

Opening Statement by Sri Lanka at the Review of the 5th & 6th Periodic Reports of Sri Lanka to the Convention on the Rights of the Child (CRC)

15 January 2018 - Geneva

Ayubovan! Vanakkam! As-Salaam-Alaikum! Good afternoon!

Madam Chairperson-Dr Renate Winter, distinguished Committee Rapporteur and the Members of the Sri Lanka Task Force, members of the UN CRC Committee, State Party Delegations and observers to this meeting, Members of the civil society, Ladies and Gentlemen,

Madam Chairperson,

Thank you for your welcoming note. Let me first express our Government's appreciation for the work of the UN Committee on the Rights of the Child for upholding the child rights agenda and demanding the unequivocal implementation of the Convention around the globe. As one of the early signatories (1990), this Convention bears major significance and relevance for Sri Lanka, where approximately 30% of its population are children¹.

As the Head of the Delegation, I am pleased to have this opportunity to represent the Sri Lankan Government, to discuss with this Committee on Sri Lanka's compliance with the provisions of the Convention on the Rights of the Child. It is a process to which our Government attaches a great degree of importance. Further, it is evidenced by the Sri Lanka delegation which is in attendance here today, representing ten multi-sectoral government agencies that are responsible for the promotion and protection of child rights and their wellbeing.

¹ Census Dept. 2017 House Hold Survey by age- age under 18 yrs.

Let me introduce the members of our Delegation for this Review:

- H.E. Mr. Ravinatha Aryasinha, Ambassador and Permanent Representative to UN in Geneva
- Mr. A. Pathinathan, Chief Secretary, Northern Province
- Mrs. T.T. Upulmalee, Actg. Additional Secretary/ Presidential Secretariat
- Mrs. Chandima Sigera, Commissioner, Department of Probation and Child Care Services
- Ms. Ayesha Jinasena, Senior Deputy Solicitor General, Attorney General's Department
- Mrs. Samantha Jayasuriya, Deputy Permanent Representative to UN Geneva
- Mrs. Marini De Livera, Chairperson, National Child Protection Authority
- Major General RMJA Rathnayake, Commissioner General of Rehabilitation
- Ms. Badra Withanage, Director of Education , Ministry of Education
- Dr. Priyani Senadheera, Director of Maternal and Child Care, Family Health Bureau
- Ms. Lanka Amarasinghe, Director, Women and Child Bureau, Sri Lanka Police
- Ms. Shashika Somaratne, Counsellor, Ms. M.L.M.Mafusa, First Secretary, and Ms. Dulmini Dahanayake, Second Secretary of Permanent Mission to the UN in Geneva; and
- Ms. Rajmi Manatunga, Assistant Director, Ministry of Foreign Affairs.

In preparing for this review, which takes place 8 years since we last came before this Committee, we have followed a consultative process with relevant Government Ministries and agencies, as well as with the members of the civil society and the international organisations present in Sri Lanka, including the UNICEF. It is significant that many of the issues raised by this

Committee have also been extensively discussed with the civil society and the Human Rights Commission of Sri Lanka, in the context of the formulation of Sri Lanka's National Human Rights Action Plan (NHRAP) 2017-2021, which contains a separate chapter on the 'Rights of the Child'. We are pleased that some of these civil society members have also engaged with this Committee with specific shadow reports.

Madam Chair,

As you are aware, following the Presidential election in January 2015, and the Parliamentary Election in August 2015, the present National Unity Government was formed by the two main political parties in Sri Lanka – the Sri Lanka Freedom Party and the United National Party – under the leadership of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe respectively. This was a watershed moment in the political history of our country, and particularly in its post conflict transition period in building the foundation for policy stability that is required to secure and advance human rights, democracy, rule of law, and to work towards national reconciliation and development. The Policy Statement delivered by President Sirisena following the Parliamentary Election in August 2015 recognised building of a better future for our children and ensuring their security, as one of the key objectives of the new Government.

While working domestically to build sustainable peace and reconciliation, Sri Lanka also has enhanced its engagement with the UN system and the international community in recent years, based on our approach of open and transparent dialogue. Since the last CRC review, there have been 8 Treaty body reviews- covering all 7 core human rights treaties, namely on:

- Civil and Political Rights (ICCPR) - 2014,
- Racial Discrimination (CERD) - 2016,
- 2 reviews on Torture (CAT) - 2011 and 2016,
- Rights of migrant workers (CMW) - 2016,
- 2 reviews on the Elimination of Discrimination against women (CEDAW) - 2011 and 2017,
- ICESCR – 2017,
- and today CRC.

Sri Lanka also had a productive engagement with the Working Group on the Universal Periodic review of the Human Rights Council during its **3rd cycle review** of the UPR, which was concluded just two months ago in November 2017.

Madam Chair,

Following the standing invitation extended by the Government in December 2015 to all thematic Special Procedures, eight thematic Special Procedure Mandate Holders and 2 Working Groups have visited Sri Lanka in the last 5 years, with 6 of them being received since January 2015. The most recent of these visits was by the Working Group on Arbitrary Detention (WGAD) which was in Sri Lanka from 4- 15 December 2017. We look forward to welcoming the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, in Sri Lanka early this year.

During the period under review, Sri Lanka also became party to six important international treaties on human rights and humanitarian disarmament, namely, the International Convention for the protection of All Persons from Enforced Disappearance [CED] (10 December 2015), the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children [Palermo Protocol] (15 June 2015), the Convention on the Rights of Persons with Disabilities [CRPD] (12 February 2016), the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled (30 September 2016), the Optional Protocol to the Convention against Torture [OPCAT] (14 November 2017), and the Ottawa Convention on Land Mines (13 December 2017). You would note that some of these new international commitments bear direct relevance to safeguarding and ameliorating the rights of our children, while all of them relate to creating a secure environment for them to live in.

Our engagement with this important Committee today, and with all UN human rights processes in general, Madam Chairperson, have proved useful for us in the implementation of our national obligations.

At the national level, the Government has been vigorously pursuing programmes for the full realization and promotion of the rights contained in the Convention and its two Optional Protocols to which Sri Lanka is a party, and to give effect to the Convention through appropriate legal reforms, and formulation and implementation of new policies/action plans.

- In 2017, the Government made new regulations under the Education Ordinance raising the minimum age for compulsory education for all children from 14 to 16. Action has already been initiated to reflect this change in the country's labour laws by increasing the minimum age for employment to 16.
- The Cabinet of Ministers has approved the raising of the minimum age of criminal responsibility to 12 years, and the draft amendments to the Penal Code and the Code of Criminal Procedure in this regard will be placed before Parliament shortly.
- A draft Child Protection and Justice Bill, which proposes to repeal certain parts of the Children and Young Persons Ordinance and ensure Sri Lanka's conformity with international standards pertaining to the best interest of the child, has been finalised. Among many other progressive reforms, this Bill envisages to provide special protections to children who are in conflict with the law and children in need of care and protection.
- The Government recently approved a set of guidelines pertaining to the operation of Day Care Centres, with a view to facilitating a secure environment for children of working mothers.

It is also significant to note that, during the ongoing Constitutional reform process in Sri Lanka, it has been recommended to give constitutional recognition to a series of key provisions pertaining to rights of the child contained in the CRC and its Optional Protocols.

(<http://english.constitutionalassembly.lk/images/pdf/01-Fundamental-Rights-ste.pdf>)

In addition to these legislative processes, the Government has adopted and is in the process of implementing a number of policies and action plans seeking to implement different areas of work pertaining to the rights of the child. These include;

- the National Human Rights Action Plan (2017-2021) which contains a separate chapter on the Rights of the Child and the implementation of which is being monitored by a high-level Inter-Ministerial Committee chaired by the Prime Minister;
- the Policy Framework and National Plan of Action to address Sexual and Gender based Violence (2016-2020) which also contains a separate segment on addressing violence against children and has already been included in the medium term budgetary framework of the Government;
- a National Plan of Action for Children (2016-2020)
- a National Policy on the Elimination of Child Labour which approved by the Cabinet in 2017;
- a National Policy on Early Childhood Care and Development;
- a National Plan of Action on Prevention on Child Abuse formulated by a Cabinet-appointed Committee in 2016,
- a Plan of Action on Social Protection for children (2016-2019);
- National Strategic Plan on Child Health (2018-2025);
- National Strategic Plan on Maternal and Newborn Health;
- and a National Child Protection policy and a National Policy of Alternative Care which are currently in the process of being formulated.

The implementation of these policies and action plans enjoys patronage and commitment at the highest level of the Government, with the President himself having appointed a Special Task Force on the Protection of Children; and involves the active participation of the civil society and community based organizations. In recognition of the need to ensure that the implementation of this multitude of government plans is effectively coordinated and synchronized, the President has also appointed a National

Monitoring Committee (NMC) in 2017, and this Committee has already concluded its second meeting. We believe that this Committee will serve as a vital platform for all government agencies to streamline their work on the implementation of the CRC and help improve our reporting and monitoring framework through a platform that would assist government agencies to track their progress. We also have taken necessary steps to translate the CRC into vernacular languages as part of awareness programmes. We look forward to recommendations from the CRC Committee on how we can further strengthen the work of the NMC.

Madam Chairperson,

As a result of progressive state policies that have been consistently followed, including the provision of free and universal access to primary and secondary education and access to free health care, Sri Lanka has been recording considerable progress in protecting and promoting the rights of the child. In the past few years, our country has achieved a noteworthy economic development maintaining an average growth rate of over 5 percent, while keeping its key social and human development indicators above or on par with its peers.

The national poverty headcount rate declined from 22.7 to 6.7 percent between 2002 and 2012/13, while consumption per capita grew at a steady rate. Notable progress has been made in lowering the under-five mortality rate of children from 12.6 in 2007 to 9.9 per 1,000 live births in 2013. In the same period, the neonatal mortality rate reduced from 8.1 to 6.5 per 1,000 live births.

Over decades we have built a viable child protection system, which covers the entire country with over 1,500 dedicated staff at grass root levels and administrators. Compared to the South Asian region data, the ratio of children in institutional care, and stunting in children under five is relatively low (13%) in Sri Lanka and the situation has further improved over the last decade. However, we are mindful that there are still about 200,000 children under five years suffering from acute malnutrition and we are working with UNICEF and World Health Organization to address the issue.

The Ministry of Health, with the support from UNICEF and other stakeholders, is implementing a Multi-Sectoral Nutrition Action Plan based on evidence-based global interventions. In the area of Early Childhood Care and Development (ECCD), the Government is currently revising its National ECCD Policy (2004) covering children aged 0-5 years, to integrate Early Childhood Education to promote more holistic early care and development for young children.

With regard to Water, Sanitation and Hygiene (WASH), Sri Lanka has a high national coverage, with 90 per cent of households having access to improved drinking water and 85 per cent of schools having improved water sources.

Sri Lanka has achieved close to universal participation in primary education and high attendance in secondary education. The high school enrolment ratio currently stands at 90.1 as a percentage of the total child population and there is gender parity. According to the “Child Activity Survey - 2016” conducted by the Department of Labour with the Department of Census and Statistics, the child labour situation in the country has significantly improved with only 1% of the estimated child population in the country (age 5 to 17) associated with child labour. Schools have been established within every two to four kilometres, and as at 2016 Sri Lanka had 10,162 schools island wide. The Ministry of Education has allocated 10 % of its budget to provide free text books to all students, uniforms, nutrition programmes, bursaries, scholarships and other similar subsidies.

In the last several years, my Ministry has, through the Department of Protection and Child Care Services, been conducting annual fora of children’s clubs, to obtain the views of children from all parts of the country on the status of implementation of child rights. These consultations have allowed children to discuss matters that concern them and have helped my Ministry to shape up its policy.

The Government follows a consistent policy of bringing together UN Agencies and civil society organisations in developing all its multi-sectoral plans for children, including on health, education, nutrition, GBV, child development and others. In 2016, we have adopted two major multi-

sectoral national action plans covering above topics, which are planned for the period of 2016-2020.

As in all democracies, progress is often not made in straight lines. Sri Lanka too, like all other countries in the world, is susceptible to the influence of global developments, natural disasters, and related challenges, and faces setbacks as a result. Therefore, despite many successes, there are challenges, too. We are well aware of the challenges of many children whose rights are not protected at the expected level.

The Government maintains a zero-tolerance policy regarding cases of violence against children and is committed to bring perpetrators to justice as expeditiously as possible. While adequate laws have been put in place, at the level of implementation, 42 children's and Women's bureaus have established at police stations across the country look into complaints pertaining to children. The National Child Protection Authority (NCPA) also accepts public complaints on child abuse and channels such complaints to law enforcement agencies. A toll free child help line functioning under the NCPA receives complaints and forwards them for investigation through the police unit attached to NCPA, the child protection officers attached to the Divisional Secretariats, and through the units of children and women's bureaus at police stations. The Human Rights Commission of Sri Lanka has also established a separate unit to investigate direct complaints received through the public relating to children. A key milestone for Sri Lanka in this regard was our joining the Global Partnership to End Violence Against Children as Pathfinder Country in 2017, as the first country in South Asia and one of 13 countries globally to do so.

However, it must be acknowledged that a comprehensive system for the collection and updating of data pertaining to incidents of violence against children disaggregated by different areas, categories of victims and suspects, etc. is still in the process of being developed. This is an area where the Government is concerned about and would require support in terms of capacity building. We are also concerned about the matter of corporal punishment, and are determined take measures to tackle the issue.

Matters relating to juvenile justice assume high importance in the Government's programme to protect child rights. In this regard, the Minister

of Justice in November 2017 has established a Special Committee on Reforms in Justice for Children, as a follow up to a joint study conducted with UNICEF, to review the recommendations of the assessment report about the status of justice for children in Sri Lanka. This high-level Committee consists of the Secretary to the Ministry of Justice, myself, the Attorney General, Chairperson of the NCPA, Commissioner for Probation and Child Care and a Child Protection Specialist from UNICEF. We recognize that there are many issues pertaining our justice services for children and we truly hope that our work in the coming years will bring positive results for children in this regard.

As a country that is emerging from long-years of conflict, Sri Lanka is also in the process of taking special measures to normalise the lives of children affected by conflict and guarantee to them the rights enjoyed by the rest of the child population. The GoSL let the state of emergency lapse in August 2011, and this, coupled with the series of other democratic reforms that followed, has facilitated the steady return to normalcy in the war- affected areas of the country, creating a positive impact on the wellbeing of children in war-affected areas. As of December 2017, the Government had taken steps to release 24,846.38 acres of private land to their original owners and released 57,308.19 acres of state land. Pursuant to land releases, as at end October 2017, the GoSL had resettled a total of 256,972 families consisting of 891,125 individual persons. It has also rehabilitated 12,182 former combatants including 594 child soldiers. Landmines have been cleared in approximately 135.4 square kilometers in the North and the East from 2002 to 2017. Mine clearing in the remaining 25.5 square kilometers is in progress.

Madam Chairperson,

These are only a few highlights from the many efforts made and being made by our Government to uphold child rights and implement the provisions of the CRC. Of course, our job is far from being completed. We recognize the difficulty of not being able to catch up with challenges that emerge almost on a daily basis, such as online safety of children and artificial intelligence replacing humans in the work place, which has direct

impact on youth finding their path towards independent living. We are cognizant of the importance of measuring our performance against the provisions and principles of the Articles to ensure a robust and progressive system of child development where the inalienable rights of our children are promoted and protected. This is also consistent with Sri Lanka's deep and abiding commitment to the promotion and protection of human rights of all citizens under our Constitution.

We look forward to a fruitful dialogue with the distinguished members of this Committee and will be glad to further expand on any of the matters mentioned, or clarify on any other specific issues that you might have. We believe that your recommendations will assist the Government of Sri Lanka to carry forward the progressive steps taken so far in the promotion and protection of the rights of all Sri Lankan children. We thank you Madam Chairperson, the Rapporteurs for Sri Lanka's review and members of the Committee, for your engagement and we also wish to thank the Secretariat for their kind technical assistance provided to our delegation during this review process.

Thank You.