



Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté
Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations with FAO, ILO, and UNICEF.

CEDAW 48th Session: Sri Lanka

Sri Lanka presented its combined 5th, 6th, and 7th periodic reports to the CEDAW Committee on the 26 January 2011. It's been nine years since Sri Lanka last submitted a report to the Committee, and in its introductory remarks the head of the delegation described the past period as one of severe challenges. The decade-long armed conflict between government forces and the Liberation Tigers of Tamil (LTTE) ended in May 2009, and Sri Lanka has recently suffered a number of environmental disasters, events that have disproportionately affected the lives of women and children. In the context of these post-conflict challenges, the delegation welcomed Security Council Resolution 1325 and 1820.

Sri Lanka ratified CEDAW in 1981 and its Optional Protocol in 2002. The delegation expressed the government's continued commitment to CEDAW, and addressed measures taken to promote women's rights, such as the National Action Plan for Human Rights, where one thematic focus is on women. Other lines of current work focuses on economic development, restorative justice through a Reconciliation Committee, and initiatives to strengthen the rule of law. The delegation however underlined the difficulties of the post-conflict stage, especially in relation to the thousands of Internationally Displaced Persons (IDP:s) within the country, and the continued efforts to include all ex-combatants in programs of rehabilitation, reconciliation, and reintegration.

In its introductory statement, the delegation highlighted several issues of special concern to the government; low participation of women in politics, abuse of female migrant workers, women's high unemployment rates, and the need to economically empower rural women. The different forms of violence against women in Sri Lanka is another prioritized issue in which the delegation expressed its awareness of the urgent need to strengthen Sri Lanka's legal framework and improve implementation to facilitate women's access to justice. A recent emerging political concern is discrimination against female-headed households, to which the government has initiated assistance programmes. The delegation concluded by stating that the government is satisfied with the achieved progress but is deeply aware of the remaining work.

During the interactive dialogue, the CEDAW Committee stated its awareness of the country recovering from conflict and disasters, and commended Sri Lanka's progress in achieving the Millennium Development Goals without gender disparity. However, a general consensus of Sri Lanka not taking sufficient legal measures to deal with violence against women and the climate of impunity was reached. The report was also critiqued on the grounds of lacking data on women and violence necessary to inform recommendations, and of the lack of involvement of civil society – only one consultation had been made in the preparation of the report. The key issues of the session included the domestication of CEDAW, the rights of lesbian and transgender women, domestic and sexual violence, especially violence targeting female IDP:s, and the current climate of impunity.

Several aspects of Sri Lanka's legislative framework were highlighted during the session. The Committee questioned the true commitment of Sri Lanka to uphold its CEDAW obligations as it lacks a comprehensive legal framework to handle discrimination, and expressed concerns that CEDAW is not a living standard due to the current discriminatory laws and practices in the country. It was clearly stated that the experts do not consider Sri Lanka to have implemented CEDAW as it lacks legislation line with the Convention in critical areas such as an explicit prohibition of discrimination of women. The experts further requested information on what measures that are

taken legally against discrimination of women. The delegation was asked to elaborate on the practical effects of the parallel Muslim law on women and girls, as the multiple legislative frameworks differ greatly. Another major concern of the Committee was that all laws give full rights to men, which is connected to the requirement of families to register 'head of household', a practice that results in indirect discrimination as only men are designated. The Committee therefore urged the government to change this practice.

The delegation responded that CEDAW is incorporated into domestic law, and measures are taken to enact laws where CEDAW obligations are not met. However, if the obligation is already recognized within national legislation, there is no need for a new incorporation. A National Action Plan for women has just been finalized, and will be submitted to the Parliament, and the ongoing work on a Women's Rights Bill has been delayed, but should be finished by July 2011. The delegation added that discussions are taking place regarding the parallel legislations.

The rights of lesbian and transgender women were raised during the session. Sri Lanka has a general law prohibiting all kinds of discrimination, but simultaneously holds penal law that allows the imprisonment of gay people and criminalizes same sex marriage. The experts wanted to know the political will of the government to abolish this law. The delegation responded that Article 12 of Sri Lanka's Supreme Law states that no discrimination should be based on 'sex', and that homosexuality can be included under the article depending on interpretation, and ensured the government's intention to re-examine the law. The experts however disagreed with Article 12 being sufficient for the protection of lesbian and transgender women.

The issue of violence against women in Sri Lanka and the access to justice for victims took center stage during the session. United Nations Special Rapporteur on Violence against women has highlighted Sri Lanka as a country suffering endemic problems of sexual violence committed by security forces. The experts referred to several reports indicating an alarming number of rapes taking place in Sri Lanka and requested reliable national data, especially in the most conflict-affected areas. The widespread and systemic sexual violence targeting female IDP:s and the conditions in rehabilitation camps was emphasized. The access to justice and the legal framework in relation to sexual violence was also a widely discussed issue. The delegation was asked to explain reports of reconciliation achieved through mediation involving the police for victims of sexual violence, a method deemed as totally inappropriate when dealing with violence against women by the experts. Different aspects of the legal framework in relation to sexual violence was highlighted, such as the criminalization of marital rape, and if measures are taken to draft a new encompassing law of sexual offenses. The climate of impunity in Sri Lanka was addressed by the experts, who asked the delegation to elaborate on the concrete measures taken to encourage reporting of sexual violence, how soldiers are being held accountable, and if the jurisprudence of Sri Lanka is aware of recent trends in International Law concerning sexual violence. The delegation was further asked to elaborate on the reasons behind delays in prosecuting sexual violence, as reports indicate cases of sexual violence taking to 5-12 years to reach the courts. The government was also asked to extend a standing invitation to the CEDAW Committee to visit Sri Lanka in order to investigate reports of deplorable living standards in camps where female IDP:s reside.

In connection to this, the issue of trafficking was raised. The experts wanted to know why Sri Lanka has not ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children from 2000 given the extent of the problem in the country. They also highlighted reports of victims encouraged to witness against traffickers without protection, and asked the delegation to elaborate on measures taken to protect victims. The question of why traffickers have not been convicted and punished when mass arrests of perpetrators have taken place was raised. Domestic violence was also addressed by the experts, who worried that despite the adoption of the Prevention of Domestic Violence Act from 2005, no public awareness exists of the act, and women are not encouraged to seek justice. The Committee further asked the delegation to

elaborate on measures taken to assist victims of violence, such as shelters.

The delegation disagreed with the notion of the Domestic Violence Act not being brought to the public's attention, but agreed that more work needs to be done concerning the issue. Currently, shelters for women are only provided by NGOs and not by the government. Regarding sexual violence against women, the delegation responded that it has a comprehensive legal regime in place, and consequently does not need a new sexual offense law, nor amendments to existing laws. The delegation further denied that a climate of impunity exists in the country. Regarding female IDP:s the response stated that a large number of IDP:s have been reintegrated and have returned home. Around 18 000 women are currently living in three camps. Female ex-combatants are kept from men in a separate camps where they enjoy complete freedom of activity and movement, and are provided with training, rehabilitation, and education by the government. Upon return home, they are offered a three month assistance package. The delegation further stated that rehabilitation camps are administered by female schoolteachers and not by the military, and therefore, no sexual abuse has taken place. Mediation with the involvement of the police in cases of sexual violence has never occurred. The delegation however regretted the long delay of cases of sexual violence reaching the courts and said that this is a concern of the government, which is aware of the absence of effective legal implementation.

The experts responded that in practice, freedom of movement is restricted for IDP:s, and asked the delegation to explain why international organizations and agencies, among them the ICRC, have been denied access to rehabilitation camps. The delegation replied that access to relief villages and camps is an organizational matter; while the camps are not open for everyone, they are definitely open to any organization that wishes to visit, but representatives will have to contact authorities beforehand to gain access.

A final key issue of the session was the low political participation of women. Sri Lanka currently has the lowest political participation of all of the countries in the region – only 5% of seats in the parliament are held by women. The experts wanted to know what has been done to facilitate women's participation and capacity-building, and why quotas have not been installed. They further requested an explanation of the reasons behind this low participation as Sri Lanka has previously been at the forefront achieving female suffrage as early as 1931, and was the first country in the world to have a female Prime Minister in 1960. The delegation responded that political participation of women remains a huge challenge, and that women are kept from politics because they do not want to engage in 'the aggressive and dirty nature' of politics. The government also wanted to investigate how quotas have worked out in other countries before installing them in Sri Lanka.

Read the full CEDAW reports and concluding observations [here](#).

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In conjunction with the CEDAW review of Sri Lanka, WILPF contributed to the shadow report “*Alternative report on the implementation of the UN Convention on the Elimination of Discrimination against women (CEDAW)*” submitted by the European Center for Constitutional and Human Rights (ECCHR) to the CEDAW Committee in 2010.

The link to the full report can be found [here](#) or under “ECCHR Shadow Report” next to this link on the international website.