



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

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## Committee on the Elimination of Discrimination against Women Twenty-sixth session

### Summary record of the 545th meeting

Held at Headquarters, New York, on Monday, 28 January 2002, at 10 a.m.

*Chairperson:* Ms. Manalo (Vice-Chairperson)

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Convention (*continued*)

*Third and fourth periodic reports of Sri Lanka*

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Third and fourth periodic reports of Sri Lanka (CEDAW/C/LKA/3-4; CEDAW/PSWG/2002/I/CRP.1/Add.4 and CEDAW/PSWG/2002/I/CRP.2/Add.2)*

1. *At the invitation of the Chairperson, the delegation of Sri Lanka took places at the Committee table.*
2. **Mr. de Saram** (Sri Lanka) said that the Government of Sri Lanka considered that its obligations under the Convention were serious, important, and extensive. The delegation would endeavour to answer the Committee's questions; it also hoped to learn from the Committee the ways in which other Governments were implementing the Convention. He assured the Committee of his Government's absolute commitment to the principles enshrined in that instrument.
3. **Ms. Dissayanake** (Sri Lanka) said that Sri Lanka had undertaken its commitments with a deep sense of sincerity and it had achieved successes in a number of areas. Unfortunately, Sri Lanka was experiencing severe economic constraints as a consequence of a long period of civil unrest. About one third of the population lived below the poverty line, and subsisted on Government welfare. The country's social indicators nevertheless remained positive, especially in relation to education and health, and, according to the *Human Development Report 2001*, it ranked 81st on the human development index (HDI) and 70th on the gender-related development index (GDI).
4. Government programmes had had a favourable impact on women. Their literacy rate had improved and women had penetrated new fields. Furthermore, women were employed overseas; their work in the export processing zones and rural plantations had been recognized; and special savings, skills development and credit programmes had helped more rural women become economically active; maternal and infant mortality rates had declined and women's life expectancy had risen. The election of a woman President in 1994 attested to the willingness of the people of Sri Lanka to recognize gender equality.

5. The Government was endeavouring to combat violence against women; to eliminate gender stereotyping; to promote non-traditional occupations for women; to improve care for ageing women and improve maternal nutrition; to promote safe sexual behaviour and life skills; and to empower women migrant workers and women employed in export promotion zones. It was also creating an enabling environment for political leadership by women; seeking more effectively to deliver health and educational services; carrying out gender mainstreaming; and formulating legislation. In addition, it was setting up multi-purpose women's service centres to provide counselling to vulnerable women, and hoped to expand that network throughout the island.

6. Its efforts to deal meaningfully with gender issues were, however, being severely challenged due to the conflict. It had taken measures to establish administrative mechanisms for the provision of humanitarian assistance and for the protection of internally displaced persons. It had launched a multi-pronged approach to the latter issue, involving humanitarian assistance, payment of compensation, construction of temporary shelters, resettlement and relocation. Most internally displaced persons remained in Government welfare centres, where services, regrettably, were minimal. Efforts were being made to improve conditions, to offer health services, and to improve educational infrastructure. A scholarship scheme for displaced children had been introduced.

7. Upholding civil rights was, of course, a challenge. For 19 years, the armed forces had been mobilized to safeguard the security of the nation and the civilian population, necessitating large-scale military operations. The Government had taken precautionary measures to safeguard human rights and to deal with those who violated those rights; it did not condone violence against women or tolerate human rights violations by the security forces or the police. Sri Lanka provided details on those matters in its periodic reports to the Human Rights Committee. The complaints procedure of the International Covenant on Civil and Political Rights in fact provided an adequate remedy, since article 26 prohibited discrimination on all grounds. The Government was committed to the Optional Protocol to the Convention, and would take measures to ratify it.

8. The report outlined the national machinery for women. The new Government had stipulated that all programmes must contain a gender component and that their gender impact must be assessed. It was expected that that commitment would give rise to new initiatives at all levels of Government, which should, in turn, facilitate the implementation of the National Plan of Action for Women.

9. That plan highlighted all priority areas of intervention, including in particular, the inadequate participation of women in power sharing and decision-making. The Government hoped that the political culture would change, and that women would become partners in good governance. It was expected that national legislation according statutory recognition to the National Committee on Women would shortly be enacted. The Law Commission of Sri Lanka had been requested to examine all legislation and to recommend reforms. Reforms to personal laws would, naturally, have to be undertaken with due sensitivity to deeply rooted pluralistic and ethnic beliefs.

10. The Government appreciated the efforts of non-governmental organizations and the donor community, and looked forward to continuing cooperation. Finally, it hoped that recent efforts to secure a resolution to the civil strife would result in a new era of peace, since that would greatly benefit the women of Sri Lanka.

11. **Ms. Gabr** said it was clear from the report as well as from the written replies to the list of issues that the Government of Sri Lanka was genuinely trying to implement the Convention. That was reflected in the creation of the National Committee on Women. Noting the intention of the Law Commission to examine personal laws in Sri Lanka, she said that legislation affecting the Muslim minority was incompatible with the provisions of the Convention. Although she appreciated the sensitivity of the issue, Sri Lanka must urgently reconsider laws governing marriage, polygamy and food. It was essential to review legislation concerning the private sector; laws on abortion, incest and rape must also be considered. It would be interesting to know, in that regard, what role Sri Lanka played in the various regional initiatives to combat the sex trade.

12. Furthermore, she hoped that Sri Lankan women would achieve greater participation in political life. Finally, she said that the Government seemed to be

making serious efforts to deal with nationality laws and the problem of child labour.

13. **Ms. Feng Cui** said she would like to know whether the merger of several women's ministries into the Women's Bureau had weakened their role and status, and whether the Bureau itself had been reduced in size and strength. In that regard, she was pleased to learn that the new Government was promoting gender mainstreaming, and suggested that Government institutions should be requested to provide guarantees.

14. She regretted that no reply had been given to question No. 28 of the list of issues, and requested the Government to provide an answer during the current session or in its next report. She wondered, in particular, whether the credit and empowerment programmes for rural women had been effective, and how many women had benefited from them. Lastly, she would like to know how the National Plan of Action was funded.

15. **Ms. Schöpp-Schilling** noted with appreciation the Government's efforts to comply with the Convention, in particular its endeavours to strengthen the national machinery, to improve education, and to institute gender mainstreaming. She deplored the civil strife and its economic consequences. The combined third and fourth periodic reports, received in 1999, had been late: a fifth report had been due in 1998, and a sixth in the current year. She wondered what had prevented the Government from meeting its reporting obligations on time.

16. Moreover, she was concerned by discriminatory provisions in the Constitution and the domestic law regarding, *inter alia*, land rights and land inheritance rights, and by the lack of a mechanism for judicial review. The report mentioned a proposal to establish a committee to review legislation; she would like to know whether it now existed, and, if it did not, what had been the obstacles. Article 2 of the Convention called for the elimination of discriminatory legislation, and revising legislation was not costly.

17. Although she welcomed the constitutional provision according special treatment to women, children and disabled persons, she felt that grouping them in a single category reinforced stereotypes about their inferior status. The Government should enact temporary special measures in accordance with article 4, paragraph 1, in particular by establishing a quota

system for women's participation in political life; it must also create an enabling environment.

18. Under article 2 (e), the State party was obliged to enact legislation to protect women from discrimination by persons, organizations and enterprises. In that regard, she would like to know what measures, if any, had been taken to make the Women's Charter a legally binding instrument. In addition, she would like to know whether the Government was offering gender training to members of the judiciary and the general public. Lastly, she wondered when Sri Lanka intended to ratify the Optional Protocol to the Convention, and urged it to ratify the amendment to article 20, paragraph 1 of the Convention.

19. **Ms. Abaka**, while welcoming the achievements of the Sri Lankan Government in improving the situation of women, said she was nonetheless concerned that the abortion rate seemed to be increasing and that a number of women had died after having abortions. Although the Government was entitled to maintain the illegal status of abortion, it should also ensure that women's right to life and reproductive health was adequately protected. Special measures should be introduced to ensure the right to survive and access to health care, in particular for women in remote rural areas and conflict zones. The Government should also proceed as a matter of urgency with amendment of the Citizenship Act to grant women and men equal rights to pass on their nationality.

20. **Ms. Wijayatilake** (Sri Lanka) said that the Law Commission was currently reviewing the personal laws and was expected to make recommendations on them soon. A policy decision had been made to amend the Citizenship Act and it was hoped that the amendment would be enacted shortly. The guidelines for the issuing of residence visas to spouses of Sri Lankan citizens had now been revised to prevent discrimination on the basis of gender. Legislation to combat trafficking in women and children was under consideration. Sri Lanka had signed the United Nations Convention against Transnational Organized Crime, including the supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and was introducing more effective provisions against trafficking into its Penal Code. In addition, a bill on mutual assistance in criminal matters had been tabled in Parliament with a view to facilitating the investigation and prosecution of traffickers. The National Child Protection Authority

dealt with all issues relating to children, including child abuse and child labour.

21. Although the Constitution did not allow for laws that had already been enacted to be reviewed, it did provide for the possibility of reviewing legislation before it was enacted. However, since the promulgation of the current Constitution, no legislation had been challenged before enactment for reasons of gender discrimination. It was hoped that a specific provision on judicial review would be incorporated in the Constitution in the future; however, despite the current lack of such a provision, the Government was committed to reviewing discriminatory laws. Accordingly, the Law Commission was currently looking at the laws on land rights, evidentiary clauses — particularly in relation to rape cases — and the provision in the Civil Procedure Code relating to the incapacity of a married woman to act as guardian-ad-litem.

22. Efforts were under way to improve the training of the judiciary in gender issues and some success had been achieved. It was hoped that awareness of gender issues would increase as more women entered the judiciary. Although the Supreme Court could not provide remedies for discrimination by non-State actors, writs could be obtained from other courts, and applications for writs could be referred to the Supreme Court in cases that were considered to be of constitutional importance. That constituted a "back-door" means of accessing the Supreme Court when violations of fundamental rights occurred. Moreover, there was a decision of the Supreme Court recognizing the State's duty to safeguard the rights of women, even if the perpetrator was a non-State actor. The Law Commission was currently considering various ways to strengthen the enforcement of fundamental rights.

23. **Ms. Dissanayake** (Sri Lanka) said that the portfolios of different ministries were sometimes changed or merged when a new Government was elected. However, under the present Government, there was a separate Ministry of Women's Affairs. Owing to the country's economic difficulties — caused in particular by expenditures on defence — the Ministry's budget allocation was small. However, it had increased in the past year, and the Ministry received additional funding from donor agencies. The Ministry's capacities had been limited in the past; however, other entities were now providing additional support with information collection, and the Government was

confident that the next reports would be submitted without delay.

24. It was a matter of concern that, although Sri Lanka had a female President, the overall representation of women in politics was low. A number of factors discouraged women from participating in politics, including social pressures and the violence surrounding the political process. Moreover, many women did not have the financial resources necessary to stand for election, and the Ministry of Women's Affairs believed that financial support should be available for such women. The present Government had undertaken in its manifesto to promote the participation of women in politics and had introduced programmes designed to encourage women to stand in local elections. The rate of participation by women at provincial and national levels was slightly higher than at local level, although there was still much room for improvement.

25. The Women's Charter had been adopted in 1993, primarily as a statement of policy, and the National Committee on Women had subsequently been established to ensure that the Charter's provisions were respected and to deal with complaints of gender-based discrimination. Legislation was currently being prepared to give the National Committee on Women statutory recognition and make it into a national commission on women, thereby making its work more effective and giving legal status to the Women's Charter.

26. **Ms. Wijayatilake** (Sri Lanka) said that Sri Lanka had not yet ratified the Optional Protocol to the Convention because it had been concerned that it lacked the infrastructure necessary to fulfil the reporting requirements. However, it intended to ratify the Optional Protocol in 2002. The Government had no objection to allowing the Committee unrestricted meeting time, pursuant to the amendment to article 20, paragraph 1, of the Convention. No conclusion had yet been reached on the proposed constitutional reforms mentioned in paragraphs 15 and 16 of the report.

27. **Ms. Sumanasekara** (Sri Lanka) said that the Government, in cooperation with non-governmental organizations, had implemented a number of programmes to improve the situation of rural women. One successful initiative was the creation of local banks and cooperative societies to provide loans to rural people for income-generating activities and

housing. Though not targeted specifically at women, such programmes had proved to benefit women in particular. Women were also being encouraged to save money in bank accounts. Globalization had both a positive and a negative impact on women. Some had found employment in newly established industries, while women in other sectors had lost their jobs. The Government was providing assistance to unemployed women through various initiatives such as self-employment programmes.

28. **Ms. de Silva** (Sri Lanka) said that, although the maternal mortality rate had declined, Sri Lanka still faced problems with regard to maternal health, including deaths of women following abortion. The morning-after pill was currently being promoted and was proving to be popular. In addition, life skills programmes for children had been introduced and a condom marketing campaign was under way. It was hoped that all those initiatives would help to reduce the number of abortions.

29. **Ms. Ferrer Gomez** expressed the hope that, given the high level of violence against women in Sri Lanka, the new legislation pending before Parliament and review of existing laws by the Law Commission would be given priority. The Civil Code reforms of 1995 were still not being adequately implemented; police, lawyers, judges and medical personnel should receive training so that they could recognize cases of violence against women, and take action. Gender stereotypes contributed to such violence and although measures had been taken to increase gender awareness through programmes and curriculum in the educational system, little seemed to have been done to influence the media, which often reinforced stereotypes. She welcomed the Government's decision to maintain the Ministry of Women's Affairs as an independent body and wondered whether the network of civil servants from all ministries responsible for promoting gender issues within their ministries was still functioning.

30. Turning to the area of employment, she said that although the Constitution guaranteed equality of opportunity for women in the public sector, no such guarantees existed in the private sector, where women often worked without pay in family businesses and she stressed the need for women to be able to fully exercise their rights under article 11 of the Convention. She was also concerned that the figure of 36.1 per cent participation rate for women in the labour force did not accurately reflect the true situation, since it did not

include women working in the home, self-employed women or family agricultural workers. The lack of protection for women domestic workers and child workers, who often worked in terrible conditions, required urgent attention from the Government and she requested that statistics on the extent of the problem be provided. Privatization of State enterprises had also contributed to unemployment amongst women. She wondered whether the high unemployment rate amongst women of reproductive age, 20 to 29, indicated discrimination against them in the labour market. Noting that 70 per cent of the workers in the Export Processing Zones were women, working under terrible conditions, she stressed that women's labour rights must be protected. She wondered what actions the Government envisaged to improve women's situation in the labour market and how it planned to integrate such measures into its National Plan of Action for Women.

31. **Ms. Acar** welcomed the Government's apparent political will the to move forward with legislation and amendments to promote gender issues but stressed that it must act quickly to implement constitutional guarantees of equality, for example in the area of personal law regarding the Muslim community, where there was still no minimum age for women to marry, although the minimum age for other religions was 18. She strongly recommended the use of temporary special measures to correct the glaring gender imbalance in the political sphere and to encourage women to enter traditionally male-dominated fields such as technology, engineering and science, where they represented only a small fraction of students.

32. Some systematic process for gathering data on gender-based violence, domestic and otherwise, was necessary in order to better evaluate the extent of the problem, especially given the fact that violence against women tended to increase in societies in conflict; such statistics would also facilitate better monitoring of the impact of laws and measures adopted in that area. She also wondered whether there were specific programmes to provide training to law enforcement officials to help them recognize and deal with cases of domestic violence. Finally, while acknowledging that Sri Lanka had no objection to the amendment to article 20 (1) of the Convention, she stressed the importance of formal ratification of that article.

33. **Ms. Shin** inquired as to the current status of the gender focal points in the various ministries, for

example were they still receiving funding and were all ministries truly making an effort to implement gender mainstreaming? With regard to violence against women, and despite reforms to broaden definitions and increase punishments, she wondered whether future reforms would deal with the deplorable tolerance of marital rape for couples who were not legally separated. Given the high level of domestic violence, she asked whether police were trained to deal with domestic violence cases and if data was collected systematically in that area. She stressed the need for specific legislation in the area of domestic violence and said that all police officers and those staffing the police domestic violence helpline receive gender sensitivity training and the helpline should be adequately staffed. Noting the reports of violence against ethnic women, especially Tamil women, at police checkpoints in the north and east, she asked whether the Government was truly committed to ensuring that such cases were investigated and prosecuted with a view to combating violence against minorities.

34. In the area of employment, she asked whether there was any national plan of action to increase women's deplorably low employment rate and provide more protection for women workers, especially in the free trade zones, thereby reducing the number of women forced to go abroad to find work. With regard to the latter, although measures had been taken to improve their situation, there were continuing reports of abuse of those workers by their employers, including cases of women who had died abroad and whose bodies, when repatriated, were found to be missing certain organs, making autopsies impossible.

35. While the Government had taken certain steps to reform the education system and increase gender awareness among the younger generation, they were not sufficient to overcome traditional stereotypes which affected women's participation in political life. Urgent measures should be taken to increase public awareness in general and work with and through the media to fundamentally change the current situation. As for rural women, their contribution to the economy was no doubt underestimated. Women certainly contributed a great deal, both as producers and as caregivers in the home and family, and that should be reflected in government statistics.

36. **Ms. Livingstone Raday** said continued tolerance of traditional attitudes with regard to women's subordinate role in the family contributed to their lack

of equality in society in general. It was not enough to have general legislation; specific measures were needed to clearly define women's rights and help make women more aware of their rights, and empower them. Unskilled and poor women lacked employment opportunities or were exploited as unpaid domestic workers or cheap labour. For example in the Export Processing Zones, where 70 per cent of the work force were women working, they could reportedly be required to work up to 70 overtime hours a month. She asked whether the Government was acting to enforce standards such as minimum working conditions and wages, maximum number of hours and equal pay and whether government agencies could on their own initiative prosecute violators of labour laws or whether women themselves had to file a complaint.

37. No information had been provided on the earnings of skilled and educated women relative to those of their male colleagues or on their representation at managerial levels and it was worrying that increased educational levels had not led to increased employment for women. She wondered whether women had simply given up hope of ever being able to play a significant role in politics or in the public or private sectors and whether the Government was committed to ensuring equality of opportunity for women by eliminating discrimination in hiring, training, promotion, wages, etc.

38. As for domestic violence, it was not clear that recent penal reforms had been effective; in 1998, of 291 cases of domestic violence mentioned in the press, only 11 had led to sentencing of the perpetrator. She requested more current statistics on prosecutions for domestic violence. Discriminatory personal laws and the failure to punish marital rape undermined attempts to promote women as equals in the family and reduce domestic violence. Police and judges must receive training in order to better deal with domestic violence and medical personnel should be trained to recognize and report such cases. She was concerned at reports that rape victims had in some cases been urged to marry their assailant as a means of settling the complaints. Such offences were serious and should be dealt with by the State in a criminal proceeding, rather than through mediation. She also requested more information on whether the armed forces and police were being held accountable for their actions in the context of the armed conflict.

39. **Ms. Wijayatilake** (Sri Lanka), in reply to the observations on the vulnerability of women in conflict areas, said that the Government did not condone human rights abuses anywhere in its territory and it had taken a number of steps to ensure that no one was under the misapprehension that they could commit such abuses with impunity. In 1999, an Anti-harassment Committee, had been established to investigate all kinds of complaints of human rights abuses. In 2000, the Inter-Ministerial Permanent Standing Committee, whose members included the Ministers of Foreign Affairs, Defense and Justice, as well as the Attorney-General and the Police Inspector General, had been established to review policy in that area. Its Working Group monitored complaints of abuses from all types of sources, including the Internet, non-governmental organizations and the media. The security forces must answer to the Standing Committee. A Directorate for humanitarian law had been established in the army in 1997 to ensure that international human rights norms were being observed, and the newly appointed Minister of Defense would ensure that similar bodies were established in the air force and navy as well. The special unit established to handle complaints of torture maintained a database to monitor the progress of cases. A number of recommendations made by the Committee against Torture had been put into effect, and army officers had received special directives on how to deal with women after arrest.

40. In a recent development, after allegations of a lack of investigation of abuse complaints, the Police Department had been moved out of the Ministry of Defense to the Ministry of the Interior, in order to facilitate its independence as a law enforcement agency. Severe penalties of 10 to 20 years in prison were imposed for rape of a woman in custody. Violence against women was considered a human rights violation that could be brought to the Constitutional Court; it could also be subject to criminal prosecution or departmental inquiry. The unit on torture in the office of the Attorney-General reported that 20 per cent of torture victims were women. There was a great need for shelters, relief and speedy procedures to protect vulnerable women from violence, and the Government was looking at programmes in other countries of the region as models. The challenge was to provide those women with remedies that would not leave them vulnerable to further violence.

41. On the subject of child labour, Sri Lanka had signed several International Labour Organization (ILO) conventions, including No. 138 on the minimum age for employment. The focus had been placed on training for the police in dealing with such complaints.

42. The new Government was making it very clear that women's affairs were the business of all ministries, and that the gender component of programmes and plans was to be taken seriously. Unifying the personal laws would be a challenging task. Ideally, the impetus for reform should come from within the communities themselves, however. As yet, there was no provision for public interest litigation, but the issue was being looked at.

43. Mediation boards had been set up under the Ministry of Justice as an alternative means of dispute resolution. Under the Mediation Boards Act of 1998, criminal acts could not be mediated. Since rape was considered a serious offence, by law the mediation boards could have no jurisdiction. Action had already been taken to ensure that the boards were not involved in such cases.

44. **Ms. Dissanayake** (Sri Lanka) said that Sri Lanka still remained a traditional patriarchal society in many ways, but efforts were being made to overcome gender role stereotypes through education. Women themselves were the primary targets of the gender sensitivity campaigns. Thirty-four police stations currently had "women's desks", with specially trained officers available. More training in that area was needed for the judiciary.

45. With regard to liaison between the Ministry of Women's Affairs and the line ministries, the "focal points" had achieved some success, but turnover in those positions had proved to be a problem. The Government did place priority on ensuring a gender perspective and component in all its policies and programmes. Some progress had been made in gathering gender-based statistics, although processing of the data needed improvement. The Ministry of Women's Affairs must take the lead in establishing a gender database. Temporary special measures would be helpful in increasing women's participation in politics, and she hoped such measures could soon begin. It was doubtful that quotas would increase women's enrolment in non-traditional fields of study; that was more likely to come from a change in attitudes over time.

46. Women's unemployment rates had dropped to 10 per cent, or double that of men, from the earlier level of three times the rate for men. It was simply a fact that the job market in Sri Lanka was restricted, and those figures were not expected to change in the near future. Labour laws applied to the free trade zones, but as the Government had guaranteed certain conditions to companies operating within them, labour officers could not interfere. Women workers in those zones had organized into unions, and non-governmental organizations had helped to improve working conditions. The Minister of Women's Affairs had visited the zones to view the conditions for herself, and had identified worker housing as the main problem. The Government had provided better worker hostels as a model for companies to follow. Currently there was no system to include the work of housewives or unpaid family agricultural workers in labour statistics.

47. The Government was not considering any restrictions on the outflow of migrant workers, but some protections were provided, including insurance. There were 14 offices throughout Western Asia where welfare officers were available to provide assistance to migrant workers. The Government had begun training, skills development and micro-credit programmes to improve women's employment prospects. Equal wages for men and women were enforced, and the problem of excessive overtime work, though not widespread, had been brought to the attention of the Ministry of Labour.

48. **Ms. Wijayatilake** (Sri Lanka) said that currently there were no plans to expand the 1995 legislation governing marital rape, but the effects of the existing legislation would be monitored. Statistics were not maintained because offences which occurred in the home were not yet categorized as domestic violence.

49. Violations of fundamental rights, including executive and administrative excesses, by non-State actors were under the jurisdiction of the Supreme Court. There was no bar to filing such action in lower courts, but no such cases had yet occurred.

*The meeting rose at 1 p.m.*