

providing essential social services including free and compulsory education for all children up to the age of 16, free health care, and food subsidies and supplements for targeted vulnerable groups. In terms of factors hindering the implementation of the Covenant, the Committee acknowledged the effect of the violence and conflict that has affected Sri Lanka since 1983, resulting in large-scale internal displacement of people, curbing government efforts to provide essential services in the affected areas, and diverting resources from social and development objectives.

With regard to the armed conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE), the Committee referred to the absence, in the government's report, of statistics relating to the north and east of the country, and stated that the absence reinforced the Committee's view that the question of discrimination in relation to the economic, social and cultural rights of ethnic groups remained the central issue in the armed conflict. The Committee noted with concern: that the government's peace plan, consisting of devolution of authority to regional governments through constitutional reform, had not been implemented and the lack of clarity in terms of a timetable for its implementation, as well as for a referendum to determine public acceptance; the situation of an estimated 800,000 persons displaced because of the armed conflict, many of whom have lived in temporary shelters for the past 15 years and who lack basic sanitation, education, food, clothing and health care; estimates of an incidence rate as high as 70 per cent with regard to undernourishment of women and children living in temporary shelters; and reports that in many cases food assistance did not reach the intended beneficiaries.

On discrimination, the Committee expressed concern over: the uncertain situation of 85,000 Tamils of Indian origin living in Sri Lanka, who have neither Indian nor Sri Lankan citizenship; the existence of disparities between statutory law and customary law, noting that the age for marriage in statutory law is 18 years but girls as young as 12 years of age are able to marry under customary law, as long as there is parental consent; the fact that in statutory law, there is equality of inheritance among siblings while customary law discriminates against married women who, unlike married men, may not inherit family property; discrimination in existing legislation against children born out of wedlock who may inherit only from their mother; the lack of anti-discrimination mechanisms in the area of employment with regard to women and minority groups; noting the system of ethnic recruitment quotas in terms of the public sector, the lack of effort to ensure that promotions in the public sector and employment in the private sector are free from discrimination; and the fact that the concept of equal pay for work of equal value is not applied effectively, particularly in the private sector where women have no legal protection against discrimination in employment.

Addressing the situation of women and children, the Committee expressed concern over: the government's

inability to implement its child labour laws effectively; the sexual exploitation of Sri Lankan children by foreign tourists and the failure of the government to provide detailed information on the magnitude of this problem; the fact that more than 50 per cent of prostitutes are children; the plight of hundreds of thousands of Sri Lankan women working abroad as domestic helpers, many of them underpaid and treated as virtual slaves; the lack of serious effort on the part of the government to assess the negative impact of this phenomenon on children who are left in vulnerable and difficult circumstances without their mothers and to take appropriate remedial measures; and the fact that Sri Lanka not only has the second highest rate of suicide among youth in the world, but a rising incidence of drug and alcohol dependence, adolescent crime, child abuse, sexual disorders and domestic violence against women.

On the right to an adequate standard of living, the Committee noted with concern that 22 per cent of the population lives in poverty, many women and children are suffering from malnutrition, and continuing acute shortages of adequate housing and construction materials for homes in need of repair. Other concerns addressed by the Committee included: inadequate efforts on the part of the government to promote awareness among women of their human rights; the absence in the Constitution of an express recognition of the right to strike; provisions in the Constitution imposing vague restrictions on the right to form trade unions; that the current policy allowing industry-specific wage boards to determine minimum wages does not protect workers in the smaller industries which are not part of the wage board system; that the distinction contained in the current Constitution between "citizens" and "other persons", with respect to the right to equality, has not been removed from the proposed revised Constitution before Parliament; and the uncertain situation concerning demolition of houses and illegal settlements in Sri Lanka.

The Committee recommended that the government, *inter alia*:

- ♦ negotiate, as a matter of the highest priority, the acceptance by all concerned of its proposed peace plan involving devolution of authority to regional governments and include, in its next report, detailed information on how the process of devolution of authority affects the enjoyment of economic, social and cultural rights throughout the country;
- ♦ establish mechanisms to facilitate the flow of humanitarian assistance and strictly monitor and ensure that those intended actually receive the assistance;
- ♦ seek further international assistance in its efforts to provide permanent housing to displaced persons who have been living in "temporary" shelters since the war began 15 years ago; reassess the food assistance programme already in place in affected areas with a view to improving the nutritional standards of the food provided, particularly to children and expectant and nursing mothers;