



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Forty-fifth session

#### Summary record of the 41st meeting

Held at the Palais Wilson, Geneva, on Tuesday, 9 November 2010, at 10 a.m.

*Chairperson:* Mr. Marchán Romero

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*The meeting was called to order at 10.10 a.m.*

**Solemn declaration by the newly elected or re-elected members of the Committee in accordance with rule 13 of the rules of procedure (E/C.12/1990/4/Rev.1)**

1. **Ms. Cong Jun**, the new member of the Committee designated to replace Mr. Zhan Daode, solemnly declared that she would discharge her duties as a member of the Committee on Economic, Social and Cultural Rights impartially and conscientiously.

**Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)**

*Combined second, third and fourth periodic reports of Sri Lanka (continued)*  
(E/C.12/LKA/2-4; E/C.12/LKA/Q/2-4 and Add.1)

2. *At the invitation of the Chairperson, the delegation of Sri Lanka took places at the Committee table.*

*Articles 1 to 5 (continued)*

3. **Ms. Senewiratne** (Sri Lanka) confirmed the number of internally displaced persons (IDPs) cited by her delegation at the previous meeting. She said that the inflated number which had been alluded to had been arrived at because persons displaced by the 2004 tsunami had been counted together with those displaced by the conflict. All the people displaced by the tsunami had been resettled. Persons currently being assisted by the Government had been displaced as a result of the terrorist conflict that had ended in 2009, at which time there had been 300,000 internally displaced persons, as against 18,380 persons currently awaiting resettlement. Those persons had returned to their homes and families voluntarily. Paradoxically, the international community had exerted enormous pressure on the Government for an early release of internally displaced persons and had then criticized the Government for proceeding too hastily. In some cases, returnees had no dwellings or satisfactory infrastructure. The Government, together with the international community and United Nations agencies, had been assisting in the reconstruction of housing for those persons and in the provision of water, sanitation facilities and livelihood support. A programme for the rehabilitation of the north, the final theatre of conflict, had been put into place with a budget of 2.95 billion rupees for 2010–2012. It encompassed resettlement, rehabilitation and reconstruction activities under the purview of a presidential task force. Steps were also being taken to improve social protection and livelihood development, strengthen economic infrastructure, promote social services, revitalize production sectors and encourage human settlement development. The remaining displaced persons were to be resettled by the end of the year after completion of demining operations.

4. In 1991, ethnic cleansing perpetrated by the terrorists had led to 98,000 Muslims being displaced from the north to the north-west of the country. A few persons had returned, but most had opted to remain in the area to which they had moved, since they had become well integrated.

5. Reference had been made to the need for an international fact-finding mission or independent inquiry into war crimes. Since its establishment in August, an independent national reconciliation commission had been working to determine direct and indirect responsibility for events relating to the conflict so as to hold perpetrators, if any, of human rights violations accountable. The commission's six-month mandate had been renewed so that more people could give evidence. It was normal for sovereign States which had emerged from a protracted armed conflict to rely on domestic mechanisms, as they had

been encouraged to do by the United Nations Secretary-General, since nationals had a better grasp of the complex issues involved. Adequate time should be allowed for those mechanisms to do their work rather than imposing an international mechanism, which would impinge on State sovereignty. Her Government would continue to engage with the Secretary-General as the work of the domestic commission progressed.

6. **Mr. Fernando** (Sri Lanka), in reply to a question about the national action plan, said that it was part of Sri Lanka's voluntary commitments under the universal periodic review. First, committees on economic, social and cultural rights, civil and political rights, child rights, labour rights, migrant workers and torture had been set up. Those committees, which were composed of State officials and representatives of civil society, had put forward recommendations on the basis of which the national action plan had then been devised. In addition, a dialogue would be held the following week with representatives of civil society who had not taken part in the work of those committees. Once input had been received, the national action plan would be finalized and submitted to the Cabinet. A human rights charter had been incorporated into the national action plan, along with other rights-related measures.

7. Replying to a question on whether the preparation of the Mahinda Chinthana (Vision of the Government) had been a participatory process, he explained that the President, whose Vision had actually been his pre-election platform, had been re-elected by an overwhelming majority, reflecting a broad endorsement of that platform by the electorate.

8. In response to a question on budgetary allocations, he said that the Government bore primary responsibility for funding the Human Rights Commission, which could also receive outside donations for various projects. A question had also been asked as to why the Supreme Court sometimes referred cases to the Human Rights Commission. The Commission was at times instructed by the Supreme Court to carry out an investigation which it was better equipped to conduct. In such cases, it reported back to the Supreme Court, which would then issue the final ruling.

9. Education from grade one to university level was State-funded and free. The Government provided some textbooks, uniforms and a midday meal. Enrolment in primary school stood at 97.5 per cent. The literacy rate among young people between the ages of 15 and 24 was 95 per cent. The ratio of girls to boys in primary school education had reached 99 to 100. Some 20.3 per cent of the population had access to a computer.

10. Following a recent presidential directive, hospitals throughout the country were kept open around the clock to provide free medication to anyone in need. Maternal mortality stood at 43 per 100,000 births, and infant mortality at 11.3 per 1,000 births. The Government had continued to provide free education and health care throughout the country, even during the conflict.

11. All law enforcement authorities and members of the armed forces took periodic courses in human rights. There were plans to include human rights education in the school curriculum, as well.

12. A question had been asked as to whether Sri Lanka was considering signing the Optional Protocol. He said that the authorities would need to determine whether Sri Lanka's Constitution made provision for an individual complaints mechanism, particularly in light of the Supreme Court's judgement in the Singarasa case.

13. With regard to restrictions on strikes, he said that any person could bring an action against the State before the Supreme Court. Some persons had done so to obtain an order to stop what they had termed illegal trade union activity, and the Supreme Court had intervened in a number of instances.

14. **Mr. Athukorala** (Sri Lanka), replying to requests for specific statistics on a number of matters, said that in June 2008, the inflation rate had risen to 28.2 per cent, but had then declined to 1.1 per cent by July 2009. The rate was 4.3 per cent in July 2010 and 6.6 per cent in October. Unemployment had stood at 8.9 per cent in 1999 and had decreased to 5.4 per cent in 2008, rising slightly to 5.8 per cent in 2009 due to the global downturn. Statistics disaggregated by age showed that the unemployment rate was 29 per cent for persons between 15 and 19 years of age and 15.4 per cent for the 20–29 year age group, whereas it was 3.7 per cent for those between the ages of 30 and 39 years and just 1.4 per cent for persons aged 40 years or older. Unemployment among men had dropped from 6.3 per cent in 1999 to 4.3 per cent in 2009, and among women it had decreased from 13 per cent in 1999 to 8.6 per cent in 2009.

15. With respect to the question as to whether the implementation of the 1999 Compulsory Service Act amounted to forced labour, he said that Sri Lanka had ratified the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (No. 29), pursuant to which activities under the Compulsory Service Act did not constitute forced labour. When Sri Lanka had ratified the ILO Convention concerning the Abolition of Forced Labour (No. 105) in 2000, ILO had observed that the implementation of the Compulsory Service Act would amount to forced labour. He pointed out that Sri Lanka had promulgated the Act in 1961, but no one had ever been prosecuted under it. Action was being taken to repeal it.

16. As to the question that had been asked about equal pay for equal work, he said that non-discrimination was a State policy. Sri Lanka had ratified the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100). The law prohibited wage discrimination on the basis of gender. Labour inspectors monitored implementation of the law, and the Department of Labour refused to register any collective agreement that contained discriminatory wage provisions. Minimum wages were set by wage boards made up of representatives of employers, trade unions and the Government. Sri Lanka had 43 trade sectors, each with a different wage rate. The minimum wage was 7,700 rupees. In addition to the set wage, employers paid various kinds of bonuses and incentives which raised the level of take-home pay.

17. Sri Lanka had taken measures to address difficulties faced by female migrant workers in other countries. A registration system had been introduced and employment agencies were closely regulated. Officials had been sent to the host countries, in particular in the Middle East, to look after the welfare of Sri Lankan workers. Before they could accept an employment offer, female domestic workers had to undergo training and to learn about the host country. People who wished to work abroad must have an employment contract before they left. The Government provided free repatriation to workers who experienced problems. Legislation had been strengthened to prevent trafficking, which had been made an offence under the Civil Code.

18. In 2009, the Government had spent 310 billion rupees on infrastructure development, or 7 per cent of GDP. A total of 295 billion rupees had been spent on development in the north and 197 billion rupees on development programmes in the eastern part of the country.

19. Approximately 80 per cent of the workers in export processing zones were women between 18 and 30 years of age. The national unionization rate was around 18 per cent, as against 10 per cent in the export processing zones. That was because most of the women workers in those zones sought employment only for a short period in order to earn some money before returning to their villages in order to get married and settle down. They thus had little interest in forming or joining trade unions. The unionization rate stood at 90 per cent for tea plantation workers. Harbour and health-care workers were also highly unionized, whereas the rate was low in the garment industry.

20. **Mr. Nawaz** (Sri Lanka) said that in 2008 Sri Lanka had launched a national action plan on sustainable development involving virtually all Government ministries. A national council for sustainable development, established in January 2009, was chaired by the President, a fact which attested to the importance that Sri Lanka attached to the question. The objectives of the sustainable development plan included ensuring clean air and water for all, protecting fauna, flora and ecosystems, meeting the challenges of climate change, and making wise use of land and marine resources. It also called for the elimination of dumps and the greening of the nation's cities and industries. Thus, the plan had captured the spirit of the United Nations Framework Convention on Climate Change.

21. The President had recently proposed the introduction of e-governance, in which services could be provided via the electronic media. He was certain that Sri Lanka would eventually pass a freedom of information act.

22. The indigenous Vedda people of Sri Lanka had to a large extent become integrated into mainstream society, but any intrusion into their traditional habitats could be dealt with as a violation of their rights under current legislation. Such intrusions were rare. The Supreme Court had ruled that the State could not intrude on population groups' natural habitats for the purpose of mining. The same remedy would be available to indigenous people in such circumstances.

23. Although the 1948 Citizenship Act remained on the statute books, no cases had been brought concerning discriminatory application of its provisions, and ample mechanisms existed to resolve any complaints through the courts.

#### *Articles 6 to 9*

24. **Ms. Bras Gomes** welcomed the references made in Supreme Court rulings to various international instruments and asked whether the Court had also invoked the Covenant. She also asked what steps the Government was taking to counteract the immediate negative impact that the withdrawal of preferential trading arrangements by the European Union was having on the livelihoods of 300,000 workers in the garment industry, most of whom were women. With regard to the women's rights bill, she sought clarification regarding the 2009 draft, as its provisions concerning an independent body for the protection of women's rights seemed to differ from the 2004 version.

25. Noting that no reply had been received to question 21 of the list of issues, she asked whether the country had a contributory social insurance scheme. If so, which workers and sectors did it cover and what benefits did it provide? She further asked whether the State party had given consideration to, or discussed with the International Labour Office, the establishment of a social protection floor which would include universal pension schemes for older workers in the formal and informal sectors. Lastly, she sought clarification regarding the social benefits, in particular health care, available to tea plantation workers.

26. **Mr. Martynov** asked whether the Government intended to promote job creation for high school and college graduates in view of their relatively high rate of unemployment and whether it had taken or planned to take any action to encourage job creation for people with disabilities. He sought information on the resources available for labour inspections, which were reportedly insufficient, and enquired why the State party had not yet ratified the ILO Convention concerning Annual Holidays with Pay (Revised) (No. 132). Did it intend to do so, as well as to ratify the Convention concerning Basic Aims and Standards of Social Policy (No. 117) and the Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (No. 118)?

27. **Mr. Kedzia** sought the delegation's views concerning trade union rights and freedoms, particularly with regard to the high membership threshold for trade union recognition, restrictions in the public sector, declining unionization, poor union presence in

export processing zones, the threat posed by management-dominated “employees’ councils”, and victimization of trade union activists in the private sector. He asked what measures were planned or being taken to ensure full enjoyment of trade union rights in the public and private sectors, what legal and other remedies were available and how the Government deterred retaliation against workers who chose to invoke them. Lastly, he asked how the Government was addressing the underrepresentation of minorities, especially Indian, Tamil and Muslim groups, in public services.

28. **Mr. Texier** asked whether the minimum wage was sufficient to meet minimum needs. He requested information on repeated refusals to pay State workers’ wages on a monthly, rather than daily, basis and on labour inspectors’ and trade union activists’, access to export processing zones. The State party was ultimately responsible for ensuring that agreements between employers and workers did not violate domestic or international labour legislation.

29. **Mr. Sadi** asked whether the State party intended to ratify the Convention on the Rights of Persons with Disabilities. He sought further information on domestic migrant labour, in view of reports that the situation of female domestic workers, in particular, still gave cause for concern, despite some Government action. He asked to what extent the national action plan on human rights covered economic, social and cultural rights, and he requested further details regarding the Supreme Court ruling on land rights referred to by Mr. Nawaz.

30. **Mr. Fernando** (Sri Lanka) said that the Government had been aware of the possible effects on workers in the garment industry before preferential trading arrangements with the European Union had ceased, and it would take steps to seek alternative employment for surplus workers, if necessary. With regard to health care for tea plantation workers, he affirmed that they were subject to no specific restrictions.

31. The process of signing and ratifying international instruments had become more time-consuming following a Supreme Court decision on the subject, as potential obligations and legal impediments must be considered with increased care before any commitments were assumed.

32. **Mr. Athukorala** (Sri Lanka) said that the termination of preferential trading arrangements with the European Union had not yet had an impact on the labour market, but the Government was committed to supporting the garment industry if necessary. The Government had taken steps to encourage the use of new designs and green technology and to promote the exploration of new markets.

33. There were various provident funds and contributory social security systems operating in different sectors, from the public-sector pension scheme, which covered around 1.2 million people, to microinsurance schemes established by NGOs. Contributory schemes also existed for farmers, fishers and self-employed persons. Following discussions with the International Labour Office, the Office had undertaken a feasibility study on creating a social protection floor in Sri Lanka with a view to providing universal access to essential health care, assistance for the unemployed and the poor, and income security for elderly and disabled persons. The International Labour Office had been invited to carry out further detailed studies. Information on the reduction in State spending on social security would be provided later.

34. Tea plantation workers were covered by all current labour legislation and were not treated as a separate group. When the Government had attempted to repeal a nineteenth-century ordinance on Indian immigrant labour, objections had been raised by representatives of workers of Indian origin on the grounds that the legislation protected their ethnic identity. Work was now under way to repeal specific sections of the ordinance instead.

35. The Ministry of Labour had developed programmes to provide career guidance and promote self-employment and vocational training among educated young people, further details of which could be submitted later. Other programmes existed to promote employment for persons with disabilities, for whom dedicated vocational training was available. Support for one such initiative was being received under the terms of a recent Memorandum of Understanding with the Republic of Korea.

36. The Factories Ordinance, which constituted the State party's occupational safety and health legislation, covered only 30 per cent of the workforce. A bill covering the entire workforce would be presented to the legislature in the near future. While the amount of resources available in that sphere was limited, the number of labour inspectors had increased from 300 to 587 over the last three years. Their functions were supplemented by the work of specialized labour officers, who based their activities on reports and recommendations from experts in fields such as medicine and engineering.

37. With regard to trade union rights, he said that the National Labour Advisory Council had been informed of the ILO observation that the 40 per cent threshold for the compulsory recognition of trade unions was too high. Some trade unions, however, had been opposed to the reduction of the threshold, which would therefore require further consideration and consultation. The victimization of trade unionists was prohibited pursuant to the section of the Industrial Disputes Act on unfair labour practices, as amended in 1999, which provided for the prosecution of employers accused of unfair labour practices. Wage levels were set with consideration for the trade in question, the skills of the workers and the capacity of the employer to pay. Trade union members understood the financial difficulties faced by employers, and although the minimum wage had increased by 20 per cent in 2010, trade unions in the cinema and match manufacturing industries had refused that increase, since they were aware that their industry could not afford it. Wages in those industries had therefore been set by a tripartite agreement. Labour inspectors did not need permission to enter export processing zones, although some access control measures were in place, and inspectors therefore needed to present an official professional identity card. Labour centres had been established in the export processing zones, which was where the employees' councils operated, to provide guidance in the event of industrial disputes. The State party was considering ratifying ILO Convention No. 132.

38. **Mr. Fernando** (Sri Lanka) said that the Covenant rights were one of the eight key areas covered by the national action plan on human rights. The delegation could provide the Committee with a copy of the amendment to the Industrial Disputes Act on unfair labour practices.

39. **Mr. Nawaz** (Sri Lanka) said that the Supreme Court had made direct reference to the Covenant in its rulings and that copies of the relevant judgements would be made available. A committee had recently been established to study and address women's rights issues. He took issue with the question on the underrepresentation of minorities in public services, since that was not the case. As a member of the Muslim minority, he had not faced any discrimination in public service and was happy to work in an environment that promoted equality. Regarding health care for tea plantation workers, he said that 38 estate hospitals had been taken over, renovated and placed under the authority of the local councils in order to improve the accessibility of quality public health-care services. Tamil-speaking midwives, public health inspectors and dispensary staff had been appointed to work in the estate areas, where funds had also been allocated for the improvement of household sanitation facilities.

40. **Mr. Fernando** (Sri Lanka) said that, although minorities were not underrepresented in the public services, their numbers had declined because many of them, in particular ethnic Tamils, had migrated in recent years.

41. **Mr. Athukorala** (Sri Lanka) said that Sri Lanka had not yet ratified ILO Convention No. 117 or ILO Convention No. 118 but that the Government intended to discuss that possibility with the social partners.

42. **Ms. Bras Gomes** asked whether there was a time frame for the implementation of the social security package. She also asked what measures were being taken with regard to sexual harassment in the workplace, particularly since there were no provisions on sexual harassment in the State party's labour laws.

43. **Mr. Kedzia** pointed out that he had asked about the underrepresentation of minorities in public services, not discrimination against them. National statistics showed that, in 2006, 0.3 per cent of public servants were Tamils of Indian origin, which was not proportionate to their representation in the population. The Committee had been informed that the Supreme Court had decided that the treaty bodies' jurisdiction in respect of individual complaints would interfere with the exclusive jurisdiction of the State and the Constitution. While he understood that the decision was binding for the legislature and the executive, he wondered whether the Government had considered the possibility of introducing a further amendment to the Constitution to resolve that problem.

44. **Mr. Fernando** (Sri Lanka) explained that the Supreme Court ruling had not stated that the individual complaints procedure interfered with domestic law, but rather that the process leading to the signing of the Optional Protocol was not in line with the domestic legal system. Although thorough consideration had been given to ratification, it would require a constitutional amendment, which was a complex process. On the subject of sexual harassment in the workplace, that offence had been added to the Criminal Code when it had been amended in 1995, pursuant to which more severe punishments were handed down to perpetrators who were in positions of authority.

45. **Mr. Athukorala** (Sri Lanka) said that the preliminary ILO study on social security that had been mentioned earlier would lead to a comprehensive report on the possibility of establishing a social protection floor. Sexual harassment cases could also be addressed in the context of industrial disputes and could be considered by the labour tribunal. Measures were being taken to raise awareness among workers about sexual harassment. The Employers' Federation of Ceylon also had a code of conduct which set out procedures for dealing with sexual harassment cases.

46. **Mr. Nawaz** (Sri Lanka) said that the Sri Lankan legislature had recently passed an enactment on pensions which added casual workers in public service to the category of workers entitled to superannuation benefits.

*Articles 10 to 12*

47. **Mr. Riedel** said that the Committee had not received answers to questions 32 and 34 of the list of issues. While the delegation had provided information on hospitals in the estate areas, the Committee also wished to know about health-care services in the north-eastern provinces and, in particular, what measures were being taken to address the shortage of nursing staff and paramedics. He asked whether a comprehensive plan had been adopted to address war-related health problems, such as post-traumatic stress. He wished to know why the draft mental health act of 2007 had not been adopted, since its provisions on continuing care and rehabilitation were particularly positive. He asked what status that bill had and whether any interim measures were being taken pending its adoption and entry into force. He also wished to know what measures were being taken to prevent further outbreaks of dengue fever. Regarding the affordability of medicines for marginalized and disadvantaged sectors of society, he said that the Committee had received reports about the importation of low-quality yet expensive brand-name drugs, rather than generics. What measures were being taken to promote affordable generic drugs? Turning to occupational



safety and health, he asked what measures were being taken to provide safety training in order to reduce fatal accidents, which were on the rise, particularly in the construction industry.

48. **Mr. Atangana** requested statistics on domestic violence disaggregated by gender and ethnicity. Legislation on domestic violence adopted in 2005 focused more on protection measures than sanctions, and information on the punishments handed down in cases of domestic violence would be appreciated, as would information on the civil status of children born out of wedlock.

49. **Mr. Pillay** asked what the current level of poverty was in the State party and whether its 2005 Poverty Reduction and Growth Strategy incorporated economic, social and cultural rights. He also wished to know whether the strategy included specific measures to alleviate the high level of poverty among Tamils of Indian descent, 30 per cent of whom lived in poverty-stricken areas, and the plantation sector, where the poverty rate was four times higher than in other rural areas. He would like to know what the State party was doing to remedy sanitation problems in schools, 10,000 of which had poor water and sanitation facilities and 600 of which had none at all.

50. The Committee was still awaiting a reply to a question in the list of issues concerning compensation for internally displaced persons (IDPs) whose land had been requisitioned by the military. It would also be helpful to know if the State party had established, as previously promised, mechanisms to deal with the restitution of land, housing and property rights.

51. Noting that the right to housing was not deemed to be justiciable in Sri Lanka, he reminded the delegation that a core obligation under the Covenant was the provision of basic shelter to all. He wished to know what the State party was doing to address the deplorable living conditions of slum-dwellers, including the 77,000 families that lived in informal settlements in Colombo.

52. He wished to know how the delegation responded to reports of people being forcibly evicted without prior consultation or the provision of compensation or alternative accommodation, all of which was diametrically opposed to the Committee guidelines set out in general comments Nos. 4 and 7. He also asked for the delegation's views on the National Housing Development Authority's prediction that 1.2 million people, or 5 per cent of the population, would be homeless by 2012. More detailed information on homelessness and statistics on forced evictions should be provided in the State party's next periodic report.

53. **Mr. Schrijver** wished to know what measures the State party was taking to eliminate the root causes of child labour through targeted anti-poverty programmes, improved access to education and the eradication of the worst forms of child labour. He also asked for information on specific measures to protect and assist the families of migrant workers, as well as more data on widespread violence against women, including mothers, and the steps taken by the State party to combat it.

54. **Mr. Martynov** wished to know when the 2003 national policy on disability would be implemented and asked for more detailed statistics on the situation of disabled children in the State party. He also wanted to know if anything was being done to reduce the disparities between the amount of maternity benefits provided by the public and private sectors and whether the State party's poverty reduction strategy included plans to narrow the gap in economic growth between the prosperous western province and the north-east, which was languishing.

55. **Mr. Abdel-Moneim** asked if the State party subsidized food prices and whether it had been urged not to do so by the International Monetary Fund when it was negotiating its

US\$ 2.6 billion standby arrangement with Sri Lanka. Could such pressure explain the high level of expenditure on food in Sri Lankan households and recent increases in inflation?

56. **Ms. Bonoan-Dandan** wished to know why the idea of establishing a ministry devoted to the affairs of Tamils of Indian descent and of people in the plantation sector, along with a concomitant national action plan, had been abandoned. She also asked how the State party planned to achieve the eradication of extreme poverty by 2015, especially if the State party's poverty strategy did not take into account plantation-sector families, including refugees and families affected by the conflict, who were among the poorest in Sri Lanka.

57. With regard to migrant workers, she asked what percentage of the State party's GDP came from remittances from migrant workers and how much of that sum went to social development initiatives for migrant workers and assistance to their families. Recalling the 2004 tsunami, she wanted to know if the Government had put mechanisms in place to deal with such disasters, protect the population and manage post-disaster recovery.

58. She also sought clarification on the delegation's request to the Committee that it appreciate the cultural sensitivities in Sri Lanka with regard to marital rape and asked to what extent Sri Lankan society accepted violence against women.

59. **Ms. Bras Gomes** asked if paternity leave was granted so that men could care for sick children, as well as older dependents, and why that leave was unavailable to employees in the private sector. She also wished to know what social services were available to the elderly. On the subject of discrimination against women, she asked whether males still had preference over females with regard to inheritance rights and, if so, what was being done to remedy that situation.

60. **Mr. Fernando** (Sri Lanka) said that, under a 1996 amendment to the Criminal Code, spouses could be prosecuted for marital rape if the offence took place after the couple had been legally separated. The State party was endeavouring to reduce social acceptance of violence against women by formulating a law on domestic violence and launching awareness-raising campaigns. Social traditions, however, also had a bright side. Most people lived in extended families, in which children cared for their parents and even grandparents, thus largely obviating the need for social services in that context.

61. With regard to migrant workers, he said that the State party had tried to amend legislation in order to stop migrant workers with children under 5 years of age from emigrating without satisfying the authorities that they had made adequate childcare arrangements in their absence. Human rights groups had, however, accused the Government of infringing the rights of migrant workers by restricting their freedom of movement. The State party's priority was the welfare of children, but at times it had to bow to external pressure and slow the pace of legislative reform. Paternity leave had been introduced only recently in the public sector and, although the Government could not force the private sector to follow suit, it would be encouraged to do so.

62. **Mr. Nawaz** (Sri Lanka) said that the health-care needs of IDPs had been met. Health centres had been set up in each zone with IDP camps, provided with ambulances and staffed with medical officers, nurses, midwives and pharmacists. More than 100 doctors had been assigned to IDP health centres and hospitals. All children affected by the conflict had received nutritional supplements, all pregnant women had been provided with antenatal care, and immunization programmes had been carried out. Mobile dental and radiology units had been dispatched to all IDP camps, and a disaster management unit had been set up in the Ministry of Health. Coordination units had also been established in areas where IDP camps were located.

*The meeting rose at 1 p.m.*