



Convention on the Elimination

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Introduction

1. Sri Lanka has great pleasure in presenting its 3rd and 4th Reports under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women

expanded resulting in the achievement of higher levels of education and a decline in incidence of school avoidance. The women have shown a remarkable

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aggravated because of the lower level of education of the female heads with 1/5th reported to have never attended school and one in every four found to be illiterate.⁵ Fifty percent



visa.⁸ Government is in general an equal opportunities employer and there is no

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recruitment, which are subject to scrutiny of the Courts.

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provision gives the identical immunity from challenge to existing legislation as is presently found in the Constitution. Any enactments containing provisions that are discriminatory of any of the rights recognised in the Chapter on Fundamental Rights, therefore, cannot be challenged and this is a constraint to testing discriminatory laws against the constitution. However, the Government proposals for constitutional reform suggest the inclusion of a new provision¹² to establish a Commission (consisting of persons appointed by the President) to examine all existing written or unwritten law and to report to the President as to whether any such Law is inconsistent with the provisions of the constitutional provisions recognising fundamental rights and freedoms. This suggestion is

seen as an improvement from the present position of according complete recognition to laws which contain discriminatory provisions.

(b) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

17. Apart from the constitutional guarantee in Article 11, Sri Lanka has also enacted the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994 which came into operation in December, 1994. This Act

(d) Discriminatory personal laws

21. There has been no change in the statutory provisions governing aspects of personal law which have been identified as being discriminatory. The discriminatory features are mainly those which are deeply rooted in cultural and religious beliefs. In an environment which calls for sensitivity to pluralistic religious and ethnic beliefs, it has not

been possible to address these issues. A call for change from within the affected

communities would certainly facilitate reform.

(e) Discriminatory penal laws

22. There are no discriminatory penal laws.

- programmes;
- Poverty alleviation through economic empowerment programmes;
- Combating violence against women through sensitisation, training and advocacy.

27. The work of the WB in rural areas is detailed under Article 14.

The Women's Charter

28. In March 1993, the Government of Sri Lanka adopted the Women's Charter, a declaratory document which contained the policy aimed at the realisation of gender equality in all areas of life in conformity with the constitutional provisions and international norms and obligations which Sri Lanka has accepted. The Charter was the outcome of wide consultations had with several governmental agencies and non-governmental organisations and women's groups committed to the cause of women. Accordingly, it incorporates provisions which reflect the influence of the UN Convention on the Elimination of All forms of Discrimination Against Women and attempts to internalise these standards in the context of issues of concern to Sri Lankan women who

live in a multi ethnic, multi religious society. Women of all communities were involved in the drafting of the Charter which was drafted as a consensus document recognising the

which when thus accorded statutory recognition, will have the same status as do other

issues relating to gender based violence. Statistics indicate that there is a greater

willingness to report such cases to law enforcement agencies.

victims of grave crime offences in 1992 was reported to be 2,608. In 1999, the number

39. Major legislative changes were passed by Parliament in 1995¹⁵ and further enhanced in 1998. Apart from issues relating to marital rape, increase in the age of marriage and termination of pregnancy, the amendments were passed without any opposition from within or outside of Parliament. The contentious issues with regard to these areas are discussed in the course of this Report. The legislative process was speedy.

State has a duty to protect and uphold and it is argued that there is no concept of minimum age of marriage. A distinction is made between the two provisions.

Women's Charter, has therefore emerged. The Government has found it difficult to address this issue in an environment of political sensitivity to plural religious and ethnic identities.

d) Deletion of the requirement that the act should be 'against her will'

44. In terms of the earlier statutory provision, the offence of rape was said to be

10. Grave sexual abuse **	-	7	20
(a) Where the victim is over 18 years;			
(b) Where the victim is under 18 years.	-	10	20
11. Publication of matter relating to sexual offence*	-	-	2
12. Failure of developer	-		2

of film/photo to inform re. Indecent or obscene photo/film of children*

* In addition to the sentence of imprisonment, the Court may impose a fine at its discretion, in respect of these offences.

** In addition to the sentence of imprisonment, the Court is required to impose a fine mandatorily, in respect of these offences.

In addition, in the case of the offences of rape and grave sexual abuse, Court is also required to mandatorily make an order

the Committee steps in Parliament in the case of emergency

provides an ideal base for the nurturing and enhancement of prejudices encouraged also by a media which reinforces gender stereotyping. A publication of the department of Census and Statistics¹⁶ accurately highlights this factor in discussing the role of the mass media in bringing about attitudinal changes in society in relation to women's empowerment thus - "The gender roles reflect the male perspective and the image of a woman is rarely depicted to mirror women's contribution to national development. In fact, it is regrettable to observe that the television which is the most effective instrument today to reach the masses, is often used to portray women in conventional stereotype

roles highlighting their dependency, submissiveness and responsibilities related to

nurturing the family."

56. However, the generally accepted concept of male supremacy which was relevant at a time when the woman was seen no more than as the home maker, is gradually being replaced by a new concept of equality based on access to education and the consequent determination of

PART II

Article 7

POLITICAL AND PUBLIC LIFE

59. There is no change in the statutory principle of non-discrimination against women in political and public life. The women have entered public life from diverse fields and established themselves at different strata varying from politicians, professionals to semi-skilled workers. However, a gender bias exists and imbalances are apparent in the

assume professional and managerial posts, and the situation is gradually changing in favour of women. The economic and political decision-making positions continue to be

64. This proportion decreased further at the 1997 Local Government elections to 2.3 % women candidates at Municipal Councils elections, 1 % at Urban Council Elections and 1.1 % at Pradeshiya Sabha Elections²⁰.

65. These figures indicate that women's participation in decision making at all levels is minimal. Consequently, recommendations are being made to introduce a quota system for women at Local Government level.

66. The issues which have been identified for low participation of women in politics are -

- * Social attitudes and values which consider politics a male domain;
- * Family responsibilities which take precedence over the pursuit of a political career;

participation;

- * Criminalisation of politics and character assassination during election time;
- * The high cost of electioneering.

Professionals

- Women have displayed an aptitude for certain professions throughout history and as at 1992, a higher concentration of women, nearly 25% (as opposed to almost 15% in the case of men) were in the occupational category of professional and technical workers in the urban sectors. In the rural sector the figures were 10% for women as opposed to almost 5% for men²¹.

women.

that there are more women employees in the health and education services and that they are concentrated at lower levels. Only 1/10th of the engineering and technical related jobs are occupied by women.

In the field of law, there has been a steady increase in the number of women

1. [redacted] has been appointed as the first woman Judge of the Court of

Appeal.

Legal Draftsman's Department -

1. [redacted] 01/04/11. There has never been a female

71. There are also no barriers to the participation of women in the work of international organisations. It is with pride that we record appointments of Sri Lankan women to the UN CEDAW and as an alternate member to the Sub Commission on Promotion and Protection of Human Rights.

Article 0

NATIONALITY

72. The statutory position remains as stated in the Second Report subject to the introduction of legislation to permit acquisition of dual citizenship. The Commission

PART III

Article 10

EDUCATION

(a) Primary and Secondary Education

75. The National Education Commission, appointed in terms of the National Education Commission Act No. 10 of 1991 with a mandate to advise and submit

recommendations to the President on the national education policy of the Government produced its first report in 1992, underscoring equal educational opportunity for all, and further recommended in 1995, inter-alia, ten years of universal and compulsory education, more equitable distribution of educational opportunities, and curriculum reforms in school, university and teacher education.

76. As a consequence, regulations were made in January 1998 making education compulsory for the age group 5 to 14 years. Raising the minimum age of marriage from 12 years to 18 years in 1996 is expected to encourage longer years of schooling for girls. Various statute laws specify the ages at which and the field of employment in which

equal distribution of scarce resources is a challenge which is being undertaken by the State without any preference to gender.

80. Educational participation rates have increased very slowly in the 1990's. By 1998

82. Although there was no discernible gender difference in the drop out rates in the

Table 6.
School drop out rate by level of Education (1990 – 1992)

Year	Primary Education			Secondary Education		
	Total	Girls	Boys	Total	Girls	Boys
1990	3.25	3.03	3.45	6.27	5.30	7.20
1991	2.54	2.46	2.81	6.22	5.12	7.30
1992	2.44	2.28	2.59	5.46	4.51	6.39

Source: Ministry of Education & Higher Education

(b) Public Examinations

83. Public Examinations are conducted at two levels for secondary school students. The first, the General Certificate of Education (Ordinary Level) taken in Year 11 (age approximately 16-17 years) identifies those who can proceed to do higher studies in different streams. The second, the General Certificate of Education (Advanced Level) taken in Year 13 (age approximately 18-19 years) identifies those who are eligible to enter the Universities for the various undergraduate courses of study.

84. Statistics indicate that the performance of girls at Public examinations has been

Table 8.
Performance of Candidates at G.C.E (A/L) Examination 1994 – 1998

	(1) Total	(2) % Males	(3) % Females	(4) % Females who qualified/failed out of Total Females who sat
No. sat 1994	126745	63 %	55 %	

Table 9.
University Intake.

Eligible and admitted students according to subject

1993/94 – 1996/97

	Eligible to enter University	Admitted to Universities			
		<i>Total %</i>	<i>Female %</i>		
	% females eligible out of Total No.	% admitted out of Total no. eligible	% Females admitted out of	% Females admitted out of	% of Females admitted out of

- Admission of females to the Physical science stream has always been very low.
- A comparison of the marks in different mark ranges indicate that the

Table 12.

**Postgraduate enrolment in Universities according to
Academic stream and sex
1991/92 to 1995/96.**

Course	1991/92		1992/93		1993/94		1994/95		1995/96	
	Total Enrolment %	% of Women	Total	% of Women	Total	% of Women	Total	% of Women	Total	% Women
Arts	22.4	5.5	946	37.8	909	40.4	904	41.0	1863	40.3
Commerce & Management	0.1	0.0	211	15.6	141	19.8	274	16.0	387	20.1
Law	2.4	0.8	61	31.1	10	70.0	98	33.6	68	27.9
Education	14.6	22.2	1996	55.1	1832	50.6	1741	43.8	1744	48.8
Science	3.9	4.6	241	33.6	283	39.5	462	33.3	538	31.4
Medicine	0.1	1.8	111	46.8	69	42.0	63	49.2	86	29.0
Dental Science	0.4	0.1	04	75.0	06	66.6	06	66.6	01	100
Veterinary Science	0.3	0.2	02	-	04	-	01	-	03	33.3
Agriculture	3.1	0.1	09	66.6	11	54.5	17	52.9	16	43.7
Engineering	2.7	0.5	125	12.8	91	17.6	225	18.6	101	17.8
Architecture & Quantity Surveying	50.0	1.0	117	36.7	72	40.2	63	38.1	37	59.4
Total	100.0	49.0	3823	44.7	3428	44.5	3854	38.2	4844	40.1

Source : University Grants Commission; % calculated on UGC data.

93. There is under representation of women in technology related courses in Universities and in Technical Colleges and non-formal vocational training programmes. One of the reasons for this could well be gender role stereotypes or assumptions which is part of the socialisation process carried on in homes and in schools. Age old perceptions as to what fields are most suitable for women and what fields are not, tend to reinforce stereotypical behaviour and thereby to reproduce inequalities and impose limitations on aspirations and options available after secondary school. These gender role stereotypes or assumptions

are also seen as limiting women's options in training programmes for self employment, resulting in overcrowding in what are perceived to be appropriate and feminine occupations. These drawbacks have been identified and efforts are being made by NGO's to introduce sensitisation programmes. Non-governmental Organisations have also undertaken pioneering work in developing non-traditional vocational training programmes, functional literacy programmes with a gender perspective and gender sensitisation programmes. These are not however interventions limited by resource constraints

Table 13.
Vocational Training

Training area	1992	
	Total	Women %
Business studies	5636	57.1
Agriculture	563	18.8
Automobile Industry	2960	0.2
Construction Industry	902	3.8

Electrical/Electronic Technicians	1550	3.9
Technicians	205	25.4
Shoe Industry	122	74.6
Jewellery	406	38.9
Handicraft	2678	97.6
Food & Related Industry	644	22.7
Printing & Related Industry	575	36.9
Office work	2837	87
Textile & Garment	8363	92.6
Beauty Centre, Aquarium services, etc.	1036	87.5
English & other courses	1791	65.2
Total	34245	58.6

Table 14.
Enrolment in Technical Colleges

Course of study	1984			1994		
	Total	Women No.	%	Total	Women No.	%
Total	18,041	6,704	37.2	17,069	7,362	43.1
Diploma in Technology	817	155	19.0	104	37	35.6
Diploma in Technology				99	5	5.1

design & Manu.						
Cert. In technology	4,033	370	9.2	2,795	431	15.4
Trades/Crafts	2,289	151	6.6	3,591	69	1.9
Diploma in Agriculture	106	12	11.0	101	60	59.4

(e) Literacy

96. Male and female literacy rates were reported to be 92.5% and 87.9% respectively, in 1994. Gender disparities in literacy rates have declined since free education was introduced and in general, although males are ahead of females in literacy, young women show a higher tendency in literacy than their male colleagues. Significant differences are found only in the population over 45 years, where the number of illiterate women are more than twice the number of illiterate men for the population of this age group. The sector wise literacy rates reveal a high concentration of illiterate women in the plantation sector employing families of immigrant South Indian origin. Here women appear to be far below men in their literacy levels.

Table 15.
Age specific literacy rates

Age Group	1992			1994		
	Total	Male	Female	Total	Male	Female
10-14	92.2	91.9	92.5	90.1	92.4	87.8
15-19	93.7	93.0	94.5	95.2	94.8	95.7
20-24	92.7	91.2	94.2	94.7	94.4	95.1
25-29	89.1	90.8	88.2	91.7	92.1	91.5
30-34	90.8	90.8	90.9	91.1	91.7	90.6
25-39	88.6	91.0	86.7	91.5	92.7	90.3
40-44	90.4	93.4	87.6	91.1	93.4	88.6
45-49	85.0	92.1	77.5	89.2	93.1	85.4
50-54	79.9	90.5	69.2	86.3	92.3	80.5
55-59	75.6	85.8	64.8	82.4	90.8	74.5
60-64	71.5	82.4	61.3	78.3	88.5	68.5
65 over	61.1	77.8	44.3	76.9	88.4	65.8
All ages	86.9	90.0	83.8	74.0	85.3	63.4

Source: Department of Census & Statistics

Table 16.
Literacy Rate - Sector wise

Urban	Women	86.2	90.6	91.8
	Men	91.2	94.0	94.8
Rural	Women	77.8	84.2	

Table 17.

	Women	Men	As a % of Illiterate Men
10-14	6.8	7.6	89.5
15-19	6.1	6.1	100.2
20-24	8.4	8.7	96.6
25-29	11.2	9.2	121.2
30-34	10.4	8.4	124.6
35-39	14.7	8.9	165.0
40-44	15.6	8.0	193.8
45-49	22.7	9.5	237.4
50-54	30.9	10.3	300.4
55-59	37.6	14.9	253.3
60-64	42.2	16.0	264.0
65 & over	53.0	22.7	233.9
All ages	16.9	9.9	172.0

(a) Employment of women**Table 18.**

Year	% women of total labour force	Labour Force participation rates %		
		Total*	Male	Female
1993		49.1	65.3	33.1
1994	30.2	48.7	65.4	32.0
1995	31.7	47.9	64.4	31.7
1996	31.5	48.7	65.9	31.6
1997	32.3	48.7	65.7	32.0
1998		51.47	67.4	36.1

Source : Department of Census and Statistics

* Total % of the economically active persons out of the working age population.

101. Between 1993 – 1997 there has been no marked change in the participation rate of females. The 1998 figures show a marked increase from the period before due to the

Table 20.
Employed persons by employment status

Year	Employee				Employer		Own Account worker		Unpaid family worker	
	Public		Private		M	F	M	F	M	F
	M	F	M	F						
1994	15.9	17.7	43.4	46.5	2.9	0.9	32.0	16.1	5.0	12.2
1995	14.3	17.0	43.7	46.0	2.9	1.0	33.0	16.0	5.0	12.0
1996	14.3	17.0	43.7	46.0	2.9	1.0	33.0	16.0	5.0	12.0
1997	14.3	17.3	43.9	44.3	2.9	1.0	33.4	19.5	5.5	17.8

Source : Department of Census and Statistics

Unidentified

A	F
4.3	1.0
1.8	0.8
2.3	0.6
2.7	.87
3.3	.09

under the structural adjustment programme have led to retrenchment. However, in the absence of gender desegregated data, it has not been possible to examine the impact of these policies, on women. There is a large influx of women from low income groups entering industrial concerns locally, and migrating to West Asian countries in search of employment.

Table 24.
Unemployment Rates by Age and Sex

Age group	1990		1994		1996	
	M	F	M	F	M	F
10 - 14	6.3	16.6	24.6	16.9	NA	NA
15 - 19	23.4	38.8	45.4	44.0	35.4	44.3
20 - 24	22.5	50.5	32.2	39.4	24.6	38.5
25 - 29	10.6	28.1	15.1	24.8	11.6	20.7
30 - 34	8.8	19.8	7.0	13.2	2.2	9.1
35 - 39	2.3	10.1	3.8	7.4		
40 - 44	3.9	4.5	2.6	2.8	2.2	1.4
45 - 49	0.4	3.2	2.0	1.2		
50 - 54	1.3	10.5	1.2	1.3	0.9	1.4
55 - 59	0.1	1.1	1.3	0.4		
60 - 64	4.5	-	0.6	0.4	NA	0.3
65 & over	-	-	0.6	0.9		
All ages	9.1	23.5	11.4	17.9	8.8	16.2

Source : Department of Census and Statistics

Table 25.

Unemployment rates by age and sex (4th quarter 1999)

Sex

Age

International Conventions

108. Since 1992, Sri Lanka has ratified the following ILO Conventions:

- I. ILO Convention No. 100 - Equal Remuneration Convention, 1951 (In 1993)
- II. ILO Convention No. 103 - Maternity Protection Convention (Revised) 1952 (In 1993)
- III. ILO Convention No. 160 - Labour Statistics Convention, 1985 (In 1993)
- IV. ILO Convention No. 144 - Tripartite Consultation (International Labour Standards Convention), 1976 (In 1994)
- V. ILO Convention No. 110 - Conditions of Work (Recommended) Convention, 1990 (In 1994)

Migrant workers

workers, particularly housemaids, who account for 86% of the total female workers abroad. The Middle East countries accounted for the largest share (about 89% of the total departures), despite that salaries and wages have stagnated over a long period of time³². In 1998, 60% (105.247 out of a total of 1.58.286) of Sri Lankans who left for

employment abroad were women. Women migrant domestic workers continue to be a vulnerable sector and the need for more welfare and protective measures has been

requires the prospective foreign sponsor (Employer) or his Agent to register with the relevant Sri Lankan Diplomatic Mission. The Mission thereupon verifies the credibility of the prospective sponsor/Agent. Upon identification of the Sri Lankan embassy, the

Article 12

HEALTH CARE

128. It will be observed that the provisions of the Women's Charter assures to women equal rights in the field of health care and medical services.

State obligations to ensure access and availability to promote physical and mental health services including those for elderly and physically handicapped women.

129. In the case of government relief programmes have been implemented for the

mothers.

135. The Demographic and Health Survey of 1993, provided data on the following three standard indices that describe the nutritional status of children in the age group of 3 to 59 months -

- ii. 15.5% are acutely under nourished;
- iii. 37.7% are underweight.

136. In terms of gender differential:

	<u>Males</u>	<u>Females</u>
In terms of weight for age:	22.7%	25.1%
In terms of weight for height:	15.6%	15.4%
Children malnourished -		
In terms of weight for age	34.8%	40.9%

137. Due to the strong emphasis on the health of infants and pre-school children and also programmes such a universal child immunization and oral rehydration therapy, there

Table 29.

Age group	1963 vital statistics	1974 WFS 1975	1981 CPS 1982	1982 - 1987 DHS 1987	1988 - 1993 DHS 1993
15 - 19	0.157	0.121	0.121		
20 - 24	0.228	0.146	0.172	0.147	0.110
25 - 29	0.278	0.161	0.222	0.161	0.134
30 - 34	0.240	0.158	0.177	0.122	0.104
35 - 39	0.157	0.126	0.099	0.071	0.054
40 - 44	0.046	0.043	0.037	0.023	0.014
45 - 49	0.007	0.006	-	0.003	0.004
TFR	5.0	3.4	3.7	2.8	2.3

WFS = World Fertility Survey

CPS = Contraceptive Prevalence Survey

DHS = Demographic and Health Survey

Access to health services

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have equal rights to bank loans, mortgages, insurance schemes and other forms of credit from State and private financial institutions and from donor assisted or local credit delivery programmes.

149. Male *'heads of household'* tend to benefit from resource allocation and asset distribution among families in the case of land and financial assistance.

(b) Financial credit

150. Credit programmes have prioritised in recent years including special programmes

for low-income families, and NGO programmes specifically for women. Although gender

of these programmes

154. Despite the principle of universal application of laws and policies, urban and rural disparities in the availability of facilities and services exist in all sectors. However, the utilization by the rural population of opportunities has been significant and has, for instance, reduced sharply urban - rural disparities and gender disparities in the rural sector in social indicators.

155. In education, there is an inequitable distribution of education facilities, particularly well-equipped senior secondary school facilities. Nevertheless, gender disparities are minimal in school enrolment and in literacy levels. In fact, rural girls have a slightly higher percentage of the total enrolment in senior secondary classes than even urban girls. Rural female literacy rates in the 10 - 19 age group are slightly higher than urban and rural male

literacy rates and urban female literacy rates in this age group, pointing therefore to equal access to and utilization of educational opportunities by rural and urban girls and boys, although there appears to be a qualitative difference in the facilities provided. In the universities, too, more than half the student population (women and men) is from the rural sector. The rural Muslim and plantation labour families are a special group disadvantage

'feminine' rural occupations and there has been little diversification of skills despite the collapse of rural industries in the open market.

159. A positive development in recent years has been the successful mobilization of women in group activities by State and NGOs. Most of these groups are credit-cum-savings groups engaged in self-employment. Nevertheless, the lack of adequate access of rural women to technologies, new vocational and management skills, and market information, has prevented optimal utilization of credit for development of

160. In an effort to improve the socio-economic status of rural women, the Women's Bureau has engaged in the establishment of women's societies which focus on their mobilization around issues of common interests. There are 2,200 such organizations

In the above Table rural female unemployment rates are lower than urban female

[REDACTED]

[REDACTED]

[REDACTED]

employment rates because the estate sector is which unemployment rates are relatively

[REDACTED]

[REDACTED]

169. Registration of Births is compulsory in terms of the Births and Deaths Registration Ordinance.

170. Reference was made in Sri Lanka's second Report to non-Muslims converting to Islam for the purpose of contracting a second polygamous marriage without the dissolution of the first marriage. Such a situation was tested in the Sri Lankan courts, where a non-Muslim who had failed to obtain a dissolution of the first marriage under the

and polygamous marriage. He was charged for bigamy under the Penal Code. The Supreme Court of Sri Lanka, in appeal, confirmed a conviction of bigamy. The Supreme Court in so deciding overruled a Privy Council decision of over 30 years and clearly stated that there can be no unilateral conversion to Islam and thereby an avoidance of the