



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

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## **Committee on the Elimination of Discrimination against Women**

**Pre-session working group**

**Forty-eighth session**

17 January – 4 February 2011

### **List of issues and questions with regard to the consideration of periodic reports**

#### **Sri Lanka**

The pre-session working group examined the combined fifth, sixth and seventh periodic report of Sri Lanka (CEDAW/C/LKA/5-7).

#### **General**

1. Please provide further information on the process of preparation of the combined fifth, sixth and seventh periodic report of Sri Lanka. This information should include the Government departments and institutions which were involved in the preparation of the report and details of how representatives of civil society organizations, including non-governmental organizations, participated in the process. Please also indicate whether the report was presented to Parliament or any designated high-level authority.

#### **Legislative and institutional framework**

2. In its previous concluding observations (A/57/38, part 1, para. 274), the Committee expressed concern over a contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women. Moreover, the constitutional provisions on fundamental rights did not allow for non-State actors and the private sector to be held accountable in cases of discrimination, nor was there an opportunity for judicial review of legislation pre-dating the Constitution. In paragraph 8 of the report (CEDAW/C/LKA/5-7), the State party responded that the absence of judicial review did not prevent the removal of discriminatory provisions and that important reforms have been effected which were then described in paragraph 9. In this connection, please elaborate on how the Land Development Ordinance has been amended to remove provisions said to be discriminatory against women. Please also inform the Committee as to whether the Citizenship (Amendment) Act No. 16 of 2003 referred to in paragraph 78 of the report provides for women to pass on citizenship to husbands of foreign nationalities.

**National machinery for the advancement of women**

3. Further to paragraph 277 of the Committee's previous concluding observations (A/57/38, part 1), the report indicates that "a Bill for the establishment of a National Commission of Women is currently being finalized" (CEDAW/C/LKA/5-7, para. 13). Please inform the Committee of the mandate and functions of this Commission under the Bill and give a timeline for its finalization and adoption.

**Stereotypes**

4. With reference to the Committee's previous concluding observations (A/57/38 part 1, para. 288), please elaborate on the measures adopted and activities undertaken to raise awareness of gender roles in society as a whole, aimed at bringing about change in behaviour and eradication of negative stereotypes and discriminatory cultural practices. Also provide information regarding measures taken to raise awareness among women and girls of their human rights.

5. The report mentions that women are still concentrated in secretarial and sewing-related careers and men in technical training courses although changes are taking place (CEDAW/C/LKA/5-7, para. 97). Please provide information on the changes that are taking place in this regard. What steps has the State party taken to eradicate stereotypes and provide more opportunities for women to attain higher education in science, engineering and other technical disciplines?

**Violence against women**

6. The report states in paragraph 19 that the Prevention of Domestic Violence Act was enacted in 2005 and further details are provided in paragraphs 50-67. However, according to reports before the Committee, there are delays of five to twelve years before cases of sexual violence are concluded and most cases are dealt with through police mediation or referral to media boards, with the Prevention of Domestic Violence Act rarely used. Please explain why there is such a long delay in processing these cases, and how women are protected and their safety assured during the interim period. What measures are being taken to accelerate the process? Please also explain why domestic violence is handled through police mediation and why the 2005 Act is not being applied.

7. It is stated in paragraph 49(b) of the report that the Prevention of Domestic Violence Act provides for the issue of protection orders. Are there any statistics available on the number of protection order applications and the responses to such applications? Please explain how illiterate women apply for protection orders and indicate whether there are any services in place for legal representation for women. Also provide details about the availability of shelters for victims of gender based violence. Is there any gender sensitive training available for police, magistrates and judges?

8. In paragraphs 284 and 285 of the previous concluding observations (A/57/38, part 1), the Committee noted with concern that marital rape was only recognized in cases of judicial separation and it urged the State party to consider recognizing marital rape in all circumstances as a crime. Please indicate whether the State party is considering criminalizing marital rape.

9. Information before the Committee refers specifically to high rates of violence against female internally displaced persons (IDPs) and sexual violence against young women, resulting in families arranging "marriages" for their teenage daughters. What action is the State party taking to counter violence against female IDPs, and particularly the problem of teenage sexual violence resulting in forced marriage?

### **Prostitution and trafficking**

10. Further to the new definition of the offence of trafficking of persons introduced to the Penal Code (CEDAW/C/LKA/5-7, para. 74), please inform the Committee of how cases are prosecuted and whether there are any protection measures in place for female victims of trafficking. Please provide information as to whether there are any measures taken to address stigmatization of female victims.

11. According to information before the Committee, prostitution has been criminalized, which has resulted in an increase in underground prostitution along with an increase in HIV/AIDS and other sexually transmitted diseases. Please explain the reasons behind criminalizing prostitution and indicate whether the customers are also criminalized for purchasing sex. What efforts have been made to prevent the spread of sexually transmitted diseases? Are there any exit programmes in place for those who want to leave prostitution?

### **Political participation**

12. The report states in paragraph 16 that women's professional careers are based on merit, not on gender quotas. Specifically, the report states that "politics does not seem to be a preferred choice by a majority of women." Please indicate whether the State party has conducted any surveys to inquire about women's interests in political careers? Please explain what measures have been taken to encourage women to participate in political life, including the use of temporary special measures under Article 4(1) of the Convention and the Committee's general recommendation No. 25.

13. According to the report, in paragraph 77, there has been no change with regard to women's participation in the diplomatic service since the consideration of the previous report. Please inform the Committee of efforts to encourage and provide more opportunities for women to enter the diplomatic service.

### **Education**

14. In paragraph 17 of the report, it is stated that the underrepresentation of women in engineering and technology is based on choice. What measures are in place to encourage more women to take up engineering and technology as a field of study? What percentage of women are teachers? Please indicate whether any of the academic curriculum is discriminatory towards women or perpetuates stereotypes.

15. According to the report (para. 96), policies and programme documents as regards technical and vocational education are gender sensitive for the first time and have integrated gender concerns. Please elaborate on this statement and indicate what impact this has had on women's participation in technical and vocational education.

### **Employment**

16. The report indicates in paragraph 104 that most of the unemployed are women and that they have higher educational qualifications than males. Regarding the unemployment rate of women, the report states in paragraph 106 that "the trend indicates that the situation is being addressed." Please elaborate on this statement by detailing the measures taken to address the unemployment rate of females, which continues to remain well above that of males, including for women with higher educational qualifications than men.

17. Alternative information available to the Committee indicates that most of the women in the labour force find employment as semi-skilled or unskilled workers and that, in the private formal sector, women who have passed the G.C.E. A/L examination and higher examinations on average receive only 67% of the salary received by men with similar

qualifications. Please explain what measures are being taken to address this problem as well as the pay gap.

18. In its recent concluding observations, the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families (CMW/C/LKA/CO/1, para. 27) expressed its concern at reports of women domestic workers being treated as slaves and incidences of physical and sexual abuse. Please inform the Committee of steps taken to address this serious problem.

19. Please comment on alternative information available to the Committee on discrimination against women in the employment sector, in view of the fact that the State party proposed legislation in 2007 to ban mothers with children under the age of five from seeking overseas employment. In particular, please inform the Committee as to whether this legislation was passed and explain the reasons behind putting forth such legislation.

### **Health**

20. The report states that termination of pregnancy is a punishable offence unless the purpose is to save the life of the mother (CEDAW/C/LKA/5-7, para. 18). Please elaborate on the law in place with regard to abortion. How can reform of this law be approached in a way that will “not provoke adverse reactions which will undermine reform initiatives,” as is cautioned in paragraph 18 of the report? Please provide information on the availability of and accessibility to family planning and contraceptive methods.

21. Information before the Committee indicates that many women working on plantations are subjected to compulsory family planning and sterilization, violating their reproductive rights. Please comment on such information and inform the Committee of measures which have been taken or are envisaged to respond to this issue.

### **Rural women, older women and women with disabilities**

22. Referring to paragraphs 140-147 of the report, please explain the components of the poverty reduction programmes, such as the microenterprise programme for rural women in the agricultural sector, and other services that are provided to rural women in terms of education, health, economy and employment. What percentage of the State welfare programme, *Samurdhi*, is provided to women? The report states in paragraph 33 that assistance is provided to poor families without gender bias and that none of the development programmes discriminates against women heads of households. However, female headed households are suffering greatly. What efforts are being made to assist women specifically?

23. Further to paragraphs 33-38 of the report, please provide more information on the human rights situation of older women and women with disabilities, with respect to education, employment, access to health services, access to land rights and protection from violence.

24. Bearing in mind that women and girls suffer the most from the negative impacts of climate change, please indicate whether any policy is in place with respect to disaster risk reduction and mitigation and if it incorporates women in the implementation process. Recalling the statement of 28 January 2005 by the Committee with regard to the tsunami disaster in South East Asia, please provide information about the rehabilitation programmes for the December 2004 tsunami victims, especially women and girls, including older women in the rural areas.

**Equality before the law and in civil matters**

25. According to the core document (HRI/CORE/LKA/2008, para. 80), women have full rights of property ownership independent of their spouses, but discrimination still exists in the area of inheritance. Please explain how women are treated specifically with respect to inheritance and what laws exist to protect their right to property ownership.

26. Do women have equal access to legal services? Can they obtain free legal help if they are unable to pay for it? If legal aid is available, is it provided equally to women and men? If so, do women know about it and take advantage of it? If not, please explain the reasons behind this.

27. Referring to the recommendation in paragraph 299 of the Committee's previous concluding observations (A/57/38, part 1), please provide detailed information about the access for internally displaced women and children to services and facilities to address their economic and health needs. Also, please inform the Committee of what measures have been taken to ensure full and equal participation of female IDPs in conflict resolution and peace-building processes.

28. Please provide information on whether there is any national policy or action plan envisaged to address the return of internally displaced persons, their resettlement and reintegration into society, along with special measures to address the concerns and needs of female ex-combatants or detainees to ensure that they are not subjected to further discrimination in the implementation of such reintegration programmes. The Committee would also like to know whether Security Council Resolutions 1325 and 1820 are operative in the State party, with the involvement of women in the implementation process.

**Marriage and family relations**

29. While the report states that there has been a decline in child marriages (CEDAW/C/LKA/5-7, para. 10) despite the lack of a law that prohibits child marriage under Muslim Personal Laws, this does not negate the fact that there are still girls who are forced into marriage against their will. Please explain whether any steps have been taken to collaborate with the reforms committee on this matter, and any efforts made to provide public awareness and education to the community as to how and why this cultural practice is discriminatory. Referring to paragraph 11 of the report, please explain how the higher education of Muslim girls prevents child marriage and why the law cannot be changed to ban child marriage entirely. The Muslim Marriage and Divorce Act states that it is not necessary to obtain in writing the consent of the Muslim bride and groom. Is the government implementing any reforms regarding this issue?

**Article 20, paragraph 1**

30. Please indicate any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.

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