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

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Electronic submission: [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

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**NGO's SUBMISSION TO THE CEDAW COMMITTEE REVIEW (SRI LANKA)**

For further information about this submission, kindly contact:

**Dr. Nimalka Fernando**

**Internatinal Movement Against all Forms of Discrimination and Racism**

Asia Committee

1 149 Rajagiriya Road – Rajagiriya

Sri Lanka

Telephone: (0094) 11 2576672 /5757323

Mobile: +94 77 690 97 37 emails: [asiacommittee@gmail.com](mailto:asiacommittee@gmail.com)

1. The International Movement against All Forms of Discrimination and Racism (IMADR), Asia Committee, having read the submission made by the Sri Lankan Government (GOSL) on 24 September 2013 in a follow-up report informing the CEDAW Committee of steps taken to implement the Concluding Observation made by the CEDAW Committee on 26 January 2011 to the combined fifth, sixth and seventh periodic reports of Sri Lanka under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), herewith submits, for the committee's consideration, a short written statement highlighting key issues, which has a shadow effect on the selected sections of the above mentioned follow-up report.
2. The IMADR herewith intends to make submission especially to Article 3 of the government follow-up report (Information provided by Sri Lanka in follow-up to the concluding observations) on 'participation of women in political and public life' and 'in line with CEDAW Concluding Observations made in paragraph 31 on 04 February 2011. Further, IMADR wishes to update the committee on the status of violence against women and girls, which includes women in post-conflict settings as well.
3. Notwithstanding that Sri Lanka has Constitutional provisions in Article 12 to guarantee the right to equality and non-discrimination irrespective of sex, there are numerous discriminatory policies, practices and prejudices reinforced by the various government institutions against women in the fields of economic, social, cultural, public and political life.

## **Participation of Women in Political and Public life**

4. With regard to the political life of women, Sri Lankan women have been enjoying the right to exercise their universal franchise to vote from 1931 onwards and represent nearly 52% of the population. Sri Lanka also produced the first woman Prime Minister of the World in 1960. Further, women are the major contributors to the country's foreign exchange earnings and Sri Lankan women's literacy rate is higher than that of other South Asian countries. All these facts being true, however, women do not represent themselves enough in the political and public decision making bodies in Sri Lanka. Sri Lanka has the worst

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record of women's overall participation in national and local legislative bodies in the South-Asian region.

5. The *de facto* equality for women is far more behind in achieving as stated in the government follow-up report. The higher indicators of education and health have not been translated into action when it comes to empowerment of women in political and public life.
6. Sri Lanka significantly worsened from its 2012 position of 39th place to 55th in the in the Global Gender Gap Index in 2013 report, widening its gender gap on the Political Empowerment sub index. The index for number of legislators, senior officials and managers in Sri Lanka is 0.33 ranking to 77<sup>th</sup> place in 2013 (male 76: female 24). The rank for women in Parliament is 125 out of 132 countries and there are only 13 female members of Parliament (5.8%) out of 225 members. Out of nine governors of Provincial Councils, there is only one female governor and no female member is represented as a chief Minister at provincial level.
7. Women in Ministerial positions are only two out of 67 members which includes the President, Prime Minister, 10 Senior Ministers, 54 Ministers and one Cabinet Minister for Special Projects. None of the women have been appointed as senior ministers.
8. There are also 2 Project Ministers and 37 Deputy in Sri Lanka. There is only one female deputy minister in the Parliament, who is also a niece of the President.
9. Analysis of the public sector reveals that, out of 58 government ministries, only ten women hold Secretary Posts, a percentage of 17.2. Currently, women representation as Heads of Diplomatic Missions is 4% per cent (only 2 women out of 50) and in the Judiciary, only 4 of 11 Judges on the apex court, the Supreme Court of Sri Lanka are women.
10. The government report erroneously reports that the number of women standing for election to, and being elected to, National, Provincial and Local Government bodies is low due reluctance on the part of women to engage in active political work. Contrary to that statement, there are enough number of women who have been trained by NGOs such as Women's Political Academy, IMADR, Mothers and Daughters of Lanka, Women and Media

Collective, and other CBOs who are waiting to receive nominations. These NGOs maintain a list with potential candidates and also shared their lists with political parties for nomination purposes

11. There were several instances where violence against political women were perpetrated in Parliament by their male counterparts. On 03 December 2012, when a question was directed at the Transport Minister Kumara Welgama by female MP Rosy Senanayake during question time, the minister answered making sexist remarks on her looks and womanhood.<sup>1</sup> This incident was included in the *Guardian's* Top 10 sexist moments in politics.<sup>2</sup>
12. The highest leader of the House, the Honourable Speaker of the Parliament looked down upon women in political and public life on 11 July 2013. The Speaker Chamal Rajapaksha made sexist stereotypical remarks stating that “working with women is difficult”. This remark was made when the Women’s Parliamentary Group met under the chairmanship of Minister Sumedha Jayasena.<sup>3</sup>
13. The Deputy Chandima Weerakkody, made sexist remarks to his fellow party Organiser, and female provincial councillor Geetha Kumarasingha over an issue of 'applying lipstick'<sup>4</sup> and tried to demean her status in a public gathering.
14. The stereotypical statements made by the Hon. Minister of Child Development and Women’s Affairs on several occasions’ shows that there is a male dominated culture and reinforced *andro-centric* values in the ministry. There are no major attitudinal changes that favour the

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1 “I am so happy to answer a question by a beauty queen like Rosy Senanayake. You are such a charming woman. I have no words to describe my feelings. I cannot explain my feelings here. But if you meet me outside Parliament, I will describe them. My thoughts are running riot ... I don't want to reveal [them] to the public.  
”<https://www.youtube.com/watch?v=O6QdTeEGNUc>

2 <http://www.theguardian.com/politics/2013/jun/14/top-10-sexist-moments-politics>

3 “Women taking the lead sometimes obstruct work in progress; this is not something I am saying. When women take the lead there is a tendency to not listen to anyone else. It is like this in a lot of places. It becomes difficult to work. If a woman is in charge of a District Secretariat or Divisional Secretariat or any other high office, they have a tendency to exert their authority over that place. So because of that, sometimes justice is not done.”  
<http://groundviews.org/2013/07/11/poll-the-sexism-in-sri-lankas-parliament/>

4 "Some ladies came to make house-to-house visits in Habaraduwa sometime back. I don't know any of those ladies. They came with on, with 'lipstick just like lady Geetha".

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position of women in society recognizing women as equal partners. The Minister of Child Development and Women's Affairs. Mr. Tissa Karalliyadde has on several occasions made extremely sexist remarks that are humiliating to Sri Lankan women in general, without any sense of responsibility for the cabinet office he holds as Minister of Women's Affairs and Child Development. He has stated on several public platforms that women should not be appointed to responsible positions of public office because by nature they are unable to get on with each other and constantly fight and slander each other.

15. On 15 November 2013, the Minister of Child Development and Women's Affairs stated that the idea of gender equality is a meaningless concept advocated only by some women from NGO groups who have no connection with the vast majority of rural women. He added that these NGO women have rejected values of "pathivatha" (fidelity to husband/ chastity) in their family life. This abusive and insulting remark about an identified group of women working on issues of concern to women, and implying sexual promiscuity, were made in a TV programme (Sirasa Press Release, 15 November 2013) that received wide publicity.
16. On 07 December 2013, the Minister of Child Development and Women's Affairs Tissa Karaliyadda stated in Parliament that providing full equality for women is not acceptable because it goes against Sri Lanka's culture and religion. Further this statement is contrary to what is stated in the government follow-up report made on 24 September 2013 to the CEDAW Committee by the Government. Further the Minister affirmed that he will not enforce or ratify some international and local conventions which will help to eliminate all forms of discrimination against women.<sup>5</sup>This statement is in total contradiction with the international legal framework in which Sri Lanka is obliged to implement as a member state.
17. Though Sri Lanka has had the opportunity to increase women in key decision-making level in the Judiciary and in public bodies, women's representation remains low. Sri Lanka's first female Chief Justice, Shirani Bandaranayake, was unceremoniously ousted in February 2013. During the Parliamentary Select Committee proceedings, several derogatory terms were used to address Chief Justice Shirani Bandaranayake by Ministers Dilan Perera and Wimal Weerawansa such as *Pissugeni* (mad woman), 'baby', '*baby nona*' (baby mistress)

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<sup>5</sup> <http://www.nidahasa.com/news/news.php?go=fullnews&newsid=1288>

and she was ill treated with hostility, humiliation thus violating her right to natural justice, non-discrimination and equality.

18. With the cabinet culture dominated by *andro centric* values and masculine norms and prejudices, it has been a continuous struggle for women in Sri Lanka to pass any legislation that is sensitive to the needs of important for women. To cite two examples, the Women's Commission Bill and the gender policy drafted by the Ministry of Labour and Labour Relations were rejected by the Cabinet in the recent past. Also the attempt made to reserve a mandatory quota in the nomination list exclusively for women and political parties has not been preceded ahead by the select committee.

### **Violence against Women, Protection and Security**

19. General Recommendation No 19 issued by CEDAW Committee emphasize that state should impose sanctions, penalties and compensation to control gender-based violence. In Sri Lanka, in 2005, the Parliament passed the Prevention of Domestic Violence Act, No. 34 of 2005 (PDVA). Notwithstanding the fact that provisions of domestic violence act provides legal opportunities for victims to file cases against their perpetrators to get immediate relief as a way of protection order, there is no enough awareness in the society on the act itself. It is also important to note that social conditions that women were not permitted to go to courts or prevented from reporting incidences of domestic violence still exists. These instances bring negative impacts on the courage of the victim to go back to police or courts.
20. Further, gaining the acceptance of, and the commitment towards, implementing the Prevention of Domestic Violence Act from authoritative figures including the Hon. President, the Minister of Child Development and Women's Affairs, and institutions such as the courts and police is a serious challenge. In some instances, the Police have advised the victim of domestic violence to return home and forgive the perpetrator in order to settle the matter. There is resistance to the PDVA from current political leaders and representatives in government continue to question the need for the Act. There is a tendency by the current government to normalize, trivialise and legitimise denial of domestic violence. In many instances, the President, the Minister of Women, and the Secretary of Finance trivialised

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domestic violence as a simple family matter. For instance, at Women's Day celebration held in Hambantota in 2010, the President stated that some laws from the West have been introduced in Sri Lanka and that those laws are excessive and ruin family values. He further cited an old proverb: 'violence in the home is only until the rice is cooked'<sup>6</sup>

21. Therefore, sensitization of policy makers, government officers, judges especially magistrates and Police in general and specially Officers attached to the Women and Children Desk is an urgent necessity in Sri Lanka. General awareness of the act is necessary for government senior officials, ministers, community leaders and policy makers and a massive awareness campaign should be initiated to prevent and response to imminent threats of domestic violence victims.
22. Rape is a serious act of violence committed against women and girls. Despite laws, there has been a sharp increase in the numbers of rapes reported from around the country. In 2012 according to police records (provisional) 1,910 women and girl children were raped. Of these 84% was girl children below 18 years of age. These are only the reported cases. Many women do not report rape due to several reasons such as stigma. The actual number of women raped is estimated to be much higher any woman or girl risk being raped, irrespective of her age, ethnicity, religious beliefs, geographical location and economic/social status. Most rapes are committed by someone known to the victim-survivor.
23. The Minister of Child Development and Women's Affairs reported to the Parliament on 25 November 2013 that there have been 18,777 reported cases of child abuse from 2009 to 2012. In 2012 alone, 7418 children were abused, 1307 of whom faced domestic violence<sup>7</sup>. The local sharing of data on gender-based violence and reporting on data by the Ministry of Child Development and Women's Affairs to the international level presents huge gaps, contradictions and discrepancies.

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<sup>6</sup> We have introduced laws to bring relief to women. Sometimes I wonder whether these laws are excessive. Some laws from the west have been introduced in Sri Lanka. At first glance they seem very attractive. But Sri Lankan women occupy a high status based on our culture which is 2500 years old and under current legal regulations, our cultural values are being weakened, while the legal bond has been strengthened. *Lankadeepa*, 10<sup>th</sup> March 2010

<sup>7</sup> <http://www.divaina.com/2013/11/26/news06.html>

24. CEDAW concluding observation of the 3<sup>rd</sup> and 4<sup>th</sup> report, Paragraph 285 recommends Sri Lanka to consider recognizing marital rape in all circumstances as a crime. The Sri Lankan law on the issue of marital rape is conditional and only in certain circumstances marital rape is recognized. Therefore, legal reforms are needed to address the issue of marital rape as some instances sexual intercourse within marriages has led to incidents of gross cruelty.
25. Concluding observation of CEDAW report also made recommendation to reintroduce legislation to permit termination of pregnancy in cases of rape, incest and congenital abnormality of the fetus. However, only termination of pregnancy is allowed only instances to save the life of the woman. Therefore a broad dialogue should be started with civil society, pressure groups/ and the government to lobby for law reforms in this area.
26. There is no proper structure for systematic data collection on violence against women in Sri Lanka other than data comes from Police and courts. These data is not analysed systematically to take evidence based advocacy for law reforms.
27. Women outnumber men in post conflict areas and numbers of female headed households are higher than the other areas due to long-term conflict. According to a recent Survey of 100 women in the war-torn areas, 80 were either widowed, unmarried, divorced or living separately from their husbands. Among them, 70 percent were heading households and the majority had no jobs. Among internally displace persons (IDPs) numbers of women are considerably higher than men.
28. A Presidential Task Force for Resettlement, Development and Security in the Northern Province was appointed on 7 May 2009 to expedite IDP resettlement and reconstruction. However, the post-conflict reconstruction efforts are being done in a patriarchal and authoritarian manner without community involvement and without women's participation. It should be noted that there is no female representation on the task force.<sup>8</sup>

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<sup>8</sup> <http://reliefweb.int/report/sri-lanka/sri-lanka-president-appoints-new-task-force-rebuild-north>



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29. Despite the fact that counselling is a necessity for trauma healing, until recently non-recognition of the need for counseling by the Presidential Task Force was a hindrance for women's well-being and protection in the post-conflict setting. At the same time, the government is slow to implement recommendations on Lesson Learnt and Reconciliation Commission (LLRC) with regard to women.
30. Research and recent reports show an escalation of violence against women, especially in the North and East. Sexual violence towards war widows and single women has increased and former female combatants continue to face harassment and abuse at the hands of the military and from within their own community. In December 2011, the International Crisis Group (ICG)<sup>9</sup> published a report on "Sri Lanka: Women's Insecurity in the North and East." The report clearly shows that, in the North and East, women face sexual violence, young women are victims of trafficking and exploitation, and female-headed households struggle to rebuild their livelihoods. Furthermore, this report illustrates the climate of fear and intimidation towards women, the lack of psychosocial care for survivors of sexual violence and the culture of impunity prevalent in the region. Nearly two years since the release of the ICG report, its findings remain mostly unaddressed by the Government and its subsidiary agencies.

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<sup>9</sup> Sri Lanka: Women's Insecurity in the North and East. International Crisis Group. 20 December 2011. [http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report\\_428.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_428.pdf)