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Summary record of the first part (public)* of the 42nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 9 November 2010, at 3 p.m.

Chairperson: Mr. Marchán Romero

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* No summary record is available for the second part (private) of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports

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

Second, third and fourth periodic reports of Sri Lanka (E/C.12/LKA/2-4); core document (HRI/CORE/LKA/2008); list of issues (E/C.12/LKA/Q/2-4); written response of the Government of Sri Lanka to the list of issues (E/C.12/LKA/Q/2-4/Add.1) (continued).

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

Articles 10 to 12 of the Covenant (continued)

2. **Mr. Fernando** (Sri Lanka) said that the number of displaced persons in Sri Lanka had fallen to 17,983 immediately following the closure of a refugee camp.

3. **Ms. Mallikaratchy** (Sri Lanka) said that Sri Lanka's primary health-care system was highly developed and that Sri Lankan health care was among the best available in developing countries. The first national policy on mental health had been drafted on the basis of recommendations issued by the World Health Organization (WHO) in 2005. The effective implementation of the policy required capacity-building and to that end training programmes for specialists, particularly psychiatrists and psychologists, had been put in place and a network of community support centres had been established.

4. The fight against dengue fever was sustained by emergency measures adopted in the two worst-affected zones and by the import of medical drugs. The authorities were also carrying out systematic inspections of public places with the assistance of the Armed Forces. An epidemiology unit had been established under the Ministry of Health in order to oversee the implementation of the programme.

5. Health policy was based on the principle of rational medication at reasonable prices, which had been incorporated into the national policy in 2005. The policy, which was subject to review every five years, also envisaged the production of essential drugs in Sri Lanka. Furthermore, the Ministry of Health had published a circular recommending the use of generic drugs and instructing doctors in public hospitals to prescribe such drugs whenever possible.

6. In the aftermath of the tsunami that hit Sri Lanka in 2004, the national disaster management framework had been reviewed so as to increase the country's readiness and capacity for intervention. The Government had also established, with the support of international and regional partners, regulations, institutions and a strategy aimed at prioritizing disaster management in all national development plans.

7. **Mr. Fernando** (Sri Lanka) said that the Government had launched a campaign to resettle persons living in shanty towns and that such settlements would be demolished. Resettled persons would be given more spacious housing, built by the National Housing Development Authority. Their living conditions should therefore improve in the near future. The expropriation of the 300 families in question had taken place during the conflict, the authorities having decided, for security reasons, to evict 300 people living in temporary dwellings in Colombo. A complaint had

been lodged immediately afterwards and the Supreme Court had ruled that those people be resettled in Colombo at the expense of the State, which had been done immediately.

8. **Ms. Nawaz** (Sri Lanka) said that the poverty rate, which had stood at 22.7 per cent in 2002, had fallen to 15.2 per cent in 2007. The relevant statistics were collected every five years and the next set would be collected in 2012. The disparity between maternity benefits in the public and private sectors was currently the subject of negotiations between employers and trade unions. The unemployment rate among young graduates was very high, particularly among those with a higher degree, which could be explained by the aspirations of those concerned and the nature of the job market. The Government was trying to solve the problem by providing career counselling.

9. She confirmed that the Ministry of Social Development had been disbanded and its functions reassigned to other ministries. In addition, the total amount of money transferred by migrant workers had reached 1.5 billion in 2005 and had increased steadily to 3.3 billion in 2009. The funds collected by the Government in that connection were used to support migrant workers, through study grants and various forms of development assistance.

10. **Ms. Jayawardena** (Sri Lanka) said that 32 per cent of the population received income support. The Government planned to review the current poverty reduction programme on the basis of certain geographical priorities in order to increase its impact but, despite the concerns of the IMF regarding the budgetary deficit, it intended to keep that form of assistance in place. It was important to distinguish between poverty and extreme poverty. Sri Lanka sought to eradicate extreme poverty by 2015.

11. **Mr. Athukorala** (Sri Lanka) said that the main principles of the housing policy were based on the Constitution, which, in particular, provided for the authorities to ensure the adequacy of housing as well as the continued improvement of living standards, including food, clothing and leisure activities. With regard to the alarming forecasts of the number of homeless persons in Sri Lanka, such a statement must be placed in context: the National Housing Development Authority had stated that if the necessary measures were not adopted, 5 per cent of the population would be homeless by 2012. However, the necessary measures had already been planned.

12. Twenty-five special schools had been opened for disabled children, who had grown in number because of the conflict, and every year 120 teachers qualified as teachers of disabled children. A specialized centre to prepare disabled children for re-entry into mainstream schooling had also been opened.

13. With regard to repealing the discriminatory provisions regarding women contained in the law governing the succession of land ownership, Sri Lanka, which had just emerged from a prolonged conflict, had been obliged to prioritize. The law in question had yet to be amended but dialogue was continuing. The matter had been referred to a committee and amendments had been put forward in order to ensure gender equality in that connection. Furthermore, women and children who were victims of domestic violence would now benefit from protective measures under a new law which was based on the best practices applied at the international level and had already been invoked in the courts.

14. **Mr. Fernando** (Sri Lanka) said that the State had taken note of the problems relating to employment and the sexual abuse of children as well as domestic violence. Special counters had been opened in police stations where women and children could lodge a complaint directly. Sri Lanka had strengthened its judicial structures, equipped itself with new laws and had adopted a number of administrative measures. Persons found guilty of the sexual abuse of children or the exploitation of child labour would henceforth receive harsher punishments. Children and the general public were aware of both the risks and the protective measures in place. Telephone helplines had been set up to enable children to immediately report any violation of their rights.

15. **Ms. Bonoan-Dandan** observed that the connection made between marital rape and culture, mentioned in paragraph 104 of the State party's response to the list of issues, was contradictory, especially in the light of efforts to counter social acceptance of violence towards women. Culture was the human being's expression of humanity and, as such, should not be used to justify acts of violence against women. The obligation to eradicate such practices was not one that could be fulfilled in stages, and it was the State's responsibility to adopt immediate measures to that end, not at some point in the future.

16. She also wished to know to what extent the United Nations was involved in the recovery efforts undertaken by the State party in the north and east of the country; whether the High Commissioner for Refugees (HCR) had access to those regions in order to assist refugees and displaced persons; and to what extent the Government of Sri Lanka was cooperating with other United Nations humanitarian agencies.

17. **Ms. Barahona Riera** expressed her support for Ms. Bonoan-Dandan's comment on cultural sensitivity and marital rape, emphasizing that culture was a positive value that should not be used to justify inaction in the face of violent practices that violated women's rights. She requested details on the services, information and training afforded to the public on reproductive health. She also wished to know what provisions were in place for abortion and how the rate of maternal mortality, which according to the State party had already fallen significantly, could possibly fall further if violence towards women were not eradicated.

18. **Mr. Sadi** said that, even if the State party thought it was equipped with highly effective laws to combat domestic violence, the problem should be high on its list of priorities. He wished to know whether the victims actually made use of the means of assistance at their disposal and whether the State party could cite the relevant case law and provide the Committee with concrete examples. Cultural sensitivity should yield to international standards and not vice versa. The State party was encouraged to adopt a similar point of view.

19. **Ms. Bras Gomes** observed that the number of families caring for the elderly, which the State party had cited as a current practice, would tend to fall, as in every other country, as more and more women worked outside the home. The State party, which had the highest number of elderly people in the region, should give due consideration to the institutional provision of care and to the organization of health-care and social services.

20. The Land Development Ordinance, which dated from 1935, should be repealed without delay. It was not only highly discriminatory and contrary to human rights principles on succession, but also had a negative impact on women in terms of the allocation of State land to agricultural activities and housing development.

21. **Mr. Fernando** (Sri Lanka) stated that the delegation had taken careful note of the views of the members of the Committee and would give them due consideration. Nevertheless, Sri Lanka was a developing country where priorities were established according to the most pressing needs and priority could not be given to problems that, despite their inevitability, did not yet exist. While cultural sensitivity was cited in the periodic report, that did not mean that the Government advocated the practices that ran counter to it; rather, it was a reality that the Government would endeavour to deal with as soon as possible.

22. **Mr. Athukorala** (Sri Lanka) said that the Criminal Code classed illegal abortion as a criminal offence. Abortion was permitted only when the life of the mother was in danger. In 1995 an unsuccessful attempt had been made to extend the legal grounds for abortion. The Ministry of Health had now reopened the dossier and, together with health professionals and their associations, the ministries of justice and women's affairs and women's associations, was raising awareness with a view to amending the law.

23. The Land Development Ordinance was being re-examined. The status of women was an important element of the National Action Plan and the committee responsible for economic, social and cultural rights, which was to meet in the near future, would be sure to examine the problems posed by the Ordinance and the questions raised by the Committee on Economic, Social and Cultural Rights. The law on domestic violence provided for the protection of witnesses, and there was nothing to prevent victims from lodging complaints because, even if the perpetrator was the spouse, the police had full power to protect the victim, who could also take the matter to court. According to the Sri Lankan judicial hierarchy, the Supreme Court was responsible for establishing jurisprudence; thus, unless the perpetrator of domestic violence appealed against the ruling of a lower court and the case was referred to the Supreme Court, there was no jurisprudence. That being the case, the law was applied and perpetrators were duly prosecuted. The matter of marital rape, which was not classed as an offence by the Criminal Code (inherited from the British Empire), would certainly be examined. However, rape involving spouses who were no longer living under the same roof was already punishable by severe penalties, which showed that progress was possible.

24. **Ms. Senewiratne** (Sri Lanka) said that 52 institutions, including three non-governmental organizations, were working in north and east Sri Lanka. The United Nations High Commissioner for Refugees was the lead agency for reconstruction and recovery efforts in those regions. It also issued the demining certificates required to resettle displaced people and had allocated a considerable proportion of the funds collected from the international community. The resident United Nations Coordinator in Sri Lanka had recently stated that the presence of such international organizations should be maintained.

Articles 13 to 15 of the Covenant

25. **Mr. Kerdoun** observed that the four questions raised by the Committee on the list of issues regarding the right to education had still not been answered, which made it impossible to evaluate the progress made by the State party in what was a fundamental area. In the reports submitted by the State party, the core document which contained almost no information on education and presented information dating from 2006, mentioned a Ten Year Vision framework but provided neither details nor dates. The delegation should indicate whether the framework had already been implemented or whether it was still in the planning stages.

26. Expressing his surprise at the exceptional results conveyed on page 75 of the core document, in particular with regard to the number of pupils per teacher, which was reported as 19 compared with an average of between 60 and 70 in other developing countries, and deploring the absence of statistics for the four years that had passed, he said that, according to other sources, the school dropout rate had increased considerably in certain districts, exacerbating regional inequalities, and asked whether the Government was adopting measures to stem the flow. In addition, he wished to know what provisions were in place for removing the various obstacles to training and education of pupils (in particular, the lack of teaching materials, overcrowded classrooms and insufficient health facilities) and for improving the situation of teachers, who were faced with safety and transport problems, were losing prestige as a profession and were paid less than their Indian, Bangladeshi and Thai counterparts, for example. In the light of the investigations conducted by Transparency International Sri Lanka and the 72 complaints lodged by that organization, he invited the Sri Lankan delegation to comment on the action the authorities planned to take to combat corruption in the education sector.

27. **Mr. Schrijver** asked how the State party explained the disparity between the indicators, referred to in paragraph 118 (c) of the report under consideration, relating to the achievement of the second Millennium Development Goal, and those established by the United Nations Children's Fund (UNICEF). He also wished to know what measures had been adopted to integrate children from areas affected by the conflict (particularly displaced children) into the education system.

28. **Mr. Kedzia**, recalling that, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), 6 per cent of GDP should ideally be allocated to education, asked what the Government planned to do to halt the decline in funds allocated to education over the last three years, which had decreased by 42 per cent. He requested more detailed information on the effectiveness of the programmes in place to tackle the inequalities of the education system (in particular the lack of teachers in rural and isolated areas) and the repercussions of such inequalities on vulnerable and marginalized children. He enquired as to the apparatus in place to ensure both formal and informal education in human rights and the measures adopted to guarantee Internet access for marginalized groups and the populations of isolated areas, a tool allowing access to general information and knowledge and also to details of existing services.

29. **The Chairperson**, speaking as a member of the Committee, commended the enshrinement of culture as a fundamental right in the Constitution of the State party but wished to know what measures had been adopted to guarantee every person the right to participate fully in the cultural life of the country.

30. **Mr. Fernando** (Sri Lanka) said that the right to culture was enshrined in the guiding principles of the State party's policy (article 27, paragraph 2 (g) of the Constitution). The authorities considered it a major priority, given the multicultural dimension of Sri Lankan society, and endeavoured to ensure that the right was upheld, especially in schools and at sporting events. Recalling the statistics relating to education that had been provided at the start of the review and the fact that the goal of universal education had practically been achieved and that both primary and secondary education were completely cost-free (i.e. no costs were charged for school fees, meals, uniforms or textbooks), he was surprised that a member of the Committee had described the cost of education as "high". With regard to the education of displaced children, the population of camps for displaced persons was different from that recorded in June 2008 at the time the report was submitted; in 2009, when almost 300,000 displaced people had moved into areas under Government control, the authorities had secured an education for 61,000 children in the space of a few months, recruiting teachers from among the displaced population, organizing examinations and providing uniforms, textbooks, teaching materials and meals in addition to implementing remedial or catch-up programmes to ensure that no child was excluded.

31. **Mr. Nawaz** (Sri Lanka) said that the two provisions contained in article 13, paragraphs 2 (a) and (b), of the Covenant were fully upheld in Sri Lanka. In addition to cost-free primary and secondary education, committees for improving school attendance approached children who were not in the school system and encouraged them to return to school. In that way, between 2006 and 2010, 51,000 children had been able to return to their studies. With regard to the school dropout rate, the figures in the possession of the Sri Lankan delegation conflicted with those of UNICEF: for the sixth year of primary education, the retention rate had risen from 79 per cent in 2005 to 92 per cent in 2009. Vocational training programmes launched by the Government made provision for educational establishments to provide a so-called "flexible" education to children who had dropped out of school, and the World Bank subsidized such programmes in districts where children performed most poorly. All such initiatives, supplemented by programmes to raise awareness of the risks of landmines and accelerated apprenticeship programmes, were testament to the efforts undertaken by the Government to promote education.

32. The budget allocated to education had just been increased by 15 per cent in order to implement various teacher training programmes, including further training, and to increase salaries so as to attract more people to the profession. The State had taken stock of the dearth of teachers and, together with the provincial authorities, had put strategies in place to boost recruitment. The National Institute for Education had recently trained 9,000 teachers.

33. Textbooks and teaching materials for primary and secondary education provided information on the different cultures that coexisted in Sri Lanka. Likewise, in order to promote good relations between the different cultures after the conflict, the Government had just established the Unit for Social Cohesion and Education for Peace, which aimed to bring together children from different cultural backgrounds through, for example, exchange programmes between Tamil and Muslim pupils centred on cricket matches, a children's parliament and recreational and social facilities for students. In addition, there were integrated cultural programmes aimed

not only at students but also at future teachers and schools that welcomed students from all communities in an effort to promote ethnic harmony.

34. **Mr. Fernando** (Sri Lanka) said that he had not yet heard of any allegations made regarding the politicization of education, but he had heard allegations of corruption in relation to admissions to popular State schools that took only a small number of pupils; such allegations did not, however, concern the schooling actually provided. With regard to Internet access, he noted that just over 20 per cent of the population had access to a computer, children accounting for 90 per cent of those with access. Computer spaces equipped with computers provided by the Government had been established in rural schools and Internet access was available almost everywhere in Sri Lanka.

35. **Mr. Sadi** asked the delegation to confirm that in Sri Lanka there was no ethnic or religious segregation in schools.

36. **Mr. Schrijver** appreciated that primary education was cost-free and did not wish to question Sri Lanka's compliance with the International Covenant on Economic, Social and Cultural Rights in that connection. However, he wished to know what difficulties had been faced by the State party in giving effect to the rights set out by that instrument, especially as, according to the figures stated by UNICEF in its report and those submitted by the State party, the school dropout rate for the period under consideration was 25 per cent. He also requested a response to the question he had asked at the previous meeting on child labour because he observed a link between that phenomenon and the school dropout rate, given that 52 per cent of children who worked were under 15 years old.

37. **Ms. Barahona Riera** requested a response to her questions regarding education in the area of sexual and reproductive health. She asked the delegation to provide the Committee with a written response in the near future if it was not currently in possession of such information.

38. **Mr. Kedzia** thanked the delegation for the information it had provided on the issues he had raised and explained that his questions related to the availability of Internet access in remote areas and to access for disadvantaged persons who often faced the greatest difficulties in gaining such access. It would be appreciated if the delegation could provide the Committee with information in that connection.

39. **Mr. Kerdoun** clarified that his remarks regarding politicization and corruption in the education system were based on information from specific sources, namely the Transparency International report entitled "Corruption in Education in Sri Lanka", published in May 2009.

40. **Mr. Fernando** (Sri Lanka) said that the delegation would endeavour to provide the Committee with a written response to the questions regarding sexual reproductive health, Internet access or any other question it had not answered. However, he stated categorically that there was no segregation policy in Sri Lanka, whether based on ethnicity or religion, even if, in certain regions, some ethnic or religious groups were sparsely represented, which explained why classes were taught in only one language. In most schools, all four religions were taught as part of the curriculum. He would have to check the information provided by Transparency International, whose Sri Lankan branch was currently under suspicion for fraud. Nevertheless, the delegation would forward the Committee's

recommendations to the eight commissions responsible for implementing the National Action Plan. Taking into account all of the observations made by the Committee on the report under consideration and in view of the time that had elapsed since its last report, Sri Lanka proposed to submit its next report before the deadline so that the Committee might have detailed information on the implementation of the Covenant at its disposal.

41. **The Chairperson** thanked the Sri Lankan delegation for its proposal, which the Committee would consider carefully and follow up appropriately. The Committee acknowledged the work involved for State parties in the preparation of reports but emphasized that such documents were the only way for the international community and the States that had put the system in place to evaluate the progress that had been made in the different areas of human rights and to provide the necessary assistance.

The public part of the meeting rose at 5.15 p.m.