



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fifth to seventh report of Sri Lanka at the Committee's forty-eighth session, held in February 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/LKA/CO/7). You may recall that in the concluding observations, the Committee requested Sri Lanka to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 31 and 41 of the concluding observations.

The Committee welcomes the follow-up report received in September 2013, although it was received with a seven-month delay (CEDAW/C/LKA/CO/7/Add.1), under the CEDAW follow-up procedure. At its fifty-seventh session, held in February 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 31** of the concluding observations “to increase the representation of women in politics and public life at the local, provincial and national levels”: The State party indicated that special courses on political participation of women at grassroots level to motivate women to enter politics were conducted in 2011 and 2012 (page 3 of the State party's follow-up report). The Committee notes that the State party made efforts to increase the representation of women in politics. While noting that significant actions remain to be done, the Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to pursue sustained policies aimed at the promotion of the full and equal participation of women in decision-making in all areas of public, political and professional life”: The State party indicated that the Ministry of Child Development and Women's Affairs had held consultations with leaders of various political parties on the possibility of introducing quotas for women candidates (page 3 of the State party's follow-up report). The Committee considers that a first step has been taken by the State party. However, the Committee regrets the lack of positive outcome of the aforementioned consultations and the absence of sustained policies to promote the full and equal participation of women in decision-making in public, political and professional life. The Committee considers that the recommendation has been **partially implemented**.

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Regarding the recommendation “to fully utilize General Recommendation No. 23 concerning women in public life and adopt temporary special measures, within a clear timeframe and with numerical targets, in accordance with article 4, paragraph 1, of the Convention and General Recommendation No. 25”: The State party failed to provide information on the adoption of temporary special measures. The Committee **did not receive information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to implement awareness-raising campaigns, including on the purpose of introducing temporary special measures, such as quotas or financial support to women candidates, to highlight the importance to society as a whole of women’s full and equal participation in leadership positions in all sectors and at all levels”: The Committee **did not receive information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 31 of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

- 1) Continue its efforts to increase the representation of women in politics and public life at the local, provincial and national levels;
- 2) Pursue sustained policies aimed at the promotion of the full and equal participation of women in decision-making in all areas of public, political and professional life; and
- 3) Implement awareness-raising campaigns among the general public to highlight the importance of: a) women’s full and equal participation in leadership positions in all sectors and at all levels and b) the introduction of temporary special measures, such as quotas and financial support to women candidates.

Regarding the recommendation made in **paragraph 41** of the concluding observations “to protect women affected by the prolonged conflict, particularly the Tamil minority group, including internally displaced women and female ex-combatants, from any form of human rights violations”: The State party mentioned that measures were initiated to ensure protection against gender based violence, domestic violence and child abuse (page 5 of the State party’s follow-up report). However, the Committee considers that the State party failed to provide details on these measures and to provide information on specific measures taken to ensure protection of the Tamil minority group, including internally displaced women and female ex-combatants. In addition, information before the Committee indicates that single women, war widows and former female combatants continue to suffer sexual violence, harassment and abuse at the hands of the military and from within their own community and that women who have come forward to challenge gender-based violence face many obstacles. In view of this information, the Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to promptly investigate, prosecute and punish all acts of violence, including acts of sexual violence perpetrated by private actors as well as by the armed forces, the Police and militant groups”: The State party indicated that, during the conflict period (January 2007-May 2009), 7 Security Forces personnel were reported to have been involved in 12 incidents of sexual violence in North and East areas; and during the post conflict period (May 2009-May 2012), 10 Security Forces personnel were reported to have been involved in 6 incidents of sexual violence in the North. It added that in two such cases which ended in successful prosecutions, three security forces personnel were handed down terms of prison sentences ranging from 12 years to 14 years by the High Court, and in one of the cases, the conviction and sentence has been affirmed by the Court of Appeal (page 7 of the State party’s follow-up report). The Committee considers that the State party failed to provide information on the investigation, prosecution and punishment of acts of violence, including sexual violence, perpetrated by private actors and militant groups. As regards violence perpetrated by armed forces and the Police, the Committee notes the actions taken by the State party to investigate and prosecute the above-

mentioned incidents of violence perpetrated by 17 members of the security forces, and the measures taken to provide prison sentences to three of them. However, the Committee is concerned that sexual violence against Tamil women by State actors was perpetrated on a much larger scale, in particular at the end of the war. The Committee considers that the action taken by the State party has been so minimal given the scope of the problem that the Committee **cannot consider that the recommendation has been implemented.**

Regarding the recommendation “to establish counselling centres for women to address the traumatic experiences, specifically with regard to sexual violence”: The State party indicated that it is in the process of setting up counselling centres in selected districts to provide counselling for victims of violence. It added that counselling and psychosocial support was provided to a number of women at the Poonthottam rehabilitation centre at Vavuniya District. The Committee considers that the State party took some steps towards the establishment of counselling centres. However, information before the Committee mentions insufficient psychological care for survivors of sexual violence. The Committee considers that the recommendation has been **partially implemented.**

Regarding the recommendation “to provide adequate infrastructure for women IDPs and returnees especially housing and health facilities, water and sanitation”: The State party indicated that it provided shelters to IDPs; the number of functioning healthcare institutions had steadily increased (page 8 of State party’s follow-up report); and each Welfare Village was provided with electricity, kitchens, toilet, bathing areas, healthcare and psychiatric care (pages 4, 5, 7 and 8 of the State party’s follow-up report). It also indicated that water supplied to the IDPs exceeded the WHO standard of water requirement (page 8 of State party’s follow-up report). The Committee notes the significant measures taken by the State party to provide infrastructures to IDPs. However, according to information before the Committee, a study undertaken in Batticaloa showed that there was still a lack of education infrastructures and women had to walk a minimum of 2-3 kilometres to get water and had to bath in public areas. The Committee was also informed that many resettlement areas do not have basic facilities such as water and sanitation and a lack of proper transport facilities has prevented girls from attending schools and has hindered access to health care facilities. The State party considers that the recommendation has been **partially implemented.**

Regarding the recommendation “to include provision for economic and social rights in post-conflict reconstruction including through the adoption of temporary special measures”: The State party mentioned that the Ministry of Child Development and Women’s Affairs has developed programmes targeting the widows and female-headed households in conflict-affected areas. The Committee considers that the State party took a first step towards provision for economic and social rights in post-conflict reconstruction. However, according to information before the Committee, the Disarmament, Demobilization and Reintegration processes focused mainly on male combatants and this approach neglected the complex roles women played during the war. Information before the Committee also indicated that widows and female-headed households face economic and social difficulties, namely unemployment, not being able to access their land, debts and poverty. The Committee considers that a large number of measures still need to be taken to ensure that the provision for social and economic rights to women in post-conflict areas will be included in post-conflict reconstruction. It considers that the recommendation has been **partially implemented.**

Regarding the recommendation “to ensure the freedom of movement of internally displaced women, wider access of international organizations to the conflict-affected population in the North of the country and the population’s access to humanitarian aid”: The State party indicated that there are no restrictions on travel today in the North and civilians enjoy complete freedom of movement (page 9 of the State party’s follow-up report). It added that the number of security barricades, roadblocks and checkpoints in the North and East, which amounted 2000 in 2009 has been reduced to 50 in 2012 (page 9 of State party’s follow-up report). It also indicated that there are no hindrances to the population’s access to humanitarian aid (page 9 of State party’s follow-up report). The Committee was informed that, according to a survey made among female ex-

combatants, 23 percent of them feared re-arrest, which limits their mobility. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to consider having an independent international accountability mechanism, in accordance with recent proposal of the United Nations High Commissioner for Human Rights, mandated to investigate the cases of serious violations of human rights, including women’s rights, which have arisen in the last stages of the fighting in the State party”: The Committee **did not receive information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to include women in the country’s post-conflict, reconstruction and peace building process”: Information before the Committee indicates that the government’s process of rehabilitation was designed without consultation with ex-combatants as well as without community and women’s participation, and that there is no female representation in the Presidential Task Force for Resettlement. In view of this information, the Committee considers that the recommendation has **not been implemented**.

The Committee recommends that, in relation to paragraph 41 of the concluding observations, the State party provide information, **in its next periodic report**, on actions taken, in light of the Committee’s General Recommendation No.30 (2013) on women in conflict prevention, conflict and post-conflict situations, to:

- 1) Raise awareness among the military on the need to act with respect with Tamil women and to build trust between the military and the Tamil population affected by the conflict, in order to ensure that Tamil women, including female ex-combatants, do not feel threatened by the presence of the military in post-conflict areas; ensure that military officers are not perpetrators of acts of violence against women and that they protect women victims of violence, including by treating them with respect when they lodge a complaint, systematically registering their complaints and offering assistance;
- 2) Investigate, prosecute and punish all acts of violence against women, including the large number of cases raised by the civil society concerning sexual violence perpetrated by the armed forces at the end of the war; investigate, prosecute and punish acts of violence against Tamil women perpetrated by private actors as well as by the Police and militant groups during the war;
- 3) Provide, in partnership with civil society, counselling services to women affected by the conflict, and in particular by sexual violence, in order to address their traumatic experience;
- 4) Ensure access to water, sanitation, education and transportation for women IDPs and returnees;
- 5) Increase measures taken to include economic and social rights in post-conflict reconstruction, including by providing adequate support to women head of household, combating poverty in post-conflict areas and giving back land to women returnees;
- 6) Build trust with the Tamil community to ensure that women, including female ex-combatant, do not fear being arrested;
- 7) Set up an independent international accountability mechanism, in accordance with proposal of the United Nations High Commissioner for Human Rights, mandated to investigate the cases of serious violations of human rights, including women’s rights, which have arisen in the last stages of the fighting in the State party; and
- 8) Include women in the country’s post-conflict, reconstruction and peace building process.



The Committee looks forward to pursuing its constructive dialogue with the authorities of Sri Lanka on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in cursive script that reads "Barbara Bailey". The signature is written in dark ink on a light-colored, slightly textured paper background.

Barbara Bailey  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women