addition to the health services available to all, as described in the report of the State party (para. 118);

(c) Measures taken to ensure that information on sexuality, including the availability and accessibility of prevention and early-detection programmes for women and girls living with HIV, is accessible to all women and girls, including those in marginalized and disadvantaged situations, such as women belonging to ethnic minority groups, older women, lesbian, bisexual, transgender and intersex women, migrant women, women heads of households, girl victims of child marriage, and women and girls with disabilities.

## Economic empowerment and social benefits

17. Please provide information on the impacts of the economic crisis on women, in particular in areas of food security, access to health care, livelihoods and income, as well as in terms of various forms of violence against women, including women in marginalized and disadvantaged situations. Please also provide information on the potential impact of any agreements with international financial institutions and how women can participate in the negotiations leading to such agreements.

## Rural women

18. In the light of the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information on the following:

(a) The results, lessons learned and corrective measures stemming from the enhanced monitoring, evaluation, accountability and evaluation system developed by the State Ministry of Women and Child Development, Pre-schools and Primary Education, School Infrastructure and Education Services;

(b) The legal obstacles for the Government as it seeks to introduce temporary special measures to ensure women's participation in the leadership of trade unions or rural industries and on the results of the measures taken to improve the working conditions of women working in the fisheries industry, including health and counselling support to women with drug addictions;

(c) Reasons why the pay gap and denial of maternity leave in rural industries have not been addressed yet, in contradiction to the Convention.



**Disadvantaged groups of women**

19. Please provide information on the criteria for proposing the removal by the Cabinet of the family background report and on any measures taken to ensure that the present system, as described in the report of the State party (para. 132), allows no sex-specific restrictions on migration, in line with the provisions of the Convention. Please also provide information on:

(a) Steps taken to incorporate, in the non-discrimination clause under article 12 (2), the prohibition of discrimination on the ground of sexual orientation and gender identity, as well as measures to safeguard lesbian, gay, bisexual transgender and intersex populations from discrimination, hatred and violence, including measures supporting the rights of individuals to change their identity and to access public health preventive services regarding the prevention and treatment of sexually transmitted infections and HIV/AIDS; and steps taken to decriminalize same-sex intercourse, in the light of the views issued by the Committee in *Flamer-Caldera v. Sri Lanka* ([CEDAW/C/81/D/134/2018](#));

(b) Efforts undertaken by the State party to establish a disaggregated database on women heads of household, including to what extent it takes account of the heterogeneity within the group, providing a clear and inclusive categorization of women heads of household and on how such data inform social policies to be developed and used uniformly in welfare and resettlement policies and programmes, including in ensuring a unique and coherent social security system for women heads of household;

(c) Measures taken to ensure equal eligibility criteria for obtaining bank loans, mortgages and other forms of financial credit from public and private institutions; low-interest or interest-free credit schemes for women heads of household and a well-coordinated and structured system for issuing personal documents and property titles to ensure that women have equal access to livelihood assistance, housing and land in their own name;

(d) The failure to amend the Bribery Act, No. 2 of 1965, despite other measures taken to combat sexual bribery, as described in the report of the State party (para. 123);

(e) Measures to improve the employability of older women while ensuring they have access to social health and universal health coverage.

20. In the light of the Committee's general recommendation No. 34 and its previous concluding observations ([CEDAW/C/LKA/CO/8](#), para. 43), please provide information on the demilitarization of land, indicating the extent of the land returned, in particular if not in use or unjustifiably used for military purposes, land returned to how many displaced women and men, as well as measures taken to ensure their access to livelihood and adequate housing. Please also provide information on the measures taken to bar the military from assuming administrative duties, and to investigate, prosecute and punish perpetrators of land-grabbing.

**Marriage and family relations**

21. In the light of the Committee's general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and its previous recommendation ([CEDAW/C/LKA/CO/8](#), para. 45), please provide information on the steps taken to prepare a unified family



code in conformity with the Convention, ensuring the equal rights of women and men in family relations, including marriage, divorce, inheritance, property and land, notably by amending the Marriage Registration Ordinance to ensure that Muslim women have the free choice to opt out of the Muslim personal law, so as to be registered under the general law, and article 363 of the Penal Code to ensure that the crime of statutory rape applies to all girls under the age of 16 years, without exception, while increasing the minimum age of marriage for all women in the State party to 18 years of age. Please also provide information on the measures taken to ensure that property rights are governed by general civil contractual and property law rather than religious law and to eliminate any restriction on women's eligibility to be appointed as Quazis, as members of the Board of Quazis, marriage registrars and adjudicators, following the information provided in the report of the State party (para. 140).

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