

# Sri Lanka Supplementary Report on the United Nations Convention on the Rights of the Child





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## Abbreviations

ADDICT	Alcohol and Drug Information Centre
BfC	Budget for Children
CBOs	Community-based Organisations
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CJP	Children Judicial Protection
CRPOs	Child Right Promoting Officers
CSO	Civil Society Organisations
CYPO	Children and Young Persons Ordinance
DPCCS	Department of Probation and Child Care Services
ECCD	Early Childhood Care and Development
FISD	Foundation for Innovative and Sustainable Development
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of Red Cross
IDP	Internally Displaced
INGO	International Non Government Organization
MMDA	Muslim Marriage and Divorce Act
MOE	Ministry of Education
MOWCA	Ministry of Women and Child Affairs
NGO	Non-Government Organization
NCPA	National Child Protection Authority
NHCSL	National Human Rights Commission of Sri Lanka
NMC	National Monitoring Committee for Child Rights
NPA	National Plan of Action
PTA	Prevention of Terrorism Act
PTSD	Post Traumatic Stress Disorder
RHDS	Regional Director of Health Services
SLBFE	Sri Lanka Bureau of Foreign Employment
TNE	Total National Expenditure
UDHR	Universal Declaration of Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nation Children’s Fund
VCDC	Village Child Development Committee

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## List of Organizations that Participated in the UNCRC Supplementary Reporting Process

### Reporting Process observed by UNICEF

#### Lead organisations and cluster leads



#### Associated CSOs



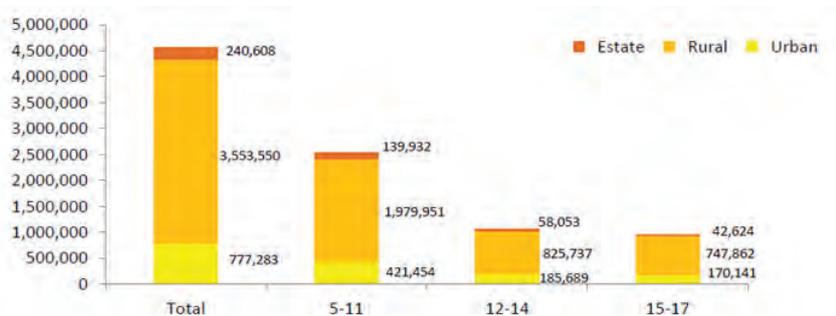


## Introduction

Sri Lanka has a child population of approximately 6.4 million. According to the 2012 Census and Statistics it comprised 25.2% of the total population, depicting a decrease of 10% in the child population compared with the 1981 census.

The Sri Lanka Child Activity Survey of 2016 reveals that the total number of children in the 5-17 year age group is nearly 4.6 million: 77.7% in the rural sector, 17% in the urban sector and 5.3% in the estate sector.

**Figure 1: Distribution of Child Population Aged 5-17 by Age Group, Gender and Sector 2016**



Source: Report on Child Activity Survey 2016, Sri Lanka

Sri Lanka was elevated from a developing country to a lower-middle income country and is now in the process of reaching upper-middle income country status by 2020. It is emphasized that economic and industrial development goals and needs of the country alone should not supersede or be at the expense of social, educational, physical, psychological, emotional, nutritional and other needs of children.

While recognizing the significant contributions made by the central government and provincial government institutions in the child protection, health, education and social services sectors to improve the lives of children, the need for innovative and effective strategies and methodologies to resolve pressing problems affecting children is emphasized.

## **Methodology**

The report is primarily based on the Child Rights Governance and Child Rights Situation Analysis which carried out an in depth literature research into primary and secondary sources and an extensive stakeholder interview process at national, provincial, district, divisional and community levels. This process also included three national level workshops with the active participation of 34 CSOs representing 9 provinces. The draft Supplementary Report was finalized with a core group of CSOs and INGOS at three consultative meetings. UNICEF participated in consultative meetings as an observer. The core group members also contributed to the children's report by conducting children's consultations and collating their inputs.

## Priority Areas

### Priority Area 1: Accountability and Monitoring

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- Ensure accountability and monitoring of institutions and officers relating to child rights-related sectors as an overarching component across child rights governance, and measures to enhance the knowledge, skills, attitudes and behavioural changes of officers from grassroots to macro level.
- Establish an independent child rights monitoring mechanism within the National Human Rights Commission by designating one commissioner as a 'Child Rights Commissioner' to monitor the implementation of child rights and ensure that it is accessible to all children and has the power to receive, investigate and address complaints by children.

### Priority Area 2: Eliminating Violence against Children

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- Prohibition of physical and humiliating punishments and bullying in the education system.
- Capacitate and educate parents, caregivers and teachers with knowledge and skills on positive parenting, care giving and disciplining to reduce violence in the home, school and institutional settings.
- Propagate comprehensive information and conduct research on all forms of violence against children in all settings especially to inform planning and designing of strategies.
- Provide accessible and quality support services for children and families, especially for those who are most marginalized and vulnerable to ease tensions and conflicts between children and their parents, teachers and caregivers.

### Priority Area 3: Fair and Expedient Law Enforcement and Administration of Justice

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- Take immediate measures to eliminate delays in law enforcement and administration of justice and ensure confidence and faith in the system.
- Enhance the capacity of law enforcement officers and judicial officers in the management of child-related cases efficiently and effectively.
- Capacitate the Attorney General's Department with more human, financial and infrastructural resources and specialized training to clear the backlog of pending cases.
- Establish at least one high court in each province to hear child abuse cases.

### Priority Area 4: Systematic and Efficient Inter-sectoral and Multi-sectoral Coordination

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- Enhance the role of Ministry of Women and Child Affairs in inter-sectoral coordination among child protection, health, education, social services and foreign employment sectors at national, provincial, district and divisional levels.

- Bridge the divide between National Child Protection Authority, National Department of Probation and Childcare Services and Provincial Department of Probation and Childcare Services and identify clearly defined roles for Probation Officers, Child Rights Promotion Officers and NCPA Child Protection Officers and Psycho Social Officers within a well-coordinated uniform child protection system.
- Guarantee accountability of NCPA CPOs and PSOs, CRPOs and POs by defining and recognizing their roles in the proposed Children Judicial Protection Bill.

#### **Priority Area 5: Enabling Services and Protection for Children with Disabilities**

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- Initiate a study to collect disaggregated data on disabilities of children to identify the types of disabilities, priorities and interventions
- Strengthen human, financial and institutional resources for early identification of children with disabilities.
- Allocate sufficient resources to provide quality and accessible services for children with disabilities and their families.
- Ensure the rights of children with disabilities to access quality mainstream and special education and/or vocational training by providing adequate financial and human resources
- Explore accommodations and adaptations from other countries as interpretative guides for the law enforcement and administration of justice system in managing cases involving children with disabilities.

#### **Priority Area 6: Child-centric Budgeting**

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- Provide visible budget allocations for children in national and provincial budgets.
- Adopt the UNCRC Committee General Comment No. 19 (2016) on public budgeting for the realization of children's rights for budgeting processes for children.
- Reach consensus on the guiding principles of national and provincial budget allocations (percentage for recurrent and capital expenditure).
- Identify underfunded and overfunded budgetary provisions for child protection, education, health and social services to ensure adequate and equitable allocation of financial resources.
- Maintain a balance in the expenditure of budgets between tangible and non-tangible activities based on the needs and priorities of children.
- Ensure cost effectiveness and efficiency in utilization of existing budgetary resources and pay special attention to children in vulnerable and marginalized situations.

## **1. General Measures of Implementation**

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### **1.1 Domestic Legislation**

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#### **National Laws:**

#### **Children Judicial Protection Bill**

1. The CJP Bill 2015, the latest legislation presented to the Cabinet, is awaiting ratification by Parliament. The Bill proposes to repeal Chapters I, II, V and VI of the Children and Young Persons Ordinance after 75 years. It does not repeal Part III of the CYPO applicable to children in Remand Homes, Approved Schools and Certified Schools. Repealing the CYPO excluding Part III denotes that the systemic issues with regard to juvenile justice are overlooked and neglected.
2. The Bill incorporates three main principles: best interests of the child, holistic approach to making decisions considering the child's wellbeing, social relationships and capacity of potential caregivers and ascertaining the wishes and feelings of children who can express themselves. The concept of institution-based and community-based case conferencing systems and places of safety and observation homes are introduced.
3. CJP bill approved by the Cabinet in 2015 recognized 10 years as the age of criminal responsibility. However, this was raised to 12 years by the Cabinet in 2016, but it has not yet been enacted as law.
4. Under CYPO the police can grant bail to any child arrested to be produced in court later. The new Act has withdrawn the liberal approach and differentiates betweenailable and non-ailable offences.
5. CJP Bill ignores the roles of CPOs, PSOs and CRPOs.

#### **Children and Young Persons Ordinance**

6. Although the CYPO applies to children between 12 and 14 years and young persons between 14 and 16 years, due to laws delays when cases are heard after children reach 18 years they are treated as adults.

7. A serious defect in the CYPO is observed regarding Certified and Approved Schools which are meant for children in conflict with the law. Section 26(1) authorizes court to order sending a child offender of 12 years and a young person of 14 to 16 years to an approved school or a certified school. Section 35(1) of the CYPO authorizes court to send a child of 12 years who needs care and protection to an approved or certified school.
8. The CYPO makes provisions only in relation to sending children to certified schools and approved schools and ignores institutionalizing children in voluntary children's homes.

### **Laws Criminalizing Child Pornography**

9. Although several sections in the Penal Code criminalizes the production, distribution and possession of pornographic material, the definition of child pornography and conduct related to child pornography is not found in the law. Even the Computer Crime Act of 2008 does not include any reference to crimes against children using the Internet.

### **Right to Information Act No 12 of 2016**

10. The Right to Information Act No. 12 of 2016 came into effect on February 3, 2017 with the main object of providing the right of access to information, to specify grounds on which access may be denied, to establish the Right to Information Commission, to appoint Information Officers and to set out the procedure. Subject to the provisions of Section 5 of the Act, every citizen has a right of access to information in the possession, custody or control of a public authority.

### **Assistance to and Protection of Victims of Crime and Witness Act No. 4 of 2015**

11. The Act provides for the establishment of a separate police unit but does not ensure administrative and financial independence from rest of the police force.
12. Although the Act stipulates that where the victim is a child, he or she should be treated in the manner which ensures the best interests of the child, it does not provide sufficient safeguards to protect child victims and witnesses during the criminal justice process such as special procedures for cross examining the child and providing psycho social support for the child.
13. The Act does not specify the criteria that should be followed in determining whether a witness should be given protection or not.
14. The Authority should be provided with adequate human and financial resources and infrastructural facilities to function effectively and efficiently.

## Emergency Laws

15. The state of emergency which was in force since 1971 was allowed to expire on August 31, 2011 by the Sri Lankan Parliament at the request of the former President Mahinda Rajapaksa. However, the Prevention of Terrorism Act which gives extensive powers remains in force to date. In 2016 it was highlighted in the media that the PTA will be replaced by a new law entitled 'Counter Terrorism Law'.

## Provincial Statutes

16. Provincial Councils have enacted laws on devolved subjects such as probation and childcare and social services. Almost all the provinces have adopted Statutes on Child Development Centres and Early Childhood Care and Education. There are instances where provincial policies relating to children's issues such as early childhood education had preceded national policies on ECCD.

## 1.2 National Plans and Strategies for Children

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17. National Action Plans become unworkable unless a specific budget allocation for the implementation is agreed upon by the government at the time of approval by the Cabinet. For example, the 2016-2020 NPA has been approved by the Cabinet without any reference to the budget for implementation. Whereas when the Policy Framework and NPA to Address Sexual and Gender-based Violence in Sri Lanka was approved by the Cabinet, the Minister of Finance had recommended that the plan be implemented under the medium-term budgetary framework, and nine sector ministries are involved in implementing the plan.
18. Along with budgetary constraints and institutional capacity, the absence of a proper coordinating and monitoring mechanism to track the progress of implementation has resulted in failure to achieve the desired outcomes. The government in recent years has shown progress and commitment to improve coordination and monitoring.

## 1.3 Coordinating the Implementation of the UNCRC

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19. The MOWCA is in the process of developing a national child rights monitoring mechanism, together with the planned amendments to the Children's Charter and the revival of the NMC. This is a very progressive move which indicates government's commitment to take the implementation of the UNCRC seriously.

20. The 13th Amendment to the Constitution of 1987 devolved to the provincial councils four main subject areas: probation and childcare services, health, education and social welfare that directly impact on children. Both central government and provincial council ministries have a mandate on these subjects with greater powers for provincial ministries.
21. The State Party Report only highlights the effectiveness in coordination among child-related institutions which come under the MOWCA. But it does not recognize the vertical and horizontal coordination that is required among all line ministries relating to children at both national and provincial levels.
22. Lack of inter-sectoral coordination between health and education sectors and the child protection sector is observed at divisional and district levels. For example, in many districts and divisions the representatives of health and education sectors are not always present at deliberations and decision making processes of District and Divisional Child Development Committees leading to practical problems in implementing the decisions of these committees relating to health and education.
23. The central government ministries of health and education have developed a mutually beneficial and efficient coordination mechanism with the provincial health and education ministries. The provincial ministries of education and health follow the guidelines and circulars issued by the central government ministries in maintaining national standards in health and education.
24. The central government child protection institutions such as the NCPA, the National DPCCS and the National Children's Secretariat (ECCD) operate at district and divisional level in close coordination with the central government public administration structure. However, there is a greater need to improve their coordination with provincial child protection mechanisms.
25. A total of 1320 central and provincial government officers in the child protection field function with little coordination between the two.



26. The provisions of the proposed CJP Bill need to be revisited to ascertain how the human resources pool of the central government can be harmonized with the provincial government at provincial, district and divisional levels.

### **Overlapping Mandates of Central Government and Provincial Government Officers**

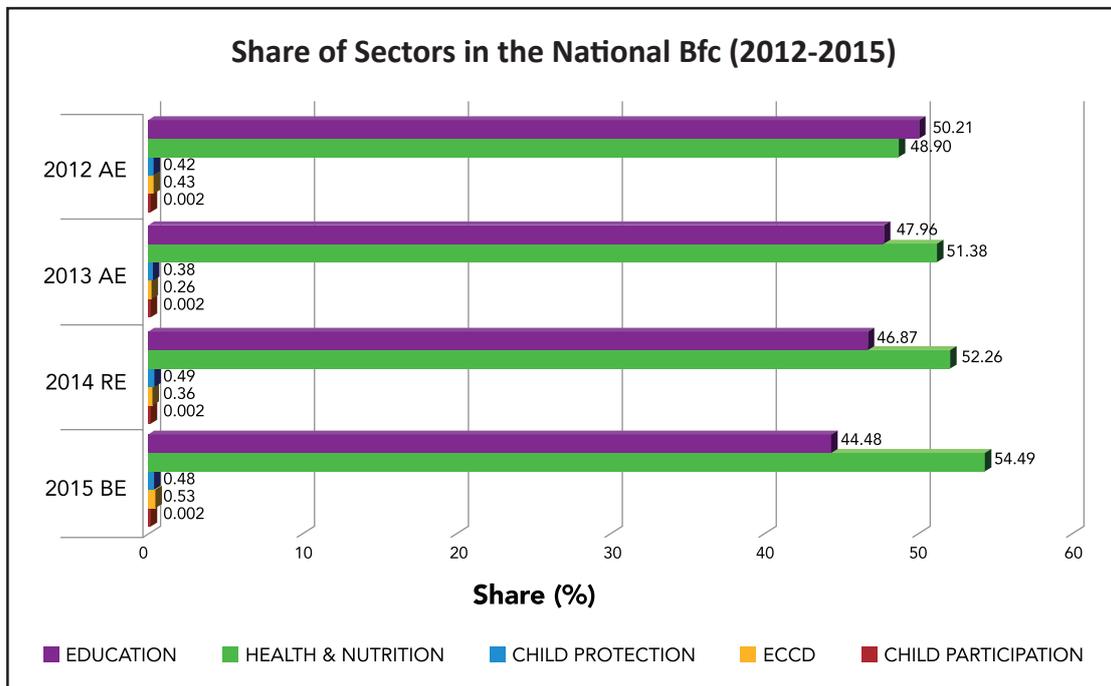
27. The role profile of CRPOs to some extent overlaps certain functions of the POs and the CPOs Creating ambiguity. Sometimes statements of child victims of abuse are recorded by all three categories of officials causing much harm to the child. It creates confusion in the minds of children and parents/guardians who deal with these officials from three different government institutions.
28. The POs need assistance with psycho-social work, children's education and reintegration-related work, which can be fulfilled by CRPOs and NCPA CPOs and PSOs, all of which need to be institutionalized.

### **1.4 Budget Allocation for the Implementation of the Convention**

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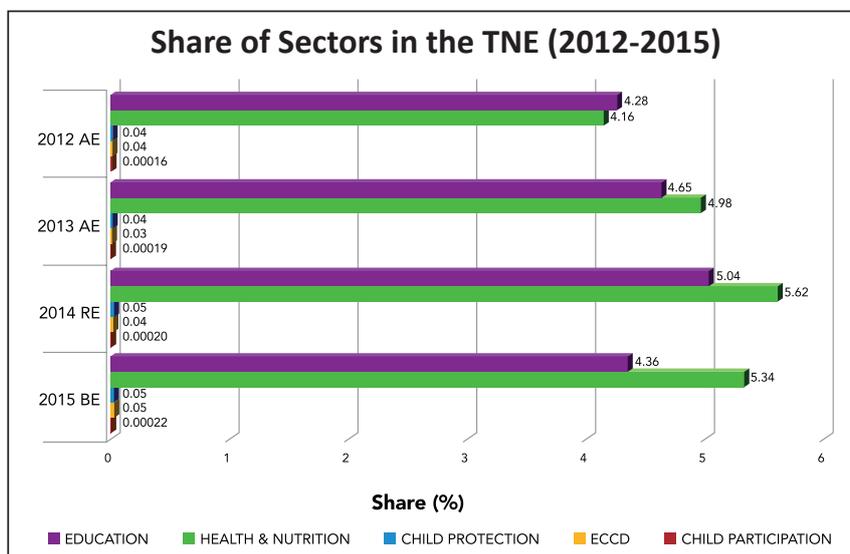
29. Children are of low priority in the budgetary process which lacks a participatory budgeting approach with multi-sectoral coordination.
30. In some sectors such as health and social services, which serves the entire population, disaggregated data regarding budgetary allocations for children is unavailable. Allocations for child protection and education are relatively visible and easy to track, as the entire budgets cater to children's services.
31. In comparison with the national budgetary expenditure in the health, education and social services sectors, the child protection sector occupies a low priority area with a 0.5% in the total national expenditure for children (Budget for Children).

Figure 3 Share of Sectors in the National Bfc (2012-2015)



Source: Investing in Children in Sri Lanka – Child Centric Resource Analysis, Save the Children

Figure 4 Share of Sectors in the TNE (2012-2015)

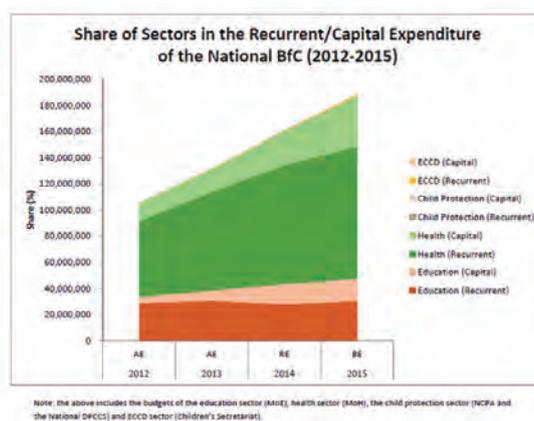


Source: Investing in Children in Sri Lanka – Child Centric Resource Analysis, Save the Children

32. No clearly defined basis has been identified for budget allocations in the child protection sector among NCPA, National DPCCS and the Children’s Secretariat. There are significant disparities in the budgets for different institutions leading to unnecessary misunderstandings among officers operating at the ground level, resulting in demotivation and dissatisfaction.

- 33. Inequities are also evident between provincial budget allocation for probation and childcare services and other ‘social capital sectors’ such as education and health.
- 34. In all sectors, a higher percentage is spent on recurrent needs than capital needs.

**Figure 5 Share of Sectors in the Recurrent/Capital Expenditure of the National BfC (2012-2015)**



Source: Investing in Children in Sri Lanka – Child Centric Resource Analysis, Save the Children

- 35. Following a policy decision of the previous Government, the 2016 capital fund allocation had been doubled diverting from the prevailing trend of low allocations for capital needs in the provinces. However, it is emphasized that major portion of the capital expenditure budget is spent for tangible activities than non-tangible, such as infrastructure development, equipment, vehicles and events organisation.
- 36. The progressive features observed in provincial DPCCS budgeting include assistance in reintegration of institutionalized children, directing probationers for entrepreneurship and preventing institutionalization of children by improving housing conditions.

## 1.5 International Assistance

- 37. Close coordination and networking among INGOs and UN Agencies in Sri Lanka is facilitated through sector-specific working groups and technical committees on child protection, education, ECCD and emergency. Some positive features are inter-agency working groups maintaining consultative coordination forums to coordinate programmes, strategies, interventions, projects, advocacy and policy advice. In the child protection working group, UNICEF functions as the Chair of the Working Group while the membership comprises Save the Children, World Vision Lanka, Plan Sri Lanka, Child Fund, War Child - Holland and FISD.

38. INGOs and UN agencies working in the field of child protection, education, health, emergency and social services work closely with the central government agencies and provincial government agencies.
39. Sometimes UN agencies and INGOs work together to implement various programmes at national and sub national level. For example, community-based child protection and setting up a child rights monitoring mechanism under the MOWCA.

## **1.6 Independent National Human Rights Institutions for Monitoring**

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40. The State Party Report recognizes the role of the NHCSL and its recent efforts in independent monitoring of child rights. However, considering the selective nature of the efforts made so far by the Commission in the absence of a clear mandate to monitor child rights, greater focus and effectiveness in independent child rights monitoring is required.
41. Constitutional issues surrounding NHCSL is resolved with the adoption of the 19th Amendment to the Constitution and the establishment of the Constitutional Council.

## **1.7 Dissemination of Information on the UNCRC**

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42. The positive impact on attitudinal changes in participants of child rights awareness programmes cannot be clearly gauged in the absence of a proper evaluation system. Poor planning and preparation of content, lack of capacity of resource persons, insufficient participatory tools and techniques, absence of a common awareness strategy or guidelines to raise awareness are shortcomings noted in the programmes. However, recently NCPA has formulated a National Guideline on Awareness Raising through a participatory process.
43. Integrating child rights into school curricula: The Life Competencies and Civic Education Text book for Grade 8 contains a chapter on Democratic Society that includes 'Child Rights and Duties' and Civic Education for Grade 11 has a chapter on human rights and duties with an introduction to human rights, fundamental rights, a description of UDHR, ICCPR and Optional Protocols, ICESCR and the Optional Protocol, women's rights and CEDAW and child rights. By providing only a gist of the rights in the UNCRC, it has failed to provide the children with a comprehensive and substantive understanding of the UNCRC.

44. A supplementary reader on human rights and child rights for secondary school students was published and launched by the Educational Publications Department on behalf of the Ministry of Education, in collaboration with Save the Children International.
45. A few Diploma and Certificate Courses on Child Protection are conducted by government, higher education institutions (supported by UNICEF) and NGOs. In the current certificate programmes offered by universities and other government institutions the subject of child rights is approached in an abstract sense, lacking in-depth understanding.

### **1.8 Cooperation of Civil Society Organizations**

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46. District level NGOs work closely with the Provincial Departments of Health, Education, Social Services and DPCCS, the government officers attached to the Children and Women's Unit at the District and Divisional Secretariats, regional and zonal health and education offices, the Women and Children Police Desk, obtaining their assistance as resource persons for child rights programmes at district and divisional level. Government institutions seek support for their service delivery from NGOs with a good reputation of working with and for children.
47. The community-based organizations maintain close rapport with Divisional Secretariats obtaining the assistance of their staff for programmes at village level. Some CBOs have a strong presence not only at Divisional level but also at District level.
48. There is no mechanism to make the faith based organizations, media institutions and private sector corporate entities accountable when they engage in activities for and with children and to ensure that proper safeguards are in place to prevent child rights violations.

### **1.9 Data Collection**

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49. The Department of Census and Statistics is responsible for collection and analysis of national data but various other Departments also collect data on specific subjects such as crimes against children, health and education, budgets, beneficiaries of social services, etc. Data relating to children covering all areas of UNCRC is not compiled in a centrally managed database; however, there is a process currently initiated by the MOWCA to establish a central database to record and manage data relating to all sectors of the UNCRC.

50. Disaggregated information and data regarding crimes against children are collected by the Police Department, DPCCS and NCPA. The Ministry of Education compiles an annual School Census Report with all the relevant information relating to teacher profiles, classification of schools, disaggregated data on the student population, examination results etc. The Ministry of Health compiles the Annual Health Bulletin and Family Health Bureau records all relevant information on health. However, both DPCCS and NCPA are yet to gather disaggregated national level data for a scientific analysis, to base its interventions.
51. Delays in obtaining up-to-date statistics are a serious concern because most of the reports carry data collected 2 – 5 years ago, except police and education data tabulated within a couple of months from the end of the calendar year. The validity of data to make evidence-based interventions is questionable because there are no up-to-date reports.
52. Even in the case of Police data, a disaggregated picture cannot be obtained because the complaints are categorized combining different types of offences – ‘rape’ with ‘incest’, ‘unnatural offences’ with ‘grave sexual abuse’, ‘cruelty’ with ‘sexual exploitation’.
53. Only in the health and education sectors data is used for planning and intervention. Data relating to violence against children is not used to make interventions in child protection, by especially identifying geographical regions and population groups with a high incidence of violence against children.
54. Although the Census and Statistics of 2012 give the number of children with disabilities according to age group, disaggregated data is unavailable to ascertain the type of disabilities and number of children with such disabilities.

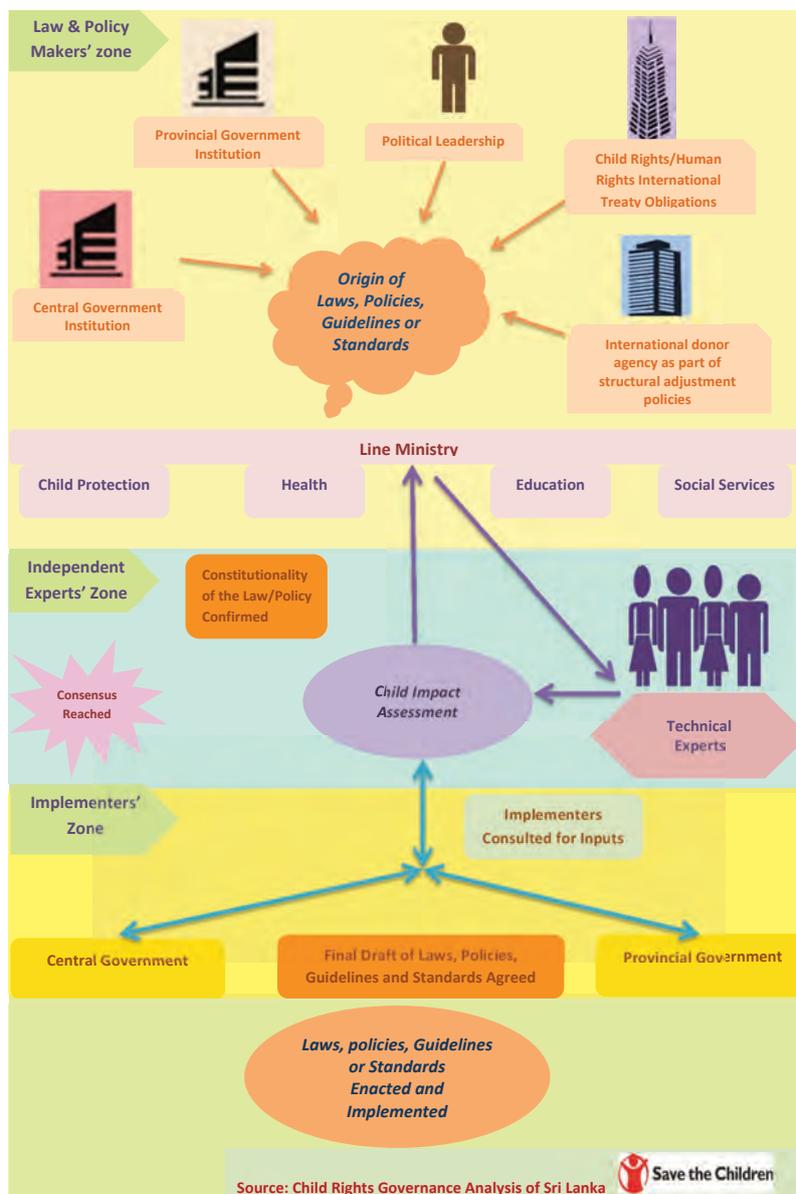
## **Recommendations**

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### **Law and Policy Reform**

55. As laws and policies concerning children impact on the entire child population of the country and their lives, all initiatives and processes to enact new laws, policies and guidelines need to strictly adhere to democratic and participatory principles, values and practices. Law and policy reforms should be informed by child impact assessment and evidence while adhering to international law.

Figure 6: Law and Policy Formulation Model



56. Prior to enacting any laws or policies both central government and provincial government institutions should reach consensus on the scope and limitations of the proposed laws and policies as child protection, health, education and social services are sectors involving both central government and provincial government agencies.
57. While acknowledging the constitutional entitlement of provincial councils to enact laws, policies and guidelines on devolved subjects, the importance of uniform national standards in child protection is emphasized. Ideally national guidelines need to be drafted to inspire and encourage the provinces to follow and apply national standards at provincial level.

### **Children Judicial Protection Bill**

58. Introduce a new legal regime on child protection by revising and enacting the CJP Bill, to institutionalise the roles and mandates of all key players in child protection services, within a uniform system.
59. Part III of CYPO should be repealed and the CJP Bill should incorporate provisions relating to juvenile justice. Necessary amendments to the Draft CJP Bill need to be effected expeditiously.

### **Children and Young Persons Ordinance**

60. Immediate measures need to be taken to prevent child victims and children in need of care and protection being institutionalized together with children in conflict with the law within the same premises (certified schools, remand homes etc).

### **Laws Criminalizing Child Pornography**

61. Penal Code should be amended to provide clear and comprehensive definitions of child pornography including criminalization of mere possession of child pornography and adequate penalties.
62. The Computer Crime Act should be amended to respond to crimes against children using computers, mobile devices and the internet.

### **Right to Information Act No 12 of 2016**

63. It should be explored how RTI Act can be used by the public and civil society organizations and the children themselves to promote and protect child rights.
64. The general public including parents, legal guardians and children themselves should be educated on how they can be benefitted from the RTI Act.

### **Assistance to and Protection of Victims of Crime and Witness Act No. 4 of 2015**

65. The administrative and financial independence of the separate police division from the rest of the police force should be guaranteed.

66. A guideline providing procedural safeguards to be followed to protect the rights of child victims and witnesses in the criminal justice process should be adopted.
67. A criteria for deciding whether to provide protection to witnesses should be formulated.
68. The Authority should be provided with adequate resources to discharge its functions.

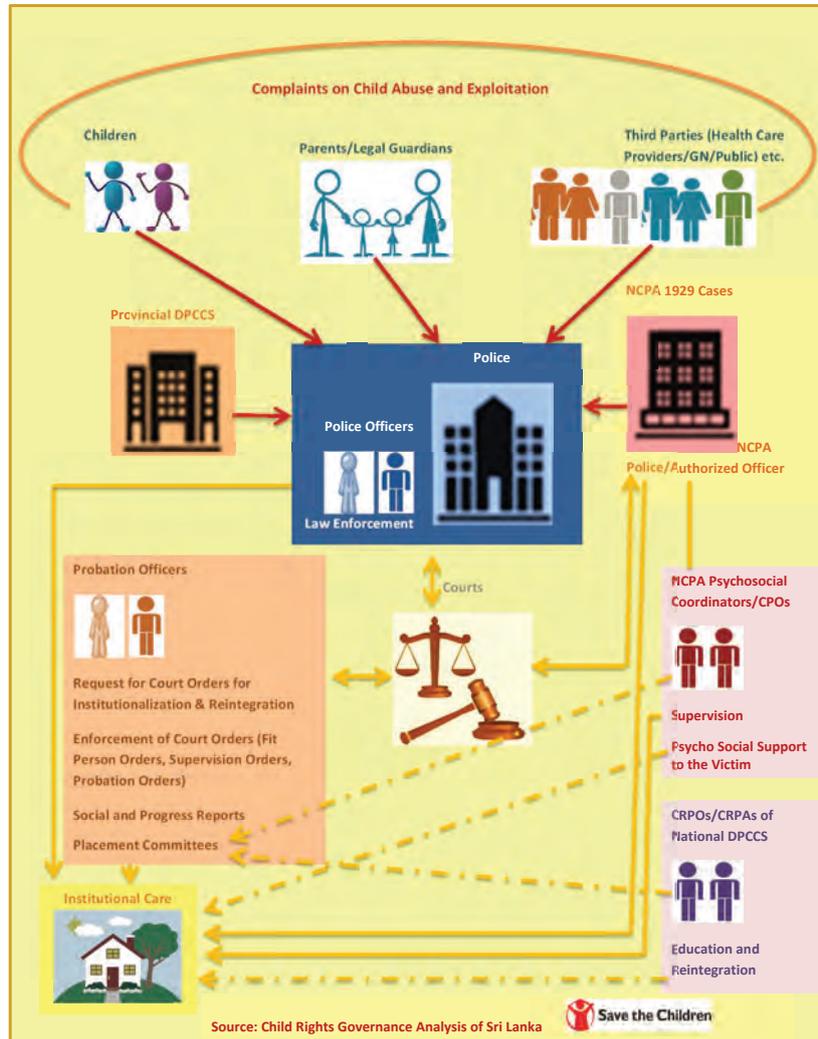
### **National Plans and Strategies for Children**

69. National Plan of Action for Children should always be buttressed by specific budgetary allocations for its effective implementation.

### **Coordinating the Implementation of UNCRC**

70. A multi-sector coordination mechanism needs to be in place to ensure well-coordinated action among health, education, child protection, social services and foreign employment at central and provincial government levels.
71. The National and Provincial DPCCS and the NCPA should reach consensus on how they could share their knowledge and expertise and adopt a unified service delivery system strengthening the provincial, district and divisional level child protection system.
72. Demarcate clear responsibilities within the cadres so that POs are held responsible for all matters relating to legal and court work, while the NCPA CPOs and PSOs, and CRPOs assist the POs in de-institutionalisation, re-integration, follow up work and psycho-social support for children in institutional care.

Figure 7 Division of Responsibilities in Child Protection



73. The new CJP Bill should clearly define the role of POs, NCPA officers and CRPOs in child protection case management and make them legally accountable for their role in institutional care, case conferencing and community-based case conferencing.

**Budget Allocation for the Implementation of the Convention**

74. The child protection and social protection sectors deserve due recognition, as given to health and education, within the socio economic landscape of the country where violence against children is at its height.

75. All institutions under the MOWCA needs to facilitate collaborative planning including financial planning to reduce funding discrepancies between DPCCS, NCPA and Children’s Secretariat.

76. A budget guideline for capital grant allocation should be formulated based on needs assessments to ensure that a significant percentage of the capital grant is spent in non-tangible activities and programmes that respond to psycho social and educational needs of children.
77. An efficient State sponsored mechanism is needed to assist and encourage families unable to care for their children due to poverty. In addition to the need for multi-sectoral assistance to rescue and resurrect family settings, financial assistance will enable such families to retain children within the family preventing institutionalisation.

### **International Assistance**

78. UN agencies and INGOs while working in close collaboration with government institutions should maintain close linkages with civil society organizations to keep abreast with ground realities.
79. Interventions of UN agencies and INGOs should be geared towards ensuring that the progressive changes that they had effected are sustained and continued by government institutions even after they phase out of a project.

### **Independent National Human Rights Institutions for Monitoring**

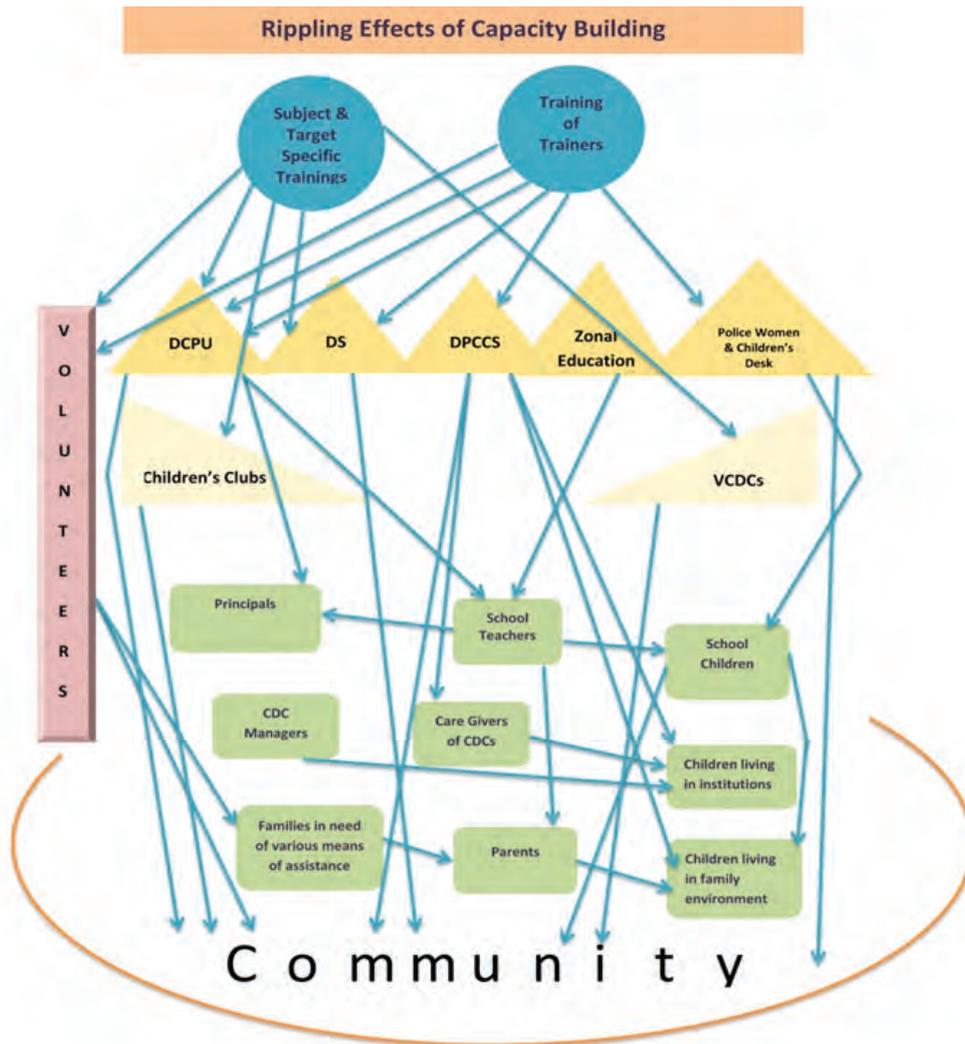
80. Appointing a Child Rights Commissioner within the NHCSL, which is the only independent institution with a definite mandate for monitoring with some characteristics of a monitoring body, seems to be the most appropriate measure for ensuring focus, prioritization of children and independence of monitoring.
81. The procedure to prevent the monitoring body becoming the first point of complaint for child rights violations needs to be clearly defined. The remedies available within DPCCS, NCPA and police should be used first before complaining to the monitoring body.
82. Define and identify in definite terms the relationship between the proposed monitoring body and the existing coordinating and implementing bodies.

### **Awareness Raising**

83. Awareness raising programmes on child related subject themes should be approached from a child rights perspective to strengthen the understanding of child rights at community level.

84. Build capacities of State officials to implement the proposed Guidelines on Awareness Raising introduced by the NCPA
85. Each awareness raising programme should be developed in such a way that they enable ripple effects where each target group carries the message across to the next level.

Figure 8 Capacity Building



Source: Protecting the Rights of Children Affected by Conflict in the Eastern Province of Sri Lanka, Project End Evaluation, Plan Sri Lanka

### Cooperation with Civil Society Organizations

86. A comprehensive strategy should be developed to ensure transparency, accountability and consensus-oriented decision making of all CSOs working with and for children.

87. The CSOs should review and assess the impact of their collaboration with Government institutions and officers and identify areas that need to be improved and professionalized.
88. The Government institutions and officers should continue to seek the assistance and support of CSOs with technical and practical-oriented knowledge and human resources to bridge the divide between the service delivery mechanism and the community in the promotion and protection of child rights.

### **Data Collection**

89. All sectors relating to children need to adopt evidence-based recommendations, interventions and actions based on available data and research. For this purpose the widely used framework of assessment, analysis and action should be followed. Evidence-based annual assessment of the situation in child protection, health, education and social services will help to identify emerging issues and needs and evaluate the impact of interventions already made.
90. Immediate measures should be taken to restructure the data collection framework of the Police Department to obtain disaggregated data relating to complaints under different penal provisions.
91. Compilation of a sector-specific yearly children's data bulletin incorporating the most important data in the field of child protection, health, education and social services will become a valuable resource guide for all stakeholders in the respective fields.
92. Priority needs to be given to conducting an islandwide survey to assess the situation of children with disabilities as this is an area that has attracted little attention.

## **2. Definition of the Child**

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### **General Marriage Ordinance**

93. Refusal by a registrar of marriages to register the marriage of a girl below 18 was challenged by parents on the ground that the 1995 amendment to the Ordinance retained the requirement of parental consent. The court held that an underage marriage was void and had no legal consequences even if the parents had consented to such marriage.
94. In spite of the minimum age of marriage of 18 years, the incidence of children married before the age of 15 years is 2% and children married by 18 years is 12% between the period 2005-2012.

### **Muslim Marriage and Divorce Act**

95. A Cabinet Sub Committee was appointed in November 2016 to review the controversial Muslim Marriage and Divorce Act of 1951. The latest report of the Committee has not yet been submitted.
96. The MMDA does not prescribe a minimum age of marriage, and a Muslim girl even under the age of 12 can be given in marriage and the marriage can be registered with the permission of the Quazi. According to Section 16 of the MMDA validity of the marriage does not depend on registration. Since there is no requirement of mandatory and written consent of the bride, girls may be forced into marriage and yet it will not be illegal.

### **Kandyan Marriage and Divorce Act**

97. Section 4 (2) and 4 (3) of the Kandyan Marriage and Divorce Act regarding subsequent validation of early marriage should be repealed as it is contrary to the current laws and policies prohibiting early marriages.

### **Law Relating to Sexual Consent**

98. In compliance with child rights standards setting, maintaining the age of 18 as the minimum age for marriage and retaining the age of sexual consent at 16 years is important so as to protect children from sexual abuse and exploitation. According to Police data from 2010 and 2015 there were 10,593 cases of rape of which 7,891 were cases of statutory rape and of 9210 rape case suspects, 1,161 were children below the age of 18 years.

## Recommendations

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99. The General Marriage Ordinance and Kandyan Marriage Act need to be amended to make it explicitly clear that a marriage without the parties' consent or below the age of 18 years is void ab initio and illegal from its inception and cannot be made valid by parental consent.
100. As recommended by the Independent Committee on Muslim Personal Law Reforms initiated by the Muslim Women's Research and Action Forum, the marriage of a Muslim girl under 16 years of age should not be registered without the sanction of the Quazi and that no marriage of a woman belonging to the Shaffie sect is valid unless she communicates her consent to the contract.
101. Deviation schemes from the routine criminal justice system such as suspended sentences or suspension of the institution of proceedings should be explored in instances where the offence of statutory rape has been committed on a girl of less than 16 years with her consent by her lover who is under age of 18 during a love affair. However, the situation should be assessed on a case-by-case basis to ensure that the child's best interests are not undermined in the process especially to avoid perpetrators from intimidating the girls.
102. Adolescent children need to be made aware at family, school and community level of the negative consequences of marriage and cohabitation before the age of 16 and 18 years of age and the legal prohibition of sexual consent before 16 years and prohibition of marriage before 18 years. This will help adolescents to adopt responsible sexual behaviour and protect themselves from entanglement in complex legal issues.

### 3. General Principles

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#### 3.1 Non Discrimination

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103. Although the national and rural poverty headcount index has witnessed a remarkable reduction to 6.7 and 7.6 percent respectively in 2012-2013 the estate sector remains high with 10.9 percent. The district poverty headcount too indicates significant disparities, for example, the 28.8 poverty headcount index in Mullaitivu as opposed to 1.4 in Colombo. It follows that children living in geographical regions with high poverty headcounts are deprived of the quality of life and other services enjoyed by children in geographical regions with low poverty headcounts.
104. Children in poverty-stricken rural, urban and estate communities are deprived of equal opportunities to excel in education, reach their full potential and work towards larger life goals. In every aspect there is an unbridgeable gap between national schools and provincial schools in terms of human resources, infrastructural facilities and quality of education.
105. Children in institutional care experience discriminatory treatment at school by peers from normal family homes. Institutionalized children are also deprived of accessing quality education as they are often accepted by a school nearest to the institution, with poor facilities and efficient teachers lacking commitment.
106. There are instances where readmission to school is refused for victims of abuse and even after readmitting are subjected to discrimination in the school setting.
107. Children in conflict with the law experience discrimination in the community setting after reintegration into society. Sometimes parents settle down in a new geographical area where they are not known to the community.
108. Children with disabilities do not enjoy equal access to education in comparison to rest of the child population due to lack of schools providing special education. Even the integrated educational services targeting children with disabilities are yet to deliver quality educational services with minimum standards.
109. The number of Divisional Secretariats in Nuwara Eliya is quite low with 5 DS Divisions compared to other districts in the Central Province depriving people of access to government services.

### **3.2 Best Interests of the Child**

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110. There is a progressive trend towards incorporating the principle of best interests of the child into newly drafted national and provincial laws, policies and guidelines.
111. The concept of the best interests of the child has not been properly internalized and applied on a day-to-day basis by State officers working with and for children in all child-related sectors in interventions and decisions concerning children.
112. The principle of the best interests of the child has become highly subjective depending on the individual judgment of the law maker, policy maker, adjudicator or an implementer as there is no clear guideline incorporated into current laws, policies and practices.

*Some practical instances where the principle of best interests of the child is not adhered to:*

- Taking of evidence of child victims of abuse in open court;
- Delays in enrolling children in institutional care in schools especially after completing five years;
- Admitting children over five years to receiving homes and denying them schooling;
- Keeping child victims of abuse and children in conflict with the law together with adult detainees in the same prison cell;
- An examination-oriented education system that imposes a heavy psychological burden on the child; and
- Absence of a child psychologists' cadre in the hospital setting.

### **3.3 Right to Survival and Development**

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#### **Missing Children during the Conflict**

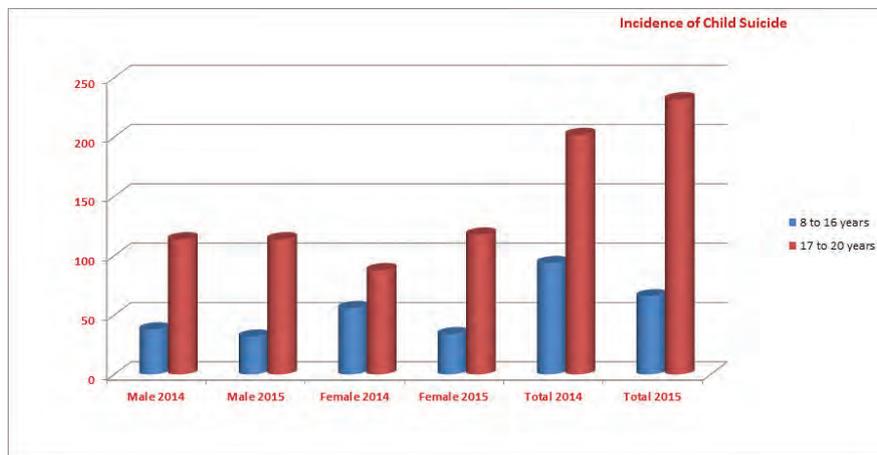
113. The Family Tracing and Reunification Unit was established in the DPCCS in the Northern Province. As of February 28, 2015, a total of 2519 tracing applications - 801 children and 1718 adults, had been recorded by this unit. Of the 801 children 424 were boys and 377 girls. The age analysis of children showed that the great majority were between 16 and 18 years when they went missing. A total of 193 children were reunited with families.
114. During his visit to Sri Lanka the Special Rapporteur on Torture was informed that 16,000 to 22,000 pending cases of missing persons had been filed from the time of conflict and its immediate aftermath.

115. The Office on Missing Persons Establishment, Administration and Discharge of Functions Act No. 14 of 2016 was enacted to search and trace missing persons, assist relatives of missing persons, to set up a database of missing persons, etc. As of March 2017 the office had not been established as there are certain amendments to be made to the new Act.
116. According to the ICRC report on ‘Living with Uncertainty- Needs of the Families of Missing Persons in Sri Lanka’ there is a caseload of over 16,000 missing persons, including 5,100 security forces personnel missing in action.

**Child Suicides**

117. The chart below, based on 2014 and 2015 police data on suicide of children, shows a higher rate in 2015 compared to 2014. In both years the suicide rate was below 100 and in the 8 – 16 age range there was a slight reduction in 2015. On the other hand, the suicide rate in the 17 – 20 age range which was below 200 in 2014 had risen to over 200 by 2015.

**Figure 9 Incidence of Child Suicide**

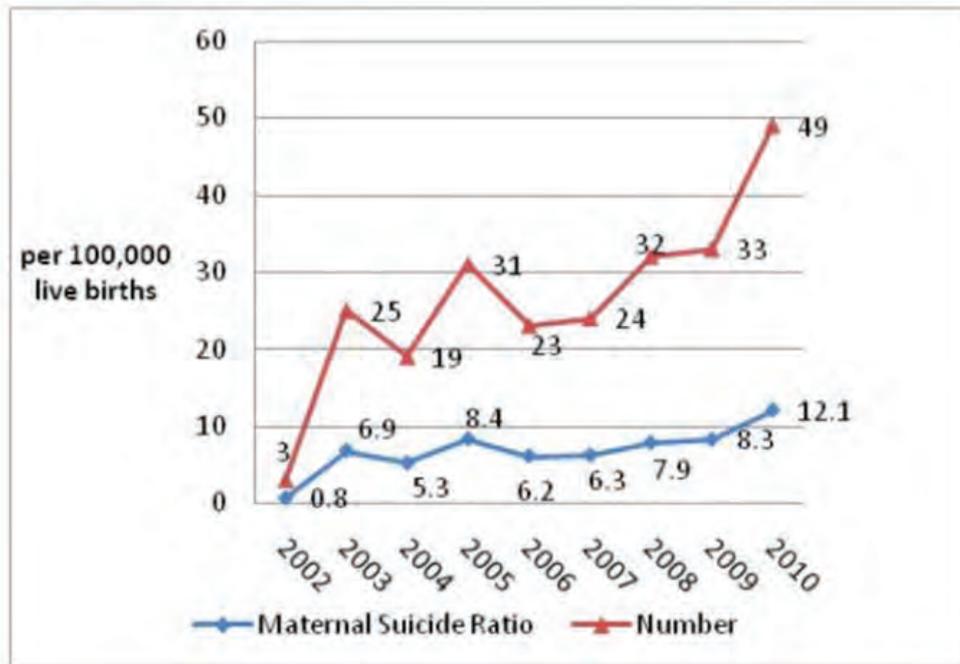


**Source: Child Rights Governance Analysis - 2017  
(Extracted from Sri Lanka Police Department, Statistics Division)**

118. As indicated in the National Youth Survey 2013/14, a considerably high number of females were feeling that their life was not worth living while nearly one fifth of youth were feeling sad or helpless and had stopped their routine work for a while. 6.4% of the sample had seriously thought of committing suicide during the preceding 12 months while 4.0% had made plans and only 3.0% sought some help. The survey acknowledges that the family has a strong influence on the mental wellbeing of the 15 – 24 year age group. Suicidal tendencies were significantly high among the youth who described their families as “not good” or “intolerable”.

## Maternal Suicide

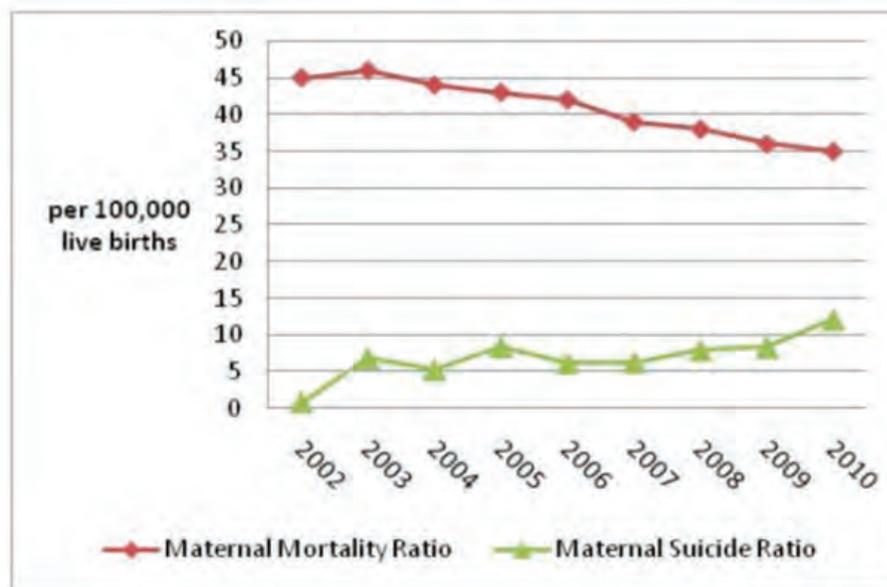
Figure 10 Maternal Suicide



Source: Reducing Maternal Suicide in Sri Lanka: Closing the Gap, Sri Lanka Journal of Psychiatry, Vol 7 (1) June 2016

119. Between 2002 and 2010 maternal deaths declined while maternal suicides increased. According to a study conducted in the North Central Province maternal suicides constitute 17.8% of maternal deaths. Central Province Health Bulletin of 2013 records a percentage of 23.3% maternal suicides.
120. Underreporting leading to non-identification of cases, lack of awareness and knowledge about psychiatric disorders in the perinatal period, poor integration between mental health services and maternal health services, and lack of supervised screening programmes for identifying vulnerable and high risk mothers have been identified as the main obstacles in identifying and intervening in maternal suicides.

Figure 11 Maternal Mortality and Maternal Suicide Ratio



Source: Reducing Maternal Suicide in Sri Lanka: Closing the Gap, Sri Lanka Journal of Psychiatry, Vol 7 (1) June 2016

### 3.4 Respect for the Views of the Child

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#### Family Level

121. Highly authoritarian and patriarchal attitudes towards parenting influenced by traditional child-rearing practices do not allow much space for children's engagement in family dynamics. Similarly, parents with such attitudes exert undue pressure on children's learning and control and make decisions about their education without consulting children, leaving no space for children to choose or have a voice about their education.

#### School Level

122. The education system, particularly schools in Sri Lanka still maintain a teacher-centred approach where the curriculum and teaching methodologies are designed with the convenience of the teachers in mind and with an authoritarian approach to teaching, that does not allow much space for children to enjoy their rights and to get involved in matters affecting them. The concept of children's participation in decision making introduced through School Development Committees and School Management Committees has not reached fruition because many adults do not value the participation of children in decisions affecting them.

### **VCDC Level**

123. National Guidelines were formulated on VCDC mandating children's representation in the VCDC meetings as well as in planning and intervention levels of VCDC initiatives. Although theoretically, the VCDC needs to take cognizance of children's views and opinions, in practice the highly patriarchal environment denies child-friendly space for children to make their presence felt.

### **Institutionalized Children**

124. In practice, when decisions are made by the placement committees regarding institutionalized children requiring care and protection or victims of abuse, they are not given an opportunity to express their views and opinions concerning their lives, especially when the committee decides on the reintegration of children.
125. Institutionalized children also lack the confidence to share their views and opinions in a forum like a placement committee comprising adults. The child-friendliness of the committee is highly dependent on the adult participants.

### **Children Involved in the Court Process**

126. In court proceedings, the onus of deciding whether a child is old and mature enough to express views and opinions is left to the judge. Whether the decision is just and fair or in the best interests of the child is questionable.

### **Key Stakeholders**

127. There is positive progress made by the Ministry of Women and Child Affairs in recognizing and mainstreaming child participation at many levels. MOWCA, DPCCS and NCPA have taken important steps to engage with children in their decision making processes. For the first time GoSL has submitted a children's consultation report along with the State report to the UNCRC Committee.

## Recommendations

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### Non Discrimination

128. Inequities in the distribution of services across geographical regions need to be addressed and remedied. Districts with a high incidence of poverty headcounts need to be given priority in budgetary allocations and development aid as poverty has a direct impact on the quality of life, health, education and protection of children living in those regions.
129. Adequate measures need to be taken to retain children of poverty-stricken families in the education system without letting them drop out; the cycle of inter-generational transmission of poverty must be broken.
130. Complaints relating to discriminatory practices against institutionalized children, children with disabilities and children of migrant parents need to be taken up by child rights and child protection officers, who should liaise with the respective sector authorities and take immediate measures to arrest the situation.
131. All stakeholders in the education sector need to be made aware of their legal obligation to uphold the right to non discrimination in relation to children of indigenous and minority communities, institutionalized children, children with disabilities and children of migrant parents; if there is a discriminatory practice by teachers or any other part of the school administration a mechanism should be in place to hold them responsible and accountable.
132. The number of DS divisions in the Nuwara Eliya district should be increased to 15.

### Best Interests of the Child

133. Immediate measures need to be taken to develop a National Guideline for Determining the Best Interests of the Child as applicable in a law enforcement setting, judicial setting, school setting, institutional setting, community setting and family setting to provide direction and guidance to all officers and caregivers responsible for making decisions concerning children and effective monitoring of implementation.

## **Survival and Development**

### **Missing Persons**

134. The Office of the Missing Persons (OMP) needs to be established without further delay and the cases of missing children reopened and investigated. OMP should always act in the best interests of children when they discharge their powers and functions relating to searching, tracing and investigations.

### **Child Suicides**

135. Devise a mechanism to address mental health issues and provide children and adolescents with emotional and social skills to resolve the challenges of life with resilience. Enhance coping and stress management skills to face challenges of life with emotional resilience.

### **Maternal Suicides**

136. Strengthen the capacity of health care providers for early identification, referral and management of high-risk mothers.
137. Enhance coordination between mental health and maternal health service providers to adopt an integrated service approach.

### **Respect for the Views of the Child**

138. Disseminate information among parents, teachers and caregivers on the positive outcomes of child participation such as improving the child's ability to negotiate and resolve conflicts peacefully, fostering opportunities to learn individual and collective responsibilities, forging mutually beneficial healthy relationships and promoting the child's total personality development.
139. Parents, teachers and caregivers should be made knowledgeable about the immediate and long-term adverse repercussions of denying the child his/her right to express his/her views and the effect on his/her personality such as intolerance, aggressive or violent behaviour.
140. Encourage parents, teachers and caregivers to create opportunities for children to make their views heard and give serious consideration to such views.
141. Children's participation should inform key decision making processes and policy development; MOWCA should continue to scale up and mainstream child participation in their own decision making process and across sectors.

## **4. Civil Rights and Freedoms**

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### **4.1 Birth Registration**

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142. The rate of birth registration in Sri Lanka is commendably high and the rate of non-registered births dropped to 3% in 2013. Today no new-born is discharged from a hospital without being registered at birth.
143. Some of the children in institutional care do not have birth certificates or even a certificate of probable date of birth. The Registrar General's Department has offered children under 14 years of age a certificate of probable date of birth based on an affidavit from the matron of the institution.
144. The clause requiring the marital status of parents is problematic to children born out of wedlock. The Registrar General's Department considers it essential to include the parents' marital status in relation to inheritance matters. However, inheritance may or may not be of relevance in every situation.
145. The clause requiring the father's employment had been removed from the birth certificate on the request of the National Commissioner of Probation and Child care.
146. Dearth of Tamil registrars especially in estate areas has caused grave errors in documenting information. The name and even the date have been incorrectly documented due to non-Tamil speaking officials in the public services in predominantly Tamil speaking areas.

### **4.2 Freedom of Association and Peaceful Assembly**

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147. Over the years Children's Clubs have been established islandwide in all 25 districts. As of 2016, there were 3,867 children's clubs in the country. Representatives of children's clubs form 331 divisional children's councils, and elect representatives to 25 district level children's councils. Finally 175 members are elected to the national children's council by district level members. However, in the absence of a systematic mechanism to review and monitor the activities of children's clubs, their reaching out to the majority of children in the respective villages is uncertain. This challenge has been recognised by the MOWCA and they have taken measures to systematise child participation.

148. The effectiveness and functionality of children's clubs depend mainly on five factors: the level of involvement of villagers in child protection issues through the VCDC or any other activity or organization; the children's sense of ownership of the children's club; visibility of CRPO's role at village level; active and lively presence of the VCDC at village level; level of involvement of INGOs or NGOs in child protection issues.
149. The District and National Children's Councils are not so visible among the children of the country, activities being confined to the immediate membership, government agencies, civil society and community members closely working with the Councils.
150. The District Children's Council and the National Children's Council have not engaged in advocacy work to effect changes at policy level or implementation level. The children's clubs are yet to forge their identity as change makers and make their presence felt among children and in their communities.
151. Until 2015, there was no National Guideline on Child Participation. In the absence of a guideline, the children's clubs and children's councils have imitated the adult-oriented patriarchal and hierarchical management style undermining the democratic and transparent processes of inclusion and active participation of all children. Recognizing this gap the DPCCS and MOWCA introduced a National Guideline on Child Participation in 2015, which is currently being rolled out in Sri Lanka.

### **4.3 Protection of Privacy and Protection of Image**

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152. Child abuse, exploitation and violence involving children are reported by the media, both print and electronic, with no space for the privacy of victims and family. A case in point was the recent rape and murder of a girl of preschool age from the Gampaha District. Media reporting was overly sensational and a reporter interviewed a preschool mate of the deceased carrying her to view the coffin.
153. Revealing the identity of the victim and the family through photographs, mentioning the name and address of the victim, parents or siblings, name of the school, etc. have become common occurrences in reporting thus violating the victimized child's right to privacy. It has repeatedly led to secondary victimization of the child and the family creating social stigma, marginalization and lifetime labeling. Cases of this nature are often sensationalized by media institutions for their own gain.

## Recommendations

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### Birth Registration

154. The Birth Registration Ordinance should be amended to allow the authorities to issue a shortened birth certificate with information on parentage without indicating their marital status to be used for all other purposes except public records. The long birth certificate indicating the parents' marital status is necessary for purposes relating to property and inheritance.
155. The cadre of Tamil registrars should be increased especially in the estate sector.

### Freedom of Association and Peaceful Assembly

156. Measures adopted by the DPCCS and MOWCA through children's clubs and councils to include children in decision making processes, should be expanded and mainstreamed across the public domain to ensure that children's views and opinions are taken into account in matters affecting them.
157. Measures need to be taken to transmit the contents of the National Guideline on Child Participation in a child-friendly manner to children's club members.
158. Community leaders and government officials who work closely with children's clubs need to be made aware of their role in facilitating children's groups and clubs by mentoring and promoting meaningful participation.
159. When children's clubs are formed in villages, adult facilitators should ensure inclusion of children from marginalized groups and democratic participation and leadership in children's groups and clubs.
160. The District and National Children's Councils should be facilitated to develop strategies to strengthen the capacity of children and also to attract the recognition of stakeholders to engage in constructive advocacy work.
161. The members of the District and National Children's Councils need to be equipped with knowledge on social, economic, political and cultural issues affecting children and also with leadership and advocacy skills to carry out their role effectively.

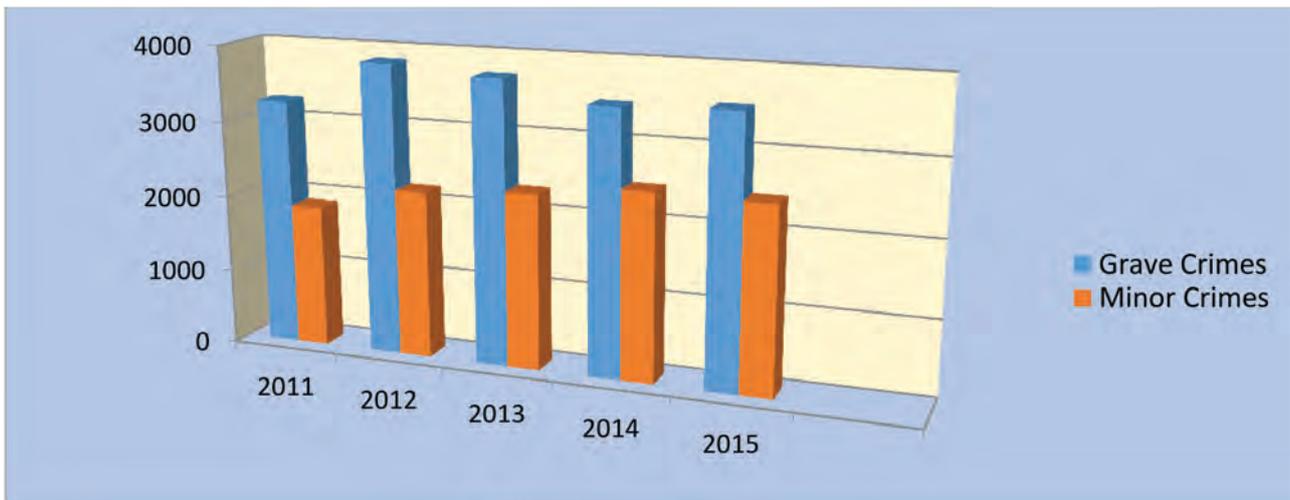
### **Protection of Privacy and Protection of Image**

162. Penal laws prohibiting exposure of the identity of child victims of abuse should be strictly enforced and prosecuted.
163. Media personnel should be educated and sensitized about the harmful repercussions of their actions. Reporting of cases concerning children, particularly child abuse and violence, should balance the media's right to freedom of expression, people's right to information and child's rights, particularly the child's right to privacy and the concept of the best interests of the child; and media personnel need to be capacitated in striking this balance in practice.
164. All measures should be taken to prevent child victims of abuse being examined in open courts.

## 5. Violence against Children

### 5.1 Abuse and Neglect

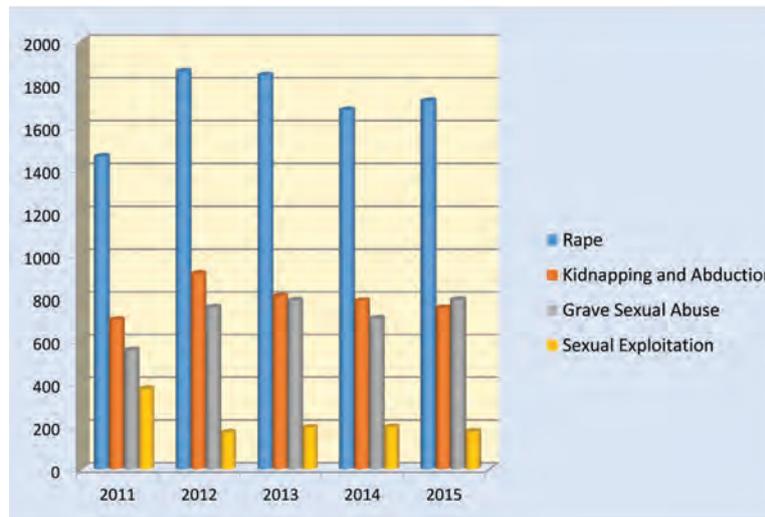
Figure 12 Incidence of Grave Crimes and Minor Crimes



Source: Child Rights Governance Analysis - 2017  
(Extracted from Sri Lanka Police Department, Statistics Division)

165. The statistics from 2011 to 2015 demonstrate a similar trend in grave crimes except in 2011 and 2012 respectively which reflected the lowest number and highest number of grave crimes in recent years. Grave crimes against children committed in 2015 were slightly higher than in 2014. Incidence of minor crimes shows a gradual increase from 2011 to 2015.

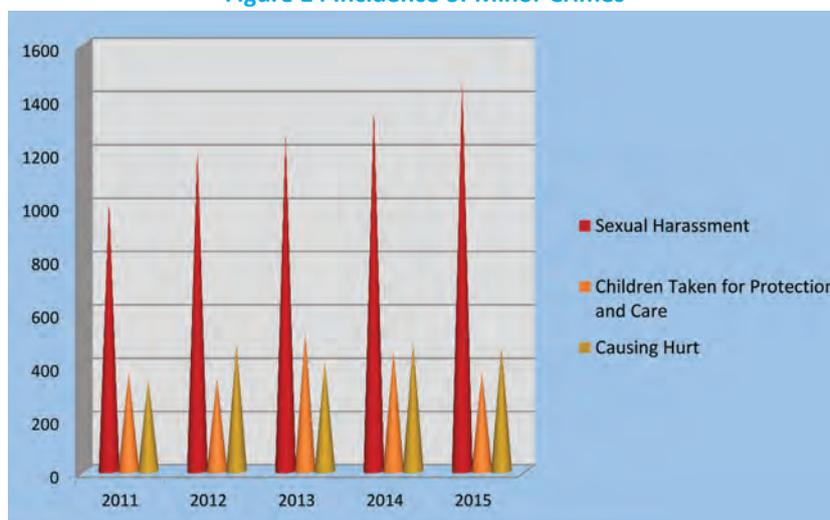
Figure 13 Incidence of Grave Crimes



Source: Child Rights Governance Analysis - 2017  
(Extracted from Sri Lanka Police Department, Statistics Division)

166. According to the grave crimes statistics of the Sri Lanka Police Department, rape, kidnapping, grave sexual abuse and cruelty to children, sexual exploitation of children, and unnatural offences constituted the highest number of crimes related to children.

Figure 14 Incidence of Minor Crimes



Source: Child Rights Governance Analysis - 2017  
(Extracted from Sri Lanka Police Department, Statistics Division)

167. The highest number of minor crimes related to sexual harassment followed by causing grievous hurt. An upward trend in the incidence of sexual harassment was observed between 2011 and 2015. The number of children taken for care and protection under the CYPO slightly decreased in 2015 compared to 2014. The year 2012 records the highest number of children taken into care and protection which is also the year in which the highest number of grave crimes was recorded. Thus a correlation between grave crimes against children and the need to provide care and protection for children is observed.

## 5.2 Right not to be Subjected to Torture, Cruel, Inhuman or Degrading Treatment

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168. Sri Lanka has not prohibited by law physical and humiliating punishment of children in the family, school or institutional setting. Police statistics demonstrate a high incidence of complaints relating to cruelty, simple hurt and grievous hurt against children. The length and breadth of the problem of use of physical punishment cannot be stated with certainty because there has not been a recent study on the subject. In 2016 the NCPA initiated a study on 'Child Disciplinary Methods Practiced in Schools in Sri Lanka.'

169. Frequent bullying at school by peers and teachers has been observed in victims refusing to go to school and dropping out of school.
170. Lack of psychological support can often lead to children refusing to go to school because there may be reasons of autism or other disabilities for their poor or hyperactive behaviour. They are punished at school for these behaviours, and refuse to go to school and getting punished again by parents for not going to school.
171. In the formerly war-affected areas, imposing physical and humiliating punishment by parents, caregivers and teachers reached an unprecedented and uncontrollable level. This situation is attributed to long periods of violence people in the war-affected areas were exposed to at first hand. Health professionals working in the North and East opine that there was a time when the government denied that people exposed to war were experiencing severe psychological disturbances. The government did not adopt any immediate or long-term measures. Yet the Department of Education in the Northern Province in response to the acute practise of physical and humiliating punishment in schools once decided to send 600 teachers for compulsory counselling for a period of six months.

## Recommendations

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172. Physical and humiliating punishment in the family, school and institutional setting should be prohibited explicitly by law and use of positive disciplinary methods promoted.
173. A law that upholds zero bullying in the school setting should be adopted.
174. Parents, teachers and caregivers need to be capacitated to understand the emotional, psychological and physical harm that may be caused to a child through physical punishment and encouraged to abstain from inflicting physical punishment. They should also be empowered to manage stress and be supported through professionally qualified counsellors to resolve conflicts in the family, school and institutional setting.
175. Positive parenting and disciplining, knowledge and skills need to be disseminated across all levels of the social strata.
176. Parents, school teachers, pre-school teachers and caregivers need to be capacitated on early detection of children with intellectual disabilities to provide support and prevent them from facing physical punishment for their hyperactive behaviour or inability to reach educational standards expected in mainstream education.

## **6. Family Environment and Alternative Care**

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### **6.1 Family Environment**

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#### **Children of Migrant Parents**

177. As at 2014, of the 300,413 migrant workers 110,787 were females. Even though mothers of children below five years are not allowed to migrate, this regulation may not have the intended effect on women who continue to migrate illegally and on their children. Such women become vulnerable to trafficking as they are not registered as migrant workers and as a result their children are not eligible for government support services. Women are attracted to jobs with offers of 'cash-salary' in advance prior to departure, which eventually makes them bonded labour. Legal safeguards are not in place to ensure the safety and wellbeing of migrant parents' children above the age of five years.
178. The Ministry of Foreign Affairs has recognized and taken measures to ensure the protection and wellbeing of children left behind by their parents but implementation of such initiatives do not effectively reach the most vulnerable child population. Recently, MOFE and MOWCA have been collaborating to improve coordination and effectively address the issues of children left behind.
179. Lack of responsible mother substitutes and the absence of the father's role in child care leads to the neglect of children in situations where mothers migrate. Instances of the father indulging in alcohol/drugs and neglecting the children needing care and protection have been reported.
180. A mechanism to monitor the wellbeing of children left behind and to implement care plans prepared prior to migration was initiated only recently, and requires capacity building of staff, systematization, resourcing and coordination among sectors for effective service delivery.

#### **Children of Working Women and Day Care Centres**

181. There are moves to expand the economically active women of 36.5 percent due to low labour market participation of women. This would have a direct impact on children unless there are sufficient and quality care arrangements for children. Expanding the day care system is envisaged to assist mothers in relieving themselves of child rearing responsibilities while at work. No guidelines or effective monitoring systems are in place to regulate safety and protection, hygienic standards, fees, and quality and expertise of the staff. Recognizing the issue, in 2016 the NCPA drafted a National Guideline on Day Cares to ensure minimum standards, which is yet to be adopted.

## Family Stress

182. Poverty is a trigger factor that pushes mothers to seek employment within or outside the country. In the war-affected areas the bread winners with low literacy levels and vocational skills have limited opportunities to enter the mainstream job market. Therefore, in the post-war scenario they continue to engage in traditional livelihood methods which are no longer effective in providing them with an adequate income.
183. Parents are struggling with no stable income to ensure care, education and leisure for their children, sometimes forcing children to contribute to the family income at a very young age. 40,000-45,000 women-headed families especially in the war-affected areas face a series of difficulties ranging from lack of male protection, both economic and social, to the inability of women to balance income generation with family care.
184. Alcohol and substance abuse among family members are on the rise leading to domestic violence and neglect of children. Family income is spent on alcohol and drugs while the children and mothers are left to fend for themselves. It makes children vulnerable to incest and other forms of abuse at the hands of the male members within the family environment. Mental and physical disorders/disabilities of family members are also reported to paralyze the family capacity to provide care and protection for children.

## Dysfunctional Families

185. The high incidence of separation and divorce is seemingly evident but no statistics are available. Extra marital relationships, economic problems, lack of support from the extended family and early marriages seem to be some of the underlying causes of divorce. Sometimes children are exposed to various kinds of abuse within the family environment of the separated parents, especially when parents are remarried. The majority of victims of sexual abuse come from shattered family backgrounds.

## 6.2 Alternative Care

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186. The majority of child care institutions are managed by voluntary organizations and the government runs only receiving homes, certified schools, remand homes, approved schools, safe houses and training centres. Children are institutionalized due to loss or abandonment by parents, becoming victims of abuse, being in conflict with the law, parents' inability to look after them, mental health of mother, alcohol/drug addicted and violent fathers and sale of the child.

187. Children in need of care and protection and child victims of abuse are kept in child care institutions because of the shortage of safe houses in all provinces and lack of foster care/ alternative care options to provide temporary shelter and protection. When child victims of abuse are accommodated together with children in need of care and protection the emotional and psychological recovery and rehabilitation of needs of child victims are overlooked because only a handful of institutions have trained counsellors. Overcrowding, lack of individual attention, low educational performance, lack of supervision and standardization, psychological and emotional issues, incompetent and untrained caregivers and staff shortages hinder alternative care.
188. When child victims and children in conflict with the law are accommodated together in remand homes and certified schools there are instances when child victims are harassed and sometimes abused by children in conflict with the law. There is also a high possibility of newcomers being subjected to abuse by children who have stayed longer whether they be victims or children in conflict with the law.
189. When preschool going children who are in transit homes reach school going age Probation Department formalities take a long time to transfer a child to a permanent home from where he/she could start schooling hence denying it attendance in the first few months of the first year.

## **Recommendations**

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### **Family Environment**

#### **Children of Migrant Parents**

190. Introduce a mechanism to monitor the emotional, psychological and physical health and wellbeing of children left behind by developing and implementing care plans through a multi-sectoral approach in consultation with parents prior to their migration.
191. All relevant authorities such as SLBFE, NCPA, DPCCS, education, health and social services should maintain effective coordination and provide support and assistance to families of migrant parents.
192. Strengthen the monitoring activities of Foreign Employment Agencies at community level. Measures need to be taken to prohibit recruitment agencies and brokers from providing pre departure money advances to incite and trap migrants.

193. The school community needs to be sensitized and capacitated to identify and respond to children of migrant workers with behavioural and psychological problems. In this regard all efforts need to be made to obtain the involvement of fathers in their child's education.
194. Minimize opportunities of children of migrant parents from dropping out of school through support services. Provide access to counselling for children of migrant parents and raise awareness of positive parenting and preventing child abuse for potential migrant parents.
195. Take effective measures to prevent the institutionalization of children left behind by migrating parents; institutionalization should be the last resort.
196. Enhance economic opportunities and other support services for families within their own communities.

### **Family Stress**

197. A study should be initiated to assess the incidence and trends in divorce especially couples with underage children.
198. CRPOs, POs and NCPA CPOs and PSOs should be given a special training in assisting families in making the right choices for them and resolving and easing family conflicts and tensions amicably.
199. Parents and legal guardians with alcohol and drug addiction and tendencies for domestic violence should be directed to the relevant agencies that can provide advice, support and assistance.
200. Access to trained counsellors should be increased and the existing counselling cadre needs to be exposed to regular refresher training and updating with the latest knowledge and skills.

### **Alternative Care**

201. Systematize and promote community and family-based alternative care options to reduce the dependency on institutional care of children.
202. Children in need of care and protection and child victims of abuse should not be accommodated in the same institution.

203. The emotional and psychological needs of children in institutional care especially victims of abuse should be provided with counselling and other psycho-social services. Proper assessment of emotional, psychological and physical needs should be done by the care giving institution on admission followed by regular reviews of progress culminating in recommendations being made to the DPCCS through the Placement Committee.
204. Promote close family relationships while in institutional care and take effective measures to reunify children with their families as early as possible in all instances where the child's protection and well-being can be assured. It is important to conduct frequent and effective Placement Committees, family tracing, care plans for children and strengthening community- based mechanisms.
205. Provide adequate human and financial resources to ensure that the emotional, psychological, physical and educational needs of each individual child are fulfilled.
206. All measures should be taken to prevent children without a trace of any family members being in long-term institutional care by exploring alternative care options such as adoption through an efficient and expedient adoption process.

## 7. Disability, Basic Health and Welfare

### 7.1 Children with Disabilities

207. Census and Statistics 2012 record 88,740 children living with physical or mental disabilities. Unavailability of up-to-date disaggregated data is a major issue. Absence of a uniform and pragmatic mechanism to identify children with disabilities at the earliest possible stage is a serious problem.

**Table 1 Persons with Physical and Mental Disabilities**

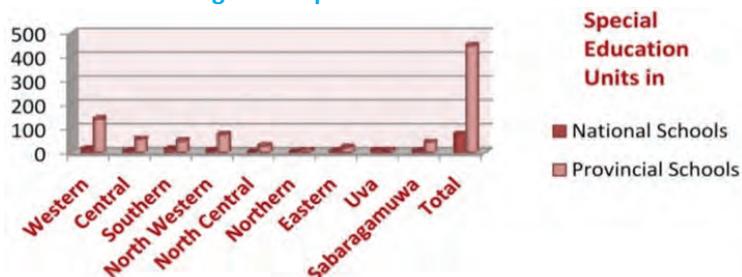
Age Group	Persons with Physical and Mental Disabilities					
	Total		Male		Female	
	Number	Ratio	Number	Ratio	Number	Ratio
5 – 9	31,545	18.0	16,991	19.3	14,554	16.8
10 – 14	27,527	16.8	14,910	18.0	12,617	15.6
15 – 19	29,668	18.0	15,174	18.5	14,494	17.6
<b>Total Number of Children with Disabilities (5 - 19)</b>	<b>88,740</b>		<b>47,075</b>		<b>41,665</b>	

Source: Census of population and housing, 2012

(Number of children with physical and mental disabilities and as a ratio of persons with disabilities to 1000 persons)

208. The psycho social needs of children with disabilities and the psychological burden of the families of such children are not adequately recognized as important within the State service delivery mechanism. The fragmented State service delivery approach is insensitive to individual needs, capabilities, weaknesses, and backgrounds of children and provides generalized service packages instead of customized services.
209. Special Education delivered in mainstream schools has four major features: special units of the schools, inclusive mainstream classrooms, special schools and special resource centres. A total of 525 special education units are functioning within formal government schools. Approximately 5088 children access State sponsored education either in special education units or inclusive mainstream classrooms in formal schools.

Figure 15 Special Education Units



Source: Special Education Research by NIE - 2014

Table 2 Number of Children with Disabilities Accessing Education in Special Education Units

Province	Number of students in National schools	Number of students in Provincial schools
Western	200	1356
Central	27	498
Southern	201	454
North Western	102	707
North Central	43	245
Northern	18	83
Eastern	87	288
Uva	131	125
Sabaragamuwa	122	401
<b>Total</b>	<b>931</b>	<b>4157</b>

Source: Special Education Research by NIE - 2014

210. The current special education unit system needs serious revision and resourcing to foster a developmentally appropriate congenial learning environment for children with disabilities.

Table 3 Special Schools for Children with Disabilities under the Ministry of Education

Province	Number of Special schools	Number of students in Special schools
Western	10	1187
Central	02	186
Southern	04	544
North Western	02	227
North Central	01	17
Northern	01	217
Eastern	07	24
Uva	02	224
Sabaragamuwa	02	157
<b>Total</b>	<b>25</b>	<b>2795</b>

Source: Special Education Research by NIE - 2014

211. Northern, Uva, North Central and Eastern Provinces have the least number of special education units. Using public transport causes multiple physical impediments for children with disabilities and facilitating easy accessibility to available schools is a vital need.

**Table 4 Children with Disabilities Not Attending Special Education Units, Schools or Facilities**

Age Group	Total Child Population with Disabilities	Pre- school Attending	School Attending	With Qualifications of a Degree or above	Vocational and Technical Training	Other Educational Activities	Engaged in No Education Related Task
5 – 9	31, 545	2, 142	22, 582	-	-	417	6, 404
10 – 14	27, 527	-	19, 283	-	8	776	7, 460
15 – 19	29, 668	-	11, 508	32	539	1145	16, 444
<b>Total</b>	<b>88, 740</b>	<b>2, 142</b>	<b>53, 373</b>	<b>32</b>	<b>547</b>	<b>2338</b>	<b>30, 308</b>

(Based on the educational activity engaged by children with disabilities within 30 days prior to the census)

Source: Census on Population and Housing 2012, Department of Census and Statistics

212. According to the above table, 34.15% of the total number of children with disabilities are not engaged in any form of educational activity.
213. While research on Special and Non-Formal Education by the National Education Commission has revealed that 5088 and 2795 children with disabilities have been in special education units and special schools respectively.
214. No strong sectoral coordination is in existence to facilitate and expedite access to habilitation and rehabilitation services. The absence of a human resource pool with thorough subject knowledge and professional skills to handle diverse aspects of children with disabilities has been a persistent issue.
215. There is an urgent need to revisit the eligibility criteria for receiving special monetary assistance from the State to ensure that all needy persons and families with persons with disabilities receive financial assistance.
216. Lack of early detection of mental and development disabilities has a significant impact on effectively addressing children's needs. In 2016 the Children's Secretariat and MOH initiated a process to strengthen the current practices by enhancing the capacities of preschool teachers and resourcing early detection centres.

## 7.2 Basic Health and Welfare

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### The Rates of Infant and under 5 Child Mortality

217. Although the neo-natal/infant mortality rate, still birth rate and under 5 mortality rate in 2013 and 2014 decreased, Family Health Bureau statistics for 2015 indicate an increase in these rates.

**Table 5 Neonatal, Infant and under Five Mortality and Still Birth Rate**

Indicator	2010	2011	2012	2013	2014	2015
Neonatal Mortality Rate (1000 live births)	8	7.6	6.8	6.50	6.20	6.59
Infant Mortality Rate (1000 live births)	10.7	10.2	9.2	8.80	8.60	9.16
Still Birth Rate (per 1000 births)	7.7	7.1	6.9	6.40	5.90	6.54
Under Five Mortality Rate (1000 live births)	12.2	11.6	10.4	9.90	9.90	10.75

Source: Child Rights Governance Analysis - 2017 (Extracted from Family Health Bureau Statistics)

218. Vast variations are seen at district level distribution of infant death percentages and under 5 child mortality rates. Districts with the highest rates of infant deaths and under five child mortality in four consecutive years are as follows:

**Table 6 Infant Deaths**

District	2012	2013	2014	2015
Jaffna	16.2%	13.9	16.50	14.34
Killinochchi	-	11.7	16.80	8.01
Mannar	-	12.8	10.10	9.76
Mullaitivu	-	11.11	8.80	9.06
Vavuniya	11.6%	-	-	-
Batticaloa	14.2%	11.1	10.50	11.10
Trincomalee		8.88	8.60	10.22
Nuwara Eliya	11.3%	13.0	10.10	13.39
Matale	-	11.10	11.80	11.55

Source : Child Rights Governance Analysis - 2017 (Extracted from Family Health Bureau Statistics)

**Table 7 Under 5 Child Mortality Rate**

District	2013	2014	2015
Jaffna	15.20	19.50	16.71
Mannar	16.40	13.00	12.06
Mullaitivu	12.30	11.90	11.64
Killinochchi	16.80	22.00	11.35
Vavuniya	11.90	9.70	13.04
Batticaloa	13.50	12.80	12.55
Trincomalee	10.50	10.70	11.90
Nuwara Eliya	14.20	11.80	14.60
Matale	12.50	13.00	12.58

Source : Child Rights Governance Analysis - 2017 (Extracted from Family Health Bureau Statistics)

219. The Ministry of Health has adopted National Guidelines for Newborn Care with the objective of improving the quality of clinical care provided by health care providers at all levels. In 2014 the Ministry reiterated that the country should focus on improving advance newborn care and recognised that it should be provided only in selected specialized centres in the country. Neo natal intensive care units have been piloted in 6 hospitals.

### Maternal Underweight and Anaemia

220. Maternal underweight and anaemia with long-term effects on infant's weight and health remain a persistent issue. Maternal underweight remained at 23.0% during the past seven years. Anaemic mothers recorded in 2013 numbered 33,661.

**Table 8 Percentages of Mothers whose Haemoglobin Examined at Field Clinic and who were Anaemic 2007-2014**

Indicator	2007	2008	2009	2010	2011	2012	2013	2014
% of mothers tested for Hemoglobin out of mothers attending antenatal clinics	72.2	72.4	62.7	57.8	56.1	52.3	50.6	57.1
% of pregnant mothers anaemic out of mothers attending antenatal clinics	5.1	6.1	6.4	8.3	9.1	9.3	9.8	9.4

Source: Annual Report 2014, Family Health Bureau

### Low Birth Weight, Underweight, Wasting, Stunting and Anaemia among Children

221. Conversely the percentage of infants with low birth weight dropped from 13.30 in 2013 to 12.20 in 2014 and 11.36 in 2015. The percentage of moderately underweight infants also shows a decrease (6.3%). The severely underweight infant percentage is nevertheless static (1.3%). A decrease is noticed in 2- 5 year-old severely underweight children.
222. The high prevalence of moderate underweight is observed among children below five, especially in the 3-5 year age category (19.5%). Stunting among Grade 1 and 4 students is between 7% to 9% while wasting indicates higher percentages 17.7% in Grade 1, 18% in Grade 4, 20.6% in Grade 7 and 16.3% in Grade 10.

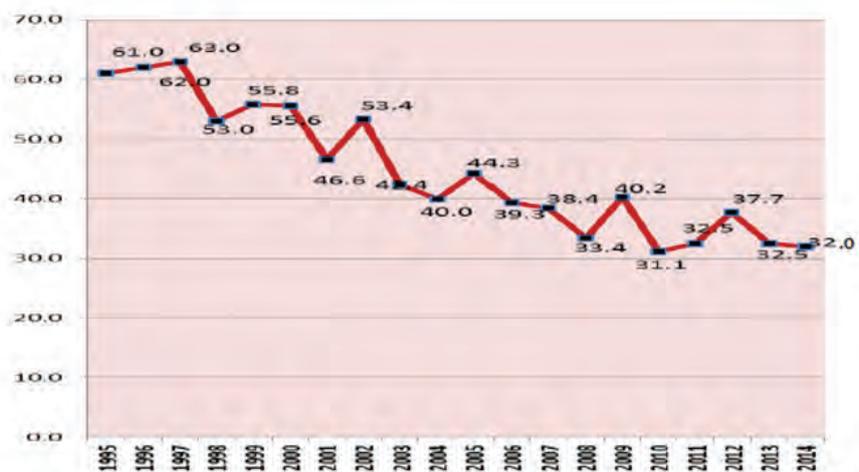
### Access to Clean Drinking Water, Toilet Facilities, Water Supply and Sanitation

223. Census of Population and Housing 2012 reports that 98.3% use their own toilets and 11.6% share common toilets. The countrywide percentage of 1.7% numbering 88,280 lack toilet facilities. Northern, Eastern and North Central Provinces account for 68% of these households.
224. Central Province Annual Health Bulletin states that provincially Nuwara Eliya has the lowest exclusive toilet facilities (80%) while 3.9% do not use toilets. Water is an acute concern in many parts of the country especially in the Dry Zone during certain periods of the year.

### Maternal Mortality

225. Having a significantly low rate of maternal mortality (32.5 per 1000 live births), Sri Lanka is acknowledged to be on par with the indicators of industrially developed countries and is commended to be on track towards further minimization of maternal deaths.

Figure 16 Maternal Mortality Ratio



Source: Family Health Bureau Annual Report 2014

Table 9 Maternal Mortality Rate

Maternal Mortality Rate					
2010	2011	2012	2013	2014	2015
31.1	32.5	37.7	32.5	32	33.70

Source: Child Rights Governance Analysis – 2017 (Extracted from Family Health Bureau Statistics)

Table 10 Maternal Mortality (per 100,000 live births) according to District

Maternal Mortality (per 100,000 live births) According to District

District	2013	2014	2015
<b>Mullaitivu</b>	0.00	276.80	178.60
Population	112,214	124,240	123,873
<b>Trincomalee</b>	25.10	23.30	64.20
Population	396,179	397,554	398,230
<b>Mannar</b>	50.70	0.00	59.60
Population	137,780	116,267	136,409
<b>Nuwara Eliya</b>	61.10	62.70	55.00
Population	828,555	782,353	840,610
<b>Moneragala</b>	22.30	66.50	42.50
Population	516,793	531,686	535,688
<b>Jaffna</b>	19.60	22.60	38.20
Population	578,904	587,470	588,993
<b>Batticaloa</b>	47.10	10.30	32.60
Population	563,317	575,708	567,313
<b>Matale</b>	0.00	10.60	32.10
Population	488,091	500,336	512,393
<b>Vavuniya</b>	28.30	29	27.10
Population	177,660	186,593	185,401
<b>Killinochchi</b>	33.80	0.00	0.00
Population	119,591	122,563	127,064

Source: Child Rights Governance Analysis – 2017 (Extracted from Family Health Bureau Statistics)

226. Vast disparities can be noticed in the geographical distribution of maternal mortality rates, such as in the case of Mullaitivu district.
227. An in-depth analysis of cases by the experts of the National Mortality Review Panel declares that 71% of maternal deaths in 2013 were preventable. The '3 delay model' analysis reveals that 82% of deaths were due to delays - deficiencies in 'seeking', 'reaching' or 'treating', 67% women have not been able to seek care for illnesses in time and that 32% of maternal deaths alone were due to not receiving adequate treatment from Health Care Workers both in the field and in hospital.

### Trained Personnel in Hospital Care and Delivery

228. While the number of Medical Officers per 1000 population amounted to 81 in the year 2013 in Sri Lanka, Nuwara Eliya (37) and Kegalle (48) record a far lower ratio per 1000 population. Distribution of Specialist Consultants catering to Maternal and Child Health listed below indicates a serious need to increase the cadre.

**Table 11 Specialist Consultants**

RDHS Division	# of Obstetricians & Gynaecologists	# of Paediatricians	# of Paediatric Surgeons
Colombo	32	39	5
Gampaha	14	21	-
Kalutara	6	07	-
Kandy	14	21	6
Matale	04	3	-
Nuwara Eliya	5	4	-
Galle	12	15	1
Matara	3	5	-
Hambantota	5	6	-
Jaffna	4	4	-
Killinochchi	1	-	-
Vavuniya	2	2	-
Mannar	1	1	-
Batticaloa	3	2	-
Ampara	4	3	-
Kalmunai	4	3	-
Trincomalee	5	4	-
Kurunegala	7	8	-
Puttalam	6	5	-
Anuradhapura	3	3	-
Polonnaruwa	3	3	-
Badulla	4	6	-
Moneragala	3	4	-
Ratnapura	6	7	1
Kegalle	4	5	-

Source: Child Rights Governance Analysis – 2017

(Extracted from Human Resource Profile, Ministry of Health, 2013)

### Shortage and Unequal Distribution of Family Health Worker Cadre 2013

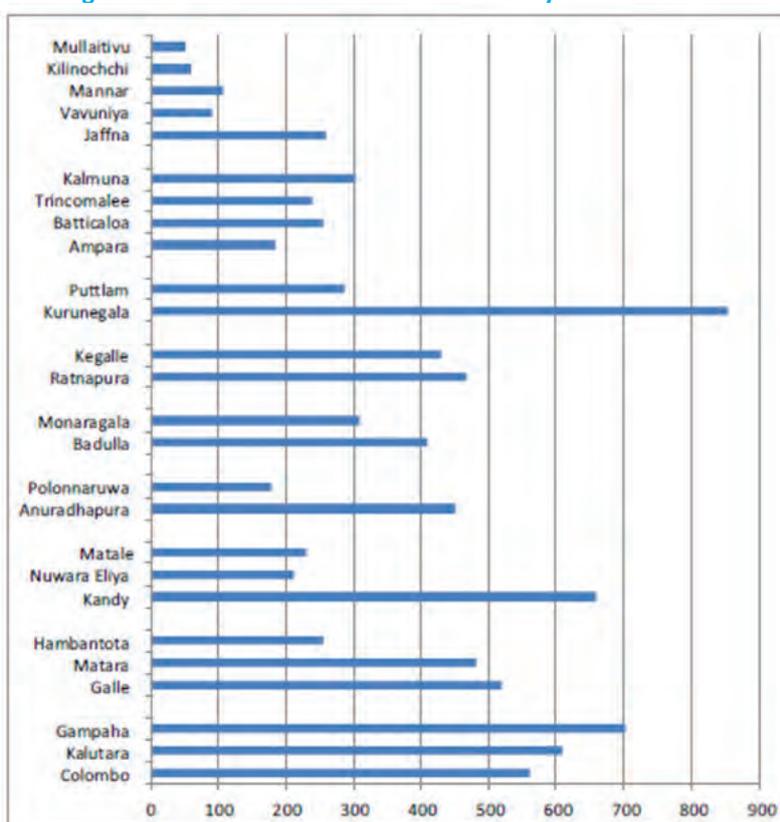
229. Antenatal and postnatal care depends heavily on family health workers’ services. The national level shortage of family health workers adversely affects field level health care services. The data indicates a gradual decrease in the number of pregnant mothers visited at least once by the Family Health Worker and the number of home visits paid to each pregnant mother.

**Table 12 Distribution of Family Health Workers**

Province	Central	Provincial	Total
Western	388	1483	1871
Southern	200	1056	1256
Central	109	992	1101
North Central	61	569	630
Uva	54	665	719
North Western	88	1051	1139
Eastern	119	864	983
Northern	35	533	568

Source: Human Resource Profile, Ministry of Health, 2013

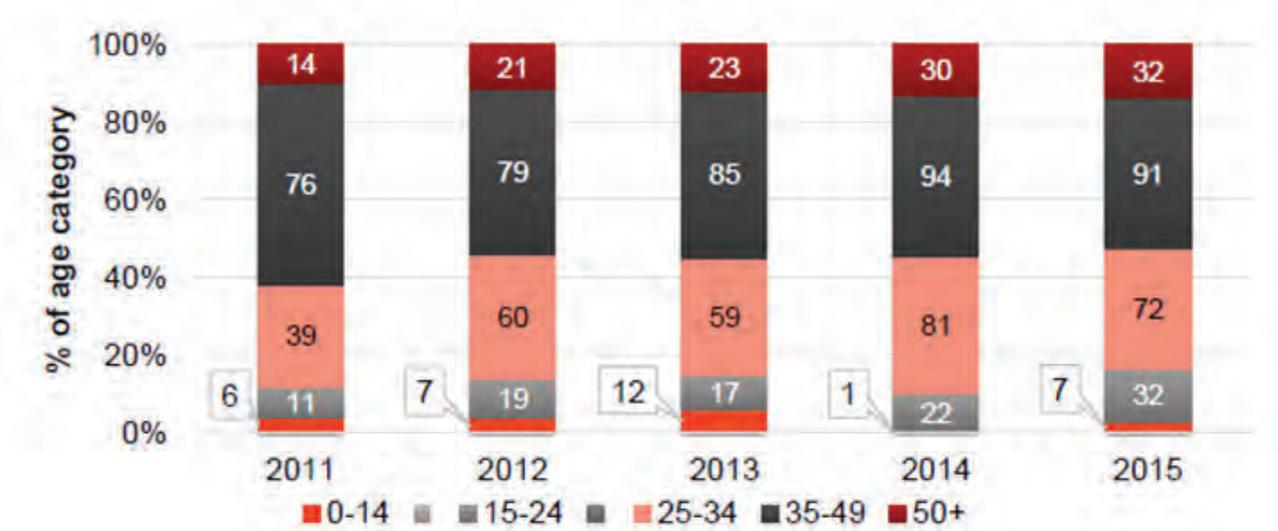
**Figure 17 District-wise Distribution of Family Health Workers**



### 7.3 Children with HIV/AIDS

230. Sri Lanka’s new HIV paediatric infections of 1.9 per 100,000 live births are considered low. But HIV estimates of UNAIDS for 2015 indicate 100 – 200 children infected in the 0-14 age group. Probably, orphans with AIDS between the ages 0-17 is less than 1000.

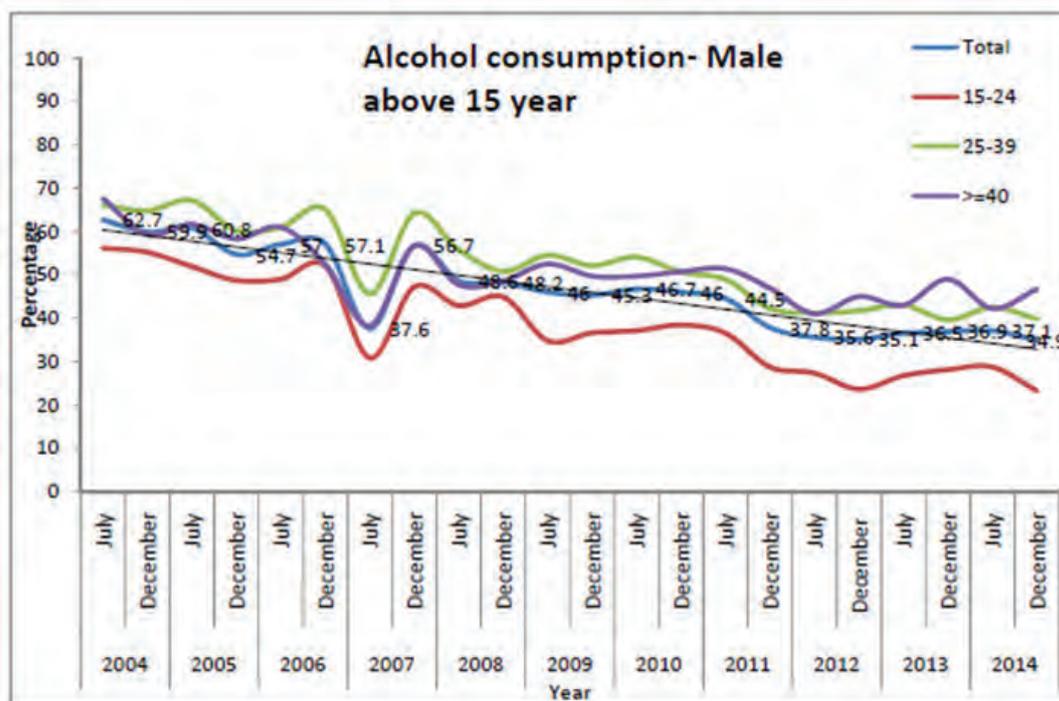
Figure 18 Age Categories of Reported HIV Cases 2011-2015



231. The Annual Report 2015 of the National STD/AIDS Prevention Programme states that in 2015 seven new HIV cases of children of 0-14 years were direct transmissions from mothers. During the past five years fluctuation is noticed among children of 0-14 years and a steady upward trend in the 15 – 24 age group. 2015 statistics reveal a total of 41 children below 15 years being HIV afflicted countrywide.
232. Under the government sponsored programme on ‘Elimination of Mother to Child Transmission of HIV’ a major scaling up of screening of mothers has been effected from 17,000 screenings in 2012 to 262,047 by the end of 2015. Latest data indicates that the current national coverage of screening of pregnant mothers for HIV amounts to 71%.

## 7.4 Alcohol and Drug Abuse

Figure 19 Alcohol Consumption



Source: ADIC Trend Survey on Alcohol, December 2014

233. In comparison with other age groups alcohol consumption of 15-24 age group is low. However, there is still approximately 30% in the 15-24 age group who consume alcohol.
234. A spot survey by ADIC Sri Lanka conducted in 2015 covering Gampaha, Galle, Anuradhapura, Jaffna, Batticaloa, Kandy, Hambantota and Vavuniya indicates that 25.1% in the 15 -24 age group use tobacco. Alcohol usage among the below 10 years age group is 0.8% and among the 11 -15 year age group usage is 7.2%. The minimum age of starting alcohol consumption is less than 10 years.
235. It was revealed that school environments are particularly targeted as thriving markets for sedative medicinal drugs, tobacco and other drugs such as cannabis.
236. No up-to-date disaggregated data is available on the incidence of drug abuse among children and adolescents. Only available data relates to hospital admission for treatment and drug related arrests.

**Table 13 Addiction Treatment Admission**

Age	2010		2011		2012		2013		2014	
	#	%	#	%	#	%	#	%	#	%
0-14	0	0	32	2.5	9	0.8	6	0.4	20	1.2
15-19	41	1.7	98	7.8	58	5.2	50	3.7	85	5.2

Source: Child Rights Governance Analysis – 2017

**Table 14 Drug related Arrests by Age and Drug**

Type of Arrest	Age	2010		2011		2012		2013		2014		2015	
		#	%	#	%	#	%	#	%	#	%	#	%
Heroin Related	Below 15	1	0	N/A	N/A	0	0	0	0	N/A	N/A	N/A	N/A
	15-18	9	0.1	N/A	N/A	13	0	2	0	N/A	N/A	N/A	N/A
	19-24	881	9.3	N/A	N/A	1340	8	4891	20.7	N/A	N/A	N/A	N/A
Canabies Related	Below 15	6	0	N/A	N/A	12	0	0	0	N/A	N/A	N/A	N/A
	15-18	107	0.5	N/A	N/A	258	1	41	0.1	N/A	N/A	N/A	N/A
	19-24	2580	12.5	N/A	N/A	4803	15	7989	18.9	N/A	N/A	N/A	N/A

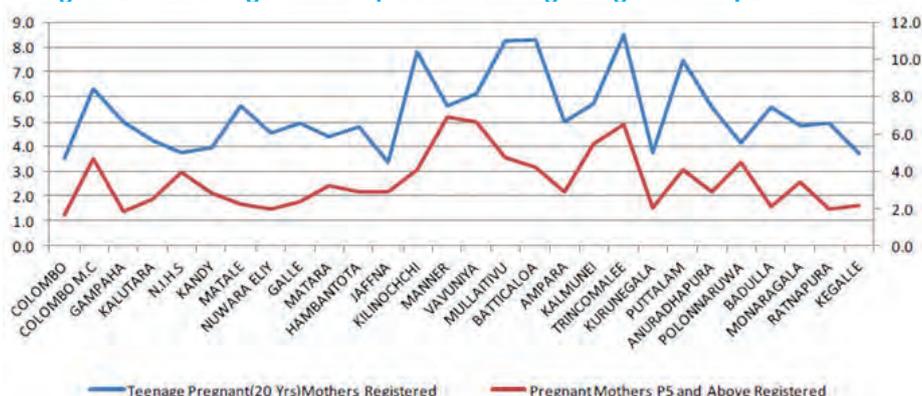
Source: Child Rights Governance Analysis (Extracted from Handbook of Drug Abuse Information 2016)

## 7.5 Adolescent Health

### Knowledge of Reproductive Health

237. The National Youth Health Survey 2012/2013 revealed that nearly 50% of the sample of youth was unaware of basic physiological and common issues of sexual and reproductive health and more than 50% correctly identified sexually infected diseases. Sri Lanka is yet to devise a viable mechanism to provide sexual and reproductive health education for adolescents and youth.

**Figure 20 Percentage of Multi-para and Teenage Pregnancies by Districts 2014**



Source: Annual Report 2014, Family Health Bureau

Table 15 Registered Teenage Pregnancies

Indicators	2008	2009	2010	2011	2012	2013	2014	2015
	%	%	%	%	%	%	%	%
Pregnant mothers registered by PHMs out of estimated births	89.8	90	85.9	94.3	94	90	-	-
Teenage pregnant mothers out of all registered pregnancies	6.7	6.5	6.5	6.1	6	5.3	4.9	5.25

Source: Child Rights Governance Analysis – 2017 (Extracted from Family Health Bureau Statistics)

238. There has been a change in the definition of teenage pregnancies in 2007 when it was changed from teenagers under 19 years to those under 20 years. A consistent declining trend in the teenage pregnancies is observed from 2008 – 2014 while there is an increase in 2015.
239. The percentages of teenage pregnancies were higher compared to national average in almost all Northern and Eastern RDHS areas, except Jaffna and Mannar. RDHS areas Trincomalee (8.5%), Batticaloa (8.3%), Mullaitivu (8.2%), Killinochchi (7.8%), Puttlam (7.4%), Vavunia (6.1%) recorded higher teenage pregnancy rates.

## 7.6 Mental Health

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240. The total number of Consultant Psychiatrists in Sri Lanka had amounted to 60 by the year 2013, the average number of psychiatrists per 100, 000 population being 0.3. 90 Medical Officers (with a Diploma in Psychiatry) were in service (2012) while the approximate number of Medical Officers (Mental Health) was 150. No Clinical Psychologists are attached to the government health sector.

## Recommendations

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### Children with Disabilities

241. The health sector needs to devise a clear and well flowing mechanism to provide a holistic curative and rehabilitative package for persons with disabilities with special consideration for children.
242. An effective inter-sectoral referral system should be initiated especially to enable early identification, intervention, education and financial assistance for children with disabilities.

243. Policy level interventions are needed to increase the proportionality of distribution of special schools. Establishing at least one residential special school per district, two model special education units per zone and increasing the number of special education units is important to ensure access.

## **Basic Health and Welfare**

### **Pregnancy Care**

244. Knowledge enhancement of Family Health Workers especially with respect to postpartum care and initiation of a proper supervisory mechanism to monitor field services is vital to ensure quality assurance of care provided through the Family Health Workers.
245. A viable mechanism needs to be enabled for pregnant women in the work force to access clinical services on a regular basis without any financial or service promotional repercussions.

### **Maternal Mortality**

246. The need of the hour is to focus on innovative, timely and context and cause-specific interventions to address the root causes of maternal deaths. Priority should be given to identify context-specific sectoral and geographical trends in maternal mortality.

### **Neonatal, Infant and Child Care**

247. Specialized units should be expanded to cover all 9 provinces and ambulance facilities should be made available to transport neonates in need of advance care from first level to specialist health facilities.
248. Ensure strict implementation of the National Guidelines for Newborn Care by Family Health Workers who are the closest field level health care providers.
249. Over burdening of specialized units due to by-passing the closest health facility should be prevented by forging a strategy to improve the first level health facilities such as field clinics and medical institutions up to Divisional hospitals.
250. A proper surveillance system needs to be established to analyse and review under 5 child deaths.

251. The Family Health Worker cadre needs to be constantly updated with new knowledge and emerging trends in relation to neonatal, infant and child morbidities and mortality.

### **Under Weight, Under Nutrition and Nutritional Deficiencies**

252. Nutritional health development process should focus on improving conditions at household level with a view to eliminating inter generational malnutrition. Growth monitoring should be expanded to provide nutritional counselling and parental education on nutritional health.
253. The overall health of pregnant and lactating mothers who are under weight and anaemic should be ensured by identifying the causes for under nutrition and deciding on the type of interventions needed.
254. A sector-wise analysis of data (encompassing estate, urban and rural classifications) will facilitate important insights into sectoral trends in maternal, infant and child nutritional status based on which solid evidence-based interventions can be implemented.
255. A referral mechanism needs to be established to identify and refer families whose under nutrition is caused by severe poverty to governmental and non-governmental services catering to poverty.

### **HIV/AIDS**

256. Priority should be given to broad basing HIV screening coverage of pregnant mothers during pregnancy.
257. Unavailability of paediatric HIV screening facilities and expertise in the country should be remedied.

### **Alcohol and Drug Abuse**

258. School and community based alcohol and drug prevention strategies should be forged to combat drug abuse among children.

### **Adolescent Health**

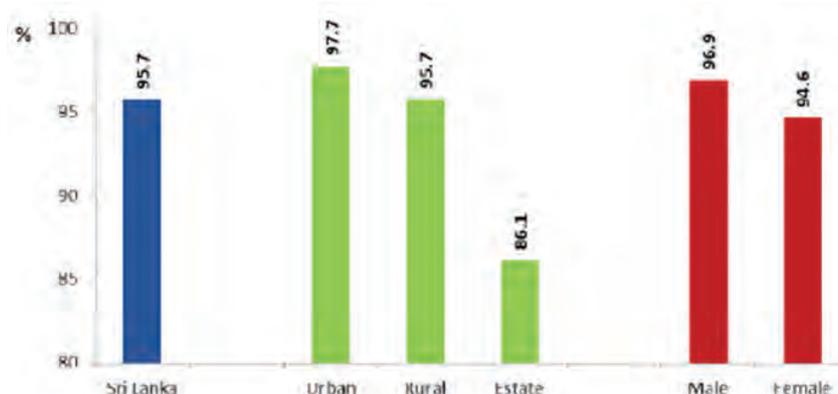
259. Sexual and reproductive health education and life skills development programmes should be conducted to empower teenagers to make responsible decisions concerning their reproductive life.

### **Mental Health**

260. The child psychologists' cadre should be recognised in the government mental health service and the field level mental health clinics should be expanded to bring mental health services closer to the community.

## 8. Education, Leisure and Cultural Activities

Figure 21 Literacy Rates of Children and Adults



Source: Census on Population and Housing 2012

### Sector-wise Literacy Rate

261. The Sri Lanka Population and Census Report 2012 reveals a 95.7% literacy rate of persons above 10 years. The sector-wise literacy rate is 97.7%, 95.7% and 86.1% in urban, rural and estate sectors respectively. The lowest literacy rate is in the Batticaloa district and districts of Ampara, Nuwara Eliya, Badulla and Hambantota also record low rates.
262. The national percentage of the adult population with extremely low educational background remains very high. 4.7% of the adult population above 25 years has never attended school. The distribution of the population with only primary education is high in the districts of Batticaloa (32.5%), Killinochchi (32.5%), Nuwara Eliya (31.5%), Vavuniya (29.8%), Mullaitivu, (28.1%), Jaffna (27.1%).
263. In 2015 the net intake into Grade 1 in government schools was 99.4% of the population who had completed 5 years of age and the retention rate up to Grade 9 was 93.3%, females 95.6% and males 91.48%. The retention rate up to Grade 11 was 85.42%, females 88.52% and males 82.42%.
264. Ensuring good school admission procedures in Sri Lanka remains a constant challenge. Attempts to make admission procedures transparent and accountable have not had any effect. Bribes are offered for school admission on the pretext of donations and children of wealthy families enter the better schools while children of poor families enter disadvantaged schools.

## Percentage of dropouts from primary and secondary schools and vocational training centres

**Table 16 Dropout Rate according to Province and Grade 2015**

Province	Grade																	
	1		2		3		4		5		6		7		8		9	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Western	0.00	0.00	0.00	0.00	0.00	0.03	0.55	0.33	0.00	0.00	0.54	0.24	1.40	0.35	1.74	0.65	2.71	1.89
Central	0.00	0.00	0.00	0.00	0.00	0.00	0.57	0.28	0.00	0.00	1.44	0.60	0.84	0.04	2.67	1.26	2.63	1.44
Southern	0.00	0.00	0.00	0.57	0.41	0.00	1.56	0.54	0.43	0.00	1.41	0.85	1.33	0.58	1.84	1.14	2.71	2.08
Northern	1.82	2.70	2.16	2.74	0.89	1.45	3.08	2.86	0.62	1.21	2.22	0.43	2.58	0.93	3.00	1.44	3.09	1.51
Eastern	0.06	0.01	0.91	0.37	0.46	0.56	0.23	0.00	0.58	0.19	2.28	1.12	3.84	2.32	3.75	3.14	5.77	4.23
North Western	0.00	0.00	0.26	0.00	0.00	0.00	0.08	0.36	0.00	0.00	1.14	1.05	1.65	0.57	1.87	1.23	3.00	2.75
North Central	0.00	0.09	0.00	0.00	0.29	0.00	0.51	0.00	0.00	0.00	2.03	1.23	2.38	0.86	2.47	1.70	3.62	2.90
Uva	0.00	0.00	0.00	0.00	0.34	0.00	1.11	0.15	0.00	0.00	2.51	0.00	2.20	0.16	2.50	1.75	3.63	1.25
Sabaragamuwa	0.47	0.01	0.06	0.80	0.30	0.75	0.47	0.22	2.08	0.71	0.55	1.19	1.78	0.23	1.69	0.67	2.54	1.87

Source: Child Rights Governance Analysis 2017 (Extracted from Sri Lanka Education Information 2015)

### School Dropouts

265. According to the Child Activity Survey of 2016, the national figure of non-schooling children is 9.9%.
266. Behavioural, mental health and development disability issues like autism and hyperactivity that go unrecognized and untreated are leading causes of dropping out of the school system.
267. Repetition in the same grade from primary to secondary level is also high. While there are few attempts to deal with learning difficulties, no clear indicators are available to decide on repetition. Repetition can have adverse repercussions on the child gradually leading to dropping out of school.
268. Children struggling in poverty stricken and damaged family structures are at risk of dropping out. Remarriage, family disputes and violence against children make children vulnerable and destitute within the family itself adversely impacting on school attendance and learning.
269. In addition to school dropouts, there are children who are frequently absent from school for long periods. These long-term absentees do not fall into the category of school dropouts and no measures have been taken to ensure their regular attendance.
270. The high incidence of school dropouts in the Northern and Eastern regions is particularly triggered by multiple displacements, loss of the breadwinner of the family forcing the child into doing dead end jobs, disrupted and dysfunctional families, poor educational performance and unpleasant school environment.

- 271. Teachers at all levels target higher success rates and neglect slow learners who need special attention and help. Poor performance and maltreatment by teachers lead to dropping out of school. No widespread mechanism is in place to identify and address issues of children with learning difficulties/slow learners.
- 272. In the absence of a well-working non formal education system and a mechanism to train the dropouts to enter the job market they are left with little or no options. The alarming research finding -‘70% of convicted prisoners are school dropouts’- speaks for the gravity of this issue.
- 273. Data indicates that student-teacher ratio in general is at a satisfactory level in all schools. However, as shown in Table 18 there are huge disparities in the distribution of teachers. For example, there are 110 schools with one teacher and 162 schools with two teachers catering to students from 1 to 100.

**Table 17 The Average Teacher-pupil Ratio**

Type of school	Student Teacher Ratio
<b>Functional grade</b>	
1AB	21
1C	17
Type 2	13
Type 3	19
<b>Type of schools</b>	
Boys	22
Girls	24
Mixed	17
<b>Medium of instruction</b>	
Sinhala only	16
Tamil only	17
Sinhala and Tamil	18
Sinhala and English	22
Tamil and English	20
Sinhala, Tamil and English	22
<b>All schools</b>	<b>18</b>

Source: School Census Preliminary Reports, 2016

**Table 18 Student Teacher Ratio**

**Student teacher ratios in 1 teacher and 2 teacher schools**

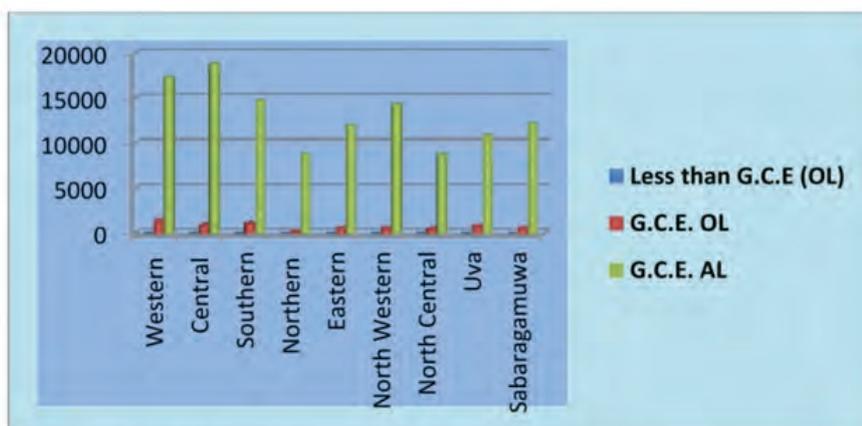
**Table 1.11: No. of 1 teacher and 2 teacher schools by student teacher ratio**

STR	1 teacher schools	2 teacher schools
1 students per teacher	2	
2 students per teacher	1	6
3 students per teacher	1	3
4 students per teacher	2	13
5 students per teacher	6	3
6 students per teacher	5	18
7 students per teacher	6	8
8 students per teacher	6	11
9 students per teacher	2	2
10-20 students per teacher	47	68
21-30 students per teacher	10	16
31-40 students per teacher	11	11
41-50 students per teacher	4	
51-75 students per teacher	4	2
76-100 students per teacher	2	
101 or more students per teacher	1	1
<b>All schools</b>	<b>110</b>	<b>162</b>

Source: School Census Preliminary Reports, 2016

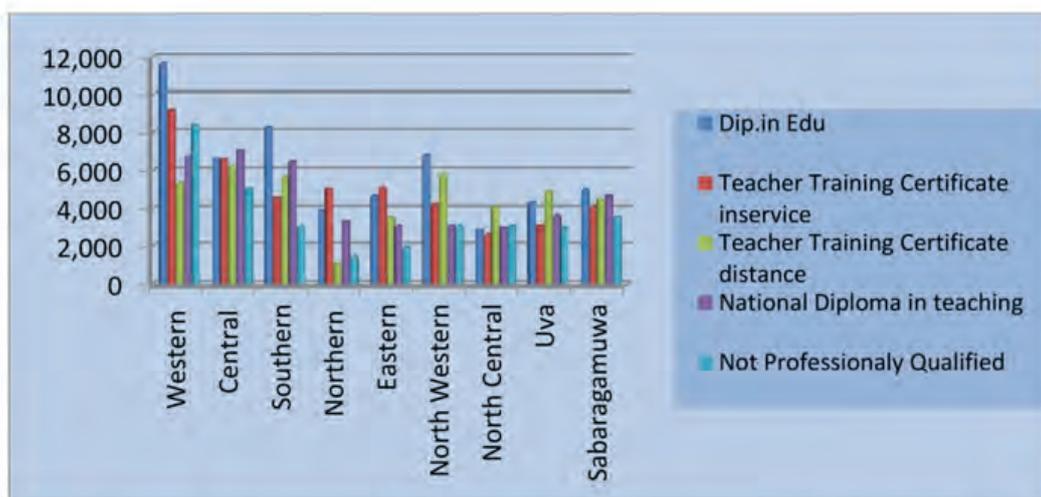
274. While the Northern and Eastern provinces have a dearth of qualified teachers due to the war, Tamil schools in Sinhala dominant areas and plantation sector schools also face issues in the distribution and recruitment of adequate provincial-specific teacher cadres. Teachers’ reluctance to serve in ‘difficult’ schools remains a constant issue.
275. A considerable number of teachers without Advanced Level qualifications are included in the government teacher cadre especially in provincial schools.

**Figure 22 Teachers in Government Schools by Educational Qualification – 2015**



Source: Child Rights Governance Analysis – 2017 (Extracted from School Census 2015)

Figure 23 Teachers in Government Schools by Professional Qualification – 2015



Source: Child Rights Governance Analysis – 2017 (Extracted from School Census 2015)

### Appointment of Civil Defence Officers as School Teachers

276. In the North Central Province school teachers have been appointed from the Civil Defence Force and 30 preschools are also run by them. This trend is observed in Northern Province with 21 preschools run by the Civil Security Department.

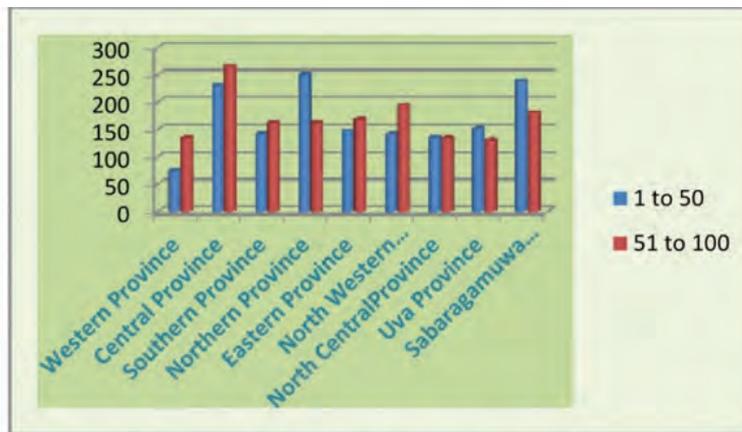
### Tamil Medium Schools in Sinhala Dominant Areas

277. Filling the teacher cadre of Tamil medium schools situated in Sinhala dominant areas has been a perpetual issue in Uva, Sabaragamuwa, Southern and Central Provinces which have a large Tamil population. To remedy this issue the Southern Provincial Council has recruited over 100 Tamil medium teachers with the assistance of the Northern Provincial Council.

### Inequitable Distribution of Schools

278. Inequitable distribution of schools providing Advanced Level education has continually deprived children of access to education and the dearth of 1AB category schools has denied them access to different streams of education. 1AB schools are classified as schools having classes up to GCE AL in all subject streams namely, Science, Arts and Commerce with or without primary sections.

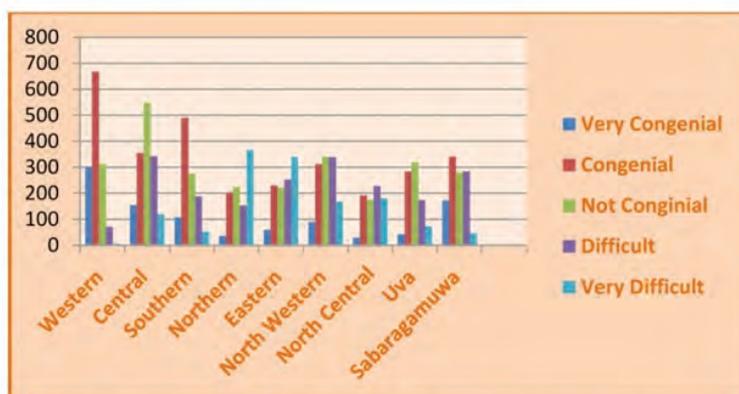
Figure 24 Classification of Schools by Size of Pupil Population – 2015



Source: Child Rights Governance Analysis – 2017 (Extracted from School Census 2015)

279. The existence of a high percentage of schools with low student enrolment has been an ongoing feature of education in the country. Since children from rural areas show a high student drop-out rate it is important to make available a functioning school with easy accessibility to ensure that they do not leave school.

Figure 25 Infrastructural Facilities in Schools



Source: Child Rights Governance Analysis – 2017 (Extracted from School Census 2015)

280. The classification of schools according to congeniality shows various types of incongruities in physical settings and availability of infrastructure and other resources and facilities. The highest number of schools in both Northern and Eastern Provinces are categorised as ‘very difficult’ schools depicting the urgency to upgrade facilities in existing schools and/or establishing more schools in the severely war-affected areas.

281. Inconsistencies in physical standards among provinces and within provinces are conspicuous. Schools with the barest of facilities are common in peripheral zones with geographical, economic and social disadvantages. Basic amenities like clean water and toilet facilities are unavailable to students.

### **Curriculum, Substance and Mode of Delivery**

282. It has been observed in the Northern Education Systems Review 2014 that Tamil medium teachers and educators have not had the opportunity to contribute to the creative and decision making aspects of Tamil Medium education.

### **Early Childhood Development and Care**

283. The GOSL is in the process of finalising the National Policy on Early Childhood Care and Development in five strategic areas of intervention: (1) policies, systems and structures of ECD (2) access to ECD (3) quality improvement of ECD, (4) health, nutrition and safety and (5) monitoring and regulation. In 2015 the World Bank initiated a project worth US \$ 50 million to support some of the key interventions of the ECCD policy with the objective of enhancing equitable access to and improving the quality of ECCD services.
284. Statistical information on the distribution of preschools indicates that 16,578 preschools were operating in Sri Lanka as at 2014 with a 30,198 preschool teacher cadre catering to 450,104 children.
285. None of the institutions mandated to execute registration and monitoring of preschools maintain up-to-date data on the number of preschools. At provincial or national level no mechanism operates to ascertain the percentage of children not accessing preschool education. Quite a number of preschools function without basic facilities and equipment for safety, sanitation, care, development and education.
286. Children living in institutional care are not always provided with preschool education. State funding for preschools has been minimal until recently and there is no support mechanism for low income-earning parents to admit their children to preschools.

### **Recommendations**

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287. Strict measures should be adopted to eliminate bribery and corruption in the school admission process.
288. A mechanism needs to be devised to identify and refer children with learning difficulties and in need of psychological support to relevant professionals at the earliest. A referral system can come into effect where the school system identifies and refers children for clinical assessment to the nearest base hospital.

289. A community-based rehabilitation mechanism already piloted in some provinces needs to be expanded to assist children with learning difficulties and to reintegrate dropouts into the school system.
290. A case conferencing system involving multi sectoral actors should be introduced to identify personal, family and school related factors that contribute to children dropping out of school and long-term school absentees and to forge remedial measures.
291. Prominence should be given to uplifting the educational infrastructure including the human resources base in the Northern, Central (especially plantation areas) and Eastern Provinces.
292. The education sector requires a long-term plan to establish 'congenial' and 'very congenial' schools in proportion to population density.
293. In order to ensure greater access to education, measures need to be taken to establish schools for scattered and isolated population and habitats including plantation areas taking into consideration population growth, distribution, and housing location patterns.
294. Schools with classes up to GCE O/L need to be upgraded to GCE A/L classes with all subject streams.
295. Expanding Tamil medium schools is vital to ensure that children are not denied the right to education in their mother tongue.
296. Bridging the gap between quality and standards of nationally managed and provincially managed schools and fulfilling the basic needs of children such as water, toilet facilities and sanitation should be considered a prime priority.
297. A national level policy is needed for equilibrium in graduate teacher distribution across the country.
298. Minimum educational requirements need to be set as a national policy in the recruitment of teachers to ensure quality and standards of service delivery. Priority should be given to appointing teachers with subject specific knowledge in rural and 'difficult' schools.
299. Teachers should be capacitated on creating a child-friendly environment to facilitate holistic education adopting teaching techniques that develop creativity, confidence, social values and respect in children.

300. Revision and development of curricula should be executed through a consultative process by a multi-disciplinary team of experts. Ethnic, cultural and language representation at the curriculum designing and developing process should be strictly ensured.
301. A multi-dimensional mechanism need to be established to track non-admission of children of preschool going age. Establishment of State sponsored preschools in areas where preschool services remain minimal should receive priority.

## 9. Special Protection Measures

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### 9.1 Refugee Children and IDP Children

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302. Disaggregated data on the exact number of IDP children is unavailable. The Ministry of Resettlement, Rehabilitation, Hindu Religious Affairs and Prison Reforms reports that 44,934 citizens were IDPs as at May 2015. The International Office of Migration estimates 90,000 IDPs in Sri Lanka. The majority of IDPs cannot return to their original residences due to uncleared land mines, restrictions in high security zones or exclusive economic zones, lack of livelihood opportunities, inability to access basic public services and unavailability of land ownership documents, etc.
303. The people of Sampur in Trincomalee district in the Eastern province who were initially displaced by the war were later forced to continue to live in IDP camps without returning to their original places of residence even after the war ended. Sri Murugan Maha Vidyalaya – a school and the Sampur hospital were completely destroyed. While the inhabitants of Sampur were living in IDP camps, the previous government gave away a total of 948 acres of people’s land including the land where the destroyed school and hospital were, namely, 818 acres to the Bureau of Foreign Investment, 20 acres to a Hindu temple and 110 acres to the Navy including the Sampur Maha Vidyalaya which was occupied by the Navy till March 2016. Sri Murugan Vidyalaya and Sampur Maha Vidyalaya had to be relocated in the hostel buildings of Cheynayur Maha Vidyalaya. After the present government came into power the lands were taken back from BOI and the Navy and returned to the original owners in Sampur. The Navy gave back Sampur Maha Vidyalaya in March 2016 and the school was relocated in its original location.

### 9.2 Economic Exploitation of Children

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304. The Child Activity Survey of 2016 refers to ‘children engaged in child labour’ and ‘working children’: “The children who have engaged in economic activities at least one hour during the reference period are identified as working children and child labour is defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.”
305. The Survey states that out of an estimated 4,571,442 children of 5-17 years, only one percent is engaged in child labour. That is, 43,714 children are child labourers, of whom 39,007 children, 0.9% of the total child population, are engaged in hazardous forms of work. The survey had shown that 58 percent of hazardous forms of child labour were categorized

thus, because ‘the number of hours worked is greater than 43’ and those engaged in such labour are over 12 years. Hazardous forms of child labour reported in the 1-5 year group is nil, children of 12-14 years is less than 1%. 44 percent of children engaged in hazardous work are reported from the industrial sector, 37.1% from the services sector and 18.1% from the agricultural sector.

- 306. Of the working population, 87,854 children (84.7%) are reported from the rural sector and 13,529 children (13.1%) from the urban sector, and 2,321 children (2.2%) from the estate sector.
- 307. The majority of school-going children, both girls and boys, (about 65%) do housekeeping activities. The children who were engaged in economic activities for at least one hour during the reference period are identified as working children, numbering 103, 704 children, 2.3% of the total child population. The majority of working children are between 15-17 years and work in the urban sector. 72% of this group of children do not attend school.
- 308. Sri Lanka has adopted the Road Map 2016 on the Elimination of Child Labour with the aim of eliminating the worst form of child labour by 2016 targeting inter alia the estate, tourism and fisheries sectors. In collaboration with district level government administration ILO designed and pilot tested the ‘5P model’ towards a child labour free zone in Ratnapura district. The ‘5P model’ encompasses advocating for political will and leadership to formulate policy, public awareness, prevention, protection and prosecution. A District Child Development Foundation has been established in the Ratnapura district which is a collaborative public-private partnership initiative by the District Secretariat and the District Chamber of Commerce with 200 employees. Through this partnership measures have been taken to mainstream child labour concerns into plantation development and welfare programmes.

### 9.3 Sexual Exploitation, Abuse and Trafficking

**Table 19 Incidence of Sexual Offences and Trafficking**

Offence	2011	2012	2013	2014	2015
Rape and Incest	1463	1861	1842	1680	1723
Unnatural offences and Grave sexual abuse	557	758	790	705	793
Procurement and Trafficking	36	12	07	09	13
Sexual Harassment	1012	1208	1258	1361	1462

Source: Child Rights Governance Analysis – 2017 (Extracted from Police Statistics)

309. No recent studies have been done to assess the different facets of the problem of sexual abuse, exploitation and trafficking of children.
310. On a request made by the NCPA in 2015, the ILO is currently conducting a Rapid Assessment Study on Commercial Sexual Exploitation in selected 6 districts with the technical support of Social Policy Analysis and Research Centre, Faculty of Arts, University of Colombo.
311. Sri Lanka has adopted a National Strategic Plan on Combatting Human Trafficking (2015-2019) covering four themes - prevention, protection, prosecution and partnership- with a special focus on children and women through strengthened collaborative efforts of all stakeholders.
312. More than a destination country, Sri Lanka is mainly a source country for trafficking, for forced labour and sex trafficking of men, women and children. Those who migrate to the Middle East, Southeast Asia and Afghanistan for employment are often subjected to forced labour. Sri Lanka is placed on the Tier 2 Watch List for the fourth consecutive year as no overall improvement in its anti trafficking efforts is shown.
313. The legislative framework against child trafficking is consistent with relevant international standards and the wording of the law allows a broader interpretation of the exploitative acts to capture a wide range of methods used for recruitment of children for sexual exploitation.
314. Law enforcement in relation to trafficking remains weak as investigations do not culminate in prosecutions or convictions. For example, the 2014 and 2015 convictions remain stagnant at one trafficker convicted though investigations and prosecutions of trafficking cases have slightly increased. Although Sri Lanka was required to be downgraded to a Tier 3 country, it was waived in view of government efforts to meet minimum standards. The new Witness and Victim Protection Act will afford greater protection to victims of trafficking who were otherwise treated as offenders. Trafficked children are also institutionalized with children in conflict with the law in State institutions.
315. Child sex trafficking in brothels and forcing boys into male prostitution in coastal areas are also reported within the country. Incidents of child labour trafficking for domestic work are reported in the tea plantation sector, which is largely occupied by Tamil populations.

Figure 26 Sri Lanka Tier Ranking



Source: 2016 Trafficking in Persons Report

316. The law enforcement officers lack competency, knowledge and understanding to identify actual cases of trafficking. Organised gangs approach children posing as lovers and introduce them to the sex trade. When complaints are made by parents and caregivers of institutions regarding incidents of children eloping with their boyfriends, the police do not take such complaints seriously and investigate to identify any characteristics of a trafficking incident.
317. Inadequate multi-sectoral support services for child victims of commercial sex, unequal protection afforded to girl and boy child victims, lack of professional staff to engage in prevention, recovery and social integration, weak coordination between key stakeholders responsible for managing cases of commercial sex, absence of disaggregated data to assess the scope of the problems seem to be the main issues.

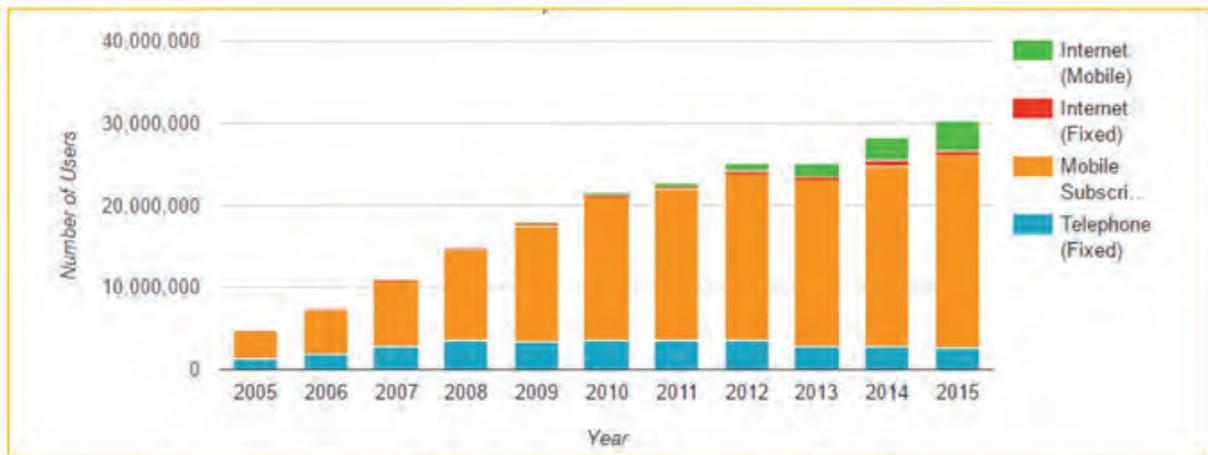
### Crimes against Children Using Mobile Devices and the Internet

Figure 27 Mobile and Internet Connectivity



Source: <http://www.digitalmarketer.lk>

Figure 28 Internet Usage Statistics



Source: <http://www.trc.gov.lk/2014-05-13-46/statistics.html>

318. Cyber crime and mobile device crime are also increasing rapidly and no separate statistics are maintained by the State. When adolescent girls break up affairs with boyfriends they attempt to blackmail and bully girl friends by posting obscene photographs taken during the affair. Lately local paedophiles have started uploading pictures of very young children on Facebook and NCPA and law enforcement agencies had blocked the Facebook page.
319. An Internet Crime Complaint Centre has been established at Police Headquarters in collaboration with the Criminal Investigation Department and Information Technology Division to receive and investigate complaints relating to cyber crime.
320. NCPA with UNICEF launched a separate Helpline for children harassed or bullied online or via mobile devices. It has created a Facebook account, Twitter account, Instagram account and Snap Chat account attached to the NCPA Cyber Unit. Complaints can be made via phone, SMS, What's App, Viber, IMO or on two hotline numbers.
321. Sri Lanka CERT, the National Centre for Cyber Security affiliated to the University of Colombo, and TECH CERT at the University of Moratuwa provide professional expertise for investigations into Internet crimes against children. They conduct awareness raising programmes in schools and child care institutions to educate children to protect themselves against cyber crimes.

## **Law Enforcement and Administration of Justice**

322. The Police had reported a high percentage of cases 'pending investigations'. In a large number of cases relating to rape and incest the police send the files to the Attorney General's Department for advice to decide on instituting proceedings. The Attorney General's Department takes a long time to provide advice and sometimes almost two years.
323. Another survey reveals that currently the average time between committing an indictable offence and the completion of the corresponding trial against the perpetrator in the High Court is a shocking 10.2 years. Delays in the administration of justice leads to secondary victimization of victims, unwarranted harassment of witnesses, loss of public confidence in the criminal justice system and denial of justice.
324. At present only two Children's Courts have been established with jurisdiction to hear cases relating to victims of child abuse and children in need of care and protection whereas cases involving child offenders are heard in Court Room No.8 of the Colombo Magistrate's Court. All other cases relating to crimes against children are heard in the Magistrate's Courts and High Courts.

## **Secondary Victimization**

### **Police Investigation Process**

325. Girl child victims of abuse and exploitation are constantly subjected to secondary victimization during the police investigation and court process.
326. A child brought to the police station around or after 4 p.m. is kept overnight on a bench often next to the remand cell under the supervision of a matron as women police constables are not available in police stations after 4 p.m.
327. Child victims have to repeat their statements to the police officer, POs, CRPOs, NCPA officers, judicial medical officers and doctors in the hospital setting.
328. The practice of transporting children to and from court houses to child care institutions in prison or police vehicles together with other adult prisoners or using public transport accompanied by a police/prison officer in uniform continues to date.

329. The Escort Branch of the Colombo Remand Prisons, handles transportation from children's homes to court houses and back with an annual average of 11,300 persons in detention of which 6,000 are children in need of care and protection or juvenile offenders. This Branch has not been arranged and organized as a child-friendly space as uniformed prison officers guard the place and children are inside a cell similar to adult prisoner's cells.
330. Not all women and children police desks are equipped with facilities to make them child-friendly places. Often police officers specially trained in child abuse cases are transferred to other units and replaced by officers with little or no knowledge and experience of the subject.
331. Lack of women police officers with fluency in Tamil is a serious concern.
332. At any given time approximately 40 children are in prisons across the country with their mothers who serve a prison sentence and are exposed to a highly destructive adult environment.

### **Court Process**

333. As there are no special hours or special Magistrate's and High Courts to hear child abuse cases, child victims are exposed to an adult court environment for long hours. They are exposed to open court hearings, subject to aggressive questioning by counsel and sometimes scolded and sent out of courts by judges when they break down during court hearings. Even when the case is taken up as a calling case the child has to be produced in court. Sometimes teenage pregnant rape victims are also produced along with the new born.

### **Low Conviction Rate for Crimes against Children**

334. Although police records indicate a high incidence of violence against children, the conviction rate seemed quite low. Only a very low percentage of complaints end up in courts of law and proceed to the trial stage. In most cases a prima facie case is not established to initiate criminal proceedings.

**Table 20 Complaints and Convictions**

Crime	Year	# of Police Complaints
Incest and Rape against Children	2011	1463
	2012	1861
	2013	1842
	2014	1680
	2015	1723
Crime	Year	Convictions
Incest	2011	01
	2012	01
	2013	01
	2014	01
	2015	03
Crime	Year	Convictions
Rape of Girls under 16 Years	2011	24
	2012	27
	2013	103
	2014	51
	2015	41

Source: Child Rights Governance Analysis - 2017

335. To quote one example, for the past five years over 1,000 complaints had been made to the police relating to incest and rape. However, between 2011 and 2015 only six convictions were recorded in relation to incest and 41 and 51 convictions for rape of girls under 16 years in 2014 and 2015 respectively. The above Table demonstrates that the law enforcement system and the administration of justice system have failed to achieve a satisfactory conviction rate for rape and incest in proportion to the complaint rate for the same.

### Challenges in Recovery, Rehabilitation and Reintegration

336. Often a responsible caregiver cannot be found from the victim's family to reintegrate the child after recovery and rehabilitation. In incest cases integrating the child with the mother poses a risk when the mother is financially supported by the daughter's abuser. In such situations victims of abuse are kept in institutional care for long periods of time creating emotional distancing between child and family. When children grow up confined to the four walls of institutions they are not exposed to the external world and end up with little or no social skills.
337. Teenage pregnant rape victims display visible signs of pressure, disturbance, depression, disappointment and suicidal tendencies.
338. The majority of teenage mothers are eager to continue education and are readmitted to schools after delivering the baby.
339. Professionally qualified and trained counsellors are not available in most of the child care institutions.

## 9.4 Children in Conflict with the Law and Administration of Juvenile Justice

340. Children below 16 years in conflict with the law are sent to remand homes and certified schools managed by the provincial DPCCS. Measures are being taken at the provincial level by government authorities to move away from retributive justice towards restorative justice for children in conflict with the law and have significantly improved the conditions of certified schools and remand homes. Infrastructural facilities have been upgraded and rehabilitation programmes including vocational training programmes have been diversified.

### Children Deprived of their Liberty

341. Children of 16 to 21 years of age who come into conflict with the law are in the custody of the Prisons Department.

**Table 21 Direct Admission of Unconvicted Prisoners according to Age Group, 2011 – 2015**

Age Group	2011			2012			2013			2014			2015		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Under 16 years	951	202	1,153	1,568	429	1,997	-	-	-	302	135	437	334	118	452
Between 16-22 years	9,830	721	10,551	10,448	1,182	11,630	7,215	784	7,999	5,850	600	6,450	7,493	626	8,119

Source: Child Rights Governance Analysis - 2017  
(Extracted from Prisons Statistics of Sri Lanka)

According to Prisons Department statistics, a large number of prisoners under the age of 16 years who are not convicted are directly admitted to the prisons. However, it is not certain whether the numbers include children who are entrusted to the Department for transportation to certified schools, approved schools and children's homes are also included in the data.

342. Until 2012 convicted prisoners under 16 years of age had been directly admitted to the prisons and this practice had stopped after 2012. However, children between 16-18 years continue to be admitted to institutions under the Prisons Department after conviction. Only a few children who fall into this category are sent to the Training School for Youthful Offenders.

**Table 22 Direct Admissions of Convicted Prisoners according to Age Group, 2011 - 2015**

Age Group	2011			2012			2013			2014			2015		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Under 16 years	102	-	102	19	-	19	-	-	-	-	-	-	-	-	-
Between 16-22 years	1,472	66	1,538	1716	86	1,802	1,669	42	1,711	988	27	1,015	922	9	931

Source: Child Rights Governance Analysis – 2017 (Extracted from Prisons Statistics of Sri Lanka)

**Table 23 Direct Admission of Women Prisoners (Convicted & Unconvicted) according to Age**

Number of inmates as at October 2016: 45

Age Group	Year				
	2011	2012	2013	2014	2015
16 & Under 17 Years	12	5	8	7	18
17 & Under 18 Years	12	6	18	-	3
18 & Under 19 Years	3	5	2	9	-
19 & Under 20 Years	-	-	1	-	-
20 & Under 21 Years	1	-	-	-	-
21 & Under 22 Years	-	-	-	-	-
22 and Over	-	-	-	-	-

Source: Child Rights Governance Analysis – 2017 (Extracted from Prisons Statistics of Sri Lanka)

**Table 24 Inmates at Watareka**

2006	32
2007	22
2008	36
2009	26
2010	32
2011	28
2012	16
2013	29
2014	16
2015	21

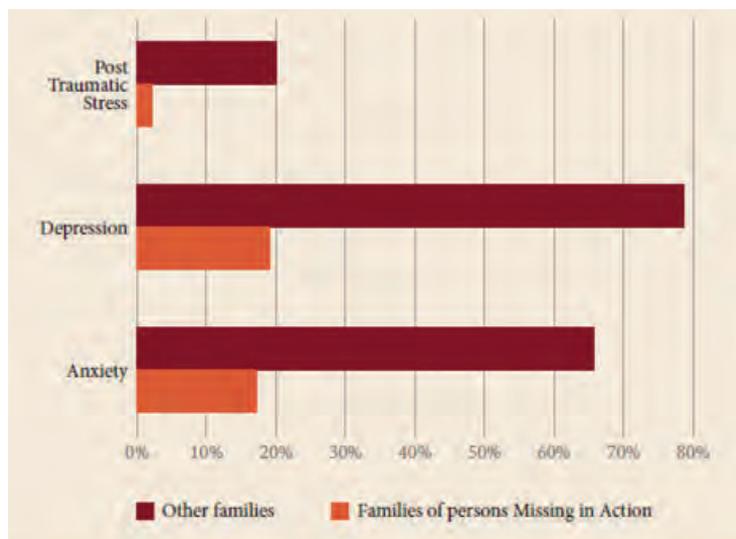
Source: Child Rights Governance Analysis – 2017 (Extracted from Prisons Statistics of Sri Lanka)

343. The statistical data shows that the majority of young persons at Watareka are in the 16-18 years age group. Most child offenders at Watareka Training School for Young Offenders are convicted for theft and a few drug related offences, sexual abuse of underage girls, running away from institution, kidnapping underage girls, drunken indecent behaviour in public, sexual abuse, assault, etc. They are kept there for three years and provided with formal education.

## 9.5 Children in Armed Conflict

344. Although the war ended in 2009, children exposed to the war and those born after the war ended are still struggling to rebuild their shattered lives. Families are burdened with complex psychological, social, economic, cultural and economic issues, weakening their capacity as caregivers of children. The impact of the war on family dynamics is incomprehensible with complex repercussions on the lives of children especially with 40,000 and 46,000 widows in the North and the East respectively.
345. The main challenge faced by families in the formerly war-affected areas is to find sustainable livelihoods to make a decent living after almost three decades of living on handouts and rations. Loss of breadwinners, multiple displacements, destruction of properties and disruption of livelihoods have brought immense economic hardships to the families that survived the war. Most of the breadwinners were deprived of continuing their education during the war denying them qualifications or skills to earn a living and a stable income. The majority of the breadwinners of families are engaged in traditional livelihoods - poultry farming, fishing and daily labour tirelessly working towards creating greater opportunities by educating their children, living their dreams through their children.
346. The psycho-social needs of families affected by the war are yet to be fully addressed. The incidence of post traumatic disorder, depression and anxiety are weakening the capacity of children’s caregivers. This is clearly established in the ICRC study on “Families of missing persons in Sri Lanka”.

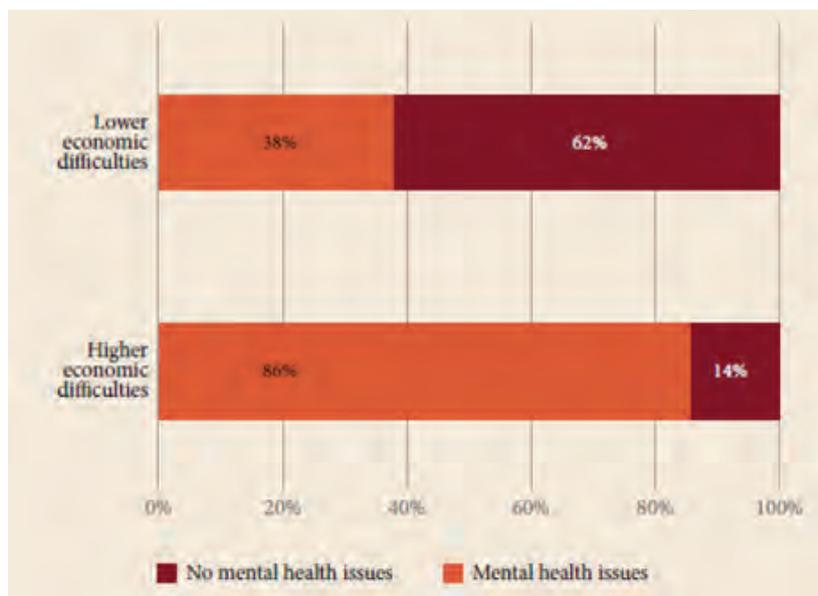
Figure 29 Symptomology: Families of Persons Missing in Action and Families of Other Missing Persons



Source : ICRC study on “Families of missing persons in Sri Lanka”

347. The ICRC study reveals the correlation between economic hardships encountered by families of missing persons and their mental health status showing a high level of symptoms of common mental health problems such as anxiety and depression.

**Figure 30 Economic Difficulties and Mental Health Issues Correlation**



Source: ICRC study on “ Families of missing persons in Sri Lanka”

## 9.6 Disaster Preparedness for Children

348. Disaster preparedness is still not at a satisfactory level even though there is a plan which is limited to a few aspects related to children. For example, when the tropical cyclone Roanu hit Sri Lanka in 2016, the country was totally unprepared and UN agencies and INGOs and national NGOs had to take the lead in disaster management in a child safe manner.

349. The Disaster Management Centre has established National and Divisional Emergency Operations Centres. In the latest disaster, measures were taken to purify water wells, educate mothers to protect children from infectious diseases by continuing to breastfeed children, ensuring protection, safety and education of children in camps.

350. The NCPA adopted a Guideline on Emergency Situations for child protection officers at district and divisional level spelling out their responsibilities in identifying the special needs of children during disasters, creating child safe spaces within camps, coordinating psycho-social interventions, identifying unaccompanied and separated, single parent children, etc.

351. The NCPA has also prepared handbills advising parents and children on how to look after themselves in emergency situations.

352. In 2016 the Ministry of Education prepared Guidelines for School Safety, incorporating school safety team profiles, risk analysis tools, emergency response plans, school safety action, implementation and monitoring plans.

## Recommendations

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### Sexual Abuse, Sexual Exploitation and Trafficking

353. The police, NCPA and the DPCCS should identify their roles in combating the crime wave against children and reinstate the lost trust, confidence and faith in the law enforcement mechanism. The police, NCPA and national and provincial DPCCS should take a critical look at the state of affairs of their own and identify the gaps, weaknesses, deficiencies, inadequacies and inefficiencies and adopt immediate remedial measures to address them.
354. An in-depth analysis of case delays should be carried out to ascertain the reasons for the long delays in the investigation process and take immediate remedial measures. Officers of the Attorney General's and Police Departments should be capacitated to expedite the investigations.
355. Although police data relating to crimes against children is recorded and collated in a systematic manner by all police stations across the country, the child protection institutions such as the DPCCS and the NCPA do not use such data to make evidenced-based interventions to curb crimes against children.
356. Exposure of child victims of sexual abuse, exploitation and trafficking to prisons, police and courts should be minimised. Children of convicted women should be provided with child-friendly spaces within prisons.
357. Investigation and prosecution of suspected traffickers should be strengthened if the conviction rate for trafficking is to be improved.
358. The officers need to be capacitated to identify child victims of trafficking and refer them to appropriate services for care and protection. It is important to ensure that child victims of trafficking are not treated as offenders or detained on charges of engaging in prostitution and violating migration laws.
359. A standard operating procedure should be developed for the management of child victims of trafficking.

360. The principles of child-friendly court processes should be applied in all cases involving children who come into contact with the law and courts as victims, offenders or witnesses.
361. A systematic assessment mechanism needs to be introduced to gauge and review the emotional, psychological and physical status of the child at the time of admission and the progress of him/her while in care and make necessary interventions to improve his/her mental and physical health and wellbeing. An assessment of this nature will provide valuable information when decisions are made to reintegrate the child.
362. A carefully constructed reintegration plan is needed to avoid recurrences of abuse and to ensure the child's safety and future beyond 18 years.

### **Children in Conflict with the Law and Administration of Juvenile Justice**

363. The Prisons Department should abstain from treating children in conflict with the law between 16-18 years as miniature adult offenders and design and implement rehabilitation programmes that respond to the emotional, psychological and social needs of such children.
364. Places of detention for children in conflict with the law should be located outside the prison environment.
365. Issuance of supervision orders and probation orders should be explored before making orders to detain a child in conflict with the law.

### **Children in Armed Conflicts**

366. Economically and socially impoverished families with children affected by the war should be provided with financial and other support services to satisfy their basic human needs.
367. Psycho-social support should be provided to overcome psychological stress and trauma.
368. Access to services should be facilitated including access to relevant documentation such as birth certificates, marriage certificates, identity cards, electoral registration, etc.
369. Families should be capacitated with knowledge relating to nutrition, education and protection of children.

### **Disaster Preparedness for Children**

370. Disaster preparedness for officers, parents, children and communities should take place on a regular basis without waiting until a disaster strikes the country.
371. In addition to print material, audio video material should be used to attract children's and public interest in disaster preparedness, e.g. prime time news advertisements.
372. Government should take necessary measures to ensure children's safety during an emergency, including monitoring of vulnerabilities and risks that may be caused by various parties involved in humanitarian assistance.

- Annex 1 Sri Lankan Children’s Reflections on the Implementation of Child Rights
- Annex 2 Map of Sri Lanka
- Annex 3 Bibliography





# Sri Lankan Children's Reflections on the Implementation of Child Rights

2017



We the Children of Sri Lanka ....





### Non Discrimination



Adults treat us differently at home, school and society. There are times when parents talk high/much about their favourite child in the family and condemn everything that is done by other children. Parents often compare the strengths and weaknesses of children in the same family and it really hurts us and makes us feel ashamed of ourselves. Discrimination between girls and boys also takes place within the family.

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Despite the absence of class distinctions among children, those of us from the lower strata of society have mixed feelings about the resources enjoyed by children from affluent backgrounds. Opportunities are denied for children from low income backgrounds to stand out in society is also observed. Children are also denied opportunities to pursue education due to economic difficulties. There are times when we mentally abandon future expectations owing to economic problems.

In the school setting divisive tendencies exist based on economic and caste disparities. Children who disagree with the prevailing school culture are also isolated in school.

There are times when we children are ignored by friends and also by teachers. Some teachers favour some children and only give attention to them.

### Best interests of the child

There are instances where children seek love and care from external sources as their parents devote their time to earning money and neglect their children in the process. When children encounter endless problems within the family they begin to trust outsiders. Loneliness seeps into our hearts and minds when parents and adults fail to pay attention to us.

When parents are not educated they are unable to offer proper guidance to children. When children are continuously exposed to adults' misdeeds from a very young age children tend to think of such misdeeds as normal behaviour. We feel depressed when we do not have an adult to discuss our problems with.

## The Right to Life, Survival and Development



Children in urban slums suffer from malnutrition, stunting, worm diseases, skin diseases and dengue and are also exposed to unhygienic living conditions due to overflowing cesspits, the putrid smell of garbage, and fumes from factories. Most of us in urban slums eat biscuits, buns and breakfast from boutiques.

Most of the children in urban slums do not live in permanent houses owned by their parents. The majority of the parents and caregivers are engaged in manual labour in the municipal council and in households.

We should be provided with local nutritious food such as grains, fish, green leaves and drinks such as leaf porridge. We expect adults to provide us with food that is as clean as possible.

There are some children and people who are really poor and they should be helped and the government should give them jobs.

## Respect for the Views of the Child

When elders make decisions on behalf of us, we have the right to be heard before they make decisions on our behalf because their decisions could affect our lives and we also have the right to refuse. Children have the right to speak their own mother tongue, meet with their own friends think about what they like and believe in any religion and race.

## Civil Rights and Freedoms



### Birth registration

Some children do not have registered names or birth certificates and are therefore not eligible for schooling, competing in competitions.

"Those children are officially nonexistent in society."

### Freedom of expression



Some children are unable to share their thoughts on what is to be done. When children try to share their thoughts their parents say that it is none of their business. So children feel abandoned and cornered in the family. Children should have the opportunity to share their ideas in society.

Some children with disabilities are always cornered and never heard.

"Some children who are mentally disabled also have feelings and even if we think that the child is disabled and cannot understand, we are wrong. They can."

### Freedom of association and peaceful assembly

Children cannot live in isolation. We believe that association with other children is a way of learning to work with others and a training in leadership. There are a number of groups, sports clubs and youth clubs for children to participate in, which helps them to share their problems, know about other children's problems, ideas, foster friendships, receive encouragement, unity to move forward and helps to plan their future.

Children are sometimes prevented from participating in group activities in the village due to educational activities, family problems and also when parents do not allow children to participate. When children do not engage in group activities they tend to idle on the road, in boutiques and even get used to bad habits such as alcohol and cigarettes.

## Protection of privacy and protection of image



Children should be allowed to live their dreams and adults need to protect children's right to privacy. We have seen the improper influence of TV programmes and newspapers. There are instances when the popular media misinterprets cultural practices.

## Violence against Children

### Physical and Mental Abuse

#### At School

According to our experience physical punishment is frequent both in school and in the home. The methods of punishment include hitting with the belt, getting the children to kneel down, burning hands and feet etc.

Teachers are not supposed to hit children because it hurts them. We feel very sad, hurt and shamed.



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In the school setting we are subjected to physical punishment by teachers as well as school prefects.

Teachers hit us when we are weak in studies, when we do not do our home work and study and when we wander around talking.

As a punishment sometimes we are not permitted to participate in activities in the school and community.

"My English teacher hits my head with a pen. Then I feel like not going to school."

"Teachers hit us with a huge ruler. Almost blood comes. It hurts every time. I feel sad."

"Friends hit me at school. I feel very angry and feel like hitting them back."

"In school I get bullied by my friends. I feel embarrassed."

Some teachers could be very insulting. At times they call us nick names which might be very offensive and embarrassing. Those nick names are 'fat chicken', 'bull', 'devil', 'idiot', 'stupid child', 'cyclone', 'baby elephant', 'dummies', etc.

## At Home

We are also punished at home expressing ideas unsuitable for our age, for not watering the plants and for being up on a mango tree instead of studying. The adults punish us using canes, hands, sticks, by kicking and with whatever in hand. When we are subjected to physical punishment we feel mentally stressed and confused, sad, hateful. It affects our inter personal relations, we get physically injured and also become short tempered.



There are times when the child does something wrong the parents scold, hit, pull their ears and slap the child. Then the child is being physically and mentally abused by parents. By doing these things they think that it would correct the child. But it really doesn't. It just makes it worse. It makes us stubborn.

Although we are aware that physical violence and punishment is punishable by law, we sometime feel that we were subjected to punishment because of our mischievousness and misbehaviour. We also believe that parents punished us because of their lack of awareness of child protection and alternative methods of discipline. The children are aware that institutions such as the police, NCPA and World Vision are committed to protect children and they would approach these institutions when violent incidents take place.

Many children are physically and mentally abused using social media. These days there are apps which could trick children and ask for every bit of their personal information. So children and parents should be warned about these apps. The government should be aware of this deadly app. Parents should know what to avoid and what not to avoid and supervise and help their children pave the right path through life.

The adults should explain our faults and try to guide us lovingly. They cannot discipline a child by imposing physical punishment which in turn could make the child stubborn.

As children who had suffered physical punishment we are determined not to use physical punishment when we become adults. But there are also children who believes that they will use corporal punishment as a corrective measure in their adult life.

## Prohibition and elimination of all forms of harmful activities



In the urban sector there are harmful practices such as getting children to perform household chores and in the plantation sector girl children do not have the freedom to engage in community activities.



## Family Environment and Alternative Care

### Children Living with their Families

The family environment and parental guidance need to be consistent with the evolving capacities of children.

Elders should be role models to children. Children are the future of the country. So elders should set an example to children. Otherwise once children take leadership of the country in the future, there is going to be conflicts in society. It is important for the family to teach about rights to children and must not mislead children to do things that go against their rights.

Children are sometimes caught in family disputes. When parental love and care is denied to children they tend to seek love and care from other sources. Some parents go to other countries and leave their children behind with strangers or relatives. By leaving the child behind alone there is a high risk of abuse and children do not have any one to communicate with since both parents are abroad.

Alcohol and substance abuse by parents and legal guardians lead to family disputes which cause much mental trauma to children and disrupt their education. In such situations children also become vulnerable to various forms of abuse and also succumb to various illegal activities.

There are instances where children get isolated in the community due to the misdeed of family members.

### Children Living in Institutions

Hundreds of children like us are living in institutions. In this exercise we children, living in Child Development Centres/Certified Schools/Remand Homes were asked to imagine that we were the fish living in a tank, different from those fish who live in the streams, lakes or oceans.

The first fish tank that we drew represents our current state. The second fish tank depicts the environment that we yearn to have within the institution. When we were given a bag of words, we chose the words which suited each of these tanks and pasted them.

The tanks that we drew were a picture of our lives. We filled those tanks with words that depicted the good side of our sheltered lives as well as the bad side.



Bad Side of the Story



*Our Fish Tank is filled with these words:*  
 Sad, hurt, my mistakes are always brought up, my past is brought up, jealousy, I'm not happy, we need unity, loneliness, sharks should not be allowed into the fish tank as they eat the small fish away, food is not nutritious, fear, anger, bad words, accused, boring, hurt, not considered, No not heard, my best interests are made about equal treatment, when decisions are made about me I'm not heard, shameful, imprisoned - when will I be free???

*"Better if I die than live here..."*  
*"I want freedom..."*  
*"We have no freedom here..."*  
*"I have happiness and sadness and I want freedom..."*  
*"I have bad habits..."*  
*"Life is a battlefield; you have to fight to understand that..."*  
*"What is this life?"*  
*It seems like a man falling off a tree and a bull attacking the same man..."*  
*"I don't want this life"*  
*"Don't get caught to a trap..."*  
*"Better go to school or else we will be hit with a broom stick"""*

We turned the sadness, heaviness, unhappiness and loneliness that lie deep in our hearts into words and drawings. According to many of us, although we are given many material comforts we are not happy from within. According to some they were both happy and sad. Most of us long for the love and affection of our families, even if they are scattered. Because we are not happy from within it hurts doubly when our care givers do not give us love and care but hatred and ill-treatment. Most of the time, our past and our mistakes are brought up to insult and hurt us. The words inside the above fish tank say what we experience. We are bullied, hit and sometimes abused by our peers too. Living in an institution is like living in a battlefield. We have to fight for many things.

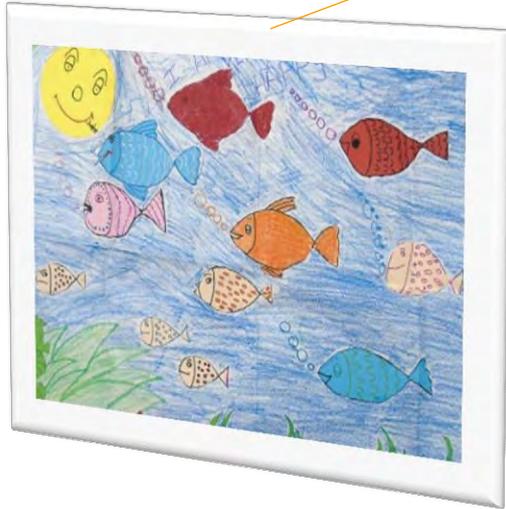




## Fish Tank 1

## Our Current Situation

### Good Side of the Story



*Our Fish Tank is filled with these words too*  
My best interest is taken into consideration,  
free, love, and health facilities, we can voice  
our opinion, all children are treated equally,  
peaceful, happiness, nutritious food,  
compassion. I'm happy, we are treated well.

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*"I am very happy in this home. Even though I have lost my mother, the miss is like a mother to me. The children in this home are very good. Before, I was worried about what would happen to me. But now I am very happy. I have no worries."*

*"I am 16 years old and I have been in this home for 5 years. I am happy and have freedom here."*

*"I have been in this home for 5 years and I am 16 years old. We have facilities to study. We have happiness, freedom, good food and we feel safe."*

*"Nutritious food, happiness, safe, freedom, unity and good habits are in this home, I am 16 years old and been in this home for 7 years."*

There is also a good side to our lives. Many of us who did not have nutritious meals and barely survived get better food for all three meals within the institution. Those who were unable to go to school when they were at home are now schooling. The love some of us never knew is being given to us by our kind caregivers. The children who were abused by family members, relatives and neighbours feel safe and protected.

## Fish Tank 2

## What we all long for



Relaxed, good words, we can voice our opinion,  
happy, my past is not brought up, my best  
interests is taken into consideration, equal  
treatment for all children, free, nutritious food,  
compassion, safe, health facilities, when a  
decision is made about me I am heard, peace,  
sharks will not be allowed into the tank, no  
discrimination...

All those who live in institutions should always have someone to talk to and share their feelings, fears, concerns and a reliable adult who would understand instead of judging us.

All the child care institutions should have a living space where the children feel safe, free, peaceful, and compassionate and child-friendly which condemns hurtful and violent acts.



### Thought Wall

### Insight to our lives

#### Among what was written on Thought Walls were....

*"We don't want those who trouble us!"*

*"I am happier here than in my home and I am also able to study"*

*"I am happy here and the miss who is here is like a mother to us. But still I don't have happiness in my life because I don't have my parents. I am 16 years old and I have been here for five years."*

*"I have suffered a lot in my life. But I do not think about it and worry because I have two wardens who are like mothers to me. Even though a cat tries very hard to hunt another creature, it will not succeed all the time. My life is full of suffering and this home brings happiness to me. I am fourteen years old and have been here for four years."*

*"From a very young age, from the time I was six years, I have been in homes and now I am seventeen years old. During the time I have spent in homes, even though I was separated from the society or not, I felt a sense of relief within me. Therefore I am very happy and I am not sad. These types of activities make me happy."*

*"I am a person who suffers a lot within me. My parents left me when I was very young. I am very happy after I came here and the miss is like a mother to me. I am fourteen years old and I have been here for five years'."*

*"I have suffered a lot in life. My father died when I was small and I am still trying to find a way to comfort myself. Every happiness in my life ultimately turns into sorrow. I cannot understand the world. I have not yet found a good person in my life. In my next life, I wish I would never be restricted in a place like this and may I get a mother like this miss. I am fourteen years old and been in homes for three years."*

*"I lost my father when I was small and my mother brought me up on her own. I'm in this home because of a problem I'm responsible for. I am fifteen years old and I have been here for a year"*

*"Since my father left me, my mother brought me up and she suffered a lot when I was small. She always told me to study well. I am 14 years old and I have been in this home for one year and four months"*

*"I am thirteen years old. I prefer to be at home rather than in the CDC. I like to be with my mother and I study hard. Sometimes I feel like this home is good. But I really want to be at my home always. I love this miss a little but I cannot live without my mother. I am a little happy."*

*"I am fifteen years old and I have been here for five years. I work hard to study well. I am happy in this home and I love this miss more than my mother."*

*"I am sixteen years old. I am very happy in this home and I feel like I am in heaven. The warden of this home is like a mother to us and I love her more than my mother. My only ambition is to become a teacher and I study hard for that. I am very happy with the children in this home and I feel like that we are all flowers. I have been in this home for five in years."*

*"I am fourteen years old and I love this home a lot. I have been here for one month and all the wardens in this home are really good. It would be great if I had my mother with me, but I do not regret because the wardens are so good. I have lots of friends in this home and they are like sisters to me. The miss loves me a lot and I love her too. My ambition is to become a nurse."*

*"I am sixteen years old. I have been here for one year. I love to work always. I love to play volley ball. This warden is like a mother to us. They love us a lot. I love them too. I live a better life here."*

*"I am fifteen years old and I have been here for eight years. This is a beautiful world but we do not have the right to step into freedom. Therefore, I chose education. Like a moon glows on a full moon day, let's try to walk towards the light out of darkness."*

*"I am seventeen years old, and I have been here for three years. The wardens of this home are really good and they love me and care about me more than my mother. The children in this home are very united and I have a lot of sisters here. My ambition is to study well and to become a police officer. I love this home with my whole heart and this place is far better than my own home."*

*"I am seventeen years old and I have been here for eleven months. From the day I came here, I have seen a great mother. The wardens of this home are very good. The children are also very good. I love this home a lot."*

*"At least in the future, do not allow little babies to live in places like this. I am in Grade 7 and have been in this home for seven years."*



### **Thought Wall**

### **Insight to our lives**

#### **Among what was written on Thought Walls were....**

*"I am 16 years old. I have been in homes for four years; my wish is to be free. I love to go to school. I have been in several homes before. Please send me home."*

*"I am 17 years old. I came here in 2016. I want to change my behaviour and go home. "*

*"I am 14 years old and I need freedom. "*

*"A star that came to the sky from the dust and a pearl that was found in the deep sea. I have been here for one year and four months."*

*"I'm here for one month. I want to go out of this home, study well, and do my A/Ls and O/Ls well and become a good citizen to the country."*

*"I have been in homes for five years. I'm here because of my bad friends"*

*"I've been in homes for 2 ½ years. I miss my mother from a very young age"*

*"I'm in this certified school for 19 days. We will never be able to go home. All I want is to go home, study happily and to become a good child."*

*"A world of a child is not a bed of roses. We are like butterflies. Let us make our future bright. Even in the next life, what I wish for is freedom. May these sufferings never come to me again. I am waiting for another heart to say that life is beautiful. I am holding a lot of sadness in my heart and I don't want to be in homes. I have been in this home for nine months."*

*"All the sadness and sorrow we feel when we are alone, will fade away if we share it with someone else. But if anyone be harsh to us, that pain will increase. I still cherish the memories of times spent in my mother's lap. I have been in homes for three years."*

*"A world of a child is not a bed of roses. We are like butterflies. Let us make our future bright. Even in the next life, what I wish for is freedom. May these sufferings never come to me again. I am waiting for another heart to say that life is beautiful. I am holding a lot of sadness in my heart and I don't want to be in homes. I have been in this home for nine months. "*

**We, the Children Living in Remand Homes and Certified Schools**

## Disability, Basic Health and Welfare

We all know that there are children with different types of disabilities and we understand that they should not be isolated but encouraged and helped to lead a life with mental peace. There are institutions that care for children with disabilities such as Probation and Childcare Services and Social Services.



Many children do not get proper and sufficient food. There are children who do not have water due to the drought. We think the government should make sure that every child gets proper nutrition. When children get sick even though the government has made hospitals that anyone can go free of charge, there are no doctors with medical specialties.

Ministers have enough money so why cannot they share the money with those who do not have money? Because they are greedy. That would be our answer. Our ministers should take a moment to think about those who are not heard.



Schooling life nowadays is very competitive and there is a huge work load. This causes so much stress on children. So every day after school we have to go for classes and we do not have time to play or even to sit and wait even for a second. Exams also cause stress on children and sometimes when children fail exams they get depressed. This

can cause suicides too. So we think the government should reduce the workload and give some space for children because everyone is not talented in the same thing.

"Toilets in school stint like poo and I do not feel like going to the toilet."

Teachers throw our books when they are too lazy to go and give the books to the students' hands. They throw the book as if it is a biscuit that goes to a dog's mouth. Teachers should not throw books because it is all money that our parents spend and we are not supposed to waste them. We feel sad to see the books falling on the floor because they give us knowledge. Some parents do not have enough money to offer education for their child. So the government should offer free education. It is vital that every child gets education. Schools supplies, shoes, books, school bags should be given.

Although in the curriculum we are taught to respect the natural environment, we do not practically adopt what we have learned. We were not trained from early childhood to respect nature. The students are encouraged to grow plants in the school premises and they are made aware of protecting the environment during school assemblies. We also learn about compassion towards animals.

The education curriculum lays the background for developing respect for human rights, and fundamental freedoms of human beings. But we find it difficult to understand the subject content of human rights and fundamental rights.

The school fosters peace and harmony among all regions and ethnicities. For example, the school gives equal opportunities for all religious events and all children participate in those activities.



We believe that 95% of the children who have attained school going age are enrolled in schools and 5% do not attend school. We know of children from low income families and single parent families not attending school. Children drop out of school to earn an income especially when they feel that they need to help their struggling parents.

When children drop out of school, principal and probation officers talk to parents and get them back to school. Teachers make parents aware of the importance of education and encourage them to send their children to school. Some NGOs carry out programmes for school dropouts children and their parents. Yet there is no progress to be seen.

Children with special needs are not enrolled in schools which do not have facilities for such children. Also, parents are unaware that children with special needs can be sent to school.

Although we have the power to choose the subjects we want we do not have teachers for the subjects we chose and we are forced to do other subjects. In certain situations the children have to travel 17 km if they are to follow an education stream of their choice.

There are also villages where primary and secondary school is located within a six KM radius of the village causing much hardship to students. We also face the challenge of finding a job after completing AL examination. There should be a programme to guide us. Some schools do not have playgrounds, libraries and science laboratory facilities.

### Leisure and Play

Many children do not get time for leisure and play. The reasons for that are home work, classes, exams and sometimes extra curricular activities. Because of this the time for leisure and other things should be balanced. Children must have time for their childhood.



## Special Protection Measures



We have acquired knowledge about sexual abuse and self-protection from parents, teachers, books, neighbours, newspapers and child protection officers. We start receiving such information when we are between 7 and 12 years.

Sometimes children become victims of abuse when children are not aware of the potential threats against them. There are instances when children are subjected to harassment by others due to lack of parental protection.

Children become vulnerable to abuse because of the failure of the law enforcement authorities to enforce existing laws. There are instances where convicts of child abuse are granted pardon due to political connections. The legal system has failed to impose heavy punishment on persons proved guilty of child abuse.

Although we are not aware of laws and regulations relating to sexual abuse and exploitation we are aware of the institutions that care for victims of abuse such as the police, Salvation Army and the NCPA.

Nowadays since social media has revolutionised the whole society, bad people use this to get to children and sometimes to abduct them. Through the internet children become prey to unscrupulous adults. Unknown persons make contact with children on mobile phones and obtain personal information about them and use such information to harm them. A lot of obscene and harmful information including pictures gets circulated among children through the Internet and mobile phones causing much destruction to children's lives. There are children who have got addicted to the Internet and lost focus in their studies.

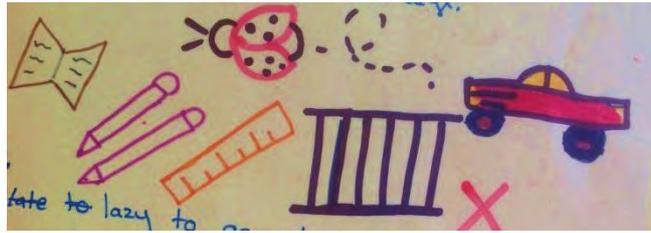
Substance abuse has also become a grave threat to the safety and wellbeing of children. The drug dens are targeting children by selling drugs within close proximity to the school and the Government should take measures to strictly implement laws that prohibit the sale of drugs and alcohol to children.

Children are employed as domestic labourers because of poverty.

## Children in conflict with the law



When children become socially isolated due to economic constraints they resort to anti social activities. Children from low income backgrounds are engaged in different forms of illicit employment to earn money to fulfil their basic needs. Continuous exposure to the misdeeds of adults also makes children nonchalant towards such activities.



Children who are arrested should be treated well because they are also children and they do not know how to survive by themselves. Highly qualified counsellors should talk to children when they are angry or annoyed and make them happy.

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