



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

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under article 18 of the
Convention on the Elimination of All Forms of Discrimination against Women**

**Combined fifth, sixth and seventh periodic reports of
States parties**

Sri Lanka*

* The present report is being issued without formal editing.



**CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

5th, 6th and 7th Combined Periodic Report Submitted under Article 18 of the Convention

SRI LANKA

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Abbreviations

| | |
|-------------|----------------------------------------------------------------------------|
| CCD | Common Core Document |
| CCHA | Co-ordinating Committee on Humanitarian Assistance |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| DHS | Demographic and Health Survey |
| G.C.E (A/L) | General Certificate of Examination of Advance Level |
| HIV/AIDS | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |
| HRCSL | Human Rights Commission of Sri Lanka |
| ICT | Information and Communication Technology |
| IDPs | Internally Displaced Persons |
| ILO | International Labour Organization |
| INGOs | International Non Governmental Organizations |
| IPO | Interim Protection Order |
| LAC | Legal Aid Commission |
| LBW | Low Birth Weight |
| MMR | Maternal Mortality Ratio |
| M/CA&NI | Ministry of Constitutional Affairs and National Integration |
| MCD&WE | Ministry of Child Development and Women's Empowerment |
| MDG | Millennium Development Goals |
| M/FEPW | Ministry of Foreign Employment Promotion and Welfare |
| MMDA | Muslim Marriages and Divorce Act |
| M/NB&EID | Ministry of Nation Building and Estate Infrastructure Development |
| MOU | Memorandum of Understanding |
| M/R&DRS | Ministry of Resettlement and Disaster Relief Services |
| NCPA | National Child Protection Authority |
| PDVA | Prevention of Domestic Violence Act |
| POs | Protection Orders |
| SAARC | South Asian Association for Regional Cooperation |
| SLAS | Sri Lanka Administrative Service |
| SLBFE | Sri Lanka Bureau of Foreign Employment |
| SLNPLM | Sri Lanka National Policy on Labour Migration |
| SLPS | Sri Lanka Planning Service |
| SLSS | Sri Lanka Scientific Service |
| SOs | Supplementary Orders |
| UGC | University Grants Commission |
| UN | United Nations |
| WFP | World Food Programme |

INTRODUCTION

1. Sri Lanka is pleased to present its 5th, 6th and 7th Reports in terms of its obligation under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Sri Lanka's 3rd and 4th Reports were considered at its Twenty Sixth session (545th and 546th meetings) held in New York, on 28th January 2002.

2. Sri Lanka's commitment to accord high priority to the observance of its obligations under CEDAW and to act in furtherance of its commitments thereunder have been pursued during the period under review. This commitment has been sustained during this period despite the State having to focus on the formidable task of maintaining national security and preserving law and order in the face of serious challenges posed by one of the most ruthless terrorist organizations of current times.

3. In preparation of this report Government of Sri Lanka held consultations with civil society, including experts on gender related issues on 1st and 21st April 2009. These consultations were convened by the Ministry of Child Development and Women's Empowerment. The consultation process provided valuable inputs in compiling this Report.

General Socio Economic factors

4. The population of Sri Lanka at midyear 2007 was 20.0 million.¹ The sex ratio (number of males per 100 females) which was in favour of men has swung and as at the last census in 2001 recorded 99.1. As at 2001, one fourth of the population was in their childhood years with the number of boys marginally exceeding the number of girls. Two thirds of the population is in the working age group with women representation slightly higher. The elderly constitute 7 %, accounted by over one million people with more women than men reported among senior citizens.²

5. The situation of women has improved remarkably as is demonstrated by higher levels of attainment in relation to education, health and economic empowerment all of which have been made possible due to increased sensitivity to women's issues and a firm Government policy that seeks to empower women and address their grievances. Attitudinal changes that favour the position of women in society have been possible largely due to high levels of educational attainment and women being thereby recognized as equal partners and valuable contributors to the development process.

6. Sri Lanka has integrated the Millennium Development Goals (MDG's) into the national development agenda and is on track in reaching most of the indicators while some have been already achieved at the national level. Among the notable achievements are those relating to equitable primary education, child mortality and maternal mortality, access to safe drinking water and literacy.³ It is significant that there is no gender disparity in these achievements. It is noteworthy that a majority of the Goals have a direct impact on the situation relating to women and are being seriously pursued through State action.

¹ Central Bank of Sri Lanka Annual Report 2007, p.87

² Department of Census and Statistics "*The Sri Lankan Woman – partner in progress (2007)*"

³ Millennium Development Goals in Sri Lanka, a statistical review : 2006 – Department of Census and Statistics

7. As a sovereign State committed to democracy, Sri Lanka continues to face the challenges posed by one of the most brutal terrorist organizations in the world today. The socio-economic costs of terrorism are multi-dimensional and enormous. While the damage and destruction to physical and social infrastructure have been serious indeed, sadly the human cost resulting from death and displacement of persons have also posed unprecedented challenges to the Government. The State invested in an ambitious development programme in affected areas targeting infrastructure and livelihood development while also dealing with the serious issue of displaced persons. Naturally, in this situation women have been affected. The State machinery to handle these concerns has been strengthened.

PART 1

RESPONSES TO CONCLUDING OBSERVATIONS⁴ OF THE COMMITTEE CONSEQUENT TO THE CONSIDERATION OF SRI LANKA'S THIRD AND FOURTH PERIODIC REPORTS ON JANUARY 28th, 2002

Concluding Observation [Paragraph 275]⁵ - *Review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution. Take in to account, where appropriate, suggestions and recommendations from bodies such as the Muslim personal law reforms committee set up by the Ministry of Muslim Religious and Cultural Affairs. The Committee also encourages the State party to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.*

Response –

Discriminatory legislation

8. The absence of opportunity for judicial review of legislation pre-dating the Constitution had not acted as a bar against actually removing discriminatory provisions from the legal regime through policy decisions by the Executive and corresponding legislative reform by Parliament, as is evidenced by the following important reforms that have been effected.

9. The enactment of the Citizenship (Amendment) Act (see paragraph 75 under Article 9), and the decision of the Government to amend the Land Development Ordinance⁶ to, *inter-alia*, remove provisions discriminatory of women demonstrate the commitment of the State to remove discriminatory legislation even without a pronouncement from the Court.

⁴ Concluding observations made by the Committee consequent to considering Sri Lanka's 3rd & 4th reports at its 26th session (545th and 546th meetings) in New York on 28th January 2002.

⁵ All references to paragraphs are to paragraph numbers in the excerpt from Supplement No. 38 (A/57/38) of UN documents

⁶ As at February 2009, the Land Development Ordinance (Amendment) Bill had been approved by Cabinet, presented to Parliament for enactment.

Muslim personal law

10. No changes have been effected in respect of Muslim personal laws. Considering the religious sensitivities of the Muslim community and considering that the applicable laws are deeply rooted in the beliefs of the community, any State intervention to reform the law will need the approval of the community. On a positive note, although there is no minimum age of marriage recognized by statute under the Muslim personal law, instances of child marriages among the community are not known to be frequent in current times. Between 1996 and 2003 there was a steady decline in the number of Muslim females under 16 years who contracted marriages.

Table 1

Muslim marriages where the girl was under 16 years

| | Total no. of Muslim marriages | No. of Muslim marriages where the girl was < 16 years | |
|-------------|-------------------------------|-------------------------------------------------------|-------------------------------------|
| | | Number of marriages | As a % of the total no of marriages |
| 1996 | 15,313 | 109 | 0.71 |
| 1997 | 14,998 | 106 | 0.71 |
| 1998 | 16,800 | 131 | 0.78 |
| 1999 | 16,576 | 121 | 0.73 |
| 2000 | 17,754 | 126 | 0.71 |
| 2001 | 17,672 | 78 | 0.44 |
| 2002 | 17,776 | 94 | 0.53 |
| 2003 | 17,593 | 80 | 0.45 |

Source: Registrar General's Department

11. The main reason for this trend is that large numbers of Muslim girls are known to pursue higher education and seek employment thereafter. Hence, although unsupported by law, there is no serious issue of under-age marriages actually taking place amongst the Muslim community. The trend supports the belief that there will be a further decrease in marriages of girls of this age group. Meanwhile, Quazi judges, Muslim lawyers, Muslim civil society groups and concerned individuals (men and women) have come together in sensitizing the Muslim community through an intensive process of dialogue to amend the current Muslim Marriages and Divorce Act (MMDA) legislation to prevent early marriages of girls below age of 16. Under these circumstances, it is most appropriate that the amendment to the law comes from the Muslim community itself.

Concluding Observation [Paragraph 275] – *Ensure that constitutional rights are applicable to the activities of non-state actors and the private sector.*

Response –

12. This comment is understood as referring to the constitutional provisions relating to enforcement of fundamental rights enshrined in the Constitution. Although infringement of such rights by non-state actors can not be accessed through the Supreme Court, using the special procedure setout in the Constitution (i.e. the constitutional right to seek redress via the Supreme Court), there is no bar to seek redress through other Courts.

Concluding Observation [Paragraph 277] - *Expedite the establishment of the National Commission on Women, strengthen the gender focal points in government ministries, ensure sufficient resources for the implementation of the National Plan of Action, and strengthen the implementation of the Women's Charter, including through giving legal force to its provisions where appropriate to give effect to the principles of the Convention.*

Response -

13. These matters are accorded the highest priority by the Ministry of Child Development and Women's Empowerment. A Bill for the establishment of a National Commission of Women is currently being finalized. The policy declarations in the Women's Charter are in essence State obligations under CEDAW and are being pursued as such. It is usual for State policy to be contained in a policy document rather than in legislation. The commitment of the State to honour the obligations under the Women's Charter is not diminished thereby. There are also many provisions in the Women's Charter of law that recognize certain principles of the Convention and provide for enforcement. Gender Focal Points in ministries are inactive at present and it MCD & WE has identify it as priority activity to revitalize. In this regard, the relevant Ministry would be requested by the MCD&WE to nominate Additional Secretaries as Gender Focal Points. Further MCD&WE has accepted that measures should be taken early to strengthen Women's and Children's Desks in the Police.

Concluding Observation [Paragraph 279] - *Take all necessary measures to increase the representation of women in politics and public life at the local, provincial and national levels, including through the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.*

Response –

14. Women continue to enjoy rights equal with men in political and public life. However, the number of women participating in active leadership roles in the political arena continues to be minimal. Although a larger number of women have assumed supportive roles, the number of women standing for election to, and being elected to, National, Provincial and Local Government bodies indicates reluctance on the part of women to engage in active political work. Women are poorly represented in these institutions. Women representation in Parliament has always been low (less than 10%). Although an attempt has been made to reserve a mandatory quota in the nomination list exclusively for women and political parties have been advised to consider this principle, the environment has certainly not been conducive to creation of a sense of confidence amongst women

that it is an area that they could engage in. The highest number of women contesting at a Parliamentary election was seen at the 2004 General elections where, out of 6,060 candidates, 375 (6.2 %) were women. However, of this number only 13 were elected to a Parliament of 225 members. The figures at Provincial level are similar – in the 2004 Provincial Council elections in 7 Provinces, 373 out of 4,863 candidates (7.7%) were women and 19 of these (5.0%) were elected to Councils which had a total of 380 seats in the 7 Councils. In 2006, at elections to Local Authorities, the successful women candidates amounted to a mere 1.9% of the total elected. It is noteworthy to mention that Ms. Rosy Senanayake has been appointed as the opposition leader in the Western Province Council in the election held recently, winning the highest no of preferential votes from among the opposition candidates.

Table 2

Representation of women in political office

| Category | Year | Total No. | Women | % of women |
|---------------------------------|------|-----------|-------|------------|
| Parliamentarians | 2007 | | | |
| • Members of Parliament | | 225 | 13 | 5.8 |
| • Cabinet | | 52 | 03 | 5.8 |
| Provincial Council | | | | |
| • Ministers | 2006 | 35 | 0 | 0.0 |
| • Members | 2004 | 380 | 19 | 5.0 |
| Members of Local Govt. Councils | 2006 | | | |
| • Municipal Councils | | 330 | 10 | 3.0 |
| • Urban Councils | | 379 | 13 | 3.4 |
| • Pradeshiya Sabhas | | 3243 | 51 | 1.6 |

Source: Department of Census and Statistics

15. However minimal the number of women elected representatives may be, women's participation in the formulation of government policy, holding public office and performing public functions at all levels of Government is on the increase. Women are represented at the senior level in the administrative structure as Secretaries to Ministries (8 out of 55 as at April 2008), as Heads of Diplomatic Missions (increase from 2.9% in 1992 to 11.3% in 2006) and in the judiciary 3 of 11 Judges on the apex court, the Supreme Court of Sri Lanka). Women in decision making positions has increased significantly – in the Sri Lanka Administrative Service (SLAS) from 17.1% in 1993 to 35.4% in 2007, in the Sri Lanka Scientific Service (SLSS) from 18.9% in 1993 to 37.5% in 2006, in the Sri Lanka Planning Service (SLPS) from 28.8% in 1993 to 29.2% in 2006 and in the Sri Lanka Foreign Service (SLFS) from 29.7% in 2004 to 33.1% in 2009. The appointment of the first ever woman Secretary General of Parliament and a woman as a Governor of a Province took place during this period. With a strong gender neutral recruitment policy backed by Constitutional guarantees of equality, an increasing number of women are entering all sectors of Government cadres. With time,

they receive due promotions and make an increasingly prominent presence in the higher echelons of the several Government services.

16. It appears from the above that when it comes to professional services, women participation is increasing, but it is purely based on merit, not by quotas for gender; meaning that it is out of choice. On the other hand, politics does not seem to be a preferred choice by majority of women.

Concluding Observation [Paragraph 281] - *Take all necessary measures to increase the representation of women in engineering and technology – related courses in tertiary education.*

Response

17. Under-representation in engineering and technology courses has seen little change over three decades and it is unlikely that changes can be induced through external interventions since students have the freedom of choice to select preferred disciplines and based on merit. The selection preference does not appear to be limited to Sri Lanka or the region with engineering courses at University level being predominantly the choice of males, universally. Please see further under “Higher Education” paragraphs 86 – 92.

Concluding Observation [Paragraph 283] - *Reintroduce legislation to permit termination of pregnancy in cases of rape, incest and congenital abnormality of the fetus.*

Response -

18. The question of reintroduction of legislature per say does not arise as there was no such legislation earlier. However, the Penal Code has provisions for termination of pregnancy if it is in good faith to save the life of the woman. Meanwhile, series of discussions are taking place as how best to proceed with this issue which has religious sensitivities focusing on the right to life. Sri Lanka believes that the issue needs to be handled with sensitivity and without provoking adverse reactions which may undermine the efforts. Therefore, the MCD&WE and the National Commission on Women will continue to pursue a broad dialogue including with civil society, pressure groups/activists on this issue.

(Also referred to in paragraph 130).

Concluding Observation [Paragraph 285] - *Ensure the full implementation of all legal and other measures relating to violence against women, to monitor the impact of those measures and to provide women victims of violence with accessible and effective means of redress and protection. In the light of its general recommendation 19, enact legislation on domestic violence as soon as possible. Devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex and ethnic group.*

Response -

19. The Prevention of Domestic Violence Act, No. 34 of 2005 (PDVA) was enacted in 2005. Please see under Articles 2 and 3 of this Report, for a comprehensive explanation of the features of the PDVA.

Concluding Observation [Paragraph 285] - *Consider recognizing marital rape in all circumstances as a crime.*

Response

20. This issue is on the priority agenda of the MCD&WE and the Ministry would take it up with the Ministry of Justice soon in order to initiate process for legislation on this matter, Although the act of sexual intercourse without consent of the wife is, by itself not a crime under the existing law, where such an act involves violence to such a degree that the violence amounts to a crime, the act of violence is punishable under the Penal Code. In such an event relief can also be sought under the PDVA,

Concluding Observation [Paragraph 285] - *Provide comprehensive training to the judiciary, police, medical personnel and other relevant groups on all forms of violence against women.*

Response –

21. This is being done through very effective training. The Sri Lanka Judges' Institute has conducted training programmes for Judges on abuse of women and children with emphasis on the implementation of the PDVA. It is reported that this training which is for a multi disciplinary group including Law enforcement officers, Prosecutors, and Judicial Medical Officers, has been effective. The Police Department has conducted a series of training and awareness programmes to sensitize Police Officers regarding issues relating to combating violence against women and child abuse.

Concluding Observation [Paragraph 287] - *Monitor strictly the behavior of the police and the security forces, to ensure that all perpetrators are brought to justice and to take all necessary measures to prevent acts of violence against all women.*

Response –

22. A special directive was issued by the President to the Heads of the Armed Forces and the Police on 2nd June 2006 for the purpose of enabling the Human Rights Commission of Sri Lanka (HRCSL) to exercise and perform its powers, functions and duties and also for the purpose of ensuring the fundamental rights of persons arrested or detained are respected and that such persons are treated humanely. This directive sets out norms that must be followed by the Armed Forces and the Police. The directive, *inter-alia*, requires that when a child under 18 years or a woman is arrested or detained, a person of their choice should be permitted to accompany such child or woman to the place of questioning and should, as far as is possible, be placed in the custody of a Women's Unit of the Armed Forces or the Police Force or in the custody of another Woman military or Police officer. This,

being a directive that has been issued by the Commander of the Armed Forces who is also the President of the country, emphasizes the seriousness of securing compliance therewith.

Concluding Observation [Paragraph 289] - *Strengthen measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including awareness-raising and educational campaigns directed at both women and men of the general public and at the media. Undertake an assessment of the impact of its measures in order to identify shortcomings and to adjust and improve these measures accordingly.*

Response -

23. Stereotypical attitudes are fast being eliminated in certain areas. More details regarding the changes that have occurred are set out under “Education – Technical and vocational education” (paragraphs 95-97) and “Employment.”

Concluding Observation [Paragraph 291] - *Take all necessary measures to increase the economic participation of women and ensure that women have equal access to the labour market and equal opportunities to, and at, work. Provide adequate protection and ensure the enforcement of labour laws for the benefit of all women workers in all areas. Sex-disaggregated data on income distribution and wages be collected and include in the next report and that the State party take measures to ensure that a gender perspective is incorporated into all labour policies.*

Response -

24. See under Article 11 “Employment” paragraphs 98 to 114

Concluding Observation [Paragraph 293] - *Ensure the full and effective enforcement of the measures taken to protect women migrant workers, including preventing the activities of illegal employment agencies and ensuring that insurance covers the disabled and jobless after they return to Sri Lanka.*

Response -

25. Many initiatives introduced to regulate the recruiting regime and safeguard the interests of women migrant workers to which reference was made in Sri Lanka’s previous Report, continue to be pursued and improved upon, where necessary. In 2007, a special Ministry at Cabinet level was established with a special mandate in respect of the subject of migrant workers – the Ministry of Foreign Employment Promotion and Welfare (M/FEPW). The establishment of a subject specific Ministry confirms the commitment of the State to improve all aspects of the labour migration regime. The Sri Lanka Bureau of Foreign Employment (SLBFE) now functions under that Ministry. Sri Lanka has, (in addition to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families which was ratified in 1995), now ratified all core Conventions of the International Labour Organization (ILO), and also endorsed the ILO Multilateral Framework on Labour Migration.

26. A significant development in the policy sphere is the adoption of The Sri Lanka National Policy on Labour Migration (SLNPLM) which has an important focus on aspects that concern women migrant workers including recruitment and protection. The policy document was developed by the M/FEPW and articulates State commitment to ensuring a labour migration process that adheres to principles of good governance and seeks to uphold rights and responsibilities enshrined in international instruments to advance opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, dignity, security and equity. The Minister in charge of the subject explains the rationale for the policy document in the following manner –

“The elaboration of the national labour migration policy is topical and timely for several reasons. There have been important economic, social and political developments since the mid-1980s when the basic institutional, legal and regulatory framework for overseas employment was developed. These relate to impact of globalization trends on the economy, rapid growth of migrant numbers with associated vulnerability, protection and welfare issues, increasing feminization of migration, social implications of migration and Sri Lanka's commitment to international instruments pertaining to migrant workers.”

27. The SLNPLM has three goals, i.e. (a) to develop a long term vision for the role of labour migration; (b) to enhance the benefits of labour migration on the economy, society, the migrant workers and their families, minimizing its impacts; (c) to work towards the fulfillment and protection of all human and labour rights of migrant workers.

28. The SLNPLM declares that –

- the State shall ensure full protection for all migrant workers through the institution of policies, laws and regulations for overseas employment and establish a high standard
- of protection and promotion of the welfare of migrant workers in keeping with international norms ;
- the State shall ensure that no policy, law or regulation will compromise or violate the dignity and fundamental rights and freedoms of Sri Lankan citizens and specifically migrant workers ;
- the State shall adopt measures to prevent all forms of irregular migration, trafficking in persons and smuggling of human beings ;
- the State shall strive to promote processes for migration in conditions of dignity, security and equity with equal opportunities for all while creating local employment opportunities and promoting the equitable distribution of wealth and benefits of development.
- the State shall afford full protection to labour, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely economic, legal, welfare and other services and facilities to migrant workers.
- The State affirms the fundamental equality of women and men before the law and the significant role of women in nation-building.

- Recognizing the contribution of Sri Lankan women migrant workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programmes affecting migrant workers and the composition of bodies tasked for the welfare and empowerment of migrant workers. The policies and programmes will aim towards the empowerment of migrant workers in exercising the right to informed decision-making and the full enjoyment of all rights, privileges and benefits of migration.
- The State recognizes that a key element in protection to all migrant workers is the possession of skills. Thus the State shall set in place processes for providing skills to workers and promoting the migration of skilled labour, while paying attention to the need for critical skills at home, and promoting circulation of skills.

29. The SLNPLM re-iterates several undertakings with regard to protection -

- The State, having the primary responsibility for the protection of migrant workers and their families, undertakes to protect and empower migrant workers and their families in all three stages of the migration process. These stages are pre-departure (from decision-making to training to preparation for migration), in-service (workers in employment and families left behind) and return and reintegration (with consideration for reintegration, acceptance and appreciation).
- The State, in particular, will undertake to set minimum requirements for the profile of migrant workers to ensure their welfare and protection, develop an environment within which potential migrant workers can make informed and considered decisions to migrate for work, further minimize irregular and abusive recruitment processes, and offer significant measures to prepare and train migrant workers psychologically and professionally. This includes psychological and public health advice and support. The Diplomatic Missions in receiving or host countries shall place as priority their duty to protect migrant workers and will ensure safe repatriation for all workers in need. Ensuring that return and reintegration takes place with full protection of rights and freedoms is paramount. The State also recognises its responsibility towards protection and welfare of children of migrant workers.
- *In the pre-departure stage*, the State will establish minimum requirements to qualify for labour migration pertaining to age, literacy and suitability for selected work
- categories. Recognizing that migration for employment is a voluntary decision and a right enjoyed by all citizens, the State will undertake measures to assist potential men and women migrants in their decision-making process to migrate for employment and will prevent dissemination of misleading information. Measures will be put in place to prevent exploitation and abuse in recruitment of migrant workers, upgrade training courses to improve competence and capacity, assist in preparation for travel and employment overseas, and conduct all necessary medical tests prior to departure. Migrant workers will be able to avail themselves of pre-departure counselling and psychological preparation for working and living overseas.
- *While in-service*, the State will provide mechanisms to protect migrant workers from exploitation and abuse, and will ensure that Sri Lankan Diplomatic Missions in host countries have adequate systems and services to assist all migrant workers in each country and work towards their protection and welfare in a proactive manner. A plan for provision of benefits

and services for migrant workers, including insurance, pension and welfare, will be developed by the State and made available for all migrant workers and families. Repatriation policy will be handled through the placement of contractual responsibility and liability on recruitment agencies. Finally, the State will formulate a policy framework to protect the children of migrant workers through registration, monitoring and special benefits.

- *Upon return*, the State will design and implement a mechanism to facilitate return and reintegration services for migrant workers. This will include due recognition of migrant workers and enable them to enjoy priority access to services, special services on arrival at the airport, guidance and skills for reintegration, tax concessions and special benefits to children of migrant workers. The State recognizes civil society organizations and trade unions to be another effective means by which migrant workers can avail themselves of an environment for successful reintegration.
- *Recruitment* - The SLNPM acknowledges that some of the key issues that need to be addressed to ensure good governance within the regime are - the Malpractices by private recruitment agencies and the gaps in the regulatory framework for local agents of recruiting agencies (known as sub-agents) which lead to exploitative and abusive situations for migrant workers. This is highlighted by the State, social partners and civil society organizations. The State acknowledges that it has the final responsibility in all recruitment processes, derived from its commitment to protecting workers within a secure and equitable labour migration process. The State licenses private recruitment agencies to recruit on its behalf through legislative and regulatory provisions for private recruitment agencies. Despite diverse schemes set in place by the SLBFE, the inability to hold unlicensed sub-agents accountable has led to the continuation of abusive and exploitative practices. The lack of a proper monitoring mechanism for licensed agencies is a major challenge in minimizing malpractices. The State has pledged to regulate the labour migration process and manage it within a framework of governance and accountability and to regulate the recruitment industry through administrative and policies and procedures, licensing schemes, codes of conduct and monitoring and the imposition of penal provisions on offenders. Guidelines will be issued to govern hitherto unlicensed sub-agents.
- *A number of exploitative* practices take place in receiving countries, including nonpayment of salaries and wages. In the absence of agreements with labour receiving countries, and inherent difficulties of enforcement in countries, remedial action against these practices becomes more difficult. There is a need for an overarching mechanism for complaints at all levels of the migration process that is
- mandated to receive, investigate and refer complaints arising out of violations of human and labour rights of migrant workers.

30. An Action Plan has been drawn up to give effect to the SLNPML. This provides adequate focus on issues relating to women migrant workers.

31. As an immediate response to concerns regarding the integrity of the recruitment process as practiced by employment agents, and which results in women migrant workers becoming victims of unfavourable service conditions, the Ministry of Child Development and Women's Empowerment

(MCD&WE) in 2008, established a network headed by that Ministry and including representation from the MFEPW and several employment agents. This group meets monthly to discuss issues affecting migrant women workers and ways and means of eliminating corrupt practices of Agents that lead to women being made vulnerable.

Concluding Observation [Paragraph 295] - *Recognize rural women's contributions to the economy by collecting sex- disaggregated data on rural production and ensure the incorporation of a gender perspective in all development programmes, with special attention to minority rural women.*

Response -

32. The progress and new initiatives relating to Rural Women are discussed under Article 14 "Rural Women" Paragraphs 140 - 147

Concluding Observation [Paragraph 297] - *Develop policies and programmes to improve the situation of women headed households and elderly women, including the recognition of women-headed households as equal recipients and beneficiaries of development programmes.*

Response –

Women headed households

33. As at 2006/07 the number of female headed households stood at 23.4%, with the highest (25%) in the urban sector. Of these, 81% are over 40 years of age and a majority (64.6%) is not in employment. State welfare programmes such as the *Samurdhi* programme, provide assistance to poor families without gender bias. None of the development programmes discriminate against women heads of households.

34. The Ministry of Social Services and Social Welfare implements the "Single Parent Families Rehabilitation Project" through which small scale income generating enterprises have been introduced and financial assistance has been given to commence small scale self-employment projects. Training in sewing has been provided for women in rural areas and 77 such sewing centres have been established thus far.

Table 3**Heads of households and sex by Sector – 2006/07**

| Sector | Heads of households and sex | | | | | |
|-------------------|-----------------------------|-----------|-----------|-------|------|--------|
| | Total | Male | Female | Total | Male | Female |
| | Thousands | Thousands | Thousands | % | % | % |
| All island | 4524 | 3467 | 1057 | 100 | 76.6 | 23.4 |
| Urban | 631 | 470 | 161 | 100 | 74.5 | 25.5 |
| Rural | 3657 | 2815 | 842 | 100 | 77 | 23 |
| Estate | 236 | 182 | 54 | 100 | 77.1 | 22.9 |

Note: Excluding the Northern province and the Trincomalee district in the Eastern province. Source : Department of Census and Statistics, Household and Income Expenditure Survey, 2006/2007

Table 4**Female heads of households and current activity by Sector – 2006/07**

| Sector | Female heads of households and current activity | | | | | |
|-------------------|-------------------------------------------------|----------|-------------|---------|----------------|---------------------------|
| | Total | Employed | Un-employed | Student | Household work | Unable or too old to work |
| | % | % | % | % | % | % |
| All island | 100 | 35.2 | 2 | 0.2 | 40.5 | 21.9 |
| Urban | 100 | 29.6 | 1.4 | 0.1 | 47.3 | 21.3 |
| Rural | 100 | 35.2 | 2.2 | 0.2 | 40.7 | 21.7 |
| Estate | 100 | 52.4 | 2.1 | 1.2 | 18 | 26.2 |

Source : Note: Excluding the Northern province and the Trincomalee district in the Eastern province Department of Census and Statistics, Household and Income Expenditure Survey, 2006/2007

Table 5**Female heads of households and level of education by Sector – 2006/07**

| Sector | Female heads of households and level of education | | | | | | |
|-------------------|---------------------------------------------------|--------------|---------------|---------------|-------------------|-------------------|------------------|
| | Total | No schooling | Up to grade 5 | Grade 6 to 10 | Passed G.C.E. O/L | Passed G.C.E. A/L | Degree and above |
| | % | % | % | % | % | % | % |
| All island | 100 | 12.5 | 29.5 | 37.2 | 13.3 | 6.3 | 1.2 |
| Urban | 100 | 7 | 26.4 | 37 | 16.4 | 9.5 | 3.6 |
| Rural | 100 | 11.5 | 29.6 | 38.7 | 13.5 | 6 | 0.8 |
| Estate | 100 | 44.4 | 38.5 | 14 | 1.2 | 1.6 | 0.3 |

Note: Excluding the Northern province and the Trincomalee district in the Eastern province. Source : Department of Census and Statistics, Household and Income Expenditure Survey, 2006/2007

Table 6**Female heads of households and age group (years) by Sector – 2006/07**

| Sector | Female heads of households and age group (years) | | | | | |
|-------------------|--------------------------------------------------|---------------|----------------|----------------|----------------|--------------------|
| | Total | 5 to 14 years | 15 to 24 years | 25 to 39 years | 40 to 59 years | 60 years and above |
| | % | % | % | % | % | % |
| All island | 100 | 0.1 | 1.6 | 17 | 43.5 | 37.9 |
| Urban | 100 | - | 1 | 15.1 | 47.2 | 36.8 |
| Rural | 100 | 0.1 | 1.6 | 17.6 | 42 | 38.7 |
| Estate | 100 | 0.6 | 2.8 | 13.8 | 55.5 | 27.3 |

Note: Excluding the Northern province and the Trincomalee district in the Eastern province. Source : Department of Census and Statistics, Household and Income Expenditure Survey, 2006/2007

Elders

35. There is a rapid increase in the population of elders in Sri Lanka. Many initiatives have been taken for the benefit of elders and the differently-abled. The **Protection of Elders Act, No. 9 of 2000** provides for the establishment of the National Council for Elders and of a National Secretariat to assist the Council in the discharge of its functions. An elder is defined as a person over 60 years.

36. The principal function of the Council as set out in the Act is to promote and protect the welfare and the rights of elders and to assist them to live with self respect, independence and dignity. The mission of the National Secretariat for Elders is to encourage the participation of older persons in social development and to ensure their independence, care, participation, self fulfillment and dignity and to protect the rights of elders through awareness programmes.

37. The Act imposes a statutory duty on children to care for and look into the needs of parents [section 15(1)], requires that Elders Homes be registered [section 16] and provides for the appointment of Boards to which elders who are unable to maintain themselves may submit an application for an order that one or more of the children makes a payment to such an elder [section 25]. Meanwhile the Government has approved a National Charter for Elders and a National Policy for Elders in March 2006. A National Plan of Action based on the Policy is currently being formulated.

38. The subject mainly comes under the purview of the Ministry of Social Services and Welfare. However, the MCD&WE as well as the Ministry of Resettlement and Disaster Relief Services (M/R&DRS) have specific programmes targeting different areas. Together, these three Ministries conduct the following programmes and activities for the benefit of elders -

- a. Eye Care for Elders – Medical clinics are conducted for elders and spectacles are given free to needy elders ;
- b. Resource Centres for Elderly Women - These Centres established and operated by the MCD&WE. At these Centres elders are provided with facilities to spend their time usefully and to engage in economic activities to improve their mental and physical health aspects. The Ministry expects to establish 360 Resource Centres for elderly women in the rural and estate sector within 05 years, depending on the availability of funds ;
- c. Care Givers for Elders Programme - Training is provided to persons to look after elders and the services of the trained care giver is made available to those who seek their services ;
- d. Elders Identity Card Programme – Elders are provided with special identity cards which entitle them to special benefits;
- e. Elders sponsorship scheme – Sponsors contribute towards the maintenance costs of needy elders ;
- f. Establishment of Village Level Committees – A Committee of village elders established with the support of the Secretariat and provides recreational and welfare programmes for elders. Women elders are particularly encouraged to function as office bearers of these Committees which are set up by the MCD&WE. Elders Right Promotion Assistants provide health, psycho-social and counselling facilities in these Committees as well as in Day Centres. In districts, where the services of Elders Rights Promotion Assistants are not available, Social Development Assistants provide their services on the above activities;

- g. Elders Psychology and Counselling Workshop – The Ministry of Social Services and Social Welfare provides training in elders rights, psychology and counselling for Elders Rights Assistants and Social Development Assistants. Already 32 have been provided with training;
- h. Pension Scheme for Elders – A pension scheme for elders has commenced where elders over 70 years who do not receive any assistance and who do not have any other source of care are granted a monthly pension. This scheme was commenced with an initial capital sum given by the Government;
- i. Day Centres – These Centres are established and operated by Ministry of Disaster Relief and Resettlement. A grant of Rs. 25,000/= is given for each Day Centre through the Divisional Secretary. In 2008, 24 new Day Centres were provided funds while 14 income generating projects were provided with funding;
- j. Financial Empowerment Programme for Women - Women elders are given financial assistance to commence self employment ventures;
- k. Healthy Ageing Awareness Programme – Awareness programmes are conducted to create awareness with regard to health issues of elders;

Concluding Observation [Paragraph 299]_- *Allocate more resources to meet the needs of internally displaced women and children and ensure their privacy, access to health facilities, security and protection from violence.*

Response -

39. Sri Lanka's efforts in dealing with issues of Internally Displaced Persons (IDPs) have been referred to in its Common Core Document (CCD). There are two Cabinet level Ministries that oversee the different aspects of the needs of IDPs. These are the M/R&DRS and the Ministry of Nation Building and Estate Infrastructure Development (M/NB&EID).

40. The M/NB&EID conducts the following programmes for IDPs
Distribution of essential food items

- a. The Mother and Child Nutrition programme – which provides nutritional food support to 270,000 pregnant and lactating mothers and children below 5 years.
- b. Food for Education programme – which provides a mid morning meal on all school days to students from Grades 1–9 in 1,945 schools in all conflict affected districts ;
- c. Food for work programme – where participants are given a mixed food basket. 60% of the beneficiaries of this programme in 2007 and 2008 have been women ;
- d. Vulnerable Group Feeding Programme - Women are also beneficiaries of this programme.

41. The programmes referred to at paragraphs (a) to (d) above are conducted in collaboration with the World Food Programme (WFP).

42. The M/R&DRS co-ordinates relief and humanitarian assistance given by the several United Nations (UN) and International Non-Governmental Organizations (INGOs) through a Sub-Committee on IDP Welfare and Resettlement established under the Co-ordinating Committee on Humanitarian

Assistance (CCHA). The needs of the vulnerable groups such as women and children receive the focus of the CCHA. Further, through a revolving Fund, monies have been disbursed mostly for displaced women through Rural Development Societies for income generating activities.

43. Vocational Training programmes have been conducted for displaced women and those trained in sewing and who have qualified, have been given sewing machines to enable them to engage in self employment initiatives.

Concluding Observation [Paragraph 299] - *Ensure full and equal participation of women in the process of conflict resolution and peace-building.*

Response -

44. Women are included in such initiatives at the option of the political parties. The Ministry of Constitutional Affairs and National Integration (M/CA&NI) has advised all institutions that conduct programmes aimed at national integration to maintain a gender balance. At Peace Camps based on the theme of “*National Peace through Youth Harmony*” M/CA&NI ensures that there is 50% participation of women. Further, in respect of development programmes conducted with the people’s participation, including cultural programmes, maximum participation of women is encouraged. The Peace Building Project of the M/CA&NI ensures a gender balance and further information and knowledge on Constitutional and Human Rights is provided to women with particular emphasis on women’s rights, conflict resolution and peace building.

Concluding Observation [Paragraph 300] - *Sign and ratify the Optional Protocol to the Convention and deposit, as soon as possible, its instrument of acceptance of the amendment of article 20, paragraph 1, of the Convention on the meeting time of the Committee.*

Response –

45. Sri Lanka signed the CEDAW Optional Protocol on 6th October 1999, ratified it on 15th October 2002.

PART II

PROGRESS SINCE LAST PERIODIC REPORT

Articles 2 and 3 - CONSTITUTIONAL AND OTHER GUARANTEES AND ENFORCEMENT MECHANISMS

46. There has been no change in the Constitutional provisions and other safeguards provided and reported upon in the previous report.

47. In furtherance of State commitment to ensure meaningful equality, the legal regime was strengthened to deal with issues of “discrimination” as defined in Article 1 of the Convention.

48. As was stated in the previous Report of Sri Lanka, redress in relation to the infringement or imminent infringement of fundamental rights recognized in the Constitution via the special procedure set out in the Constitution by accessing the Supreme Court, is available only against Executive and Administrative action. Although this limitation in no way amounts to discrimination against women (since it is equally applicable irrespective of gender), it is argued that there are no remedies against acts of non State actors. However, the Supreme Court has already recognized that the State is liable for offences committed due to its inaction even if the perpetrator is a private actor. This determination leaves it open for argument that relief can be sought within the fundamental rights regime in respect of criminal offences committed against a woman by private actors, if State action or inaction is established. Such an argument has yet to be tested before the Supreme Court.

49. The following are notable supportive legal reforms in the criminal field -

a. **The Penal Code (Amendment) Act, No. 16 of 2006** introduced more reforms to the criminal law regime to respond to the needs of women and children more effectively.

Among the reforms introduced were the following –

- Provision to impose certain reporting obligations on those who become aware of incidents of child abuse ;
- Imposing obligations on those who provide services by means of a computer, as for eg. in cyber cafes and in libraries. (Internet Service Providers would not fall into this category) to take all such steps as are necessary to ensure that the facility is not used for sexual abuse of children and to report to the Police if they know that such activities are taking place.
- Imposing obligations on those who are in charge of premises to report if they become aware that child abuse activities, (not necessarily sexual abuse activities,) are going on. Failure to report is a punishable offence.
- Introduction of a new offence of soliciting of children for sexual abuse.
- In response to Sri Lanka's obligations under several UN and ILO Conventions, new offences were introduced to criminalize debt bondage, forced or compulsory labour, slavery and recruiting children for use in armed conflict.
- Trafficking – please see under Article 6 below.

b. **The Prevention of Domestic Violence Act, No. 34 of 2005** was enacted in October 2005. This Act provides for the issue of Protection Orders (POs) where acts of domestic violence has been committed or is envisaged. It does not intend to alter the criminal regime, but rather, supplements the remedies available by providing for a civil process aimed at the protection of the victim. The principle features of the PDVA are as follows;

The Prevention of Domestic Violence Act, No. 34 of 2005 *The principle of protection*

50. The basic principle of the Act is to afford 'protection to victims of domestic violence through the issue of POs by court. It provides for a civil process which enables a possible victim to secure speedy court intervention to restrain an aggressor, and prevent an act of violence within the home environment and to ensure the safety of the victim. It is a remedy which is independent of the criminal process which provides for the prosecution of an offender for a crime already committed.

Scope of the Act

51. An act of domestic violence is defined in the widest terms to include physical abuse and emotional abuse. Such an act of abuse becomes an act of domestic violence if it is committed within the environment of the home or even outside, by a 'relevant person' defined as a father/mother, grand parent, step father/mother, aunt, uncle, son/ daughter, grandson/daughter, step son/daughter, niece/nephew, brother/sister or cousin of the victim or of the spouse, former spouse or cohabiting partner of the victim. The categories of aggressors against whose actions relief can be sought are thus very wide. Emotional abuse is defined in the Act as a pattern of cruel, inhuman, degrading or humiliating conduct of a serious nature.

52. The acts of physical abuse which amount to domestic violence are those which amount to offences under the Penal Code. In fact, this includes all 69 offences against the human body recognized as offences in Chapter XVI of the Penal Code (including murder, hurt, grievous hurt, wrongful restraint, wrongful confinement, rape, incest, grave sexual abuse etc.), as well as extortion and criminal intimidation, making up a total of 71 Penal Code offences. It includes all kinds of abuse, both physical and sexual, which are recognized as offences under the Penal Law of this country. The scope and reach of the PDVA as regards the kinds of abuse against which relief can be sought is therefore comprehensive.

Procedure

53. The procedure for obtaining a PO is kept simple. It is initiated by an application to the Magistrate's Court stating that an act of violence has taken place or is likely to take place and seeking a PO to restrain the aggressor. An application can be made by the victim or a Police Officer on behalf of the victim. In the case of a child victim, the application can also be made by a parent or guardian or a person with whom the child resides or by any person authorized by the National Child Protection Authority (NCPA).

54. The Application itself is simple and needs only to set out the names of the persons aggrieved and of the aggressor and the circumstances of the case. Affidavits of those who are aware of the facts relating to the abuse may be attached to the application. This is optional and not mandatory. Such a requirement was not made mandatory in appreciation of the reality that when abuse takes place in a very private sphere such as the home, evidence against abusers is not always forthcoming due to fear of reprisals and other consequences.

55. Upon receipt of an application, the court is required, as a first step, to consider the application forthwith and determine whether an Interim Protection Order (IPO) should be issued to prevent the commission of an act of domestic violence and to ensure the safety of the aggrieved person.

56. At this stage it is not absolutely necessary that the applicant/victim or the aggressor/respondent be called to give evidence. That is required to be done only if the court considers it necessary. Here too, the framers of the law were conscious that, considering the very nature of the grievance, in some instances circumstances may not permit the victim to come before

court. Also, it may not be possible to secure the attendance of the aggressor in court, before interim relief can be considered. It was felt that, in such a case, the court should be able to grant relief unfettered by any statutory requirement that parties be present in court.

57. As a second step, the court will either issue or refuse to issue, an IPO. Whether or not an IPO is issued, the court is required at the same time to fix a date for inquiry (within 14 days of receiving the application) and notice the respondent to show cause on that day why a PO should not be issued on him.

58. The court may also refer the parties for counselling if it is satisfied that it is in the interests of the parties to do so.

59. The IPO is an interim measure which will be in force only until the inquiry is held and a final determination is made regarding the issue of a PO.

60. As the third step, the court is required to hold the inquiry at which parties will be called to give evidence. In the absence of the respondent, the inquiry can nevertheless be held in his/her absence. Finally, at the conclusion of the inquiry, the court will determine whether a PO needs to be issued to prevent the commission of an act of domestic violence and to ensure the safety of the aggrieved person. If satisfied that it is necessary, the court will issue a PO.

61. The PDVA also contains provision enabling the court to make any Order under the Act with the consent of the parties and without proof or admission of guilt. Such an Order cannot be taken as having been made consequent to an admission of guilt or proof of guilt. Hence, even if the aggressor is subsequently charged with an offence in a criminal proceeding, the issue of a PO made with consent cannot be considered as evidence or proof of guilt.

62. It is important to highlight the requirement of expediency in these cases. The PDVA seeks to emphasize this first by requiring the court to consider an application forthwith and then by requiring the court to hold the inquiry within 14 days of receiving the application. It is extremely important that due regard is given by Magistrates to this underlying requirement for speedy justice.

The Protection Order and Supplementary Orders (SOs)

63. The court has very wide powers to restrain the respondent by way of an IPO or a PO. In addition to essentially prohibiting the respondent from committing or causing the commission of a domestic violence offence, the court can, after taking evidence, prohibit the respondent from entering the victims residence, place of employment, school or from following the victim around so as to cause a nuisance, or from entering a shelter in which the victim may be, or from occupying or entering a residence shared with the victim, or from having contact with any child, or from having access to shared resources, or from encumbering the matrimonial home by sale or transfer so as to place the victim in a destitute position. In making any of these Orders, the court is required to take into consideration the accommodation needs of the victim and the children, as well as any hardship that may be caused to the respondent as a result of the Order.

64. Where a PO is made, the court can also make additional orders called SOs, to protect and provide for the immediate safety, health and welfare of the victim. By way of a SO the court may order the Police to seize any weapons that are in the possession of the respondent or to accompany the victim to assist with the collection of personal property; or order that the victim be placed in a shelter for temporary accommodation; or order a social worker or similar officer to monitor the observance of the PO between the victim and the respondent. The court may also, after inquiry and having regard to the financial needs and resources of both the victim and the respondent, order the respondent to provide urgent monetary assistance to any person who the respondent has a duty to support or to continue to provide payments and/or facilities to enable the victim to continue occupation of any residence. An Order to provide urgent monetary assistance does not however, affect the rights of a party under the Maintenance Law of the country. As such, a maintenance action may be initiated or may continue despite any payments Ordered under the PDVA.

65. If, after a Protection Order is issued the respondent acts in violation of its terms, he is liable to be punished with fine up to Rs. 10,000 and/or imprisonment up to one year or both such fine and imprisonment.

Appeals

66. Any person who is dissatisfied with a PO may appeal to the Provincial High Court. The Order however continues to be operative notwithstanding an appeal, unless the High Court specifically directs otherwise for reasons to be recorded.

Privacy

67. The need for privacy in respect of these actions is given statutory recognition by a requirement that the identity of the parties be kept confidential. Hence printing or publishing any matter which makes known the identity of a party to an application is made an offence punishable with imprisonment up to 2 years and/or with fine. This section is similar to section 365C of the Penal Code which accords the same privacy to victims of sexual abuse.

PDVA Action Plan

68. Consequent to the passing of the PDVA, the National Committee on Women prepared an Action Plan to implement the provisions of the Act. Action is now being pursued in terms of this Plan to create awareness regarding the provisions of the Act and the remedies available as well as to sensitize partners in the law enforcement process with regard to the role envisaged of them in making the statutory remedies meaningful.

69. Family Health Bureau, Ministry of Health in collaboration with other relevant stakeholders has developed a module on “Roles and Responsibilities of the Public Health Midwife in Prevention and Management of Gender Based Violence including Domestic Violence.” This module was incorporated into the basic training curriculum of the Public Health Midwife. Tutors of the regional training centres

also have been trained on how to train the student midwives by using this module. The new batches of Public Health Midwives would be sensitized on gender based violence by using this module.

70. Also, a module on “Roles and Responsibilities of the Primary health Care Workers in Prevention and Management of Gender Based Violence” had been developed by Family Health Bureau. At present, Family Health Bureau is in the process of training of trainers from the districts (on a phased basis) on gender based violence by using the above module. Already trainers from 6 districts have been trained. These trainers in turn will train the primary health care team in their district on gender based violence.

Post Tsunami Initiatives

71. Immediately after the Tsunami, and based upon the premise that those in the tsunami affected areas are more vulnerable to abuse, the Legal Aid Commission (LAC) implemented a programme to create awareness among the general public, school children, Police officers and Public Officials regarding the provisions of the Act. Several actions for Protection Orders have been obtained from court on the intervention of the LAC offices. The LAC continues to provide assistance to women and children to seek the remedy of protection afforded by the Act.

Article 4 - TEMPORARY SPECIAL MEASURES

72. Temporary special measures have not been taken in respect of any issues.

Article 5 - ELIMINATION OF PREJUDICES

73. Age-old prejudices are fast eroding with women acquiring higher levels of education and becoming partners in the development process.

Article 6 - TRAFFICKING

74. By the Penal Code (Amendment) Act, No. 16 of 2006, a new definition of the offence of Trafficking of persons was introduced to the Penal Code. The scope of the offence of trafficking has been expanded to conform to the internationally accepted definition as contained in the United Nations Convention Against Transnational Organized Crime in 2000 and its Optional Protocol. Sri Lanka signed both these instruments in December 2000.

75. Trafficking of persons for forced or compulsory labour, for the removal of organs, for prostitution, for other forms of sexual exploitation or for the commission of any other offence is covered by the new definition. Where the trafficking is in relation to children, a higher punishment is imposed. Sri Lanka is also a State Party to the South Asian Association for Regional Cooperation (SAARC) Convention on Trafficking in Women and Children for Prostitution. The Convention was negotiated during the Sri Lanka's Chairmanship of SAARC in 1998.

Article 7 - WOMEN IN POLITICAL AND PUBLIC LIFE

76. Please see under paragraph 13

Article 8 - REPRESENTATION OF GOVERNMENT AT INTERNATIONAL LEVEL

77. No change in the situation since the last report.

Article 9 - NATIONALITY

78. The Citizenship (Amendment) Act No. 16 of 2003 which came into operation with effect from April 1st, 2003, removed the discriminatory provision which provided that citizenship could be passed on to off springs only by males. Women now enjoy equal rights with men with regard to the nationality of their children. Significantly, the Act confers this right retrospectively, offering an opportunity to offspring who had previously been denied citizenship due to the discriminatory clause, to apply for citizenship at their discretion.

Article 10 - EDUCATION

79. The State's commitment since 1945 to free education at primary, secondary and tertiary levels was reiterated in the policy statement of the new Government that came into power in December 2005. The investment in education has, as its ultimate objective, the increase in national income, reduction of poverty and the promotion of human development. In Sri Lanka, education is viewed as a basic right and is supported by a Government policy that has made schooling compulsory for those between 5 – 14 years.

80. As at 2006, there were 10,459 schools (public, private and pirivena's⁷) island wide with a school population of 3,999 million students. Of this number 50.14 % were girls. 97.3 % of the student population was in State schools. Of the teaching cadre, 69% were women.

81. Sri Lanka has almost achieved the second MDG of achieving universal primary education. The achievements in respect of the three indicators, i.e. Net enrolment ratio in primary education, proportion of pupils starting Grade I who reach Grade 5 and the Literacy rate of 15 to 24 year olds, are referred to below.

School enrolment

82. While enrolment figures are marginally higher for boys in primary school level (51% as opposed to 49% for girls), the figure is higher for girls at junior secondary level (51% as opposed to 49% for boys).

⁷ where the place that provide educational facilities to Bhikkus/Monks and to male lay pupils over fourteen years of age who are desirous of following a course of studies imparted in a Pirivena and who wish to receive their education in a Buddhist environment

Table 7**Enrolment of girls in schools (1998 – 2005)**

| Educational level (Grades) | 1998 | | | 2005 | | |
|-------------------------------|------------------|------------------|-------------|------------------|------------------|-------------|
| | Total | Girls | % Girls | Total | Girls | % Girls |
| 1-5 | 1,801,387 | 873,633 | 48.5 | 1,610,688 | 790,348 | 49.1 |
| 6-9 | 1,342,459 | 665,753 | 49.6 | 1,340,125 | 663,815 | 49.5 |
| 10-11 | 727,157 | 378,888 | 52.1 | 619,978 | 315,005 | 50.8 |
| Total 6-11 | 2,069,416 | 1,044,641 | 50.5 | 1,960,103 | 978,820 | 49.9 |
| 12-13 Science | 53,039 | 23,657 | 44.6 | 86,619 | 41,157 | 47.5 |
| 12-13 Arts | 140,728 | 94,096 | 66.0 | 171,179 | 112,886 | 65.9 |
| 12-13 Commerce | 70,268 | 34,119 | 48.6 | 113,439 | 55,445 | 48.9 |
| Total 12-13 | 264,035 | 151,872 | 57.5 | 371,286 | 209,484 | 56.4 |
| Total 1 – 13 | 4,134,838 | 2,070,146 | 50.1 | 3,942,077 | 1,978,657 | 50.2 |

Source: Annual School Census 1998, 2005, Ministry of Education

Table 8**Number of pupils on registers (2004 – 2006)**

| Type of School | 2004 | | | 2005 | | | 2006 | | |
|-------------------|------------------|------------------|-------------|------------------|------------------|-------------|------------------|------------------|-------------|
| | Total | Females | % | Total | Females | % | Total | Females | % |
| Govt. | 3,870,628 | 1,934,932 | 50 % | 3,942,077 | 1,978,657 | 50 % | 3,836,550 | 1,921,951 | 50 % |
| Private | 100,683 | 51,222 | 51 % | 106,262 | 54,154 | 51 % | 107,874 | 55,667 | 52 % |
| Total | 3,971,311 | 1,986,154 | 50 % | 4,048,339 | 2,032,811 | 50 % | 3,944,424 | 1,977,618 | 50 % |

Source: Department of Census and Statistics

83. The number of children within the official school age who have enrolled in primary school amounts to 97.5% of the total population of children within the official school age. On a gender basis, the figure is 97.4% for females and 97.5% for males.

Table 9**Net enrolment ratio in primary education – 2006**

| Geographical area | Net enrolment ratio | | |
|-------------------|---------------------|----------|------------|
| | Total (%) | Male (%) | Female (%) |
| Sri Lanka | 97.5 | 97.5 | 97.4 |
| Province | | | |
| Western | 96.9 | 96.4 | 97.4 |
| Central | 98.0 | 98.5 | 97.6 |
| Southern | 97.7 | 97.7 | 97.6 |
| Eastern | 99.0 | 99.3 | 98.6 |
| North Western | 97.8 | 97.3 | 98.3 |
| North central | 96.1 | 96.6 | 95.6 |
| Uva | 97.4 | 98.1 | 96.8 |
| Sabaragamuwa | 97.2 | 97.5 | 96.9 |
| | | | |
| Districts | | | |
| Colombo | 97.3 | 96.8 | 98.0 |
| Gampaha | 97.6 | 98.6 | 96.6 |
| Kalutara | 94.7 | 91.1 | 97.7 |
| Kandy | 98.8 | 100.0 | 97.5 |
| Matale | 97.3 | 98.2 | 96.4 |
| Nuwara Eliya | 96.8 | 95.5 | 98.5 |
| Galle | 99.3 | 98.7 | 100.0 |
| Matara | 93.2 | 94.0 | 92.5 |
| Hambantota | 100.0 | 100.0 | 100.0 |
| Batticaloa | 98.8 | 100.0 | 97.7 |
| Amparai | 99.1 | 98.7 | 99.5 |
| Kurunegala | 99.1 | 99.2 | 98.9 |
| Puttalam | 95.5 | 94.1 | 97.1 |
| Anuradhapura | 94.8 | 95.5 | 94.1 |
| Polonnaruwa | 99.1 | 99.1 | 99.1 |
| Badulla | 97.6 | 97.6 | 97.6 |
| Moneragala | 97.1 | 99.1 | 95.1 |
| Ratnapura | 97.4 | 97.8 | 97.0 |
| Kegalle | 96.9 | 97.1 | 96.7 |
| Sectors | | | |
| Urban | 97.4 | 96.8 | 98.3 |
| Rural | 97.6 | 97.8 | 97.5 |
| Estate | 94.6 | 94.4 | 94.8 |

Target group : All children born between 1st Feb. 1996 to 31st January 2001

Source : Department of Census and Statistics - Special survey on MDG Goals – 2006/2007

Note : Data excludes Northern Province and Trincomalee District in Eastern Province

84. The small percentage of out of school children are concentrated in urban low income neighborhoods, remote rural areas, in plantations and in areas affected by the ethnic conflict in the North and East. However, the provincial and sectoral disparities are minimal.

85. Girls tend to perform better than boys at the Grade 5 scholarship examination and other Public examinations.

Dropout rates and proportion of pupils starting Grade I who reach Grade 5

86. In general, girls perform better than boys at school and they are associated with lower repetition rates and dropout rates.⁸ In 2006, the proportion⁹ of pupils starting Grade 1 who reach Grade 5 was 99.6. On a gender basis the figure was 99.8 for Females and 99.3 for Males.

Table 10

School dropout rate by grade and gender (Government schools only) – 2005

| Grade | Medium | | | |
|-------|---------|-------|-------|-------|
| | Sinhala | | Tamil | |
| | Girls | Boys | Girls | Boys |
| 1 | 0.08 | -0.49 | -1.67 | -1.66 |
| 2 | 0.10 | 0.14 | -1.34 | -1.05 |
| 3 | 0.39 | 0.54 | -0.32 | -0.29 |
| 4 | 0.29 | 0.67 | 0.09 | 0.52 |
| 5 | -0.23 | 0.70 | 1.50 | 2.16 |
| 6 | 2.09 | 3.01 | -0.41 | 1.44 |
| 7 | 1.83 | 3.37 | 2.22 | 4.38 |
| 8 | 2.19 | 3.35 | 4.75 | 7.23 |
| 9 | 3.00 | 4.73 | 6.55 | 8.82 |
| 10 | 5.73 | 10.91 | 27.82 | 42.44 |

Source: School Census 2005, Ministry of Education

⁸ Department of Census and Statistics “*The Sri Lankan Woman – partner in progress (2007)*”

⁹ Method of computation: Out of the children who are admitted to school in year 2002, the number who have reached Grade 4/5 in year 2006 as a percentage of the total number of children admitted to school in year 2002.

Literacy

87. In 2006, the literacy rate for women was 89.9 percent and Men 93.2 percent yielding a gender differential of 3.3 percentage points. The ratio of literate women to men among the youth (15 – 24 years), stands at 101 women per 100 men. Sectoral and district wise differentials show that only young women in the plantations lag behind their male counterparts, while in other areas literacy rates of young women has surpassed that of men.¹⁰ Sri Lanka is well poised to achieve its MDG targets by 2015.

Table 11

Literacy rate

| Year | Age group | | | |
|---------|---------------|------|-----------------|------|
| | (15-19 years) | | (20 – 24 years) | |
| | Women | Men | Women | Men |
| 1994 * | 95.1 | 94.4 | 93.7 | 93.3 |
| 2001 ** | 96.7 | 95.8 | 95.6 | 94.9 |
| 2006 * | 98.5 | 97.6 | 97.4 | 96.4 |

* Excludes Northern and Eastern Provinces, ** Excludes Jaffna, Mannar, Vavuniya, Mullaitivu, Killinochchi, Batticaloa and Trincomallee Districts in which the 2001 enumeration was not completed

Source: Department of Census and Statistics

Higher Education

88. The University system in Sri Lanka operates within the framework laid down by the Universities Act No. 16 of 1978. Selection of students for admission to undergraduate courses in universities is assigned to the University Grants Commission (UGC) under the above Act. Accordingly, at present the UGC selects students for admission to undergraduate courses for 14 National universities and 4 institutes, which have been set up under the Universities Act.

89. The number of students admitted to Sri Lanka's Universities from among those who qualify for admission remains low. The number admitted to Universities was 13.97% and 14.34% of those who qualified for admission on passing the Advanced Level examination in 2006 and 2007 respectively. The 2007 figure indicates a very slight increase from 13.25 % in 2002, but is lower than the figures for 1993/94 to 1996/97 reported in the last report of Sri Lanka, due to larger numbers of students qualifying for admission.

90. Overall, there has been an appreciable percentage of women among the total number admitted.

¹⁰ Supra

Table 12**University admissions by G.C.E A/L subject stream – 2005/2006**

| Subject stream (GCE A/L) | No. eligible | | No. admitted | | % admitted | |
|--------------------------|---------------|---------------|--------------|--------------|-------------|-------------|
| | Women | Men | Women | Men | Women | Men |
| Arts | 38,245 | 15,331 | 3,736 | 1,430 | 9.8 | 9.3 |
| Commerce | 21,037 | 16,091 | 1,576 | 1,493 | 7.5 | 9.3 |
| Physical science | 3,607 | 7,806 | 985 | 2,853 | 27.3 | 36.6 |
| Biological science | 10,379 | 6,274 | 2,651 | 1,874 | 25.5 | 29.9 |
| TOTAL | 73,268 | 45,502 | 8,948 | 7,650 | 12.2 | 16.8 |

Source: Sri Lanka University Statistics -University Grants Commission

Table 13**University admissions by academic stream and gender (2003 – 2006)**

| Academic Stream | 2002/03 | | | 2003/04 | | | 2004/05 | | | 2005/06 | | |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | M | F | % F | M | F | % F | M | F | % F | M | F | % F |
| Arts | 1265 | 2944 | 69.9 | 1193 | 2982 | 71.4 | 1259 | 3104 | 71.1 | 1360 | 3495 | 72.0 |
| Management | 1162 | 1260 | 51.9 | 1274 | 1220 | 48.9 | 1307 | 1253 | 48.9 | 1196 | 1316 | 52.4 |
| Commerce | 160 | 195 | 54.9 | 140 | 169 | 54.7 | 154 | 166 | 51.9 | 156 | 138 | 46.9 |
| Law | 43 | 158 | 78.6 | 38 | 160 | 80.8 | 56 | 169 | 75.1 | 46 | 191 | 80.6 |
| Science | 1639 | 1006 | 38.0 | 1582 | 1020 | 39.2 | 1846 | 1241 | 40.2 | 1856 | 1397 | 42.9 |
| Medicine | 480 | 439 | 47.8 | 450 | 454 | 50.2 | 418 | 493 | 74.8 | 554 | 610 | 52.4 |
| Dentistry | 35 | 43 | 55.1 | 26 | 50 | 65.8 | 34 | 44 | 56.4 | 36 | 53 | 59.6 |
| Vet. Science | 24 | 44 | 64.7 | 87 | 143 | 62.2 | 33 | 44 | 57.1 | 31 | 54 | 63.5 |
| Agriculture | 295 | 365 | 55.3 | 319 | 428 | 57.3 | 313 | 473 | 60.2 | 385 | 521 | 57.5 |
| Engineering | 816 | 184 | 18.4 | 817 | 158 | 16.2 | 888 | 201 | 18.5 | 1090 | 280 | 20.4 |
| Architecture | 96 | 83 | 46.4 | 97 | 136 | 58.4 | 81 | 103 | 56.0 | 159 | 184 | 53.6 |
| Computer Sc. & IT | 158 | 62 | 28.2 | 166 | 58 | 25.9 | 297 | 101 | 25.4 | 330 | 165 | 33.3 |
| Indigenous Med. | - | - | - | 64 | 165 | 72.1 | 91 | 192 | 67.8 | 577 | 900 | 60.9 |
| Paramedical Studies | - | - | - | - | - | - | - | - | - | 124 | 224 | 64.4 |
| Food Science | - | - | - | 87 | 143 | 62.2 | 62 | 67 | 51.9 | 85 | 94 | 52.5 |
| TOTAL | 6178 | 6783 | 52.3 | 6340 | 7286 | 53.5 | 6839 | 8399 | 55.1 | 7985 | 9622 | 54.6 |

Source: Sri Lanka University Statistics – University Grants Commission

91. It may be noted that as at 1996/97 (as reported in the last report of Sri Lanka) the female intake to Universities was less than the male intake. In contrast, by 2005/2006 in each of the subject streams other than Physical science, higher numbers of women were admitted although the percentage of women admitted out of the number of women that qualified for admission, was lower in all the streams other than the Arts stream. This is an indication of the level of performance. This adequately demonstrates higher educational attainments by females.

92. Women's representation in University has increased rapidly and the only subject areas in which women are markedly under-represented are in Engineering (20.4%) and Computer Science (33.3%).

Table 14

University enrolment for internal degree courses (1981-2006)

| Course | 1981/82 | | | 2006 | | |
|--------------------------------|-------------------|-------------|-------------|-------------------|-------------|-------------|
| | Total Enrolment % | Women % | Men % | Total Enrolment % | Women % | Men % |
| Arts | 43.5 | 24.2 | 19.3 | 29.0 | 19.8 | 9.2 |
| Performing Arts | - | - | - | 4.4 | 3.5 | 0.9 |
| Law | 1.4 | 0.6 | 0.8 | 4.0 | 2.0 | 2.1 |
| Management, Commerce & Finance | 13.6 | 5.2 | 8.5 | 18.0 | 8.9 | 9.1 |
| Science | 18.6 | 6.4 | 12.1 | 19.0 | 9.9 | 9.0 |
| Agriculture | 3.3 | 1.1 | 2.2 | 3.8 | 2.1 | 1.7 |
| Computer Science/ IT | - | - | - | 1.4 | 0.4 | 1.0 |
| Western Medicine | 7.7 | 3.0 | 4.7 | 7.5 | 3.8 | 3.7 |
| Dental Science | 1.1 | 0.5 | 0.6 | 0.7 | 0.4 | 0.3 |
| Engineering | 9.5 | 1.3 | 8.1 | 9.1 | 1.9 | 7.3 |
| Veterinary Science | 0.6 | 0.3 | 0.3 | 0.4 | 0.2 | 0.2 |
| Architecture | 0.8 | 0.1 | 0.7 | 0.9 | 0.5 | 0.4 |
| Quantity Survey | - | - | - | 0.3 | 0.1 | 0.2 |
| Indigenous / Siddha Medicine | - | - | - | 1.5 | 1.0 | 0.5 |
| Total | 100.0 | 42.7 | 57.3 | 100.0 | 54.5 | 45.5 |

Source: University Grants Commission

Table 15**University enrolment for external degree programmes, 2005**

| Characteristics | Total No. | % of Women |
|-------------------|-----------|------------|
| New Registrations | 25,923 | 66.9 |
| No. Enrolled | 139,311 | 66.8 |
| No. Graduates | 4,913 | 72.4 |

Source: University Grants Commission

Table 16**University enrolment for courses in the Open University**

| Levels | 1993 | | 2005 | |
|----------------------|---------------|-------------|---------------|-------------|
| | Total No. | % of Women | Total No. | % of Women |
| Certificate | 4,465 | 46.0 | 5,564 | 51.2 |
| Diploma | 5,693 | 18.6 | 6,636 | 24.6 |
| Bachelor Degree | 3,769 | 42.6 | 7,868 | 51.0 |
| Postgraduate Diploma | 2,030 | 66.5 | 3,100 | 54.6 |
| Higher Degree | - | - | 362 | 39.5 |
| TOTAL | 15,957 | 38.0 | 23,530 | 43.9 |

Source: University Grants Commission

93. A recent development in tertiary education is the online learning through the Open University as well as conventional institutions in order to reach more students, especially those unable to enroll in formal institutions.

Technical and vocational education

94. There is an island wide network of institutions that provide access to employment. In Sri Lanka this sector has been relatively unco-ordinated and undeveloped over the years. A positive development in the new millennium is the dynamism and coherence injected into this sector by the Skills Development Project of the Ministry of and its sequel, the Technical Education Development Project. Both these programmes have been incorporated in the Ten Year Development Plan.

95. The Tertiary and Vocational Education Commission and the Ministry of Vocational Training have commenced a programme of competency-based training according to national skills standards, a National Vocational Qualifications scheme encompassing seven levels from crafts to higher education, and accreditation of all training institutions. Colleges of Technology are being planned at

Provincial level and a Technological University at national level. Labour market linkages have been created through career guidance centres, job placement schemes and loans for self-employment. Disparities still exist particularly between urban and rural institutions and the sector has a long way to go to meet the needs of school leavers seeking entry to the labour market, but a beginning has been made.

96. For the first time policy and programme documents are gender sensitive and have integrated gender concerns and have also underscored the importance of reducing the gender imbalance in enrolment in technical and vocational education institutions. These measures were effected and continue to be effected in spite of the traditional norms that influence stereotyping gender-based role in employment.

97. Women are still concentrated in secretarial and sewing related careers and men in technical training courses in institutions such as the Technical Education Colleges, the Center of the Vocational Authority and the National Youth Service Council, and the National Apprenticeship Scheme. Changes are taking place, at its own pace and it is envisaged that stereotyping would gradually increased.

98. A significant change however has been the increase in enrolment in courses in computer skills, which appear to be popular choice of both women and men. Sri Lanka has had a late start in this field and the gender digital divide and urban-rural gap in exposure to computer education and access to related services are very wide according to the Computer Literacy Survey conducted by the Department of Census and Statistics in 2004 and to studies. The most effective way of reducing this gap is through the education and training. Nevertheless, it appears that most women students are enrolled in courses in relatively low-level skills such as word processing, so that the gap continues to be wide at the highest levels, which provide entry to remunerative employment.

99. As a consequence of the relative success of the formal education system in expanding education opportunities, adult education has received low priority except in employment related and community development programmes.

Table 17**Vocational and technical training in selected public sector training organizations – 2005**

| Institute | Recruited | | Completed | |
|-------------------------------------------------------|---------------|-------------|---------------|-------------|
| | Total No. | % of Women | Total No. | % of Women |
| Vocational Training Authority | 21,603 | 39.4 | 17,608 | 40.8 |
| National Youth Services Council | 3,660 | 57.0 | 2,867 | 58.6 |
| National Apprentice and Industrial Training Authority | 14,070 | 24.0 | 8,550 | 29.8 |
| INGRIN Institute of Printing and Graphics | 1,132 | 18.7 | 975 | 17.1 |
| Gem & Jewellery Research and Training Institute | 375 | 15.7 | 296 | 19.6 |
| Department of Technical Education & Training | 12,433 | 37.3 | NA* | NA* |
| Clothing Industry Training Institute | 1,943 | 30.9 | 1,951 | 30.8 |
| Ceylon-German Technical Training Institute | 312 | 2.9 | 176 | 2.3 |
| Total | 55,528 | 35.1 | 32,423 | 37.7 |

*Not Available

Source: Labour Market Information Bulletin – 2005

Table 18**Vocational and technical training by main course area – 2006**

| Main Course Area | Total No. | % of Women | % of Men |
|----------------------------------------------|---------------|-------------|-------------|
| Manufacturing (Processed food, Garment etc.) | 10,968 | 62.0 | 38.0 |
| Technical & Engineering Technology | 15,386 | 6.9 | 93.1 |
| Construction Industry | 7,056 | 28.1 | 71.9 |
| Agriculture & Environment | 259 | 25.5 | 74.5 |
| Health | 226 | 85.0 | 15.0 |
| Education | 168 | 100.0 | 0.0 |
| Information Technology | 6,540 | 59.6 | 40.4 |
| Management, Commerce, & Finance Services | 8,932 | 51.3 | 48.7 |
| Social & Cultural Events | 1,389 | 55.8 | 44.2 |
| Total | 50,924 | 38.3 | 61.7 |

Note: Department of Technical Education & Training, National Apprentice & Industrial Training, National Youth Services Council & Vocational Training Authority are included.

Source: Tertiary and Vocational Education Commission

Table 19**Vocational and technical training in Technical College – 2006**

| Course | Total No. | No. of Women | % of Women |
|-------------------------------------|------------------|---------------------|-------------------|
| Agriculture & Livestock | 122 | 57 | 46.7 |
| Mechanical/ Production & Automotive | 1,191 | 13 | 1.1 |
| Building & Construction | 7,135 | 2,125 | 29.8 |
| Computer & Information Technology | 296 | 174 | 58.8 |
| Electrical & Electronics | 2,594 | 53 | 2.0 |
| Gem & Jewellery | 63 | 15 | 23.8 |
| Handicraft & Cottage Industries | 13 | 11 | 84.6 |
| Metal & Light Engineering | 851 | 1 | 0.1 |
| Management & Commerce | 4,808 | 3,259 | 67.8 |
| Rubber, Plastic & Leather Related | 21 | 14 | 66.7 |
| Textile & Garment | 109 | 99 | 90.8 |
| Wood & Related | 276 | 16 | 5.8 |
| Total | 17,479 | 5,837 | 33.4 |

Source: Department of Technical Education and Training

Article 11 – EMPLOYMENT

100. Economic independence is a crucial determinant of social and economic empowerment of women, and an encouraging trend is that the number of women entering the Labour Force continues to rise. The inequitable gender division of labour in employment still persists although there is a steady increase in the number of women moving from what were once perceived as gender appropriate areas of employment to non- traditional areas.

Table 20**Household population by activity status by year**

| Year | Household Population (10 years & Over) | | Economically Active Population | | Economically Inactive Population | |
|------|----------------------------------------|------------|--------------------------------|------------|----------------------------------|------------|
| | Total | % of Women | Total | % of Women | Total | % of Women |
| 1995 | 12,736,186 | 50.4 | 6,106,138 | 33.4 | 6,630,047 | 66.1 |
| 2000 | 13,564,665 | 50.6 | 6,827,313 | 34.1 | 6,737,352 | 67.3 |
| 2006 | 14,833,801 | 52.1 | 7,598,762 | 36.3 | 7,235,039 | 68.7 |

Note: Excluding Northern & Eastern Provinces Source: Sri Lanka Labour Force Survey – 1995, 2000, 2006

Table 21**Labour force by educational level – 2006**

| Level of Education | Total No. | % of Women | Women % | Men% |
|--------------------|------------------|-------------|--------------|--------------|
| Below Grade 5 | 1,597,145 | 38.5 | 22.3 | 20.3 |
| Grade 5-9 | 3,538,443 | 31.2 | 40.0 | 50.3 |
| G.C.E. (O/L) | 1,319,925 | 37.6 | 18.0 | 17.0 |
| G.C.E. (A/L) | 924,412 | 47.4 | 15.9 | 10.1 |
| Degree & above | 218,835 | 49.2 | 3.9 | 2.3 |
| Total | 7,598,762 | 36.3 | 100.0 | 100.0 |

Note: Excluding Northern & Eastern Provinces Source: Sri Lanka Labour Force Survey – 2006

Table 22**Labour force participation rate by year**

| Year | Women | Men |
|------|-------|------|
| 1990 | 37.0 | 67.6 |
| 1995 | 31.7 | 64.4 |
| 2000 | 33.9 | 67.2 |
| 2005 | 32.6 | 67.3 |
| 2006 | 35.7 | 68.1 |

Note: Excluding Northern & Eastern Provinces Source: Sri Lanka Labour Force Survey – 1990-2006

Table 23**Labour force participation rate by age group**

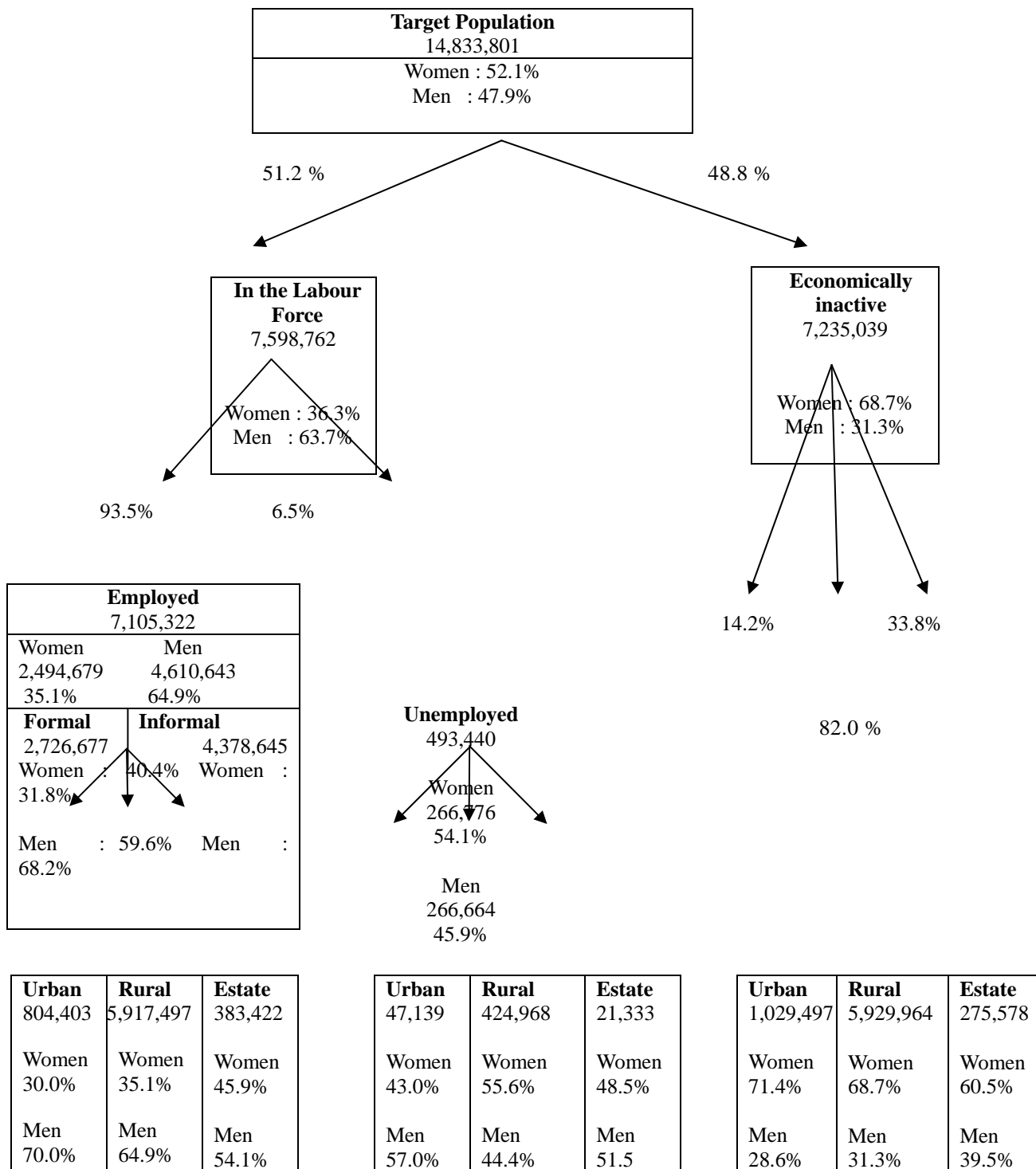
| Age Group (years.) | 1996 | | 2006 | |
|--------------------|-------------|-------------|-------------|-------------|
| | Women | Men | Women | Men |
| 10-14 | 1.1 | 2.1 | * | * |
| 15-19 | 20.6 | 33.8 | 18.5 | 29.0 |
| 20-24 | 52.9 | 83.3 | 48.7 | 80.6 |
| 25-29 | 47.4 | 93.6 | 46.5 | 94.5 |
| 30-39 | 45.9 | 96.3 | 48.7 | 96.8 |
| 40+ | 28.1 | 74.2 | 36.9 | 76.9 |
| All ages | 31.6 | 65.9 | 35.7 | 68.1 |

Note: * Not given due to larger sampling error. Excluding Northern & Eastern Provinces

Source: Sri Lanka Labour Force Survey – 1996, 2006

Chart 1

Employment status of the population (10 years and over) – 2006



Source: Department of Census and Statistics

Table 24**Employed population by year**

| Year | Total | | Women | | Men | |
|------|-----------|-----------|-----------|-----------|-----------|-----------|
| | No. | Emp. Rate | No. | Emp. Rate | No. | Emp. Rate |
| 1995 | 5,357,117 | 87.7 | 1,656,166 | 81.3 | 3,700,951 | 91.0 |
| 2000 | 6,310,247 | 92.4 | 2,068,701 | 88.9 | 4,241,546 | 94.2 |
| 2006 | 7,105,322 | 93.5 | 2,494,679 | 90.3 | 4,610,643 | 95.3 |

Note: Excluding Northern & Eastern Provinces
Source: Sri Lanka Labour Force Survey – 1995, 2000, 2006

Table 25**Employed population by age group – 2006**

| Age Group (years) | 1996 | | | | 2006 | | | |
|-------------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|
| | Women | | Men | | Women | | Men | |
| | No. | Emp. Rate | No. | Emp. Rate | No. | Emp. Rate | No. | Emp. Rate |
| 10-14 | 7,907 | 86.7 | 16,332 | 91.1 | * | * | * | 79.3 |
| 15-19 | 101,042 | 57.2 | 191,893 | 67.4 | 102,847 | 72.9 | 184,130 | 83.9 |
| 20-24 | 219,752 | 61.0 | 451,175 | 76.9 | 256,649 | 71.4 | 470,254 | 93.2 |
| 25-29 | 239,438 | 77.6 | 516,723 | 90.0 | 291,353 | 81.9 | 564,462 | 98.3 |
| 30-39 | 483,918 | 88.5 | 1,070,680 | 96.6 | 618,483 | 94.0 | 1,102,387 | 98.8 |
| 40+ | 628,031 | 98.2 | 1,610,344 | 98.9 | 1,218,380 | 98.3 | 2,275,401 | 98.8 |
| Total | 1,680,138 | 82.3 | 3,857,147 | 91.8 | 2,494,679 | 90.3 | 4,610,643 | 95.3 |

Note: * Not given due to larger sampling error
Excluding Northern & Eastern Provinces
Source: Sri Lanka Labour Force Survey – 2006

Table 26**Employed population by educational level – 2006**

| Level of Education | Total | Women % | Men % |
|---------------------------|------------------|--------------------|------------------|
| Below grade 5 | 1,597,636 | 24.3 | 21.0 |
| Grade 5-9 | 3,331,713 | 40.4 | 50.4 |
| G.C.E. (O/L) | 1,188,598 | 17.0 | 16.6 |
| G.C.E. (A/L) | 1,010,375 | 18.2 | 12.1 |
| Total | 7,105,322 | 100.0 | 100.0 |

Note: Excluding Northern & Eastern Provinces

Source: Sri Lanka Labour Force Survey –2006

101. The economically active population over 10 years of age (the Labour Force) as at the commencement of 2008 was 7.5 Million. Of this, 63.9 % were males and 36.1 % were females. Of the economically inactive population, 30.9 % were males and 69.1 % were females. Women are employed largely in the informal sector. Occupational segregation and wage disparities have narrowed down substantially and women are reported to have entered many fields previously dominated by men. Sectoral differentials in women's participation rates are significant with Estate Women at the lead. As at 2006, 90 % of the economically active women were reported to be gainfully employed. Comparatively the women's workforce is at a higher educational level than their male counterparts. Only 18% of women and 12 % of men are reported to have the General Certificate of Examination of Advance Level (G.C.E (A/L)) or higher qualifications among those employed. The numbers of women in professions is as high as 61 % of the total. 22 % of employed women are unpaid family workers. Although women account only for one third of the employed population, within the last decade the rate of growth of women in gainful employment is distinctly higher than that of men in both the rural and urban sectors.¹¹

¹¹ Ibid fn 2

Informal sector

Table 27**Employment by sector of employment – 2006**

| Employment Sector | Total | | Of the total for the Sector | |
|-------------------|------------------|-------------|-----------------------------|--------------|
| | Total | % of Women | % of Women | % of Men |
| Formal | 2,726,677 | 40.4 | 44.2 | 35.2 |
| Informal | 4,378,645 | 31.85 | 55.8 | 64.8 |
| Total | 7,105,322 | 35.1 | 100.0 | 100.0 |

Note: Excluding Northern & Eastern Provinces
Source: Sri Lanka Labour Force Survey – 2006

Table 28**By employment status in the informal sector – 2006**

| Employment Status | Total No. | % of Women | Women % | Men % |
|----------------------|------------------|-------------|--------------|--------------|
| Employee | 1,545,750 | 22.7 | 25.3 | 40.0 |
| Employer | 117,752 | 8.8 | 0.7 | 3.6 |
| Own account work | 2,037,902 | 26.0 | 38.1 | 50.5 |
| Unpaid family worker | 677,241 | 73.8 | 35.9 | 5.9 |
| Total | 4,378,645 | 31.8 | 100.0 | 100.0 |

Note: Excluding Northern & Eastern Provinces
Source: Sri Lanka Labour Force Survey – 2006

102. In Sri Lanka there are more job opportunities for both men and women in the informal sector.
- The informal sector employs 62% of the total employed population and the formal sector only 38%.
 - The informal sector employs more men than women.
 - The share of women employed in the formal sector is greater (40%) than in the informal sector (32%).
 - Of the employed women, 55.8 % are in the informal sector, and 44.2 % in the formal sector. The comparative distribution of men is 35.2% in the formal sector and 64.8 % in the informal sector.

As at 2006, a little over 1/3rd of the women workers (38.1 %) were employed as own account workers and a slightly lower number (35.9 %) were employed as unpaid family workers. The comparative figures indicate that the situation of male workers is more favourable.

Unemployment

103. During the period 1995 to 2006, there was a steady decline in the rate of unemployed population from 12.3 to 6.5. While the rate for women dropped from 18.7 to 9.7 during this period, the rate for men dropped from 9.0 to 4.7 and stands at 3.3. The female unemployment rate has dropped more rapidly than that of males although it still continues to be double than that of males.

Table 29

Unemployed population by level of education – 2006

| Level of Education | Total | % of Women | Women % | Men % |
|----------------------|----------------|-------------|--------------|--------------|
| Below grade 5 | 22,509 | 37.1 | 3.1 | 6.2 |
| Grade 5-9 | 206,731 | 46.3 | 36.0 | 49.0 |
| G.C.E. (O/L) | 131,328 | 54.1 | 26.7 | 26.5 |
| G.C.E. (O/L) & above | 132,872 | 68.9 | 34.3 | 18.3 |
| Total | 493,440 | 54.1 | 100.0 | 100.0 |

Note: Excluding Northern & Eastern Provinces

Source: Sri Lanka Labour Force Survey – 2006

104. Unemployment issues are most acute for those below 25 years of age and within this category, women are the most affected. Amongst the unemployed population, women have higher educational qualifications than males. This is a continuation of the trend that prevailed in the previous period as well, which indicates that the problem of unemployment is more acute in the case of educated females, with the unemployment rate being highest among females with GCE (A/L) qualifications and above.

Table 30**Unemployed population by sector (1996-2006)**

| Sector | 1996 | | | | 2006 | | | |
|--------------|----------------|------------------|----------------|------------------|----------------|------------------|----------------|------------------|
| | Women | | Men | | Women | | Men | |
| | No. | Un-employed Rate | No. | Un-employed Rate | No. | Un-employed Rate | No. | Un-employed Rate |
| Urban | 50,223 | 18.1 | 53,668 | 8.5 | 20,262 | 7.7 | 26,877 | 4.6 |
| Rural | 310,640 | 17.6 | 290,072 | 8.1 | 236,177 | 10.2 | 188,791 | 4.7 |
| Estate | - | - | - | - | 10,337 | 5.5 | 10,996 | 5.0 |
| Total | 360,864 | 17.7 | 343,741 | 8.2 | 266,776 | 9.7 | 226,664 | 4.7 |

Note: Excluding Northern & Eastern Provinces
Source: Sri Lanka Labour Force Survey –1996, 2006

105. Rural women continue to be affected by unemployment, with the rate of unemployment in this category being twice as high as that of men.

Table 31**Unemployed population by year (1995-2006)**

| Year | Total | | Women | | Men | |
|------|---------|------|---------|------|---------|------|
| | No. | Rate | No. | Rate | No. | Rate |
| 1995 | 749,021 | 12.3 | 381,364 | 18.7 | 367,656 | 9.0 |
| 2000 | 517,168 | 7.6 | 257,048 | 11.0 | 260,120 | 5.8 |
| 2006 | 493,440 | 6.5 | 266,776 | 9.7 | 226,664 | 4.7 |

Note: Excluding Northern & Eastern Provinces
Source: Sri Lanka Labour Force Survey –1995, 2000, 2006

106. One of the targets of MDG 8 is to develop and implement strategies for decent and productive work for youth in co-operation with developing countries. An indicator is the unemployment rate of young people aged 15-24 years. As stated above, young women face higher unemployment rates than young men. Between 1996 and 2002 the unemployment rate of males in this age group declined from 26.2% to 23.8% and of females from 40.3% to 34.3%. The decline for women is greater but the unemployment rate remains well above that of males. The trend however indicates that the issue is being addressed. The situation as at 2006 is given in Table 32 above.

Table 32**Unemployment rate of young people aged 15 – 24 years – 2006**

| Geographical area | 2006 | | |
|-------------------|-----------|----------|------------|
| | Total (%) | Male (%) | Female (%) |
| Sri Lanka | | | |
| Province | | | |
| Western | 17.6 | 15.5 | 20.8 |
| Central | 22.2 | 18.9 | 27.1 |
| Southern | 30.3 | 23.9 | 40.3 |
| North Western | 19.2 | 14.8 | 26.9 |
| North central | 18.6 | 12.6 | 29.4 |
| Uva | 23.6 | 18.8 | 31.0 |
| Sabaragamuwa | 23.9 | 18.3 | 33.5 |
| | | | |
| Districts | | | |
| Colombo | 16.6 | 14.5 | 19.9 |
| Gampaha | 17.6 | 17.0 | 18.5 |
| Kalutara | 19.6 | 14.2 | 28.1 |
| Kandy | 27.6 | 25.6 | 31.0 |
| Matale | 18.5 | 11.8 | 29.3 |
| Nuwara Eliya | 17.2 | 13.1 | 22.5 |
| Galle | 33.0 | 26.7 | 42.4 |
| Matara | 28.2 | 21.1 | 39.6 |
| Hambantota | 28.1 | 22.3 | 37.3 |
| Kurunegala | 21.6 | 18.7 | 26.0 |
| Puttalam | 15.2 | 9.1 | 28.7 |
| Anuradhapura | 15.3 | 9.8 | 25.8 |
| Polonnaruwa | 25.2 | * | 35.9 |
| Badulla | 22.6 | 20.4 | 25.6 |
| Moneragala | 25.4 | * | 42.4 |
| Ratnapura | 25.2 | 20.1 | 34.5 |
| Kegalle | 22.0 | 15.6 | 32.2 |
| | | | |

| Sectors | | | |
|---------|------|------|------|
| Urban | 16.4 | 14.2 | 19.9 |
| Rural | 22.7 | 18.0 | 30.4 |
| Estate | 17.3 | 16.7 | 17.9 |

*Cell count inadequate to provide reliable estimates
Source : Labour Force survey – Department of Census and Statistics

Note: Unemployment rate of young people aged 15-24 years is the number of unemployed people aged 15-24 years divided by the Labour Force of the same age group. Persons who were available and/or looking for work, and had no employment during the reference period, are considered to be unemployed. The Labour Force consists of those who are employed plus those who are unemployed during the relevant reference period.

Maternity benefits

107. New Regulations which enhanced maternity leave entitlements, were introduced with effect from January 1st, 2005 in respect of Government employees. The entitlements are as follows –

- a. In the case of every live birth - 84 days special full pay leave (excluding public holidays, Saturdays and Sundays). Officers are not permitted to resume duties before the expiry of 4 weeks after the birth of the child ;
- b. In the case of a still birth or death of the infant before the expiry of 6 weeks after the birth - 6 weeks special full pay leave ;
- c. After the exhaustion of the leave referred to in (a) above – 84 days half pay leave to look after the child (public holidays, Saturdays and Sundays falling within this period to be treated as half pay leave) ;
- d. After the exhaustion of the leave referred to in (c) above – 84 days no pay leave if leave is required for the purpose of looking after the child (public holidays, Saturdays and Sundays falling within this period to be treated as no pay leave) ;
- e. After the expiry of the leave referred to in (a) above and if no additional half pay leave is taken – officer is permitted to leave office one hour earlier to breast feed the child. This facility is available until the child completes 6 months;
- f. When an officer reaches the 5th month of pregnancy – officer is permitted to attend office half an hour later than the normal time and leave office half an hour before the normal time. This entitlement is available until maternity leave commences.
- g. Leave taken will not have any adverse effect on salary increments, promotions or pension.
- h. Any portion of leave approved under paragraph (c) and (d) may be cancelled by the officer before its expiry and she can then report for duty;
- i. If a child dies during the period of half pay leave or no pay leave, the leave will terminate after seven (07) days of death since the leave is granted to look after the child.
- j. Maternity leave entitlements are special entitlements and are in addition to normal leave.

108. The leave entitlements referred to in paragraphs (c), (d), (e) and (f) above were introduced in January 2005.

109. In addition, for the first time, paternity leave entitlement was recognized in respect of men in the public service with effect from 1.1.2006. Special leave up to three days is available to a Public officer whose wife has given birth to a baby. This leave may be availed of at any time within 3 months of the birth.

Compliance with International Instruments

110. Sri Lanka ratified the ILO Convention on the Worst Forms of Child Labour (ILO 182) on March 1st, 2001 and introduced provision via the Penal Code (Amendment) Act, No. 16 of 2006, to criminalize the offences of debt bondage, serfdom, slavery, forced or compulsory labour and the compulsory recruitment of children for use in armed conflict and to enhance the provisions relating to trafficking. The introduction of these offences were also in compliance with Sri Lanka's obligations under the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, 1957 (which Sri Lanka had ratified in 1958), ILO 182 earlier referred to, the UN Slavery Convention, 1926 (which Sri Lanka had ratified in 1958), the ILO Forced Labour Convention, 1930 (ILO 29) and the UN Protocol on the Suppression and Punishment of Persons for Trafficking, especially Women and Children (the Optional Protocol to the Convention Against Transnational Organized Crime, 2001) which Sri Lanka signed in 2000.

Migrant workers

Table 33

Departures for foreign employment by manpower level and year

| Year | Professional Level | | Middle Level | | Clerical & Related | | Skilled | | Unskilled | | House-maids | Total | |
|------|--------------------|-----|--------------|------|--------------------|------|---------|------|-----------|------|-------------|---------|------|
| | Total | % F | Total | % F | Total | % F | Total | % F | Total | % F | Total | Total | % F |
| 1995 | 878 | 4.7 | 2,495 | 16.9 | 4,594 | 11.0 | 27,165 | 28.5 | 23,497 | 16.6 | 113,860 | 172,489 | 73.3 |
| 1997 | 573 | 6.8 | 1,635 | 15.2 | 3,579 | 16.0 | 24,502 | 35.4 | 20,565 | 18.3 | 99,429 | 150,283 | 75.0 |
| 1999 | 1,253 | 6.2 | 3,161 | 13.4 | 6,210 | 15.1 | 37,277 | 34.5 | 43,771 | 31.2 | 88,063 | 179,735 | 64.5 |
| 2001 | 1,218 | 7.6 | 3,776 | 15.1 | 6,015 | 23.0 | 36,763 | 31.3 | 33,385 | 23.4 | 102,850 | 184,007 | 67.5 |
| 2003 | 1,541 | 8.5 | 7,507 | 29.7 | 6,779 | 21.2 | 47,744 | 33.7 | 44,264 | 20.3 | 102,011 | 209,846 | 64.5 |
| 2005 | 1,421 | 6.8 | 8,042 | 11.1 | 7,742 | 9.7 | 46,688 | 14.6 | 41,904 | 8.0 | 125,493 | 231,290 | 59.4 |
| 2006 | 1,972 | 7.5 | 6,638 | 11.4 | 7,911 | 11.4 | 45,663 | 14.0 | 40,705 | 9.8 | 99,659 | 201,948 | 55.3 |
| 2007 | 1,609 | 4.1 | 3,835 | 11.5 | 4,451 | 13.4 | 49,609 | 12.1 | 52,432 | 10.2 | 102,176 | 217,306 | 52.7 |
| 2008 | 2,281 | 5.5 | 9,034 | 18.0 | 6,782 | 12.2 | 59,747 | 8.7 | 64,632 | 10.3 | 108,604 | 251,620 | 48.0 |

Source: Sri Lanka Bureau of Foreign Employment (Annual Statistics Report, 2007)

111. Private remittances provide the second highest source of foreign exchange and a significant portion of this continues to be from overseas employment. Although the percentage of women in overseas employment (as a percentage of the total number in overseas employment) was significantly high in the early and mid 1990's (> 70%), the figure decreased to 64.5% in 1999, 59.4% in 2005, 55.3% in 2006, 52.7% in 2007 and 48% in 2008. This was so despite the fact that the number of overseas workers increased steadily during this period and hence the figures indicate that the actual numbers of women employed overseas has increased although the percentages have declined (from 124,200 in 2001 to 114,677 in 2007 and 125,895 in 2008).

Table 34

Comparison of men migrant workers, housemaids & other women

| Year | Total | % of Women Housemaids | Other | % of Men | % of Housemaids out of total women |
|-------------|--------------|------------------------------|--------------|-----------------|-------------------------------------------|
| 1996 | 162,576 | 68.0 | 5.5 | 26.5 | 92.5 |
| 1997 | 150,283 | 66.2 | 8.8 | 25.0 | 88.2 |
| 1999 | 179,735 | 49.0 | 15.6 | 35.4 | 75.9 |
| 2001 | 184,007 | 55.9 | 11.6 | 32.5 | 82.8 |
| 2003 | 209,846 | 48.6 | 15.9 | 35.5 | 75.4 |
| 2005 | 231,290 | 54.1 | 5.2 | 40.6 | 91.3 |
| 2006 | 201,948 | 49.3 | 6.0 | 44.6 | 89.2 |
| 2007 | 217,306 | 47.0 | 5.8 | 47.2 | 89.1 |
| 2008 | 251,620 | 43.2 | 5.7 | 51.0 | 88.2 |

Source: Sri Lanka Bureau of Foreign Employment (Annual Statistics Report, 2007)

112. Women professionals at any point in time account for less than 8% of the total number of professionals in overseas employment and those in middle level are less than 29.7% and clerical related jobs less than 23% and are only marginally higher than 20 %.

113. Concerns of Sri Lanka's women migrant worker population, particularly those in unskilled and housemaid categories, have received priority attention of the M/FEPW and the SLFEB and have been referred to above (paragraphs 23 to 29).

114. Measures taken in the interest of women migrant workers include the following –

- A Memorandum of Understanding (MOU's) has been signed with Labour receiving countries to ensure the protection of and securing the rights of Sri Lankan workers particularly women workers. Thus far, four such MOU's have been signed with UAE, Jordan, Qatar and Bahrain and two more are to be signed with Oman and Kuwait.
- A new insurance scheme has been introduced for the benefit of Sri Lankan workers in Jordan.
- Training programmes have been held to enhance the skills and knowledge of women workers.
- Formulation of an Action Plan to implement the SLNPLM.

115. Unskilled workers and housemaids continue to account for a significant share of overseas employment. However this dominance has declined in recent years. In 2001 housemaids accounted for 55.9% of the total overseas employment and by 2005, 2007 and 2008 the comparative figures were 54.1% and 47% and 43.2% respectively. Although the percentage of housemaids has declined, the number of women who are employed as housemaids as a percentage of the total number of women in overseas employment increased from 82.8% in 2001 to 91.3% in 2005 and declined to 89.1% and 88.2% in 2007 and 2008 respectively¹².

116. The decrease in the percentage of women seeking overseas employment is attributed mainly to the availability of job opportunities in Sri Lanka.¹³ This is endorsed statistically by the decrease in the rate of unemployment of women. A reduction of employment opportunities consequent to the closure of garment factories overseas with the termination of quotas under the Multi Fibre Agreement may also have contributed to the reduction.

Article 12 - HEALTH CARE

117. The Government continues to support its long-standing policy of providing universal health services of good quality to its people, free of charge, at all government institutions, and has sustained a strong primary health care network that has been a pillar of strength for several decades.¹⁴ The Government Agency mandated with responsibilities relating Healthcare is the Ministry of Healthcare and Nutrition which has formulated a Health Master Plan¹⁵ and identified several thrust areas which seek to provide adequate healthcare to women. The Master Plan identifies as a priority area the improvement of healthcare to the vulnerable populations such as those in the estates, remote rural areas, and conflict and disaster-affected areas and also the improvement of health and nutrition among infants, pre-school children and pregnant mothers.

118. The Health Master Plan cites the following summary with regard to the general health situation-

- o The country's health indicators show a steady improvement over recent decades, particularly in maternal and infant mortality and life expectancy. The Maternal Mortality Ratio (MMR) of 39.3/100,000 live births in 2006 was an exceptional achievement for a developing country with an income level of about US\$ 800/capita. The improvement of these indicators is predominantly attributed to the Maternal and Child Care Programme implemented nationally as an integral component of the state health care system. Similarly, the Infant Mortality Rate of 16.3 per 1,000 live births has been achieved by effective and widely accessible prevention and primary health care strategies including treatment of minor infections. However, whilst post-neonatal mortality has declined significantly, there has been less success in reducing prenatal and neonatal mortality. A static neonatal mortality rate of 12.9/1,000 over the last decade

¹² The figures for 2007 and 2008 are provisional figures released by the SLBFE.

¹³ Annual Report of the Central Bank of Sri Lanka, 2007, p.90

¹⁴ Health Master Plan, Sri Lanka - 2007

¹⁵ http://203.94.76.60/nihs/HMP/HMP_Summary.pdf

- suggests continuing problems requiring both increases in financing and improvements in management.
- Life expectancy has risen steadily to around 76 for females and 72 for males (2001). The Total Fertility Rate which has declined to around 1.9 has increased to 2.4 according to DHS 2006. With the rapid ageing of the population and the success in combating the major communicable diseases, the disease burden has started shifting rapidly towards non-communicable diseases including mental diseases, accidents and injuries. Nutritional status has improved up to 2000, but thereafter has remained almost stagnant and remains a serious problem among the poorer and vulnerable communities and, even on average, is unsatisfactory. Under-nutrition among children less than 05 years continues to be a major problem with gross inter district disparities, Low Birth Weight (LBW) rate has remained almost static during the past decade.
 - The leading causes of death (by percentage of total mortality for year 2003) are ischemic heart disease (12.5%), diseases of the intestinal tract (10.8%), cerebrovascular disease (9.1%), pulmonary heart disease and diseases of the pulmonary circulation (9.1%), and neoplasms (4.4%). Over time infectious and parasitic diseases have declined in importance, while cardiovascular diseases and homicides have increased in a proportionate manner. In 1996, violence (accidents, suicides and homicides) accounted for 22% of the deaths, while cardiovascular diseases and diabetes accounted for another 24%, which indicates that the epidemiological transition is also rapid.
 - This brief analysis is based on information related to the whole country and does not address the disparities that exist between provinces. When the Provincial or District level figures on infant and maternal mortality rates are compared there are considerable disparities, some of which may be due to differential underreporting or to the referral of cases. In particular, health status in the conflict-affected areas and the estates is below average.

Mortality

119. The crude death rate (the number of deaths per 1,000 population in any given year) has always been lower in the case of women. Between 2001 and 2004, the rate has remained stagnant at 4.5 for women while during this same period, the rate for men declined from 7.6 to 7.1. These figures confirm that survivorship has been higher in the case of women at any given point in time.

Safe motherhood

120. As stated earlier, the MMR (MMR- number of maternal deaths per 100,000 live births in the same year) has decreased significantly. In 1996 Sri Lanka had a MMR of 62 per 100,000 and in 2006 this figure reduced to 39.3/100,000. Sri Lanka is well set to achieve its MDG Target of reducing the MMR by three quarters between 1990 and 2015. The two indicators for this goal are the MMR and the proportion of births attended by skilled health personnel.

121. Sri Lanka's commitment to safe motherhood (which continues to be implemented through its Maternal and Child Health Programme of a dedicated Unit of the Ministry of Healthcare and Nutrition, the Family Health Bureau) ensures that pregnant women have adequate care throughout the pregnancy and at delivery. Approximately 95% of pregnant women were registered with Public

Health midwives appointed to local institutions as at 2005. The reported number of births in 2005 was 371,653 of which about 99.5% were institutional deliveries.

122. Well Women Clinics were established commencing 1996 to provide screening services in relation to hyper tension, diabetes, breast malignancies and cervical cancers. As at 2008, there were 611 such clinics functioning. The numbers of pregnant women attending these clinics has increased over the years.

123. The percentage of deliveries not assisted by trained health personnel declined from 5.9 in 1993 to 0.4 in 2007¹⁶. The proportion of births attended by skilled health personnel is an indicator in respect of MDG 5 – 94% in 1993, 96% in 2000 and 98.5% in 2007¹⁷). The Goal is to reach 98.5% by 2015. If the current trend continues linearly, 100% coverage is expected to be achieved by 2015, thus surpassing the target. Considerable improvements have been achieved in population groups where previously skilled attendance was relatively low as in the estate sector and women who have had no schooling beyond primary level.

A reproductive health service package has been developed by Family Health Bureau to address the “Reproductive Health Issues Faced by the Migrant Workers and their Families”. In the latter part of 2009 the primary health care workers would be sensitized and trained on their roles and responsibilities in addressing the reproductive health issues of the migrant workers and their families. This training also would be done on a phased basis.

Nutrition

Table 35

Child malnutrition

| Malnutrition Level | 1993 | | 2000 | | 2003+ | | 2004++ | |
|-----------------------------------------|------|------|------|------|-------|------|--------|------|
| | F | M | F | M | F | M | F | M |
| Stunted (%) (height/age) | 25.1 | 22.7 | 15.3 | 11.9 | 18.4 | 18.4 | 19.3 | 17.6 |
| Wasted (%) (weight/height) | 15.4 | 15.6 | 12.6 | 15.1 | 15.9 | 20.4 | 15.7 | 15.3 |
| Under-Weight (%) (weight/height) | 40.9 | 34.8 | 29.8 | 29.0 | 37.7 | 37.2 | 37.7 | 35.3 |

Target Group: Children aged (3-59) months

Note : Children (3-59) months with standard deviation below -2 from the median of the reference population for the anthropometric indices : height for age, weight for height and weight for age were classified as mal-nourished children.

¹⁶ Family Health Bureau

¹⁷ Department of Census and Statistics

+ 2003 – Survey was carried out in Ratnapura, Moneragala, Badulla, Anuradhapura, Hambantota, Nuwara-eliya and Matale districts

++ 2004 - Survey was carried out in Trincomalee, Ampara, Batticaloa, Vavuniya, Mannar and Jaffna districts

Sources: Sri Lanka Demographic and Health Surveys 1987, 1993, 2000

Survey of Child Health and Welfare in selected Southern districts in Sri Lanka – 2003

Survey of Child Health and Welfare in selected Northern districts in Sri Lanka – 2004

Table 36

Prevalence of underweight in children less than five years by sex, sector and zone

| Sex/Sector/Zone | Year | |
|------------------|------|------|
| | 1993 | 2000 |
| Sri Lanka | 37.7 | 29.4 |
| Male | 34.8 | 29.0 |
| Female | 40.9 | 29.8 |
| Sector | | |
| Colombo Metro | 31.2 | 18.2 |
| Other urban | 29.9 | 21.3 |
| Rural | 38.3 | 30.8 |
| Estate | 52.1 | 44.1 |

Source: Sri Lanka Demographic and Health Survey: 1993, 2002

Table 37

Prevalence of malnutrition related health issues – 2006

| | Male | Female |
|--------------|------|--------|
| Stunting | 18.7 | 17.2 |
| Wasting | 16.4 | 13.6 |
| Under Weight | 22.3 | 20.8 |

Source: DHS 2006

Table 38**Prevalence of malnutrition related health issues – 2006**

| | Male | Female |
|--------------|-------------|---------------|
| Stunting | 18.7 | 17.2 |
| Wasting | 16.4 | 13.6 |
| Under Weight | 22.3 | 20.8 |

Source: DHS 2006

124. Approximately 30.3 % of pregnant women and 31.6 % of non-pregnant women were reported to be suffering from anemia as at 2001.¹⁸ The sample survey included women between 15 and 49 years. The highest prevalence of anemia amongst pregnant women is reported from the estate sector (49 %) and the lowest from the urban sector (24.6 %). This issue continues to be addressed by health authorities. 123. In the case of children between 3 to 59 months, chronic malnutrition was seen to be more prevalent among girls, while a larger percentage of boys were seen to be suffering from acute malnutrition. About one third of pre-school children are found to be under weight and of this number the percentage of girls was slightly higher.

125. As at 2001, the prevalence of anemia among children indicated a marginally higher rate for girls (30.6 % as opposed to 29.0% for boys) in the pre-school age category while a marginally lower rate for girls (20.1 % as opposed to 21.9 % for boys) was seen in the primary school category. However in the adolescent category (11 to 19 years), a significant disparity was seen between girls and boys (25.7 % for girls as opposed to 18.1 % for boys).

126. It is clear however, that persistent policy interventions have had an overall impact on reducing adverse health indicators over the past years.

127. The percentage of underweight children under 5 years of age, (which is one of the indicators in respect of MDG 1 Target 2) has declined nationally from 37.7 % in 1993 to 29.4 % in 2000. The national target being 20% it can be said that Sri Lanka is well on track to meet this target. At sub national level, Colombo metropolitan and other urban areas have already reached the target. In rural areas the target could be reached if the pace of decline is accelerated marginally. The estate areas lag far behind and need to improve rapidly to reach the overall national target. The prevalence of underweight is higher in children whose mothers have had no schooling or have had only primary education. Children of mothers who have had at least secondary education, the national underweight target has already been reached.¹⁹

¹⁸ Assessment of anemia survey, 2001

¹⁹ Millennium Development Goals in Sri Lanka – A Statistical Review, 2006-Department of Census and Statistics, Sri Lanka, page 36

Child and Infant Mortality

Table 39

Child mortality rate 1991, 2002 and 2006

| Sector/Province/District Sri Lanka | Year/Gender | | | | |
|---------------------------------------|-------------|--------|------|--------|-----------------|
| | 1991 | | 2002 | | 2006 |
| Sector | Male | Female | Male | Female | Male/ Female |
| | | 24.3 | 20.0 | 14.9 | 12.0 |
| Urban | 31.3 | 24.6 | 18.7 | 14.9 | 16.6 |
| Rural | 12.3 | 11.1 | 7.6 | 6.4 | 21.7 |
| Estate | 38.1 | 41.0 | 22.1 | 20.6 | 29.7 |

Source: Registrar General's Department & DHS 2006

Table 40

Infant mortality rate

| Rate | 1980 | 1984 | 1988 | 1992 | 1995 | 2001 | 2002 |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Girls | 31.3 | 24.5 | 18.5 | 15.7 | 15.1 | 11.1 | 10.2 |
| Boys | 37.4 | 29.4 | 21.8 | 20.0 | 17.9 | 14.0 | 12.9 |
| Total | 34.4 | 27.2 | 20.2 | 17.9 | 16.5 | 12.6 | 11.2 |

Source: Registrar General's Department

128. The Child mortality rate (number of deaths of children below 5 years per 1,000 live births in a given year) has declined to levels that are comparable with those in some developed countries and are the lowest among South Asian countries. This is a trend that has prevailed over a considerable period. By 2002, the under 5 mortality rate had reduced to 13.39 with no significant gender disparity. The improvements have been seen across the urban, rural and estate sectors.

129. The infant mortality rate (number of deaths²⁰ of infants under 1 year of age per 1,000 live births in a given year) has shown a continuous decline over the past decade and is attributable to the efficient implementation of health policies by the State. As at 2002, the rate was 10.2 for girls and 12.9 for boys. If the declining trend continues, it can be expected that the rate will reduce to 3.5 by 2015. Although there is a declining trend, the rate of decrease will be slower as the rates become lower.

²⁰ Excluding deaths prior to birth (still births, miscarriages, abortions)

130. Although infant mortality is relatively low, a higher number of deaths occur during early infancy and is attributable to the health status of the mother during the antenatal period. Approximately 83% of infant deaths occur during the neonatal period with 61.5 % occurring during the early neonatal period (first 7 days). However this proportion has changed according to the 2006 DHS, where neonatal deaths account for 67% of the total infant deaths.

Termination of pregnancy

131. As stated in paragraph 16 above, there is no change in the law relating to the termination of pregnancy in Sri Lanka and termination of pregnancy continues to be a punishable offence unless caused in good faith for the purpose of saving the life of the mother²¹. Policy interventions to permit terminations at least in limited circumstances are an issue which continues to be discussed with a view to re-agitating for reforms. As stated in paragraph 16, this is an issue which impacts on deep rooted religious sensitivities and needs to be approached in a manner that does not provoke adverse reactions which will undermine reform initiatives.

Table 41

Cumulative HIV and AIDS cases

| Year | HIV cases | | | | | AIDS cases | | | | | | |
|------|-----------|-----|-------|-----|-------|------------|-------|------|-------|-------|-----|--|
| | Total | | Women | | Men | | Total | | Women | | Men | |
| | No. | No. | % | No. | % | No. | No. | % | No. | % | | |
| 1987 | 2 | 0 | 0.0 | 2 | 100.0 | 2 | 0 | 0.0 | 2 | 100.0 | | |
| 1992 | 63 | 15 | 23.8 | 48 | 76.2 | 22 | 5 | 22.7 | 17 | 77.3 | | |
| 2002 | 475 | 197 | 38.9 | 278 | 61.1 | 139 | 36 | 25.9 | 103 | 74.1 | | |
| 2005 | 743 | 311 | 41.9 | 432 | 58.1 | 207 | 61 | 29.5 | 146 | 70.5 | | |
| 2006 | 838 | 351 | 41.8 | 487 | 58.1 | 226 | 67 | 29.6 | 159 | 70.4 | | |
| 2007 | 957 | 405 | 42.3 | 552 | 57.7 | 266 | 85 | 32.0 | 181 | 68.0 | | |
| 2008 | 1,059 | 444 | 41.9 | 615 | 58.0 | 289 | 89 | 30.8 | 200 | 69.2 | | |

Source: National STD/AIDS Control Programme, Dept. Health Services

HIV/AIDS

132. Despite a concerted campaign to deal with human immunodeficiency virus infection/ Acquired Immuno Deficiency Syndrome (HIV/AIDS), the number of reported cases has increased from 262 in 1998 to 1,059 as at end December 2008. It is estimated that there are approximately 4,000 adults living with HIV as at end 2007. Most at risk groups identified in the National Strategic Plan (2007-2011) of the National STD/AIDS Control Programme, are female sex workers and clients, men who have sex with men, drug users and prisoners. Internal and external migrant workers have been identified as a population vulnerable to HIV.¹³² In the absence of data on global indicators relating to the prevalence of HIV/AIDS the targets identified for monitoring progress

²¹ Penal Code of Sri Lanka

towards achieving the MDG of halting and beginning to reverse the spread of HIV/AIDS by 2015, Sri Lanka has selected the following additional indicators for monitoring the target –

- a) Condom use rate as a percentage of the contraceptive prevalence rate
- b) Contraceptive prevalence rate
- c)

133. By the year 2006/2007, condom use as a percentage of contraceptive prevalence rate stood at 5.5 % with a somewhat higher use in urban areas²². The lowest condom use was reported from the estate sector where a rate of 2.1% was reported. Across age groups, condom use was highest among mothers between 30 to 34 years and lowest in the age group 15 to 19 and 45 to 49 year age groups.

134. The percentage of currently married women of reproductive age who are practicing, or whose partners are practicing any form of contraception is the contraceptive prevalence rate. The contraceptive prevalence rate had decreased from 70% in 2000 to 68.3% in 2006/2007 (DHS 2006-2007)

Table 42

Contraceptive prevalence rate

| Sector/Zone/Educational level of mother | Rate | | |
|-----------------------------------------|-------------|-------------|-------|
| | 1993 | 2000 | 2007* |
| Sri Lanka | 66.1 | 70.0 | 68.3 |
| Sector | | | |
| Colombo Metro | 62.7 | 64.1 | 65.2 |
| Other urban | 57.7 | 65.5 | 59.2 |
| Rural | 68.3 | 72.0 | 69.6 |
| Estate | 54.5 | 63.1 | 64.2 |
| Educational level of mother | | | |
| No schooling | 58.2 | 72.1 | 72.7 |
| Primary | 68.9 | 74.2 | 70.8 |
| Secondary | 67.8 | 71.1 | 68.7 |
| G.C.E. O/L | 64.0 | 66.0 | 63.5 |
| G.C.E. A/L & higher | 64.0` | 65.1 | 66.2 |

Source: Sri Lanka Demographic & Health Survey 1993, 2000, 2006-2007

²² DHS 2006 Draft Report

135. The percentage of As at 2000 the contraceptive prevalence rates (i.e. the percentage of currently married women of reproductive age who are practicing, or whose partners are practicing any form of contraception) had increased from 66% in 1993 to 70 %.

136. As is seen from the Table above, the highest contraceptive prevalence rate is in the rural sector and the highest increase is seen in the estate sector and urban areas outside the Colombo Metropolitan area. It is also clear that any differences that prevailed among the different levels of education has been eliminated, with the less educated showing a higher level of contraceptive use than the more educated women.²³

137. In its Agency Results Framework, under the thrust area of Curative and Preventive health services, the Ministry of Healthcare and Nutrition seeks to achieve the objective of providing comprehensive health service delivery and health actions and identifies the following as its key performance indicators –

- Reduction of infant mortality
- Reduction of under five mortality
- Reduction of maternal mortality
- Reduction of the prevalence of underweight children under 5 years
- Reduction of the incidence of LBW of babies
- Reduction of anemia among pregnant women

Improved awareness of preventive and curative health care services among community and their involvement

138. It is clear therefore, that improving prevailing health concerns continue to be given primacy in the health policy of Sri Lanka (as opposed to merely maintaining the current systems) with high priority afforded to issues relating to women and children.

Article 13 - ECONOMIC AND SOCIAL LIFE

139. There are no concerns with regard to discrimination against women within this area.

Article 14 - RURAL WOMEN

140. State policy has a strong emphasis on bridging the gap between the urban and rural communities on an acceptance that there is need for policy interventions. In particular, the *Mahinda Chintana* which contains the current Government policy, accepts clearly that development has by passed the rural population and that disparities had widened and pledges to remedy this situation. Disparities are clearly seen in vital sectors – education, health, economy and employment. A significant number of poverty reduction programmes are being implemented and all of these target the rural women as well.

²³ Millennium Development Goals in Sri Lanka – A Statistical Review, 2006-Department of Census and Statistics, Sri Lanka

141. The *Mahinda Chintana* Ten-Year Development Framework 2006-2016 offers hopes for better prospects for rural women. The Plan seeks to identify new growth areas in the agriculture sector, apply modern technology and increase the income of small farmers. A radical shift from the earlier policy of bias against small producers is seen in the proposal to offer incentives to those engaged in small and medium industries, micro enterprises and self employment in order to provide livelihood opportunities in the rural sector.

142. A strong focus is found in the plan on the development of infrastructure such as electricity supply, telecommunication services, drinking water and sanitation, access roads, markets, agricultural services such as storage, particularly in the rural sector. The *Maga Neguma* Programme (upgrading roads) focuses on rural access roads which will reduce the isolation and the social exclusion of remote locations. The 100 poorest Administrative Divisions and the 19 conflict affected Divisions have been selected as centres for early action. Schools are being upgraded, health care facilities improved, self employment programmes introduced and infrastructure developed.

143. Two major programmes have been introduced to provide an enabling rural environment. The *Gama Neguma* (Village Upliftment) Programme was initiated in March 2006. Village Development Plans are being developed with the participation of rural communities assembled in *Grama Sabha* (village councils) and *Jana Sabha* (People's Councils). These plans encompass basic infrastructure, rehabilitation of tanks and housing, agricultural and industrial projects, micro finance, village roads, market centres and Information and Communication Technology (ICT) centres. Implementation began in 2006.

144. The *Gemidiriya* (community development and livelihood improvement) Programme has been piloted in 2005 and has been implemented in 535 villages in 33 Divisions in seven Districts in three Provinces in 2006. People's Companies have been formed comprising representatives of over 80% of the households in the community, 50% of whom are mandatorily required to be women. The Programme provides funds to the people's companies for capacity building of personnel, meeting some of the costs of the infrastructure requirements of the village, and livelihood development. The rural community develops capacity to identify needs and plan projects and rural women acquire experience in decision making. Women play a significant role in this programme which is widely recognized internationally as well.

145. These programmes have been formulated to address the disparities and constraints that have bedeviled the life chances of rural women. It is too early to assess progress but the recognition of their role as economic producers and potential community leaders is a positive step in promoting women's rights and in empowering women.

146. A special programme targeting the most economically backward areas of the country was introduced after a focused study on the socio economic indicators relevant to these areas. Government has prioritized the introduction of policy interventions that seek to assist the people of these areas to improve their living standards. Many of these programmes seek to benefit women.

147. In working towards achieving the MDGs, the elimination of disparities is accepted as essential. Hence, monitoring the progress at sub national level is also done with a view to identifying the most vulnerable areas and eliminating disparities.

Article 15 - LEGAL CAPACITY

148. No changes since last Report and no new concerns.

Article 16 - MARRIAGE AND FAMILY RELATIONS

149. No changes since the last Report.

CONCLUSION

150. Sri Lanka clearly has a commitment to honour its obligations arising under UN CEDAW and has made great strides in introducing progressive policies to empower women and to improve the quality of their lives. Sri Lanka is conscious of the areas in which improvements are required and is hopeful that its policy framework provides ample scope to remove existing gaps. Sri Lanka is also conscious that certain concerns referred to in the report must be approached with sensitivity and in a manner that will be accepted by all communities and changes in sensitive areas relating to specific communities will be effected as and when such change are sought or initiated by the communities concerned. In this regard the Government is constantly engaging civil society activists and experts. This policy will continue to guide GOSL in addressing such concerns.
