



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Combined fifth and sixth periodic reports of States parties  
due in 2015

**Sri Lanka**<sup>\*</sup>, <sup>\*\*</sup>

[Date received: 8 June 2016]

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\* The present document is being issued without formal editing.

\*\* The annexes and the appendices to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.

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## Contents

	<i>Page</i>
Introduction .....	3
I. General measures of implementation .....	4
II. General principles .....	10
III. Civil rights and freedoms .....	15
IV. Family environment and alternative care .....	18
V. Basic health and welfare .....	22
VI. Education, leisure and cultural activities .....	29
VII. Special protection measures .....	33
VIII. Ratification of international and regional human rights instruments .....	37

## Introduction

1. This is the combined fifth and sixth periodic report of the Government of Sri Lanka (GOSL) submitted in accordance with article 44 of the Convention on the Rights of the Child (CRC), on the measures taken to give effect to its obligations under the CRC. This report covers the period from September 2010 to June 2016. It focuses primarily on the Concluding Observations made by the Committee (CRC/C/LKA/CO/3-4) following the review of the combined third and fourth periodic report of Sri Lanka, (CRC/C/LKA/3-4) submitted by the GOSL in 2008 and reviewed by the Committee in 2010. The report will therefore follow the recommendations in the sequence in which they have been set out in the concluding observations. This report also contains updated information on Sri Lanka's implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

2. Following the Presidential election held on 8th January 2015, a coalition government launched a 'Hundred Day Programme' to address pending urgent issues relating to reconciliation and development. Thereafter, the present government was installed following the Parliamentary election of August 2015. The Policy Statement delivered by President Maithripala Sirisena addressing the 8th Parliament of Sri Lanka on 1st September 2015 stated: 'Our children are the future of the nation. My government's main intention is to build a better future for the children and to ensure their security'. Issuing a message for World Children's Day on 1st October 2015, President Sirisena stressed the 'unconditional responsibility' of the entire nation for the protection of children.

3. Greater democratic space was created through a series of constitutional and administrative measures. These included strengthening the independence of the judiciary, restoring space for dialogue with civil society and media freedom, and enacting the Nineteenth Amendment to the Constitution, which restored the independence of key public institutions. Following the parliamentary election held on 17th August 2015, the present government made a commitment to finding solutions to national issues through consensus. In addressing the complex post-war political challenges of peace and reconciliation, the GOSL has made important progress in the areas of rule of law, economic development, peace and good governance.

4. The present government has made a policy decision to strengthen its engagement with the United Nations (UN) and other multilateral bodies, including UN treaty bodies. This policy decision also characterises Sri Lanka's continuing engagement with the Committee on the Rights of the Child.

5. It is essential that the follow-up action of Sri Lanka in responding to the recommendations of the Committee be considered in the context of the political and socioeconomic backdrop that prevailed during the reporting period. With the end of the war in May 2009, Sri Lanka faced new challenges of development and national reconciliation that needed to be addressed. These challenges included the rehabilitation of former LTTE recruits, particularly former child soldiers, reuniting them with their families, addressing educational needs, providing vocational training and reintegrating them into civilian life. Other serious challenges included resettlement of displaced persons, de-mining, restoration of infrastructure throughout the country, particularly in the North and East, and advancing reconciliation among communities.

6. The GOSL ended the state of emergency on 31st August 2011. Parliament thereafter did not extend Emergency Regulations made under the Public Security Ordinance of 1947. This change in circumstances has facilitated the steady return to normalcy in the war-

affected areas of the country, and will have a positive impact on the wellbeing of children in war-affected areas.

7. As at 30th September 2015, the GOSL has resettled a total of 233,835 families consisting of 800,129 individual persons. It has also rehabilitated around 12,000 former combatants including 594 child soldiers. Moreover, it has demined large swathes of territory and has initiated mine risk education. For example, Ministry of Education (MoE) with UNICEF provided mine risk education to all school children and communities in areas affected by mines and unexploded ordinances.

## **Responses to the concluding observations**

### **I. General measures of implementation**

#### **The Committee's previous recommendations [para. 08]**

8. The Committee having considered the third and fourth periodic report of Sri Lanka noted with appreciation the positive developments related to the implementation of the Convention, particularly the several laws enacted to protect the rights of children. The Committee also welcomed the ratification by Sri Lanka of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. However, the Committee noted that some of its concerns and recommendations had been insufficiently or only partly addressed. Information on how these concerns and recommendations have been addressed by the GOSL is set out under the relevant sections below.

#### *Legislation [para. 10]*

9. Sri Lanka is a dualist country, and the adoption of its obligations under international treaties is facilitated *vis-à-vis* the provisions of the Constitution, domestic legislation including procedural laws and subsidiary legislation, and regulations made under the principal laws.

10. International Covenants to which Sri Lanka is a party have been recognised through the medium of legal, constitutional and judicial processes prevailing in Sri Lanka. Chapter VI of the Constitution enshrines the Directive Principles of State Policy and Fundamental Duties and sets out in Article 27 (13) that the State shall promote with special care the interest of children and youth so as to ensure their full development, (physical, mental, moral, religious and social) and to protect them from exploitation and discrimination. It is also noteworthy that Article 27 (12) requires the State to recognise and protect the family as the basic unit of society. Article 12 (1) of the Sri Lankan Constitution recognises that all persons are equal before the law, and are entitled to the equal protection of the law. It is particularly significant that Article 12 (4) specifies that nothing in the said Article shall prevent special provision being made, by law, subordinate legislation or executive action for the advancement of women, children or disabled persons.

11. Section 5 (1) of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 provides:

Every child has the right to:

- (a) Have his or her birth registered and to have a name from his or her date of birth;
- (b) Acquire nationality;

(c) Be protected from maltreatment, neglect, abuse or degradation; and

(d) Have legal assistance provided by the State at State's expense in criminal proceedings affecting the child, if substantial injustice would otherwise result.

12. Moreover section 5 (2) of the ICCPR Act provides: 'In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interests of the child shall be of paramount importance'. Thus several aspects of Sri Lanka's domestic legislation substantially recognise Sri Lanka's international obligations with respect to the rights of the child.

13. The Nineteenth Amendment to the Constitution enacted on 15th May 2015 re-establishes the Constitutional Council, which is constitutionally mandated to recommend to the President persons for appointment to key institutions, whenever the occasion for such appointments arises. The Amendment accordingly strengthens the independence of key public institutions including the Supreme Court, Court of Appeal and the Human Rights Commission of Sri Lanka. These institutions play an important role in advancing the rights of the child. For example, the Supreme Court's jurisprudence will be vital to recognising the best interest of the child. Meanwhile, the Human Rights Commission of Sri Lanka has within its mandate the functions of sensitising government and the public on issues concerning Sri Lankan children, and making necessary recommendations (based on evidence) to the GOSL for the advancement of children's rights in Sri Lanka.

14. The matter of children as victims and witnesses of crime has been addressed in the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015, which was enacted by the new government in 2015. The Act:

(a) Under section 3 (b), provides that the victim shall have the right 'where the victim is a child victim, to be treated in a manner which ensures the best interests of such child.';

(b) Under section 11, provides for the establishment of a National Authority for the Protection of Victims of Crime and Witnesses. Section 12 states that the administration and management of the affairs of the Authority shall be vested in a Board of Management which includes *inter alia* the Secretary to the Ministry of the Minister in charge of the subject of Children or an Additional Secretary to the said Ministry to be an *ex officio* member of the Board of Management;

(c) Under section 25 (3) (a), provides for the 'the adoption of special measures to protect the rights of children and to ensure the best interests of child victims of crime and child witnesses.';

(d) Under section 46, defines the terms 'child victim of crime' and 'child witnesses' respectively to mean a person who is less than eighteen years of age and who is either a victim of crime or a witness. The Act defines 'Victim of crime' to mean 'a person including a child victim who 'has suffered any injury, harm, impairment or disability whether physical or mental, emotional, economic or other loss, as a result of an act or omission which constitutes an alleged — (a) offence under any law; or the infringement of a fundamental right guaranteed under Articles 13 (1) or (2) of the Constitution, and includes a person who suffers harm as a result of intervening to assist such a person or to prevent the commission of an offence, and the parent or guardian of a child victim of crime and any member of the family and next of kin of such person, dependents and any other person of significant importance to that person'. Moreover, the Act defines the term 'witness' to include, among other persons, a child witness, the parent or guardian of a child witness and family members.

15. The Assistance to and Protection of Victims of Crime and Witnesses Act gives effect to the concept of the best interests of the child recognised by the ICCPR Act. The terms ‘child victim of a crime’ and ‘child witnesses’ have been defined in accordance with the definition of ‘child’ in the Convention. The Act provides for comprehensive protection for both victims and witnesses in criminal proceedings and would therefore positively contribute towards addressing crimes against children.

16. In 2015, the government examined the need for legislative reform, and proposed to create consultative mechanisms to review existing law. Provisions that protect and promote children’s rights are being considered in this regard. These will include *inter alia*:

(a) The judicial protection of children in need of care, and protection of children in conflict with the law i.e. child suspects; and

(b) The exercise of jurisdiction by Magistrates to hear any charge against a child in conflict with the law.

*Coordination (para. 12)*

17. Following the Presidential election in January 2015, the office of a State Minister for Child Affairs was created. This decision was reaffirmed after the parliamentary election in August 2015, as the Ministry of Women and Child Affairs (MWCA) and the State Ministry of Child Affairs are mandated to formulate and implement national policies on children. The departments and statutory institutions assigned to MWCA include the Department of Probation and Childcare Services (DPCCS), the Children’s Secretariat and the National Child Protection Authority (NCPA). Meanwhile, specific matters relating child welfare and child protection are handled by a number of line ministries, including *inter alia* the Ministry of Social Services, Ministry of Justice, MoE and Ministry of Health (MoH).

18. The MWCA is at the apex of governing children’s issues and the implementation of the Convention. The overall responsibility for coordinating the implementation of the Convention and the Optional Protocols including the submission of this report is with the MWCA. The two key institutions involved in child protection and child welfare — the NCPA and the DPCCS — both sit with the MWCA and hence are able to better coordinate action. The Secretary to the MWCA chairs the Steering Committee of the NCPA.

19. The funds made available by the Treasury to the MWCA, DPCCS and the NCPA have been increased annually. The funds available to the MWCA, NCPA and the DPCCA are provided separately.

20. At the provincial level, the DPCCS has its provincial departments in the nine Provinces headed by a Provincial Commissioner. The provincial departments of probation receive funds channelled to them through the central DPCCS.

21. At the district level, District Child Development Committees have been set up to facilitate the monitoring of all aspects relating to the advancement of child rights in each district. These committees consist of specified government officials drawn from different sectors, as well as representatives from non-governmental organisations (NGOs) and religious leaders involved in children’s affairs. The District Child Development Committee reports to the Government Agent of the District. Thus, if an issue needs to be reported to the MWCA, it is done so through the Government Agent.

*National Plan of Action [para. 13]*

22. A new five-year Action Plan on children for 2016-2020 has been developed by the MWCA and has been forwarded to the Department of National Planning for approval. The new Action plan focuses on the following six main sectors:

- (a) Early childhood care and development;
- (b) Access, quality and relevance in Education;
- (c) Quality health care and nutrition status of children;
- (d) Protection and care for children;
- (e) Access to reliable water supply and sanitation facilities; and
- (f) Monitoring mechanism.

23. A separate Action Plan on early childhood (age 0-5) has also been prepared and forwarded to the Department of National Planning. While approval for the five year Action Plan is pending, the MWCA has proposed to implement an annual action plan for children for the year 2016.

*Independent monitoring [para. 15]*

24. The Human Rights Commission of Sri Lanka (HRCSL) is an independent body established under Act No. 21 of 1996, which also oversees issues of child rights. The Nineteenth Amendment to the Constitution enacted in 2015 restored the independence of the process through which members of the HRCSL are appointed.

25. The Commission's work relating to children includes receiving individual communications on children's cases and referring them to necessary authorities, education and creating awareness on children's rights, and monitoring and engaging in fact-finding inquiries with respect to children's homes, particularly those that have been established by the State. The Commission also conducts awareness and training programmes on child rights for a range of actors including government officials, educators and members of the public. Furthermore, the Commission undertakes regular and unannounced visits to children's homes including facilities where children are held in custody, as part of its monitoring mechanism.

26. In 2011, a number of functions as set out below were performed by the HRCSL in respect of the Convention:

(a) A consultation with NCPA was held, based on which general guidelines on a monitoring mechanism in the Ranmuthugala Remand Home for Children were formulated;

(b) A consultation with commissioners of National & Provincial Probation & Childcare Services was held, based on which a reporting mechanism format on State children's homes and juvenile institutions was developed;

(c) Preparation of the HRCSL Independent Observation Report to the UN Secretary General on Children and Armed Conflict on Sri Lanka as per the Security Council Resolution 1612 (2005);

(d) A consultation with relevant government officials was held with regard to women, children, prisoners and young persons' issues, conditions and visiting mechanisms in places of detention. The main outcome of this consultation was the identification of key areas that required remedial measures.

27. Moreover, in the year 2011, the HRCSL carried out activities to 'increasing confidence of communities in reporting and responding to violations of children's rights'.

28. In 2013, several awareness programmes and training programmes were conducted by the HRCSL. These initiatives aimed at strengthening reporting mechanisms pertaining to the infringement of a child's right. Village level Child Rights Monitoring Committees were accordingly appointed.

29. In regard to children's access to the HRCSL, the introduction of a 24-hour telephone hotline is an important measure. Additionally, a child, with the assistance of an adult such as a parent or guardian can lodge a complaint in writing by visiting the HRCSL head-office or any regional office located island-wide, including former conflict-affected areas. In 2016, the HRCSL will seek to collaborate with existing child protection structures to monitor protection of child rights to avoid duplication and maximise monitoring and reporting capacity.

*Allocation of resources [para. 17]*

30. Pre-budgetary meetings to seek suggestions and proposals of various sectors in Sri Lanka have been conducted and will continue to be conducted to ensure transparent and participatory budgeting.

31. Increased resource allocations have been provided for the year 2016 in the following areas:

- (a) Capacity building and staff training on child welfare;
- (b) Improving supervision and infrastructure of children's homes;
- (c) Development of vocational skills of young persons;
- (d) Scholarship programmes for indigent children and children with special needs;
- (e) Establishing village level committees on the prevention of child abuse.

32. A Child Centric Budget Analysis (CCBA), also known as Budget for Children (BfC) analysis, was conducted in Sri Lanka in 2011 by the Child Rights Advocacy Network (CRAN) with the technical and financial assistance of Save the Children in Sri Lanka. This is the first instance where an attempt was made to conduct a systematic and comprehensive analysis of the national budget in Sri Lanka based on child-focused indicators.

33. The report of the CCBA was launched in July 2013 with the participation of government stakeholders. The GOSL is seriously considering implementing the CCBA recommendations with the assistance of UNICEF and Save the Children.

*Child rights and the business sector [para. 19]*

34. The following laws have been enacted to ensure the protection of children's rights in business and industry:

(a) Employment of Women, Young Persons and Children Act, No. 47 of 1956 as amended in 2006: Section 7 of the Act prohibits the employment of children i.e. persons under the age of fourteen in any public or private industrial undertaking, except work done by children in technical schools if such work is approved and supervised by a public authority. Section 17 of the Act also prohibits persons from employing any child in such a manner as to prevent the child from attending school.

(b) National Environmental Act, No. 56 of 1988, as amended in the 2000: The Act establishes the Central Environmental Authority and regulates environmental standards, including those applicable to business undertakings. All employees, including children between the ages of fourteen and eighteen years who may be lawfully employed receive protection under this Act.

(c) Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954, as amended in 1985: The Act provides for maternity benefits, which thereby guarantees minimum standards of care for children of working women.



(d) Factories Ordinance, No. 45 of 1942, as amended in 2002: The Act regulates work conditions applicable to young persons between the age of fourteen and sixteen years, including with respect to maximum working hours and overtime, minimum rest and certain hazardous tasks and occupations.

*Data collection [para. 21]*

35. The National Commissioner of Probation and Childcare Services is in the process of introducing a systematised and comprehensive database composed of information relating to children who come into contact with probation and childcare services system at both the national and provincial levels. Meanwhile, there are also initiatives launched by Provincial Commissioners of Probation and Childcare Services in establishing more accurate and complete databases.

36. Moreover, the National Women's and Children's Desk is in the process of setting up a database on police complaints relating to violence against women and children. Meanwhile, the Health Ministry collects disaggregated age and area-based data on a routine basis related to both health and nutrition. The MoE collects data on access to both primary and secondary education. Furthermore, the NCPA has a database on complaints related to child victims of abuse.

37. In 2013, the HRCSL introduced a new format to collect data relating to children in institutions. At the MoH, several new Information Management Systems that monitor the health and nutritional status of children have been introduced and are being rolled out nationally. Equally at the MoE, Information Management Systems are being developed to better monitor educational achievements and the application of basic child-friendly school indicators. A database was introduced at the Attorney General's Department in 2014 to monitor progress of child abuse cases with support from UNICEF.

*Dissemination and awareness raising and training [paras. 23 and 25]*

38. A simplified and child-friendly version of the Convention on the Right of the Child is available on the NCPA official website, which uses drawings and easy to understand language to raise awareness among children on the provisions of the Convention.

39. Moreover, awareness-raising on child protection, child rights and child development for the benefit of medical, educational, police officers, and transporters of school children is included in the action plans of the NCPA for year 2014 and 2015.

40. By 1992, one year after the ratification of the Convention, Sri Lanka adopted a policy document known as the Children's Charter with a view to ensuring that standards of the Convention would guide law reform and enforcement, policy formulation, and resource allocation. The Children's Charter continues to be an important and relevant policy document.

41. In 2012, based on recommendations submitted by HRCSL, human rights are incorporated into secondary school curricula.

*Cooperation with civil society [para. 27]*

42. The Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015 referred to above gives protection to those who report child rights violations to appropriate authorities.

43. NGOs have been provided with support to engage in their activities freely. NGOs including those working on child rights are, however, required to register with the Ministry of Social Services. Such registration facilitates standard setting with respect to conformity with the Convention and the promotion of child wellbeing. The State's NGO Secretariat,

which is tasked with regulating NGOs, was previously located under the Ministry of Defence. However, with the change in government in 2015, the Secretariat is relocated under the Ministry of National Dialogue.

## II General principles

### Non-discrimination [para. 29]

44. The Constitutional guarantee of non-discrimination is enshrined in Article 12 (2) of the Constitution. Article 12 (4) of the Constitution permits affirmative action to advance the rights of children. Similarly, the ICCPR Act, No. 56 of 2007 gives statutory recognition to the principle of prioritising and safeguarding the 'best interests of the child'. Policies responding to discrimination and disadvantaged groups are included in the NCPA Policy of 2013 developed by the NCPA and the then Ministry of Child Development and Women's Affairs.

#### *Children in disadvantaged situations*

45. Sri Lanka has given due recognition to children affected by the conflict, children without parents and children with single parents. All children who were forcibly recruited by the LTTE during the war and who underwent rehabilitation by the State were released to their families upon completion of rehabilitation. The final report of the Lessons Learnt and Reconciliation Commission (LLRC) in paragraph 5.92 states that special attention was given to young detainees, particularly to address disrupted education, enable access to health and rehabilitation services, and speedy investigation and disposal of their cases. The rehabilitation programme for young detainees has ensured that 273 ex-combatants have received formal education. Eleven children have sat for the G.C.E. A/L examination and four have passed the examination either during or after their rehabilitation process. Three children who were formerly child combatants are presently receiving university education. 321 ex-child combatants have undergone the vocational training programmes offered by the Commissioner General of Rehabilitation. The Ministry of Justice has described to the LLRC that the rehabilitation programme was divided into four categories: (a) provision of psychosocial rehabilitation; (b) consideration of their problems from a spiritual angle and exposure to respective religious backgrounds; (c) social integration rehabilitation process to reunite detainees with their families where possible; and (d) provision of vocational rehabilitation for children deprived of a preliminary education.

#### *Gender based discrimination*

46. Child mortality data demonstrates that there is no gender-based variation. Child mortality shows a normal pattern of 16 and 12 per 1000 live births for males and females respectively. Sri Lanka does not have specific issues relating to infanticide of girl children.

47. In terms of policies, the Family Policy of Sri Lanka (2011) includes the elimination of violence against women and the elimination of neglect and abuse of children. The National Human Resources and Employment Policy (2012) recognises the need to prevent sexual harassment and promotes attitudinal change to prevent gender based discrimination at workplaces and the equitable sharing of childcare and household chores between men and women.

48. Gender based violence (GBV) against women and girls is high on the agenda of the current government, which is committed to addressing all factors that create GBV and addressing violations more promptly within the legal system.

49. The government has recently taken steps to develop a policy framework and a national plan to address GBV in Sri Lanka. The vision behind this is to realise a violence free life for women and children. The underlying principle is zero tolerance of sexual and GBV in the country. The entire process that leads to the development of the policy framework and Plan of Action is a multi-sectoral and rights based approach. The lead agency in this regard is the MWCA. Eight technical committees were appointed for this purpose with representation from UN agencies, think tanks and civil society organisations, as well as the following ministries: State Ministry of Child Affairs, Ministry of Disaster Management, MoE, Ministry of Foreign Affairs, Ministry of Foreign Employment Promotion, Ministry of Policy Planning, Ministry of Justice, MoH and Indigenous Medicine, and Ministry of Mass Media and Information. Moreover, a National Consultation on the draft National Action Plan to address GBV was held on 22nd December 2015.

#### *Children with disabilities*

50. Disability is defined in Sri Lanka's National Policy on Disability for Sri Lanka and the Protection of the Rights of Persons with Disabilities Act, No. 28 of 2006. Section 37 of the Act provides: 'persons with disability means any person who, as a result of any deficiency in his physical or mental capabilities, whether congenital or not, is unable by himself to ensue for himself, wholly or partly, the necessities of life.'

51. The aforesaid policy has been in operation since 2003 and addresses a wide range of needs including wider accessibility to schools, the combating of negative socio-cultural attitudes, promotion of inclusive education, development of skills, and access to teacher training through the National Institute of Education. Moreover, the National College of Education is assigned to train teachers in inclusive education. Meanwhile, the Non-Formal Education Division of the MoE has developed a number of services for children with disabilities. While the current policy framework is strong, the government is committed to further improving this framework. Since 2006, attrition rates among children with disabilities have been high and only around half have transitioned from primary to secondary level. Data demonstrates that children with disabilities need protection, in terms of prevention and early detection, and better access to inclusive and special education.

#### **Best interests of the child [para. 31]**

52. The legal framework in Sri Lanka recognises the principle of best of interests of the child. Article 12 (4) of the Constitution provides that special provision may be made by law subordinate legislation or executive action for the advancement of women, children or disabled persons. Similarly in terms of Article 27 (13), which provides for Directive Principles of State Policy and Fundamental Duties, the State shall promote with special care the interests of children and youth. The Children's Charter in Articles 2, 3 and 6 also enshrines the concept of 'best interests of the child: The concept is found in several laws, namely: Section 5 (2) of the ICCPR Act, No.56 of 2007, section 11 (J) of the Prevention of Domestic Violence Act, No. 34 of 2005, sections 9, 14, 20 and 22 of the Tsunami (Special Provisions) Act, No. 16 of 2005, and sections 3 (b) and 25 (3) (a) of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015.

53. The above legislative framework is supported by the following:

(a) Initiatives by the Ministry of Justice and Attorney General's Department with UNICEF's support to address concerns in cases involving children. This collaboration introduced a web-based case tracking system.<sup>1</sup> Between 2010 and 2014, over 900 police

<sup>1</sup> See Joint News Release by the Ministry of Justice and UNICEF dated 14th August 2014 available at: [http://www.unicef.org/srilanka/Joint\\_Release\\_Speeding\\_up\\_Justice\\_for\\_Children\\_FINAL\\_APPROVED.pdf](http://www.unicef.org/srilanka/Joint_Release_Speeding_up_Justice_for_Children_FINAL_APPROVED.pdf).

officers and other authorities (judiciary, health staff, Probation Officers, Child Rights Promotion Officers, Women Development Officers, and Social Services Officers) have been trained on their roles in the timely processing of cases.

(b) Introduction of Women and Child Development Units in all 25 Districts of Sri Lanka. These Units consist of a Child Rights Promotion Officer (CRPO), a Women's Development Officer (WDO), an Early Childhood Development Officer (ECCD), a Counselling Assistant and a Psychosocial Assistant.

### **The right to life, survival and development [para. 33]**

#### *Measures against malnutrition and poverty which impact on the life and survival and full development of children*

54. In nutrition, the country had seen significant progress from 2010 to 2014; child stunting was reduced from 15.9 per cent in 2010 to 10.5 per cent by 2014 and the percentage of underweight children has fallen from 23.7 to 16.4 per cent over the same period. But there has been limited progress in wasting i.e. acute malnutrition. However, low birth weight rate has been static for the past few decades and remains at 16 per cent.

55. Given that the causes of under nutrition are complex and multi-faceted, the GOSL recognised that a multi-sectoral approach is required to reduce child under-nutrition in an effective and sustained manner. In this regard, the President took the lead in forming a National Nutrition Council and Nutrition Secretariat in 2012. With the technical support from UNICEF and other partners, an evidence-based Multi-sector Nutrition Action Plan focusing on the first 1,000 days of life was launched in December 2013. This reflects the GOSL's recognition of the importance of the multi-sectoral approach, and its commitment is further highlighted by the existence of multi-sectoral plans to reduce under-nutrition in all 25 districts of the country. These are monitored nationally, and those which have been functional since 2013 are showing the impact of the approach.

**Table 1**  
**Nutrition**

	2010	2011	2012	2013	2014
Underweight	23.7	19.8	17.3	17.0	16.4
Wasting (acute malnutrition)	-	15.3	13.6	13.0	12.2
Stunting (chronic malnutrition)	15.9	12.8	11.3	11.2	10.5

*Source:* Family Health Bureau 2015.

56. The GOSL spent Rs. 4.5 billion on improving nutrition, mainly prioritising those relating to joint maternal and child health at provincial and district levels, food nutrition supplements for pregnant women and feeding children below the age of five years.

#### *Survival*

57. Newborn care is extremely important, as it is the beginning of the survival of every child. While Sri Lanka has made significant progress in maternal and neonatal mortality over the past few decades in line with its achievement of MDG 5, the Government recognises that neonatal mortality declines have not kept pace with the improvements in maternal mortality. It is observed that the neonatal mortality rate lags behind other countries with similar maternal mortality ratios. It is also noted that the current neonatal mortality rate of 5.9 per 1,000 live births accounts for over 70 per cent of 'under five' mortality. Thus the need to focus on further improvements in care around the time of birth

and the first four weeks of life with a special focus on improving quality of care has been identified. In recognition of the identified need and in keeping with global developments, GOSL is preparing an 'Every Newborn Action Plan' focusing on ending preventable newborn deaths and preventable stillbirths.

58. Steps have been taken to strengthen newborn care by adopting a wide range of internationally accepted evidence-based interventions known to improve newborn care. In 2007, a Maternal and Newborn Health Review was conducted by the Family Health Bureau with the support of WHO to confirm these steps. As a result of the External Review, the Maternal and Newborn Health Strategic Plan was developed for 2011-2016 for strengthening of care.

59. The Emergency Obstetric and Newborn Care Needs Assessment Survey conducted in 2011 by the Family Health Bureau showed that accessibility to newborn care facilities is satisfactory in Sri Lanka. Special care baby unit facilities were available within a 30 km buffer in 88 per cent of the land area while Neonatal Intensive Care Unit facilities are well established in the main cities.

60. The early detection of hearing levels has been integrated into newborn care in order to intervene early and reduce the impact of this particular disability.

#### *Early childhood development*

61. Much effort has been invested in the development of guidelines and services on the evidence based emphasis on national priorities in health, nutrition and other aspects of early childhood development during the first 1,000 days.

62. All public health midwives and hospital staff have been re-sensitised on the importance and further trained on actions to be taken as part of the strengthened package of interventions during this window of opportunity.

63. The coverage of micronutrient supplementation for both infants and mothers who have delivered has increased. The two main components in this regard are the Vitamin A mega dose supplement given to infants and children at six monthly intervals and to postpartum mothers within 45 days of delivery. In nutritionally vulnerable geographic areas, children under five years are provided with a multiple micronutrient supplement to be sprinkled on their food.

64. As mentioned previously, regional disparities in health services are being addressed through the filling of cadre positions and improving the infrastructure. The most important health frontier for children is the primary health care system and the paediatric wards of the hospitals. Vacancies in paediatric care are being addressed when filling cadres. According to the MoH Human Resource Assessment (2013), all district General Hospitals have a specialist paediatrician.

#### *Non-implementation of the capital punishment for persons under eighteen years*

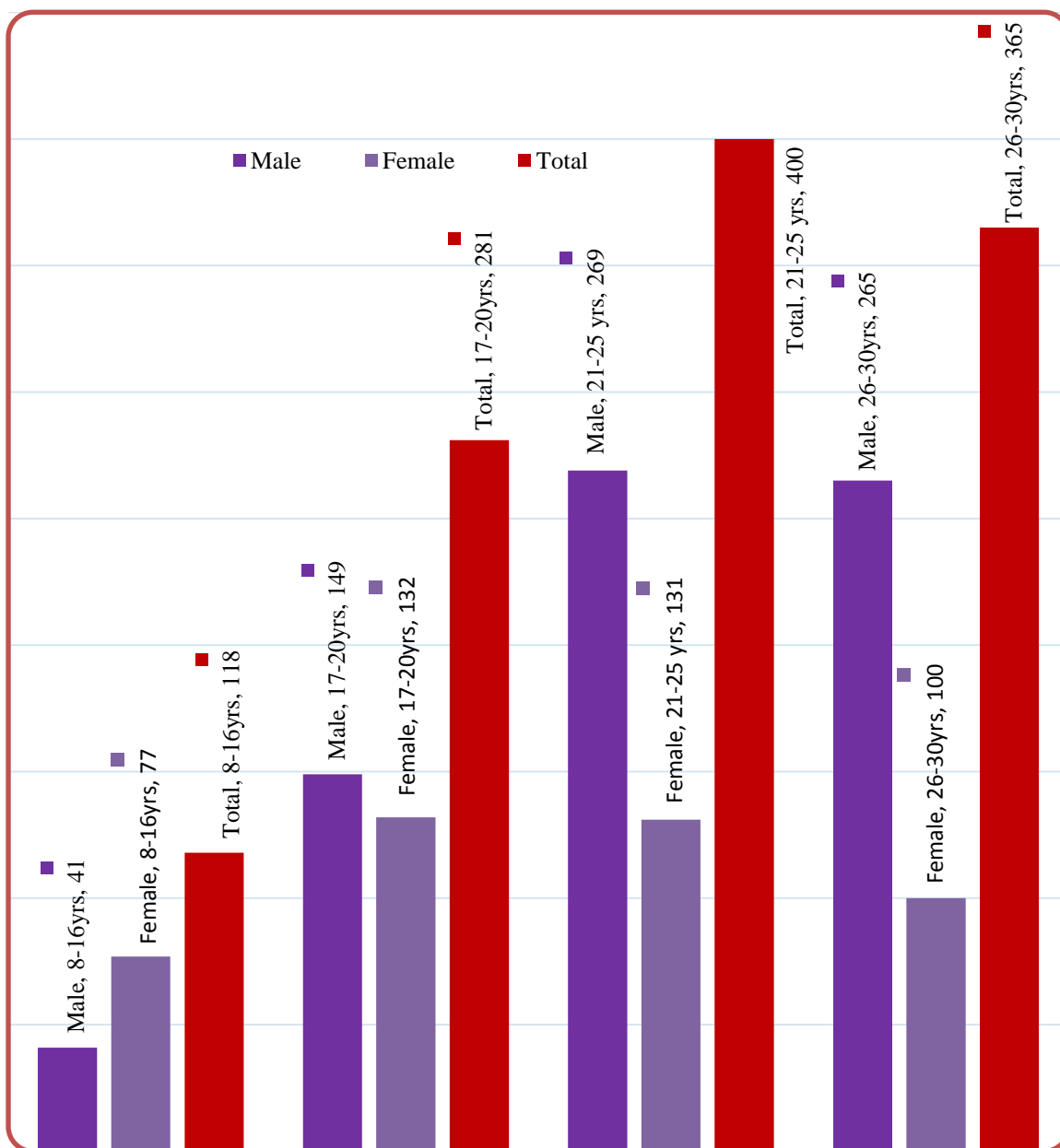
65. Section 53 of the Penal Code and section 281 of the Code of Criminal Procedure Act of Sri Lanka specifically prohibits capital punishment for persons less than eighteen years of age. Section 53 of the Penal Code provides: 'The Sentence of death shall not be pronounced on or recorded against any person who, in the opinion of the court, is under the age of eighteen years; but, in lieu of that punishment, the court shall sentence such person to be detained during the President's pleasure.' Even though the Penal Code provides for the death penalty, successive Presidents have withheld constitutionally required ratifications for executions. Sri Lanka has therefore ceased judicial executions since 1976. The Minister of Foreign Affairs in his address at the 30th Session of the UN Human Rights

Council in September 2015 confirmed that Sri Lanka would maintain the moratorium on the death penalty with a view to its ultimate abolition.

*Prevention of child suicide, infanticide*

66. A total of 1,164 suicides were recorded in 2011 by the Police Department. The distribution of suicides by age is given in the graph below and those between eight and twenty years constitute nearly one third of the total suicides for the year. The main reason for this age group is disappointment and frustrations from intimate relationships (28 per cent) followed by mental disorders and problems with elders. Male suicides increase with ageing within the ‘eight to twenty years’ age cohort. Meanwhile, more female suicides are noted in the younger group of eight to sixteen years.

**Table 2**  
**Suicides by age (2011)**



67. Recent government programmes have expanded to include combating the phenomenon of suicide. For example, an initiative was launched in the Kurunegala District, where the effects of life-skills training on local self-harm and suicide rates will be monitored. Also, NCPA is carrying out an online safety campaign that is equally addressed to parents and to children, as a first step to address a new phenomenon among Sri Lankan teenagers, i.e. ‘sextortion’, which has led to cases of teenagers committing or attempting suicide.

*Respect for the views of the child (para. 35)*

68. In promoting respect for the views of children, and to ensure that the children feel that their views and opinions have been listened to and respected, the MoWCA conducted an island wide consultation in April 2016 with the direct participation of children to understand the perspective of the children on the implementation of their rights. The consultation was conducted with the participation of 1,577 children aged between 11 to 18 years from all 25 districts of the country. Children from eleven care institutions representing all (9) provinces of the country also participated in the process. Please see at **annex ‘A’** a detailed report of the findings of the consultation.

69. The MoE has issued a number of circulars that promote participatory fora within secondary schools and community settings complemented by the curriculum. The concept of the School Media Club is one of the best examples of this approach. The social development arm of the *Samurdhi* poverty alleviation movement and the DPCCS has also promoted children’s fora that enhance the participation of children who are economically marginalised. The child-friendly school concept, which has been piloted in 1,500 schools in five provinces by the MoE is now being further developed and scaling up to cover all 9,905 schools in the country. It is a means by which children’s views are heard within the education sector and incorporated into policymaking processes.

70. Meanwhile, the Sri Lanka Youth Parliament, set up under the aegis of the National Youth Services Council, also functions as a forum that enables youth representatives to air their views on matters affecting youth in the country.

### **III. Civil rights and freedoms**

**Birth registration (para. 37)**

71. Registration of birth is compulsory in Sri Lanka. Birth certificates are issued upon registration in every district by the Registrar General’s Department. Section 5(1) (a) and (b) of the ICCPR Act specifically guarantees the right of a child to have his or her birth registered and to acquire nationality. The number of children whose birth is not registered is nominal; the same applies for the registration of neo-natal, infant and child deaths.

**Protection of privacy (para. 39)**

72. Section 365C of the Penal Code, as amended by Act No. 22 of 1995 prohibits publishing details of child victims. This is a significant legislative measure in protecting child rights. Noting infringements of this legislation in the media, a strategy for stronger enforcement of the law will be developed in the future in consultation with the media.

73. Section 11 of the Children and Young Persons Ordinance provides: ‘No report on any proceedings before a Juvenile Court shall be published in any newspaper, magazine or other journal ...’ Moreover, section 19 of the Ordinance provides: ‘Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a

witness, the court may direct that all or any person, not being members or officers of the court or parties to the case, their attorneys-at law, or persons otherwise directly concerned in the case be excluded from the court during the taking of evidence from that witness.’

74. Furthermore, according to Article 106 (2) (b) of the Constitution, a judge or presiding officer of any such court, tribunal or other institution may, in his discretion, whenever he considers it desirable, in proceedings relating to sexual matters, exclude such persons as are not directly interested in the proceedings.

75. Further to high profile cases, a series of media roundtables were convened in June 2015 to address the ethical principles and guidelines for interviewing and reporting on children, particularly child victims of abuse, in partnership with the Sri Lanka Press Institute, Sri Lanka College of Journalism, Sri Lanka Press Complaints Commission, State Ministry of Child Affairs, NCPA and UNICEF. The discussions focused on specific stakeholders such as editors and heads of media houses (print, TV and web based media) and addressed the role of the media in protecting the rights of the child, particularly child victims. As a result, it was agreed that a series of discussions would be held in 2016 to improve self-regulatory guidelines for the print and broadcast media.

#### **Corporal punishment (para. 41)**

76. Article 11 of the Constitution specifically recognises that no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. Similarly, section 308A of the Penal Code, as amended by Act No. 22 of 1999 specifically criminalises cruelty to children.

77. Whipping is prohibited as a sentence for crime by the Corporal Punishment (Repeal) Act, No. 23 of 2005, which repeals the Corporal Punishment Ordinance of 1889 and all provisions authorising judicial corporal punishment in other laws.

78. An administrative decision was taken to ban corporal punishment in schools as per Clause 2 of Circular No 2005/17 issued by the MoE in 2005. Provisions in the Education Ordinance, No. 31 of 1939 allowing the court to order corporal punishment for persistent truancy were repealed by section 3 of the Corporal Punishment (Repeal) Act, No. 23 of 2005. Meanwhile, the Draft National Child Protection Policy (2013) recommends prohibition of all forms of abuse and violence in schools, particularly the practice of corporal punishment, and the humiliating and degrading treatment of children, bullying, and sexual and gender-based violence. However, the practice of corporal punishment may persist in some schools. In 2015, the Provincial MoE of the Northern Provincial Council, working with an external consultative body, developed a plan to stop all forms of violence against children in schools. This is being implemented through manuals to teachers on positive disciplinary methods and by also informing parents so as to translate the same safe environment from school to home. Given it is a rather radical approach to common and traditional practices, its application is documented for lessons learnt and to further use it as advocacy reference.

79. The Guidelines and Standards for Childcare Institutions in Sri Lanka, issued in 2013 by the NCPA, provides that excessive force should not be used to control or discipline a child. The Guidelines have listed a number of methods (including corporal punishment) that should not be adopted by the caregivers or staff members as a way to discipline a child.

#### **Follow-up to the United Nations study on violence against children (para. 43)**

80. As a follow up to the recommendations of the UN study on violence against children, the South Asian countries joined hands in 2010 and launched a regional campaign to end all forms of violence against children in the region. This initiative is called the South Asian Initiative to End Violence against Children (SAIEVAC). Each member country has made a



strong commitment to end violence against children by 2015, and has prepared a country plan, which is part of the regional initiative.

81. The GOSL in partnership with SAIEVAC has taken several steps in the last five years to end violence against children. For example:

(a) In 2013, the South Asia Coordinating Group supported SAIEVAC in organising a regional meeting of the National Action and Coordinating Groups (NACGs), established in all SAARC member States to support SAIEVAC at country-level. Technical consultations on harmful practices, the SAARC Chief Justices conference and the parallel SAARCLAW Conference were held thereafter. Such initiatives demonstrated the convening capacity of South Asian countries to respond to violence against children. It also demonstrated the capacity among South Asian countries to provide a platform for awareness raising and for the exchange of information.

(b) In November 2014, the 4th Technical Consultation of SAIEVAC was held in collaboration with the NCPA in Colombo focusing on the need to allow children with disabilities to voice their opinion. SAARC member countries were represented in this meeting.

(c) In December 2015, an Expert Group Meeting to Review and Finalise the Regional Plan of Action to End Child Labour was held in Sri Lanka by the SAIEVAC Sri Lankan mechanism together with the DPCCS.

*Measures to promote the physical and psychological recovery and social reintegration of child victims*

82. The DPCCS introduced a mechanism in 2008 to include and promote children's participation as a preventive measure to combat violence and other forms of abuse. There is a four-tier structure of which the lowest is the village level (*Grama Niladari* Division) children's clubs covering the entire country. The next level is the Children's Council at Divisional Secretariat level. The membership of such a Council consists of child representatives of the village level children's clubs within the relevant division. At the district level, district Children's Councils with representatives of the divisional Children's Councils have been established. Finally, a National Council with representatives from the 25 districts has been established. Children of the age between six and eighteen years are eligible to become members and office bearers of these bodies. As at September 2015, there are 2,992 Children's Clubs, 330 Divisional Councils, 25 District Councils and the National Council. The government has allocated Rs 2.5 million for 2014 and Rs 3.4 million for 2015 to support these platforms for dialogue.

83. The main objectives of these platforms are in line with the national priority to build social cohesion. By creating space for participation of children and by encouraging them to offer their views on issues affecting them, it will provide children with opportunities for skills and personality development. Child Rights Promotion Officers of the Department (CRPOs) attached to each divisional secretariat assisted in setting up these structures and supported their functioning with necessary guidance. Moreover, the DPCCS provides financial support through the Divisional Secretariats.

## IV. Family environment and alternative care

### Family environment (para. 45)

#### *Budgetary allocation for vulnerable children*

84. The annual budgetary allocation in 2011 for child development that includes health, education and other social welfare was Rs. 36 billion, and the average annual increase is 2.1 per cent. The poverty alleviation programmes under the *Divineguma* Department, which aims to assist vulnerable families, received an annual allocation of Rs. 15 billion in 2014 to cater to the needs of 1.48 million families.

85. In 2015, this package of social protection services was moved to the Ministry of Social Services. The programme currently supports vulnerable families with income generation, nutrition and social security. In 2016, the Ministry intends to evaluate the impact of providing such social protection package in reducing child poverty.

86. Meanwhile, the annual budgetary allocation for 2016 allocates 20 million to scholarship programmes for children who face economic challenges.

#### *Support for children of migrant workers*

87. Action has been taken to register all migrant workers with the government in order to ensure that proper arrangements are made prior to the departure of mothers for the safety and security of children. The accuracy of this information is certified by the *Grama Niladari*, or in case of estate plantations, the superintendent of the estate, and the application is submitted to the Divisional Secretariat for further verification by a field officer. The final approval of the Divisional Secretary is obtained before submitting the information to the Sri Lanka Bureau of Foreign Employment (SLBFE).

88. In December 2015, the Ministry of Foreign Employment announced its intention to dispense with the Family Background Report, which was required of female migrant workers with children under the age of five years. Meanwhile, according to members of UN Gender Task Force, the Family Background Report has created the counter-effect of preventing females from migrating rather than assisting them in making an informed decision. This is a concern, as it may create irregular and illegal channels of migration. Therefore, the MoH proposed a coordinated care plan for all migrant workers, which is now under consideration.

89. A special desk with four counters has been in operation at the International Airport, Katunayake to facilitate the departure of migrant workers and provide immediate assistance to returnees. The counter is open for 24 hours every day. A shelter named *Sahana Piyasa* has been set up closer to the airport in order to provide relief and other services to returnees, and it is equipped with lodging and medical facilities. The needs of returnees are assessed by the staff of the Centre and action is taken to provide them with assistance accordingly. For example, the medical officer attached to the centre refers those who need medical care to hospitals. Pregnant mothers or mothers with children who return to the country are given special attention, and measures are taken to reintegrate the mother and child with their families or to provide alternative care with assistance from the DPCCS. Expenses relating to the returnees' temporary food and lodging, transport to their homes and medical care are paid by the government and such other expenses including contacting their family members are borne out by the SLBFE.

90. The SLBFE entertains complaints on problems of migrant workers through the NCPA 24-hour helpline (1929) and its administrative network covering the entire country. Reported cases on child related issues are monitored and attended to at local level by the

officials of the DPCCS. The SLBFE runs a special welfare programme for children of migrant workers to support their education by providing school equipment and scholarships to children in need. This programme has covered 3,172 children, and the money allocated for this programme for the period of five years from 2010 was 3.5 million.

#### **Children deprived of a family environment (para. 47)**

91. The subject of children's homes is a devolved subject that comes under the purview of Provincial Councils (PCs). In 2014, the Central Government assisted the PCs by providing a model law to enable PCs to prepare and adopt their own laws. This intervention was meant to provide technical assistance to the PCs and to ensure consistency and uniformity of the laws that are passed at the provincial level. Out of the nine PCs, five — namely Uva, Sabaragamuwa, Western, Southern, North Western — have already passed statutes on children's homes and action is being taken to manage children's homes accordingly.

92. According to the Orphanages Ordinance, No.22 of 1941, it is compulsory to register all homes or other institution for the reception, boarding, care or maintenance mainly of 'orphans or deserted children'.

93. There are several types of institutions and correction facilities for children in Sri Lanka and these are:

(a) Remand homes — Remand homes are detention homes established to house children while their cases are being heard in courts of law. Children in remand homes are detained for the following reasons: suspicion of murder, attempted murder, arson, victims of abuse and sexual harassment, theft, quarrelling, disobedience, straying, being stranded, use of liquor or drugs, child labour, or for further investigation. The six Remand homes in Sri Lanka are located in Pannipitiya, Anuradhapura, Kithulampitiya, Ranmuthugala, Weralawatta and Jaffna.

(b) Certified Schools — Certified schools provide a systematic vocational training to the children admitted. There are five certified schools in Sri Lanka, located in Makola, Kappetipola, Hikkaduwa, Ranmuthugala and Kondawil. The reasons for admission of children to such schools include, theft or burglaries, disobedience to parents, sale and use of alcohol, being in need of care and protection, attempted suicide and unclassified.

(c) Receiving Homes — State Receiving Homes are set up to provide the necessary safety and protection to children who have not had the opportunity to live with their own families temporally or permanently. Orphaned, abandoned and destitute children live in Receiving Homes. There are eight such State Receiving homes in Sri Lanka, in Panadura, Galle, Bandarawela, Jaffna, Anuradhapura, Peradeniya, Migalewa and Kuruwita.

(d) Voluntary Children's Homes — Voluntary Children's institutions are residential facilities for children needing care due to various concerns such as poverty, negligence by parents, being orphaned and family separation. These are managed either by the government or NGOs. Registration is required with the DPCCS and, thus subsequent monitoring of facility for conformity to minimum standards is ensured.

(e) Detention Homes — Detention Homes are institutions established to rehabilitate destitute children over eight years of age who loiter as beggars. Currently there is only one Detention Home in Sri Lanka, and it is located in Halpatota.

(f) Approved School — This one facility on Maggona provides vocational training to child offenders.

(g) National Training and Counselling Centre for Children — This facility provides counselling to children.

94. A total of 414 children's homes are currently operating in the country, and they provide services to 14,175 children. The table below lists childcare institutions (CCIs) by district.

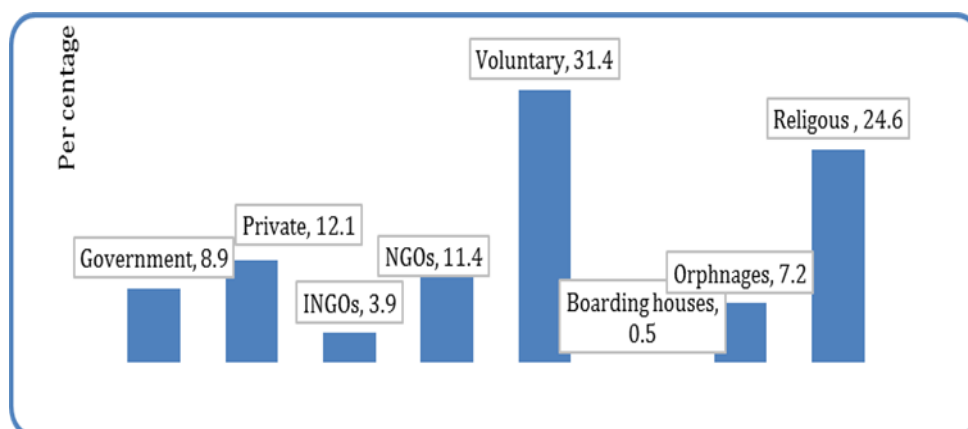
**Table 3**  
**District wise distribution of CCIs in Sri Lanka (2014)**

<i>District</i>	<i>Number</i>	<i>Percentage</i>	<i>District</i>	<i>Number</i>	<i>Percentage</i>
Gampaha	56	13.5	Anuradhapura	12	2.9
Colombo	48	11.6	Polonnaruwa	4	1.0
Kalutara	27	6.5	Kurunegala	23	5.6
Ratnapura	11	2.7	Puttalam	19	4.6
Kegalle	7	1.7	Kilinochchi	5	1.2
Badulla	12	2.9	Jaffna	25	6.0
Monaragala	4	1.0	Mannar	5	1.2
Kandy	19	4.6	Mulaitivu	4	1.0
Nuwara Eliya	8	1.9	Vavuniya	12	2.9
Matale	7	1.7	Ampara	12	2.9
Galle	28	6.8	Batticaloa	39	9.4
Matara	7	1.7	Trincomalee	16	3.9
Hambantota	4	1.0	<b>Total</b>	<b>414</b>	<b>100.0</b>

*Source: National Institute of Social Development, A Study of Institutionalised Children in Sri Lanka: A Situational Analysis (2014).*

95. The government operates 8 per cent of CCIs, while the balance are run by non-government organisations. Moreover, religious institutions administer 24 per cent and voluntary bodies 31 per cent of the total number of CCIs.

**Table 4**  
**Percentage distribution of CCIs by category**



96. Nearly 18 per cent of children placed in CCIs do not have both parents, while 50 per cent have one parent. A majority of children are between ten and eighteen years, with about 20 per cent belonging to age category of five to ten years. Out of all reasons reported for admission to an institution, boys are admitted predominantly due to court orders (23.2 per cent) and economic difficulties (19.9 per cent). Meanwhile, girls are admitted due to court

orders (23 per cent), dysfunctional families (25.3 per cent) and economic difficulties (20.5 per cent). The GOSL has meanwhile taken cognizance of a recent study by the National Institute of Social Development with a view to improving facilities at CCIs to better accommodate children with disabilities.

97. Children's homes of all provinces except the North and the East are registered and closely monitored by state officials and volunteers appointed for that purpose. In the case of the Northern and Eastern Provinces where normal administration is fully operational after the war, there are fourteen registered homes, and four unregistered homes, which have been given time to meet the criteria for registration. Three of the homes in the Northern Province that have met the requirements for registration will be registered shortly.

98. The amended Orphanages Ordinance provides for provincial authorities to monitor standards of homes. Additionally, mechanisms for monitoring homes, such as citizen committees comprising NCPA officers, CRPOs, officers from the Women and Children's Desk of the Police, and health officers are in place. Moreover, the NCPA as well as HRCSL has its own monitoring system in which unannounced visits are made to children's homes.

99. The PCs currently provide maintenance grants for children in institutions. The minimum maintenance grant for a child per month has been increased from Rs. 300 to Rs. 600. The minimum maintenance grant paid for children in the Western Province is now Rs. 1500. In the Northern and Eastern Provinces, the minimum maintenance grant is over Rs. 1000.

100. The relevant authorities are aware of the need to introduce alternative care options for children who have long term care needs to develop a well-regulated foster care system and to streamline adoption procedures, which at present are very lengthy. The majority of adoptions occur in the Western Province, which has the largest number of institutions for care and protection run by state authorities and voluntary organisations.

#### *Reintegration of children in childcare institutions with their families*

101. Through their poverty alleviation programmes, the PCs support the parents of children in returning to their families from childcare institutions with financial assistance and incentives for self-employment. In addition, state authorities work with civil society organisations including international NGOs to help such children and their families. Parents of children in childcare institutions are encouraged to take their children back, for which financial assistance and guidance are provided by respective Probation and Childcare Departments at provincial level.

102. Children in need of care and protection are institutionalised after careful assessment of the needs to do so — as a last resort. A set of guidelines has been prepared for this purpose and is followed by the implementing officials. This assessment is carried out by probation officers and child right promotion officers. In the case of abused children, this decision is made by a case management committee, which comprises a multi-disciplinary expert group in the field of child welfare.

103. The GOSL in 2011 decided that funds be allocated to the provincial departments via the Ministry of Child Affairs in order to fairly allocate resources among the childcare institutions, in addition to the administrative cost met by the PCs. The government's annual allocation for 2014 was Rs. 700 million. Part of this money was used to provide essential facilities for children and train childcare staff.

104. State-run childcare institutions have staff recruited according to the government rules and regulations. Most of them have completed thirteen years of school education and possess a diploma or university degree. Moreover, they have received job related training

arranged by the Central Government, PCS and supplemented by external experts such as NGOs, and UNICEF.

105. After introducing the Case Management system, all the POs, CRPOs and institutional staff were trained in case management. Moreover, Case Management Guidelines have been formulated and are due to be published shortly. A standard care plan has been introduced to all PCs, and institutional staff members were trained on how to prepare an individual care plan for institutionalised children. The relevant provincial departments are currently monitoring this initiative.

#### *Adoption (national and inter-country)*

106. The Children's Ordinance, No.38 of 1979 provide for the 'Adoption of Children, for the registration as custodians of persons having the care, custody or control of children of whom they are not the natural parents, and for matters connected with the matters aforesaid'. Every attempt is made to encourage local parents to adopt children who have lost parental care and protection. There is a high demand for both local and inter-country adoption. The number of parents who were registered for inter-country and local adoption in 2014 was 190 and 4,000 respectively. If there are no local requests, the children who are eligible for adoption can be adopted by foreign parents. The number of children eligible for inter-country adoption during the period between 2010 and 2014 was 190. The Commissioner of Probation and Childcare Services continues to monitor the progress of inter-country adopted children for five years from the date of adoption as required by law. A total of 8,638 children were adopted during the same period by local parents.

#### **Abuse and neglect (para. 49)**

107. The Ministry of Justice is making steady efforts to expedite the investigation of child abuse cases through consultations with relevant authorities and by arranging training programmes.

108. Expeditious processing and conclusion of cases of child abuse by the criminal justice system of Sri Lanka are a national priority and the Attorney General's Department with support from UNICEF developed a solution that will release the systemic bottleneck. An Information Management System will help in monitoring more closely the progress of cases within the legal system. The solution will also aim to prevent secondary victimisation of children who have suffered abuse. Training and awareness programmes were conducted for officers including Officers in Charge (OICs) of police stations, crimes divisions and of the Women and Children's Bureau, probation officers and officers of the Attorney General's department. A consultative workshop was held with officials of the Government Analyst department to discuss difficulties faced by the parties within the criminal justice process when dealing with cases of child abuse.

## **V. Basic health and welfare**

#### **Children with Disabilities (para. 51)**

##### *Sensitisation and education on the rights of children with disabilities*

109. The MoE conducts advocacy and awareness programmes among the public and policymakers on the needs of children with disabilities.

110. The Family Health Bureau (FHB), which comes under the purview of the MoH, has developed a Child Development Manual. The manual, launched in 2015, provides knowledge on child development and monitoring, and on defect identification and

development promotion. Currently, public health staff members are being trained on using this manual. Meanwhile, a 'Parents Manual' is also being developed and will be distributed to parents. It contains useful tips on development monitoring and promotion. The MoH is currently working through the FHB and with the MoE and the Children's Secretariat on raising public and government level awareness and advocating for developing an enabling environment for children with disabilities.

#### *Statistics on children with disabilities*

111. A national disability survey is planned in collaboration with WHO and the World Bank. Official statistics especially on children with disabilities will then be available within the next two years.

#### *Training*

112. Health staff training in all aspects of paediatric care has increased, with the establishment of a new cadre of professionals on community paediatric care. Part of this initiative also encompasses the early identification of disability. A Public Health Midwife is currently best placed to ensure early detection of disability. The Child Health Development Record is also being revised and updated with special emphasis on child development and early disability identification.

113. There are three Special Education Teacher Training Centres in Sri Lanka. Additionally the National Institute of Education (NIE) conducts several diploma and other short-term courses at the national and provincial level for teachers on special education. The teachers trained in special education are being paid an additional allowance of 10per cent of their basic salary.

#### *Coordination*

114. The central body responsible for the coordination of programmes for children with disabilities is located in the Ministry of Social Services. There are dedicated units for the support of children with disabilities under this Ministry. These are the National Council and National Secretariat for Persons with Disabilities and the National Programme on Community-based Rehabilitation. There is also a Community Based Rehabilitation Programme unit within the Ministry of Social Services. This unit deals with community support aspects for both children and adults with disabilities.

#### *Resources*

115. The budgetary allocation for non-formal and special education has increased annually from 20.63 Million in 2010 to 81.55 Million in 2015. There has been an increase in special education programmes to cater to the needs of children with disabilities. Such children have been categorised into groups of visually impaired, hearing impaired, physically disabled and mentally disabled.

116. As it is essential to assess the degree of disability of these children and to advise the parents accordingly, the MoE also conducts programmes to meet the needs of these special groups. The MoE has accepted the principle of inclusion in educating children with special needs. Wherever appropriate, these children are encouraged to learn in mainstream classrooms with teachers trained in inclusive education.

117. The MoE in 2011 introduced a tool-kit and an instructions manual on Inclusive Education for teachers to provide them with knowledge and capacity to identify and overcome difficulties and barriers affecting students in learning and also to carry out a self-assessment on their teaching practices to make the class rooms more inclusive. The tool-kit

and an instructions manual have been implemented since 2012. More efforts will continue to be taken on the implementation of Inclusive Education, including teacher training.

118. There are 704 Special Education Units attached to the mainstream schools to cater to the needs of children with disabilities and 25 special schools for those who are severely disabled and unable to adapt to conditions in a normal classroom. All special schools are registered, and a Special School Code of Registration is being implemented. More action will be taken in future to monitor and evaluate the quality and accessibility of such services.

119. Programmes conducted for children with special educational needs are as follows:

(a) Special education units in schools where trained instructors take care of children with disabilities at the outset and absorb them into mainstream classes depending on progress;

(b) Inclusive education in mainstream classes where teachers are trained to care for children with special needs;

(c) Special schools are run by the private sector for children with severe disabilities. These schools are financially assisted by the government;

(d) A special centre for children affected by autism as a model national centre is located in Colombo;

(e) A Braille press for printing Braille books for children with visual impairment has been established.

120. The NIE's unit on special education is responsible for adapting the national curriculum to meet the needs of children with disabilities, and for conducting training courses for teachers. A general course on special education is held for parents and caregivers to understand how these children should be taken care of. Moreover, a National Coordinating Committee on Special Needs and Technical Training Centres undertakes to provide training for special education teachers.

121. Thirty per cent of school-aged children are in need of special attention in education. The total number is approximately 1,203,000 children. Of these children, 12 per cent (about 481,200) need special education, as they are either visually impaired, hearing impaired, have mental disabilities or are afflicted with other impairments.

122. At least another 12 per cent of school attending children have learning difficulties such as dyslexia, dyscalculia and dysgraphia. These children need special attention in education. According to a 2014 study commissioned by the MoE, among those with learning difficulties are children with attention deficit disorder and hyperactivity. The MoE with technical support from UNICEF will review and develop plans for how best to address learning difficulties and intellectual disabilities.

### **Health and health services (para. 53)**

123. The National Health Master Plan (2012-2017) has prioritised the need to increase human and financial resources, both at the national and provincial levels. Targeted strategies that are currently implemented and that have an impact on infants and children are as follows:

(a) Cadre positions are currently being filled in order to reach the target to increase number of Public Health Midwives up to 1 per 3,000 persons by 2017. It should be noted that this ratio is currently under review given the expansion of responsibilities of Public Health Midwives to include *inter alia* the identification and primary treatment of non-communicable diseases and mental health concerns.



(b) The MoH reported that the percentage of children receiving DPT 3 immunisation in 2014 already stood at 98 per cent, on track with the target of reaching 100 per cent by 2017.

(c) In 2013, the maternal mortality ratio was 32 per 100,000 live births, already surpassing the target set by 2017 of reaching 25 per 100,000 live births.

(d) As for infant mortality rate, the target to reduce it to 10 per 1,000 live births by 2017 was already achieved. In 2013 it was recorded as 8.8 per 1,000 live births by the Reproductive Health Information System (RHMIS) of the MoH, and 8.2 per 1,000 live births by the Registrar General's Department.

(e) In 2013, 75 per cent of pregnant mothers were registered before eight weeks and the MoH continues to expand coverage and messaging for women to register early to keep on track with the target of 95 per cent registered mothers by 2017.

(f) Training and recruiting 1,000 Public Health Midwives each year for five years till 2017.

(g) To increase supplementary food production (*Thripasha*) capacity from the present capacity of 13,000 metric tonnes per year to 25,000 Metric tonnes per year by 2017.

124. In 2013, the Presidential Secretariat established a National Nutrition Secretariat for coordinating and monitoring all nutrition activities of relevant sectors. The Plan formulated by the Secretariat is titled 'A nourished nation by 2016' and involves sixteen sectors vis-à-vis the multi-sectoral approach to improving nutrition. The primary focus of this plan is children. There is also a Nutrition Coordination Committee within the MoH to coordinate the work related to nutrition improvement activities.

125. The aforementioned multi-sectoral approach has been introduced to the lower levels of administration by the National Nutrition Secretariat with the support of the Nutrition Coordination Division of the MoH. The approach, which was piloted in several Divisions in the Nuwara Eliya District, yielded positive results. Stunting among children less than five years has reduced by almost 50 per cent in the past three years due to this approach. All 25 Districts across the country now have district-wide nutrition plans that are monitored regularly by the National Nutrition Secretariat. In the 2015 national budget, additional funds were allocated for nutrition. Further funds from the World Bank, the European Union and other bilateral donors will contribute to further improvement in the nutritional status of children in tea estates and other cash crop estates where under-nutrition rates are high.

126. The World Bank's Japanese Social Development Fund supported community nutrition initiatives, targeting divisions with the highest malnutrition in the conflict-affected Northern Province. This programme has positively impacted the target population.

127. Some areas that improved in nutrition in Sri Lanka include strengthening a multi-sectoral approach to nutrition, assessing preparedness to scale up nutrition through Landscape analysis, supplying enhanced nutrition supplements i.e. super cereal plus, and also assisting surveys on nutrition status.

128. During 2015, the Presidential Secretariat, MoH emphasised the generation of evidence-based knowledge on what works in child nutrition, including in hard-to-tackle entrenched problems such as wasting in Sri Lanka. This learning has been shared with national and district authorities for their adaptation of solutions to local concerns.

#### **Adolescent health (para. 55)**

129. The MoH has taken *inter alia* the following steps to assure services to adolescents:

(a) A general circular has been sent to all provincial health authorities on the provision of adolescent health in field health programmes. Age appropriate health knowledge is included in the education curriculum.

(b) School Medical Inspection programmes are being conducted in schools for children aged seven, eleven and fourteen in the case of large schools and for all children if there are less than 200 students in the school. Adolescent health has become a large part of this programme. The present government is committed to raising awareness on healthy life style and reproductive health through Health Education Officers (HEOs) and Public Health Inspectors (PHIs).

(c) Educational material has been developed on the prevention of teenage pregnancy, and documentary films have been telecast on adolescent health and nutrition. A Circular has been issued on setting up youth friendly health service spaces in all areas.

(d) A circular is being prepared on legal clarification on reproductive health services for adolescence. Guidelines on adolescent services and reproductive health services are accordingly being drafted.

130. Sri Lanka reached its targets for universal child immunisation with immunisation coverage of children less than three years reaching above 98.5 per cent. 100 per cent of districts have a coverage of >80 per cent by 18 months for all antigens. The OPV/DT (Immunisation against Diphtheria, Tetanus and Poliomyelitis) coverage of five-year-old children is 86.6 per cent. Moreover, polio has not been reported in Sri Lanka since 1996. Meanwhile, the neo-natal mortality rate has declined from 22.2 deaths per 1,000 live births in 1991 to 6.5 in 2013. The infant mortality rate has declined from 17.7 deaths per 1,000 live births in 1991 to 8.8 (8.2) as above, in 2013.

131. The proportion of births attended by skilled birth attendants was 99.8 per cent in 2013 and therefore, almost at the level of the 100 per cent target. According to the MoH's Emergency Obstetric Care Survey (2012/2013), almost all births in Sri Lanka are institutional deliveries with trained care, and over 70 per cent in specialised units.

132. The government launched the National Strategic Plan on Maternal and Newborn Health 2012-2016, following the recommendation of the External Programme Review on Maternal and Newborn Health conducted in 2007. Access to emergency obstetric care is also provided. The current Plan has strategies with respect to five areas: health system structure and functions; human resources and training; service delivery and interventions; behaviour change communication; and crosscutting areas. The Every New Born Action Plan, which is currently being developed, will enhance survival, and mother and child health, and will reduce neo natal mortality, which stood at 6.5 over 1,000 live births in 2013.

#### *Adolescent malnutrition*

133. A declining trend in under-nutrition among adolescents was evident in the 'Nutrition Month' data between 2007-2012, which shows that low Body Mass Index among males has dropped from 42.2 per cent to 28.6 per cent and for females from 27.9 per cent to 20.7 per cent. This improvement in nutritional status was confirmed by the National Micronutrient Survey conducted in 2012, which revealed adolescent thinness as 25.1 per cent. Meanwhile, the prevalence of overweightness is around 5 per cent.

#### *Adolescent pregnancies*

134. The Annual Report on Family Health in Sri Lanka (2010) highlights that 6.5 per cent of registered pregnant mothers are in the adolescent age group. Evidence shows that they are at the highest risk of obstetric and neonatal complications including unsafe abortions, anaemia, premature labour, and low birth weight. There are also related social

and legal issues when the pregnancy is an outcome of child sexual abuse, including incest. The reduction of the adolescent pregnancy rate was identified as a key indicator in achieving MDG 5B on 'universal access to reproductive health'. A National Strategic Plan on Health of Adolescents was developed for the period of 2013-2017 and its implementation is ongoing.

*Protecting children from substance abuse*

135. Addiction to alcohol and drugs has been identified as a serious health and social issue in Sri Lanka. Therefore, protecting children from substance abuse is accorded the highest priority.

136. During the reporting period, the National Alcohol and Tobacco Authority (NATA) has introduced large pictorial warnings as a compulsory labelling standard in the packaging of cigarettes.

137. The Non-Communicable Disease Control Action Plan of the MoH recommends a programme to combat and prevent substance abuse among children. Meanwhile, certain *ad hoc* programmes have been conducted throughout the country, such as poster campaigns, talks, lectures and films on drug abuse. The Alcohol and Drug Information service has also conducted similar programmes to train students.

*Social security and childcare services and facilities*

138. The overall child protection strategy in Sri Lanka has three components: (1) reflecting children's rights in national legislations and policies; (2) strengthening legal and social protection systems for children with a special focus on service provision to disadvantaged communities; and (3) strengthening the capacity of communities, government and civil society organisations to manage the risk.

139. Legal issues and types of relief awarded through litigation have been described elsewhere in this report. Initiatives to strengthen social protection systems have included some creative interventions, but not at the pace and numbers required for wide coverage.

140. Efforts directed at monitoring and reporting grave child rights violations, as per UN Security Council Resolution 1612 ended soon after the conclusion of the war. Humanitarian child protection response gradually shifted to restoring and strengthening the child protection system and services in the conflict-affected areas. However, family-tracing work run by DPCCS continued until 2014. In 2014, the task was delegated to the provincial department of DPCCS in the Northern Provincial Council with some 739 open cases remaining. Tracing efforts are ongoing.

141. The Ministry of Justice, in partnership with UNICEF, provided technical expertise for the amendment of provisions in one of the principle national laws pertaining to children — the Children's and Young Persons Ordinance (CYPO). The amended law will separate children's cases from adult cases and ensures that juveniles (alleged offenders) have a guardian present during court proceedings.

142. Sri Lanka's second Children's Magistrate Court, in Jaffna was refurbished, and it will provide court staff with training on child-friendly procedures. 1,800 legal protection officers, including magistrates, police officers, court registrars, judicial medical officers, and mediation officers were trained in child-friendly procedures.

143. The NCPA is leading the work in the prevention of, and dealing with, child abuse cases. One source of information on child rights' violations is the '1929' children's helpline, which also serves as a formal complaint system to report child abuse and exploitation.

144. The Ministry of Social Welfare and Child Development established Social Care Centres to provide coordinated services for vulnerable families. By 2011, 95 Social Care Units were established and were staffed with social protection officers. These Units continue to function.

*Harmful traditional practices [para. 57]*

145. Section 18 of the Marriage Registration Ordinance, No. 19 of 1907 (as amended) specifies that every male and female is required to attain the age of eighteen in order to contract a valid marriage with a person of their choice. This provision is part of the general law of the country and set out by law. However, in the sphere of customary and personal laws, there is a separate set of considerations for entering into a recognised marital union. For example, the Muslim law imposes restrictions that spell out prohibited degrees of marriage.

146. Customary and personal laws of Sri Lanka trace their roots to a time before the British gave statutory effect to all personal laws by way of the Proclamation of 1799. The Roman-Dutch Law, the Kandyan law, the Tesawalamai law and the Muslim law have continued in force and are considered valid and operative. These laws are afforded constitutional protection under Article 16 of the Sri Lankan Constitution. The application of such personal laws arises in the context of marriage, divorce, succession and property rights. Tesawalamai and Kandyan laws, to a great extent, are of territorial application, while Muslim law is based on the principles of the Islamic faith and is applicable to adherents of that faith. Personal laws in force include the Kandyan Marriage and Divorce Act, No. 44 of 1952, the Kandyan Law (Declaration and Amendment) Ordinance, No.39 of 1938, the Kandyan Succession Ordinance, No. 23 of 1917, the Jaffna Matrimonial Rights and Inheritance Ordinance, No. 1 of 1911, the Muslim Marriage and Divorce Act, No. 13 of 1951, and the Muslim Intestate Succession Ordinance, No. 10 of 1931.

147. The application of personal laws to any particular individual is not automatic, but a matter of individual choice. Regardless of place of origin, race or religion, any person is entitled to enter into a marriage under the Marriage Registration Ordinance.

148. Sri Lanka recognises the existence of customary laws that are applicable to particular communities in the country. The Muslim Marriages and Divorce Act does not specify a minimum age of marriage, and efforts to reach a consensus with the Sri Lankan Muslim community on reforming this law has not yielded positive results as yet. It is observed that the reported percentage of underage Muslim marriages has significantly reduced in recent years. Underage marriages cannot be considered a prevalent traditional practice in Sri Lanka, as there is considerable public awareness regarding internationally accepted standards with respect to the minimum age of marriage.

**HIV/AIDS (para. 58)**

149. HIV/AIDS education is included in the textbooks of several grades, mainly at lower secondary level. There are supportive programmes conducted by a number of NGOs to spread awareness on this topic. A video film to raise awareness on teenage pregnancy and reproductive health is currently being developed. It was released on International Women's Day in March 2016.

**Right to adequate standard of living (para. 61)**

150. The national housing programme under different ministerial arrangements has given consideration to families with young children. The national poverty alleviation programme also has a scoring system taking into consideration families with young children when targeting assistance to families.

151. The population benefits from good housing standards with 87 per cent living in houses made of permanent materials. 90 per cent of households have access to improved water, and 86 per cent have access to improved sanitation i.e. a family toilet. Additionally, 87 per cent of families have electricity from the national grid.

152. Free school uniforms (two per child) continue to be provided by the GOSL. Free supplements and supplementary food are given to expectant and nursing mothers and children under five years of age through the public health system. In 2015, the government introduced a Rs. 20,000-rupee food voucher scheme to encourage pregnant women to boost their nutritional intake.

153. According to recent figures from the Department of Census and Statistics, income poverty levels in Sri Lanka have reduced to single digit figures, and stood at 6.7 per cent of the population in 2012/2013. Child poverty, calculated based on the fact that poorer communities have more children, is likely to be slightly higher than overall poverty in the population. The impact on the quality of life of children particularly in the rural areas and plantations has substantially improved, as poverty has fallen.

154. Though regional disparities in income and other attainments remain, children's poverty is reduced significantly when multi-dimensional poverty is calculated — largely because of free education and health services, and good housing standards.

## **VI. Education, leisure and cultural activities (para. 63)**

### **Education including vocational training and guidance**

155. Sri Lanka has a high primary education completion rate of 99.5 per cent. The primary enrolment rate is 98.26 per cent and the primary dropout rate is 0.23 per cent. The retention rate at Grade 5 is 98.5 per cent and the survival rate at Grade 9 is 97.8 per cent.

156. According to the information available, there are very few dropouts in secondary education. The secondary education enrolment rate is 98.5 per cent and the secondary education completion rate is also 98.5 per cent. The status of secondary school dropouts in rural areas will be studied further through in depth research and surveys.

157. Overall, the student-teacher ratio is 17:1, the literacy rate is 94.5 per cent, and the computer literacy rate is 38 per cent.

158. In the context of the basic services, the number of schools with sanitary facilities (as a percentage of total number of schools) is 96.4 per cent. The number of schools with school library facilities (as a percentage of total number of schools) is 64 per cent. The number of schools (Types 1AB and 1C) with computer facilities (as a percentage of total number of 1AB and 1C schools) is 83.5 per cent. Furthermore, the number of schools (Types 2 and 3) with computer facilities (as a percentage of total number of Types 2 and 3 schools) is 20.1 per cent. The quality of computer facilities provided to schools is yet to be evaluated comprehensively. Based on international standards, Sri Lanka is ranked 42 (out of 131 countries) in terms of the quality of its primary education. It is ranked 44 on its overall quality of education.

### *Education Sector Development Framework and Programme (ESDFP) — 2012-2017*

159. The current National Education Plan covering the period 2012-2017 has been prepared by the MoE in consultation with national level education agencies and the Provincial Education Authorities (PEAs) based on the sector-wide approach. It is a comprehensive Plan based on national education policies, international commitments, government policy declarations on education and the concerns of PEAs. A consultative

policy formulation process, and a blend of top-down and bottom-up approaches have been followed in the development of the Plan. The ESDFP (2012-2017) is organised under three policy themes. Additionally, the new government has emphasised the importance of education reform and has made a commitment to a comprehensive reform agenda.

160. Theme 1 is on increasing equitable access to primary and secondary education. It contains the following objectives:

(a) Ensuring that all children in the age group of five to sixteen years complete eleven years of school in a formal school or an alternative educational institution acceptable to the MoE;

(b) Ensuring that all children are provided equal opportunities to receive an education to develop their talents to the optimum level.

161. The government accordingly provides free-education and a number of welfare services, such as free textbooks, school uniforms, midday meals for primary school children, bursaries, subsidised transport, and free health services to ensure participation in formal education. Systems exist to identify out-of-school children and to try to return them to the formal school system or address their educational needs through non-formal education (NFE) programmes.

162. Furthermore, the government is implementing a flagship programme to develop one thousand secondary schools that have facilities for teaching subjects such as science, mathematics, information and communications technology and English. In addition to these schools, five thousand primary schools will be developed as feeder primary schools.

163. Theme 2 envisages the improvement of the instructional programme in primary and secondary schools in order to enhance the learning achievement of students. It also aims to equip students with the generic skills that are required in the labour market, and to face the challenges of life successfully. Some examples of these skills include communication skills, creativity, critical thinking, productive thinking, reasoning ability, inter-personal relations, leadership, empathy and coping skills. These skills are achieved through practical work, project work, extra-curricular activities and social activities. The curriculum is prepared to meet these needs, and the professional capacity of teachers is developed in order to enable them to deliver the curriculum.

164. Theme 3 is on strengthening governance and service delivery of education, and covers the area of management. The empowerment of schools has been carried out under the MoE's Programme for School Improvement (PSI). Moreover, School Development Committees (SDCs) have been delegated the authority to take key decisions including on financial matters. These committees will work on the planned development of schools.

165. Similarly, the Divisional and Zonal Education Offices will be strengthened under Theme 3. Human resource development programmes will be implemented to upgrade the education and administration skills of government officers working in the education sector in the Sri Lanka Education Administrative Service (SLEAS), Sri Lanka Principals Service (SLPS), Sri Lanka Teacher Service (SLTS) and Sri Lanka Teacher Educators Service (SLTES).

*School fees through the State party and admission to schools*

166. Circular 5/2015 issued on 29<sup>th</sup> January 2015 strictly prohibits collection of money either from the students or their parents.

*Early childhood care and education (pre-school education and primary education)*

167. Recognising the importance of the early years in the physical, mental, social and emotional development of a child, the GOSL has prepared a National Policy on Early Childhood Care and Development. According to this policy, the Central Government will lay down national policy guidelines including the standards to be maintained by pre-school institutions. The PCs will be responsible for regulating the pre-school institutions functioning in their province.

168. The first five years of school at the primary stage of education is crucial to lay a firm foundation for the subsequent learning of the child. This period is demarcated into three key stages: (1) grades 1 and 2; (2) grades 3 and 4; and (3) grade 5.

169. At every stage, the government will take cognizance of the fact that education should be child-centred and activity-based and that there should be less emphasis on examinations and structure, and more on developing the child's mind, skills and abilities. The new curriculum will also require upgraded classrooms, materials for activities and a play area in the school garden for children to engage in various activities. The primary education programme will be designed to make schools child-friendly.

*Quality of education and teacher-education system*

170. The school system of Sri Lanka comprises 9,905 government schools, 98 approved private schools and 739 *Pirivenas*, which impart an education in a Buddhist environment. Additionally, a network of international schools functions in the island.

171. The GOSL has provided free-education from grade 1 to university level, and has also offered many other incentives to ensure equity and equality in access to education. High rates of participation in primary and secondary education, and a high rate of adult literacy have contributed towards human development in the country.

172. The total number of teachers in the education system serving under the MoE and the provincial ministries of education amounts to 219,887. The teacher-pupil ratio (TPR) is 1:17, which is one of the healthiest TPRs among the developing countries.

173. In 2012, the MoE issued Circular 2012/37 on a Code and System of Ethics on the Moral Conduct of Teachers. Through this Circular, the MoE has attempted to ensure a high quality and comprehensive teacher-education system in Sri Lanka.

174. Most teachers are trained either at a National College of Education (NCOE) or at a Faculty of Education in a recognised university. The duration of a diploma course in Teaching at an NCoE is three years. A teacher-training course at a Teachers' Training College (TTC) is two years. Meanwhile, graduate teachers possess a degree from a recognised university and are expected to undergo a postgraduate diploma in education to become professionally qualified.

175. There are currently seventeen NCoEs that offer pre-service diplomas in teaching. Their intake is around 3,000 per year. Moreover, there are eleven TTCs that offer two-year training programmes for teachers in service who are untrained. There are also four Faculties/Departments of Education attached to universities. The NIE meanwhile offers diplomas and Bachelor's degrees in education.

176. In-service training for teachers are conducted at teachers' centres and subject based resource centres under guidance and supervision. A large number of In-Service Advisors (ISAs) conduct regular programmes at the zonal level to upgrade the skills of teachers.

177. Pre-service training of teachers is provided at the seventeen NCoEs, and in-service training is provided at the NIE or TTCs. Non-graduate teachers will be encouraged to obtain degrees from universities or the NIE.

*Further education for dropouts*

178. General Education in Sri Lanka spans thirteen years — from age five to eighteen years. At present, education is compulsory from five to fourteen years. A policy decision was taken to increase the upper age limit to sixteen years.

179. Those who leave school after the compulsory span have further opportunities in vocational training. Meanwhile, those who successfully complete secondary education can enrol in universities or tertiary institutes for higher education.

*Implementation of compulsory education regulations*

180. Regulations on compulsory attendance of children in schools, promulgated in 1997, compel all children in the age group of five to fourteen years to attend a school or an alternative educational institution recognised by the MoE. The Project Assistants attached to the NFE units are responsible for the implementation of these regulations.

181. There are also a few special structures such as centres for street children and literacy centres for adults that are organised in areas where there is a demand. NFE programmes generally cater to the needs of the disadvantaged sectors in society. These services are seen as important in terms of advancing access, equity and inclusion.

*Child-friendly approaches in schools*

182. Child-Friendly Guidelines were developed by the Primary Education Unit of the MoE in 2009 in collaboration with the Australian Government and with support from UNICEF. The Child-Friendly School Approach was piloted in 1,500 schools in five provinces, and key elements of the approach have now been incorporated into education policy for all 9,905 schools in the country, this process will be rolled out in the coming years and monitored for impact. Child friendliness in schools envisages the following six dimensions:

- (a) Being rights-based and proactively inclusive;
- (b) Being gender responsive;
- (c) Improving children's learning outcomes;
- (d) Being healthy, safe and protective of children;
- (e) Actively engaging with students, families and communities; and
- (f) Supporting child-friendly systems, policies, practices and regulations.

183. The MoE introduced Guidelines for School-Level Planning in 2013 to ensure the effective child and community participation in decision-making and management of schools. These guidelines will assist the principals and senior management teams of schools in formulating effective school plans incorporating all programmes and projects which are aimed at improving the quality of education. The delegation of decision-making authority in certain areas to School Development Committees under the Programme for School Improvement has created a climate in which schools can make decisions on programmes and projects.

184. Under the Programme for School Improvement (PSI), schools are empowered to take decisions on planned development of the school. Also opportunities have been provided to principals to obtain the participation of the community in school management. So schools have a greater responsibility in working as autonomous organisations. This participatory approach to planning also promotes transparency in decision-making. This guideline provides guidance to prepare medium-term strategic plans and annual implementation plans for schools.



*Pirivena education*

185. *Pirivenas* are traditional educational institutes run for training of Buddhist clergy and lay students who wish to follow an education in a Buddhist environment. There are altogether 720 *Pirivenas* with an enrolment of 62,861 students and 6,129 teachers.

*Human rights education and education in peace, tolerance and reconciliation*

186. Educational institutions cannot single-handedly achieve social harmony. Yet they have long-term effects in building and sustaining a culture of peace and non-violence. A national policy on social cohesion and peace education is therefore a vital component within Sri Lanka's overall development strategy.

187. A policy document on social cohesion and peace education has been formed for the purpose of streamlining the system towards peace. The policy document concludes by summarising the different responsibilities that the MoE, NIE, provincial and zonal authorities, colleges of education, secondary schools and universities have in the policy implementation process. The policy reflects the consensus that was reached in the course of national seminars and workshops organised by the Social Cohesion and Peace Education (SCPE) Unit of the MoE. Furthermore, the commitment of the government to ensuring peace education and social cohesion has broadened participation in the process of developing the approach in 2015.

188. The objectives of the SCPE policy are fivefold: (1) to generate innovative strategies that build on existing resources; (2) to provide coherence across the various organisations and activities involved; (3) to provide coverage and avoid gaps; (4) to avoid unnecessary duplication; and (5) to ensure sustainability.

189. Moreover, peace and social cohesion will be promoted by teaching a second national language — Sinhala for Tamil speaking students and Tamil for Sinhala speaking students. English remains as a link language. Moreover, co-curricular activities will be designed to provide opportunities to teachers and students of different ethnic backgrounds to meet together and come to know each other's cultural practices. Shortages of language teachers have been discussed and policies are being developed to overcome the shortages and improve language learning across the island.

## VII. Special protection measures

### **Internally Displaced Persons (para. 64)**

190. The GOSL considers the resettlement of the remaining Internally Displaced Persons (IDPs) as a priority issue. This is seen as an essential step forward in terms of bringing about a process of reconciliation among the various ethnic communities in the country, in particular in relation to children's lives and their development, as it provides a stable environment and a sense of normalcy.

191. As at 30th September 2015, the Ministry of Resettlement, Reconstruction and Hindu Religious Affairs reported that the total number of resettled families was 233,835, consisting of 800,129 individuals in Northern and Eastern Provinces. Out of this, 157,686 families consisting of 523,515 individuals have been resettled in the North while 76,149 families consisting of 276,614 individuals have been resettled in the East. A further 13,459 families consisting of 44,934 individuals are either living in welfare centres or with friends and relatives (host families) and remain to be resettled. Resettlement of these families will be undertaken with the completion of the on-going demining operations in the relevant areas and the release of lands. Currently, there are no restrictions on access to IDP camps.

*Assistance for the better implementation of domestic laws*

192. Acts, policies and legislation relevant to upholding the rights of the children of IDPs in Sri Lanka include:

(a) The National Child Protection Authority Act, No.50 of 1998. This Act recommends measures to address the humanitarian concerns relating to children affected by conflict and the protection of such children, including measures for their mental and physical wellbeing and their reintegration into society;

(b) The Mental Health Policy of Sri Lanka (2005), which aims to apply the latest advances in mental health care and treatment which includes psychosocial support and care to distressed children;

(c) The Resettlement Authority Act, No. 09 of 2007. This Act establishes the Resettlement Authority of Sri Lanka, which is vested with the power to formulate a national policy on resettlement and to plan, implement, monitor, and co-ordinate the resettlement of the IDPs and refugees, giving special attention to children's wellbeing;

(d) The Welfare Benefits Act, No. 24 of 2002. This Act provides the necessary legal framework for the payment of welfare relief benefits, which benefit children in need, and formulates guidelines for a transparent selection process for welfare recipients.

193. Additionally the Ministry for Resettlement is currently developing national policy on IDPs that will address IDP children both as members of families and as a group of rights holders. The policy draft will be presented for consultation in February and March 2016 before being finalised.

**Economic exploitation, including child labour (para. 66)**

194. The GOSL has taken significant efforts to eliminate child labour. This includes adoption of a list of 51 hazardous occupations and/or working conditions in which the employment of children is prohibited.

195. The minimum age for voluntary recruitment in the armed forces is eighteen years and there are no provisions in the Sri Lankan law requiring compulsory conscription. The Penal Code criminalises and prescribes penalties for individuals who engage children (i.e. persons below the age of eighteen years) in debt bondage, forced labour, slavery, armed conflict or trafficking. Moreover, section 286 A of the Penal Code, as amended by Act No. 26 of 1995, criminalises and prescribes penalties for engaging children in pornography and section 360B criminalises sexual exploitation of children.

196. Divisional secretaries have been instructed to provide weekly updates on the status of children, and monitor progress on monthly basis through a child labour tracking/reporting table introduced in 2009. The progress reports are sent to the relevant ministries dealing with the rights of children.

197. The NCPA's Police Unit has 25 officers who focus on criminal investigations of child labour, child trafficking and commercial sexual exploitation of children. The Unit also has additional child protection officers located in the districts to address these issues.

198. Children's helpline officials attached to the NCPA, the Police, the DPCCS, and the Labour department are oriented on hazardous occupations and/or working conditions. These officials are also trained on methods to handle child labour and exploitation cases.

199. With the technical support of ILO, the GOSL conducted the following major activities:

(a) In 2015, the MWCA collaborated with the ILO Decent Work Programme (DWP) to deliver five awareness-raising programmes on hazardous forms of child labour. The programmes targeted school children, principals, teachers and parents.

(b) On World Day against Child Labour, the government ran a media campaign to disseminate information on the new hazardous child labour regulations in all three languages. This activity has been continuing since 2010.

(c) Special attention was paid to girl children in the plantation sector. In 2013 and 2014, information about hazardous forms of child labour was disseminated through labour law awareness-raising programmes for workers in plantations, export processing zones and factories.

(d) The Ministry of Justice worked on a project focusing on the establishment of community watch groups in sixteen locations countrywide as a pilot. The project identified several cases of child trafficking. Moreover, the project developed media material on safe migration and human trafficking, including a docudrama, a TV commercial and a poster. Sixteen Community Vigilance Groups were established in 2010.

200. The GOSL has developed a Roadmap for the Elimination of the Worst Forms of Child Labour by 2016, and district officials have incorporated this Roadmap in developing district plans and allocating funds. The National Steering Committee on Child Labour (NSC) coordinates the implementation of the Roadmap. This Committee is chaired by the Secretary to the Ministry of Labour and Trade Union Relations, while the NCPA is empowered to handle victims' protection. The Committee includes representatives from key government agencies, employer and worker's organisations, multilateral organisation such as ILO and UNICEF, and civil society organisations.

#### *Child soldiers*

201. In June 2012, Sri Lanka was removed from the agenda of the UN Security Council Working Group on Children in Armed Conflict, a mechanism established by Security Council Resolution 1612, which lists countries where children are involved in armed conflict. Sri Lanka was removed from this list, and the UN noted that Sri Lanka 'successfully completed Security Council-mandated programmes to end the recruitment and use of children'.

#### **Sexual exploitation and abuse (para. 70), Child sex tourism (para. 72), Sale, trafficking and abduction (para. 74) and Protection of witnesses and victims of crimes (para. 79)**

202. The GOSL has given high priority to the protection of children from physical and sexual abuse, and has undertaken a number of initiatives in this regard, including the enactment of the Prevention of Domestic Violence Act, No. 34 of 2005.

203. Child Rights Promoting Officials attached to the DPCCS are placed at all the divisional secretariats. Moreover, NCPA Coordinators are present at the district level and also at divisional level in certain identified locations. These Coordinators play an important role in combating sexual exploitation and abuse through referring cases to law enforcement authorities and raising awareness.

204. The following additional steps have been taken by the GOSL to combat child exploitation and abuse:

(a) In collaboration with the Ministry of Justice, more than 900 police officers and other authorities (including officials from the judiciary, health staff, Probation Officers, Child Rights Promotion Officers, Women Development Officers, and Social Services

Officers) have been trained on Standard Operating Procedures when addressing issues relating to domestic violence;

(b) The DPCCS in partnership with UNICEF and Save the Children promoted family-based care. 5,329 children benefitted from interventions designed to prevent family separation, and another 3,837 children in childcare institutions were reunited with their families leading to a significant reduction in the institutionalisation of children;

(c) Three safe houses were established in Ampara, Batticaloa and Jaffna districts that provide interim care services for women or child survivors of domestic violence;

(d) Five Women and Children's Desks in police stations in the Eastern Province were established to provide adequate and timely responses to victims. Also, Gender Based Violence (GBV) Desks were set up in hospitals in Jaffna, Batticaloa, Trincomalee and Ampara. to enable early detection and referral of victims of GBV and those at risk;

(e) The DPCCS has taken action to filter the new admission process to private children's homes through a proper case management system throughout the country. All the private homes were registered under the government registration system;

(f) The Police, the DPCCS and the NCPA have jointly taken steps to identify risk factors pertaining to domestic violence and educate the community and parents;

(g) Furthermore, the NCPA has developed certain key policy documents including a child protection policy, case management guide, family policy and national standards for institutions;

(h) The GOSL has appointed expert committees to work on a policy framework, while improving de-institutionalisation, and reforming the juvenile justice system throughout the country with the support of UNICEF;

(i) In August 2015, an action plan was tabled before Parliament based on the outcomes of training programmes for judges and children's court systems.

(j) The NCPA continues to conduct awareness raising among hoteliers in the South of Sri Lanka to address child sex tourism. Further action will be taken to address this issue following more in depth research and surveys;

(k) The NCPA has reintroduced the Cyber Watch Programme in 2014 and has set up a special cyber surveillance/cyber watch unit with the main objective of combating child pornography and paedophilia via the Internet. The NCPA is also taking action through the said unit to prevent child abuse via the Internet and to monitor online sexual exploitation of children. It also receives complaints and conducts investigations on child abuse and exploitation;

(l) The NCPA has appointed a Task Force to combat the growing threat to children and young persons posed by bullying and sexual harassment via social media sites and other mobile and web based applications. The Task Force comprises members from the NCPA, the Attorney General's Department, the Police Department, the Ministry of Justice, and the Sri Lankan civil society;

(m) The NCPA is also concurrently working with the MoE, the Ministry of Justice, Sri Lanka Computer Emergency Readiness Team Coordination Centre (CERT), International Computer Driving License (ICDL) Sri Lanka, the Police, several private sector organisations, NGOs and INGOs to develop a module for use in schools on the safe use of the Internet. The module will have a special focus on cyber bullying and other cybercrimes;

(n) CERT is instrumental in providing technical services in preventing online sexual exploitation especially through social network sites.

**Child helpline (para. 76)**

205. Incidents of child abuse, including corporal punishment, are monitored by the NCPA, the Women and Children's Police Desks and the DPCCS. Two telephone helplines are maintained at NCPA and the Women and Children's Bureau of the Police Department to receive and log complaints against the abuse of children from the general public. The calls could be made in Sinhala, Tamil or English. The helplines are in operation 24 hours, daily. DPCCS and the HRCSL can also receive complaints on child abuse and then refer cases to the NCPA or Police for investigation and appropriate legal action.

206. The helplines have established a referral system with different departments of the government as well as civil society organisations and between different actors for extending services.

207. In 2014, the NCPA recorded 9,500 complaints out of over 99,000 calls received via its 24 hours 1929 helpline. The NCPA helpline has gained wide publicity among the general public. Appropriate legal action has been taken against all reported complaints.

**Administration of juvenile justice (para. 78)**

208. The Ministry of Justice has tabled before the Cabinet of Ministers amendments to the law to raise the minimum age of criminal responsibility initially to twelve years. Approval of amendments is now pending at Parliamentary level. Advocacy efforts will continue to be taken to raise the minimum age of criminal responsibility to fourteen years.

209. The draft Children (Judicial Protection) Act (CJPA) would be enacted to repeal the Children and Young Person's Ordinance. The proposed juvenile justice system will cover all alleged offenders under the age of eighteen years.

210. The amendment brought to the Mediation Boards Act, No. 15 of 1997 in 2011 has made it mandatory to refer to the Mediation Board any theft committed by a person below the age of eighteen years and in respect of any property, the value of which does not exceed rupees five thousand. This amendment has thus paved a way for out of court settlements of any alleged offences committed by children.

211. Facilities have been provided to transport child suspects separately from adults. Moreover, judges have been sensitised to take into consideration the best interest of the child in dealing with cases related to children.

212. The second Children's Court in Sri Lanka was established in Jaffna in 2001 and steps are being taken to setup more children's courts in other parts of the country.

**VIII. Ratification of international and regional human rights instruments****Initial Report on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (para. 81)**

213. Sri Lanka ratified the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 22nd September 2006. The initial state report will be submitted in 2016.

**Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**

214. Sri Lanka ratified the Optional Protocol to the Convention on the rights of the Child on the Involvement of Children in Armed Conflict (OPAC) on 8th September 2000.

215. As per Article 6(3) of the OPAC, States Parties are required to:

*Take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the Protocol are demobilized or otherwise released from service; and*

*Where necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social-reintegration’.*

216. In line with the above, Sri Lanka has taken a number of measures to demobilize and rehabilitate children who had been conscripted by the LTTE as child soldiers, and to ensure their welfare and reintegration to society.

217. The rehabilitation of the ex-child combatants was the utmost priority of the GOSL in the immediate post-conflict phase. The programme launched by the government in this respect has resulted in the rehabilitation, and reintegration of hundreds of former child combatants to date. The approach of community based correctional programmes adopted by the Commissioner of Probation and Child Care Services in respect of former child combatants has been commended by the Lessons Learnt and Reconciliation Commission (LLRC) in its report.

218. According to the Commissioner General of Rehabilitation, 594 ex-child-combatants have been rehabilitated and reintegrated into their communities in the districts of the Eastern and Northern Provinces. These children were allowed to live with their families no sooner they completed the rehabilitation programme, thus helping their long-term reintegration with their own families and communities. All ex-child combatants who have completed the rehabilitation programme and who did not possess National Identity Cards (NICs) have been issued with NICs.

*Education*

219. The GOSL has supported the children who were ex-child combatants in their education, as a key priority, by providing them with the opportunity to attend school and by granting school supplies, financial assistance and other forms of support such as scholarships. Special attention was paid to young detainees whose education had been disrupted due to conscription by the LTTE and who were willing to complete their formal education. As a result, the rehabilitation programme enabled a number of ex-child combatants to sit for national examinations.

**Table 5**  
**Statistics pertaining to former child combatants**

<b>Total number of ex-child combatants who underwent rehabilitation - 594 children</b>
Boys - 364
Girls - 230
<b>Formal Education provided to - 273 children</b>
Boys - 154
Girls - 119
<b>Vocational Training provided to - 321 children</b>
Boys - 209
Girls - 112

220. Pursuant to the above efforts of GOSL, three children who were formerly child combatants are presently receiving university education. Eleven children have sat for the

G.C.E. A/L examination and four have passed the examination either during or after their rehabilitation process. Many others have undergone the vocational training programmes offered by the Commissioner General of Rehabilitation. A degree of flexibility was afforded to the ex-child combatants who had missed school by facilitating them to complete their formal education while engaging in gainful employment.

221. The GOSL, in consultation with the private sector, has taken measures to provide increased employment opportunities in the former conflict affected areas. With a view to providing livelihood support, the ex-combatants have been provided with equipment (such as fishing nets, agricultural water pumps, sewing machines, motor cycle repair kits, beauty parlour equipment and equipment to start grinding mill) to the value of Rs. 8.3 million raised from financial assistance from the government and various donor agencies.

222. Consequently, many of these ex-child combatants are now employed as accounts clerks, computer instructors, motor cycle mechanics, carpenters, masons, farmers, fishermen and employees in the garment trade industry. The majority of them are daily paid workers.

#### *Physical and psychological recovery*

223. In recognition of the fact that involvement in violent conflict and loss of loved ones cause trauma and other psychological effects which could severely hamper children's growth and education, the GOSL, as a matter of priority, identified children who required special attention in this regard. This was done through the education system as well as through the community and civil society groups who work in different areas. Special attention and care was provided to these children, including professional counselling, where necessary.

224. A special screening process was also carried out to identify ex-child combatants who were physically disabled, recovering from injury, and others who required medical interventions. As a policy, no ex-child combatant was prosecuted. Priority was accorded to the investigation and the speedy disposal of their cases.

225. Cases where there was *prima facie* evidence of conscription of children as combatants were investigated in order to bring the offenders to justice. In this regard, complaints of alleged recruitment of children by armed groups or groups affiliated with the LTTE or any political party would be investigated with a view to prosecuting the offenders. However, in this regard, it has proved difficult to convince victims or their families to come forward with sufficient evidence thus far. The GOSL has nevertheless initiated a process through which a national truth seeking commission will be established. Particular attention will be paid to the protection of witnesses who come before this commission. It is anticipated that the new commission will receive testimonies regarding the conscription of children, which would facilitate the accountability of perpetrators.

226. In its efforts regarding ex-child combatants, the GOSL collaborated with UN agencies, ICRC, and civil society organizations including INGOs and NGOs with knowledge and experience in dealing with children exposed to armed conflict.

#### **Ratification of international human rights treaties**

227. Sri Lanka has manifested its commitment to promote and protect human rights by ratifying the following seven core international human rights instruments:

- (a) International Covenant on Civil and Political Rights (ICCPR);
- (b) International Covenant on Economic, Social and Cultural Rights (ICESCR);

- (c) Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- (d) Convention Against Torture and Other Cruel, Inhuman and degrading Treatment or Punishment (CAT);
- (e) Convention on the Rights of the Child (CRC);
- (f) Convention on the Elimination of Discrimination Against Women (CEDAW);
- (g) Convention on the Protection of All Migrant Workers and Members of their Families (CMW).

228. Sri Lanka also recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) and the Convention on the Rights of Persons with Disabilities (CRPD). In December 2015, the Cabinet approved the decision to enact comprehensive legislation to incorporate the provisions of the ICCPED into Sri Lanka's domestic law. In line with this decision, HRCSL has held public consultations on a draft proposal of Sri Lanka's Disabilities Act.

229. In September 2015, Sri Lanka co-sponsored the UN Human Rights Council Resolution 30/1 on 'Promoting Reconciliation, Accountability and Human Rights in Sri Lanka'. The present government plans to conduct comprehensive consultations on the reconciliation and accountability mechanisms envisaged by the Resolution. This consultation process will begin in June 2016 and will include consultations with all stakeholders including children.

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