

Additional Written Information by Sri Lanka to the Questions Raised during the 8th Periodic Review of CEDAW – 22 February 2017

Part 1

Articles 1 and 2:

definition, general obligation to equality, principle of equality in constitution, legislation, prohibition of discrimination, etc

1) **Response to the Proliferation of Action Plans and Instead Seek the Possibility to Consolidate Them into a Comprehensive and Well-resourced Policy**

Action Plans are prepared for different purposes by different theme groups and agencies coordinated by the Ministry of Women and Child Affairs.

For example,

- The Action Plan on Women Headed Households was prepared by the UN Theme Group with the Ministry of Women and Child Affairs (MWCA)
- The Action Plan on Sexual and Gender based Violence (SGBV) was prepared by the UNDP and 09 sector-based agencies in Government (**Annex I**)
- Gender mainstreaming programme by all line Ministries (**Annex II**)

Considering the need for area-focussed attention and the need to take into account the special vulnerabilities and needs of the specific sectors, such as Women Headed Households and Sexual and Gender based Violence, and considering the need to mobilise specific resources based on the specific needs of the different sectors, the Government has taken the decision to have sector-focussed Action Plans.

However, **overall coherence and coordination of these Action Plans are maintained through the Ministry of Women and Child Affairs** which functions as the coordinator and facilitator of these Action Plans. The Action Plans are implemented by the relevant line Ministries / agencies under their respective purview and responsibility.

There is stringent monitoring of these Action Plans via the following two-tier committee structure which has been appointed to monitor the implementation of the Action Plans through regular meetings including all stakeholders from Divisional to Ministry levels.

- i. Steering Committee headed by Secretary / Ministry of Women and Child Affairs and the relevant Secretaries of the Ministries
- ii. Working Group – headed by Additional Secretaries of the relevant Ministries.

The Steering Committee meets every 6 months while the Working Group meets on a quarterly basis. In addition, **the National Department of Budget also supervises the implementation of the financial aspects of progress.** The implementation agencies of these Plans include the National Committee on Women and the Women's Bureau.

The outcome of these sector-based Action Plans is harnessed at policy level by the Government, which also maintains coordination and coherence between different plans.

2) **Concrete Measures to Respond to Reports of Sexual and Gender based Violence and Their Implementation**

The Government fully recognizes that women and girl children are a vulnerable group of the population particularly in conflict and post-conflict situations and has given priority to addressing their grievances.

While Sri Lanka has strived to achieve gender parity in many fields such as education and health, the Government is keen to further its commitments in achieving SDG Goal: 5 "achieving gender equality and empower all women and girls", which requires prevention and addressing SGBV as a priority.

On 12th January 2016, Sri Lanka endorsed the "**Declaration of Commitment to End Sexual Violence in Conflicts**", as a further manifestation of its commitment.

In line with the underlying principle of "zero tolerance of sexual and gender-based violence in Sri Lanka", the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (NPoA) which was officially launched in November 2016 to provide a holistic policy guideline and seeks to comprehensively address the issue of violence against women through a three-pronged approach of prevention, intervention and policy advocacy.

Clear instructions have been issued to all branches of the security forces as well as the Police that strict action will be taken against all members of the Armed forces and Police who engage in Human Rights violations which includes torture, rape and sexual and gender based violence. These directives and instructions issued by the Ministry of Defence, H.E. the President and the Human Rights Commission of Sri Lanka (HRCSL) have been disseminated among the members of the security forces.

Action has been taken to bring perpetrators of reported incidents of rape by individual members of the security forces, to justice (Eg. Krishanthi Kumaraswamy case, Vishwamadu case).

In October 2015, the Jaffna High Court sentenced four soldiers to 25 years rigorous imprisonment each over rape and sexual abuse incidents in Viswamadu, Kilinochchi in 2010. The four military personnel were also ordered to pay Rs 500,000 each to the victim, and if they failed to pay, an additional two years to be added to the prison term. They were also ordered to pay Rs 25,000 as legal cost and failing which, another year to be added.

Apart from the cases that are currently proceeding, there would also be provision for the Truth Seeking Commission which the Government intends to establish, to also receive complaints and investigate into such incidents. The Judicial Mechanism with a Special Counsel which the Government proposes to establish as well as the Reparations Office will also provide avenues for accountability and reparations respectively. The Consultation Task Force comprising of 11 civil society members and headed by a female and comprising of 6 women (and 5 men) sought the views of the public all over the country, in all provinces, regarding the establishment of these mechanisms and any other mechanisms in relation to reconciliation, accountability and reparations that the public may wish to present ideas on.

Having taken into account the allegations of harassment of civilians and possible intrusions into their privacy, the Ministry of Law and Order has been instructed to ensure that proper inquiries are held and that no infringement of fundamental rights takes place.

Human Rights is included as part of the training of security forces. At the degree awarding tertiary institution established for military personnel, the Kotalawala Defence University, where many military cadets pursue degree programmes, human rights is taught as an important component of the academic programme. The concept of education or specific training on human rights has moved from teaching and theoretical work to participating and contributing to work at the community level thereby practicing what was learned. The HRCSL has also conducted a number of training programmes for the Military and the Police on human rights, and details of these were provided in Annex 4 of GoSL response to List of Issues.

Delays in Convictions of Cases on SGBV:

The Government acknowledges that there are delays in handling of cases reported on SGBV and is currently in the process of identifying further measures to address the issue, in addition to the full use of available legal and procedural measures.

This is a constant challenge encountered by the Sri Lankan courts due to the large number of cases that are pending before them. Thus, several measures have been introduced through legislative provisions as well as through administrative mechanisms to address this issue. The Code of Criminal Procedure Act No. 15 of 1979 provides for all trials and appeals related to child abuse cases to be given priority by the relevant court handling the matter and for its early disposal. On the other hand, His Lordship the Chief Justice by his directive in October 2016 has directed the Judges of the High Court which court has the jurisdiction to try cases of rape, incest etc to take up the trials on a day to day basis ensuring the early conclusion of the trials.

However, it is to be noted that delay in disposal of the cases is not the rule. There are many cases on sexual violence that have been disposed early. The case of the abduction, rape and murder of the 6 year old girl 'Seya' from the Western Province of Sri Lanka, heard by a single judge sitting in the High Court, was concluded in less than 9 months period from the date of the incident. Cases such as Krishanthi Kumaraswamy, Mirusavil amongst other cases where the accused had been charged for rape were fast tracked as Trials-at-Bar were nominated to hear those cases. The rape and murder of Vidhya Sivaloganathan by civil citizens is also to be fast tracked with the nomination of a Trial-at-Bar.

Sri Lanka has made progress in addressing SGBV through the legal sector by enactment of new laws and amending existing laws in the recent past.

As one of the preliminary steps to address shortcomings in the judicial system, the recently launched NPoA has tasked the Ministry of Justice to conduct a study to identify specific areas of improvement in the legal regime, related laws, procedures, implementation mechanisms, legal practices and resource gaps. Furthermore, the Ministry of Justice is also being tasked with introduction of special mechanisms within the existing court systems to address SGBV cases.

In addition, the Women's Rights Chapter (Section 13.2) of the NHRAP recommends the **establishment of a special unit in the Attorney General's Department** to expedite the handling of cases of sexual violence and the introduction of legislation to prohibit suspended sentences and stipulate mandatory minimum sentences in respect of grave crimes including violence against women.

Statistics on SGBV

The Government acknowledges lack of sufficient disaggregated data on SGBV cases and identifies this as an area where the Government is concerned about and would require support in terms of capacity building.

The Government is currently in the process of creating a digital database to facilitate better management of island-wide SGBV data, which is critical for developing effective policies. In this regard, the MWCA has initiated to digitally compile the complaints received to the Ministry helpline (1938) which was established in 2014. Additionally, a digital database formulated by MWCA to collect Sexual and Gender Based Violence (SGBV) data through relevant stakeholders including police and NGOs is currently in operation as a pilot project in the Thimbirigasyaya Divisional Secretariat. Following the success of their operation, it is hoped to expand the databases island wide. Further, the police is in the process of developing a secured database, centered in Bureau for the Prevention of Abuse of Children and Women of Police Headquarters which will be connected virtually with all police stations, aims to gather real time detailed data on SGBV, as well provide updates on status of cases. All officers attached to the above three databases have been given special IT training to engage in the process.

Due to increased awareness raising and support provided by the MWCA in 2015, 667 complaints were received via the 1938 helpline alone, on domestic violence and family disputes which is almost double the number of 2014 (398).

Creating an Enabling Environment to Address SGBV

The Government believes that the zero-tolerance policy coupled with enabling environment could largely contribute to addressing the issues of SGBV.

Safeguards enabling victims of SGBV to make the complaints and seek justice is one of the key components in this process. In addition to the legal safeguard, provided in detail in the opening remarks, and the responses to LoI and the report, the Government of Sri Lanka has initiated the following additional measures;

- MWCA hotline to receive complaints on SGBV: the MWCA hotline 1938 was launched in 2014 and in year 2015, 667 complaints were received via the helpline on domestic violence and family disputes which is almost double the number of 2014.
- Access to legal aid: Legal aid was institutionalized in Sri Lanka in 1978, with the passage of the Legal Aid Act (No.27 of 1978). The Legal Aid Act mandates the operation of an effective legal aid scheme to assist survivors by providing legal advice, funds to conduct legal and other proceedings for and on behalf of deserving persons, obtaining the services of attorneys at law to represent deserving persons, and by providing any other assistance that is necessary to provide legal aid to deserving persons. Legal Aid Commission (LAC), a statutory body primarily funded by the Ministry of Justice and operates a network of Legal Aid Centres providing legal aid covering the entire country with special focus on

accessibility for women victims of violence. However, resources available may not be uniform in all districts centres. Mapping of the legal aid services was conducted and a National Legal Aid Policy 2015 to facilitate provision of legal aid for criminal offences has been endorsed by Parliament in April 2016.

- Children and Women's Desks in the Police: The Children's and Women's Desks have been established in Police Stations, throughout the country staffed with female officers. Specially trained police officers function at such desks which provide an enabling and protective environment for children, women and girls and their partners to report incidents of abuse and exploitation. These desks are often accessed by women facing domestic dispute and situation of domestic violence and SGBV.
- Awareness raising programmes: Programmes are conducted by both MWCA and the Police at community levels. The Sri Lanka Police conducts such awareness raising programmes regularly covering all provinces on SGBV, targeting the vulnerable groups, including schools, industrial zones, Government offices etc and in the last two years, 73,675 awareness raising programmes have been conducted.
- Facilitating complaints in Tamil at predominantly Tamil Speaking areas: Taking into account barriers faced by women in the North and the East in accessing law enforcement mechanisms, the Sri Lanka Police has taken action to deploy 279 female police officers to the Children and Women's Desks in the North and the East. A special rapid recruitment drive has also been initiated to recruit 200 female Tamil speaking police officers. Furthermore, a training centre has been exclusively established in Mahiyangana to conduct Tamil language courses for Sinhala speaking police officers. Since 2012, approximately 2,000 Sinhala speaking police officers have been trained in the Centre. In the post war period, 1500 Tamil speaking police officers including female officers were recruited from Northern and Eastern provinces. Following the completion of training, they had been posted to their respective provinces and they deal with entertaining complaints, recording in a language of their choice. Furthermore, all documents, reports in respect of police investigations are prepared in Tamil language in the areas where the population is predominantly Tamil speaking.
- Enactment of "The Assistance to and Protection of Victims of Crime and Witnesses Act No 4 of 2015" which provides for protection for victims and witnesses.
- Provision of shelter facilities for the victims: The MWCA has established 06 shelters in Batticaloa, Mullativu, Jaffna, Rathnapura, Colombo and Meerigama to provide safety and protection for victims of SGBV and trafficking. To facilitate the functioning of the shelters, guidelines were prepared and approval obtained from the Cabinet. In order to overcome the bureaucratic delays, the MWCA is

in the process of signing MOUs with NGOs who are experienced in managing shelters, namely the Jaffna Social Action Centre and Women in Need.

- Provision of counselling services to victims: Counselling is provided through Assistant Counselling Officers attached to each Divisional Secretariat. In addition, the officers assigned to Children and Women's desks of Police stations are given special training on counselling, enabling them to discharge duties in a sensitive manner. The Police Bureau for the Prevention of Abuse of Children and Women also provides counselling facilities in collaboration with Women In Need, for victims of SGBV. Last year, 2779 individuals were benefited from this service.

Strengthening of Law Enforcement Agencies (Police) to Deal with SGBV

- The establishment of a separate Ministry of Law and Order to create an efficient police service more responsive and accountable to the general public and the establishment of the dedicated Children's and Women's Desks at police stations with female officers specifically trained for dealing with SGBV cases has empowered the police in dealing with cases of SGBV in a more responsible manner.
- In addition, the Police officers are provided with extensive training on human rights and SGBV including in the curriculum for members of the Police at the time of recruitment, promotion and while in service. Details of training programmes are provided below;
 - The curriculum of all four Training Institutions of Sri Lanka Police included the concepts of human rights and sexual & gender based violence under the constitution, the Convention on Elimination of all forms of Discrimination Against Women and Domestic Violence Act and the United Nations Code of Conduct for Law Enforcement Officials, other International Human Rights Instrument.
 - Certificate courses on SGBV have been conducted by the Sri Lanka Police Academy since 2015, and approximately 188 officers have benefited from the course.
 - In addition, a special Diploma course on Gender Based Violence has been formulated for the Police Officers and is expected to commence this year by the Sri Lanka Police Academy.
 - The Police in Service Training Division conducts Training Programmes on Sexual and Gender Based Violence since 2012, and approximately 1172 officers have been trained so far. It also offers Training Programmes on Human Rights Based

Policing, and 8615 police officers have been trained since 2012 under this programme.

- Furthermore, senior police officers above the rank of sub inspectors are encouraged to follow courses including diploma courses, degree programmes on human rights, IHL, victim and witness protection, victimology conducted by the University of Colombo, and the University of Sri Jayawardenapura. The expenses related to the courses are borne by the Sri Lanka police.
- The Australian Government sponsored a special training programme by the Girffith University of Australia on 'Interview Techniques in handling SGBV victims' in 2016, and officers assigned to Children and Women's Desk, including those from North and East participated in the training.

3) **Alleged Sexual Violence against Women in Detention**

The Government has repeatedly requested from the international community including from the WGEID to share confidentially, information they may possess on torture cases and on alleged secret detention centres since the Government is committed to investigate such incidents.

- Reports submitted (for consideration of the Committee) do not provide clear evidence to commence investigations. If such evidence is shared with the Government even through the UN that would be helpful for the Government to conduct investigations. Alternatively, it is suggested that such information be provided to the HRCSL for examination, respecting confidentiality of sources.
- Ms. Yasmin Sooka had, on 1 February 2016, written to the Minister of Foreign Affairs, regarding recent cases and a torture camp (Joseph Camp) in Trincomalee.
- The Government has examined sites and have found no torture camps or secret detention centres in existence at present.
- The government is also clear that there is a zero tolerance policy on torture.
- However, in order to reaffirm government's commitment to investigate and engage with the international community as well, the following steps have/will be taken:

a) The Minister of Foreign Affairs has written to Ms. Yasmin Sooka inviting her to consider visiting Sri Lanka at an early opportunity, to discuss with the Government the concerns raised in her reports.

b) The National Human Rights Commission (which is an independent body since the enactment of 19th amendment and the appointment of the new Commissioners) has been requested to establish contact with Ms. Sooka with a view to obtaining relevant information (which Ms. Sooka is reluctant to share with government), and share with the Hon. Minister of Foreign Affairs on a confidential basis the recommendations of the Commission on action to be taken and how the Government may proceed to initiate legal action in connection with the cases concerned.

c) The Ministry of Foreign Affairs has been informed by the HRCSL on 9 March 2016 that the Commission had decided to seek information regarding Ms. Sooka's report in order to investigate whether the alleged incidents have actually taken place. The HRCSL will make their findings available to the Ministry of Foreign Affairs upon the conclusion of the investigation.

4) **Status of Transitional Justice Mechanism**

The UNHCR Resolution 30/1, in operational paragraph 3 supports the commitment of the Government to establish process of truth seeking, justice, reparations and non-recurrence by engaging in broad national consultations that would inform the design and implementation process.

The Government is working in close consultation with OHCHR, the UNCT and the UNPBSO as well as other experts in this regard.

A set of actions were identified by Government to deal with the past in a comprehensive manner, addressing the grievances of all victims, include truth seeking, justice, reparation and measures for guaranteeing non-recurrence.

(A) **For Truth Seeking**, the establishment by statute, of two mechanisms:

(i) A **Truth Seeking Commission** will be established for the purpose of ascertaining the truth regarding rights abuses and the violation of law. The establishment of this Commission will present an opportunity for many victims, from whichever community, to be heard and to seek the truth. The Commission will be empowered to present recommendations on a range of issues including redress for rights violations, the transformation of discriminatory practices and structures, and the granting of reparations. A national consultative process was recently

concluded whereby the views of the public on a truth seeking mechanism were conveyed to the government. Legislation establishing the Commission will take into account these views and such legislation is currently being finalised.

(ii) An **Office on Missing Persons** based on the principle of the families' right to know is in the process of being operationalised with the support of the ICRC, and in line with internationally accepted standards. The Act establishing the Office was enacted by Parliament on 11 August 2016, and funds were allocated to the Office in the 2017 Budget. The OMP will have its own witness and victim protection unit in accordance with the legislation approved by Parliament.

(B) **On the Right to Justice**, a Judicial Mechanism is to be set up by Statute: This would take into account the right of victims to a fair remedy and aim to address the problem of impunity for human rights violations suffered by all communities. There have been previous instances as well in Sri Lanka when criminal justice mechanisms of different kinds have been set up. This, therefore, is not at all an alien concept. Neither will it be aimed at a particularly group of persons, but something that is essential in terms of upholding the rule of law, and creating a society that respects the rule of law.

(C) **On the Right to Reparations**, an Office for Reparations is to be set up by Statute: To facilitate the implementation of recommendations relating to reparations made by the proposed Truth Seeking Commission, the Office on Missing Persons, and other previous bodies such as the Lessons Learnt and Reconciliation Commission. The Office will also be empowered to recommend comprehensive reparation policies for the purpose of granting individual and collective reparations aimed at guaranteeing the non-recurrence of violence and conflict.

(D) **In order to Guarantee Non-recurrence**: As an important measure to prevent non-recurrence of conflict, the Parliament, last year, unanimously adopted a Resolution for the Parliament to sit as a Constitutional Assembly to draft a new Constitution that would, among other provisions, ensure meaningful devolution of power. Much of the preparatory work for the new constitution has now been completed. Wide-ranging public consultations were conducted for the first time in Sri Lanka's constitutional history; much study, reflection and negotiation was undertaken to arrive at consensus at the six sub-committees set up and final negotiations on a draft are currently underway.

An 11-member Task Force to lead the Public Consultations was appointed in January 2016. The Task Force consisted entirely of members of civil society.

The Consultation Process was launched in Jaffna on 12 January 2016 at the District Secretariat with the participation of the Task Force members, Minister of Foreign Affairs, TNA Parliamentarian Mr. M.A. Sumandiran, victims, Secretary/ Defence, Chief of Defence staff and the Security Forces Commanders of the Northern and Eastern Provinces, and Police. Participation of the Defence and Police personnel was to pledge their support to this national process.

A web based consultation process was initiated and anyone residing in any part of the world was given the opportunity to participate in the web based process in either Sinhala, Tamil or English at www.scrm.gov.lk.

The Task Force was provided guidance by Mr. Pablo de Greiff, and is being provided technical assistance by OHCHR.

In end May 2016, the Consultation Task Force appointed Zonal Task Forces (ZTF) for conducting consultations on the reconciliation mechanisms proposed by the Government of Sri Lanka, through public meetings and focus group discussions to be held in 15 geographical zones. The Consultation Task Force members worked with the ZTFs to ensure that the consultation process effectively gathers the suggestions and opinions of the public, especially the victims of Sri Lanka's conflicts.

The 11-member Task Force concluded its consultations and submitted its report to the Government on 3 January 2017. The architecture/design of the mechanisms will be informed by the report and discussions thereon. The relevant experts of Government, in an exercise coordinated by the Secretariat that has been set up to Coordinate the Reconciliation Mechanisms will be studying the Report and finalizing the designing of a Truth-Seeking Commission and a Reparations Office.

5) **Implementation of UN Security Council Resolution 1325**

The Ministry of National Integration and Reconciliation has forwarded a draft plan to the Cabinet which is intended to give priority to female headed households (FHH), ex-combatants and families with missing persons in housing and livelihood programmes that are conducted by the Ministry. Affirmative action is already in place where Rs. 100,000 is given to FHH to create income generation opportunities and self-employment facilities. The purpose of the Cabinet paper is to widen and strengthen the existing mechanism.

Further, the national reconciliation policy which has recognised gender sensitive mechanisms to empower women affected by the war is at the Cabinet pending approval.

Additionally, as informed during the review by the Sri Lanka delegation and in its responses, a draft Action Plan has been prepared by the Ministry of Women and Child Affairs on the implementation of the UNSC Resolution 1325. The Ministry intends to conduct consultations with Provincial Councils, District Secretariats and the community to finalise the aforesaid Plan. The draft Plan addresses sexual violence in armed conflict, participation of women in political and public life, gender training for security forces, capacity development on gender mainstreaming, addressing gender in reconstruction and rebuilding programmes and poverty alleviation among women affected by war.

Additionally, in the National Plan for Women Headed Households compiled by the Ministry of Women and Child Affairs, female ex-combatants who also form WHH are recognised as a separate group with special vulnerabilities in need of support. The Government has also recognised the special difficulties faced by this group in reintegrating, with fewer prospects for education, employment and relationships due to social stigma. Please refer in this regard to Sri Lanka's responses and submissions with regard to WHH. (**Annex III**)

6) **Protection of Victims and Witnesses**

The Assistance to and protection of victims of crime and witnesses Act No 4 of 2015" was gazetted and became fully operational from June 2016. The objects of the Act include;

- The enforcement of rights and entitlements of the victims and witnesses
- Providing assistance and protection to victims of crime and witnesses
- Enabling the victims of crime to obtain compensation from the convicted offender
- Provide for obtaining redress by victims of crime including restitution, compensation, reparation and rehabilitation of the victims

The National Authority for the protection of victims of crime and witnesses was established in January 2016.

The Authority is statutorily empowered to receive complaints relating to infringement and imminent infringement of rights and entitlements of victims of crime and witnesses. No such complaints have been received yet. However, it has so far received 14 requests for protection.

If it is in the best interest of justice and is found necessary as a measure of protection to be afforded to a victim of crime or witness inter alia, at an identification parade, non-summary inquiry or any other inquiry or trial or a Commission conducting an investigation or inquiry the evidence or the statement of such victim of crime or

witness can be recorded without his personal attendance and from any location within Sri Lanka.

Further, the Cabinet in July 2016 approved the amendment to the Act to facilitate the evidence or a statement of a victim of crime or witness to be recorded from any remote location outside Sri Lanka at the Sri Lankan diplomatic mission in the country from where such victim of crime or witness seeks to testify or make the statement. This Bill has now been referred to the Attorney General for constitutional clearance.

7) **Reduction of Military presence in the North and the East**

Since the Presidential election in January 2015, steps have been taken to strengthen civilian administration in the Northern and Eastern Provinces. Civilian governors were appointed to both Provinces.

Engagement of the military in civilian activity has been minimised and further steps are being taken in this regard. The military is not engaged in civilian activity, except in exceptional circumstances including emergency/ disaster situations (floods etc).

In addition, a dialogue has commenced with the Security Forces on reform which encompasses transitional justice, security sector reform, land release, relocating military personnel, finding alternative employment and assistance in skills development for security forces personnel, and related issues.

Relocating is a complex issue which also involves costs and logistical aspects. However, these are being addressed.

8) **Land Releases**

The military forces continue to identify the State and private lands to be released in order to support resettlement and other development activities in the North and the East. Since May 2009 to date, 53,008.12 acres of state land and 24,006.60 acres of private land have been released in the Northern and Eastern provinces. The above figures include 31250.71 acres of state land and 3860.94 acres of private land released since January 2015.

Releasing of land involves mine clearing, finding suitable alternative locations for camps, shifting military installations, etc. which is a gradual process. The surveying of lands that are yet to be released is in progress.

As per future plans, approximately 2,570 acres of land in Killinochchi, Mullaitivu, Vavuniya, Trincomalee, Batticaloa and Ampara districts have been earmarked for release in 2017.

(The updated land release details in the Northern and the Eastern provinces are at Annex IV)

The Government provides financial support to the civilians who return to live on their lands that have been released. This includes allowances amounting to around Rs. 40,000/- for clearing the land, purchasing equipment and food and for constructing a temporary shelter.

Rs. 14 billion has been allocated for the infrastructure development of conflict-affected areas of the Northern and Eastern provinces. It is planned to build approximately 10,000 houses with sanitary units; 2,400 partly damaged houses will be renovated. 7,600 toilets will be constructed; a livelihood programme for 12,000 families will also be implemented by utilizing the allocated funds. Preference will be given to recently released areas for construction of houses.

In addition, funds have been provided to meet the immediate needs of newly resettled families through the UN Peace-building Fund's Immediate Response Facility (IRF) at the request of the Government.

Articles 3 and 4 :

Article 3 - measures in the political, social, economic and cultural fields for advancement of women

Article 4 - Temporary Special Measures aimed at accelerating de-facto equality

9) National Commission on Women

On 21st February 2017, the proposal to establish an Independent National Commission was approved by the Cabinet of Ministers. The approved draft Bill on the National Commission of Women will be submitted to the Hon. Attorney General for clearance. Thereafter, the Bill of the Commission will be submitted to Parliament. Funds for management of the Commission will be allocated by the Government.

Chairman and members of the Commission will be nominated by the Constitutional Council and will be appointed by H.E. the President.

The establishment of the National Commission on Women takes into consideration the fact that prevailing institutions on women's affairs has no legal power to address violence against women, and considering the responsibility assigned on the Government by the Constitution and CEDAW.

10) **Temporary Special Measures to Accelerate Effective *de facto* Equality between Women and Men in Sri Lanka**

The Government has taken certain temporary special measures to ensure advancement of women. Article 12 (4) of the Constitution states that nothing in Article 12 shall prevent special provisions being made by law, subordinate legislation and executive action, for the advancement of women, children and disabled persons. Following are some such special provisions;

- A decision has been taken in 2015 to increase political representation of women in the second and third tiers of government, i.e., in the Provincial Councils and Local Government bodies by 25%. Accordingly, the Local Government Elections Act was amended in 2016 to include a 25% quota for women in Local Government bodies.
- A Cabinet Paper has also been submitted to obtain a 30% nomination for women at the Provincial Council elections.
- With the introduction of the quota for women, the MWCA and relevant NGOs have conducted awareness programmes in all districts for women's groups affiliated to political parties and community leaders encouraging and facilitating them to enter the local government political system.
- In education sector, Sri Lanka is currently implementing a special measure in the form of the district quota system introduced under the standardization of university admissions. In terms of the criteria adopted under the standardization, 40 percent of students are admitted to universities in island wide merit, 55 percent on district quota and five percent on the least developed district quota. The system is implemented in cognizance of any disparities that may exist in the regional education system. Concurrent to the above special measure, the Government continues to make allocations and implement programs to upgrade rural schools, deploy more teachers therein and assist rural school children including through the provision of free books, uniforms and meals.

- The Government absorbed 669 ex-combatants to the Civil Defence Force and out of them 129 were women to ensure that they are employed and economically empowered.
- Further in the recent past, the Government held an open competitive exam specially targeting the Northern and Eastern provinces to recruit Tamil speaking officers in order to compensate the gap in the Tamil speaking public servants in the Sri Lanka Administrative Service (SLAS).

11) **Definition of Female Headed Households**

The Government in categorising Female Headed Households (FHH) into five groups has recognised the diversity within FHH, and its lack of homogeneity, which has implications from programme and policy perspectives.

The 'Married' category which comprises approximately 30 percent of FHH takes into consideration the emergence of de facto FHH due to a variety of reasons such as male labour migration or war affected (Please see elaboration on the 'Married' category in page 6 of the National Plan for Women Headed Households (2016) compiled by the Ministry of Women and Child Affairs).

In this context, women whose husbands are in detention, imprisoned or disappeared, economically indisposed/disabled can be included under this categorization. (**Annex V**)

Articles 5-6

Article 5 - Measures to modify social and cultural pattern of conduct of men and women, violence against women

Article 6 - Measures including legislation to suppress all forms of trafficking in women and exploitation of prostitution

12) **Addressing Gender Stereotypes**

The Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (SGBV) in Sri Lanka: 2016-2020 comprehensively addresses the issue of negative stereotypes and gender mainstreaming action through education and public awareness, mainly undertaken under the purview of the Ministry of Education and the Ministry of Parliamentary Reforms and Mass Media.

Additionally, the National Human Rights Action Plan (NHRAP) process has given attention to this issue, and has recommended measures aimed at addressing the challenge of gender stereotypes.

There is recourse for denigration using negative gender stereotypes of women and sexual harassment under the Penal Code (Section 345, 487). In the case of a state officials, there is provision against sexual harassment in the 'Policy against Sexual Harassment in the Workplace' developed in 2005 by the HRCSL applicable to all state sectors. The establishment of Anti-Sexual Harassment Committees at all levels of State institutions (national, district and divisional) has been included in the Gender Mainstreaming Ministerial programme of the Ministry of Women and Child Affairs that was approved the Cabinet in December 2016 (as already indicated in Sri Lanka's response to the List of Issues).

13) **Addressing Domestic Violence**

The victims of violence can seek redress and protection through the provisions of the Domestic Violence Act. A person in respect of whom an act of domestic violence has been, is, or is likely to be, committed is able to make an application to the Magistrate's Court for a 'protection order' for the prevention of domestic violence. This application can be made either by the aggrieved party in person or by a police officer on behalf the aggrieved party. If the aggrieved person is a child, on his behalf either a parent or guardian of the child or a person with whom the child resides or a person authorized in writing by the National Child Protection Authority is able to apply for a protection order.

Pending the issue of the protection order, an interim order can be applied for in prohibiting the respondent from committing or causing the commission of any act of domestic violence.

Either through the Interim Order or the protection Order, the respondent can be prohibited inter alia from ;

- (a) Entering a residence of any specified part thereof shared by the aggrieved person and the respondent
- (b) Entering the aggrieved person's residence, place of employment, school
- (c) Enter any shelter in which the aggrieved person may be temporarily accommodated
- (d) Having contact with any child of the aggrieved person or having contact with such child other than on the satisfaction of such conditions as it may consider appropriate where the court is satisfied that it is in the best interest of such child
- (e) Selling, transferring, alienating or encumbering the matrimonial home so as to place the aggrieved person in a destitute position

Further, where a protection order has been made and where the court is satisfied that it is reasonably necessary to protect and provide for the immediate safety, health or welfare of the aggrieved person the court may order;

- (a) The police to seize any weapon that the respondent may have in his or her possession
- (b) The police to accompany the aggrieved person to any place to assist with the collection of personal property of such person and of any children
- (c) The respondent and the aggrieved person to attend mandatory counselling sessions, psychotherapy or other forms of rehabilitative therapy as may be available, amongst other precautionary measures.

In the cases of domestic violence the spouse is treated as a competent witness against the other.

Similarly, women or children who are subjected to domestic violence also can seek redress from the Authority established under the provisions of the "Assistance to and protect the Victims and Witnesses Act No 4 of 2015". This happens in their capacity either as victims or witnesses. The said categories are able to seek protection from the Authority in the instances of either infringement or imminent infringement of their rights and entitlements.

14) **Trafficking and Exploitation for Prostitution**

On 3rd February 2016, the GoSL adopted the 5 year (2015-2019) **National Strategic Plan** to monitor and Combat Human Trafficking 2015-2019. The National Anti-Human Trafficking Task Force consist of Ministries of Justice, Foreign Employment, Foreign Affairs, Attorney's General, Dept. of Immigration and Emigration, Dept. of Police continues to monitor the implementation of the Strategic Plan. This Task force meets regularly to assess the progress on the implementation of actions. The Government has devoted sufficient funds for the Action Plan.

The launch of the "**Standard Operating Procedures (SOP)** on the Identification, Protection and Referral of Victims of Human Trafficking" is evidence of the Government of Sri Lanka's strong commitment to improve the identification of victims of trafficking among vulnerable groups. This includes foreigners detained for visa overstays, women arrested for prostitution and related crimes and Sri Lankans who find themselves victims of trafficking and exploitation whilst working regularly and irregularly overseas¹. Further GOSL is cooperating with the IOM on a four-pronged approach of prevention, protection, prosecution and partnership. The Ministry of Foreign Employment has established a new unit of anti-human trafficking at the Sri Lankan Bureau of Foreign Employment (SLFEB). The officers have been provided training and standard guide lines on identification, protection and referral of trafficking in victims. Special Police unit with trained officers take action against human trafficking.

¹ <http://srilanka.iom.int/iom/?q=pbn/sri-lanka-sets-out-protect-victims-human-trafficking>

On **prosecutions**, according to the records of the Attorney General's Department, in the year 2016, there had been 10 on going cases on trafficking and 22 cases on procurement.

As per Foreign Employment Act No 21 (1985), in the recruitment process the responsibility has been placed with the licensed Agents and Sri Lanka Foreign Employment Bureau (SLFEB) has streamlined regulations so that any abuse by the sub-agents in migration recruitment action is taken against the relevant Agents. Action is ongoing to complete legal proceeding with regards to 189 pending cases.

With a view to prevent trafficking **raising awareness** is being carried out using multiple channels.

All pre-departure training modules designed including the special sessions on human trafficking to aware the prospective migrant workers. In addition, all training programmes for Development officers at the Divisional Level, Community leaders, civil society partners, rural level govt officials, orientation programmes for Diplomatic officers selected to send Labour Sections of the Sri Lanka Diplomatic Missions in Destination countries have been included special modules on Human Trafficking as Sri Lanka Government is committed to prevent Trafficking in persons in the recruitment field.

Under the "Safe labour Migration Project Phase 111" financed by the Swiss government and with the technical assistance of the ILO , IOM and UN Women a special activity is going on to promote ethical recruitment practices in the recruitment field in the country by reinforcing the existing regulatory measures with applying Code of Ethical Conduct, Monitoring and evaluation of the Compliance with the Code of Ethical conduct and capacity building of the licensed recruitment agents introducing a special training module including Human trafficking awareness. Main purpose of such activities to protect migrant workers from abusing, exploitation through professionalizing the key stakeholder in this field, Recruitment agent.

Further, the Government has established the first Government shelter for women victims of human trafficking and Rs. 1.5 Mn. has been allocated for that purpose. The Ministry of Women Affairs under the direct supervision of the Task Force developed shelter guidelines and the shelter staff were provided with comprehensive training.

15) **Best Practice from Sri Lanka's Regional Engagements to Prevent Trafficking**

Sri Lanka is the current Chair of the **Colombo Process** which is a forum for 12 Asian contractual labour sending countries. The Regional Consultative Process has undertaken specific action to work together on enhancing Pre-departure orientation (PDO), and has been conducting programs aiming at improving the skills of the migrants.

Further, the CP at its last Ministerial meeting agreed to work together on Protection of Women migrants.

Sri Lanka is also actively collaborating through the Bali Process and taking collective measures.

Further as the Chair in Office of the **Abu Dhabi Dialogue (ADD)**, a platform for 11 labour sending and 7 labour receiving GCC countries, have collaborated on understanding issues on comprehensive information orientation Programme (CIOP) both at destination and originating countries. This enables them to better understand and acquaint to their new jobs.

Taking note of the ongoing consultation on developing a **Global Compact on Safe, Orderly and Regular Migration** the ADD Ministers decided to explore the possibility in engaging with the process. GOSL will be pleased to engage with the CEDAW in discussing and engaging once the Committee decides on how States Parties could engage.

16) **Migrant Women and Family Background Report**

The circular MFE/RAD/10/13 (circular 02 2015) issued by Ministry of Foreign Employment requiring the a **Family Background Report (FBR)** in respect of female migrant workers with very young children below a specified age threshold was to ensure the best interest of the migrant worker , her family with a special focus on under 5 year age children who need mother's attention during first five years of their life for their psychological and physical development and protection but not as discriminatory action against women's willing to migrate for work. The other objective was to prevent women migrant workers being abused and harassed as out of the 86% of unskilled migrant workers 49% were unskilled female migrants.

The **consent of the husband is no longer required** as the Government has amended the circular to that effect since 1st of Feb.2017 and has reduced the barriers imposed under the previous circular, focusing only the under aged childrens' protection and care. After 6 months of the implementation of the new system as a pilot initiatives, the circular would be reviewed.

Simultaneous to the FBR requirement, the Government has also launched several **skills development programmes** such as in the field of IT, nursing, care giving, hospitality industry etc. The

Government notes a reasonable reduction in women migrants for low skilled jobs as a result.

At the pre-departure training the female domestic workers have to undergo 40 days residential training on par with the National Vocational Qualifications Level 3 with the aim of empowering them to face challenges. Once they return, their acquired skills will be recognized and upgraded through RPL system in the country and they can easily get opportunities at home without re-migration.

There were over 1000 Graduate Development officers deployed at grass root level to coordinate with migrant families and trained them on their role and responsibility towards migrant worker and their families, direct them to other services needed and for counselling. They have been specially trained to prepare family profile of each and every migrant worker family within their area and to prepare care plans for vulnerable persons including disabled children, young age children etc. to provide necessary services.

Ministry of Foreign Employment has prepared a well-structured system to monitor their divisional level activities of the DOs through a District Development officer attached to the District Secretariat level and above that ministry has established a special monitoring unit under the Senior Administrative Officer to monitor all activities of the DOs. Through Monthly progress reports, site visits, monthly meetings at District levels, the Ministry is monitoring and evaluating the DOs activities.

At present Minister in charge of the subject of Foreign Employment and Secretary to the Ministry are conducting Divisional level special meetings to inspect the activities at the grass root level officials.

17) **Status of the Vagrants Ordinance and Punishment for Sexual Bribery**

The Law Reform Committee established for the purpose of recommending new laws to amend discriminatory laws ensuring the protection of women and girls, has considered the possible reforms in relation to the Vagrants Ordinance.

Accordingly, the Action Plan prepared on the recommendations made by the Leader of the Opposition's Commission on Violence against Women and the Girl Child inter alia has identified the necessity to repeal the Vagrant Ordinance that has been in operation since 1841 carrying some provisions that are found to be redundant in view of many other legislation that have been enacted by the Parliament.

The Action Plan seeks, inter alia, to:

- (i) Repeal the Vagrants Ordinance; and

- (ii) Strengthen implementation of laws on force prostitution and trafficking for prostitution and penalize those who exploit women in brothels, ensuring that women sex workers are not prosecuted.

The implementation of the Action Plan is monitored by a high level committee chaired by the Hon. Prime Minister. It is envisaged that legal reform in this regard will be initiated in the future.

The Department of Social Services which is the authority is in the process of repealing the Vagrant Ordinance.

In terms of the provisions of the Bribery Act, solicitation and acceptance of a bribe by a public official is an offence which carries a penal sanction. Section 90 of the Bribery Act defines gratification to include among other things *'any other service favour or advantage of any descriptive whatsoever..'*. The Sri Lankan Courts have held that *the word gratification is used in its larger sense as connoting anything which affords gratification or satisfaction or pleasure to the taste, appetite or the mind. The craving for an honourary distinction or for sexual intercourse is an example of mental and bodily desires, the satisfaction of which is gratification which is not estimable in money'*,².

Thus, the prevailing jurisprudence demonstrates that Sri Lanka makes the offenders who solicit sexual gratification punishable under the Bribery Act.

Further, under the Establishment Code, which regulates conduct of public officers lists bribery as a major offence, and any officer found guilty of such acts can be dismissed from the service, and will be dis-qualified for any other position in the public service.

Part 2

Articles 7 and 8 :

18) Participation of Women in Political, Public and International Affairs

Many women increasingly hold key positions and high and middle level managerial positions in the public and private sectors. Women's participation in government policy formulation, holding high-level public positions and performing public functions at all levels of government continues to increase.

With a strong gender neutral recruitment policy backed by Constitutional guarantees of equality, an increasing number of

² Kuthubdeen vs. Republic, (1998) 3 SLR 107

women are engaged in all levels of the public, private, administrative and corporate sectors.

At present Sri Lankan women hold top ranking positions such as Secretaries of Ministries, Heads of Diplomatic Missions and the Judiciary.

In 2015, 47.15 % of the Sri Lanka Administrative Service comprised women, which is a significant increase from 17.1% in 1993. In the Sri Lanka Planning Service, the percentage of women is 47.63%, an increase from 28.8% in 1993.

In the Sri Lanka Foreign Service (SLFS) at present there are 91 female officers and 83 male officers, accounting to 52% females and 48 % males. This is particularly due to the increased intake of female officers in the recent years.

At present there are 15 Female Heads of Missions/ Posts out of 56 Sri Lankan overseas Missions, while there are 22 deputy Heads of Missions / Posts.

It is to be noted that when it comes to professional services, the participation of women has seen a steady increase by default, purely based on merit, not through reservation, which is a result of women's equal access to education and accepted notions of women's social mobility in Sri Lanka.

The 19th Amendment to the Constitution (2015) has for the first time provided that the Constitutional Council responsible for high post appointments including to offices relevant to the justice system and appointments to Independent Commissions (eg. Public Service, Police, Human Rights) should strive to achieve a gender balance. Recently appointed Commissions have a fair representation of women. Task Forces and Committees mandated to recommend law and policy reform in important areas such as drafting a new Constitution, responding to Violence against Women and Girl Children, and Transitional Justice have several women professionals and activists, while some are chaired by women.

The Government of Sri Lanka has taken a number of measures to enable the participation of women fully and equally, such as in the constitutional reform process where over 300 women from different geographical, ethnic and religious groups have provided opinions freely before the Public Representative Committee.

The Government acknowledge that women participation in politics in Sri Lanka has been low. In the current electoral system based on preferential votes, the candidate is compelled to expand her electoral base, with significant financial and human resource mobilization. This may be identified as one major disadvantage discouraging women to take part in electoral process as candidates.

As a result, the Government has identified the low representation of women in politics as a challenge, and in this regard, measures have been introduced to allocate a 25% quota at the Local Government level, and 30% nominations at the Provincial Council level for female representation, the latter which is in process.

Furthermore, the Government is undertaking extensive consultations towards electoral reforms.

The MWCA with the support of civil society is mobilizing a campaign to sensitize and encourage women to participate in the political process at all levels. It may be noted that there is over 50% participation of women in the electoral process through the exercise of their franchise.

The Women's Caucus in the Parliament of Sri Lanka, which comprises 13 women Members of Parliament is playing an advocacy role in encouraging women participation in politics.

Sri Lanka's decision to become a signatory to the Open Government Partnership in 2016 also contains a commitment to increase women's participation in politics.

Part 3

Articles 10-14:

Measures to end discrimination in education

Right to work, same employment, equal pay, training/social security

Childcare, preventive programmes, family planning/maternity

Right to Bank Loans, Mortgages, Credit

Rural Women

19) **Military occupation of schools**

All schools previously occupied by Military have as of now been handed over to the education authorities.

The National Human Rights Action Plan seeks the implementation of the following measures in respect female ex combatants:

Provision of psycho social assistance and counselling to former female combatants based on need

Provide low interest loans to female combatants for income generating activities and for housing and shelter requirements

Ensure gender sensitive reintegration mechanisms and support for female combatants to reintegrate into society without prejudice and discrimination.

20) **Peace education in school curriculum**

The existing curricula for school children offers them with an understanding of the cultural and religious values of different communities and underscores the importance of ethnic and religious peace and harmony.

Additionally, the Office for National Unity and Reconciliation (ONUR) which is headed by former President Chandrika Bandaranaike Kumaratunga and which has been placed directly under the purview of H.E. the President is in the process of taking the following measures to ingrain peace and reconciliation into the education system:

- In collaboration with the Ministry of Education, ONUR has already commenced an initiative to include segments on peace and reconciliation into the school curricular.
- ONUR has made arrangements to conduct twinning programs for school children from the North and the East to visit schools in the South, and vice versa. The programs are designed to enable children to get to know and appreciate the lives and cultures of their fellows from the North and the east, and build lasting friendships.
- ONUR, with the Ministry of Education has initiated a drive to conduct training programs for school teacher focusing specifically on peace and reconciliation.

21) **Measures to facilitate disabled women and children to achieve education and vocational training**

Ministry of Skills Development and Vocational Training is implementing a policy of inclusive vocational training for persons with disabilities. In terms of this policy, priority is accorded by the Ministry to women heads of household and females with disabilities in admitting students to the vocational training programs conducted by the Ministry at its over 300 vocational training centres islandwide.

In addition, the NHRAP seeks the implementation of the measures set out below within the next 5 years, to enhance education and vocational training for persons with disabilities:

Measures envisaged under education

- Quota system for persons with disabilities (PwD) to access education in all streams of study.
- Development of standards to ensure that students in special schools receive an education comparable in standards and quality of the general education system.
- Improve continuous training of personnel including teachers, principals and counsellors and other support staff for the education of children with disabilities in mainstream schools.
- Develop more programmes for inclusive education teacher training and teachers with specialized skills for inclusive education are recruited, trained and assigned within 1AB schools within all zonal departments of education
- Recruit existing volunteer teachers in special education units and absorb them into the permanent teacher cadre to continue teaching CwDs in inclusive schools
- Include disability inclusive education training programmes for primary school teachers
- Revise existing teacher training curriculum to include modules on inclusive education to all teachers.
- Revise the classroom size in all schools to ensure teacher to student ratio is in line with best practice models
- Periodic review of the quality of education and teaching methods applied by trained teachers on disability inclusive education
- Teacher training to include classroom management of CwDs and promoting student integration in the classroom through positive measures.
- Disability Studies introduced to curricula of Teacher Training Institutions, Universities, Higher Education Institutions

Measures envisaged under vocational training and livelihood support

- Establish a separate government scheme to provide income generate support to women with disabilities with a proper mechanism for training,
- Make all training centers including vocational training centres physically accessible according the minimum standards in terms of the existing regulations.
- Adapt all Vocational Training courses and make available to PwDs with reasonable accommodations (adaptations) as needed.

- Provide training, linkages to markets and financing to eligible persons with disabilities (with a focus on women) to start their own business and create markets for their products and services.
- Introduce loan schemes for PwD within State rural banks.

22) **Education for Disabled children (Special Education)**

The budgetary allocation for non-formal and special education has increased annually from 20.63 Million in 2010 to 81.55 Million in 2015. There has been an increase in special education programmes to cater to the needs of children with disabilities. Such children have been categorised into groups of visually impaired, hearing impaired, physically disabled and mentally disabled.

As it is essential to assess the degree of disability of these children and to advise the parents accordingly, the (Ministry of Education) MoE also conducts programmes to meet the needs of these special groups. The MoE has accepted the principle of inclusion in educating children with special needs. Wherever appropriate, these children are encouraged to learn in mainstream classrooms with teachers trained in inclusive education.

The MoE in 2011 introduced a tool-kit and an instructions manual on Inclusive Education for teachers to provide them with knowledge and capacity to identify and overcome difficulties and barriers affecting students in learning and also to carry out a self-assessment on their teaching practices to make the class rooms more inclusive. The tool-kit and an instructions manual have been implemented since 2012. More efforts will continue to be taken on the implementation of Inclusive Education, including teacher training.

There are 704 Special Education Units attached to the mainstream schools to cater to the needs of children with disabilities and 25 special schools for those who are severely disabled and unable to adapt to conditions in a normal classroom. All special schools are registered, and a Special School Code of Registration is being implemented. More action will be taken in future to monitor and evaluate the quality and accessibility of such services.

Programmes conducted for children with special educational needs are as follows:

- Special education units in schools where trained instructors take care of children with disabilities at the outset and absorb them into mainstream classes depending on progress.
- Inclusive education in mainstream classes where teachers are trained to care for children with special needs.

- Special schools are run by the private sector for children with severe disabilities. These schools are financially assisted by the government.
- A special centre for children affected by autism as a model national centre is located in Colombo.
- A Braille press for printing Braille books for children with visual impairment has been established.

The NIE's unit on special education is responsible for adapting the national curriculum to meet the needs of children with disabilities, and for conducting training courses for teachers. A general course on special education is held for parents and caregivers to understand how these children should be taken care of. Moreover, a National Coordinating Committee on Special Needs and Technical Training Centres undertakes to provide training for special education teachers.

Thirty per cent of school-aged children are in need of special attention in education. The total number is approximately 1,203,000 children. Of these children, 12 per cent (about 481,200) need special education, as they are either visually impaired, hearing impaired, have mental disabilities or are afflicted with other impairments.

At least another 12 per cent of school attending children have learning difficulties such as dyslexia, dyscalculia and dysgraphia. These children need special attention in education. According to a 2014 study commissioned by the MoE, among those with learning difficulties are children with attention deficit disorder and hyperactivity. The MoE with technical support from UNICEF will review and develop plans for how best to address learning difficulties and intellectual disabilities.

23) **Education for former child-combatants**

The GOSL has supported the children who were ex-child combatants in their education, as a key priority, by providing them with the opportunity to attend school and by granting school supplies, financial assistance and other forms of support such as scholarships. Special attention was paid to young detainees whose education had been disrupted due to conscription by the LTTE and who were willing to complete their formal education. As a result, the rehabilitation programme enabled a number of ex-child combatants to sit for national examinations.

Statistics pertaining to former Child Combatants

<p>Total number of ex-child combatants who underwent rehabilitation – 594 children Boys - 364 Girls – 230 Formal Education provided to – 273 children Boys - 154 Girls – 119 Vocational Training provided to – 321 children Boys - 209 Girls - 112</p>

The rehabilitation programme for young detainees has ensured that 273 ex-combatants have received formal education. Eleven children have sat for the G.C.E. A/L examination and four have passed the examination either during or after their rehabilitation process. Three children who were formerly child combatants are presently receiving university education. 321 ex-child combatants have undergone the vocational training programmes offered by the Commissioner General of Rehabilitation.

24) **Children from the Plantation Community**

Children of the plantation community have been integrated into the national system of education starting from early 1970s. The plantation community in Sri Lanka is about 6.3% of the total population of Sri Lanka and they are mainly in the Central province, including districts of Nuwara Eliya, Badulla, Rathnapura and Kandy. Schools in these districts benefit from special donor assisted programs initiated in 1983 with funding from international donor agencies such as the Swedish International Development Agency (SIDA) and German Technical Corporation (GTZ). A National College of Education was established in the heart of the Plantation area to train plantation youth with GCE A/L qualifications as teachers for plantation sector schools. It is hoped that teacher shortages in these schools will be rectified in the future.

25) **Addressing Gender stereotypes in education and gender sensitive educational programs**

Specific measures in the education sector are considered in addition to the multi-sectorial national level measures which are being under taken in gender mainstreaming.

under the policy framework of the 'national plan of action to address sexual and gender based violence 2016 - 2022, there are several plans coming under the purview of Ministry of education to introduce Gender into the curricular from Primary to Tertiary education, including in text books.

There is formulation of policies guidelines by the Ministry of Education to mainstream gender in the general education sector and in cooperate information on gender and SGBV into curricular.

This will complement the high level of gender parity already existing in the Sri Lanka education system.

26) **Measures to address the low participation of women in the labour force**

- The Government acknowledges that despite an increase in the **labour force participation rate** of women in the recent years, a gap between male and female participation in the labour force continues to exist. Many women engaged in home based economic activities are not counted as being employed.
- Steps have been taken to address the factors that contributes to the low participation of women in the workforces, including *inter alia* ;

-Measures to provide care facilities for children:

Directions have been issued by the Prime Minister's Office to set up Child Care Centres at work places. The treasury has allocated Rs 20 million for refurbishing the Centres. Guidelines have also been developed for establishing, monitoring and managing the Centres.

Under the Early Child Development Project funded by the World Bank it is planned to set up 600 Day Care Centres in the plantation sector enabling women to leave their children behind and be engaged in their occupation.

-Provision of new employment opportunities: The unemployment rate of women in the country has reduced to 6% as a result of more women being recruited to the government sector.

Promotional programs are ongoing for women to make use of the opportunities afforded by the government to engage in non-traditional vocational training.

The Government also envisages to move towards value added industries to create more opportunities for skill intensive employment for women, through greater integration in value chains, and attract higher levels of investment in skilled manufacturing and industry, value chains, joint ventures towards meeting this objective.

- **Promoting entrepreneurship among women:** More women are engaged in entrepreneur development activities with increased access to credit, technology, business knowledge and markets facilitated by the Government. A program titled Suhuruliya was launched in 2016 to develop the capacity of women entrepreneurs to utilize ICT to enhance their business. The Government extends support for SMEs and provision of micro-credit facilities with a primary focus on women, and migrant worker returnees.
- **A contributory pension scheme** is implemented through the Social Security Board for non-formal sector employees.
- **Combating sexual harassment at workplace:** As already explained, the GoSL has initiated the establishment of Gender-mainstreaming Committees at work places with a view to prevent and respond to the incidence of sexual harassment. The "Policy against Sexual Harassment in the Workplace" developed in 2005 by the HRCSL also applies to State Sector Institutions.
- **Recommendation in the NHRAP encouraging the female participation in the workforce,** and details of this are given in paragraph 131 of GoSL response to the List of Issues (CEDAW/C/LKA/Q/8/Add.1)

27) **Access to loans and credits**

Policy decisions have been taken by the Government to invest at least 25% of the provisions in State Projects and utilise them for uplifting of rural economy on women ensuring their participation.

Accordingly, circular has been already send to the Ministries that has been mandated to work on rural economy. Provincial councils and District Secretariats have also been requested to design their district plan accordingly.

Women Development offices deployed with Divisional Secretariat were informed to prepare the project proposals at village level. The Ministry of MCWA has already received about 200 project proposal.

This proposal will be categorised and send to the relevant Ministries for implementation.

With the support of the UN women, the Ministry conducted training programmes to the Additional Secretaries and the District Secretaries to educate them on gender budgeting.

The Government expects to implement the programme to increase the women participation in economic activities and generate income, enabling improved service.

Consent of the husband is not a requirement for women to obtain loans from Banks. Every bank has a scheme focusing women in cases of micro-finance.

28) **Access to Health**

a) Status on laws relating to abortion

The special committee appointed by the Minister of Justice to review the criminal law provisions upon considering of the current provisions in relation to abortion has recommended for the de-criminalization of the termination of pregnancies in the special circumstances of;

- Rape and incest
- Pregnancy occurring in a girl below the age of 16 (a Victim of statutory rape)
- Serious foetal impairment

H.E. the President in his observation on the Cabinet Memorandum submitted in this regard, has noted that while the proposal is convincing on humanitarian grounds, there is need for awareness campaign and in this regard has recommended that Hon. Minister of Justice and other religion related Ministers responsible for religion affairs conduct a dialogue with religious leaders before proceeding further on the proposal.

Upon the conclusion of the said dialogue, if there are any recommendations, those will be considered, for the purpose of further amendments to the draft, and that will be re-submitted to the Cabinet for approval, and subsequently submitted to the Parliament.

b) Access to treatment and prevention of HIV/AIDS

The mandate of prevention of STI transmission including HIV and provision care and support for those infected and affected is vested with the National STD/AIDS Control Programme (NSACP). It is a well-organized programme under the Ministry of Health with both preventive and curative services. The headquarters consists of an administrative wing and a model clinic with a reference laboratory and it networks with 29 full time peripheral clinics manned by a trained medical officer, and 19 branch clinics. There are 5 full time ART

centres and the main STD clinics are visited by a consultant twice a week.

The NSACP, under the guidance of the Ministry of Health carries out number of measures to provide care facilities for HIV infected women.

Women contracted with HIV is provided free treatment at the Government centers, and the confidentiality of the individual is strictly ensured.

STD clinics are available throughout the country and details of such clinics in each district is made available for public in the official website of the NSACP, enabling the services to be accessed by those who need.

In order to reduce the number of paediatric HIV infections and provide comprehensive care for HIV positive mothers, strategies for sexual and reproductive health integration into the maternal and health care services is being implemented.

Prevention of mother-to-child transmission has been integrated to the antenatal care package of the Family Health Bureau of Ministry of Health.

Universal antenatal screening for HIV is being considered, given the high degree of quality care that is being given to women during pregnancy in Sri Lanka. It is important to mention that Sri Lanka has remarkably low maternal mortality, infant mortality and under 5 mortality rates.

Special screening during pre – pregnancy period, in particular of risk groups such as sex workers are carried out.

General awareness raising programmes are also carried out as a general preventing measures, and particular focus is also given to risk groups. Details of such awareness raising programmes are given under the relevant section of this submission.

At present Sri Lanka is classified as a country with a low prevalence of HIV infection. As of date, a cumulative total of 2500 HIV/AIDS cases have been reported to the NSACP and the estimated number of people living with HIV/AIDS in the country is around 4200. Further information on statistics related to the disaggregated data, at District level is accessible in the NSACP official website available at <http://www.aidscontrol.gov.lk/>.

c) Awareness on prevention of HIV AIDS

The Government fully recognize the need for robust awareness raising programmes to address stigma and discrimination associated with HIV/AIDS as well as to prevent transmission and to provide curative measures. In this regard, has taken number of action at various levels;

Training Services

- Recruitment curriculums of all levels of health care providers includes specific sections on HIV prevention. Furthermore, HIV curriculum has bene in cooperated to medical and post graduate curriculum.
- Training of STI/HIV prevention for other health sectors.
- Capacity building of NGO for implementation of HIV prevention activities.
- Medical undergraduates and Postgraduates.

Family planning

1. Counselling for selecting a suitable method.
2. Provision of DMPA (A kind of Contraceptive Injection), Oral Contraceptives and condoms.

Preventive measures targeting general public

- Conduct awareness/ sensitization programmes for STI/HIV prevention (STI- Sexually transmitted Infections)
- Support NGO, non-health sector organizations, Schools other youth organizations to conduct awareness/ sensitization programmes for STI/HIV prevention
- Screening for syphilis for pre-employment, service confirmation, pre-migration, visa requirements.
- HIV education is in cooperated in the subjects of Health and Physical Education in the school system
- HIV prevention programmes have been mainstreamed in several sectors, in particular among the Migrant, Prison and Youth sectors.
- Sensitization programmes have been carried out targeting specifically the tourism sector.
- The Government carries out awareness programmes through the media for general public.

Preventive services for general public for Key (Most-at-Risk)

Populations

- Support NGOs to create awareness on STI/HIV prevention
- Developing linkages with National STD/AIDS Control Programme (NSACP) for screening and management of STI/HIV
- Provision of condoms
- Development and distribution of IEC material
- Support to create a safer environment
- Special interventions are carried out for such key population groups including women, female sex workers and drug users.

d) Measures to ensure access to health services for women affected by conflict, including women with special needs and former combatants

The Sri Lankan Government continues to provide free universal health services to its people and continues to sustain a strong primary health care network. The results have produced significant achievements. The Government continues to be the main provider of health care services which are free at the point of delivery to all citizens without discrimination, through the many institutions established island wide, including the North and East. This has been made possible through the allocation of substantial amounts of financial resources from the government budget to the social sectors continuously. Health services were continued even during the conflict period, even with limited resources.

End of the conflict enabled the Government to have full access to the North and East, and thereby providing space for development of the health sector in these areas.

As a first step, number of measures have been taken to rebuild the health infrastructure, including the hospitals and primary clinics. Furthermore, action was also taken to deploy additional staff, and to facilitate health workforce retention.

With a view to looking after the health needs of ex – female combatants in the North and East, the Bureau of the Commissioner General of Rehabilitation has conducted over 30 medical clinics in all Districts of the Northern and Eastern Provinces.

During these clinics, health services including general health care, eye care, dental care and other health care services were provided to the ex – female combatants who are re-integrated to the society and their families. At the last health clinic held in Kilinochchi, over 700 persons from the above group received health services.

The Bureau intends to continue to conduct similar health clinics throughout the two Provinces in the future.

As per the annexed document (**Annex VI**), which illustrates the distribution of hospitals and clinics in the country, it may be noted that there is no comparative deficit of health infrastructure in the North and the East.

e) Disaggregated data on low maternal mortality rates and high rate of the use of contraceptives prevailed equally throughout the country

The last demographic health survey was done in 2006/2007 and a new survey is envisaged in 2017. In this regard, please see statistics on maternal mortality rate and use of contraceptives at **Annex VII**.

Part 4

Articles 15 -16 :

Equality before the law, legal capacity Equality in marriage and family relations

29) Personal Laws and Equality in Marriage

Muslim personal law will be amended through the process established by GoSL which will be advanced in consultation with the community. Given the sensitivity of the matter, a strong view has emerged that it is important that this be achieved taking the community concerned into confidence. The policy of the Government is that these discriminatory provisions and practices should be addressed.

Moreover, discussions are currently ongoing with respect to reforming Article 16 of the Constitution, which protects written and unwritten law that existed prior to the promulgation of the Constitution notwithstanding inconsistency with fundamental rights. These reforms aim to ensure that all laws, including personal laws, are consistent with the fundamental rights chapter of the Constitution, which guarantees the rights to equality and non-discrimination. The reforms will be undertaken in consultation with the affected communities.

30) Land Development Ordinance

The intention of the Government to bring in the amendments to the Land Development Ordinance is to eliminate gender discrimination in relation to succession, inheritance and joint ownership. In view of the importance and the urgency of this issue, the Legal Draftsman has been directed to finalize the said amendment enabling the same to be expeditiously submitted to the Cabinet.

In terms of the 13th Amendment to the Constitution of Sri Lanka 'land' being a devolved subject, consequent to the receipt of approval from the Cabinet, it will be forwarded to the Provincial Council for concurrence.

Thus, the aforementioned mandatory procedure will have to be followed up.