

**Inquiry into the Rights of Women and Children:
Economic development in Sri Lanka**

December 2022

To the Joint Standing Committee on Foreign Affairs, Defence and Trade Human Rights Subcommittee, and
The Minister for Foreign Affairs, Senator the Hon Penny Wong

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Executive Summary

Sri Lanka is amid a **Human Rights Emergency** as an outcome of ongoing economic, gender, ethnic, and class inequalities being deepened by multiple crises: the COVID 19 Pandemic, ongoing internal economic and political crisis, as well as the proposed economic solutions that completely omit or minimise gender analysis and the implications for children's wellbeing. Although Sri Lanka has ratified most human rights instruments and conventions, the human rights situation in Sri Lanka has deteriorated significantly. Struggles to address the economic insecurities of women and children through 'rights claiming' strategies have been met with restrictions on and curtailments of civil and political rights, including arrests.

In this submission, we, as a multi-disciplinary group of scholars based in Australia with in-depth expertise on the politics of development, human rights, work, employment, and livelihoods in Sri Lanka and internationally, draw together our research and contributions to policy. **Drawing on our research on women's and children's insecurities, we focus on economic rights as conceived in the International Covenant on Economic, Social and Cultural Rights, an often-overlooked human rights aspect that shapes communities' everyday experiences. Economic rights are conceived of as part of a trio along with social and cultural rights and are deeply connected to civil and political rights. Recognising that economic rights cannot be separated from other fundamental human rights, we show that the conditions through which women contribute and participate in the economy violate their economic, social, and political rights.** Patterns in Sri Lanka reflect global patterns that (a) women and men do not equally enjoy the same economic rights, although there are variations across regions, class, ethnicity, ability, and other social groups and (b) economic insecurity and poverty are a root cause of deprivation of fundamental entitlements of children to live in dignity, which is a violation of their human rights. In the case of Sri Lanka, the rights and protections enshrined in both the UN Human Rights Covenants are being violated, as are ILO Conventions on labour protections, including those concerning children's welfare. **IMF bailout through austerity measures will potentially deepen these violations.**

Australia has significant international development investments in women's economic empowerment in the Indo-Pacific, including Sri Lanka. We urge the government to **collaborate with actors in Sri Lanka and through multilateral platforms to support Sri Lanka in meeting its human rights obligations.** A key element will be **supporting women's leadership and human rights defenders** across the various domains outlined in this report. Australia can also **promote innovative approaches to loan conditionality** within bodies like the World Bank and IMF. **Conditionality can be reimagined as tied to public policy provisions to improve the status of those in poverty rather than austerity.** Australia can also embed innovative conditionality into **trade policy.**

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WOMEN AND CHILDREN

1. We present an **analysis of women’s gendered experiences of economic rights within development policy**, considering **intersections along ethnicity, class, region, and ability/disability** where data is available. We have approached the status of **children as a separate social group** to present their experiences of impoverishment and violation of their rights, given the different interests and needs of women and children (which includes girls and boys). However, there are some overlaps, and **we note that children’s experience of economic impoverishment, which leads to additional forms of exploitation, is best understood in relation to the insecurities of their families**¹.

THE INDIVISIBILITY OF ECONOMIC AND CIVIL AND POLITICAL RIGHTS IN SRI LANKA

2. Sri Lanka is a **diverse multi-ethnic, multi-linguistic country where the population practices several religions**. Experiences of human rights have varied by ethnicity, language, and religion alongside gender and other personal/group characteristics.
3. Sri Lanka has **ratified most human rights instruments and all core International Labour Conventions**, which should provide a robust framework to address all human rights violations faced by women and children (and their families). Since 1997, **Sri Lanka has institutionalised a national Human Rights Commission. However, it lost its international accreditation this year**². As in the case of all signatories, Sri Lanka’s substantive obligations under the conventions that relate to state duties to ensure welfare are generally subject to ‘progressive realisation’ (i.e., a commitment to improving such commitments over time). Ratified conventions have been **translated into several local laws related to economic rights**, although there are significant gendered inequalities, and gaps in laws³ and their implementation. These laws include labour and employment laws, the Sri Lankan Penal Code, and laws about inheritance and marriage, which impact access to resources such as land. Encouragingly, the Land Development (Amendment) Act No. 11 of 2022 removed gender-discriminatory language in land inheritance laws.
4. **Economic rights are conceived of as part of a trio along with social and cultural rights and are deeply connected to political and civil rights**. The conventions, taken together, provide a comprehensive human rights framework that should guarantee and uphold the rights of **all to live in dignity without deprivation and discrimination**. Table 1 below outlines the universal individual and collective economic and social rights enshrined in international conventions⁴.

Table 1 Universal individual and collective economic and social rights enshrined in international conventions

Rights	Access to and conditions in work and employment	Access, ownership, and use of natural resources	Access to property rights	Social security or protection
Examples	Minimum age limits Days of rest Holidays Maximum working hours including overtime Minimum wage rates Access to maternal/parental leave Trade union membership Collective bargaining Health and safety Protection from arbitrary dismissal Protection from discrimination based on belonging to a particular social group.	Forests Land Water resources Governance and management processes for the above resources	Land ownership Property rights	Unemployment assistance Welfare payments Pensions

5. **Human rights conventions are generally viewed as either complementary, in which case they may be advanced ‘separately’, or as indivisible, in which case they are considered integrally connected and cross-conditioning. The Sri Lankan case strongly suggests that an indivisible rights approach** is more appropriate, relevant, and urgent, given the rising patterns of impoverishment, inequality, discrimination, and deprivation experienced disproportionately by poor women, children, and their families.

SRI LANKA’S CURRENT RIGHTS CHALLENGES

6. Sri Lanka occupies a **paradoxical position in the context of development and human rights**: on the one hand, it is held up as a development success story for reducing overall maternal mortality and improving health and educational outcomes even in the face of war (1983-2009). In 2019, it was reclassified from ‘low income’ to ‘low middle income’ by the World Bank⁵ reflecting the country's growing levels of per capita income. However, this success is variegated by region and social group, and the country has also repeatedly been criticised for a range of human rights violations from wartime disappearances to state-led-land dispossession and ongoing militarisation post-war⁶.
7. In 2022, a **confluence of various factors**, including the COVID-19 pandemic, the downturn in foreign investment and the tourism sector, political corruption, depleted foreign reserves, poorly thought-out tax cuts, and a complex external debt structure, led to an inability to pay for imports, rising inflation and therefore **cost of living, and widespread shortages of food, fuel, and medicine**⁷. People in the informal sector rapidly lost livelihoods, children’s education was severely disrupted, and food insecurity became widespread⁸. Starting in March 2022, **protests spread across the country**, demanding a remedy to the dire economic crisis and the resignation of President Gotabaya Rajapaksa. Following an unprecedented public protest involving all ethnic and religious groups, the President did step down in July and Ranil Wickremasinghe, who was ousted in the 2019 election that saw Rajapaksa come to power, stepped in.
8. There have been subsequent **arrests of activists and protestors who led the largely peaceful protests, with several detained under the problematic Prevention of Terrorism Act** first enacted in 1979. This, along with an almost **perpetual declaration of a State of Emergency** since the mid-20th century, have been identified as a key barrier to realising rights to freedom of expression, assembly, association, movement, occupation, religion, culture, and language⁹. The Act and state exercise of emergency powers have been used by successive governments to detain people arbitrarily (in some cases, for decades). Torture and forced disappearances have been reported to be enabled by this Act. Minority communities, political activists and dissidents have been particularly targeted¹⁰. A new proposed Bill entitled The Bureau of Rehabilitation Bill proposes to send into compulsory detention “drug dependent persons, ex-combatants, members of violent extremist groups and any other group of persons”. In general, **the space for freedom of expression and peaceful assembly has shrunk from 2019 onwards**¹¹.
9. By September 2022, a staff-level agreement was reached with the **International Monetary Fund for a \$2.9 billion package. A major condition of this loan** (and to secure loans from other sources) **is that the country’s foreign creditors agree to restructure Sri Lanka’s external debt, a complex task given that 47% of Sri Lanka’s external debt is owed to private creditors in international bond markets**. In the latest Budget, designed to meet the bailout conditions, the Government of Sri Lanka has tabled painful austerity measures: **increased taxes including value added tax (akin to GST), ending price subsidies for electricity, water, fuel and fertiliser, and privatisation of national telecommunications, electricity insurance, airlines, and state-owned hotels. Similar pledges have not been made about military spending**. Bangladesh and Pakistan have also received similar IMF bailout packages; inevitably, the costs will be imposed on the ordinary people in South Asia and could propel instability in the region.

10. Advocates in Sri Lanka have observed that the above **austerity measures lack gendered impact assessment and can deepen the deterioration of economic and other conditions and rights for women and children**¹². Women have contributed to key foreign exchange earning sectors, increased unpaid care and social reproductive labour during the crisis but are **not supported in the bailout conditions above, leading to depletion**¹³. This can compound existing inequalities which we outline below.

SRI LANKAN WOMEN, ECONOMIC RIGHTS AND POST-WAR ECONOMIC DEVELOPMENT

11. Following the end of a separatist war (1983-2009) between the Tamil Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka, the government of the day set about an economic development program heavily investing in infrastructure development which largely omitted women. **The model of economic development implemented in the post-war period has undermined economic rights for many women or at the very least, has not addressed fundamental inequalities.** This is not to say that there were no improvements; leading up to the onset of the global COVID-19 pandemic, there have been improvements in income inequality and some poverty indicators, although this has been uneven regionally. **Local and international development programs** (including Australia's Inclusive Skills for Development program in the Eastern Sri Lankan tourism industry and other humanitarian assistance given during the Pandemic and economic crisis) **have attempted to address inequality.** However, **several economic rights issues have been raised between 2009 and 2022, which violate many of the main rights outlined in Table 1.** Below, we provide several examples.
12. **Across all social groups and regions, women's labour force participation has stagnated over the past three decades in Sri Lanka,** hovering between 32-36% since the war ended in 2009. This is despite high educational achievement in literacy and all levels of educational attainment¹⁴. **In the first quarter of 2022, women's labour force participation was 33.6% compared to 71.8% of men**¹⁵. The majority of women participate in the **informal sector.** About 25% of all households are women-headed, most engaged in informal employment. Abundant evidence shows **participation is constrained by practices defined by gender norms which intersect with religion, class disability, single head of household status, and geographical region**¹⁶.
13. **Gender norms, beliefs and practices about unpaid care work** severely limit women's participation in real terms and shape omissions from policy. Care work includes care of children, the elderly, and disabled family members, as well as tasks such as cleaning and cooking. Sri Lanka's first (and only) Time Use Survey (2017) found that **87.3% of women and girls over the age of 10 did housework and care work, compared to only 59.7% of men and boys**¹⁷. During public health measures limiting mobility to prevent the spread of COVID-19 (e.g., lockdown, working from home, home-schooling), women faced increasing care demands¹⁸. These discrepancies have continued, if not intensified, during the recent crisis.
14. There is a **lack of care infrastructure** for children, the elderly and the disabled. This means that care responsibilities are relegated to the household and women. However, **unpaid care is not recognised as 'work' or accounted for in economic measures. There is a lack of state policy supporting care work**¹⁹, **including for migrant workers leaving families behind**²⁰ and **women caring for children with disabilities**²¹.
15. The **Muslim Marriage and Divorce Act (1951) (MMDA) impacts women and girls** in several detrimental ways. It sanctifies polygamy and places women and their children in severe economic insecurity through discriminatory divorce clauses. It allows child marriage at any age (with Quazi approval for under 12s) and statutory rape as defined in the Penal Code. A woman's consent is not needed to register consent for marriage, and her guardian can give consent along with the groom. Despite long-term efforts to reform by activists, little progress has been made.

16. Although seemingly unrelated to economic participation, other rights issues profoundly impact access to and participation in work and employment. Key issues include (a) **abortion is highly restricted under the Penal Code**, and there are documented cases of women and girls, some victims of sexual violence, who have died seeking illegal abortions²². **Education about sexual and reproductive health is seen as taboo or reinforces harmful gender stereotypes for youth**. These two elements can **limit women's reproductive choices** and, by extension, given **strong gender norms about care, pose a barrier to labour force participation** (b) **the Penal Code criminalises same-sex relations**. Strong stigma about same-sex relationships and heteronormative expectations means that **people identifying as LGBTIQ+ may face workplace discrimination and bullying**. Other elements of the Penal Code open up harassment for Transgender people.
17. **Sexual and Gender-Based Violence (SGBV)** is reported at high rates, but there are low rates of action by police. The COVID-19 Pandemic increased reported violence, with “children, and women from ethnic minority or indigenous populations, lesbians, gay, bisexual, transgender or intersex persons, migrant and refugee populations, and those living in poverty” at high risk of experiencing violence in 2020²³. Violence includes intimate partner violence and marital rape (which is not recognised unless separated), rape of children married under the MMDA Act, online and digital violence, and **workplace violence such as sexual harassment on the way to work and at work**. Sexual harassment of marginalised women in low-wage industries (e.g., apparel sector workers, domestic workers) on public transport on the way to work, by employment agents, and by managers and other people in power in their workplace is widely reported. This gendered violence is a **deterrent to continued participation after entering the workplace, and for some sectors, such as tourism, prevents women from applying in the first place**.
18. Several elements of the **informal sector where women dominate numbers in the labour force** are completely overlooked in policy, to the detriment of their rights. **Domestic workers** in private households face exploitative conditions, and their labour is devalued despite being integral for supporting care work in households. 70% of domestic workers are women, although children can also become involved in providing domestic labour. Sri Lanka has not yet ratified the Convention on Domestic Workers (C189), and workers “**are not protected by labour laws, by legally binding contracts, equal wage regulations, decent working conditions, and are not afforded safety and protection from exploitation and abuse**”²⁴. Often hired on deeply gendered assumptions about domestic work, women tend to be hired on an informal verbal contract that may not be honoured, leaving them open to exploitation²⁵. **Sex work** is not directly outlawed, but the Brothels Ordinance and Vagrants Ordinance criminalise solicitation via street sex workers and running brothels. **As such, the industry is not considered a part of the formal sector**. The majority of workers are women. Single mothers are often reported as engaging in sex work to support their families²⁶. Sex workers experience violence and harassment as well as stigma. **During COVID-19-related lockdowns, sex workers and their families experienced severe economic deprivation**²⁷. In 2022, as the country plunged into crisis, there were **widespread reports of more women seeking sex work** as a survival tactic as they either lost employment or found their wages did not cover rising living costs²⁸. Inexperienced workers have been exposed to rising rates of sexually transmitted diseases.²⁹
19. **Loss of access to natural resources and exclusion from governance and management processes** have negatively impacted women's agrarian livelihoods. Some have **lost access to cultivation land owing to ongoing militarisation³⁰ or appropriation for development purposes³¹** by the state. Tamil women have been particularly affected by militarisation in war-affected communities, while women's loss of access to cultivation land has impacted all ethnic communities. Others who depend on the **fishing industry have experienced environmental degradation** owing to development projects that hamper their livelihoods³². The economic crisis further created economic deprivation and food insecurity³³. Women are **excluded from vital farmer groups and water resource governance and mechanisms which help determine resource sharing and allocation³⁴**. **The impacts of climate change and environmental degradation on women's economic rights are under-researched and poorly understood**.
20. Like other countries, **women's contributions to agriculture in Sri Lanka are under-represented, unrecognised, and not valued in the national income accounting**. However, women are crucial in

commercial and subsistence agriculture as paid and unpaid workers and producers. Women's labour is mostly considered informal employment, constituting 70% (2017 data) of agrarian workers, including informal self-employed workers and unpaid family workers³⁵. In 2020, the unpaid family workers category included 76.61% of women³⁶. **Pay inequity persists.** In 2015, women were sometimes paid Rs. 800 per day compared to Rs.1000 earned by men doing the same work. In 2022, women were paid Rs. 1500 rupees while men were paid Rs.2000³⁷. **In some communities, gendered religious and cultural beliefs on purity may restrict women from engaging in certain production tasks in rice cultivation**³⁸ hindering women from having full agency in farming. This law too facilitates a gendered asymmetrical decision-making power, including making decisions relating to the distribution of seeds, water, and fertiliser as the 'owner' is invited to participate in governance and management platforms. **Some large-scale agrarian companies hire mostly landless women via agencies or employ them based on daily wages without protection mechanisms.** Women have complained of low wages and lack of entitlements from some agrarian companies³⁹. Gender-based violence, especially domestic violence, is visible in agrarian societies, with the COVID-19 pandemic contributing to its increase⁴⁰.

21. In the three key feminised sectors **apparel, tea, and migration** – which have helped to sustain the economy – workers experience **multiple gendered vulnerabilities**, intensifying over the past three years. They are also sectors where labour laws and rights are **routinely violated. Food insecurity is widespread at present among the working communities and their families.**

a. **Tea production occurs in the 'estate sector'** dominated by historically oppressed and politically excluded **Malayaha Tamil workers**⁴¹. Although a highly organised sector, **women's leadership is limited, and workers face conditions of modern slavery** (underpaid, hazardous conditions, poor housing, malnutrition among children). The implementation of the government's decision to raise basic wages from Rs 500 to Rs 1000 in 2019 was delayed. Workers continue to struggle as employers fire workers owing to production downturns, as costs of living and food insecurity increase⁴².

b. The highly gendered **apparel sector** has suffered through **job losses**⁴³, **exposure to unsafe workplace practices**⁴⁴, **stigma and harassment**⁴⁵, and **wages that have not kept up to date** with the cost of living, with **documented cases of wage theft and sudden closures of factories**⁴⁶. Largely unorganised, **collective labour rights such as organising trade unions and collective bargaining have been consistently oppressed**⁴⁷.

c. Between the 1990s-2000s, **women dominated temporary labour migration flows** primarily to the Gulf States to work as maids. They continue to be an unorganised sector⁴⁸. The government simultaneously tried to protect workers and promote their migration as workers to generate remittances. Workers were subject to both concern about gendered violence abroad and critique about not fulfilling caring roles in their families. In 2013-2014, the state **limited women's migration as domestic workers, which restricted their rights to make choices about work.** A **Family Background Report** was introduced, requiring spousal and local government official approval. **Women with children under five years old were banned** from migrating, and those going to high-risk countries with minimal protection **had to be above 23 years old.** These restrictions contributed to a drop in official women's migration⁴⁹ while **increasing informal avenues and opening up women to exploitation**⁵⁰. However, in June 2022, the **government dropped the age of children to 2 and got rid of the background report, spurned by the need for foreign remittances to address the current economic crisis.** However, care support has been neglected.

22. **Microfinance debt has caused significant hardship and insecurity borne primarily by women.** Microfinance is a popular post-war economic strategy including a broad range of financial services to the poor such as credit, savings, insurance, and pensions. It is often presented as a liberating tool that empowers women⁵¹. To date, Sri Lanka has a **2.4 million microfinance clients across the island. Various predatory practices of microfinance institutions have subsequently been observed** (excessively high-interest rates ranging from 35% - 200%; utilising violence and harassment for late or non-payment; exploiting financial instability and socio-cultural vulnerability of women)⁵². This has **deepened the economic, physical, and**

social insecurity of poor populations in the post-conflict-affected North and East, who already suffered from a lack of socioeconomic infrastructure and economic opportunities by increasing indebtedness. **Indebted women have been arrested, taken to court, physically and psychologically abused, and harassed.** For some, this has **resulted in homelessness and even suicide.** Following protests, the Sri Lankan government adopted **two non-mandatory policies to regulate microfinance.** They were the Microfinance Act (2016) and an interest cap of 35% (2017). By 2021, a **microfinance debt crisis** in the rural parts of Sri Lanka emerged. In 2022, along with the economic crisis of Sri Lanka, the conditions of debt among women have further expanded⁵³.

23. Only 26% of senior officials and managers in Sri Lanka are women⁵⁴. They face three key barriers:⁵⁵ (a) an **invisible glass ceiling that restricts women and other marginalised individuals** from reaching higher positions in organisations⁵⁶ (b) a **‘glass cliff’ where organisations purposely appoint women to precarious leadership roles⁵⁷ as women were considered more expendable resources⁵⁸** and (c) a **‘glass wall’ where women are stuck in managerial roles that do not lead to higher organisational leadership** roles such as those in human resources, public relations and administration, in contrast to more strategic roles such as finance and sales managers⁵⁹. The key reason for these barriers is again the **societal norms and expectations of women to demonstrate stereotypically feminine attitudes and behaviours⁶⁰** such as ‘respectable’ femininity (e.g., appropriate dress, the volume of voice, emotional regulation) and maintaining emotional and physical distance from men⁶¹. However, the norms and expectations of an ideal leader reflect assertiveness, masculinity, and ‘go-getter’ attitudes in contrast to the communal and nurturing characteristics expected of women⁶².
24. In almost all the areas we have noted above, there **exists vibrant women’s leadership and organising despite ongoing repression.** Most of these participated in country-wide protests earlier this year, and they continue to advocate and organise for change to improve conditions. Although women’s leadership is not always visible, and formal representation (e.g., in parliament) remains low, **women’s organising has accelerated** over the past couple of years spurred on by the various crises facing the country.

STATUS OF CHILDREN IN SRI LANKA

25. Recent social, economic, and political turmoil **has directly and highly problematically impacted children and their health and wellbeing. Long-term gains in addressing poverty and welfare needs generally have been reversed, with child poverty and insecurity drastically rising.** Many children experience adverse health outcomes due to **malnutrition induced by economic exclusion**; even children able to attend school are now faced with much poorer quality school meals if there are any. Severe malnutrition⁶³ and hunger among children are increasing rapidly, with associated health challenges burdening families, particularly single female-led households.
26. For instance, the Ministry of Health’s October 2022 report, Nutrition Month 2022⁶⁴; provides detailed data on rising child malnutrition, including the broader health effects of rising impoverishment. It is a **window on rising insecurities, leading to increases in child labour and exploitation and broader adverse effects on human rights and dignity.** There has been an overall increase in child malnutrition across all districts in question and Sri Lanka’s three ‘zones’ of urban, rural and estate communities (estate refers effectively to the plantation economy). From 2021 to 2022, the overall percentage of children under five with any growth problem has risen from 34.3% to 43.4%. This is most severe for children in the estate sector; overall, undernutrition in children under 5 years of age is reported at 42.9% for the country as a whole, with variance ranging between districts, with 59.4% being the highest and 26.9% being the lowest. These staggering rises are corroborated by evidence provided by agencies on the ground reporting on, for example, the sharp decline in the nutritional value of school or preschool meals provided⁶⁵ and/or the availability of primary health care services.

27. **The urgent conditions and sources of deprivation that primarily poor and often rural children** are and have been subjected to should also be seen in the context of the challenges already faced in 2021 due to the impact of the COVID-19 pandemic. Poverty is the root cause of the deprivation of fundamental entitlements of some children to live in dignity.
28. The End of Mission Statement to Sri Lanka, by UN Rapporteur on contemporary forms of slavery, including its causes and consequences, found⁶⁶:
- **child labour is particularly severe in rural locations** home to majority ethnic (Malayaha and Sri Lankan Tamils) communities as children drop out of school to support their families financially.
 - **child labour is exploited sexually in tourism**
 - children have been **forced into child labour to repay microfinance debt** accrued by marginalised women in rural areas.
 - **women and girls are more affected by contemporary forms of slavery** in Sri Lanka
 - **girls are more susceptible to child marriage**, drop out of school and fall pregnant at a younger age which carries a significant health risk. In turn, they may face greater inequality, exploitation, and abuse.

RECOMMENDATIONS

Our submission can be seen as a cogent contribution towards DFAT's initiative to develop a 'New International Development Policy'. We urge a realignment of this policy with human rights objectives anchored in the indivisibility doctrine. Australia could become a regional leader in human rights-focused development by:

1. **Supplementing development and humanitarian aid with advocacy** to shore up Sri Lanka's human rights in platforms such as **the G20 and the United Nations to mobilise to address the crisis**. This can include supporting the restoration of a meaningful and independent Human Rights Commission in Sri Lanka and centring foreign policy and goals and objectives around the two UN Human Rights Covenants, CEDAW, and core ILO conventions and protocols on labour, including children's wellbeing.
2. Work collaboratively with regional and international institutions, the Government of Sri Lanka, and Sri Lankan civil society to improve and monitor human rights protections.
3. Use development programs and partners to encourage and foster women's leadership and support women human rights defenders, including trade union leaders and those working in areas we have noted above.
4. Drive innovative approaches to loan conditionality within bodies like the World Bank and IMF. As noted above, austerity measures negatively impact women's and children's well-being. **Conditionality can be reimaged as meaningful conditionality tied to public policy provisions to improve the status of those in poverty**. This should include the provision of free primary healthcare; support and develop further free nutritious school meals for all children in public schools; provision of a universal basic income, especially for families with children; financial and welfare support for single household women.
5. Australia can embed innovative conditionality into trade policy, drawing on the example of EU GSP+ approach. This is "a special incentive arrangement for sustainable development and good governance". GSP+ slashes tariffs to 0% for vulnerable low- and lower-middle income countries that implement 27 international conventions related to labour and human rights, environmental and climate protection, and good governance.

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- ¹ Weber, H., & Abbasi, A. (2022). Poverty is not ‘another culture’: Against a right of children to work to live. *Review of International Studies*, 1-19. doi:10.1017/S026021052200002X
- ² This occurred following the passing of the 20th Amendment to the Sri Lankan Constitution in 2020 which endowed the Executive Presidency with unfettered controls over judicial appointments and members of human rights entities including the Human Rights Commission. Moreover, the Global Alliance of National Human Rights Institutions (GANRHI) which provides accreditation found that the commission has not engaged or publicly addressed outstanding matters. For more information, see: Human Rights Council (2022), Annual Report of the United Nations Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Available at: <https://www.ohchr.org/en/documents/reports/ahrc515-situation-human-rights-sri-lanka-comprehensive-report-united-nations-high>
- ³ Sri Lankan Penal Code, Section 358A prohibits slavery, debt bondage, serfdom, forced or compulsory labour, and the recruitment of children in armed conflict. Article 288 prohibits causing children to beg; Article 358 prohibits the abduction of women for forced marriage. There are over 40 instruments relating to employment relations and practices. These include the Wages Board Ordinance of 1941, the Factories Ordinance of 1942, the Immigrants and Emigrants Act of 1949, the Shops and Office Employees (Regulation of Employment and Remuneration) Act of 1954, the Employment of Women, Young Persons and Children Act of 1956, the Sri Lankan Bureau of Foreign Employment Act of 1985, the National Child Protection Act of 1998, and the National Minimum Wage for Workers Act of 2016. Furthermore, freedom of association is enshrined in Article 14 of the Constitution of Sri Lanka. Trade union rights are stipulated in the Trade Union Ordinance of 1935 and the Industrial Disputes Act of 1950. Other laws often referred to as ‘customary laws’ such as the Muslim Marriage and Divorce Act 1951 violate the rights of Muslim women and girls under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- ⁴ International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. ILO Conventions include the Forced Labour Convention, the Freedom of Association and the Right to Organize Convention, the Minimum Age Convention, and the Worst Forms of Child Labour Convention. It has also ratified the Protocol of 2014 to the Forced Labour Convention, as well as the United Nations Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.
- ⁵ Central Bank of Sri Lanka, Sri Lanka’s Graduation to the Upper Middle-Income Country Status n.d.
- ⁶ Human Rights Council (2022) *ibid*
- ⁷ Toussaint, E & Skanthakumar, B (2022), “The canary in the Coal Mine:” Sri Lanka’s crisis is a chronicle foretold. MRonline. <https://mronline.org/2022/08/08/the-canary-in-the-coal-mine-sri-lankas-crisis-is-a-chronicle-foretold>; Bhowmick, S (2021), “Understanding the Economic Issues in Sri Lanka’s Current Debacle, ORF Occasional Paper No. 296, Observer Research Foundation. https://www.orfonline.org/wp-content/uploads/2022/06/ORF_OccasionalPaper_357_SriLanka.pdf
- ⁸ The latest figures show that food inflation was 85.6% in October 2022 down slightly from a peak of 94.9% in September 2022. See Central Bank of Sri Lanka. ‘CCPI based headline inflation recorded 66.0% in October 2022, reversing its continued increasing trend observed since October 2021’. https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/press/pr/press_20221031_inflation_in_october_2022_ccpi_e.pdf
- ⁹ Coomaraswamy R and de los Reyes, C (2004) Rule by Emergency: Sri Lanka’s postcolonial constitutional experience. *International Journal of Constitutional Law*. 2: 2, Pages 272–295, <https://doi.org/10.1093/icon/2.2.272>
- ¹⁰ United Nations Office of the High Commissioner for Human Rights (2022), Sri Lanka: UN Experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law.
- ¹¹ Human Rights Watch (2022). Human Rights Watch Submission to the UN Human Rights Committee in advance of its review of Sri Lanka. https://www.hrw.org/news/2022/06/01/human-rights-watch-submission-un-human-rights-committee-advance-its-review-sri#_ftnref5
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