

BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**BRIEFING ON SRI LANKA FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN**

PRESESSIONAL WORKING GROUP – July 2010

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SRI LANKA (fifth to seventh reports – CEDAW/C/LKA/5-7)

Corporal punishment is lawful in the **home**. Article 82 of the Penal Code (1883) states: “Nothing, which is done in good faith for the benefit of a person under twelve years of age, or, of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause/or be intended by the doer to cause, or be known by the doer be likely to cause, to that person ...” Illustration (i) of the offence of “criminal force” (article 341) states that a schoolmaster who flogs a student is not using force illegally. Part V of the Children and Young Persons Ordinance (1939) confirms “the right of any parent, teacher or other person having lawful control or charge of a child ... to administer punishment to him”.

At a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General’s Study on Violence against Children, the government made a commitment to prohibition in all settings, including the home. As at May 2008, the Children and Young Persons Ordinance was under review, but the proposed amendments did not address corporal punishment and we have no further information.

Corporal punishment is lawful in **schools**, as in the illustration of acceptable criminal force in the Penal Code (see above). Section 2 of Circular No 2005/17, issued by the Ministry of Education in 2005, states that corporal punishment should not be used in schools, but as at October 2008 this had not been confirmed in legislation. Provisions in the Education Ordinance allowing the court to order corporal punishment for persistent truancy (section 56) were repealed by the Corporal Punishment (Repeal) Act No. 23 (2005).

In the **penal system**, corporal punishment is prohibited as a sentence for crime by the Corporal Punishment (Repeal) Act No. 23. The Act also repeals corporal punishment in prisons under the Prisons Ordinance, but there is no prohibition relating to disciplinary measures in other penal institutions for young persons in conflict with the law such as remand homes, approved homes and certified schools. Corporal punishment is lawful in **alternative care settings**.

The **Committee on the Rights of the Child** first expressed concern at corporal punishment of children and recommended measures to end it in 1995, in its concluding observations on the state party’s initial report (CRC/C/15/Add.40, paras. 15 and 32). In 2003, following examination of the second report, the Committee again recommended prohibition of all corporal punishment (CRC/C/15/Add.207, paras. 28 and 29). The **Human Rights Committee** recommended prohibition in schools in 2003 (CCPR/CO/79/LKA, Concluding observations on the combined fourth and fifth reports, para. 11).

We hope the Committee on the Elimination of Discrimination Against Women will urge the government of Sri Lanka to fulfil its human rights obligations to prohibit all corporal punishment of girls and boys in all settings, including the home and schools, supported by appropriate public education and awareness raising and the promotion of positive, non-violent childrearing and education.