



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 on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the eighth periodic report of Sri Lanka, at the Committee's sixty-sixth session, held in February 2017. At the end of that session, the Committee's concluding observations (CEDAW/C/LKA/CO/8) were transmitted to your Permanent Mission. You may recall that in paragraph 52 on follow-up on the concluding observations, the Committee requested Sri Lanka to provide, within two years, written information on the steps taken to implement the recommendations contained in 13 (a) and (b), 23 (d) and 25 (c) of the concluding observations.

The Committee welcomes the follow-up report received with a seven-month delay in October 2019 (CEDAW/C/LKA/CO/8/Add.1) under the CEDAW follow-up procedure. At its seventy-fifth session, held in February 2020 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 13 (a)** of the concluding observations, urging the State party to “**repeal discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership**”:

The Committee welcomes the information provided by the State party on a decision by the Ministry of Women, the Ministry of Land and Parliamentary Reforms and the National Committee on Women in October 2017 to amend the Land Development Ordinance and preliminary steps have been taken to amend its discriminatory provisions regarding succession. However, it is concerned at the slow progress in amending relevant provisions. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

His Excellency
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Regarding the recommendation made in **paragraph 13 (b)** of the concluding observations, urging the State party to “**amend all Personal Laws, including the Muslim, Kandyan and Tesawalamai Personal Laws, to remove discriminatory provisions regulating ownership, inheritance, transfer and disposal of land and property, as well as provisions regulating legal capacity, marriage, divorce, and child custody**”:

The Committee welcomes the Ministry of Women proposed amendment of discriminatory provisions of the Muslim Marriage and Divorce Act concerning minimum age of marriage, polygamy, Talaq divorce and Fasah divorce and maintenance (*mata'a*), as well as those of the Matrimonial Rights and Inheritance (Jaffna) Ordinance regarding ownership and inheritance of property. It further notes that the Ministry of Justice is considering recommendations by the Committee on Family Law Reform to amend the Kandyan Law regarding marriage, divorce and dowry property. Nevertheless, the Committee is concerned about information before the Committee referring to another bill brought by a Parliamentarian to repeal the Muslim Marriage and Divorce Act and the forthcoming dissolution of the Parliament would hamper the amending process of Personal Laws to remove discriminatory provisions. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 13** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1. Accelerate the adoption of amendment regarding discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership;**
- 2. Expedite the amendment of all Personal Laws, including the Muslim, Kandyan and Tesawalamai Personal Laws, to remove discriminatory provisions regulating ownership, inheritance, transfer and disposal of land and property, as well as provisions regulating legal capacity, marriage, divorce, and child custody.**

In relation to the recommendation made in **paragraph 23 (d)** of the concluding observations, urging the State party to “**effectively implement the National Plan of Action for addressing Sexual and Gender Based Violence, and allocate adequate resources to ensure its implementation in a coordinated and effective manner, including by increasing the number of shelters and providing medical treatment, legal support, psychosocial rehabilitation, reintegration programmes and compensation to victims**”:

The Committee welcomes amendments of the Prevention of Domestic Violence Act No. 34 of 2005, which simplifies the procedure for filing complaints and extends the scope of persons who initiate legal actions on behalf of victims of domestic violence. It also welcomes the establishment of Child and Women Development Units, which utilises services of relevant officers, the development of a curriculum for the sectoral implementing teams on gender and addressing sexual and gender based violence, as well as its efforts to ensure counselling services for victims of violence. Nevertheless, the Committee regrets that the number of shelters has not been increased since its dialogue with the State party in 2017. It is also concerned about information before the Committee regarding insufficient supports to victims by providing medical and psychosocial care, legal support and compensation, particularly to women heads of household who are victims of sexual and gender based violence. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 23 (d)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Intensify efforts to effectively implement the National Plan of Action for addressing Sexual and Gender Based Violence, addressing women belonging to disadvantaged groups such as women heads of household, and allocate adequate resources to ensure its implementation in a coordinated and effective manner, including by increasing the number of shelters and providing medical treatment, legal support, psychosocial rehabilitation, reintegration programmes and compensation to victims.

With regard to the recommendation made in **paragraph 25 (c)** of the concluding observations, urging the State party to “**carry out a comprehensive mapping of all pending criminal investigations, habeas corpus, and fundamental rights petitions related to sexual violence cases as well as the findings of all Commissions of Inquiries in particular cases involving the armed forces and the police**”:

The Committee regrets that the State party did not provide information on its measures taken to implement this recommendation and statistical data provided by the State party does not specify sexual violence cases involving the armed forces and the police. It is also concerned about reported corruption, impunity for perpetrators of sexual violence in the law enforcement and lack of commitment in transitional justice. The Committee considers that there is a **lack of sufficient information to make an assessment**.

The Committee notes that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 25 (c)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

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

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Lia Nadaraia

Rapporteur on follow-up

Committee on the Elimination of Discrimination against Women