
Committee on the Elimination of
Discrimination against Women
Sixth session

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Concluding comments of the Committee on the Elimination of
Discrimination against Women: Sri Lanka

Initial report

185. The Committee considered the initial report of Sri Lanka (CEDAW/C/5/Add.29 and CEDAW/C/5/Add.29/Amend.1) at its 88th, 92nd and 93rd meetings, held on 1 and 3 April 1987 (CEDAW/C/SR.88, 92 and 93).

186. The Committee commented on the report of Sri Lanka before it was introduced. Some experts expressed their concern about whether to consider the report, since it lacked adequate information on the situation of women in Sri Lanka. Other experts felt that the report had to be considered despite inadequate information, stating that, since the representative of Sri Lanka had come so far, it would be unfair not

to allow her to present the country's initial report. One expert observed that the report had been submitted before the guidelines had been distributed. Another expert pointed out that similar short reports had been presented and the Committee had considered them; to disallow the report of a developing country, such as Sri Lanka, would amount to political prejudice. Others felt that the time had come to discontinue the practice of accepting reports that did not meet the standards that needed to be maintained.

187. After a long discussion regarding the acceptability of the report and the procedure to be followed in such cases, it was agreed that the report would be considered, since neither the Committee nor the Secretariat had informed the Government of Sri Lanka in advance that the report would not be considered. Experts considered, in addition, that the representative of Sri Lanka should inform her Government of the Committee's concern about the report: that the report did not present the true situation of women in Sri Lanka and also that it had not been prepared in accordance with the Convention. However, it was also suggested that those shortcomings could be rectified in the next report submitted by Sri Lanka. The Secretariat suggested that the Committee might wish to formulate procedures for future sessions, in case a similar situation arose.

188. The representative of Sri Lanka introduced her country's initial report by giving a summary of the historical, political, social, economic and cultural aspects. In the first part of the report, a general picture of the status of women in Sri Lanka was presented; the second part related to the articles of the Convention. She stated that, from the fourteenth century until independence in 1948, Sri Lanka had been under the domination of various colonial powers. Laws introduced during the social and economic development of the nineteenth century were outlined. Subsequently, revisions and events such as the introduction of universal suffrage, the first women Prime Minister and the introduction of the Free Education Scheme were enumerated.

189. In the second part of her statement, the representative of Sri Lanka presented information on specific articles of the Convention and additional up-to-date information on the organizations established and the initiatives taken by the Government. Among these was the setting up of a high-level committee to examine the possibility of formulating uniform laws to replace the different systems of personal laws.

190. The representative also mentioned that a proposal to grant 12 weeks maternity leave, which had already been introduced in the private sector of the labour market, had been approved by the Government also for the public sector.

191. She further informed the Committee that maternal and child health clinics as well as family planning devices were increasingly being made accessible to women. The Women's Bureau had centred its activities around mobilizing women in the rural areas to enable self-employment for rural women.

192. With regard to family law, the representative stated that a father was still considered the natural guardian of a child born within wedlock, but not of an illegitimate child. She also gave further information concerning divorce.

193. Experts thanked the representative of Sri Lanka, stating that they found the additional information helpful, but some of them considered that sufficient information had not been provided to make it possible to draw conclusions.

Therefore, they were not able to make any comments on specific articles. Others regretted that some issues were totally left out in the report and asked whether that meant that the Government of Sri Lanka did not wish to make any observation on those issues.

194. Experts understood that many problems were faced by the country because of the variety of races, religions and ethnic groups, and they were pleased that the Ministry of Women's Affairs and the Women's Bureau had been established to deal with the problems of discrimination against women. It was asked whether any bureaux other than the Women's Bureau were under the authority of the Ministry of Women's Affairs.

195. While there was almost no discrimination in law against women in Sri Lanka and although the Constitution of Sri Lanka guaranteed equality, such discrimination still existed. It was felt that much remained to be done in the fields of education, employment and the status of rural women and that the problem of equality in family and personal law also required further attention. It was asked which problems had been identified by the Government of Sri Lanka as the main obstacles to the implementation of the Convention and which obstacles should be identified by the Ministry of Women's Affairs for action over the next three to five years. It seemed that the Government had shown the political will to bring about change and it was time for women to seize the initiative and fight for their rights. It was considered essential for women's organizations in Sri Lanka to work towards positive change, rather than merely to accept measures which, while protecting women, served to consolidate the patriarchal system.

196. It was pointed out that, according to article 18, paragraph 1 (b), of the Convention, the Committee could request a further report from Sri Lanka within a shorter period of time than the normal four years after the first report had been submitted to the Committee. Experts appealed to the Government of Sri Lanka to take the comments of the members of the Committee seriously and act accordingly to improve the situation of women in Sri Lanka. They also appealed to the Government of Sri Lanka to provide more information in the next report.

197. Experts wondered how a country could operate with different legal systems for different ethnic groups. It was pointed out that it would be logical to develop a single legal system that was applicable to all groups.

198. Information was requested on the role of the Supreme Court in the area of an alleged violation of article 126 of the Constitution and on whether there were any judgements in favour of women already. It was asked whether courts were prepared to enforce the law and who enforced the right to go to court.

199. More information was requested on development and the advancement of women with regard to article 3 of the Convention. It was asked whether the goals were sanctioned by all ethnic groups.

200. More information was requested concerning articles 4 and 5 of the Convention, particularly as to what actions were being taken by the Government.

201. Experts asked how the Ministry of Women's Affairs functioned and about its structure and its relationships with the women's bureaux, other women's organizations and national programmes for women's development. They also asked whether it had executive power and whether it represented ethnic groups. Details

were requested on programmes and plans that were being developed in connection with the Convention and on how the information was presented to the population. It was asked whether there was a time limit for envisaged changes and if there was any hope that such changes would take place. It was asked whether there was any kind of discrimination against ethnic groups by the Government and whether those groups had any place to turn to for protection.

202. Information was requested on the actual situation with regard to prostitution, although it was prohibited by the Government, and on the link between prostitution and tourism and whether only prostitutes or also clients and others involved were prosecuted.

203. In that context, a question was asked about domestic violence in Sri Lanka and if there were any policies developed regarding it by the Women's Bureau. It was asked if rape and sexual harassment, in particular of women in custody during the civil strife, was a serious problem and whether means were being developed for the protection and improvement of conditions of women in Sri Lanka who were recruited as domestic servants in the Middle East.

204. Experts wanted to know whether it was possible for a woman in Sri Lanka to confer citizenship on a foreign husband and they also asked about divorce. They wondered if a wife was considered subordinate to her husband with regard to citizenship and how the concept of women achieving the rank and dignity of her husband should be understood.

205. More information was requested on education, particularly on the Sex Disqualification Removal Ordinance.

206. Concrete provisions to ban discrimination at work were considered necessary to achieve equality, and it was asked whether such provisions existed and, if not, whether there was any intention to enact such a law.

207. An explanation of the differences between maternity leave granted in the private and the public sectors was requested. It was asked what were the specific conditions under which women were in fact working at night. Experts also requested more concrete and up-to-date data on married women at work and on precise conditions of employment, such as social benefits, wages, health care and working hours. The protective legislation that existed could be counter-productive, and more details were requested on practical applications in Sri Lanka. It was felt that it could mean that employers would rather not employ women. It was also disturbing to note that the actual effect of laws and decrees seemed to be to limit the number of women who could work in the public sector. Particular concern was voiced about younger women in the work-force of multinational corporations, and more details were requested on wages and equal pay and on whether employment opportunities were maintained when the corporation left the country. It was pointed out that the Government had no reason to be proud of the high percentage of women working in ports and the free-trade zone, for the conditions there violated the relevant ILO Conventions.

208. Information was sought on the recruitment of Sri Lankan women to work in domestic service in the Middle East and whether measures were taken to deal with that issue.

209. It was asked whether women had access to health services and what part the 32 organizations played in the field of health services. Information was requested on sex education, population policy and access to family planning, particularly in rural areas, as well as on the situation with regard to policies on abortion.

210. Information was sought on the status of rural women in Sri Lanka, particularly on how they were mobilized in order to reach a high level of employment.

211. Experts asked about the different legal systems in existence in Sri Lanka. It was asked what happened when a man deserted a woman who was unable to own property in her name and what policies were being developed to stop impediments to women's rights, as seen in the difference in personal laws. It was also asked whether the personal laws were based on religion. More information was requested on the prospects of a uniform law in the future. The question of sexual harassment of incarcerated women was also raised.

212. It was suggested that the Ministry of Women's Affairs could work together with the Ministry of Justice and women's organizations in proposing a family code that would harmonize the different legal systems. Experts were concerned about the low minimum age at which women could be married, both because of the age itself and also because of the difference to that of men, and wondered if the Government planned to revise the law. They asked whether there were provisions for women who married at an early age to continue to be educated and trained for a future position in society. A clearer picture of the situation of single mothers was requested. Concern was expressed about the use of the terminology "legitimate" and "illegitimate", which was considered to be discriminatory.

213. It was asked if polygamy existed in any communities, whether arranged marriages still existed and whether there was a system of dowry and, if so, who controlled it. Experts asked what were the grounds for divorce, about the guardianship of children and whether the best interests of the child were considered.

214. The representative of Sri Lanka thanked the Committee for its views and gave assurance that those views would be transmitted to her Government.

215. In replying to questions asked by experts, the representative of Sri Lanka stated that it was unfortunate that the alleged inadequacy of the initial report had not only created the unfavourable impression that discrimination against women was far from eliminated in Sri Lanka but had also raised the question of whether Sri Lanka was implementing the Convention at all. She hoped, however, that her replies would clarify the actual position of women in Sri Lanka.

216. The representative of Sri Lanka informed the Committee that the Government of Sri Lanka had established a Ministry of Women's Affairs and a Women's Bureau. She stated that the Women's Bureau had been established in 1978, and the Ministry of Women's Affairs was created in 1983. She explained that both bodies had been established as government agencies to increase the attention given to women's issues during the United Nations Decade for Women. She also elaborated on their roles and objectives. She briefly summarized the administrative structure of the Women's Bureau and the relationship between it, the Ministry of Women's Affairs and other organizations. She stated that "women's units" had been established in several ministries to co-ordinate women's activities and programmes with the Ministry of Women's Affairs. She explained that the Women's Bureau had a very

comprehensive national strategy on such matters as the problems of women in development, goals and activities and the responsible institutions.

217. The representative of Sri Lanka affirmed that under the Constitution of Sri Lanka "all persons are equally protected by the law" and "no citizen shall be discriminated on the grounds of sex". She further stated that under article 12 (4) of the Constitution, it was recognized "that nothing shall prevent special provisions being made by the law, subordinate legislation or executive action for the advancement of women".

218. She also mentioned the significant role played by the Supreme Court and the Commission of Sri Lanka, which provided legal aid to indigent persons.

219. She stated that the goal of the programme of the Women's Bureau was to change attitudes and social and cultural patterns, to liberate women from any existing cultural conditioning, to discover changing perspectives and attitudes of women and to encourage shared responsibilities for household tasks between women and men.

220. She said that it was true that prostitution was linked to tourism; however, under the law of Sri Lanka, not only prostitutes but also clients were liable to penalties upon conviction. She also said that under the Brothels Ordinance Act, a person keeping a brothel could be prosecuted.

221. The representative of Sri Lanka pointed out that the major political parties in her country had established women's groups, but women's participation in the decision-making process was mainly confined to exercising the right to vote, owing to the greater family commitments of women. There were no legal barriers preventing women from entering public services, however.

222. The representative stated that there was no discrimination against women in the area of the representation at the international level. She added that Sri Lanka had three female diplomats at ambassador level.

223. She explained that "race" referred to the various ethnic groups in Sri Lanka. Concerning the statement that a wife acquired the rank and dignity of the husband, she stated that it merely meant that a wife assumed the family name of the husband.

224. The representative submitted further statistics to the Committee that showed that the number of girls and boys enrolling in schools was roughly equal and that 40 per cent of those who had enrolled at the university in 1984 had been women, although they were poorly represented in technical and agricultural institutions.

225. The representative of Sri Lanka referred to various statutes that pertained to employment for female employees, such as the Factories Ordinance and the Shop and Office Employees Act, which had provided safeguards for women. She further stated that both sexes enjoyed equal opportunities for employment. She also mentioned that the Maternity Benefits Ordinance stipulated that women's employment could not be terminated because of pregnancy, confinement or related illness. The provision of maternity benefits, such as crèches and time off for breast feeding, had been described in the initial report.

226. The representative further mentioned that women were forbidden to work in mines, except in a managerial capacity where no manual labour was required. The regulation governing night work had been drawn up to give protection to women. As

regards the disparity between the maternity leave available in the private sector and that in the public sector, she explained that the Government had, in principle, approved the proposal to increase maternity leave for public sector employees, and a study was currently under way to determine the effect the increase would have on government services. She also mentioned that the concept of equal pay for equal work was now recognized in Sri Lanka. She explained that the majority of workers in the clothing industry in the Free Trade Zone were women, who were considered to be cheap and easily dispensable labour. She also referred to the statistics in that regard. She mentioned the increase in the number of women working abroad, stating that it had reduced unemployment and brought additional foreign exchange. She also gave further statistics on the distribution of female employees among major occupational groups and in various ministries and governmental departments.

227. She said that Sri Lanka's action programme for family health education had enabled house inspectors, public health nurses and midwives to reach even the most remote areas of the country and that the country was committed to the achievement of health for all by the year 2000, with particular emphasis on the health of mothers and children. She also stated that the Government was concerned at the rate of population growth and provided family planning services and financial incentives for those practising family planning. She also stated that abortion was a criminal offence in Sri Lanka.

228. She stated that the Women's Bureau was trying to help rural women gain access to higher level jobs, although that problem affected rural men as well as women.

229. The representative of Sri Lanka further stated that an individual was subject to one of the systems of personal law by virtue of their religion, race or residence in a specified area of the country.

230. Regarding the age of marriage, she said that the age varied according to the personal law to which an individual was subjected. She revealed, however, that there was a proposal to raise the age of marriage to 21 years for both women and men under all legal systems in an attempt to reduce maternal mortality and the birth rate. She stated that, from 1975 to 1979, there had only been 500 cases of marriage in which the bride was under 16 years of age.

231. As regards the rights of married women to own property, she said that the only restriction on that right was contained in the Tesawalamai system of personal law, which stated that a married woman could not dispose of her immovable property without the consent of her husband. Nevertheless, she might apply to the court for such authority if her husband unreasonably withheld his consent. She also mentioned that, in case of divorce and the custody of children, judgement based on the best interests of the child had almost entirely replaced judgements granting automatic custody to the father.

232. On the issue of domestic violence, she said that, although official statistics did not indicate that it was a serious problem, Sri Lankan women had drawn attention to the issue, since women often refrained from reporting cases of domestic violence. She further stated that the national strategy of the Women's Bureau was to provide support for battered women and children. Assault or abduction of women was a criminal offence in Sri Lanka, and rape carried the death penalty. She also stated that sexual harassment of female prisoners did not seem to be a serious problem, because prison rules stipulated that female and male

prisoners should be segregated and that female prisoners should be supervised by female officers.

233. Under universal law, grounds for divorce were adultery, desertion and incurable impotence at the time of marriage. Also, under all legal systems, the consent of the bride was a prerequisite for marriage, even in the case of an arranged marriage. The provision of a dowry was not a legal requirement, although a dowry was usually paid in the case of an arranged marriage. As regards polygamy, she said it was practised only among the Muslim community. The Government had considered the introduction of a single law, which would be binding on all ethnic groups and religions. However, the individuals subject to the various systems of personal law had resisted the introduction of a universal code, and in a domestic society the Government could not override their wishes.

234. On the role of the Supreme Court in cases of alleged violation of the fundamental right to equality between the sexes, she stated that no such cases had been brought before the Supreme Court, although judgement had been passed in several cases on the violation of other fundamental rights. She reaffirmed that Sri Lanka would continue its programmes to try and achieve the full advancement of women.

235. The representative said that she hoped that the replies she had given to the Committee confirmed that there was no policy of discrimination against women in Sri Lanka.

236. The Chairperson congratulated the representative of Sri Lanka on the monumental task she had achieved; it seemed that she had practically rewritten the report in the preceding two days.

237. Experts thanked and congratulated the representative of Sri Lanka for the additional valuable information and statistics submitted to the Committee. There was general consensus that the replies had been very useful. They were much more detailed than the initial report and had given a different picture of Sri Lankan women. The statement delivered by the representative of Sri Lanka had reaffirmed one expert's views on the working problems for women, such as in the Free Trade Zone, and the circumstances of work in Sri Lanka. It was stated that the questions and comments made by the Committee would assist the Government to produce a further report with more detailed information. It was said that the excellent replies given by the representative of Sri Lanka amply justified the Committee's decision to hear the presentation of the report of Sri Lanka.