



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the eighth periodic report of Sri Lanka\*

1. The Committee considered the eighth report of Sri Lanka (CEDAW/C/LKA/8) at its 1484th and 1485th meetings, on 22 February 2017 (see CEDAW/C/SR.1484 and CEDAW/C/SR.1485). The Committee's list of issues and questions are contained in CEDAW/C/LKA/Q/8 and the responses of Sri Lanka are contained in CEDAW/C/LKA/Q/8/Add.1.

#### A. Introduction

2. The Committee appreciates that the State party submitted its eighth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-sessional working group. It welcomes the presence of the State party's delegation as well as its oral presentation and the further clarifications provided in writing in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party's delegation which was headed by Ms. Chandrani Senarathne, Secretary, Ministry of Women and Child Affairs, and included the Permanent Representative of the Mission of Sri Lanka to the United Nations Office at Geneva, the Ambassador of Sri Lanka to the Republic of Korea and representatives of the Ministry of Foreign Affairs and the Attorney General's Department.

#### B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined fifth to seventh periodic reports (CEDAW/C/LKA/5-7) in undertaking legislative reforms, in particular the adoption of:

(a) The Nineteenth Amendment to the Constitution, which restored the Constitutional Council to recommend appointments to the senior judiciary and key independent institutions, including the appointment of reputed members to the Human Rights Commission of Sri Lanka, in 2015;

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\* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

(b) The Assistance to and Protection of Victims of Crime and Witness Act No. 04 of 2015, which created the National Authority for the Protection of Victims of Crimes and Witnesses; and,

(c) The Amendment of the Local Government Elections Act to include a 25% quota for women in Local Government bodies, in 2016.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as:

(a) The finalization of the National Human Action Plan (2017-2021) which contains a separate chapter on the protection and promotion of women's rights, in 2017;

(b) The adoption of the National Strategic Plan to Monitor and Combat Human Trafficking, in 2016;

(c) The adoption of the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (2016-2020), in 2016;

(d) The co-sponsorship of Human Rights Council resolution 30/1 "Promoting reconciliation, accountability and human rights in Sri Lanka", and the steps taken towards meeting the commitments thereunder, in 2015; and,

(e) The standing invitation to visit the State Party issued to all special procedures mandate holders, in 2015.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2016;

(b) The Convention for the Protection of all Persons from Enforced Disappearance, in 2016; and,

(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), in 2015.

## **C. Parliament**

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

## **D. Principal areas of concern and recommendations**

### **Legal status of the Convention**

8. The Committee notes the delegation's response that articles 12, 17, 27 and 126 of the Constitution and several domestic legislative acts and regulations provide an adequate framework to give effect to the Convention. However, the Committee remains concerned

that the existing domestic legal framework is not sufficiently comprehensive to ensure women's exercise of all rights enshrined in the Convention.

**9. The Committee reiterates its previous recommendation (CEDAW/C/LKA/CO/7, para. 13) that the State party incorporate all provisions of the Convention into national law without further delay.**

#### **Legal Framework for prohibition of discrimination against women**

10. The Committee welcomes the ongoing reform process of the Constitution. However, it remains concerned about the limited participation of women in that process. It takes note of the reply of the state party concerning the proposal of the sub-committee on Fundamental Rights of the Constitutional Assembly to specifically include sexual orientation and gender identity as a ground of non-discrimination, in order to clarify any uncertainty as to whether discrimination based on sexual orientation is prohibited under the Right to Equality. However, the Committee observes a lack of clarity on the state party's acceptance of this proposal. Furthermore, the Committee notes with concern that although article 12(2) of the Constitution guarantees equality of women and men:

(a) It does not prohibit direct and indirect discrimination against women, as required in article 1 of the Convention;

(b) Article 16(1) of the Constitution does not allow judicial review for discriminatory laws which existed prior to the enactment of the Constitution; and,

(c) Laws and policies do not address intersectional discrimination.

**11. The Committee recommends that the State party, within a clearly defined timeframe:**

(a) **Ensure women's full participation in the process of drafting the new Constitution;**

(b) **Give due consideration to the proposal made by the sub-committee on Fundamental Rights of the Constitutional Assembly to include sexual orientation and gender identity as a prohibited ground of discrimination;**

(c) **Incorporate into domestic legislation, the principle of equality and non-discrimination in line with articles 1 and 2 of the Convention, as previously recommended (CEDAW/C/LKA/CO/7, para. 15) ;**

(d) **Repeal Article 16(1) of the Constitution to introduce judicial review of all laws; and,**

(e) **Adopt and implement policies and programs which address intersectional discrimination including caste-based discrimination.**

#### **Discriminatory laws**

12. The Committee notes the recommendations of the National Human Rights Action Plan (2017-2021) to, within its 5 year timeframe, review and repeal all discriminatory laws that violate fundamental rights. It further notes that the draft amendment repealing discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership has been sent to the Legal Draftsman's Department; and, the appointment of a Cabinet Sub-Committee in October 2016 to propose amendments to the Muslim Marriage and Divorce Act. The Committee is concerned about the lack of progress regarding the reform of discriminatory provisions in the Kandyan Law and the Tesawalamai Law.

13. The Committee draws attention to the links between articles 1 and 2 of the Convention and Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls. The Committee reiterates its previous recommendations (A/57/38, para. 275) and 2011 (CEDAW/C/LKA/CO/7, para. 17) and further recommends that the State party accelerate its law reform process, with the full participation of women, and ensure, within a specific time frame, to review and repeal all discriminatory laws that violate fundamental rights, in particular the following:

(a) Repeal discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership; and,

(b) Amend all Personal Laws, including the Muslim, Kandyan and Tesawalamai Personal Laws, to remove discriminatory provisions regulating ownership, inheritance, transfer and disposal of land and property, as well as provisions regulating legal capacity, marriage, divorce, and child custody.

#### **Access to Justice**

14. The Committee is concerned about persisting barriers to women's access to justice, including:

(a) Limited knowledge of gender equality on the part of law enforcement officials and legal practitioners;

(b) Language barriers faced by women wishing to claim their rights, in particular Tamil women; and,

(c) Social and cultural stigma, which deter women and girl victims from reporting sexual and gender-based violence, as well as fear of reprisal.

15. The Committee recalls its general recommendation No. 33 (2015) on women's access to justice, and recommends that the State party:

(a) Provide systematic capacity-building to judges, prosecutors, lawyers, the police and other law enforcement officials on the Convention, as well as on the Committee's general recommendations and its jurisprudence under the Optional Protocol, to ensure that the judiciary is independent, impartial, professional and gender-sensitive as a means of safeguarding women's rights;

(b) Increase the number of Tamil-speaking judicial enforcement officers in the North and East of the country; and,

(c) Enhance women's legal literacy and raise awareness on the part of women and men of their rights in order to eliminate the stigmatization of women and girls who claim their rights.

#### **Women, peace and security – Transitional justice mechanisms**

16. The Committee commends the development of programmes for transitional justice, resettlement and constitutional reform, including the appointment in 2016 of a Consultation Task Force on the design and implementation process of the mechanisms for truth seeking, justice, reparations and non-recurrence, in line with resolution 30/1 of the Human Rights Council. The Committee notes the finalization of the Task Force report in January 2017. However, it notes with concern:

(a) The underrepresentation of women in peacebuilding, reconstruction and reconciliation process, and the absence of a finalized national action plan for the

implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security to guide post-conflict processes in the State party;

(b) Slow progress in setting up structures that would allow for the design and establishment of the different transitional justice components, including a comprehensive transitional justice strategy; and,

(c) The delay in attaining Presidential signature of the Office on Missing Persons Act, No. 14 of 2016, and reports that the Act may be revised to eliminate paragraph 11(a) which provides for international cooperation.

**17. The Committee recalls its general recommendations No. 25 (2004) on temporary special measures and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and recommends that the State party:**

(a) **Fully involve women at all stages of the post-conflict reconstruction process in line with resolution 1325 (2000) and implement the Consultation Task Force recommendations that all transitional justice mechanisms should have over 50% women's representation, and finalize a comprehensive national action plan of this resolution which provides a roadmap with a clear timeframe, benchmarks, dedicated budget and regular monitoring mechanism, and take into consideration the full spectrum of the Security Council's subsequent resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2242 (2015) as well as in the Committee's general recommendation No. 30;**

(b) **Ensure international participation in the accountability mechanisms as a necessary guarantee for the independence and impartiality of the process and ensuring the participation of international judges, prosecutors, investigators and lawyers, in line with Human Rights Council resolution 30/1 (A/HRC/RES/30/1, para 6); and,**

(c) **Expedite the review and amendment of the Assistance to and Protection of Victims of Crimes and Witnesses Act, to incorporate better safeguards for the independence and effectiveness of the judiciary and witness protection programmes, in line with international standards.**

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

18. The Committee welcomes the Cabinet's approval of a proposal to establish an Independent National Commission on Women, in 2017. It further welcomes Cabinet's approval of a policy on Women Headed Households and to establish Gender Mainstreaming Committees, in 2016. The Committee is concerned that the fragmented national framework may lead to serious inefficiencies in advancing women's rights in the State party. It also notes with concern that not all the finalized plans have been publicized, and their benchmarks, timelines and resources allocated and that the work of the Inter-Ministerial Steering Committee established to monitor these plans, are not well known in spite of the Right to Information Act No 12 of 2016. The Committee further reiterates its previous concern (CEDAW/C/LKA/CO/7, para. 16) regarding the absence of a timeframe to establish the National Commission on Women.

**19. The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, and the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, reiterates its previous recommendations (A/57/38, para. 277; CEDAW/C/LKA/CO/7, para. 19) and further recommends that the State party:**

(a) Consolidate and strengthen the various existing action plans into one cohesive strategy, and ensure the human, technical and financial resources for their implementation;

(b) Within a specific timeframe, ensure the legislative establishment and effective functioning of an independent National Commission on Women; and,

(c) Ensure the active participation of civil society and the National Commission on Women in the monitoring and assessment of the consolidated action plan on the advancement of women's rights in the State party.

#### **Temporary special measures**

20. The Committee reiterates its previous concern (CEDAW/C/LKA/CO/7, para. 20) regarding the absence of information on the use of temporary special measures to accelerate the achievement of substantive equality between men and women in all areas of the Convention.

21. **In line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt temporary special measures with specific targets and incentives, outreach and support programmes, legal sanctions, special budget allocations, and other proactive results-oriented measures, to accelerate the achievement of substantive equality of women and men, particularly in public and political life and in decision-making, education and employment, and with special attention to women from ethnic, religious and sexual minorities, women heads of households, internally displaced women and women with disabilities.**

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

22. The Committee welcomes the strategies to eliminate stereotypes in the media, as included in the National Human Rights Action Plan (2017-2021) and the National Plan of Action for addressing Sexual and Gender Based Violence (2016-2020); High-level recommendations to criminalize marital rape in all circumstances where consent of a spouse is absent, regardless of the degree of violence it entails; and the proposed amendments to strengthen the Prevention of Domestic Violence Act, including by removing discriminatory provisions from the Evidence Ordinance on the credibility of women's testimony. However, the Committee remains concerned at the persistence of patriarchal attitudes and discriminatory stereotypes that condone a culture of impunity for acts of sexual and gender based violence. It notes with concern:

(a) The high prevalence of gender-based violence against women in the State party and that cases of violence against women are underreported due to a lack of adequate legislation, women's limited access to justice for reasons including fear of reprisals, limited trust in the police and judiciary, extreme delays in the investigation and adjudication of such cases, arbitrary outcomes, and very low conviction rates;

(b) That in cases of domestic violence, victims are required to participate in mediation as a requisite for pursuing a case in court, which results in women withdrawing their complaints due to intimidation; and,

(c) The lack of systematic data collection on the investigation, prosecution and sentencing of acts of gender-based violence against women, limited access for women and girls to victim assistance and protection, and the number of shelters in the State party.

23. **Recalling its general recommendations No. 19 (1992) on violence against women and No. 33 (2015) on women's access to justice, the Committee reiterates its**

previous recommendations (A/57/38, para. 289, CEDAW/C/LKA/CO/7, paras. 23 and 25) and further recommends that the State party:

(a) Criminalize marital rape and expand the definition of torture in the Torture Act to include in it severe forms of sexual violence;

(b) Amend the Prevention of Domestic Violence Act to ensure 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) Establish a special unit in the Attorney General's Department to expedite the handling of cases of sexual violence and to introduce legislation to prohibit suspended sentences and stipulate mandatory minimum sentences for acts of violence against women;

(d) Effectively implement the National Plan of Action for addressing Sexual and Gender Based Violence, and allocate adequate resources to ensure its implementation in a coordinated and effective manner, including by increasing the number of shelters and providing medical treatment, legal support, psychosocial rehabilitation, reintegration programmes and compensation to victims;

(e) Intensify public awareness efforts, through strategic media campaigns and educational programmes to address discriminatory stereotypes against women and gender-based violence; and,

(f) Ensure systematic collection and analysis of data on all forms of gender-based violence against women, disaggregated by age, ethnic group, region and relationship between the victim and the perpetrator, as previously recommended by the Committee (A/57/38, para. 285).

#### **Conflict related sexual and gender-based violence against women**

24. The Committee notes with concern:

(a) The continuing climate of insecurity, particularly for women in conflict affected zones;

(b) Serious allegations that the military and police perpetrated harassment, violence, including rape, abductions, torture, sexual bribery, sexual slavery, and unjustified surveillance, including home invasions, especially of women in the Northern and Eastern provinces, and specifically targeting Tamil women, women heads of households, and former combatants, war widows and women family members of the disappeared who search for truth, justice and accountability, as well as women human rights defenders; and,

(c) That the State party has been unable to provide the Committee with requested data on the number of investigations, prosecutions, convictions and the sentences imposed for acts of sexual and gender-based violence against women perpetrated by the armed forces and the police.

25. **In line with the Convention and the Committee's general recommendation No. 30 (2013), the Committee recommends that the State party:**

(a) **Implement the zero tolerance policy for sexual violence perpetrated by the army and the police, ensuring accelerated investigation, prosecution and punishment into all allegations of violence perpetrated against women and girls, including arbitrary arrest, torture and sexual violence as well as surveillance and harassment;**

(b) Reinforce national investigative and prosecutorial capacities as well as witness and victims' protection and support, including through facilitating the secure and confidential testimony of witnesses, including those from abroad, and ensuring that prosecutions are conducted impartially, objectively and in a timely manner, according to international standards and ensure the right of victims to reparations, the right of victims and societies to know the truth about violations, and guarantees of non-recurrence of violations, in accordance with international law; and,

(c) Carry out a comprehensive mapping of all pending criminal investigations, habeas corpus, and fundamental rights petitions related to sexual violence cases as well as the findings of all Commissions of Inquiries in particular cases involving the armed forces and the police.

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

26. The Committee welcomes the adoption, in 2016, of the National Strategic Plan to Monitor and Combat Human Trafficking (2015-2019). However, it notes the challenges in its implementation and reiterates its concern (CEDAW/C/LKA/CO/7, para. 26) about the low number of investigations, prosecutions, and convictions of traffickers. The Committee also notes with concern the reliance on the offence of procurement, article 360[a] of the Penal Code, in prosecutions rather than article 360[c] of the Penal Code, which provides for trafficking as a criminal offence. It is further concerned that minimum age limits for the migration of female domestic workers may perpetuate trafficking. The Committee further reiterates its concern (CEDAW/C/LKA/CO/7, para. 28) that the Vagrants Ordinance is used by the police to arbitrarily arrest women in prostitution, using their possession of condoms as evidence of engaging in prostitution, and to subject these women to harassment, sexual bribery and extortion.

27. The Committee reiterates its previous recommendations (CEDAW/C/LKA/CO/7, paras. 27 and 29) and draws attention to Sustainable Development Goal 5, target 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:

(a) Ensure sufficient human, technical and financial resources for the effective implementation and monitoring of the National Strategic Plan to Monitor and Combat Human Trafficking (2016);

(b) Provide continuous capacity-building for law enforcement and other concerned public officials on the early identification, referral, rehabilitation and social integration of trafficking victims, including by providing them with access to shelters, legal, medical and psychosocial assistance;

(c) Prevent, prosecute and adequately punish traffickers and adopt gender-specific protection measures for women and girl victims;

(d) Address the legal gaps that impede the prosecution of traffickers under Article 360[c] of the Penal Code;

(e) Systematically collect sex-disaggregated data on both exploitation of prostitution and trafficking in persons;

(f) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by executing memoranda of understanding with other countries in the region, and harmonizing legal procedures to prosecute traffickers, in particular with neighbouring States and other relevant States members of the South Asian Association for Regional Cooperation; and,



**(g) Repeal the Vagrants Ordinance Act and, in the interim, impose penalties on police officers who misuse the Act to harass women in prostitution as well as sexual minority women, and ensure that victims are provided with gender-sensitive protection and support, including exit programmes for women wishing to leave prostitution.**

#### **Participation in political and public life and in decision-making**

28. The Committee welcomes the adoption of a 25% quota for the appointment of women at the Local Government level in the Local Authorities Elections (Amendment) Act and the Cabinet approval, in 2016, of a proposal to amend the Provincial Councils Elections Act, No. 2 of 1988 to enact a (minimum) 30% quota for women on political parties' nomination papers for each province. However, it notes with concern that women have accounted for only 5% of national parliamentarians over the last 15 years and that the number of women Cabinet Ministers remains very low. It further regrets the lack of information on the representation of minorities, such as Tamil and Muslim women and women with disabilities, in decision-making positions.

**29. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee reiterates its previous recommendations (A/57/38, para. 279, and CEDAW/C/LKA/CO/7, para. 31) and further recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making at the national and local levels and:**

**(a) Ensure, within a set timeframe, the enactment of the proposed minimum 30% quota for women candidates on nomination papers of political parties at the provincial level; and introduce a similar quota for women candidates at the national level;**

**(b) Adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in the form of legal quota for women, including minority women, with a view to ensuring the targeted representation of women, including minority groups;**

**(c) Undertake awareness-raising activities targeting the general public and political parties on the importance of the participation of women in decision-making, to eliminate discriminatory stereotypes regarding the roles of women and men in the family and in society; and,**

**(d) Establish a disaggregated data collection system on the participation of women representing different minorities in decision-making positions in all sectors and at all levels.**

#### **Education**

30. The Committee commends the high literacy of women, the near universal enrolment of girls and boys at the primary level of education, and the increase in the compulsory education age from 14 to 16. However, the Committee notes with concern:

**(a) The low education level among women from low-income families and, in particular from ethnic minority groups, schools located nearby fisheries and plantation in the Northern and Eastern provinces, in poor urban and rural areas, among children of migrant workers whose parents work abroad, girls from women heads of households, victims of child and early marriage and girls with disabilities;**

(b) The absence of programmes to provide education as a means of reparation and reconciliation, protect girls in the conflict area from harassment, abuse and violence in schools;

(c) The underrepresentation of women and girls in STEM (Science, Technology, Engineering and Mathematics) subjects in tertiary education and women teachers and researchers;

(d) The low number of vocational schools with adequate infrastructures for girls, especially in conflict-affected areas; and,

(e) That early pregnancy remains a cause for girls' dropout from school.

**31. The Committee, in line with Sustainable Development Goal 4, target 4.5 to eliminate gender disparities in education, recalls its previous recommendations (A/57/38, para. 281, and CEDAW/C/LKA/CO/7, para. 33) and further recommends that the State party:**

**(a) Use temporary special measures aimed at eliminating disparities in access to quality education, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004);**

**(b) Ensure the implementation, monitoring, and evaluation of human rights and peace education in the curricula at all levels of education;**

**(c) Combat discriminatory gender stereotypes in education and mainstream gender into national education policies including the Education Sector Development Framework and Programme and integrate gender equality education into school curricula at the primary level;**

**(d) Develop and expand gender-sensitive programmes including temporary special measures in high technological skills, within the Technical Education and Vocational Training sector, to orient women and girls towards technical fields of studies and career paths, with a view to qualifying them to access employment within such sectors; and,**

**(e) Institutionalize age-appropriate comprehensive education on sexual and reproductive health and rights, addressing responsible sexual behaviour with special attention to the prevention of early pregnancy.**

### **Employment**

32. The Committee draws attention to the historically low participation of women in the labour market and the high unemployment rate among women. It is concerned at the wide gender wage gap, the limited implementation and monitoring of the principle of equal pay for work of equal value and the concentration of women in the informal employment sector. The Committee is also concerned at the lack of disaggregated data on sexual harassment in the workplace and on measures taken to address such cases. It notes with concern the absence of comprehensive measures to facilitate re-entry into employment by former women combatants, taking into account their specific skills.

**33. The Committee recommends that the State party:**

**(a) Adopt measures to facilitate women's entry into traditionally male-dominated fields of employment;**

**(b) Implement laws and policies to protect and promote the rights of women working in informal sectors as well as free trade zones;**

(c) **Reduce the gender wage gap by applying regular pay surveys and establishing effective monitoring and regulatory mechanisms for employment and recruitment practices;**

(d) **Collect disaggregated data on sexual harassment in both the public and private sectors, including on the sanctions imposed on perpetrators;**

(e) **Provide assistance to former female combatants to access appropriate employment and vocational training opportunities free from stereotypes; and,**

(f) **Ratify ILO Convention No. 189 (2011) concerning decent work for domestic workers.**

### **Health**

34. The Committee commends the State party on its investment in health, including the provision of free medical services for all citizens. It further welcomes the decrease in both maternal and child mortality. It further notes the recommendations of a Committee appointed by the Minister of Justice in 2016 on decriminalizing abortion. It is concerned, however, about the absence of specific information or data on:

(a) The availability and quality of health care services for women in conflict affected areas and the plantation sector, as well as the existence of programmes and support to address the psycho-social trauma of war-affected women;

(b) The availability and accessibility of sexual health information that takes into account the needs of all women and girls; and,

(c) The lack of data on prevalence of HIV/AIDS in the State party, including among women and girls, and the existence of programmes for early prevention and early detection of HIV/AIDS;

35. **The Committee, recalling its general recommendation No. 24 (1999) on women and health, draws attention to Sustainable Development Goal 3, targets 3.1 and 3.7 on the reduction of global maternal mortality ratios and ensuring universal access to sexual and reproductive health services and recommends that the State party:**

(a) **Amend its legislation to legalize abortion not only in cases in which the life of the pregnant woman is threatened, but also in all cases of rape, incest and severe fetal impairment, and to decriminalize abortion in all other cases;**

(b) **Remove barriers to women's access safe abortion services, such as the requirement of a judicial inquiry as to whether there should be a medical termination of the pregnancy and the need for a medical certificate authorizing an abortion;**

(c) **Ensure adequate budgetary allocations to meet the health needs of women in conflict-affected areas and in the plantations sector, especially for sexual and reproductive health;**

(d) **Ensure access to sexuality information for all women and girls; and,**

(e) **Provide region-specific data on the transmission and prevalence of the HIV infection, as well as the availability and accessibility of prevention and early detection programmes for women and girls living with HIV/AIDS.**

### **Women heads of households**

36. The Committee welcomes the national policy on Women Headed Households (2016), with accompanying National Action Plan (2017-2019). The Committee notes the high proportion of women heads of households in the State party, comprising 24% of the

female population in the State party, and is concerned that their vulnerability is compounded by their experience of intersecting forms of discrimination. The Committee notes with concern:

(a) That the varied and restrictive definitions used for ‘women headed households’ by the authorities exclude many from social benefits and welfare programmes;

(b) The inadequacy of funds allocated to these welfare programmes, their limited implementation, lack of information on the welfare programmes, and the abuse of administrative power through demands for sexual favours from women heads of households;

(c) The vulnerability of women heads of households to poverty and the negative impact of owner-driven housing programmes, which have exacerbated the level of indebtedness of many households in the Northern and Eastern provinces;

(d) The exploitation of women by private financial companies as a result of women’s limited access to credit; and

(e) The inability of many women in the North and East to access housing grants, land and social services due to the loss of birth certificates, land titles, national ID cards during the war.

**37. The Committee reiterates its recommendations issued in 2002 (A/57/38, para. 297) and recommends that the State party:**

(a) **Establish a disaggregated database on women heads of households in the State party which takes account of the heterogeneity within the group and use this to develop a clear and inclusive categorization of women heads of households to be used uniformly in welfare and resettlement policies and programmes;**

(b) **Amend the Bribery Act to include the offence of sexual bribery, ensuring that perpetrators are adequately punished;**

(c) **Create a social security system for women heads of households and ensure wide dissemination of information pertaining to welfare programmes;**

(d) **Ensure equal eligibility criteria for women and men for obtaining bank loans, mortgages and other forms of financial credit from public and private institutions by removing any additional requirements for women;**

(e) **Introduce low interest or interest free credit schemes for women heads of households and families living in poverty with recovery plans that adapt to their income generation patterns; and,**

(g) **Establish a well-coordinated and systematic system for issuing personal documents and property titles to ensure women’s equal access to livelihood assistance, housing and land in their own name.**

#### **Migrant women**

38. The Committee is concerned about the existence of discriminatory regulations which impose restrictions only on migrant women, namely to appoint guardians for any children under six years of age. It also notes with concern that women who have children with special needs are prevented from migrating.

**39. The Committee recommends that the State party abolish the Family Background Report (MFE/RAD/10/13), with a view to lifting the sex-specific restrictions on migration.**

### **Rural women**

40. The Committee notes the State party's efforts aimed at promoting rural development, including the Cabinet approval, in 2016, of a proposal for the allocation of a minimum of 25% of all investment on rural economic development to benefit women. It also notes that 77% of the population lives in rural areas and that women are actively engaged in rural industries. The Committee is concerned about the low participation of rural women in the leadership, their difficult working conditions and low wages, and the high level of drug addiction experienced by women in fisheries. The Committee is further concerned that women's access to land continues to be restricted by the Land Development Ordinance (1935), which gives preference to male heirs over female heirs in relation to inheritance of land.

**41. The Committee recalls its general recommendation No. 34 (2016) on the rights of rural women and recommends that the State party:**

- (a) Establish a mechanism to ensure the implementation, monitoring and assessment of rural economic development investments benefitting women;**
- (b) Use temporary special measures to ensure women's participation in the leadership of trade unions of rural industries;**
- (c) Address the poor working conditions in the fisheries industry and provide health and counselling support for women with drug addictions; and,**
- (d) Address the pay gap and the denial of maternity leave in rural industries.**

### **Militarization of land**

42. The Committee is concerned about the ongoing militarization of large areas of private land in the conflict-affected areas of the country, the usurpation of civilian administration responsibilities by the military, and the resulting large scale displacements of women and men in the State party, where 32 camps for internally displaced persons continue to exist. It is particularly concerned that such militarization constitutes a barrier to the resettlement of internally displaced women, durable solutions for their housing, and their ability regain their livelihoods.

**43. The Committee recalls its General Recommendation No. 34 (2016) on the rights of rural women and recommends that the State party:**

- (a) Urgently demilitarize land, particularly in the North, return this land to displaced women and men to enable them to regain their land and access livelihood opportunities, and ensure that the military is barred from assuming civil administration duties;**
- (b) Conduct a proper mapping exercise of the land currently occupied by the military, and land currently not in use or unjustifiably used for military purposes, with a view to returning such land without delay to the legitimate owners;**
- (c) Implement the recommendation of the National Human Rights Action Plan (2017-2021) to ensure that women heads of households and internally displaced persons have adequate and durable access to housing; and,**
- (d) Ensure that complaints about land grabbing, including by the military, are investigated and perpetrators are adequately punished.**

**Discriminatory laws in marriage and family relations**

44. The Committee acknowledges that a Cabinet Sub-Committee was appointed in 2016 to amend the Muslim Marriage and Divorce Act. However, it notes that the Committee appointed by the Minister of Justice in 2009 to consider and propose reforms to Muslim Personal law and the Quazi courts has not issued any recommendations. The Committee reiterates its previous concerns (CEDAW/C/LKA/CO/7, para. 44) and, given that the Muslim Marriage and Divorce Act imposes exclusive and compulsory jurisdiction over Muslim marriages, the Committee expresses its particular concern that:

(a) It does not specify a minimum age of marriage and girls under 12 years of age are permitted to marry;

(b) It restricts the legal and judicial officer positions of Quazis, Board of Quazi members, Marriage Registrars and adjudicators to male Muslims only; and,

(c) The law on statutory rape is not applicable to girls under 16 years of age who are legally married under Muslim law, who engage in sexual intercourse with their husband while not legally separated.

45. **Recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on article 16 (Economic consequences of marriage, family relations and their dissolution), and joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee reiterates its previous recommendations (CEDAW/C/LKA/CO/7, para. 45) and further recommends that the State party:**

(a) **Prepare a unified family code in conformity with the Convention in which equal rights of women and men in the family relations, including marriage, divorce, inheritance, property and land are addressed;**

(b) **Amend the General Marriage Registration Ordinance to ensure that Muslim women have the free choice to opt out from the Muslim Personal Law, so as to be registered under the general law;**

(c) **Ensure that property rights are governed by general civil contractual and property law rather than religious law;**

(d) **Increase the minimum age of marriage for all women in the State party to 18 years of age;**

(e) **Eliminate any restriction on women's eligibility to be appointed as Quazis, as Members of the Board of Quazis, Marriage Registrars and adjudicators; and,**

(f) **Amend article 363 of the Penal Code to ensure that the crime of statutory rape applies to all girls under the age of 16, without exception.**

**Data collection and analysis**

46. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.**

**Beijing Declaration and Platform for Action**

47. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

**2030 Agenda for Sustainable Development**

48. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

**Dissemination**

49. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

**Technical Assistance**

50. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

**Ratification of other treaties**

51. The Committee also encourages the Government of Sri Lanka to ratify the Rome Statute of the International Criminal Court and the Convention relating to the Status of Refugees adopted in 1951.

**Follow-up to concluding observations**

52. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13(a), 13 (b) and 23(d) and 25(c) above.

**Preparation of the next report**

53. The Committee invites the State party to submit its ninth periodic report in March 2021.

54. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).