

Report of the 48th Session of CEDAW

The Committee on the Elimination of Discrimination against Women (CEDAW) held its 48th session from January 17 to February 4, 2011, in Geneva, Switzerland. The following State parties were examined during this session: Bangladesh, Belarus, Israel, Kenya, Liechtenstein, Sri Lanka and South Africa (<http://www2.ohchr.org/english/bodies/cedaw/cedaws48.htm>). Among these States, this article concerns the consideration of the combined fifth, sixth and seventh periodic reports of Sri Lanka (CEDAW/C/LKA/5-7) that took place on January 26. Prior to the CEDAW consideration, three reports from NGOs were submitted to the CEDAW Pre-Sessional Working Group, which took place in August 2010 in New York, and another five reports to the current session (available at the CEDAW website for the 48th session, see the link above). This consideration by CEDAW was the third Treaty Body session for Sri Lanka in four months, following the Committee on the Rights of the Child (CRC) in September 2010 and the Committee on Economic, Social and Cultural Rights (CESCR) in November 2010.

Following the presentation by the State delegation of Sri Lanka, Committee members entered into a very critical dialog with the delegation where the State's level of commitment to uphold its obligations under CEDAW and its seriousness when composing the state report were called into question. The interactive dialogue between CEDAW and the delegation followed the chronology of the articles in the Convention respectively, with the State's response and Follow-up questions by CEDAW. Numerous important issues were touched upon, often addressed under multiple Articles.

Articles 1-3

One Committee member immediately inquired about the status of the domestication of CEDAW through its incorporation into the Sri Lankan Constitution concerning that there is no specific law in the Constitution explicitly prohibiting discrimination against women. Further topics questioned by CEDAW included: national policies, legislation and action plan on women; the implementation of previous CEDAW recommendations; land issues, including women's equality before the law when claiming ownership of land; the resettlement of IDPs, especially minority women; militarisation; the situation of rehabilitation camps run by the military; sexual violence and its process of investigation, as well as prosecution; and the criminalisation of same sex relationships. In light of the discrepancies between the Government's report of the IDP situation and those from alternative sources, CEDAW asked if the Government would be favorable to a visit by Committee members to assess the situation.

Articles 4-6

CEDAW commented on women's political and social participation in Sri Lanka being one of the lowest in the world - considerably below the world's average - and asked if affirmative action measures were being taken to improve the situation. The issue of IDPs was addressed again, with one CEDAW member asking if Sri Lanka planned to ratify the Geneva Convention on Refugees, and further inquiring as to why this had not yet been done considering the large number of IDPs there. Furthermore, sexual and domestic violence was again discussed under Article 5 when CEDAW referred to reports indicating that the 2005 Domestic Violence Act was followed by a 2006 Domestic Violence Plan of Action that had not been implemented, and requested clarification on this. The Rape Law was brought up, specifically the 1995 amendment that introduced statutory rape and increased the minimum age of consent from 12 to 16 years. CEDAW sought information on what was being done to criminalize all instances of rape and if there was a plan to make a comprehensive

sexual offence law to deal with all offences. One member took the discussion a step further, asking the delegation if it thought Sri Lanka's system was structurally and functionally capable of meeting international standards of law when precise standards of rape, gender crimes and violence could be classified as crimes against humanity. The expert further asked if there was the political will to revise and revamp the judicial structure if they wanted justice done. The Government of Sri Lanka was also asked why it had not yet ratified the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, concerning reports that women who were trafficked from other countries were deported without legal assistance or appropriate protection, and that some were arrested and fined for acts done as a result of being trafficked. Some of the women who were arrested were also required to testify against traffickers without being given protection against retribution, and a CEDAW member asked if there was a witness protection program in place.

Articles 7-9

Women's low political participation and unequal rights in public life were the main topics under this category. CEDAW pointed out the lack of commitment from political parties to nominate women at national and provincial levels and said that a big effort needed to be made so that women could organize themselves to get elected in larger numbers. One Committee member criticized the passive approach of authorities to the low number of women in politics, and emphasized the Government's responsibility to encourage women to go beyond stereotypes, beyond the high costs associated with politics, and beyond their lack of confidence.

A point of contention arose between the Committee and the delegation when a member brought up a Supreme Court judgment that limited temporary special measures in the case of children, women and women with disabilities under Article 12.4 of the Constitution, so as not to allow affirmative action in the area of political representation. She wanted to know if it was possible to challenge this judgment and if it was actually forbidding affirmative action in the use of political representation.

Articles 10-14

Regarding the education of women, CEDAW requested desegregated data on minority women in different levels of education. The issue of gender stereotyping was raised and CEDAW wanted to know if any efforts had been made to cleanse books of gender-specific stereotypes and if there was a focus on teacher training, particularly women teachers. The Committee also asked to what extent women were involved in decision-making positions in academia, and how many female directors or deans of Universities there were. The high unemployment rate among women was found to be a bit surprising considering the reports of women being well educated. The women who were employed typically had low-skilled and low-paid jobs. The Committee inquired if there were measures in place to protect women in the female-dominated informal sector or provide them with maternity leave. A high incidence of sexual harassment was being reported in the private sector, and CEDAW wanted to know what the government was doing about this. Other topics addressed here included: family planning, sexual education and early pregnancies, particularly regarding abortion rates and the impact on maternal mortality; IDP health care; the head of household issue and female land ownership; and the 10-year development framework and integration of gender perspective.

Articles 15 and 16

No question was asked under Article 15. Under Article 16, a member asked about religious, customary and general law regarding marriage and divorce. The member also wanted to know the status of female judges in

various courts or in one court, depending on the structure of the court system.

CEDAW Concluding Observations

The advanced unedited version of CEDAW's concluding observations was published on February 8, 2011 and is available at:

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-LKA-CO-7.pdf>

Recommendations were made concerning the following topics:

Parliament (para. 11); **the legal status of the Convention** (para. 12 & 13); **prohibition of discrimination against women** (para. 14 & 15); **discriminatory laws** (para. 16 & 17); **national machinery for the advancement of women** (para. 18 & 19); **temporary special measures** (para. 20 & 21); **stereotypes and discriminatory practices** (22 & 23); **violence against women** (para 24 & 25); **trafficking and exploitation of prostitution** (para. 26, 27, 28 & 29); **participation in political and public life** (para. 30 & 31); **education** (para 32 & 33); **employment** (para. 34 & 35); **health** (para. 36 & 37); **rural women** (para. 38 & 39); **impact of conflict on women** (para. 40 & 41); **migrant women** (para. 42 & 43); **marriage and family relations** (para. 44 & 45); **data collection and analysis** (para. 46 & 47); **amendment to article 20, paragraph 1 of the Convention** (para. 48); **Beijing Declaration and Platform for Action** (para. 49); **dissemination** (para. 50 & 51); **follow-up to concluding observations** (para. 52); **financial and technical assistance** (para. 53); and **the preparation and date of next report** (para. 54, 55 & 56).