

**“There can be no keener
revelation of a society’s
soul than the way in
which it treats its
children”**

Nelson Mandela

CONTENTS

| | |
|--|-----------|
| Acronyms | 4 |
| Executive Summary | 5 |
| Introduction | 9 |
| 1. ISSUES AND RISKS FACED BY CHILDREN IN DIFFERENT ENVIRONMENTS | 11 |
| 1.1 Children in Institutionalized Environments | 11 |
| ▪ 1.1.1. Institutionalization Process | 13 |
| ▪ 1.1.2 Different Types of Institutions | 13 |
| ▪ 1.1.3 Children in Religious Institutions | 15 |
| ▪ 1.1.4 Children Under 5 Years Living in Prisons with their Mothers | 15 |
| ▪ 1.1.5 Street Children | 17 |
| ▪ 1.1.6 Causes of Institutionalization | 17 |
| ▪ 1.1.7 Preventing Institutionalization | 20 |
| ▪ 1.1.8 De-institutionalization of Children | 21 |
| ▪ 1.1.9 Restorative Process | 22 |
| ▪ 1.1.10 Rehabilitation | 23 |
| ▪ 1.1.11 Reintegration | 24 |
| 1.2 Children in Other Environments | 27 |
| ▪ 1.2.1 Lack of Parental Care, Family Separation and Dysfunctional Families | 27 |
| ▪ 1.2.2 Migrant Labour | 28 |
| ▪ 1.2.3 Digital Media | 29 |
| ▪ 1.2.4 School Environments | 37 |
| 1.3 Issues and Risks | 48 |
| ▪ 1.3.1 Physical and Emotional Violence Against Children | 48 |
| ▪ 1.3.2 Sexual and Gender-based Violence | 49 |
| ▪ 1.3.3 Child Marriage and Teenage Pregnancy | 53 |
| ▪ 1.3.4 Child Trafficking | 53 |
| ▪ 1.3.5 Substance Abuse | 55 |
| ▪ 1.3.6 Child Labour | 58 |
| ▪ 1.3.7 Children with Disabilities | 59 |
| ▪ 1.3.8 Malnutrition in Children | 60 |
| 2. VIOLENCE AGAINST CHILDREN | 64 |
| ▪ 2.1 Impact on Mental Health | 66 |
| ▪ 2.2 Impact on Physical Health | 68 |
| ▪ 2.3 Bullying (Including Cyber Bullying and Harassment: The Physical and Mental Impact | 69 |
| ▪ 2.4 Health Sector | 71 |

| | |
|--|------------|
| 3. INCREASED REPORTS OF VIOLENCE BY CHILDREN | 73 |
| ▪ 3.1 Violence and Assault in Educational Settings | 73 |
| ▪ 3.2 Cases of Sexual Abuse Involving Minors | 74 |
| ▪ 3.3 Substance Abuse and Violence by Children | 74 |
| ▪ 3.4 Social Media | 74 |
| ▪ 3.5 Electronic Media - TV and Cinema in Sri Lanka | 75 |
| ▪ 3.6 Corporal Punishment | 75 |
| ▪ 3.7 Protests and Public Assemblies | 76 |
| ▪ 3.8 Violence in Sports | 78 |
| 4.COMMUNITY PARTICIPATION IN CHILD PROTECTION INITIATIVES | 80 |
| 5. INSTITUTIONAL, ADMINISTRATIVE AND LEGAL FRAMEWORK | 83 |
| 5.1 Child Care Institutional Framework | 83 |
| ▪ 5.1.1 Issues in Child Care Institutional Framework | 83 |
| 5.2 Administrative Framework | 87 |
| ▪ 5.2.1 The National Child Protection Authority (NCPA) | 88 |
| ▪ 5.2.2 Police Women and Children's Desks (WCDs) | 92 |
| ▪ 5.2.3 Department of Probation and Child Care Services (DPCCS) | 94 |
| 5.3 Issues in Respect of the Present Structure | 97 |
| ▪ 5.3.1 Lack of an Integrated Approach | 97 |
| ▪ 5.3.2 Delay in Implementation | 98 |
| ▪ 5.3.3 Monitoring and Evaluation | 99 |
| ▪ 5.3.4 Data Management | 99 |
| 5.4 Restructuring and Redefining Procedures for Enhanced Child Protection | 102 |
| 5.5 Legal Framework | 104 |
| ▪ 5.5.1 Reporting of Offences | 104 |
| ▪ 5.5.2 Admission to Institutions | 105 |
| ▪ 5.5.3 Trial | 105 |
| ▪ 5.5.4 Legislation | 107 |
| ▪ 5.5.5 Child Victims of Sexual Violence | 107 |
| 5.6 Liability of the State | 109 |
| 6. WAY FORWARD | 111 |
| 6.1 Master Plan | 112 |
| ▪ 6.1.1 Prevention | 112 |
| ▪ 6.1.2 Response | 114 |
| Bibliography | 116 |
| Annexures | 120 |

Acronyms

| | |
|----------------|--|
| AGD | Attorney General's Department |
| CDC | Child Development Center |
| CSO | Civil Society Organization |
| CERT | Computer Emergency and Response Team |
| CRPO | Child Rights Promotion Officer |
| CYPO | Children and Young Persons Ordinance |
| DPCCS | Department of Probation and Child Care Services |
| FEDO | Foreign Employment Development Officer |
| ICC | Institutional Case Conference |
| JMO | Judicial Medical Officer |
| MLEF | Medico Legal Examination Form |
| MOWCASE | Ministry of Women's and Child Affairs and Social Empowerment |
| NCPA | National Child Protection Authority |
| NGO | Non-Government Organization |
| UNCRC | United Nations Conventions on the Rights of Children |
| VAC | Violence Against Children |
| WCD | Women and Children's Desks |
| WDO | Women Development Officer |
| | |

Executive Summary

Every child and young individual possesses the right to live within a nurturing environment that is free of violence, abuse and exploitation and which promotes the achievement of their full potential. Successive studies, research and data gathering exercises have all indicated that children who lack sufficient or any parental care and are neglected are vulnerable to violence and abuse and suffer both physical and mental harm. The family constitutes the foundational unit of any society and the intrinsic settings for a child's development, welfare, and safety, for which reason, primary endeavors should be channeled towards facilitating the child's retention within the care of his or her parents, or when suitable, other proximate relatives to ensure children live in an environment that nurtures their development.

Decisions on policy and its implementation is best made when it is based on context analysis, research, stakeholder consultations and backed by experience. To identify priority areas with regard to child protection in Sri Lanka and set out concrete recommendations, this committee was appointed by the Hon. President to study and make recommendations for the protection, care and well-being of children subjected to violence in Sri Lanka.

For this purpose, the committee has held a series of consultations with national stakeholders from May 2023 to date and a review of studies, statistical data and research, as well as an analysis of current national strategies and plans related to child protection. This committee presents through this report, recommendations which, taken together, are intended to create the conditions that enable legislators, first responders and other government and non-government stakeholders to uphold the best interests of the child. This includes recommending institutional, administrative, and legislative changes and that would change a system that has become over-bureaucratized and focused on compliance to one that values and develops professional expertise and is focused on the safety and welfare of children and young people.

Determining how to improve the child protection system within Sri Lanka is a difficult task as the system is inherently complex. The problems faced by children are complicated and the cost of failure high. Abuse and neglect can present itself in ambiguous ways and concerns about a child's safety or development can arise from different perspectives. There are a number of professions and agencies who have a role in identifying and responding to child abuse and neglect which means the coordination and communication between them is crucial.

Child Protection is considered the prevention of, and response to, exploitation, abuse, neglect, harmful practices and violence against children. This is embedded in the Convention on the Rights of the Child and in the formulation of the Sustainable Development Goals.

Children face violence and suffer harm within various contexts. One of the key areas that this committee as per its Terms of Reference (TOR) has considered for review is children within institutional settings. Although the institutionalization of children is seen as being necessary for their protection and safety, children in institutions face many challenges such as the lack of personalized care, emotional distress resulting from family separation, stigma, disrupted education, health and hygiene concerns, limited socialization, struggles with self-identity and mental health concerns among many others. However, Institutionalization still stands as the predominant alternative care approach commonly employed within Sri Lanka. And as such the committee believes that all child

care institutions, key protection agencies and the judicial and administrative processes involved in the placement of children in institutions need to work together and be closely coordinated to ensure that children should be placed in institutions as a last resort.

The presence of violence against children (VAC), within educational settings also pose a significant risk, with potentially severe physical, emotional, and psychological consequences for victims. Evaluating the current prevalence of violence in schools, it becomes evident that bullying and corporal punishment are major contributing factors. Contrary to common belief, corporal punishment was not inherent in Sri Lankan culture. Records demonstrate explicit laws against physical punishments for all ages, reflecting a historical aversion to such practices. Colonization introduced corporal punishment, especially within education institutions, and is now embedded in public schools. Ironically, countries that initiated this practice have abandoned it, while Sri Lanka continues to employ it.

Physical and humiliating punishment is still being practiced at home, in schools, in certain institutions (such as remand homes, approved homes and certified schools), and in alternative care settings. Research has consistently shown that corporal punishment is ineffective in promoting long-term behavior change and teaching children positive behavior. It is also found that schools with teachers that practice corporal punishment are more likely to have a higher prevalence of bullying in their class-rooms. University graduates that are appointed as teachers to schools do not receive adequate training on all aspects including on effective methods of positive discipline. This committee recommends that well defined legislation be introduced and implemented to ban corporal punishment with clear guidelines to eradicate the practice of corporal punishment.

The escalating misuse of psychoactive substances, particularly among school children in Sri Lanka, presents a significant concern intertwined with community violence and socio-economic challenges. Substance abuse significantly impacts school children, leading to changes that can cause violent or mentally disturbed behavior, contributing to criminal involvement. The financial burden of obtaining substances can drive individuals to commit crimes, as evidenced by increased incidents of violence by children. The committee recommends that substance abuse prevention programmes for children be expanded to focus on educating children on the risks and consequences of substance abuse.

To prevent substance abuse, effective policies and its implementation is vital. These policies and regulations should focus on reducing the affordability and availability of these substances through the application of evidence based taxing policies. The committee has noted the violation of the National Authority on Tobacco and Alcohol (NATA) Act No.27 of 2006 due to various strategies used by the Alcohol and Tobacco industries through the media and other social platforms. The increase of taxes for gateway drugs such as alcohol and tobacco should make these substances inaccessible for young people. Further the lack of resources of government agencies to implement substance abuse measures could be addressed by allocating a portion of stipulated taxes on alcohol and tobacco for drug prevention.

Further in the context of fast paced use of technology and the development of various social media platforms and other interactive modes of communication, children become vulnerable to abuse and exploitation. The committee finds that the lack of parental awareness and knowledge about the digital landscape poses obstacles to ensuring children's safety and well-being online. By empowering parents with the necessary information, they can play a more active role in protecting their children

from online violence and fostering a safe digital environment. It is also crucial for parents, guardians, educators, policymakers, and technology companies to work collaboratively to protect children from online violence. This can involve implementing effective parental controls, educating children about online safety, reporting abusive content, and promoting responsible online behavior.

Sexual Violence is one of the worst forms of violence against children within the family, in schools and in the community and is mostly hidden and under-reported. Evidence and data has shown that the perpetrators are very often close family members or someone known to the child. Delayed reporting or non-reporting is a grave concern and the committee is of the strong view that underlying complex challenges in reporting and disclosing incidents of sexual violence needs to be addressed as a matter of priority. The committee recommends that the reporting infrastructure needs to be strengthened and streamlined to ensure that victims and witnesses can report abuse without fear of reprisal and breach of confidentiality.

The committee has reviewed the Institutional, Administrative and Legal framework in place and has identified gaps and challenges within this framework and put forward concrete recommendations. The recommendations look to maximize the limited resources allocated to institutions and key agencies working on child protection, the capacity building of staff and the streamlining of procedures and processes to prevent duplication and overlapping of functions and services for children.

Further in this regard, the committee set out to consult all key stakeholders and put forward evidence-based prevention and response approaches not only in the core sectors of social protection and justice, but also in the education and health sectors. These approaches should include universal principles and guidelines in access to justice, provision of family and parenting support, and the adoption of transformative norms and values.

The Committee strongly recommends the design and implementation of a comprehensive Master Plan within a stipulated timeframe. This Master Plan should be founded on the dual pillars of prevention and response.

The prevention component of the Master Plan should prioritize over a year-long, high-visibility program aimed at raising awareness among various stakeholders on the vulnerabilities of Children. The response mechanism should be strengthened and essential administrative reforms be implemented whilst enhancing the capacities of first responders in Child Protection. This should involve assessing resource allocations and roles and responsibilities to prevent duplication of resources and overlap of functions and for an integrated approach to be taken among the Women and Children's Desks, the Probation and Childcare Departments, hospitals, and schools in order to effectively address child protection concerns.

Simultaneously, the committee as a priority recommends to the present legal framework and institutional and administrative procedures. It is noted that thus far only ad hoc amendments have been made to legislation and they fail to address modern day challenges children face or implement practices in the best interests of the child. The committee recommendations have recognized that a child abuse trial that normally would take 20 hours in total to complete is prolonged over 15 years. These laws delays not only disrupt the normal life of a victim but also has severe psychological consequences for them. Acts of omission by State officials who neglect or fail to take appropriate

action when a child's rights are violated would also make the State vicariously liable for these omissions. Delayed response to complaints of violence against children, delays in investigations and the judicial process results in child victims having to face prolonged trauma and re-victimization. This again raises the issue of State liability for physical and mental harm caused to child victims of violence.

Therefore, the committee strongly recommends that a stipulated time period be introduced to conclude judicial proceedings and that compensation be paid by the State to the child (to be collected upon attaining age of majority) for each year that a delay is noted, till the satisfactory conclusion of all proceedings and the reintegration of the child.

Throughout the child's journey within the child protection system – from needing to receiving help – robust mechanisms must be put in place to fundamentally ensure that the child is protected and their best interests are upheld. The committee is of the strong opinion that instead of “doing things right” which focuses on bureaucratic procedures, the entire child protection system need to focus on doing the right thing which is to ensure the best interests of the child.

Introduction

Sri Lanka has a long-standing tradition of protecting and nurturing its future generations. This care has historically been extended not just within nuclear families but through the extended family structure and the wider support of the community as well. This sentiment is reflected in historical records, such as the Chulawamsa, which indicate that even during the Anuradhapura and Polonnaruwa Eras in the 1200s, monarchs like King Vijayabahu I and Vijayabahu III established laws specifically prohibiting violence against children.

The foundation of children's rights in Sri Lanka is rooted in international laws and policies, most notably the 1990 United Nations Convention on the Rights of the Child (UNCRC). These principles guide the nation's commitment to safeguarding the well-being of children. Further, the Sri Lanka Constitution's Directive Principles of State Policy solidify this commitment by requiring the government to prioritize the needs of children and youth. This commitment must encompass their holistic growth – physical, mental, moral, religious, and social – while also safeguarding them from exploitation and discrimination.

The government of Sri Lanka has over the years introduced a series of interventions and measures on child protection. These include the introduction of national laws, policies, regulations, and action plans specifically designed to prevent violence against children. Moreover, the United Nations' Sustainable Development Goals for 2030 serve as a blueprint, urging governments to take tangible steps to eliminate all forms of violence against children. It involves addressing violence in society and ensuring that just and effective institutions are in place to administer justice.

In reiteration, safeguarding and nurturing children stands as the paramount responsibility of the State. By enacting measures to secure the well-being and safety of children, the government would also be aligning its national commitments with the Sustainable Development Goals for 2030 and its target to end violence against children.

For the purpose of this report, the committee defines 'violence against children' (VAC) in accordance with the UNCRC, as "all forms of physical or mental harm, injury, abuse, neglect, mistreatment, or exploitation, including instances of sexual abuse."

As outlined by experts at the committee discussions, in order to be a comprehensive system of protection of children, the following three categories of children who are affected or vulnerable to harm and abuse need to be considered. These are (a) those who are already identified as having faced violence, abuse or neglect (b) those being abused and yet unidentified and invisible and (c) those being groomed to become victims of abuse and exploitation.

1) Children already identified as having faced violence and needing care and protection would include those who are in the care of institutions, parents or guardians, having become victims of violence and abuse or considered in conflict with the law having been accused of burglary, theft or considered beyond control. These children need intervention for psychosocial rehabilitation and re-integration into society. An integrated child centered response by all stakeholders is essential for the success of such integration.

- 2) Children who are invisible, are those experiencing violence and abuse but unable to speak up or bring their plight to the notice of care givers or relevant authorities leading to their continuous suffering. These would be children who are subjected to harm within their homes, extended families, within communities and institutions including schools and religious institutions. Conducting awareness programmes for children about protecting themselves and the action to take if they do face harm are imperative steps to be taken urgently at national level. Such programmes need to commence from pre-school years and be continued as life skills and healthy relationship education in later school years.
- 3) Children who are being groomed, are those who are in the process of being introduced to sexual and substance abuse activities. It involves an imbalance of power and a motivation and intent to exploit the child. Several stages are identified in the process of sexual exploitation: Targeting the victim, gaining the child's trust, filling unmet needs, isolating and sexualizing the relationship. Once the abuse takes place prevention of disclosure is ensured by the perpetrator by threatening the child if disclosure occurs a family member will be killed or some bad event would take place. Similarly, children are groomed for the distribution and sale of drugs especially among peers and within school environments. Parents and caregivers should be alerted if their child is receiving unusual attention and treats from an adult and there are attempts to isolate the child. Professional awareness programmes for children can prevent such abuse and exploitation taking place.

At present Sri Lanka possesses legislation addressing numerous facets of child protection. Additionally, the country has ratified key international treaties and conventions. Consequently, a legal framework is in place to shield children from violence, abuse, exploitation, and neglect. However, it must be noted that in contrast to penal legislation, the procedural legal framework concerning children is antiquated. The principal procedural statute pertaining to children, the Children and Young Persons Ordinance, dates back to a colonial-era of 1939 and has undergone limited revisions since. Similar antiquity is observed in other statutes like the Orphanage Ordinance, Adoption Ordinance, and Vagrants Ordinance, which collectively exert adverse effects on children.

Therefore, the committee holds a resolute stance that Sri Lanka must update its legislation and interventions to present times and uphold the paramount importance of the child's best interests, guided by universally acknowledged principles, in these policies and interventions whilst addressing the challenges faced in the implementation of legislation and procedures.

The subsequent sections of the committee's report outline particular concerns related to children that was under deliberations and close consideration of the committee, with clear recommendations put forward within the framework of the Committee's Terms of Reference.

ISSUES AND RISKS FACED BY CHILDREN IN DIFFERENT ENVIRONMENTS

1.1 Children in Institutionalized Environments

In dealing with issues of children in institutionalized environments, the committee has addressed points 1,5,6,7,8,9,10 of the committee's Terms of Reference (ToR) in the following sections, as they relate to the care and protection of children within institutions:

Each and every child and young person possess the prerogative to reside within a nurturing setting that fosters their full potential. Those children who lack sufficient or any parental care are made vulnerable due to absence of such a supportive environment. Recognizing that the family constitutes the foundational unit of society and the intrinsic milieu for children's development, welfare, and safety, primary endeavours should be channelled towards facilitating the child's retention within or reintegration into the care of his/he parents, or when suitable, other proximate relatives.

Article 21 of the UN Convention on the Rights of Children (UNCRC) underscores that resorting to institutionalization should be considered only as a final course of action, to be pursued solely when no other viable alternative care solution exists for a child who lacks parental care. This is re-affirmed in the National Policy for Alternative Care of Children in Sri Lanka (2019) that has been approved by Cabinet.

Nonetheless, institutionalization still stands as the predominant alternative care approach commonly employed within Sri Lanka. The committee is of the view that the decision to remove a child from familial care should be regarded as a measure of last recourse, and whenever feasible, such separation should be temporary and of minimal duration.

As per data collected by the Department of Census and Statistics in its report 'Children on Child Care Institutions in 2019', there are 379 Child Care Institutions, providing shelter to 10,632 children for various reasons (Please see Table A). These institutions encompass different categories of Child

Developmental Centres (CDC) that house children admitted through courts or probation services for a variety of reasons, including abuse or neglect, adolescent offenses, abandonment, destitution, orphanhood, conflict or crisis, trafficking, disabilities, family disputes, reintegration preparation, and at-risk situations.

Table A: Reasons for admission to institutional care

| Reason for Children in Child Care institutions | | |
|---|--------------|----------------|
| Reason | Total | As a % |
| Being an Orphan | 267 | 2.51% |
| Being an Abandoned child | 1112 | 10.46% |
| Being a Destitute child | 7452 | 70.09% |
| Being a Child Victim | 1383 | 13.01% |
| Being a Child suspect | 118 | 1.11% |
| Being a Child Offender | 207 | 1.95% |
| Other | 93 | 0.87% |
| Total | 10632 | 100.00% |

Census of children in child care institutions 2019

These institutions, despite being perceived as places of safety, pose challenges to children placed within them such as lack of personalized care, emotional distress from separation, potential rights violations, developmental delays, limited privacy, stigma, disrupted education, health and hygiene concerns, dependency on institutional care, limited socialization, difficulties transitioning to family life, inadequate life skills training, disrupted relationships, struggles with identity and belonging and potential gaps in legal protection.

During committee discussions involving state officers in charge of these institutions certain issues concerning the above challenges have been re-affirmed. For example;

- Mental health concerns stemming from family separation: This distress can manifest itself as aggressive behaviour towards staff and peers, self-harm, destruction of property and withdrawal, leading to self-isolation.
- Unresolved multiple trauma, resulting from abuse as well as other structural, socio-cultural and economic factors such as gender discrimination, war trauma, dysfunctional families and parental migration.
- Stigmatization linked to Child Developmental Centres (CDC): Children placed in CDCs face difficulties such as rejection by the family, discrimination within the school environment and encounter challenges in finding employment, sometimes resulting in re-offending or re-victimization. Furthermore, many children who are victims or offenders are labelled as 'difficult' and 'impossible to manage'; stereotypes that aggravate children's poor mental health conditions.

- Inadequate attention to appropriate and planned Mental Health and Psychosocial Support (MHPSS) interventions: There is no approved cadre for MHPSS in the Provincial Department of Probation and Child Care Services (DPCCS). Child victims and offenders almost always require appropriate MHPSS interventions, some requiring specialized support, some critical and acute. None of these needs are currently being met due to the absence of an approved cadre of counsellors and psychologists.
- Documentation gaps affecting progression in life: Children transitioning from school to the workplace encounter obstacles due to insufficient documentation, such as birth certificates and permanent addresses.
- Physical abuse: Abuse within the institution has also been a concern, as indicated by statistics from the National Child Protection Authority (NCPA) for the period between 2018 to 2022. (Table B)

Table B: Physical abuse reported to the NCPA

| Alleged Abuser | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
|-------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Person in Charge | 35 | 31 | 16 | 15 | 17 | 114 |

1.1.1 Institutionalization Process

Legal provisions in relation to providing institutional care for children have been outlined through several ordinances in Sri Lanka. These include; (i) Act No. 48 of 1939 (1956 Revision) - Children and Young Persons Ordinance, (ii) Act No. 22 of 1941 (1956 Revision)- Orphanages Ordinance/Child Development Center Charter, (iii) Act No. 5 of 1907 - House of Detention Ordinance, (iv) Act No. 4 of 1841 - Vagrants Ordinance and the Provincial Probation Statutes.

There are two methods of institutionalizing children. One is institutionalizing a child victim, child suspect or child offender below 16 years of age on a court order. Provisions in this regard are set out in the Children and Young Person's Ordinance. The second is institutionalizing an orphaned, abandoned, or destitute child under the provisions of the Provincial Child Development Centre Charters at the request of the parents/ guardians/ or other relevant parties with the approval of the Provincial Commissioners of Probation and Child Care Services.

1.1.2 Different Types of Institutions

The following table sets out the categorization of childcare institutions in Sri Lanka.

| Type of Institution | Description |
|----------------------------|--|
| Remand homes | These institutions have been established under the provisions available in Chapter III of the Children and Young Persons Ordinance. These are facilities for the temporary detention of child suspects and victims until the court decision of such children is made after being brought before the court. |

| | |
|--|---|
| Safe homes | These institutions have been established under the provisions available in Chapter III of the Children and Young Persons Ordinance. These are facilities for the temporary detention of child suspects and victims until the court decision of such children is made after been brought before the court. Safe Homes are however located only in the Northern and Eastern Provinces |
| Certified schools | Children who are convicted under the Children and Young Persons Ordinance are admitted to these institutions for a period of 3 years for institutional correction. Further, children who need care and protection are also admitted to these institutions for a period of 3 years to provide protection and care. |
| Approved homes | Same as Certified Schools, this is an institution set up to rehabilitate child offenders convicted under the Children and Young Persons Ordinance. |
| Detention homes | Institutions established under the House of Detention Ordinance to provide care and protection to vagrant children and street children. There he is only one Detention Home in the country which is situated in the Galle District. However, children are referred to this Detention come under both the House of Detention Ordinance as well as the Vagrants Ordinance. |
| Training and counselling centre | An institution established to provide psycho-social treatment and vocational training to abused children. |
| Voluntary children's homes | There are 331 Voluntary Children's Homes in the country. These are Child Care Institutions that have been established under the Orphanages Ordinance/ Children Development Charter to provide protection and care to orphaned, abandoned and destitute children. They are run by volunteer organizations, and all matters from admission to social reintegration of children are handled by the Provincial Departments of Probation and Child Care Services. These institutions are maintained under the direct supervision of the Provincial Commissioners of Probation and Probation Officers. These institutions provide care for children from 0-18 years of age. Children are admitted to these homes for a period of 03 years and are expected to be reintegrated into the society before the completion of this period, and the decision for reintegration is made by the Placement Committee. |

Source: DSC & DPCCS (2019) Census of Children in Child Care Institutions

* In addition, there are Correctional Centres for Youthful Offenders under the Department of Prisons that are established for the purpose of detention, training and reformation of youthful offenders.

1.1.3 Children in Religious Institutions

It is a growing practice today for parents to enter children into religious institutions of all denominations. While many parents may be motivated to do so for religious beliefs, other reasons include education and financial hardships. The committee is concerned that there is a rise in reports of maltreatment and abuse of young children so entered into religious institutions. Please see below (Table C) for complaints recorded with the NCPA.

Table C- Abuse of children in religious institutions

| Alleged abuser | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
|------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Monk-Buddhist | 123 | 92 | 90 | 85 | 98 | 488 |
| Priest-Catholic | 2 | 2 | 5 | 2 | 2 | 13 |
| Priest-Islam | 1 | 1 | 1 | 1 | 0 | 4 |
| Priest -Hindu | 0 | 1 | 0 | 0 | 0 | 1 |
| Total | 126 | 96 | 96 | 88 | 100 | 506 |

Source: National Child Protection Authority Database statistics 2018 -2022

Recommendation:

Establishment of District-Level 'Pirivena' Institutions for the Ordination of Young Monks established and managed by the Ministry of Religious Affairs with monitoring being done by the NCPA. This should also apply to all religious institutions that enrol children under the age of 18 years for residential religious studies as provided for in NCPA Act No.50 of 1998.

Upon reaching the age of 18 years, these children should be given the freedom to make informed choices regarding their next steps in accordance with their beliefs.

1.1.4 Children Under 5 Years Living in Prisons with their Mothers

Children across the country find themselves confined within prison walls alongside their mothers, who have been convicted of various charges, including drug trafficking and other offences. This is when young children have no alternative caregivers to provide them with care and support.

These vulnerable children, all under the age of five, are born to mothers who either entered incarceration while pregnant or shortly after giving birth. They then reside with their mothers as a result of court orders. Some of these mothers have been handed life sentences, and the child is separated from the mother at the age of 5 years.

Regrettably, the conditions within these prison environments are far from conducive to healthy child development, particularly during the crucial formative years of a child. It is clear that these circumstances will have profound and lasting impact on the well-being and future prospects of these children.

Some of the primary consequences of children living inside prisons:

- **Limited access to education:** Incarcerated parents often struggle to provide their children with adequate educational opportunities. Prisons may lack proper educational resources, and children may miss out on important early childhood education, which is crucial for their overall development.
- **Exposure to harmful environments:** Children may witness violence, substance abuse, and other negative behaviours, which can be traumatizing and harmful to their emotional and psychological well-being.
- **Social isolation:** Children living in prisons experience social isolation as they have limited interaction with peers outside of the prison environment. This can impede their social development and ability to form healthy relationships.
- **Lack of proper healthcare:** Access to adequate healthcare services can be limited within prisons, potentially jeopardizing the child's physical health.
- **Emotional stress:** Living in a prison setting can be emotionally distressing for children. Separation from their primary caregiver (the incarcerated parent) or the fear of eventual separation can lead to anxiety, depression, and emotional trauma.
- **Stigmatization:** Children of incarcerated parents often face stigma and discrimination from their peers and society.
- **Inadequate parental support:** Incarcerated parents may struggle to provide emotional and financial support for their children.
- **Limited opportunities for play and development:** Prisons typically lack the space and resources necessary for children to engage in recreational activities and play.
- **Risk of recidivism:** Children raised in a prison environment may be at a higher risk of becoming involved in the criminal justice system themselves, continuing a cycle of incarceration within families.
- **Long term impact:** The consequences of growing up in a prison environment can have lasting effects on a child's life, affecting their education, employment opportunities, and overall life prospects.

It's important to note that many organizations and advocates are working to improve conditions for children living in prisons and to promote alternatives to incarceration for parents when appropriate. These efforts aim to mitigate some of the negative consequences associated with child-rearing inside prisons.

Recommendations

- Alternative sentencing: community service, probation, or rehabilitative programs that allow the mother to maintain contact with her child while serving her sentence outside of a prison setting.
- Family-based alternatives: place young children with responsible family members or suitable alternate care arrangements while their mothers serve their sentences. This would require careful assessment and monitoring to ensure the child's safety and well-being.
- Legal reforms: review and reform relevant laws and policies to align with international standards and promote the best interests of the child. This may involve considering the child's rights, the impact of separation from the mother, and the long-term consequences of early exposure to a prison environment.

1.1.5 Street Children

They face a range of complex and interconnected issues that stem from the lack of a stable and supportive environment. Homelessness and lack of shelter, basic needs such as food, clothes, healthcare, and education. They are exposed to exploitation and abuse, substance abuse and social stigma. One of the key issues these children face is the lack of legal documentation, making them more vulnerable to exploitation and denying them access to essential services. Children on the streets are often marginalized and overlooked by society, leading to a lack of policies, programs, and support systems that address their unique needs.

Recommendation

Establish shelters or safe spaces where street children can seek refuge and receive temporary accommodation, protection, and care. Provide necessities such as food, clean water, clothing, and healthcare. Provide access to vocational training programs that empower street children with essential knowledge and skills. These can be established in collaboration with the private sector or well-wishers.

1.1.6 Causes of Institutionalization

In 2019, the Department of Census and Statistics carried out Sri Lanka's first official census on Children in Child Care Institutions. This study examined the economic and social background of institutionalized orphaned, abandoned, and destitute children, children in need of custody and care, and of child suspects and child convicts and set out some of the reasons for institutionalization.

Increase in parental divorce and dysfunctional families, and the inability of parents or guardians to care for the children due to severe financial problems, disability, chronic illnesses, mental health conditions including those resulting from war-related trauma and various long-term illnesses are other significant factors that make children destitute. Due to the above reasons, an increase in the number of "destitute" children admitted to institutional care compared to orphaned or abandoned children was observed during the past several decades. The number of children being

institutionalized indicate that voluntary residential institutions in Sri Lanka are considered by families and services providers as a suitable location to place children in need of care and protection and ensure the welfare of children. This applies even to children who are not permanently deprived of parental care.

A majority of Child Care Institutions are funded by sources other than the government. 229 Child Care Institutions reported their major source of funding came from local non-government funds.

- There are 10,632 children in Child Care Institutions out of which 6,615 (62.2%) are female and 4,017 are male.
- Gampaha district reports the highest number of institutionalized children (1,393) followed by Colombo district with 1,052 children.
- Out of 10,632 children, the birth of 9,606 have been registered but 329 of them are reported to have only a probable age certificate.
- 7,467 (71.3%) of children in Child Care Institutions were between the age 5-14 when they were first institutionalized.
- 7,446 (70%) of the children in these institutions had lived with a parent or both parents at the time of institutionalization and almost 20% had lived with a relative.
- Out of all institutionalized children, 70% (7,452) were reported to be institutionalized as they were destitute i.e., they were children in need of Care and Protection.
- The total number of children under institutional care in 2010 was 15,874 and by 2019 it has gradually decreased to 10,632.

Source: DCS & DPCCS (2019) 'Census of Children in Child Care Institutions'

Destitute children

Out of all institutionalized children, 70% (7,452) were reported to be institutionalized as they were children in need of care and protection, but considered destitute, mainly due to the poverty of the family.

A child is considered destitute if at least one of the below situations apply:

- a child whose father and mother are dead;
- a child who is deserted by one of the parents and the other is unable to function as parent and child needs care and safety;
- a child whose parents are receiving public assistance from the Government or from Local Government institutions;
- a child with a parent who is permanently ill and the other has no fixed income;
- a child with a parent who is in prison and other has no fixed income;

- a child with a parent who is a mental health patient and the other parent has a court order or has no fixed income;
- a child whose parents are separated, in police custody or does not have any fixed income
This indicates that one of the main causes for children to be placed in institutions is poverty resulting from a lack of fixed income; secondary causes being the inability to provide care and protection for children due to the absence of one parent, or one parent being ill and the other not having a fixed income.

The table below indicates that despite one or both parents being alive, children have been considered to be destitute and admitted to institutions.

| | Total | % | Male | % | Female | % |
|-------------------------------------|--------------|----------|-------------|----------|---------------|----------|
| Both parents alive | 5908 | 55.6 | 2077 | 51.7 | 3831 | 57.9 |
| Only father alive | 916 | 8.6 | 328 | 8.2 | 588 | 8.9 |
| Only mother alive | 2964 | 27.9 | 1253 | 31.2 | 1711 | 25.9 |
| Both parents' dead | 238 | 2.2 | 101 | 2.5 | 137 | 2.1 |
| Father dead mother not known | 49 | 0.5 | 24 | 0.6 | 25 | 0.4 |
| Mother dead father not known | 67 | 0.6 | 25 | 0.6 | 42 | 0.6 |
| Both parents not known | 479 | 4.5 | 208 | 5.2 | 271 | 4.1 |
| Not specified | 11 | 0.1 | 1 | 0.0 | 10 | 0. |

Department of Census and Statistics 2019

- **Economic status of father** - It is also noteworthy that barring the children of fathers whose economic status is not known (37.2%), a considerable number of children of unemployed men who do not have a fixed income (35.9%) are entrusted to the care of Child Care Institutions, indicating the importance of the economic status for a child's upbringing.
- **Economic status of mother** - Of the 5,899 children whose mother's economic status is reported, a little more than 2,000 are reported to be employed/ economically stable. Furthermore, 43% of the women whose children are currently in institutions still remain unemployed or without a permanent source of income.
- **Parents who can work but do not** - Out of about 3,500 (51.8%) responses received regarding father's current health status, the majority were healthy and had not reported any health issues that may hinder earning an income. Out of about 5,800 (65.8%) responses received regarding mother's current health status, the majority were healthy and had not reported any health issues that may hinder earning an income.

Victimized children

According to the Census of Children in Child Care Institutions (2019), there are 1157 children who have been subjected to physical, psychological or sexual abuse. This includes 64% of children over 15 years.

Children in conflict with the Law

Similarly, 325 institutionalized children are reported to be suspects of/or convicted due to various reasons. The number of male suspects/ convicts (283) are significantly larger than the number of female suspects/ convicts (42). The highest number of children (142) are reported to be suspected/ convicted for theft, robbery or burglary. The second highest reason to be a suspect/ convict is reported as a child being “beyond control”.

1.1.7 Preventing Institutionalization

The institutionalization of children in Sri Lanka is significantly linked to poverty, with 70% of children being placed in institutions due to destitution.

Presently, the State has initiated various poverty alleviation and social protection programs. The committee is of the view that priority should be given to livelihood programs aimed at empowering families economically before resorting to institutionalization of their children. This approach is advisable unless exceptional circumstances arise providing a justification for interim social protection interventions, if the child is facing imminent danger.

Often, dysfunctional family situations which are unsuitable for children's care and development lead to their institutionalization. To explore family-based alternatives for children's care and protection, it is imperative that Probation and Child Protection services work with families on strengthening their capacities to care for their children. Family strengthening approaches have been used across the country for decades, with little effort taken to mainstream successful models. One such model has been 'Family Group Conferencing (FGC)' introduced in Sri Lanka in 2007. This is a tool that helps strengthen the capacity and attitudes of the family to care for their children, without resorting to institutional care. The committee recommends that the NCPA, DPCCS and Provincial DPCCS works together to use tools like FGC and proactively focus on strengthening families and the communities they live in.

This approach also underscores the importance of collaborative efforts among state and non-state child protection services. A case example can be cited from the Northern Province: Aligning with the Provincial Probation Charter, Probation Officers have a duty to prevent risks children face. Hence, periodically, at divisional level, officers of the provincial DPCCS, NCPA, national DPCCS, National Secretariat for Early Childhood Development, Women's Bureau and if relevant - the Foreign Employment Development Officers (FEDO) convene to discuss and collaboratively address risks children face, so that their care and protection is ensured within the community.

There are provisions in the current law in the form of 'Fit Persons Order' to implement foster care on a case-by-case basis overseen by courts. In the Sri Lankan culture children are seen as an investment by parents as most of the aging parents are looked after by their children when they grow up. Therefore, parents giving up a child to an unknown family is seen with suspicion. The introduction of a general foster care system should be approached cautiously, considering that in many countries, this system has resulted in instances of child abuse. A culture of foster care does not exist in Sri Lanka

and any attempt to popularize such a practice should be done only on a pilot basis and first tested through provisions in the existing law. Given the rising challenges of substance abuse, online exploitation, trafficking, and the imperative to safeguard children's rights, it's crucial to ensure that fostering doesn't lead to rights violations. Hence, the committee does not recommend the enactment of any new law to popularize foster care beyond extended family.

The existing practice of care provided by extended family members such as with maternal or paternal relatives, recognized as 'Kinship Care' is already in operation and should be further reinforced. This entails entrusting child care to suitable relatives following a comprehensive social inquiry conducted by Probation Services. Implementing a monitoring mechanism is essential to track the child's progress and well-being. However, this approach maybe increasingly challenging due to the prevailing economic and social challenges. Empowering such families who are willing and suitable to care for such children should be considered by the Ministry of Women, Child Affairs and Social Empowerment.

1.1.8 De-institutionalization of Children

In respect of children who have been admitted as being destitute on the approval of the Commissioner for Probation and Child Care Services, parents whose circumstances have improved should be encouraged to take the children back home.

During the consultations the committee had with heads of the State and Non-State childcare institutions, the committee raised concerns about the high number of child victims of abuse placed in care institutions. The heads of the state institutions mentioned that close to 80% of child victims who are brought into institutional care remain in institutional care, and only 20% of children return to their families. Hence, there is an immense burden on the government care system to provide quality and appropriate care for child victims, who have faced violence, and also been separated from their families at a most vulnerable and difficult time in their lives.

As stipulated in Section 17 of the Children and Young Persons Ordinance No.48 of 1939, the Probation Officer has to make inquiries into the family situation of the child victim, explore possibilities within the community for the child's care and protection and make recommendations to the court. Only if there is no community-based solution for the child's care and protection, should the Probation Officer recommend institutionalization. However, when examining most children's social care reports, it becomes clear that adequate inquiries have not been made, in order to assess the possibility of community-based care for the child. Hence, the Probation Officers tend to recommend institutionalization, which the magistrates seem to uphold, without much objection.

Victims of violence also continue to remain in institutions as a result of delays experienced in the judicial process. The committee has had discussions with relevant legal professionals to understand and highlight the importance of ensuring that children are not subjected to prolonged institutionalization due to the inability of the State to provide a speedy and effective trial for offences relating to child abuse. Delays in the judicial process is dealt in Chapter 5 of this report.

Recommendations

- Clear criteria to be established by a consultative process of all stakeholders led by the DPCCS to make a determination on the institutionalization of children.
- Court should assess the social care report against the above criteria and should indicate beyond doubt the need for institutionalization.
- There should be close supervision of children placed in family-based care by Probation Services, in collaboration with Women Development Officer, Early Childhood Care Development Officer, Child Rights Promotion Officer, Officers of the National Child Protection Authority and counselors of the Ministry in charge of the subject of children.
- If a child has been institutionalized, it has to be for a short period of time. According to the CYPO, child victims should not be placed in Certified Schools, which care for child offenders.
- Case Committees should be held regularly, to ensure that prompt decisions regarding the child's de-institutionalization is made and the child is reunified with his/her family swiftly.
- Prioritize efforts to rehabilitate parents engaged in substance abuse to address a core issue of child destitution, thereby reducing the need for institutionalizing children.

1.1.9 Restorative Process

Children in conflict with the law should be accountable for their actions and victims affected by their acts have a right to redress. However, this committee is of the view that subjecting children to the formal justice system will be detrimental to society as well as the children. Children, especially during an institutional corrections process could develop anti-social tendencies, through denial of their childhood.

‘Diversion’ of children from the criminal justice process that focuses on restorative justice and rehabilitation of children in conflict with the law, is a global best practice that Sri Lanka should expand on. Currently the only ‘diversion’ option available in Sri Lanka is referral to mediation boards of cases of theft committed by a child that is valued at under five thousand rupees (LKR 5000/-).

DIVERSION is (a) aimed at reinforcing children’s respect for human rights and the fundamental rights of others by holding children accountable for their actions and safe-guarding the interests of victims and the community; (b) intended to ensure that children’s contact with the formal justice system is restricted, provided that their human rights and legal safeguards are respected; (c) aimed at securing the care, protection, control and guidance necessary for the proper development of children’s personality and for their reintegration and assumption of a constructive role in society;

Diversion should be implemented in such a way as to recognize the importance of participation by families of children and communities to (i) minimize the incidence of children who commit offences; (ii) discipline and manage the behaviour of children who commit offences in a humane manner; and (iii) provide services designed to rehabilitate and reintegrate children who commit offences back into society; (iv) ensure that reactions to offences committed by children uphold the principle of proportionality of the response, bearing in mind children's evolving capacities, level of maturity and their capacity for reintegration into society; (v) ensure that the parents of a child are encouraged and assisted to fulfil their responsibility for the care and supervision of the child; (vi) not result in any form of direct or indirect discrimination on grounds of sex, race, colour, ethnic origin, religion, creed, disability or social or economic status; (vii) reduce the risk of stigma being caused to a child by contact with the criminal justice system; (viii) not be exploitative or expose the child to the risk of harm.

In each instance where diversion is to be used, the requirements of the diversion conditions must be explained to the child and to his or her parents or guardians in a language of their choice, including providing information about the nature of the diversion conditions being ordered, and the consequences of breaching any of the conditions.

This committee advocates for the establishment of legal provisions for its use at every possible and practical stage in the process of dealing with a child in conflict with the law.

1.1.10 Rehabilitation

The goal of rehabilitation of child offenders should be to address the causal factors that led to their offending and support them to live in society without committing further crimes. However, the correctional/ rehabilitation facilities for children, which are Certified Schools and Training Schools for Youthful Offenders often fall short of providing children with impactful rehabilitative care. Most of these institutions provide some varieties of vocational training and/or education. There are no tailored programmes that focus on addressing the causes of offending or recidivism. There is also a rising need for drug rehabilitation for child offenders living in these institutions, as most offenders have been victims of drug trafficking and drug abuse. The current practices of addressing drug abuse - which is complete withdrawal of drugs, without a rehabilitation plan can cause greater harm to children who are unable to cope without drugs in their day-to-day lives. As found in the Achchuveli Certified School (Northern Province) , such children overdose on psychotropic medication provided for their or their peers' psychiatric conditions, as they are unable to cope otherwise.

This Committee recommends that the programmes in the institutions be reviewed by Child Mental Health Specialists to ensure the best interest of the child. This is a vital step as the NCPA has not adequately monitored State run CDCs in the past years.

Recommendations

- Rehabilitation aimed at preventing future crimes to be a priority in Certified Schools and Training Schools.
- Individual rehabilitation programmes to be designed through a case management process for each child, and Probation Services to be held accountable for the implementation of the rehabilitation plans.
- The approach to rehabilitation should be developmentally appropriate, with consideration of the wider socio economic, protection, mental health and developmental needs of the child.
- Drug rehabilitation to be introduced to the institutions, so that children are supported systematically from the start to overcome substance abuse.
- Introduce legal provisions for the use of diversion at every possible and practical stage in the process of dealing with a child in conflict with the law.
- The programmes in Certified and Training Schools should be reviewed by Child Mental Health Experts.

1.1.11 Reintegration

Significant issues lie in the lack of reintegration plans for children placed in institutions. By legal definition, childhood ends at the age of 18, and upon reaching adulthood, individuals are no longer entitled to state care and protection. As a result, they are expected to leave CDCs and embark on their life journeys. This issue represents a significant gap in Sri Lanka's child care system. While vocational training may assist in securing employment for some, the absence of suitable housing or residential facilities presents considerable challenges. The lack of a permanent address and consistent birth certificate discourages employers from considering them for positions. Even those who find employment within company premises have nowhere to go during holidays. In addition, children who are leaving care often lack life skills to face society as an adult.

Further, problems in obtaining a birth certificate has been highlighted to the committee by officials of voluntary homes as well as state managed child care institutions. It appears that there is a lack of coordination between Probation services and the care institutions in obtaining these documents. The committee therefore recommends that measures should be put in place where the Probation Officers take responsibilities to obtain birth certificates within a stipulated time frame so that problems associated with education can be minimized.

The regulations need to be re-examined and updated to ensure that children who have been institutionalised for their care and protection are afforded equal treatment as their peers, enabling them to acquire a birth certificate on par with other children.

The eventual goal for any child entering institutional care is their reintegration into society and family. However, it is noted both from literature and consultations with CDCs that children entering care spend most of their childhood years in care, often moving from one care institution to another. Upon investigation of the causes of this problem, the following emerged:

- Families of children who are institutionalized due to poverty (majority) do not want their children to return home. Some of these children also prefer the facilities at the CDC compared to their home environment.
- In some cultures, families of children who are victims of abuse do not want their child to return due to community stigma and discrimination.
- The families of children who have been victims of organized crimes such as child trafficking are often abusive and have been party to the child's victimization. There is a risk of re-victimization in such environments.
- The magistrates have extended the child's placement in the care institution without substantial reasons, and sometimes against the recommendations of the Placement Committee or Case Committee.

Another issue stemming from the consultations is the lack of process followed in efforts to reintegrate children. Reintegration is often considered an activity - to return the child back to his or her family. Hence, the lengthy process of reintegration that involves strengthening and preparing the family and the child is often disregarded. This gap has sometimes resulted in children being rejected by their families, becoming re-victimized and re-entering the care system.

Due to poorly planned reintegration, children who experience institutionalization often encounter social stigma, after their departure from these institutions. Several organizations are currently advocating for the rights of institutionalized children and addressing challenges that arise during the process of reintegration into society. These issues involve hurdles like the absence of birth certificates, unequal access to opportunities, and the lack of another alternative care option.

Another issue that has been identified is the lack of life skills among children who leave care. Often, there are no programmes or initiatives within CDCs to prepare children leaving care to live without the support of caregivers. Although children may have received some vocational training, basic life skills for independent living such as financial management, household management, accessing government and other services are often not developed for children leaving institutions. This poses major challenges to them as they embark on their new adult lives.

This committee has also taken note of instances where children have been forced to leave institutions with no alternate plans for housing. At the committee's hearings, it has been informed of instances where boys have spent several days at bus stops due to the lack of a proper residence as well as instances where girls have been compelled to join massage parlours and Spas as "therapists" due to their inability to find housing. In fact, officials of some voluntary homes questioned as to whether their efforts to care for girls under strict supervision is worthwhile, considering the vocation they are forced to engage in due to the lack of a system to ensure a stable life as an adult. The boys are often targeted by drug lords to become dealers as it is a lucrative business.

The committee recommends that a programme of reintegration be implemented to enable children who attain the age of 18 years to be given an opportunity to enter a hostel where they can live whilst engaging in employment. They would be expected to pay a hostel fee. This system could be established in collaboration with private sector and Civil Society Organizations (CSOs) who would be interested in contributing to the stability of future generations.

In choosing vocational training options for children while they are in institutions, it is important to focus on the current job market. These trainings should move from traditional vocations to modern day employment opportunities based on the child's aptitude and interest and market research evidence.

Further, at the time of data collection the Census Department study found that minimum efforts have been made to reintegrate children back into their communities and society. Out of 10,632 children taken into consideration for this census, efforts have been made to reintegrate only about 2,133 (20%) children out of which majority of 1,381 are girls. When different age groups are considered, it can be seen that reintegration of one in every three children aged 4 years and below has taken place which is comparatively higher than the percentage of older children. However, it is noted that 272 children of 4 years and below who could be reintegrated, has not had any action taken for their reintegration, or even adoption. The majority of children adopted throughout the world is under the age of five years, and the propensity of adopting children under 5 years of age is comparatively higher in Sri Lanka as well. The age group 5 years – 9 years is the highest age group where a lack of effort is visible, with more than 75% of children not being considered for reintegration. Furthermore, It should be noted that there are about 5,800 children aged 10 years and over in institutions who have not started the process of reintegration into society.

Officers from CDCs and Non- Government Organizations, as well as concerned parties, emphasize the urgent need to address this critical gap without delay. It is crucial to establish effective reintegration plans and provide necessary support to ensure the well-being and successful transition of these young individuals into independent adulthood.

Challenges in Adoption Procedures

The Placement Committees at Children's Receiving Homes usually convene twice a year, to make decisions on adoption of children. The procedures followed by various provinces differ in this regard. As an example, in the Northern Province, the Adoption Committee, which consists of Provincial Commissioner of Probation and Child Care Services, Professor of Paediatrics at Jaffna Teaching Hospital, Director of Provincial Social Services, and Senior Probation Officer make decisions relating to the adoption of children, based on the recommendations of the Placement Committee.

The Adoption Committee prepares the adoption waiting list, where children are categorized on the basis of time spent at the institution, age etc. Thereafter, on the orders of the Court, the decision to give their child for adoption, parents and guardians and action to be taken accordingly to allow the children to be adopted. Families which refuse to allow their child to be adopted locally are notified to the National DPCCS to refer them for adoption by foreign families.

But children who are suitable for adoption continue to languish in institutions due to the delays in the adoption procedures. Officials of CDCs have requested that a timeframe be established as children should be adopted before they reach 2 years, as they face greater difficulties in finding adoptee families as their age advances. There are times when a completion of an adoption proceeding takes 5 years, creating challenges in integration of the child into their new family. Factors which cause delays, which include waiting to obtain consent from parents should be investigated and appropriate measures taken in the best interests of the child.

Children in Other Environments

1.2.1 Lack of Parental Care, Family Separation and Dysfunctional Families

Parental care entails emotional closeness and affection between parents and their children, while a lack of parental care is marked by emotional distance, neglect, and rejection. This can manifest as reduced communication, neglecting the child's needs, and creating a sense of being unwanted. Children deprived of parental care are more at risk of physical, psychological, emotional, and social harm, which may have lifelong consequences. They are also at a higher risk of facing violence, abuse, neglect, and exploitation.

The escalation of female labour migration, alcohol and substance abuse, the use of digital media protracted war-related trauma and teenage pregnancy stand as significant contributors to the heightened jeopardy of parental negligence, abuse, and the detachment of children from their families. This repercussion is particularly pronounced when children lack the maturity to independently manage their well-being. During discussions with the committee, the College of Adolescence and Child Psychiatrists highlighted that not only the lack of parental care, but also the absence of proper parenting skills and attitudes resulted in adverse effects on the child's emotional well-being. Additionally, the highly competitive nature of education, encompassing academics, sports, and extracurricular activities, has pushed children to strive for extraordinary accomplishments. Professor Harendra de Silva, founding chairman of the National Child Protection Authority (NCPA) states 'the growing issue of unhealthy competition and mounting pressures faced by school children is mainly caused by 'helicopter parents', those who closely monitor and excessively control their children's lives to ensure perfection'.

The key findings of the Women's Wellbeing Survey conducted in 2019 - the first dedicated National Survey on Violence against Women and Girls highlights how violence within homes affect children. The findings indicate the impact of intimate partner violence (IPV) on children and the resulting intergenerational aspects. The behaviour and performance of children at school differed between children of women who experienced physical and/or sexual IPV and those of women who did not experience such violence. For example, women with school age children who had experienced physical or sexual IPV were more likely to report their children had nightmares (21.2%) than women who had no physical or sexual IPV (11.8%). Women who experienced IPV were also more likely to have a child who dropped out of school (4.5%) compared with women who never experienced violence (1.7%). More than 60% of women with school age children who had experienced physical IPV said that their children witnessed or overheard the violence. Further, women who experienced IPV were more likely to report that they and/or their partner grew up in a violent home. This shows that violence "runs in families", or rather, is learned from copying what was seen in childhood. This can be identified as intergenerational aspects of violence.

Domestic violence (DV) is a frequent occurrence but very much underreported, hampering a true understanding of its extent. The underreporting of domestic violence cases maybe due to the lack of knowledge on the Prevention of Domestic Violence Act (No.34 of 2005) among law enforcement authorities and the norm that domestic violence is a private matter.

Therefore, despite their genuine intentions, numerous parents and caregivers struggle to accurately discern and address challenges to the security and safeguarding of their children. This challenge is further compounded by the absence of community-centred social support structures that can provide high-quality, easily accessible, and cost-effective assistance. Additionally, a widespread lack of awareness concerning this domain translates into diminished demand for services attuned to the needs of children, even when such services are available.

Children with disabilities encounter heightened vulnerability due to the frequent unavailability or prohibitively high costs of essential services tailored to their needs. Children with disabilities below the age of five (5) years often lack national registration, rendering them ineligible for social protection measures that could provide necessary support. The capability to recognize and address concerns pertinent to children with disabilities must be fortified across all echelons.

Recommendations

- Steps should be taken by the state to ascertain the causes of the parent's poverty and inability to provide care for the child and what steps if any have been taken to address this issue
- Take appropriate measures to assist parents and others responsible for the child and provide support programmes to enable the economic empowerment of the child's family unit.
- State officials engaged in providing child protection services should support family strengthening.
- Increase support to children with disabilities

1.2.2. Migrant Labour

Numerous reports and research delve into the circumstances faced by children whose parents migrate for employment. A significant economic approach in Sri Lanka revolves around the overseas labour migration of Sri Lankan workers, a notable portion of whom are mothers with young children. While respecting the rights of women to employment, the committee was informed by the medical community that the contribution of the mother plays a significant role in the emotional and mental wellbeing (neurocognitive development) of children. Children left behind due to maternal migration confront heightened vulnerability to violence, stemming from the absence of the primary caregiver and the additional layer of protection they provide. Predominant forms of harm reported include neglect, sexual abuse, and exploitation. The UN Human Rights Committee has voiced concern over the range of adverse experiences faced by these children, encompassing educational disruption, neglect, abandonment, abuse, exploitation (including sexual abuse), alcohol-related issues, child labour both within and outside the home, early marriage, and trafficking.

In Sri Lanka, the government has revised a previous decision that barred women with children under five years of age from migrating for work based on the recognition of a woman's right to work. The new policy allows women with children over two years of age to migrate. Nonetheless, this shift presents the challenge of effectively monitoring the well-being of the children left behind.

The committee was informed from officials of the Sri Lanka Bureau of Foreign Employment (SLBFE), that approximately 1.2 million individuals are currently employed abroad, with around 40% of them being females. In the year 2022, a total of 124,015 females left the country for overseas employment. Further it was informed that these figures pertain solely to individuals who have registered with the Bureau. It was also noted that the Bureau faces challenges in obtaining data from the Department of Immigration and Emigration regarding the number of individuals who have returned from overseas employment.

The process of registering for overseas employment approval involves designating an alternate caregiver who must agree to provide the necessary care and protection for the children. This involves submitting documents, including a consent form and information about the alternate care giver to the relevant Divisional Secretary's (DS) office. However, once these documents are submitted and the migration process begins, there is a lack of mechanisms in place to continually monitor the well-being

of the children. This gap in monitoring could potentially lead to instances of neglect or inadequate care for the children during the overseas employment period.

While a document referred to as a “Care Plan” has to be developed for each child, it was revealed that Developmental Officers attached to the SLBFE are unable to regularly monitor the wellbeing of the children when faced with a large number of migrant workers within the district. Furthermore, this “care plan” does not appear to conform to the accepted norms of an individualized care plan. This committee appreciates the welfare measure that have been implemented by the SLBFE to provide nutrition and educational items for children left behind. This committee also appreciates that the mandate of the SLBFE is primarily to promote safe migration; but there should be a system that ensures referrals and linkages to child protection agencies including appropriate child protection mandates to ensure that the wellbeing of children is not ignored.

The preliminary National Action Plan for the Promotion and Protection of Human Rights (2017-2021) underscores the imperative of establishing a comprehensive database capturing the welfare and protection requirements of children impacted by migrant labour. Additionally, the plan underscores the importance of executing care strategies tailored to the needs of both children and their families.

Recommendation

- In implementing policy enabling migration of mothers of children over two years taking into account economic hardships, human rights and best interests of the child, a system to protect children should be implemented with collaboration with and support of Women’s Rights Organizations.
- Ensure that any extended family or other alternative care introduced for children of maternal migrants is monitored to prevent neglect of the child.
- Introduce a mechanism for the alternate caregiver to visit the Grama Niladhari or other appropriate state officials such as the MOH with the child once a month or for schools to monitor the progress of the child and interact with the alternate care who should visit the school monthly.

1.2.3 Digital Media

Online violence against children takes various forms, each posing significant risks to their well-being. Cyberbullying, for instance, involves the use of digital platforms to intimidate, threaten, or humiliate children through hurtful messages or personal attacks, often leading to emotional distress. Additionally, online harassment manifests as unwarranted and persistent attention, threats, or stalking, further exacerbating the emotional toll on young individuals navigating the digital realm.

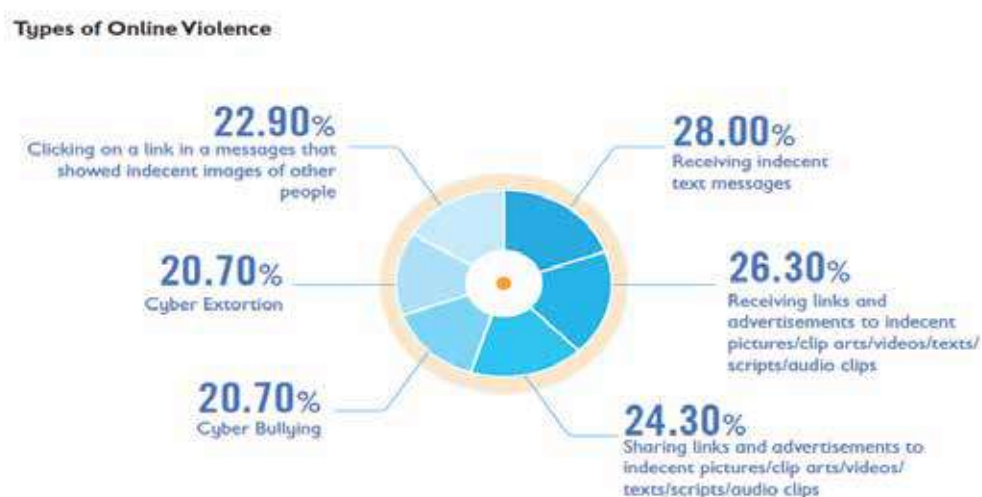
The issue of Child Sexual Abuse Material (CSAM), that include the creation, distribution, or possession of explicit images involving minors, not only exploits but also violates children's rights, demanding stringent measures for prevention and intervention. Online sexual exploitation escalates this risk by coercing minors into participating in sexual activities via webcams or livestreams, causing severe harm to their well-being. CSAM, being a transnational crime, poses a significant threat to human security. Moreover, the commercial exploitation of children through pornography is an alarming problem.

Sexting and sextortion represent threats that can coerce minors into sharing explicit photos or videos, leaving them vulnerable to potential blackmail or unauthorized distribution of their private content. Equally concerning is grooming, where online predators manipulate and establish trust with children for sexual exploitation, posing a grave risk to their safety. Furthermore, the internet's reach extends to facilitate child trafficking and child labour, exposing children to the horrors of forced labour, sexual exploitation, or abuse.

False information and manipulation strategies further compound these issues by conditioning children both to extremist ideologies or harmful behaviours, privacy violations, such as the unauthorized sharing of personal information or private images without consent. These infringe upon children's privacy rights, causing profound emotional distress and long-term consequences. Beyond these threats, hate speech and discrimination targeting children based on various characteristics result in exclusion and significant harm, perpetuating a cycle of injustice and emotional distress.

A study by Save the Children in 2021 found that 3 out of 10 children have faced some type of online violence in Sri Lanka. The types of violence the study identified are shown in Figure 1.

Figure 1: Types of online violence faced by children in Sri Lanka



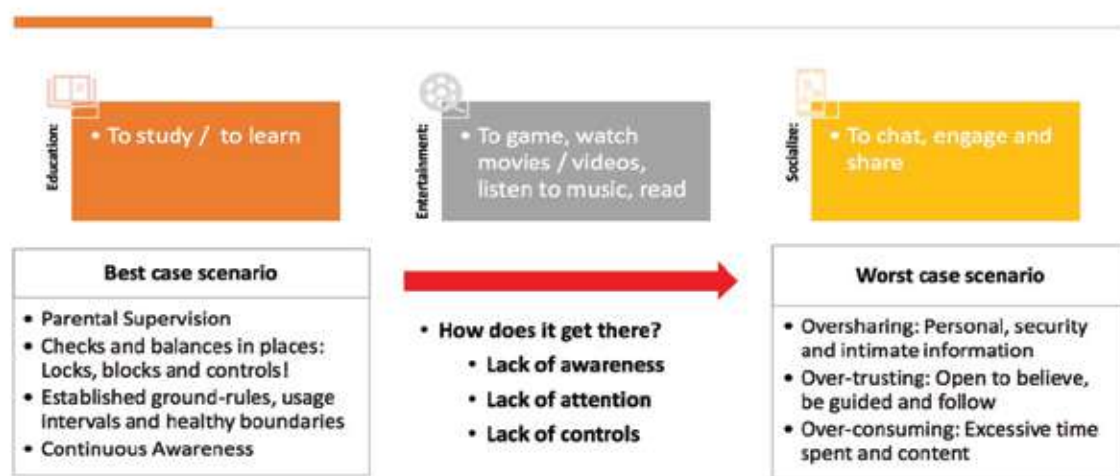
Another Sri Lankan study in 2018 identified that while girls share intimate images based on trust, boys often use them as a form of a masculine trophy and as a weapon for controlling the relationship. The widely known impunity for online crimes has led to more young people perpetrating violence online for these reasons ³

According to a news article featured in the Daily Mirror on August 10th, 2023, the prevalence of sexual abuse involving children has reached deeply disturbing levels, a worrying trend attributed to the rapid advancements in technology. In 2017, over 1100 cases of sexual harassment and rape were reported to The National Child Protection Authority (combination of online and offline crimes), and by 2022, this number had increased. Only 10% of such cases are officially reported. Society must collectively address this under reporting and prioritize the safety and welfare of children, who are particularly vulnerable.

Sri Lanka has an institutional structure (albeit poorly coordinated) to respond to online violence. Sri Lanka Computer Emergency Response Team (SLCERT) and specific non-governmental entities such as Hashtag Generation, Sri Lanka Unites etc are whitelisted by tech companies such as Meta to report

and help take down offensive material on their platforms. There are also some measures taken to detect harmful content on social media sites using bots that detect offensive language. However, the scope and extent of these measures hardly have the capacity to respond to the scale and scope of the offensive content directly or indirectly targeting children generated in-country. The examples of racist and hate speech that plagued the country during incidents such as the Digana riots, religious extremism found on social media prior to and in the aftermath of the Easter bombings were unshielded from children, while some directly addressed them and mobilised young people.

Understanding why children are on the internet helps understand the possible touch points and pathways that expose them to Online Abuse



Collaborative efforts among parents, guardians, educators, policymakers, and technology companies are essential to protect children from online violence. This includes the implementation of effective parental controls, strengthening online protection legislation, optimizing monitoring and reporting mechanisms and promoting responsible online behaviour.

The following recommendations are proposed after a situational analysis in parallel to discussions with relevant stakeholders:

I. Unsafe Online Environments a Threat to Safety and Security of Children

Child Sexual Abuse Material, Cybercrimes and Child Sexual Exploitation

Key concerns regarding Child Sexual Abuse Material (CSAM) encompass the exploitative portrayal of minors, depicting them in sexualized contexts, often detached from reality.

Taking into account the high rate of depression amongst teenage girls involved in Social Media and the call for adequate safeguards internationally, steps should be taken to implement measures to prevent such problems. Additionally, the non-consensual exposure of adolescents through the sharing of private content, obtained through consent or coercion, raises significant issues. This material proliferates through digital channels, sometimes as revenge pornography,

making it easily accessible to child sex offenders while inflicting severe emotional trauma on victims. There are also concerns about online communities and databases dedicated to hosting illicit content, often curated by individuals with malicious intent. The utilization of encrypted platforms like Virtual Private Networks further complicates tracking and detection. Significant challenges persist in reporting mechanisms and holding perpetrators accountable due to reluctance, identification and lapses in evidence collection.

Inappropriate Content Exposure and Children

Children are increasingly exposed to inappropriate online content through pop-up advertisements while playing games. These ads promote age-inappropriate material like sex toys, pyramid schemes, and controversial ideologies. Artificial assistance programs like Siri and Alexa unintentionally facilitate access to such content. Additionally, children encounter distressing material online, including violence and suicides, often without parental oversight. Explicit content, such as adult pornography, is easily accessible on platforms like Twitter, sometimes without warnings. There are also risks associated with children accessing the dark web. Addressing these concerns requires proactive content monitoring, parental supervision, and optimized services for child safety. Parental supervision and controls over digital usage become imperative and mandatory to manage this issue.

To tackle these concerns effectively, proactive monitoring and removal of inappropriate content by online platforms are essential. Equally crucial is the need for parental supervision and digital usage controls, which have become mandatory to manage this issue.

Strong law enforcement, thorough investigations, and proactive awareness and education initiatives targeting children and their stakeholders are imperative in addressing these issues.

Recommendations

- Internet Service Providers must take proactive measures to block CSAM and other harmful content on their platforms, as well as to detect and report CSAM offer child safe internet solutions that can support parents to keep their children safe online, and access and use CSAM blocklists offered by the Internet Watch Foundation.
- Service providers should develop and optimize child-specific services or packages like Dialog Dial 5, Google Family, ad blockers, and similar solutions to ensure a safer digital environment for young users. Regulations or legislation should be introduced to implement this safeguard.

II. Issues in Legislation and Collection/Analysis of Digital evidence

When individuals encounter online violence, they often hesitate to report and seek legal support for various reasons. These reasons include perceiving online violence as less harmful than other forms of harm, concerns about the time-consuming nature of legal procedures, fear of retaliation from the perpetrator, confusion about the process of seeking legal support, perceived complexities of the legal

process, and a low success rate in holding perpetrators accountable. These factors collectively contribute to a reluctance to pursue legal recourse in cases of online violence.

As stated by Rajaratnam (2020) , the International Centre for Missing & Exploited Children (ICMEC) analysed CSAM laws in 184 Interpol-member countries, revealing that only 45 countries possess comprehensive laws to combat CSAM.

There exists a notable absence of distinct legislation in Sri Lanka that explicitly defines CSAM. While laws such as the Obscene Publications Ordinance No. 4 of 1927, the Vagrants Ordinance No. 4 of 1841, and the Penal Code contain relevant provisions regarding pornography, they fail to offer precise interpretations.

Sri Lanka ratified the Convention on the Rights of the Child in 1991 and formulated the Children's Charter in 1992. Additionally, the Optional Protocol on Sale of Children, Child Prostitution, and Child Pornography was ratified on September 22, 2002. Article 2 (C) of this protocol defines child pornography as any representation, by any means, of a child engaged in real or simulated explicit sexual activities or the representation of a child's sexual parts for primarily sexual purposes. The CRC/C/OPSC/LKA/1 report of the UNCRC Committee raises alarm over the sexual exploitation of children, particularly boys, and emphasizes the lack of comprehensive data due to inadequate disaggregated information. It also addresses cases of families reportedly selling boys for sexual exploitation and promoting children, especially girls, to engage in the sex industry. Furthermore, the report underscores Sri Lanka's pressing requirement for the collection and analysis of digital evidence, given the lack of societal seriousness towards the illegality of CSAM.

Additionally, Sri Lanka ratified the Cyber Crime Convention in 2016, placing clear obligations for state parties to undertake, among others, strict regulations for tech companies and internet services provided to the public, with clear legislation on industry obligations to detect and report harmful content. The recent Online Safety Bill of the United Kingdom is an example of legislation that resonates with the Budapest Convention to tackle CSAM, by making social media platforms:

- remove illegal content quickly or prevent it from appearing in the first place. This includes removing content promoting self-harm.
- prevent children from accessing harmful and age-inappropriate content
- enforce age limits and age-checking measures
- ensure the risks and dangers posed to children on the largest social media platforms are more transparent, including by publishing risk assessments
- provide parents and children with clear and accessible ways to report problems online when they do arise

The Sri Lanka Online Safety Bill, while addressing the important need of establishing an Online Safety Commission, does not introduce adequate measures to combat CSAM and other harmful online content for children, or include any safeguards for children who have been victims of online violence.

Provisions should be introduced to protect children similar to those in the Online Safety Bill of UK and platforms that do not take adequate steps should be penalised. A case in point is the suppression of research by Meta if the rates of depression amounting to 30% of teenage girls using Instagram caused by such companies.

The credibility of such companies being low, offers of self-regulation would not be considered as a solution that would effectively protect children.

Recommendations

- Swift passage of the proposed Online Safety Bill, which will establish an Online Safety Commission that would act as the monitor and regulator of internet service providers (ISPs) and investigator of online crimes against children. The composition of this Commission should be multi-sectorial.
- Develop regulations for ISPs under the Online Safety Act to prevent, detect and report Child Sexual Abuse Material (CSAM) on their platforms in line with GoSL's commitments to the Budapest Cybercrime Convention 2016.
- Introduce a new Digital Forensics Act to support the investigation of cybercrimes.
- Create greater awareness of laws pertaining to online violence against children, including the legal reporting obligations of entities that sell, service, repair or for any other purpose handle digital devices of others.
- Creating awareness among children and the public about the criminal nature of CSAM and the need for immediate reporting is of utmost importance.
- Equipping officers with digital evidence analysis skills and ensuring responsible media reporting sensitive to the issue's seriousness.
- Accountability and legal consequences for perpetrators along with mandatory psychological rehabilitation

Judicial measures to improve prosecution:

- Build capacity of the judiciary on prosecution of cases of OVAC, especially targeting the SOP that is currently being developed.
- Enable effective and efficient international collaboration with INTERPOL, IWF, ICMEC and other international organizations through systematized collaboration mechanisms.
- Enhance capacity for forensic cybercrime investigations using innovative approaches and existing resources

Law enforcement system to improve prosecution:

- Ensure that the file that is sent to the Attorney General's Department, has comprehensive information including a complete B Report.
- Utilize 1998 No. 28 Code of Criminal Procedure Amendment Act Section 43A to detain suspects for 72 hours and 15 days (at the discretion of the OIC). This relates to 13 offences relating to child abuse.

III. Detection and Investigation of Child Sexual Exploitation Material

Detecting and investigating CSAM poses numerous challenges, including the overwhelming volume of such content online, the use of encryption and anonymity tools by offenders, and their quick adaptation to emerging technologies. CSAM often resides on the dark web, further complicating efforts to combat it. Tracking offenders and victims involves navigating a complex digital trail while respecting privacy and legal boundaries. Jurisdictional issues and the emotional toll on investigators add to the complexity.

Effective collaboration with technology companies is vital but raises concerns about data privacy and content removal speed. Identifying and rescuing child victims requires specialized training while maintaining digital evidence integrity is crucial. False reports, resource constraints, and prosecution challenges are common obstacles, emphasizing the need for public awareness and international cooperation to address this critical issue.

IV. Parental and Caregiver awareness and Digital skills for Online Safety of Children

The study conducted by Save the Children finds that parents often face challenges stemming from a significant lack of awareness concerning the digital landscape. This is attributed to factors such as limited understanding of digital tools, unfamiliarity with evolving trends and challenges, difficulty in recognizing risks and implementing safeguards.

Further, children's own perspectives shed light on this with a reported 73% of parents struggling to supervise their children's internet use due to limited understanding of online operations and potential exposure to online violence. 69% of children noted that parents lack the knowledge to navigate legal actions against online violence, potentially hindering effective guidance and support for their children in such instances.

Addressing this knowledge gap is crucial for ensuring children's online safety and well-being. Empowering parents with a better understanding of digital tools, emerging trends, risk assessment, and proper responses to online violence can empower them to play a more proactive role in safeguarding their children's online experiences.

Recommendations

- **Parental IT Literacy Programs:** Enhance IT literacy among parents in rural and semi-urban areas to help them understand the digital environment, its opportunities, and risks. Develop accessible and user-friendly resources in local languages, involving both parents and children in resource development.
- **Awareness Programs:** Create educational programs that empower parents with comprehensive knowledge about digital tools, emerging trends, and potential online risks associated with their children's online activities.
- **Helpline for Support:** To provide essential assistance and support to children and families, the establishment of a Dedicated Child Helpline. Trained operators must be responsible for receiving and managing calls effectively, ensuring that the support provided is appropriate and monitored to guarantee its effectiveness.

Recommendations Continued

- **Teacher and Counsellor Training:** Introduce mandatory online safety education for teachers and school counsellors, ensuring they have the necessary skills and knowledge to support children's online activities.
- **Curriculum Enhancement:** Make curriculum reforms by integrating online safety into the ICT curriculum and Practical and Technical Skills curriculum, emphasizing online safety as a crucial life skill. Further, incorporate relationship education into the syllabus, focusing on developing norms and values related to consent, respect, and mutual support in their online interactions.
- **Targeted Community Education:** Prioritize awareness and education efforts in vulnerable communities with high digital access, such as urban poor and tourism-related areas, in collaboration with civil society organizations.
- **Youth Involvement:** Involve children and young people in the development of online safety education curricula to ensure relevance and engagement.

V. Irresponsible Media Practices Aggravating Impacts of Online Violence

Irresponsible media practices are worsening the impact of online violence in several ways. Media outlets frequently fail to adhere to ethical reporting standards when addressing online violence cases. Moreover, major media organizations often do not adequately protect the identities of minors. These practices are identified as contributing factors to cyberbullying, which further intensifies the suffering.

It is imperative that relevant stakeholders actively engage in the process of ensuring that all media personnel are well-informed about the legal implications outlined in Section 365C of the Penal Code (Amendment) Act No. 22 of 1995. This provision closely aligns with the principles of section 365B, prohibiting the publication of a victim's identity in specific offenses and specifying penalties that may include imprisonment for up to two years, fines, or both, subject to certain exceptions.

Ignorance of legislation and lack of enforcement in cases of violation contribute to the significant number of such publications. Moreover, the lack of strict monitoring and accountability of media publications allows irresponsible practices to persist, ultimately harming children and exacerbating the problem of online violence.

Recommendations

- Implementation of clear guidelines, training for journalists, and fostering partnerships between Media with organizations focused on child protection is necessary.
- Every media institution must take measures to educate their employees, including independent reporters, about responsible media practices and the legal consequences related to offences.
- Establishing monitoring systems and mechanisms for ensuring accountability in cases of unethical reporting.
- Special attention should be given to protecting the identities of children, ensuring that their privacy and well-being are upheld. Furthermore, media outlets should exercise caution in their reporting to prevent inadvertently fueling instances of cyberbullying or re-victimization.

VI. Child Friendly Interviewing and Investigation Protocols

Insufficient training for officers in conducting child-friendly investigations results in various significant challenges. These include inadequate case management, misconceptions about legal procedures, a lack of sensitivity in child interactions, investigative inefficiencies, failure to recognize abuse, potential loss of crucial evidence, negative public perceptions, and missed chances for preventative measures.

To tackle these issues effectively, comprehensive training programs for officers are necessary. These programs should prioritize training in child-friendly interview methods, trauma-informed approaches, legal protocols, and the essential role of empathy and sensitivity in interactions with child victims.

Recommendations

Specialized Training for VCAC Investigation for Law Enforcement by International Agencies:

- Evidence collection for prosecution
- Subject interview techniques
- Interviewing children (Child/Adolescent Forensic Interviewer Certification (CAFI))
- Digital data and Social media training

Training law enforcement agencies in Violent Crime Against Children (VCAC) Investigations through collaboration with international agencies i.e. United States FBI (Federal Bureau of Investigations)

These training should cover various critical areas, including evidence collection for prosecution while prioritizing victim well-being, subject interview techniques that minimize re-traumatization, specialized interviewing of children, handling digital data and social media evidence, and privacy and sensitivity training. These training programmes must be monitored to ensure correct selection of candidates and evaluated levels of success.

Income and Economic Strengthening

- Enable opportunities for decent work for young people, with the aim of preventing online sexual exploitation and trafficking in collaborating with industrial sectors.
- Ensure that the new Social Protection measures address children and young people Not in Education, Employment or Training (NEET) as these groups are far more likely to be targeted for both online and offline abuse.

1.2.4 School Environments

Children dedicate a significant portion of their time to educational and extracurricular activities within school settings. Thus, it becomes imperative to recognize the pivotal role that schools play in monitoring instances of violence against children and promoting

Awareness on child rights and protection among students and the broader community. It has to be emphasized that educators bear the responsibility for nurturing this awareness and safeguarding the well-being of the children entrusted to their care. The presence of violence against children in educational institutions poses significant risks, leading to physical, emotional, and psychological harm to children.

The recommendations presented in the report were carefully formulated taking into account suggestions and concerns expressed during multi-stakeholder discussions with the Education Sector. These discussions extensively delved into the highlighted concerns, examining the feasibility of each recommendation. The feedback obtained from the questionnaire provided to Principals and representatives from Teachers Unions played a central role in shaping the proposals put forth by this committee, in relation to issues that include corporal punishment and other child protection concerns within the Education Sector.

Situational Analysis:

Defined by the UNCRC, Corporal Punishment involves the use of physical force to cause discomfort or pain, even if slight. The UNCRC's Article 37 places an obligation on state parties to safeguard children from torture, cruel, inhuman, or degrading treatment or punishment. Furthermore, Article 9 of the International Covenant on Civil and Political Rights establishes the right to personal liberty and security for all individuals. Both Article 7 of the ICCPR and Article 5 of the Universal Declaration of Human Rights explicitly prohibit the infliction of torture or cruel, inhuman, or degrading treatment or punishment on anyone.

Corporal punishment constitutes direct violation of children's rights, infringing upon their entitlement to protection from violence, respect for their physical and human dignity, access to proper development, education, health, and freedom from torture or any form of cruel, inhuman, or degrading treatment.

In 2017, a study conducted by NCPA led by Prof. Harendra de Silva and colleagues at Colombo University underscored the continuing prevalence of corporal punishment. The research revealed that 80% of schoolchildren had encountered corporal punishment during the previous term, with 70% also experiencing emotional or verbal abuse within the same period. The research revealed that 53.2% of surveyed students had been subjected to physical abuse by teachers, involving actions such as hitting with objects, punching, kicking, forceful beatings, throwing, knocking down, burning, or choking. Moreover, a substantial 80.4% of students had experienced corporal punishment, with actions such as being hit with hands or a stick on the buttocks, slapping, pinching, kneeling, having ears squeezed, or hair pulled.

A parallel survey involving teachers demonstrated that, despite their awareness of the inappropriate nature of their actions, they often attempted to rationalize them. This evident gap between teachers' recognition of corporal punishment and the perspectives of the children involved was striking. This situation is disheartening for a nation that ratified the 'Convention on the Rights of the Child' almost three decades ago, on July 12, 1991.

Public Administration Circular 12/2016 “Ensuring discipline within the school”:

The lack of awareness and inadequate enforcement of the existing Circular (12/2016) that prohibits corporal punishment (issued on 29/04/2016) is creating an environment where violence is tolerated. Despite the presence of the circular, instances of corporal punishment continue unchecked in schools, and alternatives for positive discipline are not consistently utilized. The lack of consequences for those responsible remains a significant factor contributing to the lax adherence to this Circular. These reiterate what was discussed with the Stakeholders from the Education Sector along with the feedback received from those advocating for the abolishment of corporal punishment. These stakeholders emphasized that not all educators are familiar with the current Circular and underscored the necessity for increased training and awareness regarding positive disciplinary

techniques. These stakeholders unanimously agreed that there is no valid reason to postpone the enactment of clear and precise legislation to prohibit corporal punishment. Further, feedback received to the questionnaire clearly agree with this recommendation of the enactment of clear legislation to explicitly prohibit corporal punishment.

This Circular banning corporal punishment in government schools, is not however universally applied and lacks legislative confirmation. Further, numerous awareness and prevention programs aimed at protecting children in schools have been implemented in the past, but their success and outcomes have not been adequately evaluated.

Since 2017, Sri Lanka has committed to accelerated action, aligning with the Global Partnership to End Violence Against Children and striving to achieve Sustainable Development Goal Target 16.2. The Sri Lankan government, in its 2017 report to the UN Committee on the Rights of the Child, pledged to reform laws to prohibit corporal punishment in all settings. With extensive research highlighting the negative effects of corporal punishment on children's well-being and education, countries with reformed laws against corporal punishment have witnessed decreases in its acceptance and practice. For many children, the experience of corporal punishment often begins at home, where strict parents resort to physical discipline even for minor errors. Tragically, severe instances have led to injuries and fatalities. When parents and caregivers justify corporal punishment, it reinforces the idea that using force is an acceptable way to handle situations, perpetuating the belief that aggression is a valid response to challenges. This can lead to a cycle of violence and the belief that strength justifies actions.

According to Prof. Harendra de Silva, expressing his views in the article “The bane of the Cane” in the Sunday Observer -11th November 2018, Physical child abuse is an extension of Corporal Punishment because the act is the same - you hit a child. Prof. de Silva emphasizes that it's the hidden mental harm inflicted on the child that fuels the cycle of abuse. Prof. de Silva strong statement “That’s why today’s abused will become tomorrow’s abusers” is one which is supported by much evidence. His research in the 1990s unveiled a direct link between violent tendencies during adolescence and childhood exposure to punishment or abuse.

Research consistently underscores that corporal punishment proves ineffective in fostering instilling positive behaviour in children over the long haul. Furthermore, schools where corporal punishment is endorsed by educators often experience an elevated prevalence of bullying within their classrooms, a phenomenon endorsed by UNICEF.

Landmark Judgments by the Supreme Court of Sri Lanka

- **Case no.SC/FR/97/2017**

On February 12, 2021, the Supreme Court of Sri Lanka delivered a landmark judgment denouncing corporal punishment on children in schools. The case involved a 15-year-old student who suffered permanent hearing impairment due to a teacher's slap. The court upheld that this action violated Article 11 of the Sri Lankan Constitution, which prohibits cruel, inhuman, and degrading treatment. Compensation was mandated from both the teacher and the State. The Supreme Court firmly opposed corporal punishment, emphasizing that while it might not equate to torture in this particular case, inflicting physical or mental harm that disregards a child's inherent dignity constitutes inhuman or degrading punishment.

- **Case no SC (FR) No. 139/12**

A subsequent ruling was made by the Supreme Court in October 2022, favoring three students subjected to caning causing severe physical and emotional trauma. Here, petitioners were awarded monetary compensation. Prosecution argued that Circular number 2005/17 issued by the Ministry of Education's Secretary enforces a complete ban on corporal punishment in government schools. The respondent's breach of this circular infringed upon the petitioners' fundamental rights under Article 12 (1) of the constitution. The Court ruled in favor of the petitioners, decreeing that their fundamental rights were violated under.

No compensation however can justify the everlasting physical and emotional damage caused to the child by an adult exercising undue authority. These are unfortunately not isolated incidents with cases of corporal punishment still reported in spite of the existing Public Administration Circular (12/2016) that explicitly prohibits the use of corporal punishment as a method of discipline.

Deficiencies in Legal Framework

Laws

Section 308 A of the **Penal Code (Amendment) Act No. 22 of 1995** on 'Cruelty to Children' states;

(1) "Whoever, having the custody, charge or care of any person under eighteen years of age, will fully assaults, ill-treats, neglects, or abandons such or causes or procures such person to be, ill-treated, neglected, or abandoned, in a manner likely to cause him suffering or injury to health commits the offence of cruelty to children."

Section 82 of the **Penal Code** 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...."

Section **341 (i)** of the **Penal Code** states

"if a schoolmaster, in the reasonable exercise of his discretion as master, flogs one of his scholars, he does not use criminal force, because, although he intends to cause fear and annoyance to the scholar, does not use force illegally."

Public Administration Circular 12/2016, issued by the Ministry of Education prohibits corporal punishment.

Upon closer examination of the above Penal Code Provisions and Section 2 of the Public Administration Circular No. 12/2016, which prohibits corporal punishment at the school level, it becomes evident that there are numerous loopholes within Sri Lanka's legislative framework pertaining to corporal punishment. These loopholes give rise to significant concerns. Firstly, there is a

glaring gap in the law where an individual could potentially be prosecuted solely for causing suffering and injury to a child's health (Penal Code- 308A). Secondly, the provision stipulated in Section 82 of the penal code allows for corporal punishment to be deemed legal if carried out in good faith, further complicating matters. Additionally, Penal Code Article 341 presents a situation where a child could potentially face flogging even if the force exerted isn't explicitly unlawful. These instances of legal ambiguity highlight the need for comprehensive reform in order to address corporal punishment. The ambiguity of the law stands as a contributory factor for the absence of any prosecutions in cases of corporal punishment.

Recommendations

- Enact clear legislation that unequivocally prohibits Corporal Punishment, not only within school environments but also across all settings, including homes.
- Enhancing awareness regarding Public Administration Circular 12/2016, issued by the Ministry of Education specifically aimed at prohibiting corporal punishment, is essential. Educators must be adequately informed about their responsibility to adhere to the regulations and guidelines outlined in this circular.
- Strict Enforcement of existing Circular. This can be achieved through the compulsory participation of violators in rehabilitative programs. Furthermore, serious offences warrant consideration for the suspension or cancellation of Teaching Licenses.
- Targeted awareness campaigns to foster a wider understanding of the adverse consequences of corporal punishment and promote its alternatives to the public, educators, and caregivers.
- Educator training in positive disciplinary practices, which should incorporate insights from child psychology.
- Establishment of a confidential reporting system that allows for anonymous reporting of incidents. In addition, implementing victim-centric support mechanisms is crucial for children who have experienced corporal punishment. These mechanisms should provide essential resources, including access to legal advice.
- Monitoring to assess the outcomes of future awareness and training initiatives. Mechanisms must be put in place to regularly evaluate their effectiveness and optimize strategies to enhance child protection efforts.
- A Decentralized monitoring framework must be implemented. Divisional Education Directors must be entrusted with the responsibility of overseeing irregularities and instances of violence within schools. This decentralized strategy seeks to streamline monitoring procedures, ensuring prompt and effective intervention when necessary.

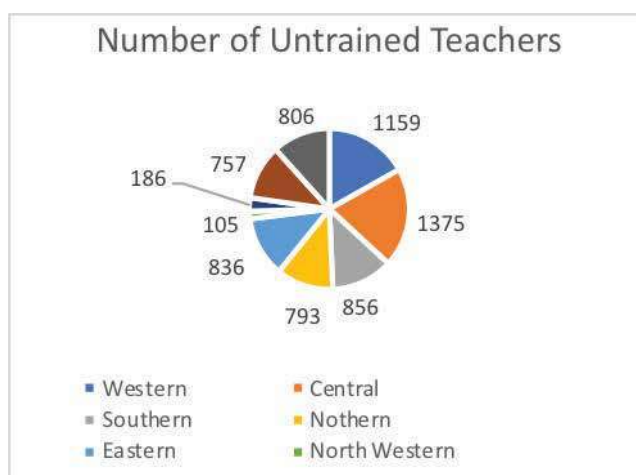
Teacher Training and Certification

The data provided to the Committee clearly demonstrates that incorporating untrained educators lacking certification into the teaching workforce has a detrimental impact on the wellbeing of students in the country. This was also brought to our notice during stakeholder meetings. During a meeting, the pressing need for enhanced teacher training unveiled. Furthermore, stakeholders advocated for the introduction of innovative and efficient teaching and learning approaches with the aim of elevating the overall standard of education.

The data illustrated underscores the prevalence of untrained teachers in the National Teaching Workforce, especially in provinces like Northern, Central, and Uva. Stakeholder discussions involving Trade Union representatives from the Education Sector stressed the need for enhanced teacher training to ensure positive outcome for students in respect of mental and physical wellbeing.

Adequacy of Trained Teaching Workforce according to Province 2021

| Province | (Untrained) Teachers | Graduate Trained (%) |
|---------------|----------------------|----------------------|
| Western | 1159 | 97.3 |
| Central | 1375 | 95.8 |
| Southern | 856 | 97.1 |
| Northern | 793 | 95.6 |
| Eastern | 836 | 96.1 |
| North Western | 105 | 99.5 |
| North Central | 186 | 98.8 |
| Uva | 757 | 95.9 |
| Sabaragamuwa | 806 | 97.7 |
| Total | 6900 | 97 |



Source: Ministry of Education

The Ministry of Education's failure to establish strict guidelines has resulted in the integration of uncertified teachers into National Schools without adequate training in specialised teaching skills. Additionally, the absence of systematic training and program evaluation further complicates the effort to enhance the overall quality of education across the nation.

The disconcerting reality is that a significant proportion of the country's educators lack the necessary training in essential skills for recognizing and effectively supporting all children. This deficiency not only obstructs the establishment of inclusive learning environments but also leads to the misperception of many children with varying needs as troublesome. This lack of awareness within the teaching community has repercussions that extend beyond students' academic progress; it also affects their mental well-being and can create environments conducive to bullying. Currently, in National Schools, it's compulsory to designate a Counsellor responsible for student welfare and guidance in each institution. Regrettably, the selection process lacks clear criteria, enabling individuals without the required aptitude and attributes to assume this critical role. It is also noted that there is also no existing system to monitor and evaluate the competence and performance of these Counsellors in carrying out their responsibilities. During discussions with officials from the Health Sector, a psychiatrist involved in organizing Counselling Training Workshops for teachers informed the Committee that the Ministry of Education currently conducts numerous training programs at the Zonal Level. However, the Committee holds the perspective that reorganising these workshops at the Divisional Level would enhance the efficiency of training and monitoring.

Recommendations

- There should be mandatory certification and training for all teachers by the Ministry of Education before their inclusion into the National Teaching Force. This training program should cover critical components, including mastery of positive disciplinary methods and the capability to proficiently recognize and support children with special needs.
- Specific selection criteria for school counsellors should be introduced. These criteria should include qualifications, attributes, and aptitude, thereby providing a structured framework to guide the selection process.
- Establish a mechanism for systemic monitoring and evaluation of School Counsellors' competence and performance in carrying out their responsibilities.
- Reorganize counsellor training workshops for teachers, from the Zonal Level to the Divisional Level for greater effectiveness of programmes.

The Tuition Dilemma

A well-rounded childhood encompasses various elements, including community participation, quality family time, engaging in hobbies, and the opportunity to pursue personal interests. However, in today's highly competitive educational landscape, academic achievement has become a significant source of stress for children. The emphasis on grades and the subsequent proliferation of tuition classes have had a profound impact on children's lives. Many children attend these private classes, often returning home late and rising early, leaving them with very little time for other activities crucial for their overall growth and development. This concern is exacerbated by class cancellations, which often lack appropriate measures such as substitute teachers or study materials, causing major disruptions to students' learning.

Factors such as frequent class cancellations due to teacher absenteeism also contribute to the need for tuition. A significant issue in many government schools nationwide is the failure to follow the prescribed syllabus within the stipulated timeframe. One may wonder, if schools and teachers are effectively fulfilling their roles, why is tuition necessary? Furthermore, the practice of school teachers conducting tuition classes during events like sports meets and tournaments raises ethical concerns and sends the wrong message about priorities in education. It is essential to strike a balance between academic excellence and holistic child development to ensure that children are not overly burdened and have the opportunity to enjoy a well-rounded childhood.

Interactions with education stakeholders have highlighted that many teachers utilize their entitled 41 days of leave, leading to frequent cancellations of regular classes and 20 percent teacher absenteeism on any given school day in majority of the national schools. This has resulted in a series of negative outcomes, including the necessity for excessive extra tutoring to compensate for inadequate syllabus coverage. The increase in tuition hours, including some private tutors starting lessons as early as 4 am and classes extending into late-night hours, poses a significant impediment to the time available for children to pursue hobbies and develop their interests. The prevalence of extensive tuition classes can be directly attributed to teachers not fulfilling their responsibilities.

It was advocated that evaluating teachers' performance should include considering the percentage of absent days as one of the criteria. This proposal was made in light of the significant number of

students resorting to tuition classes, seen as a direct consequence of high teacher absenteeism, unproductive student behaviour due to unstructured time and dependence on extra tuition.

This disruption affects syllabus coverage and increases the reliance on private tuition. These discussions also raised concerns regarding lack of monitoring of tuition classes that is held at unreasonable times that are not child friendly. (i.e. early morning before school begins to late hours in the evening). Combining lengthy school hours with extra tuition can lead to exhausting days for students, impacting their health and limiting extracurricular engagement.

An article published in the Daily Mirror on 3rd August 2023, highlights issues at the National School in Dehiattakandiya. Teacher absenteeism during school hours for personal reasons and engagement in private tuition outside the school are prevalent. Moreover, the Dehiattakandiya Zonal Education Office acknowledges that teachers excelling in private tutoring neglect their school duties, raising concerns about commitment. The article exposes mistreatment of financially disadvantaged students by certain teachers. The expenditure on tuition classes places a significant financial burden on families, limiting their ability to allocate resources to other essential needs, such as ensuring proper nutrition for their children.

Furthermore, the lack of an effective mechanism for monitoring and ensuring that teacher leave does not disrupt students' education is a significant concern. This problem is rooted in a leave management system that is vulnerable to misuse and plagued by inaccuracies in record-keeping. The absence of clear guidelines for requesting leave from teaching duties further exacerbates the situation.

Recommendations

- Principals must monitor and account for and try and eliminate the underlying reasons for why children in their respective schools require tuition.
- Strict guidelines must be established and monitored for private tuition providers to ensure that they conduct their classes within specified timeframes and in compliance with guidelines.
- In addition, teachers within the National Education System who engage in private tuition must be monitored to ensure that students from their own school classes are not compelled to take private tuition from them.
- To ensure thorough monitoring for strict avoidance of class cancellations, Divisional and Zonal Directors should regularly conduct teacher evaluations to assess performance, attendance, and syllabus coverage.
- Schools must implement effective measures to ensure the timely delivery of the syllabus as per schedule. Guidelines should be established, incorporating elements such as advance notice, restrictions on consecutive leave days, provision of supplementary study materials, and assignments for students to complete in the event of class cancellations.
- Implementation of a Web-based Leave Management System that allows government teachers to submit leave requests online approved under the discretion of the principal and forwarded to the Divisional Director.
- The provision of virtual classes by educators approved by the Ministry of Education must be made available online at all schools for easy access by children. Syllabus coverage should be further enhanced through the broadcasting of learning content on popular television stations enabling higher accessibility of learning content to a wider audience of children.

Substance abuse in schools

The lack of regular training to ensure teachers and staff are updated with knowledge for identification of substances and effective intervention protocols remains a critical issue in addressing the issue of substance abuse within schools. Without proper knowledge, it becomes challenging for educators to identify signs of substance abuse among students and provide appropriate support and intervention.

A matter of concern brought to the attention of the Committee during discussions with educators was undue intimidation faced by teachers to carry out necessary protocols due to personal safety concerns in instances of substance abuse. Addressing substance abuse in schools requires a comprehensive approach involving various stakeholders, including schools, parents, government agencies and media organizations and is analysed in detail under the 'Substance Abuse' section of this chapter.

Consequently, educators' reluctance to report incidents and appropriately intervene due to safety concerns was highlighted during discussions with the committee. Factors like retaliation fear, inadequate support from higher authorities, and personal safety risks were said to contribute to this issue. Resolving this concern demands an approach that assures safe and confidential reporting avenues.

Empowering children to be safe

Accurate and informed knowledge acts as a potent defence against vulnerability to abuse. The absence of a dedicated subject within the educational framework, encompassing critical areas such as Relationship Education, Online Safety, and Substance Abuse, heightens children's susceptibility to violence. It is imperative to introduce a mandatory subject that encompasses essential content to combat and shield children from various forms of abuse, including substance abuse, and offers comprehensive relationship education. By instilling awareness from an early age, this subject aims to proactively prevent abuse and equip children with the knowledge and skills necessary to address potential issues.

The discussion also touched on the provision of a comprehensive life skills education, including aspects of sex education such as the 'Relationship Education' programme available today.

Safety of children during transport to and from schools

A monitoring system for school vans and buses to ensure student transportation safety was proposed. The transportation of children to and from schools introduces risks of violence, stemming from factors like bullying, harassment and physical assault. Unsafe environments, lack of monitoring, and insufficient awareness amplify these risks. Counter measures are crucial to safeguard children's safety and well-being during their journey to and from schools.

Education Institutions outside the purview of the Ministry of Education

The lack of a monitoring and endorsement mechanism for Private Education Providers is identified as a key concern given the substantial presence of uncertified educational institutions, including a range of International Schools, English Medium Schools and Fast Track Centres operating independently from the Ministry of Education. Addressing this oversight is crucial to uphold the quality of education delivered by these institutions and ensure consistency in educational standards across the board.

Recommendations

- The Ministry of Education collaborating with experts should prioritise regular training for teachers and school staff with current knowledge to identify substances and effective intervention protocols.
- A comprehensive approach to ensure educators' safety when reporting needs to be established. This entails implementing anonymous reporting avenues, working with authorities to tackle security concerns, enacting whistle-blower protection policies, regularly assessing reporting mechanisms, and providing continuous support to students beyond initial interventions.
- Provide life skills education by introducing Relationship Education to syllabus. Online Safety, and Substance abuse, must be introduced via a mandatory subject in the national curriculum. Ensure safety of children during transport: establish strict registration and protocol guidelines for student transport vehicles and personnel. Implementing a mandatory monitoring system is crucial to maintain safety standards in children's school transportation process.
- Establish a certification and monitoring division within the Ministry of Education to certify and monitor all Private Education Providers: include International Schools, English Medium Schools and Fast Track Centres. Regular monitoring and evaluation mechanisms must be created to ensure standards across the board.

Preschool education

Preschool education faces several issues and challenges and impact the quality and accessibility of early childhood education in the country.

Access to preschool education in Sri Lanka is unevenly distributed, with rural areas having fewer preschools than urban areas, leading to unequal opportunities for early childhood development. Socio economic disparities also affect access to quality preschools, particularly for children from low-income families, contributing to educational inequalities. Additionally, parental awareness and involvement in preschool education is limited, posing a challenge to promoting its importance.

Preschools in Sri Lanka often lack a child-friendly environment due to inadequate infrastructure, resources, and qualified teachers. This deficiency can adversely impact the quality of early education. The inadequate training and qualifications of preschool teachers are significant concerns, as many may not have received proper preparation in early childhood education. Furthermore, harmful disciplinary practices, including corporal punishment and emotional abuse, can hinder a child's development.

There is a lack of a national curriculum guideline and the curriculum and teaching methods in some preschools may not align with modern early childhood education standards. Due to parental pressure and lack of guidelines children are forced to read and write at a young age which is detrimental to their development and limit the development of essential skills in young children. Further,

empowering preschool children with awareness regarding inappropriate behaviour enables them to recognize and report abuse promptly, fostering proactive protection. This awareness also acts as a deterrent to potential abusers, as children understand what constitutes unacceptable conduct. The monitoring and regulation of preschools is also inconsistent, leading to variations in quality and safety standards.

Ensuring a smooth transition from preschool to primary education needs to be well managed to prevent negative impact on a child's educational journey. Currently there are many issues faced by children and parents. Some primary schools conduct a viva or a test to admit these young children creating undue pressure on children and parents.

Recommendations

- Ensure equitable access to preschool education by increasing the number of preschools in rural areas.
- Invest in improving the quality of preschool education by providing adequate infrastructure, resources, and training for teachers. Develop a national curriculum guideline that aligns with modern early childhood education standards.
- Integrate child protection and awareness programs into preschool curricula to empower children with knowledge about inappropriate behavior and the importance of reporting any abuse.
- Promote positive and non-violent disciplinary practices in preschools.
- Establish comprehensive training programs in early childhood education for preschool teachers to enhance their teaching skills and understanding of child development.
- Launch awareness campaigns to educate parents and caregivers about the significance of preschool education and their role in supporting their child's early learning.
- Implement consistent monitoring and regulation of preschools to ensure compliance with quality and safety standards.
- Ensure that the admission procedures for primary schools are suitable for the children's age and devoid of undue stress or pressure in order to provide seamless transition from preschool

ANNEX

Further to the discussion at the Presidential Secretariat, a questionnaire was presented to Principals and Representatives of the Teachers Union. The feedback received highlights the following recommendations:

- Prioritizing the well-being and safety of children under the care of teachers has been unanimously regarded as of paramount importance. The significant role of the Education Sector in safeguarding children has been duly recognized. There is a consensus on the necessity of providing special attention and protection to vulnerable children, including those without proper parental care or those who have suffered from past mishandling or abuse. In light of the escalating cases of sexual abuse and the consequent trauma experienced by victims, stringent measures against teachers with a history of misconduct are deemed essential.

- A crucial recommendation emphasizes the implementation of mandatory training and certification for teachers before they enter the National Education System. Additionally, it is proposed that individuals appointed as consultants or teachers in child care undergo thorough background checks and receive comprehensive training in child care and relevant aspects of child psychology to effectively work with children.
- The feedback from educators unequivocally advocates the swift enactment of clear legislation that clearly prohibits corporal punishment, thus eliminating its practice among educators. There is unanimous agreement that teachers should undergo training and participate in awareness programs centred on positive disciplinary methods. Another pivotal recommendation underscores the importance of recognizing the diverse mental and emotional states of children across different age groups, emphasizing the need for teachers to adapt their communication and approach accordingly.
- Furthermore, the feedback acknowledges the potential psychological stress experienced by children due to the pressures of private tuition and academic competition. This acknowledgment has led to questions regarding teachers' motivations for offering private tuition services, warranting further examination and consideration.

1.3 Issues and Risks

1.3.1 Physical and Emotional Violence Against Children

Violence against children includes all forms of physical or mental violence, injury and abuse, neglect and exploitation. They can take place anywhere where children are, such as homes, schools, institutions and in the community. They are perpetrated by adults as well as other children. These different types of violence often overlap. For example, when a rape of a child occurs, there is a physical as well as an emotional component in this sexual violence.

As a signatory to UN Convention on the Rights of the Child (UNCRC), Sri Lanka has committed to, “Take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” (Article 19).

While there is a legal framework for prosecuting perpetrators of violence against children, the same cannot be said of the implementation, mainly due to the delays in the administration of justice and the secondary victimization a child has to go through. The protection offered by the existing legal framework does not seem to be significant considering the fact that a large number of reports on violence against children continue unabated.

The main form of physical violence that is prevalent in the country is corporal punishment, which is separately dealt with in this report.

Physical violence has a higher probability of leaving clear anatomical evidence and is therefore easy to prove. Police therefore are less reluctant to entertain complaints of physical abuse. However, emotional violence does not usually leave physical marks and is difficult to prove. While the law on

cruelty to children (Section 308 of Penal Code) specifically states that a person having custody, charge or care of a child wilfully ill-treats, neglects, or abandons such child, (which usually are the ways of committing emotional abuse) commits a crime, complaint or prosecution for emotional abuse is rare.

However, its prevalence is significant. For example, a study across four districts of 1,252 ever-partnered Sri Lankan men aged 18-49 found that during their childhood, 59.3% had experienced physical violence; 28.7 per cent had experienced emotional violence; and 27.2 per cent had experienced sexual violence.

1.3.2 Sexual and Gender-based Violence

Sexual violence is the most hidden and under-reported form of violence against children and youth in South Asia, affecting both boys and girls, often within the family, in schools, and in the community and often perpetrated by someone known to the child⁷.

Sexual violence is also the most common form of violence against children reported in Sri Lanka, as indicated in an analysis of hospital-based data of a group of 1283 children admitted following violence to the University Paediatrics unit and the Child Protection unit (Lama Piyasa), Colombo North Teaching Hospital, Ragama from 1999 to August 2023.

Table 1:

| | Number | Percentage |
|----------------------|--------|------------|
| Number of admissions | 1283 | |
| Girls | 945 | 74% |
| Boys | 338 | 26% |

| Age categories | Number | Percentage |
|----------------|--------|------------|
| 0 – 5 years | 254 | 12% |
| 5- 10 years | 279 | 22% |
| 10 – 17 years | 850 | 66 % |

| | Frequency | Percentage |
|------------------------------|-----------|------------|
| Sexual abuse | 879 | 69% |
| Physical abuse | 307 | 24% |
| Emotional abuse | 190 | 15% |
| Neglect | 221 | 17% |
| Poisoning | 10 | 0.8% |
| Child labour | 44 | 3 % |
| Munchausen syndrome by proxy | 04 | 0.3% |

*39 pregnancies 29 deliveries. 10 spontaneous/illegal termination of pregnancies. Some children had faced more the one type of violence.

The male to female ratio in this cohort is 74% girls: 26% boys. The large majority of reported cases of sexual violence are of the girl child.

However, studies done in the community shows that sexual abuse of boys is higher than that of girls. A Juvenile Victimization Questionnaire to a group of young Sri Lankan adults revealed that more boys

(58%) had faced sexual abuse than girls (34%). Other community-based studies have corroborated this fact. In a study done by Care International in 2013, among adults 28% reported that they had been sexually abused in their childhood. This under reporting of male child sexual abuse needs to be addressed as these boys do not get the due psychosocial rehabilitation. This psychological trauma is known to perpetuate the cycle of sexual violence.

Table 2: Police Statistics

| Nature of offences | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 March |
|---|------|------|------|------|------|------|---------------|
| Murder | 29 | 19 | 24 | 24 | 25 | 18 | 8 |
| Attempt to Murder | 11 | 4 | 7 | 11 | 13 | 26 | 2 |
| Grievous hurt | 45 | 55 | 37 | 31 | 19 | 52 | 11 |
| Procuration | 4 | 7 | 2 | 3 | 17 | 8 | 1 |
| Sexual exploitation of children | 28 | 27 | 20 | 17 | 14 | 13 | 2 |
| Kidnapping | 42 | 59 | 31 | 19 | 26 | 32 | 4 |
| Abduction | 741 | 819 | 741 | 714 | 711 | 672 | 160 |
| Rape – Less than 16 yrs | 1089 | 1062 | 1083 | 1258 | 1304 | 1260 | 289 |
| Less than 16 yrs - using of force | 256 | 276 | 273 | 261 | 250 | 304 | 74 |
| Between 16 - 18 yrs | 29 | 46 | 56 | 45 | 46 | 54 | 10 |
| Unnatural offences | 28 | 8 | 10 | 5 | 3 | 3 | 0 |
| Child trafficking | 2 | 5 | 0 | 3 | 11 | 10 | 0 |
| Grave sexual abuse | 525 | 670 | 640 | 628 | 573 | 495 | 55 |
| Incest | 29 | 28 | 41 | 42 | 68 | 50 | 10 |
| Child Cruelty | 98 | 110 | 79 | 81 | 84 | 81 | 12 |
| Grave crime -Total | 2956 | 3195 | 3044 | 3142 | 3164 | 3078 | 638 |
| Sexual harassment | 1225 | 1332 | 1309 | 1315 | 1339 | 1232 | 343 |
| Assault and causing hurt | 537 | 565 | 533 | 519 | 435 | 569 | 168 |
| Domestic Violence | 0 | 4 | 1 | 0 | 9 | 4 | 0 |
| Care and Protection | 263 | 255 | 210 | 183 | 233 | 367 | 104 |
| Publication of matters relating to certain offences | 5 | 2 | 0 | 0 | 0 | 4 | 0 |
| Scolding and threatening | 20 | 7 | 26 | 30 | 22 | 20 | 2 |
| Obscene publication relating to children | 7 | 9 | 7 | 16 | 8 | 13 | 0 |
| Causing or procuring children to beg | 6 | 9 | 13 | 2 | 4 | 9 | 1 |
| Minor Offences -Total | 2063 | 2183 | 2099 | 2065 | 2050 | 2218 | 618 |

As Table 2 above of Police statistics indicate, there have been minor fluctuations in the rates of sexual offences reported in police data between 2017 and 2022, but overall the levels have remained the same. In terms of rape specifically, Police data indicates that there were a total 7056 statutory rape cases of children below the age of 16 years between 2017 and 2022.

A retrospective case review study from Colombo South Teaching Hospital shed light on distressing trends. Analysing cases from 2015 to 2019, the study revealed a significantly high prevalence of sexual abuse, with 82.9% of child victims being female and 67.1% being older than 12 years and out of which 27.9% of victims were below 12 years old. An overwhelming 94.5% of perpetrators were known to the victims, highlighting the risk from familiar individuals.

Delayed reporting was particularly prevalent in cases involving penetrative abuse ($p < 0.01$), underlining the complex challenges of disclosing such incidents. The research exposed concerning patterns in child sexual abuse cases where threats were evident in 31.1% of cases, while 15.2% involved manipulative rewards. Further the study drew attention to heightened abuse rates in areas affected by conflict and tourism in Northern Sri Lanka, with a notable 30% of subjects under 16 not attending school. The aftermath of abuse left psychological scars, with depression and acute stress (28.7%) more pronounced in cases involving physical evidence, delayed reporting, and non-spontaneous disclosure. The study proposed a connection between non-school attendance and elevated abuse risk due to gender disparities. Interestingly, mothers were a common confidante for children, and grandmothers played a pivotal role, possibly due to cultural norms in the absence of mothers.

Reiterating the above fact, several qualitative research on sexual abuse, commercial sexual exploitation and trafficking of children found high levels of sexual abuse in family settings, particularly among girl children, with the perpetrator usually being a male relative such as the father, stepfather, grandfather or uncle. Further, cases of child abuse often go unreported due to cultural barriers, fear of reprisal and lack of confidence in the legal system.

Recent examples of child sexual abuse highlight further vulnerabilities of children within institutions and in the care of religious clerics. On April 25, 2023, a tragic incident occurred at Moragammuna Mayurapada Rajamaha Viharaya, where a 14-year-old novice monk allegedly fell victim to sexual abuse by two visiting monks at the temple. The victim is now under care and police supervision, having endured severe sexual abuse on two separate occasions. This unfortunate event is one among several similar cases reported so far. In January, the NCPA initiated an investigation into a monk accused of sexually abusing a 13-year-old child under the care of a child development centre in Kadawatha. Similarly, in February, an elderly monk was apprehended for sexually abusing an 8-year-old girl in Anamaduwa. This indicates the disturbing fact of sexual abuse of children within institutions including religious institutions.

Recommendations

- Conduct targeted awareness campaigns for parents, caregivers, and communities to -identify signs of sexual abuse in both boy child and girl child.
- Improve the reporting infrastructure to ensure that victims and witnesses can report abuse without fear of reprisal and breach of confidentiality.
- Improve services of NCPA 1929 emergency number. This emergency line must be monitored to ensure all calls are answered and effective action is taken by trained operators. Training of operators in timely management of effective protocols along with multilingual assistance in both Sinhala, Tamil and English.
- Revive and further develop the infrastructure of the NCPA 1929 mobile app for the public to report child abuse online, which is not currently user friendly. This especially requires the development of the backend response system, amalgamating sources of data and automation of the complaint investigation mechanism.
- Conduct data collection on child sexual abuse to understand trends, patterns, and risk factors, which can inform targeted interventions.
- Engage community leaders, religious institutions, and local organizations to raise awareness about child sexual abuse and promote a zero-tolerance attitude.
- Encourage community participation through awareness and utilize social media and national news outlets to amplify these initiatives on a broader scale.
- Collaborate with the tourism industry to develop and enforce regulations to prevent child exploitation in tourist areas.
- Strict Employer Screening: Implement stricter background checks and screening processes for all individuals working with children, including within religious institutions.
- Establish clear guidelines for reporting and addressing abuse within institutions.
- Develop child safeguarding policies and ensure that all staff members in institutions that deal with children are aware of the policy and act according to it
- Provide comprehensive support services for victims, including access to medical care, counseling, and legal services.
- Establish a Child Helpline for children seeking mental health and psychosocial support who are either at risk or have been victimized. Enable easy access through automated platforms that can provide both self-help and one-to-one personalized support.
- Establish clear policies and guidelines for media reporting to prevent irresponsible reporting.
- Ensure accountability and legal consequences for perpetrators along with mandatory psychological rehabilitation. Strengthen and enforce laws related to child sexual abuse, ensuring that perpetrators are held accountable and face appropriate penalties

1.3.3 Child Marriage and Teenage Pregnancy

Compared to other countries in the region, the problem of child marriage or cohabitation of underage children as man and wife is much less significant in Sri Lanka. However, it is not an issue that can be ignored. A UNICEF study suggests that early marriage cannot be considered a traditional practice in Sri Lanka, and that there is a high level of public awareness regarding the minimum age of marriage. According to this study, 'among the 71 case studies there were only 6 cases of early marriage and 32 cases of cohabitation which were recognized as 'marriages' by families and the community, with the understanding that these relationships need to be formalized through registration when the parties reached the legal age of marriage. The same study referred to 21 cases of teenage pregnancies and 49 cases of statutory rape. The majority of the victims of statutory rape were between the ages of 14-15 years. Statutory rape tends to push girls in to childhood marriages.

The committee is of the view that health and education authorities should have programmes to increase the awareness of the negative consequences of early marriage and early cohabitation. The committee also agrees with the recommendation that 'age appropriate and effective sexual and reproductive health education and services should be made available for children'.

Most statutory rape cases of children fail in high courts, partially as cases are escalated up by the Police and the Attorney General's Department leading to indictment when the victim or witness is reluctant to give evidence, as a romantic relationship has existed between the 'accused' and the plaintiff. Often the boy is made to promise to marry the underaged age girl to avoid prosecution, re-victimizing the boy as well as the girl.

The committee recommends that the Ministry of Justice studies legal reform developments in other parts of the world which dispose of cases of non-violent statutory rape among consenting young persons, using a simplified procedure that does not victimize children or push children to marry early.

1.3.4 Child Trafficking

Currently there is a dearth of quantitative and qualitative research on the prevalence of Trafficking in Persons (TIP) in Sri Lanka, resulting in the reliance on anecdotal evidence and limited assessments and reports. This highlights the necessity for more quantitative and qualitative research and investigation into the prevalence of TIP, especially in under-explored areas such as child trafficking.

Although not a recent occurrence, the expanding tourism sector in Sri Lanka, especially following the conclusion of the civil conflict, introduces a renewed array of dangers for children. A 2021 study conducted by Save the Children Sri Lanka on child sex trafficking within the tourism domain in the country unveiled a distressing reality which is that children who have endured sexual abuse are exceptionally vulnerable to exploitation, regardless of their gender. Additionally, children enduring extreme poverty are particularly susceptible to trafficking as well.

The phenomenon of 'beach boys,' or commercial sexual exploitation of boys in the coastal areas, often by foreign tourists, has been under-investigated mostly due to the resistance from their families and communities because the children's income helps sustain the economies of their communities. Hence, key Informants reveal that traffickers actively focus on male children hailing from disadvantaged families. These children are lured by the promise of meals and the chance to observe their peers of similar age enjoying leisure on the beach. This form of subtle manipulation is skilfully engineered to entice these children into contemplating paths that offer quick financial gains.

Children continue to be at risk of falling prey to trafficking for a range of exploitative purposes, including coerced labour, sexual exploitation, involvement in begging, and engagement in unlawful activities.

Further, following the onset of the COVID pandemic the isolation of children and the increase in use of social media and other online platforms, children have become vulnerable to trafficking. At present, exploitation via online spaces is recognized as one of the greatest threats to children's protection. Vulnerability of children to online exploitation and violence is further discussed under 'Digital Media' section of this chapter.

The National Anti-Human Trafficking Task Force (NAHTTF) established in 2010 and currently led by the Ministry of Defence has formulated an action plan to address TIP in Sri Lanka for the period 2021 – 2025 which includes steps to be taken by government stakeholders such as the NCPA, Department of Probation and Child Care Services, and Police to address child trafficking. However, the lack of a monitoring mechanism to evaluate the implementation of this action plan and the lack of funds allocated for TIP activities, hinders its progress.

The Ministry of Women and Child Affairs and Social Empowerment developed a guidance note on child trafficking to the government approved 'Standard Operating Procedures (SOPs) on the identification, protection and referral of victims of trafficking. The objective was to ensure that the guidance note will act as a tool for law enforcement and other key child protection officers to provide child centric and child sensitive services to identified victims of child trafficking.

The NCPA together with Save the Children has also developed specific 'Guidelines for law enforcement officials on interviewing child victims of trafficking'. The purpose of the guidelines is to assist law enforcement officials, especially those working at the Police Women and Children Desk, to conduct child sensitive identification, screening and interviewing of children suspected to have experienced trafficking.

Recommendations

- Improve efforts to address the problem of child sex tourism through the engagement with hotels and tourism operators.
- Child-centric support services targeting children who are particularly vulnerable to trafficking should be introduced.
- A strong case management process that provides suitable re-integration of child victims which includes required mental health and psychosocial support should be implemented.
- Engage with the tourism industry and introduce Child Rights and Business Principles to ensure ethical business practices that do not harm children.
- Implement the Guidance note on child trafficking developed by the Ministry of Women and Child Affairs.

1.3.5 Substance Abuse

The escalating misuse of psychoactive substances, particularly among school children in Sri Lanka, presents a significant concern intertwined with community violence and socio-economic challenges. Immediate proactive measures are needed to address factors such as peer pressure, substance accessibility, limited awareness, and external stressors.

In a 2017 study titled 'Social Work Perspective on Undue Usage of Psychoactive Substances among School Children', it was observed that mixed-gender schools had the highest incidence of substance usage among students. The study's findings indicate that approximately 55% of the overall sampled school children were influenced by psychoactive substances.

According to the Global School-Based Student Health Survey (GSHS) – 2016, conducted among school children aged 13-17 years, the prevalence rates of current alcohol use was 3.2%, addictive drug use was 2.7%, usage of any type of tobacco use was 9.2%, smoking was 3.5% and smokeless tobacco use was 2.3%. It was found that more male students were using alcohol, tobacco and other drugs compared to females. Interestingly, being bullied at school was significantly associated with the usage of Alcohol Tobacco and Other Drugs among students.

According to the National Youth Health Survey 2012/2013 among youth aged 15-24 years, substance use was the highest among males not attending school (23.9%) when compared to males who were regularly attending school (4.3%). Prevalence of other substance use were as follows; cannabis 3.4%, madana modakaya 3.6%, heroin 0.4% and pharmaceutical drugs 1.8%.

Furthermore, the survey found that at present, tobacco products are being sold within a 3-minute walking distance from educational institutions, causing it to be more accessible to students.

Child and teenage substance use, influenced by socio-cultural context, impacts society broadly, with significant effects on physical and mental health, including cancer and respiratory issues. Mental repercussions like addiction suggest potential societal decline. Substance abuse significantly impacts school children, leading to psychoactive changes that can cause violent or mentally disturbed behaviour, contributing to criminal involvement. Financial burden from obtaining substances can drive individuals to commit crimes, as evidenced by increased incidents of violence by children.

Further, the escalating concern over substance abuse and violence among children, partly influenced by societal glorification of drugs and violence, necessitates prompt intervention. Effectively addressing this misrepresentation warrants the integration of substance awareness into the national school curriculum along with targeted substance abuse intervention programs. Moreover, the absence of regular training to ensure teachers and staff stay updated on identifying substances and implementing effective intervention protocols prevents effective measures to address this issue. Therefore, empowering teachers and parents with awareness regarding substance abuse is indispensable in countering this problem.

Addressing substance abuse in schools also requires a comprehensive approach involving various stakeholders, including schools, parents, government agencies, and community organizations. Drug use prevention activities aim to stop drug use before it starts, discourage initial drug use from progressing into problem drug use, and end addiction and its associated damaging health and crime consequences. Establishing active school committees to implement innovative interventions within educational institutions will serve as a powerful motivator for all students to actively participate in the prevention movement at the school level.

To prevent substance abuse, strategies must focus on three key factors: the age of the target group, the level of risk they face, and the setting in which interventions are delivered. The prevention of substance abuse is a crucial policy objective, encompassing evidence-based interventions that offer support to children and youth across their developmental stages, particularly during vulnerable transition periods like infancy, early childhood, and the shift from childhood to adolescence. This includes targeted substance abuse prevention programs for specific groups and individuals, especially those at higher risk, addressing both personal and environmental factors that contribute to vulnerability. Prevention efforts must extend to various settings such as families, schools, communities, and workplaces.

The implementation of effective policies is crucial in the prevention of substance abuse. The focus should be on reducing the affordability and availability of these substances through strategic application of scientific taxing policies and the effective implementation of pre-existing regulations. Even at present, violation of the National Authority on Tobacco and Alcohol (NATA) Act due to various strategies used by the industries is noticeable especially through media. The increase of taxes for gateway drugs such as alcohol and tobacco should make these substances inaccessible for young people. Further the lack of resources of government agencies to implement substance abuse measures could be addressed by allocating a portion of stipulated taxes on alcohol and tobacco for drug prevention.

These measures can be effective, ineffective or counter-productive depending on how they are implemented, and the content involved. Involvement of scientific bodies and relevant agencies should be sought when implementing above actions.

Glamorization of Drugs by Media and Society

The glamorization of the use of alcohol, tobacco and drugs by the media can have detrimental effects, particularly on young individuals. Media representations in films, TV shows, music videos, and social media often romanticize drug use, normalize and tempt experimentation. This can influence perceptions, foster peer pressure, and inadvertently make celebrities and influencers role models for substance use. Media glamorization may also suggest drugs as an escape and downplay their negative consequences, affecting public attitudes and challenging prevention efforts. It has been further observed, that there is an increased promotion of indirect advertisements on Fridays as a method of promoting alcohol and tobacco for use over the weekend.

The National Policy on Alcohol Control 2016 acknowledges the role of alcohol and tobacco as gateways to illicit drug abuse. Research indicates that individuals who begin with these substances are more inclined to venture into the realm of more potent illicit drugs later on. The neurological changes induced by cigarettes and alcohol can heighten susceptibility to the effects of other drugs, potentially fostering a desire for more intense experiences. Furthermore, it is also evident that school children often misuse medications and sedatives mixed with sweets, distributed by questionable vendors near schools. Early exposure to these substances can shape perceptions of acceptability, potentially leading to a greater inclination to experiment with other substances.

The safety of educators and caregivers during interventions and reporting when faced with intimidation and under pressure to prevent the reporting of incidents or carry out necessary protocol procedures has been brought to the attention of educators. This stems from various factors, such as fear of retaliation, lack of support from higher authorities, or concerns about potential risks to their personal safety. Addressing this problem requires a comprehensive approach that prioritizes the safety and well-being of educators while also ensuring that appropriate reporting and intervention protocols are followed.

Further the prevention process should involve children's self-realization of the unpleasantness, emptiness and uselessness of the use of substances such as alcohol, tobacco, cannabis, heroin, methamphetamine or other drugs, which would lead to abstinence.

Recommendations

- Introduce a dedicated tax or increase the tax on alcohol and tobacco and allocate a percentage of these taxes for drug prevention activities.
- Strengthen restrictions on alcohol tobacco and drugs availability. Prohibition of selling legal drugs (tobacco and alcohol) within a 100 m radius of educational institutions. (As recommended by NDDCB).
- Ban sale of single-stick cigarettes, which are accessible and affordable for students and adults alike.
- Establish regulations against the development and promotion of affordable, flavoured, and vaping products aimed at the younger generation.
- Introduce components to school curriculums and strategies to ensure all children are adequately capacitated against the promotions of the drug industry and are skilled enough to handle peer influences.
- Capacitate the health sector on minimum interventions to help children and adolescents who are addicted to substance abuse. Capacity building should focus on treatment and prevention of drug use among children and adolescents.
- Sensitize media personnel and institution owners on measures to reduce initiation and substance use among children and adolescents. Ensure media follows regulations imposed by NATA and strengthen monitoring mechanisms of media institutions to see whether these regulations are followed to prevent both direct and indirect drug promotions.
- Enforce guidelines for Media institutions to follow whilst reporting on substance use related incidents specially where children are involved to ensure responsible and sensitive reporting.
- Capacitate the National Authority on Tobacco and Alcohol, National Dangerous Drugs Control Board (NDDCB) and The Bureau of Rehabilitation to provide an efficient service with a special emphasis on children and adolescents who are using drugs.
- Strengthen the National Dangerous Drugs Control Board (NDDCB) and National Authority on Tobacco and Alcohol (NATA) with more staff to support the prevention and treatment efforts aimed at children.
- Strengthen policy responses of respective agencies (NATA) working on treatment, prevention and control of substance use by the swift passing of relevant policies and legislation (NATA Amendment Bill)
- Strengthen communities to reverse factors which promote substance use. Strengthen community-based organizations and the community to address contributory factors that promote substance use among children.
- Enforce bans or comprehensive restrictions on alcohol advertising, sponsorship, and promotion in all school-related events. Proactively curbing industry promotions and interventions (both visible and informal) during prominent events, such as popular inter-school cricket and rugby matches are equally important.

1.3.6 Child Labour

Sri Lanka has ratified the ILO Convention on the Worst Forms of Child Labour Convention No.12 of 1999 and the Minimum Age Convention No. 13 of 1973. Accordingly, it has also made several amendments to legislation, namely the Shop and Office Employees Act No. 1954 to increase the minimum age of employment to 16 years and regulations introduced in 2021 under the Employment of Women, Young persons and Children Act No. 47 of 1956 on hazardous occupations for children between the ages of 16 and 18 years.

The last Child Activity Survey conducted in 2016 by the Department of Labour found that 1% of children (43,343) between 5 to 17 years of age are engaged in child labour with 90% of this population (39,007) being engaged in hazardous forms of child labour. The definition of hazardous forms of labour is also taken from local legislation that specifies particular types of work in accordance with legal forms of occupation in Sri Lanka. However, this does not include types of work that are done illegally, such as sex work and bonded labour, which are some of the worst forms of child labour.

Zero tolerance of child labour has effectively created many laws and policies prohibiting it. While these laws and policies have been critical in articulating the country's commitment to eradicate child labour, the socioeconomic contextual relevance of these measures need to be considered especially from the perspective of the child and the family. It is becoming increasingly clear that in the prevailing economic context, most children take up employment primarily to survive.

Sri Lanka, after emerging out of the effects of a pandemic was hit with an economic crisis with poverty levels increasing as a result of the rising cost of living, unemployment, lesser economic opportunities, which meant that an increased number of children left school and starting work well before they should. Families that no longer are able to afford to fulfil their basic needs will be pushed to take desperate measures for their survival. For those families who had to send their children to work to make ends meet during the pandemic, their hopes of sending children back to school may remain only as a hope.

Save the Children has been working on child labour issues within the tea industry and the tourism industry over the past years and some of its research has uncovered some worrying findings regarding the prevalence of some of the worst forms of child labour. From research conducted in the Southern Province which looked at children's wellbeing within the families who work in the estates, two key findings emerged. 73.0% of children started to work informally before they reached the age of 12 years. Although this would not be classified as child labour under labour laws in Sri Lanka, it is evident that children's involvement starts too early for a significant number of them, and that there is some risk of hazardous work and long hours. The majority of children, however, do not engage excessively and the data indicates that most parents understand that assigning hazardous work to their children is not acceptable.

Domestic work by Children is also considered as hazardous work and it is illegal to employ children under 18 as domestic workers. However, due to the lack knowledge in this law there are occasions where children are used as domestic servants.

The research also revealed the prevalence of a practice that was widely used and accepted in the mid-sized estates that has serious implication for entire working families – the practice of bonded

labour. The average monthly income of a worker in a mid-sized estate is Rs. 10,207, with nearly half of labourers earning less than Rs. 10,000. In this context, it is a struggle for most families to afford food, children's education and other basic necessities, and a considerable portion of worker families (15.5%) take loans from the estate owners and have debts to repay. Estate owners also provide alcohol to the workers to encourage them to work harder. Sometimes this leads to addiction, and loans are taken to spend on alcohol as well. With mounting debts, more than a third (35.5%) struggle to pay back the money they owe. When estate owners provide loans to the workers, they hold their identity documents (birth certificates, national identification cards) as collateral. In some instances, when they are unable to pay back the debts, the estate owner sells the workers (and family) to another estate. The receiving owner settles the debt and holds the worker (and family) in bondage for the payment made for them.

Apart from the obvious implications of slavery and bondage, the use of family's identity documents as collateral prevents children's access to basic services such as health and education, and their citizenship rights. Multiple transitions from one estate to another disrupts children's education and may result in dropping out of school, impacting the children's education and development, and perpetuating the cycle of poverty within these communities.

Recently revised through the 'Aswesuma' benefit programme, the Samurdhi scheme was the main social protection mechanism of the state. Its flaws were widely acknowledged with much criticism of discriminatory socio-political determinants of the social security provision through this scheme. Strengthening families and building their resilience through an integrated approach of financial support targeting food security and livelihoods with psychosocial support that addresses their vulnerabilities, will be the way forward to ensure children's wellbeing and their rights to protection from all forms of exploitation.

Opening a dialogue with estate owners to include provisions that address children's needs in areas such as nutrition and education is another option to be pursued by the state.

There is a misunderstanding among parents that training of young children as apprentices in appropriate vocations falls within the definition of child labour taking away many opportunities for school leaving children. This could negatively contribute to Sri Lanka's economy as well.

Recommendations

Community-based child protection mechanisms should be linked with existing social protection schemes and mechanisms to prevent child labour.

Have awareness raising interventions to inform the public that children under 18 cannot be employed as domestic workers and that apprentice and vocational training programmes, especially, those approved by the Vocational Training Authority for school leavers are not prohibited for children under 18 years of age.

1.3.7 Children with Disabilities

Sri Lanka has no prevalence data for children with disabilities. However, according to global estimates, in low to middle-income countries, the prevalence of disability is around 10%. Therefore, it could be

estimated that at a given time, there are 691,700 children with disabilities in the country (Department of Census and Statistics). In child development centres under the Department of Probation & Child Care Services, it is stated that there are 687 (6.5%) children with disabilities/chronic illness.

Children with disabilities are more vulnerable to violence, especially due to their inability to communicate. However, exact data on this phenomenon is not available in Sri Lanka.

While the subject of disability is within the purview of the Social Services Department, the responsibility of these children is with the Probation Department. Therefore, significant problems are faced by disabled children who are often pushed from one department to another when they approach the government to obtain services.

Recommendations

- Mechanisms to be in place to empower children with disabilities on child protection using differentiated training material (for example, through Braille/ sign language/picture cards)
- Additional monitoring for violence against children in child development centers for children with disabilities.
- Empower parents of children with disabilities on child protection.
- Availability of differentiated communication material in reporting violence against children with disabilities and special training for staff on law enforcement.

1.3.8 Malnutrition in Children

The committee decided to address childhood malnutrition, though not directly an issue related to child protection, considering its indirect impact on protection of children. It is a problem in Sri Lanka that no report on child wellbeing can ignore. According to the Family Health Bureau, over 15,000 children aged under 5 years are reportedly suffering from Severe Acute Malnutrition (SAM).

As an expert in childhood nutrition, the opinions expressed below are from Professor Pujitha Wickramasinghe, Senior Professor in Paediatrics, University of Colombo.

Malnutrition, encompasses undernutrition, over-nutrition and micronutrient deficiency. Although under-nutrition has reduced from the time of independence, since the turn of the century about one sixth of population had been either wasting, stunting or underweight, and has been static with a slight increase over the last two years following the pandemic and economic downturn. Undernutrition affects brain development thus affecting the cognitive and emotional processors, increasing susceptibility to infections, poor physical and brain growth affecting academic performance and personality, ultimately affecting productivity. Overweight and obesity is equally harmful if not more especially affecting long-term health leading to many non-communicable diseases. More than one fifth of obese children suffer from related complications such as poor glucose control and fatty liver disease.

It has shown that growth in first few years of life, especially first 1000 days, has a lasting impact on health of an individual as an adult. In Sri Lanka about 15-22% of 30-70 year-year-old are at risk of

dying of NCD prematurely. It is important to have a proper growth monitoring process and appropriate tools.

Malnutrition is not purely an outcome of imbalance in providing nutrients, but more complex with many contributory factors. Living in poverty with food and housing insecurity, emotional trauma, and other stress insults are some contributors to the development of short stature. Psychosocial wellbeing, security, physical activity are some factors, that contribute to health beyond nutrition. Therefore, ensuring food security alone will not solve the problem of malnutrition. Combating malnutrition is not the sole responsibility of the individual or family but many stake holders, such as the government, corporate sector, society, and public. To combat malnutrition successfully, a life course approach with multisector involvement is important. Furthermore, literature has shown that dynamics of growth and its outcome in local context or south Asian context differ from many faced by the west, and more research is needed to find home grown solutions. Therefore, a multisector approach to ensure, optimum growth; improve food security; Improve environment & promote physical activity and establishing a research agenda is important.

Today's girl child is tomorrow's mother. It is important to optimize adolescent growth spurt in order to build a healthy mother to give a head start to the next generation. As much as physical growth, a healthy mind should be built by addressing psychosocial issues in a credible manner. Local adolescent care needs to be strengthened as paediatric care stops at 14 years and adult care begins at 18 years.

Although many alternative sources of carbohydrate are available to provide energy, the majority of the population heavily depends on rice for all three main meals as the staple. The protein intake of children is poor and its predominantly plant based. Children have set patterns of eating and diet diversity is not encouraged. Improper use of land in cultivation leads to crop waste, and poor transportation methods lead to food waste and increase overheads lead to escalation of food prices. Food supplementation is only a short-term solution for food insecurity, but it should not create dependence. An Unhealthy marketing of food to Sri Lanka children occurs in an unacceptable manner. An unregulated cyber environment as well as ill-disciplined media culture exerts more harm on children than good. Addiction to screens has made children more sedentary, and less than 20% of four-year-old children in the country fulfil WHO recommended daily physical activity levels.

Socio, Economic, Political, and Emotional (SEPE) environment is important to maintain a child friendly atmosphere which will promote child growth and health. Poor engagement in physical activity (lack of time, opportunity and space), involvement in academic work including tuition has caused a strain on children leading to psychological stress.

Consistent action plans are needed for sustainable development. National policies on Education, Nutrition, Agriculture and Trade directly affect the overall health of children and development and implementation and sustenance of such policies are very important.

Commercial Milk Formulae (CMF) Promotion as a threat to nutrition of children in Sri Lanka

Lack of breast feeding is a main contributory factor for Severe Acute Malnutrition in the less than 6-month age group. The promotion of Commercial Milk Formulae (CMF) is one important cause of this. It takes place in Sri Lanka in very subtle ways, sometimes invisible to the public. However, Sri Lanka still lacks strong legislation in place and to prevent marketing and promotion of CMF to safeguard breastfeeding. The draft Breastfeeding Bill has been under preparation in consultation with

the Legal Draftsman Department over the past five years. The unavailability of this law, partly due to pressure of the industry is a serious issue for the survival, health, and nutrition of children. We recommend that the government takes urgent steps to pass this law for the following reasons.

Breast feeding is a key evidence-based intervention to reduce death and ill health in children as well as their mothers, and ensure optimal growth and development of the children, especially their brain development. Based on hard scientific evidence, the World Health Organization has recognized breastfeeding as an important evidence-based intervention that countries should implement to safeguard health and nutrition of children. UNICEF and the WHO recommends that initiation of breastfeeding should be done within one hour of birth, that exclusive breastfeeding should continue till completion of 6 months of age, that breastfeeding should be further continued for two years or beyond, together with appropriate and safe complementary foods.

Breastfeeding significantly improves the health, development and survival of infants and children. The 2016 Lancet Journal series on breastfeeding presented the cumulative evidence that breastfeeding has lifelong positive effects on children and mothers' health, wellbeing and survival. Apart from being a source of optimum nutrition, breast milk is a live milk which protects a baby from infections by providing anti-infective factors. Psycho-social benefits of breastfeeding include mother-child bonding, which optimizes psycho-social development of the child. Scaling up optimal breastfeeding could prevent 823 000 child deaths globally. Breastfeeding also protects the child from overweight/obesity and type 2 diabetes in later life, thus contributing to a reduction of Non-Communicable Diseases. (Further it also contributes to improved health and wellbeing of mothers - the primary caregiver of their infants and young children - both in the short and long term; it protects the mother from breast cancer, ovarian cancer, type 2 diabetes in later life. It is said that 20 000 maternal deaths from breast cancer could be averted through scaling up optimal breastfeeding each year globally).

Protecting infants and young children from unethical marketing and promotion of commercial milk formulae (CMF) is an urgent necessity considering the health risks of CMF as well as how such marketing practices undermine breastfeeding thereby depriving infants and young children of benefits of breastfeeding and subjecting them to adverse health outcomes.

The committee also recommends that in order to prevent children being subjected to unhealthy foods being presented as tasty, the advertising of foods should only be permitted if they are certified as not being harmful to children's health by experts on health and nutrition.

The committee also recommends that a comprehensive study be done on the impact of substance abuse on nutrition as it is widely accepted that parents who are addicted to alcohol tobacco and drugs do not provide sufficient funds from their earnings to ensure the children's nutrition.

Recommendations

- Establish adolescent care units with at least one in each province.
- Continue growth monitoring from infancy through to adolescence effectively.
- Have clear distinction between cultivation land and inhabiting land.
- Development of inland fisheries industry.
- Promotion of home gardening and providing technical support through agriculture officers
- Educate and guide the public on use of cost-effective alternative foods and create and provide food recipes.
- Take steps to protect producers (farmers) by ensuring a market for their harvest as much as protecting the consumer.
- Provide food supplements mainly during crisis, using local produce. Beneficiaries of poverty elimination programmes should engage in mandatory community service.
- Strengthen the school mid-day meal programme after designing it thoughtfully.
- All supplementary programmes should be scientifically evaluated for its effectiveness.
- Tight an regulation on marketing of food and non-alcoholic beverages to children
- Impose taxations on food products non-essential as well as harmful.
- Create an activity based educational curriculum which promotes skills development.

VIOLENCE AGAINST CHILDREN

Violence against Children (VAC) includes all forms of abuse and violence against children under 18 years and may be perpetrated by parents or other caregivers, peers, romantic partners, or strangers. Violence can affect children even before they are born. Intimate partner violence during pregnancy, defined as physical, sexual, or psychological harm by an intimate partner (husband/partner) during pregnancy is known to cause higher rates of intrauterine growth retardation, poor brain growth, premature deliveries, and behavioral problems in childhood.

Evidence shows that parents who were psychologically and/or physically abused in childhood by their parents have a higher probability of following the same patterns of violence on their children and this is known as trans-generational transmission of violence. This leads to the perpetuation of the vicious cycle of violence.

The categories of VAC are (WHO 2016):

- i) Child maltreatment
- ii) Bullying (including cyber bullying)
- iii) Youth violence
- iv) Dating violence
- v) Sexual violence
- vi) Emotional or psychological violence

Child maltreatment is defined as Constituting all forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Unlike the other types of violence, here the child is intentionally abused or neglected by a person who is in a relationship of responsibility trust and power with the child. In the large majority the perpetrators are known persons trusted by the children within the families/extended families, neighborhoods or schools. Hence, it is difficult to detect these acts as children do not recognize them as abusive or are too frightened or ashamed to reveal them.

More than 3 decades of armed conflict in the country exposed the people of Sri Lanka to high levels of violence. Although a decade and a half has passed since its cessation the level of interpersonal violence in society appears to be high. The use of parental physical maltreatment of children is widespread. In a study done in 2008, in the Colombo District 70% of 12 years olds had experienced corporal punishment in the preceding year. In a more recent study of 18-19 year olds conducted in the Gampaha District, physical abuse was reported by 45% of children. A study conducted using the Juvenile Victimization Questionnaire among 1322 Sri Lankan graduates revealed physical maltreatment in 36% of the sample.

The impact of violence on the mental and physical health of children

Violence in its many forms affect the health of children. The impact of such violence in addition to affecting the mental and physical health of the child permeates to the family and the society at large. The biological effect of violence has become increasingly better understood as well as its impact on the brain, neuroendocrine system, and immune response. Consequences include increased incidences of depression, anxiety, post-traumatic stress disorder, and suicide; increased risk of cardiovascular disease and premature mortality.

The health consequences of violence vary with the age and sex of the victim as well as the form of violence. Various studies have found that physical or sexual abuse in childhood is associated with increased risk throughout the life course of mental illness such as depression (odds ratios: 1.54–3.06); suicide attempts and suicidal ideation (ORs: 1.95–3.40); substance use, including smoking, alcohol abuse, and drug use (ORs: 1.36–1.92); obesity (ORs: 1.24–1.32); sexually transmitted infections, risky sexual behavior, or both (ORs: 1.57–1.78); and potentially some chronic diseases such as arthritis, ulcers, and migraines. Childhood physical and sexual abuse are also related to increased risk of subsequent violence of various forms. Males and females who experienced childhood sexual abuse frequently experience sexual victimization as young adults (15.0 percent and 29.7 percent, respectively) and engage in sexual aggression perpetration (10.4 percent and 6.2 percent, respectively). Additionally, the odds of delinquent and violent behavior are 1.7 times higher for people who experienced childhood sexual abuse than for those who do not.

Necessary action to address physical and mental health of children should be in keeping with evidence based practices. The number of professionals needed to identify and respond to situations where children need interventions are grossly inadequate. The capacity building of first responders on child protection is one key component in ensuring children receive the necessary and timely protection services. Several surveys and studies have indicated that training of frontline workers in child protection should be given priority. Weaknesses in the present training programmes for child protection officers undermine the quality of services for children. For example a survey conducted in 2015 with officers of the Sri Lanka Police who were given child protection training indicated that frequent short term trainings for these officers did not demonstrate a significant positive change in attitudes and service delivery.

The committee is of the view that a mapping exercise should be conducted within the shortest possible time to identify different categories of child protection officers that need to be trained, identify the training needs, design and implement training programmes. However, this committee wishes to stress that, what is most vital is taking action to strengthen systems to prevent the abuse rather than focusing solely on action after the event.

2.1 Impact on Mental Health

While there isn't any extensive data on emotional abuse against children in Sri Lanka, an article written to the Medico-Legal Journal of Sri Lanka presents that somatoform disorders are characterized by persistent physical symptoms without a demonstrable organic pathology or physiological explanation along with clinical indications that symptoms are linked to psychological factors or conflicts. Furthermore, a somatoform disorder due to emotional child abuse has medico-legal implications.

Stakeholders highlight that parents, in their concern for their children, can inadvertently abuse their children psychologically. For example, the need to perform well at school and on Grade 5 exams (at the age of around 9-10 years of age) leads parents to exert huge pressure on their children, damaging their wellbeing despite parents acting out of love and concern for their child's future with no intention to cause harm.

Further, violence among school children is an issue experienced differently by girls and boys. Boys can be victims of bullying and sexual abuse, while girls more commonly experience emotional and psychological violence. The committee has noted that due to stereo typing by society at large, the tendency in the practice of shaming to be particularly damaging for girls considering how critical it is to maintain your reputation and 'respectability' in social relationships.

Suicide and self-harm rates reportedly remain high in Sri Lanka, particularly among young people. Contributory factors such as 'parent-child' conflicts can result in self harm episodes among children. This is particularly so for adolescent girls, who struggle to conform to the strict rules of morality and respectability that are imposed on them. Self-harm in turn becomes a means of expressing their feelings of anger and shame due to family conflict. Stakeholders are also concerned about the harmful emotional impact on children who are 'left behind' due to their parents migrating for employment. The external migration of women with children for employment has been linked to an increased risk of violence for their children, who lack the care of the primary caregiver and the additional layer of protection.

The post-conflict context in Sri Lanka brings forth complex mental health and wellbeing challenges for children and their families, particularly in the Northern and Eastern provinces. Some children affected by the conflict show a combination of Post Traumatic Stress Disorder (PTSD) alongside affective and somatic problems. Some have experienced emotional, sexual and physical abuse, or have witnessed violence and death. Many are in deep psychological distress and require special care, support and protection. The war has had complex multifaceted effects on family life, on parenting behaviours, and on the social and economic conditions that affect the family, all of which can impact children negatively. Stakeholders report that there are over 40,000 people missing due to the war, whose family members include children. It is important that the reconciliation mechanisms being set up by the Government are designed to assist children emotionally in their search for the truth about the missing person, with an assurance of no further abuse or suffering when accessing and engaging in the mechanisms. Given the lack of data, further research on the drivers of psychological violence, along with research on the emotional and mental health impacts of violence, would be helpful.

Strains such as anger, fear and depression can increase the likelihood of sexual victimization, by leading children to adopt negative coping strategies such as running away from home, substance use, troubled family relationships and antisocial behavior.

Institutionalization of child victims or offenders who have such pre-existing vulnerabilities exacerbate these issues, with inadequate support to address them. Many child victims and offenders present a range of psychiatric conditions, which require urgent and effective responses.

The mental health aspect of the state child protection response also needs to be addressed. There are valid reasons why there is an under reporting of child abuse and why parents are reluctant to engage with the police and other state entities. Children who are identified by police as child victims are treated with no special consideration than any other victim or complainant. They are required to provide an accurate first statement to the police, often heard by many others in the police station.

Although much has been invested by both state and non state entities to train police officers on sensitive interviewing techniques, children continue to face harassment and discomfort throughout their engagement with law enforcement and judiciary, and face secondary victimization through the system

Recommendations

- Swift passage of the proposed amendment to the Code of Criminal Procedure Section 137 to provide for mandatory referrals for psychological assessment of suspects and child victims.
- Mandatory provision of Mental Health & Psychosocial Support (MHPSS) through case management, by qualified therapists within the government or non-government sectors for all child victims, offenders, and children at risk of violence, living at home, or family-based and institution-based alternative care settings.
- Quality and relevant MHPSS training for caregivers in institutions, to support children with diverse mental health needs who live in institutions.
- Effective implementation by child protection, child rights, probation, social services and law enforcement officers of the Guidance Note on Child Trafficking to the Standard Operating Procedures for the Identification, Protection and Referral of Human Trafficking developed by the Ministry of Women and Child Affairs to ensure the mental well being of child victims.
- Follow trauma informed approaches in dealing with child victims where child sensitive interviewing guidelines are followed by a trained mental health practitioner or by a law enforcement officer in the presence of a mental health practitioner.
- The preparation of the child by a trained mental health practitioner before the court appearance and counselling sessions post court appearance.
- Make use of social science research methods and data to study the extent to which a legal rule or practice affects the psychological well-being of the people it affects.

2.2 Impact on Physical Health

Violence against children has lifelong impact on health and well-being of children. In addition, it impacts families and communities at large. The examples below are drawn from the hospital based cohort of 1283 children to highlight the physical impact on children and their families.

(a) Impact of sexual violence

Unintended pregnancies. ‘Children having children,’ is a consequence of sexual abuse/exploitation of children. Pregnancies in adolescence impact both the child mother and the child. Teenage births result in more premature deliveries and have lower birth weights, lower rates of breastfeeding, higher neonatal mortality rates as well as developmental problems.

In the hospital based data referred to above there were 39 pregnancies which led to 29 deliveries and 10 spontaneous/illegal terminations of pregnancies. Two illegal abortions led to septicaemia in the mother.

Perineal tears leading to surgical interventions. Two children (two girls aged 18 months and 8 years) needed surgical intervention to repair tears induced by violent sexual assaults. The 18 month old needed a colostomy that was reversed at the age of 5 years.

Sexually transmitted infections. Secondary syphilis, Gonococcal infections, Human Papilloma virus infections and Herpes simplex virus infections were diagnosed and treated in children. In addition candidiasis and severe pelvic inflammatory infections were also seen. There was a total of 20 such infections diagnosed and in 4 boys and 16 girls.

Death due to suicide. A 9 year old girl, a street child, who had experienced physical abuse and had been neglected was placed in a Child Development Center, as she had no relatives to take over her care. At the tender age of 13 years she took her own life at the Child Development Center she was living in.

(b) Impact of physical abuse and corporal punishment

Soft tissue injuries are seen in children following physical abuse and/or corporal punishment.

The injuries in this cohort ranged from mild bruising to abrasions, bite marks, cut injuries to severe burns. Burns were inflicted using heated implements, lit mosquito coils, incense sticks and cigarettes. An adolescent faced the consequence of a ruptured eardrum due to a slap on the face and an 8 year old child suffered neurological impairment of his right upper limb due to assault to the neck area as a consequence of corporal punishment in school.

Bone fractures. Fractured long bones in the upper and lower limbs were seen in 19 children and multiple skull fractures were seen in one child.

Homicide. An illegally adopted infant died of the impact of shaken baby syndrome.

In addition to the above physical injuries, the impact of violence against children, leads to poor school performance and higher rates of school dropouts leading to poor employability. They also experience negative coping skills and health risk behaviours like smoking, misuse of alcohol and drugs leading to premature death due to cancers, cirrhosis and heart diseases.

(c) Impact on the family

Homicide. In the cohort of children alluded to above, a mother, father and a younger brother of a boy child who had faced sexual violence died of severe burn injuries when the perpetrator decided to set fire to the family home. The 10 year old boy helped the perpetrator to carry out the task as the parents had tried to prevent the sexual abuse.

Suicide. A father of a teenage girl committed suicide when he heard about the sexual abuse of his daughter.

Impact on health: Two fathers and one uncle (caretaker) suffered heart attacks on receiving news of sexual abuse of their children. The uncle lost his life as a consequence.

Divorce and separation of parents were seen to be triggered by the abuse of their children.

Recommendations

- **The recognition of VAC.** All stakeholders working with children should be trained to be capable of making early detection of violence and making appropriate referrals.
- **Multi-disciplinary integration in the health sector** All children who have faced violence need to be seen by Judicial Medical officer, Paediatrician and Child & Adolescent/Adult Psychiatrist to ensure that the short and long term impact of violence are addressed adequately.
- **Multi-sectoral integration** of the health sector with Police, Probation officers, Child Rights Promotion Officers and officers of the NCPA is essential for the successful rehabilitation and reintegration of children who have faced VAC.
- **Deciding on the best interests of both children following teenage deliveries** should be done by the multi-sectoral team of professionals before and soon after the delivery and recommendations made to courts.
- **Long term follow up by medical and community teams is essential** in order to prevent school drop outs, deliberate self-harm etc.
- **Child protection units (Lama Piyasa facilities) in health institutions** to manage children who need long term rehabilitation and follow up should be developed to cover all 9 Provinces in the country.

2.3 Bullying (including cyber bullying) and harassment: the physical and mental impact

Bullying in schools manifests in various forms, including physical, verbal, psychological, and cyberbullying, affecting students across different age groups. This problem can have severe consequences on the well-being and academic performance of the victims. Bullying in schools refers

to the aggressive behavior, harassment, or intimidation that occurs among students or that which is directed towards students by others. It can manifest in different forms, such as physical bullying, verbal bullying, social bullying (exclusion, spreading rumors), or cyberbullying.

It has significant negative consequences on the well-being and academic performance of the victims, leading to feelings of fear, anxiety, and social isolation even leading to suicide ideations and in some cases suicide itself.

According to a UNICEF study Estimating the Prevalence and Drivers of Bullying including Cyberbullying in Sri Lanka, evidence indicates that there is a lack of awareness among parents and teachers about the harmful effects of bullying, leading to higher rates of bullying and under reporting. Children from economically disadvantaged backgrounds, non-Sinhalese ethnicities, and those who deviate from societal norms are particularly vulnerable. Moreover, schools with teachers who practice corporal punishment tend to have a higher prevalence of bullying in their classrooms.

The lack of Life Skills in the curriculum, which includes relationship education and self-safety, makes children more vulnerable. Introducing this crucial subject to raise awareness and empower children is essential to address this problem effectively. Addressing bullying in schools requires a multifaceted approach, involving teachers, parents, administrators, and students themselves.

The use of prefects and students of authority to carry out punishment on behalf of educators to bring order has created an enabling environment for harassment. Emotional harassment, characterized by humiliation/ degradation inflicted by educators, can have severe and lasting repercussions. This form of mistreatment can deeply affect the emotional well-being and self-esteem of students, leading to long-term psychological and academic consequences. Addressing emotional harassment in educational settings is crucial to ensuring a safe and supportive learning environment for all students.

Research has shown a correlation between the practice of corporal punishment in schools and a higher prevalence of bullying in classrooms. It is seen that when corporal punishment is used as a disciplinary measure, it can create a culture of violence and aggression, which may contribute to the occurrence of bullying among students. The fear and aggression associated with corporal punishment can negatively impact the overall school climate and foster an environment where bullying is more likely to occur. Building resilience to violence among children and supporting parents to invest in their children's wellbeing is critical.

Recommendations

- Social and emotional learning (SEL) should be mainstreamed into the school curriculum in order to build children's resilience to violence and adversity. SEL should be contextually relevant and stem from culturally appropriate and relevant practices. Existing material and tools piloted and tested in Sri Lanka such as 'Tilli' (tillikids.org) should be used to develop SEL programmes.
- Positive Adolescent Training through Holistic Social Programmes (P.A.T.H.S.), a globally recognized evidence-based life skills programme, contextualized for Sri Lanka by UNICEF available in Sinhala and Tamil which has been used in the Northern Province should be expanded to the rest of the country, after appropriate review.
- Citizenship Education and Relationship Education should be prioritized in educational reforms to ensure that these curricula enhance children's social and emotional wellbeing.

Recommendations continue

- Child protection and other related programmes for parents and community should focus on family mental wellbeing as a key measure to build family and community resilience to adversity. Programmes such as 'Manohari' (developed by WHO) that facilitate participatory community-based discussions on family wellbeing should be mainstreamed across the country.
- Community based MHPSS programmes should align with global mental health paradigms, so that we move away from psychopharmacology heavy treatment approaches to psychotherapeutic interventions.
- Availability of accessible, simplistic resources (in local languages) on children's mental wellbeing for parents and care-givers.
- Consultation of parents and children in the development of resources so that the resources are purposeful and are need and demand driven.
- Establish a Child Helpline to support children and families who require advice and support.
- Ensure that the new Social Protection measures address multidimensional poverty, to prevent mental health issues of parents and children arising from inability to meet basic needs.
- Enable opportunities for decent work for young people, with the aim of preventing mental health issues in families arising from inability to meet basic needs.

2.4 Health Sector

The Health Sector plays a major role in preventing and responding to violence against children (VAC). The provision of health services is done through two sectors: the preventative and the curative. The role of the preventative sector is primarily the prevention of violence against children, by early detection and referral. The curative health sector plays a major role in managing children who have faced violence.

The management of a child who has faced violence is essentially multi-sectoral. Hospitals are recognized as 'places of safety' in the Children and Young Persons Ordinance. The initial management of a child who has faced violence is hospital-based, as the medical needs of the child has to be sorted out by medical teams E.g. fractured bones, burns, pregnancies etc.

Issues relating to Health Sector :

- The coordinated response for children who have faced violence does not take place in a satisfactory manner island wide, due to the lack of awareness of the National Guideline for the Management of Child Abuse and Neglect: a multi-sectoral approach.
- Inadequate knowledge among key health teams, regarding the need for multi-disciplinary integration in the health sector leads to re-traumatization of children and their families by repeated history taking.
- The lack of co-ordination with all relevant stakeholders leads to poor outcomes in the psycho-social rehabilitation and re-integration of a child who has faced violence.

- After delivery teenage mothers are forced to breastfeed their offspring long term and this causes disruption to their education. Often a decision has been made by the mother to give the new-born for adoption. Due to the long delays in legal proceedings the mother and baby are not separated soon after the delivery, leading to bonding between them and difficulty in separation later.
- Once a decision is made that the neonate is to be given for adoption the mother and baby are not separated, the teenage mother is not sent back to her family/legal guardian to continue her education and regular counselling from Child & Adolescent/ Adult Psychiatrist is not guaranteed.
- Currently, there are no Child Safeguarding Policies available in the health sector that guide staff to protect children.
- There is poor maintenance of confidentiality in the health sector units that are in contact with children who have faced violence, leading to stigmatization of such children.
- Children who require long term psychosocial rehabilitation following violence do not always get this service. This leads to psychological issues, deliberate self-harm and disruption of education.

Recommendations

- A strong focal point should be established in the Ministry of health to deal with the issue of child protection. The role should be one of implementation (guidelines, standard operational procedures etc.), monitoring and evaluation of the management of children who have faced violence. A data base should be maintained.
- Implement the Standard Operational Procedure (SOP) to be used in Sri Lankan Government Hospitals for the Management of Children who have Faced Violence which has been developed based on the National Guideline for the Management of Child Abuse and Neglect: a multi-sectoral approach.
- Provide facilities for pregnant teenagers. Paediatric units in hospitals in each Province should have a list of such institutions that provide services.
- Soon after the delivery of the baby by the teenage mother, another Institutional Case Conference (ICC) should be held to decide on the placements of the mother and child in the best interests of both children. These recommendations should be sent to courts through the Probation Officer's social inquiry report. Any decision related to the new born should be made with informed consent of the teenage mother, even when she is under the age of 18 years.
- Child Safeguarding Policy should be developed by the Health sector to train all staff to act according to its principles.
- Services should be provided confidentially by the Paediatric units and Obstetric units and clinics.
- Children should have access to child protection units in health institutions. A Child Protection Unit (Lama Piyasa) should be established in each Province.
- The Child protection units should provide facilities for video evidence recording. As per the Cabinet approval given in July 2021.

INCREASED REPORTS OF VIOLENCE BY CHILDREN

There has been a noticeable rise in reports of violence involving children over the past year. Although specific data on this subject is lacking, new and previously unheard-of situations and conflicts have come to public attention. These incidents include a wide range of troubling events, including violence at sporting events where rival school children assaulted a winning team's batsman, the destruction of pipes intended for a development project by schoolchildren, scuffles occurring at O'Level Examination Centres, attacks on Teachers for enforcing rules related to grooming, and even cases of poisoning to secure prefect positions. Additionally, there has been a disturbing increase in reports of rape and sexual abuse, with victims as young as 3 years old being affected.

It has been observed that there is an increase of reports in the media of children committing violent acts within the school environment, community and homes in Sri Lanka. Given the growing concern in the involvement of children in violent acts, the committee has considered to assess reporting of this nature via the exploration of newspaper reports collected by ECPAT, and specific incidents narrated to the committee at meetings with stakeholders.

3.1 Violence and Assault in Educational Settings

Several incidents of violence and assault within school and educational institutions have been reported across the country. These acts of violence target a range of victims, including newly enrolled students and those at established grade levels. The type of weapons used in the assaults include knives, iron pipes, stones and sharp needles.

The motivations behind these attacks range from personal disputes, long-standing grudges, and complicated relationship issues. Some assaults have been financially motivated, with students becoming victims due to their refusal to provide money. It is noteworthy that in certain cases, the assailants have had prior acquaintance with the victims, while in others, these connections were formed through mobile phones. These violent incidents have cut across gender boundaries, involving both male and female students. The resulting injuries have ranged in severity, with some victims even requiring hospitalization for serious injuries. There have been instances where multiple individuals, and even adults, have taken part in assaulting a single victim. The age range of the students involved in these incidents' is from 15 to 17 years.

3.2 Cases of Sexual Abuse Involving Minors

As per media reporting, there are multiple incidents of sexual abuse involving minors. The victims vary in age, with the youngest being 10 years old and the oldest being 15 years. Some incidents have occurred within the school setting, while others have taken place outside educational settings. In some cases, the victims and perpetrators have had a romantic relationship, but rape has taken place within the relationship. There are also instances of video recordings, drugging and use of physical violence within the incidents of sexual abuse.

3.3 Substance Abuse and Violence by Children

Incidents reported in this regard highlight issues of children's involvement in illegal activities, such as sale the illicit liquor, possession of drugs and alcohol intoxication which indicates the potential problem of youth influence on younger children and children's access to illegal substances.

Substance abuse can significantly contribute to violence among children by altering their cognitive and emotional functioning. When children misuse drugs or alcohol, their inhibitions may decrease, leading to impulsive and aggressive behaviours. Substance abuse can impair judgment, exacerbate feelings of anger or frustration, and make conflicts more likely to escalate into physical confrontations.

Moreover, children who are addicted to substances may engage in illegal activities to sustain their addiction, which can involve violent behaviours such as theft or assault. Additionally, growing up in environments where substance abuse is prevalent may expose children to increased violence within their families or communities, further normalizing aggressive actions. It is therefore crucial to address the intertwined issues of substance abuse and provide comprehensive support, including addiction treatment and mental health services. The issue of Substance abuse has been dealt with in detail in Chapter 1 of this report.

In its deliberations with different Stakeholders this Committee has attempted to obtain various views for the cause of violence by children phenomenon and found the following factors as Contributing to this growing trend. The recommendations are made after deliberations and inputs from relevant stakeholders to focus on diverse underlying factors that foster violence in order to prevent the same among all children in Sri Lanka

3.4 Social Media

The increased use of social media has exposed children to graphic and detailed instances of violence. Today instructions on a variety of topics, such as bomb and weapon manufacturing or suicide methods, are readily accessible on many platforms. Furthermore, live streams depicting acts of killing, shooting, looting, and arson are often broadcast without hesitation. Social media platforms appear to be reluctant to take substantial measures to address this issue. Despite ongoing research and findings on how social media platforms have caused an increase in violence, no meaningful actions have been taken to minimize these damages.

3.5 Electronic Media - TV and Cinema in Sri Lanka

The role of electronic media in the rise of violence is increasingly evident. The portrayal of violent scenes in electronic media can desensitize and normalize violence in the minds of children, contributing to the growing trend of violence. In Sri Lanka, many parents believe that local teledramas and movies are appropriate for their children to watch. However, it is concerning that some of these productions depict violent behaviours as justifiable, conveying the wrong message to young viewers and potentially normalizing violence among them. This underscores the need for responsible media content that promotes positive values and behaviours, especially when it comes to children's exposure to violence.

Recommendations

- **Media Literacy and Regulation:**
 - Implement media literacy programs in schools and communities to help children critically assess and understand media content, including its potential for promoting violence.
- **Media Accountability:**
 - Hold media personnel accountable for instances of misrepresenting facts that contribute to and glorify acts of violence.
- **Awareness Programs for Children:**
 - Develop age-appropriate awareness programs for children to educate them about their rights, the consequences of violence, and non-violent ways to express discontent.
 - Encourage schools to incorporate conflict resolution and emotional intelligence education into their curricula.
- **Parental Guidance and Awareness:**
 - Raise awareness among parents about the impact of violent media on children and encourage responsible media consumption within households.
 - Promote parental supervision of children's media use and engage in discussion about the content they encounter.

3.6 Corporal Punishment

Corporal Punishment is another factor that contributes to violence by children. In the meetings with the Education Sector, it was accepted that Corporal Punishment takes place despite the Public Administration Circular (12/2016) that strictly prohibits its use as a form of discipline. In this situation an adult can cause physical harm to a child in order to correct “bad behaviours”. It is considered acceptable and often desirable to do so. Discussions and feedback with Education Sector representatives revealed that these stakeholders believe that it is important to enact Legislation to ban Corporal Punishment and increase awareness regarding Positive Disciplinary methods.

Detailed analysis of Corporal Punishment and its negative consequences that include behaviours of aggression and other psychological impacts leading to intergenerational cycle of violence is further expanded in chapter 1 of this report.

3.7 Protests and Public Assemblies

The committee received information from law enforcement officers regarding the challenges they encounter when dealing with young children brought to protests by their parents. These children are exposed to potential physical harm in the event of a riot or violent confrontation. In a specific case where a 4-year-old child was present at a protest, the police faced pressure from human rights activists who alleged a violation of the child's fundamental rights. It's essential to recognize that, as the primary caregivers, parents have a duty to assess the potential dangers a child might face. Expecting a 4-year-old to possess the awareness or capability to express opinions on complex political or social issues stretches the bounds of imagination. Balancing the right to protest with the responsibility of ensuring a child's safety is of utmost importance. This Committee recommends that a comprehensive guide be issued by the Attorney General/ Bar Association / Human Rights Organizations to those organizing protests to include guidelines regarding the protection of children.

It has also been brought to the Committee's attention that there is a trend of using violence as an acceptable means to achieve goals in Sri Lanka today. The committee has noted particularly the fact that there have been reports of institutions misinterpreting the facts and the law in efforts to justify and sanitize, violent and criminal behaviours.

Article 20 of the UN Declaration on Human Rights gives Citizens the Right to Peaceful Protest;

“1. Everyone has the right to freedom of peaceful assembly and association”. The Constitution of Sri Lanka echoes these rights for its citizens but subject to certain restrictions, particularly in the interest of National Security. What constitutes a peaceful protest is clearly defined in the Law. Occupying state buildings, blocking traffic, destroying public property and preventing other citizens from engaging in their normal routines violate the definition of Peaceful Protests.

Following the occupation of the Presidential Secretariat, there were attempts to characterize this as a peaceful protest. This was done by incorrectly portraying this building as an integral part of the designated protest site Galle face Green, and there after categorizing the occupation of the Secretariat as well as violating court orders as being peaceful and a Fundamental Right of a Citizen.

Statements such as “The protestors were very clear that they were going to leave today..... the excessive force targeting peaceful protestors is an indication of the repression and threats to basic rights and the rule of law” (Senior Researcher, Centre for Policy Alternatives). “The use of force against peaceful protesters” (UN Human Rights Committee). “A total violation of the Fundamental Rights of the People” (Human Rights Commission) were clear misrepresentations of fact and law.

A logical extension of this position would be that school children who occupy a principal's office or a person who whilst raping a young girl, requests the police to return at a time determined by him, being considered as citizens exercising their fundamental rights.

These distortions made individuals engaging in illegal activities appear as martyrs, despite the actual circumstances.

Public figures, including Politicians, Media Personalities, and Social Media Influencers bear a significant responsibility for the influence they exert on the minds of children and wider society. Advocating violence by supporting takeovers and damage of state property, sends harmful messages to impressionable young minds. This makes a significant contribution to the growing culture of violence and Lawlessness by glorifying illegal and violent actions. These situations not only tolerate but endorse and encourage violence as children internalize this as an acceptable response in expressing discontent. Public figures should actively contribute to the betterment of society by setting positive examples and advocating for peaceful and lawful means of addressing grievances and effecting change.

It would appear that the Human Rights Commission, MP A Sumanthiran and the Bar Association did not know the legal definition of a peaceful protest, as per the UN declaration of Human Rights and by consistently terming illegal and violent acts as peaceful, have been encouraging violence. This committee is not concerned about the political or security aspect of this issue but wish to stress that when persons in authority sanitize and glorify violence, they send a message to children that violence is acceptable and even desirable. This committee regrets that even without attempting to ascertain facts, the UN Human Rights Committee in Geneva by referring to this illegal act similar to the 'Capitol Hill Riots' as peaceful has endorsed and encouraged criminal behaviour as falling within the ambit of Article 20 of the UNDHR. The birth of terrorist movements which use violence as a means to achieve their goals is often the result of such irresponsible actions

The situation in Sri Lanka, is in direct contrast to countries like USA, where responsible Human Rights Organizations like the Civil Liberties Union provide valuable guidelines to educate Citizens about their Rights and Duties. In light of this, the committee strongly recommends the implementation of awareness programs aimed at preventing children from becoming unwitting pawns manipulated by Individuals and Organizations with ulterior motives.

This committee regrets that despite accepting an invitation to a Stakeholder meeting of Human Rights Organisations and Civil Society to address Protection of Children, the former President of the Bar Association and a Senior Researcher of the Centre for Policy Alternatives (CPA) chose to be absent from the discussions. This would have enabled the Committee to obtain greater clarity on a range of issues including the classification of violent acts as being peaceful and to open a dialog and obtain their support on the steps to be taken to remedy the culture of violence prevalent in society today.

This Committee is of the view that statements and actions that justify violence should not be tolerated and actions should be taken against the individuals involved. The state owes a duty to its citizens and future generations to arrest the growing culture of violence in the country. This cannot be done if there are no deterrents exercised. It is therefore a recommendation of the Committee that a "Watchdog" Committee be appointed to monitor calls for Violence and alert the Government to take appropriate action. This committee should comprise of suitable professionals selected from civil society, rather than state officials. It should comprise experts from various relevant fields, such as

Legal, Medical (with a particular focus on psychology) and Child Rights and Human Rights organizations. Their mandate should cover only monitoring of actions endorsing and promoting violent and illegal activities as opposed to peaceful and legal activities.

Recommendations

- Law Enforcement and Child Protection:
 - Ensure that law enforcement agencies are adequately trained in handling situations involving children at protests and public assemblies, with a focus on their safety and well-being.
- Legal Clarity on Peaceful Protests:
 - Guidelines on organizing Peaceful Protests to be issued by the Attorney General/ Bar Association/ Human Rights Organizations.
- Monitoring Committee for calls on violence:
 - The establishment of a "Watchdog" Committee to proactively track and report instances inciting violence for swift Government response. Members should comprise of civil society professionals, excluding state officials, and ensure representation from various domains, including Law, Psychology-focused Medical experts, and Child Rights and Human Rights organizations.
- Public Awareness on Peaceful Protests:
 - Launch public awareness campaigns to inform citizens about their rights and responsibilities during protests, emphasizing the importance of peaceful and lawful demonstrations.

3.8 Violence in Sports

There are under reported but widespread reports of children in national, private and international schools as well as other similar institutions being used in sporting activities for the purpose of 'glory-hunting' or bringing prestige to schools, their alumni and vested parties. There have been many instances of school children being involved with violence on and off the field. The UNCRC states as follows;

"Article 31 - States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts."

However, facts such as high fees paid to coaches, age inappropriate professionalization of sports, high expectations of peers and alumni are thought to drive competitiveness and undue pressure to perform in children. There have also been reports of physical, psychological and sexual abuse during sports activities (Factors such as physical abuse, emotional abuse, mental abuse, over-professionalization and adverse effects on education, among others, can be classified as results being borne out of the current Sri Lankan schools' sporting circuit.

There have been reports of students having to practice during morning class hours before major inter school games and students having to stay as late as 1.30 am for extra-curricular activities such as drama practices.

Further studies need to be done to gather data to examine whether children in fact are, perhaps even inadvertently, exploited by schools in this manner and the need to alter the current manner in which sporting activities are being carried out in Sri Lankan schools.

Schools sports authorities should establish rules related to times of practices (no practices during school hours etc.), so that there is a level playing grounds for all schools, without which school children taking part in sports will be exploited by the school authorities, alumni and coaches for their own glory.

Recommendations

- Authorities controlling schools' sports and extracurricular activities should enforce guidelines relating to conduct of sports and extracurricular activities including practices so that children do not lose out on their school time that is meant for studies.
- Commission research by social scientists to evaluate various aspects of pressurization and compulsion that play a role in sports, other than participation and enjoyment. Studies should also cover research related to 'pressure to win at all cost', coach and referee inducements etc.

Violence today has gained grounds as an acceptable mode of behaviour to secure desired outcomes. From parents and teachers who believe that corporal punishment is in the best interests of the child to inculcate discipline to the promotion of violence and vandalism through protests as being the Fundamental Right of citizens to the calls for street battles to effect political or social change to the brutal killing and injuring of animals the right to use physically harmful behaviour is being embedded in the minds of our citizens and a message being sent out to children that dissent and opposition could be expressed by using violence. "The end justifies the means" is an attitude that is regrettably used in respect of violence in many sectors and it is imperative that steps are taken to effect a change to establish non-violent resolutions of conflicts.

COMMUNITY PARTICIPATION IN CHILD PROTECTION INITIATIVES

Innovative measures such as community participation in child care initiatives for the protection and well-being of children

Every child should be provided with a safe environment for growth and the opportunity to participate in making decisions that affect their lives. Community-based approaches are essential to promote and strengthen the capacity of families and communities to address child protection issues. A range of responses are needed. What is appropriate and feasible at the community level should be determined through wide discussions with family and community members. It is only then possible to start implementing such programmes of work. Child protection awareness raising, training and development of trainers can focus on empowering parents and community members as the first line of defense for children.

To protect children through community participation, a spectrum of responses such as effective management of issues by authority, diversity and tolerance existing in the society can be introduced. This would initiate a wider community development process that would focus on child protection, promote genuine child participation in community initiatives and child wellbeing. The capacity building of relevant district and divisional level staff, for example Child Rights Promotion Officer (CRPO), Child Protection Officer (CPO), Probation Officer, Public Health Midwife (PHM) and Public Health Inspector (PHI) on addressing child protection at the community level and addressing determinants of child protection at the community level, must be implemented.

Activities must be based on a fair understanding of the contributory factors and other background issues. Generally, there is more than one contributory factor involved in violence against children and some of these are hidden. Priority should be given to strategies that are likely to have an impact and considered feasible when addressing these contributory factors.

Any strategy for community based child protection should be based on knowledge of contributory factors such as poverty, violence at home, negative media influence, substance use among children and use of children for drug trafficking, dysfunctional family setting and poor quality of service provision. Socio-economic realities should also be considered and addressed when bringing significant results.

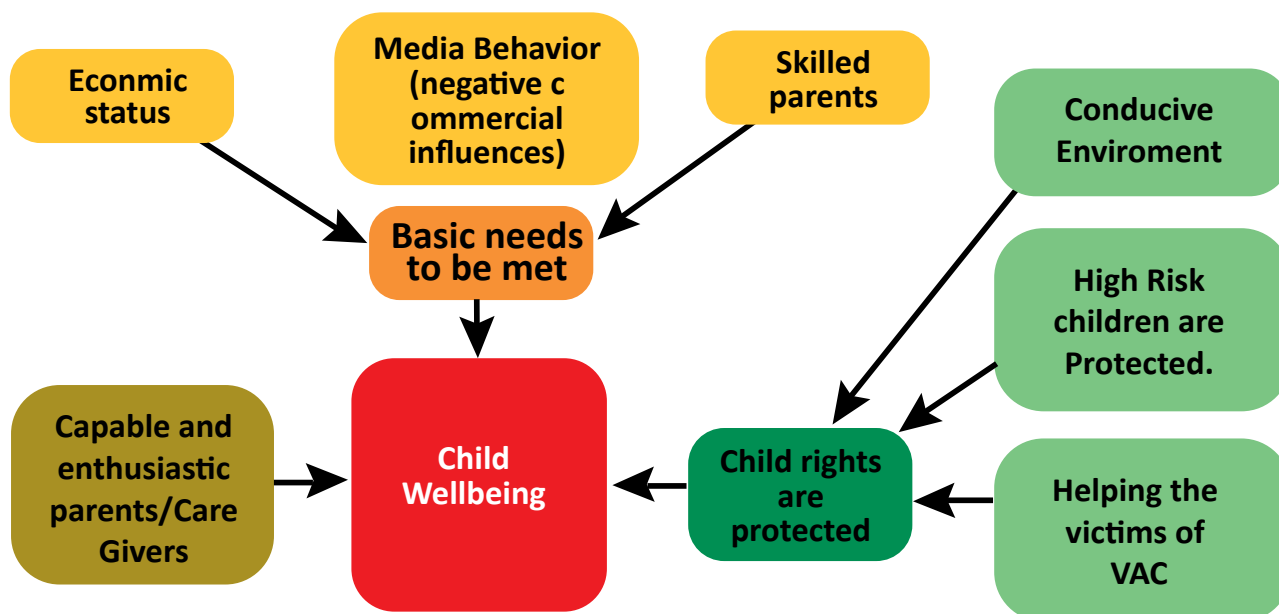


Figure: A simple determinant tree to understand selected factors that influence child wellbeing.

In intervening, communities should be strengthened to identify how different contributory factors operate at the community level. Interventions should then be initiated whilst addressing the most feasible contributory factors. Community officers should support and facilitate community groups for effective implementation of suitable actions to address these factors and measure the changes.

Following factors have been found to influence the effectiveness of community based child protection programmes. Every agency involved in community-based child protection must ensure it engages and addresses these factors.

1. Community ownership
2. Building on existing resources in the community
3. Support from community leaders
4. Child participation at all levels of programme planning to programme evaluation
5. Management of issues of power, diversity and inclusivity
6. Networking with other relevant agencies

It must be noted that there are several impediments to impactful community-based actions. These include poor understanding of the overall picture of child protection, communities guided by misleading information, relying on proven ineffective methods to address child protection, negative influences from various groups in the community that acts as obstacles and certain individuals in communities who will dominate over others which would prevent participation of the majority.

These factors should be considered by any community based child protection programme to achieve intended results. Officers and volunteers working with communities should be empowered to address these impediments.

Recommendations

- Strengthen existing coordination mechanisms at the community level in order to empower existing social structures to minimize under reporting and take necessary action against reported cases.
- Establish and strengthen peer support groups and community support systems through CRPOs, CPOs and NGOs active in the field for active reporting and protecting children at risk.
- Establish functional Village Child Development Committees (V CDCs) to initiate and sustain the community based child protection interventions.
- Capacitate all community level officers regularly and monitor them on a monthly basis on the implementation of community based interventions to address determinants of child wellbeing.
- Support and facilitate community groups to carry out effective actions to create a safe environment for all children in their own communities.

INSTITUTIONAL, ADMINISTRATIVE AND LEGAL FRAMEWORK

5.1 Child Care Institutional Framework

The framework of the Child Protection System is centred around key institutions such as the National Child Protection Authority, the Department of Probation and Child Care Services (DPCCS), and the Women and Children's Desks in the Police Stations. These agencies are linked to Child Development Centres around the country who are responsible for providing the care and protection the children need. The secondary Ministries include the Ministries of Education, Health, Labour, Foreign Employment, and Social Empowerment and Welfare. Enhancing collaboration and synergy among these Agencies and Ministries can further strengthen the overall child protection framework.

As detailed in Chapter 1 of this report. Sri Lanka today has a range of Child Care Institutions to deal with the needs of Children who are institutionalized for varying reasons.

Admission to institutions is generally regarded as a last resort. It is widely recognized that unless there are compelling circumstances, such as abuse by a family member, a child should ideally remain in a familiar environment close to trusted individuals who can provide care and support.

Children who are admitted to Institutions often find themselves in unique and challenging circumstances that necessitates specialized care and protection. These children may have experienced violence, abuse, abandonment, neglect, destitution, or even come into conflict with the law. In such cases, it becomes the responsibility of these institutions to create an environment that not only offers care but also supports the restorative process in these children's lives. Achieving this involves the establishment of several essential factors that collectively create a sense of security and stability for the child.

5.1.1 Issues in Child Care Institutional Framework

It has been noted that children are sometimes admitted to care facilities located outside their home provinces, thereby placing them in entirely new environments. The Committee was informed of a child victim from Ampara being admitted to a Child Developmental Centre (CDC) in Colombo,

requiring three days of travel for each Court appearance. Probation Officers need to prioritise the best interests of the child in every situation. This committee recommends that the Commissioners of Probation, establish a system that ensures that the Officers in their respective Departments adhere to guidelines on best practices in the choice of an Institution and consistently prioritise the well-being of the Child.

Adequate physical resources, including food, clothing, and sleeping facilities, are essential in Care Institutions. During discussions with CDC officials, it was revealed that sleeping facilities were inadequate in places like the (Certified School, Hikkaduwa (Boys)), where children were sleeping on mats in available spaces. Additionally, voluntary homes requested an increase in the allowance from Rs. 100 per child to Rs. 200 for food, citing the rising cost of living. This Committee recommends that CDCs should also be made beneficiaries of any suitable welfare scheme that is being implemented by the Government to ensure that the nutritional needs of the children are met.

Having an adequate number of trained and dedicated staff is essential for the effective operation of CDCs. However, Government CDCs have expressed concerns about staff shortages due to the ongoing economic crisis and a lack of trained Personnel. The NCPA guidelines initially required Child Caregivers with certain qualifications (NVQ Level 4) but this was later relaxed for the hiring of officers. Officials of the CDCs and Commissioners of Probation and Child Care raised concerns to the Committee that the new qualification was the same as that required for laborers. While possessing a degree does not guarantee the commitment and empathy needed to provide care for children in institutions, it is important that staff members have the capacity to undergo training that equips them to act in the best interests of the child. All CDCs should therefore evaluate current staff cadre and take necessary steps to ensure that only competent staff members are entrusted with the care of children.

Medical professionals have alerted the Committee to instances where individuals alleged to be paedophiles, have attempted to join the staff of CDCs. It is concerning that there is currently no system in place to maintain a register of individuals who have faced accusations of Child abuse. The question has arisen whether all Child Development Centres (CDCs) conduct comprehensive background checks on potential staff members before their appointment to verify whether they have any prior history of child abuse to align with the NCPA policy. This committee recommends that such a register is maintained by the NCPA.

The quality of child protection Care Plans developed by Probation Officers for Children in CDCs should be of a high standard, and the child's progress should be regularly reviewed. However, it has come to light during discussions that the provincial DPCCS do not follow a systematic process of child protection case management (CPCM). Hence, there are great variations in how children's cases are assessed, planned, managed and reviewed, across the provinces. Proper CPCM is vital to ensure that children achieve positive outcomes in a timely manner, resulting in reunification with their families. The current mechanism to review children's care plans and make decisions about the management of their cases is through Case Committees, Placement Committees or Warrant Committees (depending on the nature of the institution) which are held at the institutions, led by the Provincial Commissioner of DPCCS. However, these evaluations do not consistently occur as scheduled, often due to reasons like insufficient numbers of children to warrant a meeting. This deviation from professional standards in monitoring a child's progress is unacceptable. The Committee recommends that all Care Plans be reviewed on regular basis and the Commissioners of Probation and Child Care Services be responsible for ensuring that this procedure is followed.

CDC officials during discussions with the Committee have raised concerns regarding the difficulties they face in obtaining birth certificates for Children under their care. This issue has adverse effects on the children's ability to access education and employment at a later date. The Committee is of the view that the responsibility for obtaining relevant documents, such as birth certificates, should rest with officers of the DPCC (Department of Probation and Child Care), as they are better equipped to liaise with Government Departments to facilitate this process. Furthermore, strict timelines should be in place as delays in obtaining these documents would hinder the child's well-being and development.

The Committee is of the view that there should be clear and strict descriptions of the respective roles and responsibilities of officials within the child protection system. It has become evident that there is a lack of coordination and support among all stakeholders responsible for the child's well-being. CDC officials have cited a lack of support from probation officers as an issue, and this problem can be effectively addressed by clearly defining and distributing responsibilities.

It has also been noted that the regulations pertaining to CDCs are not uniform across the Provinces and are not aligned to the NCPA guidelines. Provisions that relate to the safety of the children should be introduced by legislation as these affect the quality of safeguarding of children in Institutions.

The management of Safe Houses has been outsourced by the Women's Bureau to a few NGOs. The rationale for this decision has been an increase in demand for women's shelters and the difficulties ministry officials faced in operating these shelters as stated by the Director of the Bureau.

There has not been an open or transparent system where proposals have been called for from all interested parties. Instead these homes have been handed over to organisations known to Officials. There have been no legally binding agreements when handing over State buildings to private parties and no binding guidelines have been issued to the NGOs operating the shelters. According to the Director Women's Bureau, 5 years after handing over the guidelines are still in draft form.

The draft guidelines make no provision for the care of children in the accordance with the Child Protection Mechanism. Although 149 children have been admitted to these shelters the guidelines primarily cover basic provisions like food, clothing, recreational spaces and education. There has been no system incorporated for individual Care plans for children or provisions for mental health issues which should be handled by child mental health experts. The Ministry only conducts a monitoring meeting annually while Women Development Officers collect data fortnightly.

The Committee's mandate is focused on child protection, and it has no intention of extending its scope to address issues prevalent in shelters for women. However, when children are placed under the care of the State, it becomes imperative to ensure that provisions relating to children have to be operational as the State would be liable for any problems faced by the child. While the justification for this initiative is the need for more shelters, it has not resulted in additional shelters. Instead, the Ministry has agreed to provide funds to existing shelters managed by voluntary Organizations, which may be already receiving funding from various sources. According to the Memorandum of Understanding (MOU), food costs are reimbursed, leading to costs being provided in accordance with increased prices by the Ministry. This is in direct contrast to the situation that prevails in respect of voluntary homes, where the State provides only an allowance of Rs. 100/- per child, despite the economic crisis.

The guidelines stipulate that each Safe Home should have a one-year valid license, but the MOU has been signed for a three-year period. This Committee questions whether all relevant information has

been provided. The Committee regrets the stiff resistance from the Director-General of the Women's Bureau (DG WB) and the Director-General of Planning to provide the requested information. The basis for the refusal was the "tradition" of keeping Safe House details confidential. It is accepted that victim information should be kept confidential and that locations are generally not publicized even though modern thinking has begun to challenge this approach (annex 5.1). It should be noted that there is a growing trend towards open shelters, as the negative consequences faced by residents in closed shelters have become apparent. This is an instance of state officials not keeping abreast on relevant research and aligning services with the latest development.

We reiterate that these observations are made without receiving the full details requested which have been withheld from this Committee and that these details may change the perspective of the situation. It is therefore recommended that a detailed study be done, as the present practice cannot be considered transparent, professional or in keeping with Child Protection Policies.

The Committee is of the view that Public Private Partnerships in providing protection services is a positive step but should be done in a transparent manner which secures the interest of all parties. It is recommended that in developing the policy in respect of this mechanism the opinions of relevant professionals such as Psychologist and child rights Advocates should be taken, and necessary safeguards be built in. This Committee also recommends that a Uniform Policy be developed for the provision of resources to all residential facilities under the Ministry of Women and Child Affairs.

The Ministry has operated "one stop shops" providing Counselling, Medical, Legal and Law enforcement services successfully before and this Committee recommends that its framework be reactivated strengthening ties with all relevant Stakeholders specially the Health Sector.

Child victims of abuse are often subjected to threats by the accused and CDC Officials have voiced their concern especially when transporting victims to Courts. However, there is no evidence of any steps taken by the Ministry to ensure their safety.

Recommendations

- Commissioners of Probation and Child Care should ensure guidelines on best practices are adhered to and Officers consistently prioritize the best interest of the child.
- The allocation for food and other necessities be increased or that the State provides a subsidy under its welfare program to Child Care Institutions.
- The DPCC should conduct regular supervision of these homes, ensuring that any shortcomings are addressed within one month.
- The establishment of a comprehensive register of those accused of Child Abuse and ensuring that this crucial information is readily accessible to relevant authorities and institutions.
- CDCs should conduct background checks on prospective staff members before their appointment to ensure that Staff of CDCs have no history of child abuse, thus enhancing the safety and security of children in CDCs.
- Develop Child Protection Case Management Guidelines for Provincial Probation Services in responding to child victims of violence.

Recommendations Continued

- The Commissioners of Probation and Child Care should be entrusted with the responsibility of establishing a system that ensures Child Protection Case Management is rigorously implemented regularly to safeguard the child's wellbeing.
- The responsibility for obtaining essential documents, including birth certificates, be officially delegated to officers of the Department of Probation and Child Care (DPCC).
- To establish clear and well-defined roles and responsibilities for all officials within the child protection system to enhance coordination and support among all stakeholders.
- To ensure consistency and alignment with the NCPA guidelines, legislation for Child Development Centre's (CDCs) be enacted.
- Implement a transparent and open selection process for NGOs managing Safe Houses.
- Establish legally binding agreements if handing over Government CDCs to private parties, outlining the responsibilities and accountability of the parties involved.
- Expedite the development of comprehensive guidelines for the management of Safe Houses, addressing the care of children which align with the Child Protection Mechanism.
- Establish equitable funding mechanisms for both Child Developmental Centres and Women's Shelters ensuring that resources are allocated on the assessment of needs of the facilities.
- All agreements should be according to the duration of licenses for Safe Homes.
- Promote Public Private Partnerships (PPPs) for providing protection services but ensure that such partnerships are established in a transparent manner
- Seek the expertise of professionals, including Psychologists and child rights Advocates, in the development of policies related to protection services.
- Develop a uniform policy for the provision of resources to Child Developmental Centres to ensure consistent and equitable support.
- Establish and implement a comprehensive safety protocol including security escorts, secure transportation vehicles, and support services for child victims of abuse and officials facing threats.
- Re-activate the 'one stop' shop system operated by the state with strong links to relevant stakeholders.

5.2 Administrative Framework

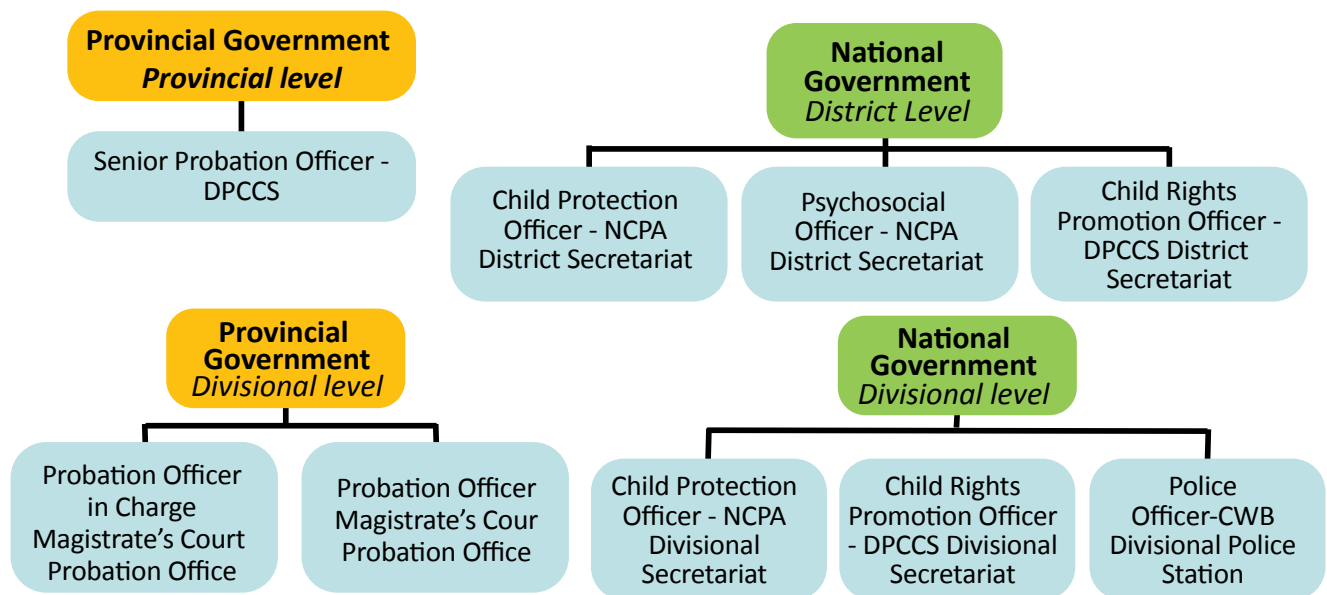
The Administration of the Child Protection Mechanism lies with the core Agencies the National Child Protection Authority, Women and Children's Desks and the Probation and Child Care Services backed by the key Stake-holders Health Justice, Education, Labour, Foreign Employment and Ministries.

Cadres of State officials working for Child Protection

Child protection services are offered by four types of cadre according to their institutional mandates for child protection:

1. National Child Protection Authority: Child Protection Officers & Psychosocial Officers
2. Police Children and Women's Bureau: Officers of the CWB at local Police stations
3. National Department of Probation and Child Care Services – Child Rights Promotion Officers
4. Provincial Departments of Probation and Child Care Services – Probation Officers

These Cadres operate at Provincial, District and Divisional Levels as follows:



5.2.1 The National Child Protection Authority (NCPA)

The National Child Protection Authority (NCPA) was established in 1998 with the dual mandate of spearheading Child protection policy including prevention and care and acting as a monitoring body to safeguard Children from abuse. Its Preamble states as follows:

"An act to provide for the establishment of the National Child Protection Authority for the purpose of formulating a national policy on the prevention of child abuse and the protection and treatment of children who are victims of such abuse; for the co-ordination and monitoring of action against all forms of child abuse; and for matters connected therewith or incidental thereto." Section 14 elaborates the mandate setting out Tasks assigned to the NCPA.

The function of the Authority shall be –

- a) to advise the Government in the of formulation of a national policy on the prevention of child abuse and the protection and treatment of children who are victims of such abuse;
- b) to advise the Government on measures of the prevention of child abuse;

- c) to advise the Government on measure for the protection of the victims of such abuse;
- d) to create an awareness, of the right of a child to be protected from abuse and the methods of preventing child abuse;
- e) to consult the relevant Ministries, Provincial Councils, local authorities, District and Divisional Secretaries, Public and Private Sector organizations and recommend all such measures as are necessary, for the purpose of preventing child abuse and for protecting and safeguarding the interests of the victims of such abuse;
- f) to recommend legal, administrative or other reforms required for the effective implementation of the national policy for the prevention of child abuse;
- g) to monitor the progress of all implementation of laws relating to all forms of child abuse;
- h) to monitor the progress of all investigations and criminal proceeding relating to child abuse;
- i) to recommend measures to address the humanitarian concerns relating to children affected by armed conflict and the protection of such children, including measures for their mental and physical well-being and their re-integration into society;
- j) to take appropriate steps where necessary for securing the safety and protection of children involved in criminal investigations and criminal proceedings;
- k) to receive complaints from the public relating to child abuse and where necessary, to refer such complaints to the appropriate authorities;
- l) to advise and assist Provincial and local Authorities, and non-Governmental Organizations to co-ordinate campaigns against child abuse;
- m) to prepare and maintain a national data base on child abuse;
- n) in consultation with the relevant ministries and other authorities to supervise and monitor all religious and charitable institutions which provide child care services to children;
- o) to conduct, promote and co-ordinate, research in relation to Child abuse and Child protection;
- p) to provide information and education to the public regarding the safety of children and the protection of the interests for children;
- q) to engage in dialogue with all sections connected with tourism with a view to minimising the opportunities for child abuse;
- r) to organise and facilitate workshop, seminars and discussions, relating to child abuse;
- s) to liaise and exchange information with foreign Governments and International Organisation, with respect to detection and prevention of all forms of child abuse.

NCPA Child Protection Officer and Psychosocial Officer:

The officials of the National Child Protection Authority are mainly governed by the National Child Protection Authority Act No 50 of 1998. The Prevention of Domestic Violence Act No.34 of 2005 empowers the NCPA to make an application on behalf of an aggrieved child.

- Take appropriate steps for securing safety and protection of children involved in criminal investigations and proceedings
- Receive complaints from the public relating to child abuse and to refer them to appropriate authorities
- Inquire into victims of abuse and refer them to relevant officials and institutions for legal action and curative services
- Enter and search premises believed to have been used for child abuse or any other illegal activity
- Enter and inspect any premises where child care services are provided as well as premises used to carry out other illegal purposes including illegal adoption.
- Interrogate any person in any such premises for the purpose of ascertaining the activities carried on in such premises
- The authorities have the power to inspect and review any books, registers, or records maintained by institutions, hospitals, maternity homes, and charitable organizations involved in child care. They can seize relevant documents and devices as evidence for potential prosecution. They are responsible for overseeing foster care arrangement, preventing domestic violence, collecting and updating data, and conducting awareness campaigns to educate the public about child abuse prevention methods.

Issues in respect of NCPA

The main task assigned to the NCPA has been the formulation of policy on and monitoring of Child Protection. However, in its 25 years there has been a deviation from the main focus of the NCPA as the Authority had commenced implementing a range of interventions. These include the introduction of a video recording unit as well as operating a Helpline and a dedicated Police Unit. These activities have diverted attention from the primary functions of the NCPA.

In evaluating the impact of the NCPA on the protection of Children, it is noted that the mandate specified in Section 14 of the NCPA Act has to be taken into consideration. The implementation of Section 14 has been weak resulting in the Agency not being able to effectively pursue its mandate. The Committee strongly recommends a realignment of its activities to conform to the mandate set out in Act No.50 of 1998. A comprehensive study of the NCPA should be conducted, and its activities should be reorganized in a manner that would enable it to play a lead role in the protection of Children.

There should be a clear understanding of its powers to enable the NCPA to discharge its duties. It was brought to the Committee's attention that the NCPA has not been monitoring CDCs operated by the State which include remand homes, certified schools, receiving homes, and similar facilities. This

decision has been based on Section 14(n) of the Act which gives the Authority to supervise and monitor all religious and charitable institutions which provide child care services to children. However, Section 34 (1) (a) of the Act enables an Authorized officer of the NCPA to enter and inspect any premises of any institution by which child care services are provided. The absence of monitoring of child care institutions throughout the years is a significant omission, as Government CDCs addressing a wide range of children's issues have operated without any guidance or supervision from the NCPA.

The reorganisation of the Authority and its functions is of vital importance considering the shortage of Staff, cited as a problem by the Officers of the NCPA. Further, the roles of its CPPOs and Investigating Officers functioning at ground level have to be reviewed. At present the majority of these Officers are engaged in carrying out awareness programmes and implementing interventions such as school projects. Whilst these activities may be desirable, they should not detract from the main functions of the authority specially at a time when the state is facing financial constraints.

If the State cannot release funds to increase Cadre due to the present economic crisis, the Committee recommends that the Officers be diverted to fulfil the tasks set out in Section 14 of the NCPA act and cost-effective strategies be used to conduct awareness programmes. It should be noted, while Section 14 mandates creating awareness, this is not only limited to Awareness Programmes conducted on site.

The Authority should also take steps to bring its Communication Strategy in line with modern practices and technology which would help reduce expenses. Cost effective methods such as utilizing electronic, digital, and print media could be used for awareness campaigns that would require the participation of only a small number of officials. By incorporating technologies like Zoom, the NCPA can conduct these programs to reach a broader audience of teachers and parents. Furthermore, the awareness initiatives should extend to include all school children through methods such as booklets and cartoons. The NCPA should also engage civil society in its programmes to ensure maximum coverage of its campaigns.

The NCPA should re-examine the operation of its Helpline 1929. At present this line is operated by the helpline unit and supervised by the Legal Officers of the NCPA highlighting the problems within the Organization Structure where the allocation of responsibilities is not well defined. The legal officers of the NCPA taking on the task of monitoring a Helpline has led to their inability to fulfil their mandated role of monitoring all Child Abuse Trials and Investigations, as stipulated in Section 14 (h).

The absence of a link between the hotlines with the nearest WCD further impedes the efficient and timely response to complaints. The limitations of the NCPA Helpline have been emphasized on Page [insert page number] of this report, underscoring the necessity for the establishment of a stronger reporting mechanism.

To enhance the effectiveness of the Helpline and broaden awareness, the NCPA should engage with NGOs that specialize in the field of child protection and abuse prevention. The methods used by "Suwa Siriya," and "Sumithriyo" Helplines should also be studied as examples of effective communication Strategies. This approach aims to maximize the impact of the Helpline's services and outreach.

The NCPA Webpage should also be redesigned ensure that Child Protection Services are available to all children without discrimination. The emphasis should be a child friendly practical communication that would encourage the reporting of problems.

This Committee has become aware of situations where victims of sexual abuse who contact the NCPA Helpline are requested to report to the JMO in Colombo. There can be no justification for such an approach which results in victims who have faced severe trauma having to travel long distances without provision for overnight accommodation. This committee recommends that this procedure be studied without delay and a system which will enable examination near home districts be implemented.

Recommendations

- The NCPA should refocus its activities to realign with the mandate of the NCPA Act (Act No.50 of 1998).
- There should be a clear understanding of the NCPA's powers to ensure effective discharge of its duties.
- It should monitor all Child Development Centre's (CDCs) including those operated by the State in accordance provisions of Section 34 (a) of the Act.
- To address staff shortages, the NCPA should reorganize its structure and functions. The roles of its Officers should be reviewed to ensure their respective duties are fulfilled.
- Implement cost-effective awareness campaigns utilizing modern technology, including electronic, digital, and printed media, to reach a broader audience and disseminate information effectively.
- Establish a stronger reporting mechanism by linking hotlines with the nearest Women and Child Development (WCD) units for timely response to complaints. Collaborate with NGOs specializing in Child Protection to enhance the Helpline's effectiveness.
- Ensure that the NCPA's Webpage offers child protection services to all children without discrimination.

It was noted that the 5-year Action Plan of the NCPA had given priority to Children in certain Sectors, a recommendation which would violate the Right of Children of other Sectors. The Committee recommends that all measures proposed should be aligned to the Rights of all Children in Sri Lanka and that this plan be discussed with professionals and key civil society organisations.

5.2.2 Police Women and Children's Desks (WCDs)

In Sri Lanka, there are a total of 607 Police Stations with only 602 having Women and Children's Desks (WCD). The WCD within these Police stations were originally established in 1978 as a response to addressing cases of violence against Women and Children. The primary functions of these desks are to record and investigate complaints related to violence against women and children. The initial proposal for these units included the provision of a separate area to ensure the privacy of complainants, with trained Woman Police Constables (WPCs) available to record all complaints. However, the Committee has identified several concerns regarding the operation of these units that hinder the efficient delivery of services. These issues are outlined as follows:

Issues in respect of WCDs

Understaffing is an issue in the Divisional Bureaus and WDC Units. Currently there are only 1494 Officers attached to WDCs island wide . Understaffing affects the delivery of a 24-hour service with regard to complaints of violence against Children. The WCDs statistics average little over 2 Officers per station which prevents the continued presence of these first responders in the station. Statistics provided through police complaints records indicate that there is no significant growth in the cases of violence against children in the past 3 years. However, this is not in line with the observations of Stakeholders working at the ground level or of data from other sources such as ICMEC. The low numbers recorded by WCD could be attributed to these desks not being operational every day and the absence of an atmosphere conducive to making a complaint in the Police Station.

In many Police Stations, a 24-hour service is not maintained, and the majority of WCD Units do not offer child-friendly facilities. Specifically, out of 602 WCD units, 293 lack dedicated spaces for interviewing women and children. These areas should be functional and staffed by Women Police Constables (WPCs) through a roster system. The links with Probation Officers and JMOs is inadequate to implement robust action in responding to complaints of abuse. A shortage of Police matrons to care for children who do not have a parent/guardian in hospitals has also been observed. Lack of facilities needed to provide an efficient service are shown below.

| Transportation facilities | Computers | Printers | Internet facilities | Telephone facilities |
|---------------------------|-----------|----------|---------------------|----------------------|
| 488 | 411 | 521 | 539 | 596 |

In discussions with Stakeholders a major drawback cited was the lack of proper training of officers handling various stages and aspects of investigation and protection. Insufficient training for interviewing children who have experienced violence and a shortage of trained personnel for video evidence recording were identified as major concerns. Furthermore, the frequent transfer of trained Officers to other duties undermines the purpose of training. A lack of comprehensive professional training on child protection for all officers at the Police Training College was also noted. Handling cybercrimes is a challenge in modern society and the lack of expertise in modern crimes among of Officers was noted. Concerns regarding inappropriate media handling that can result in stigmatization of both Children and their Families due to the disclosure of sensitive information to reporters was further noted.

The Director of the Headquarters of the Bureau for Prevention of Abuse of Children & Women does not have administrative authority over the police officers in the Divisional Bureaus, as this authority rests with the Division SP/SSP. Additionally, Officers in Charge (OICs) are not professionally trained to handle cases in relation to Children, and frequently, trained officers are reassigned to other duties, resulting in subpar support for victims. It's noteworthy that in most Divisional Bureaus, OICs hold the rank of Inspector of Police (IP) or Sub Inspector (SI). Furthermore, the absence of a dedicated budget allocation from the National budget presents a significant challenge for the Bureau in planning and executing its mandated work effectively.

Recommendations

- The number of Women and Children's Officers be increased to 9 per station to ensure the provision of a 24-hour service for complaints of violence against children.
- Establish dedicated spaces for women and children.
- Collaboration and coordination should be increased between Police Women and Children's Desks, Probation Officers, and Judicial Medical Officers (JMOs) in the support system for child victims.
- Increasing number of Police matrons to care for children without a parent or guardian in hospitals is recommended.
- Ensure necessary facilities, including transportation, computers, printers, internet access, and telephone facilities to support efficient service provision.
- Ensure comprehensive training for all Personnel, emphasizing child interview skills and video evidence recording and equip them with modern crime techniques and guidelines to handle media to prevent stigmatization on child-related cases.
- Implement retention measures for Trained Personnel and mechanisms to prevent the frequent transfer of trained Officers to other duties.
- Ensure that a comprehensive and professional training on Child protection be introduced in Police Training Colleges and Officers in Charge (OICs) in Divisional Bureaus receive professional training in handling cases related to Children.
- The Director of the Headquarters of the Bureau for Prevention of Abuse of Children & Women should be in charge of Women and Children's Desks with authority over Police Officers working in the Divisional Bureaus.

5.2.3 Department of Probation and Child Care Services (DPCCS)

Probation and Child Care Services is a de-centralized subject and therefore controlled by the nine provincial councils with each having a Commissioner of probation and Child Care heading these services. Whilst there is a National Commissioner of Probation and Child Care, each province has its own commissioner, and their own regulations which lack uniformity and are not aligned with the National Policies.

DPCCS Officers

Provincial government:

Senior Probation Officer, Probation Officer in Charge and Probation Officer: Probation Officers derive powers from three different pieces of legislation namely, the Children and Young Persons Ordinance (CYPO), Probation of Offenders Ordinance No 42 of 1944 and Tsunami Special Provisions Act No. 16 of 2005. Under the CYPO Probation Officers provide care services to the destitute, orphaned, abandoned children and child victims of abuse and children in conflict with the law, assist the courts in child welfare, provide advice on support and maintenance, child employment, children in institutions and child protection. The Probation of Offenders Ordinance No 42 of 1944 spells out

the duties of Probation Officers in relation to Probation Orders. The Tsunami Special Provisions Act enumerates the powers and functions of the Probation Officers in connection with foster parental care. It is necessary for Probation Officers to follow a Child Protection Case Management (CPCM) process, to ensure that children under their care receive relevant, coordinated, systematically planned supports to address their needs. However, currently the Probation Officers do not follow a standard and systematic protocol for CPCM.

National Government:

DPCCS Child Rights Promotion Officer: Child Rights Promotion Officer / Assistant is an officer that has been appointed to each district secretariat and divisional secretariat to efficiently perform the roles of establishing structures in the relevant conventions consequent to Sri Lanka's signing of the CRC convention on World Children's Day in 1991 and adoption of the Children's Charter in 1992.

Issues in respect of DPCCS :

- Different Provinces have different Policies and procedures. The policies, processes and procedures are not always based on the principle of 'best interest of the child.'
- The service is not a 24-hour service. There is a lack of an immediate response when section 17/1 of CYPO is activated by the Police. At present an ad-hoc service is provided where the primary function seems to be escorting children to courts.
- Professionalism amongst the Probation Officers (POs) needs to be improved. Inadequate communication skills, lack of training on standards, policies and guidelines are seen among Probation Officers when dealing with Children. Currently their role is seen as a legalistic and punitive role.
- National Guidelines for Child Development Centres is not adhered to and monitored on regular basis. Inadequate monitoring of facilities/activities and minimum standards in State facilities and Voluntary Homes, leads to ideal services not being delivered to the children.
- Although Provincial Senior Probation Officers often possess much knowledge and experience, it does not reach the probation units in a coordinated manner. When the DPCCS functioned solely as a National entity, an Assistant Commissioner - Technical, with skills and technical knowledge to guide probation services across the country was appointed. While the National DPCCS has retained this position to date, the provinces do not have such an officer. Decisions regarding children at Provincial level should be taken by technical officers and not only administrative officers who might not be appropriately skilled to make decisions for the best interests of the child.
- Children are sometimes placed in Child Development Centres without exploring the possibilities of family or extended family as legal guardians. In the placement of children in Child Development Centres (CDCs) there is at times a lack of consideration of age, gender, language, distance to Courts etc. This leads to major difficulties such as transportation of the Children to Courts. The Separation of Siblings into different Institutions during admissions causes further stress to Children.
- Facilities for the transportation of Children under the care of Probation Officers are unsatisfactory

- Care Plans for children reaching the age of 18 years are not always in place. The social inquiry reports submitted to courts are sometimes incomplete and do not always include recommendations of the Institutional Case Conferences ICCs.
- Hospital based Institutional Case Conferences (ICCs) are not held for all children who have faced violence and Probation Officers are sometimes not well informed about the child/family when attending the hospital based Institutional Case Conference (ICCs).

Recommendations

- The Policies, Processors and Procedures should be studied and common consensus on standard operational procedures (SOP) reached by the Provincial Commissioners together with the National Commissioner.
- Proper implementation of the standards and related SOPs must be carried out ensuring that the 'Best Interest of the Child' is an overarching guiding principle in all matters.
- Ensure 24-hour service to ensure an immediate response when section 17/1 of CYPO is activated by the Police.
- Enact Legislation to ensure uniform guidelines for all CDCs to align with the National Guidelines
- The Lack of an Assistant Commissioner Technical in the Provincial DCPPs should be rectified to enable the correct skills to be utilised to take decisions in the 'Best Interest of the Child'.
- To Ensure that children are placed in suitable institutions factors such as age, gender, and language should be considered with sensitivity.
- Children with Court cases should be housed within an acceptable distance from court until the case is completed.
- All efforts should be made not to separate siblings during placements.
- Implement regular monitoring procedures to ensure adherence to standards in Government and Voluntary Homes according to National Guidelines. Each child should be followed up at regular intervals to ensure that their Rights are being upheld.
- The Social Inquiry Report should be done with detailed assessment of the child, family and home situation and the decisions of the ICC should be clearly communicated to the Magistrate in the Social inquiry report. The Case Manager should ensure that ICCs are held for each Child and that they are well informed about the child and family when attending the ICC

Foreign Employment Development officers (FEDO): These officers are appointed under the Ministry of Labour and Foreign Employment and work in each DS division. Their role is to provide information on safe labour migration and other welfare services to migrants and their family members. They are trained to assist in promoting safe migration, address legal issues related to labour migration, provide psychosocial assistance and complaints handling.

5.3 Issues in Respect of the Present Structure

5.3.1 Lack of an Integrated Approach

The Child protection system confronts a range of critical challenges that encompass several key aspects. These issues encompass the absence of an integrated professional response mechanism capable of promptly safeguarding a child's best interests. It has been noted that key agencies such as NCPA, DPCCS, Police Women and Children's Desks encounter coordination difficulties, impeding the effective implementation of best practices.

The implementation of a successful Child Protection mechanism is dependent on not only a range of state agencies and officers working in unison to achieve the best interest of the child, but on the commitment of society as a whole to the protection of Children. The state alone cannot achieve this goal if citizens are indifferent to the need to ensure that children live and develop in a stable environment. It is a task which requires a combined effort by State and Non-State Actors if it is to achieve meaningful results. It is therefore imperative that all Stakeholders implement an integrated approach and coordinate with non-State actors to strengthen the mechanism.

However, this committee has noted with concern the lack of integrated approach with the requisite support and coordination among state Agencies being weak. The interactions of State Officials with non-State actors is almost non-existent, leading to a fractured system that cannot yield a professional and effective service. When outlining the challenges facing Child Protection Services, the Commissioner of Probation and Child Care made the following observation- "Absence of Integrated Approach with all the Agencies/Institutes working with children".

This fact has been underscored right through this committee's deliberation with different stakeholders and has marred the implementation of laws and policies that are in place to provide and care for the protection of Children.

Amongst the State Agencies the lack of awareness is demonstrated by the ignorance of Provincial Commissioners of PCC of the National Policy on Child Protection. This Committee questions how awareness programs are being done for citizens if there is no knowledge of national policies amongst the leaders in PCC in the provinces. This Committee has throughout this report highlighted such instances where agencies that should work in collaboration have not done so.

The lack of coordination has resulted in the overlap of duties of officers at ground level, leading to areas which require action being neglected. This has also hampered the coordination with non-state actors who have cited examples of not receiving necessary support from State Agencies. Due to misdirecting itself the NCPA has had no oversight of the State CDCs over the past years, a situation which has to be corrected without delay. This situation is explained by Sri Lanka College of Child & Adolescent Psychiatrists- "It is the author's experience that, although all needed state services exist (Probation and Childcare Department, NCPA, Regional Services at the District Secretariat, Child and Women's desk within police departments), the systems are highly disintegrated and mostly not capable of providing with smooth transitioning of care and follow up. The authors hardly receive feedback from the services unless they are pushed to do so. The childcare services at the national and

regional levels do not collaborate, thus leading to fragmentation and poor outcomes for the child. The school systems do not have a consistent methodology to report child adversities, which would need interventions according to the authors' experiences. The school administrators are unaware of legislation and care pathways available for traumatised children. The most significant concern is that the multiple childcare service units are highly fragmented, with a poor understanding of their boundaries, transitioning of care, follow-ups and collaboration with other state services. The lack of a model of care pathway according to the trauma burden and risk to the child is a further concern."

A notable issue is the lack of links with the non-state actors, including private sector entities, NGOs, and Civil Society Organizations. It is imperative to emphasize that the collective support of society as a whole is indispensable to sustain a viable mechanism of Child Protection.

The lack of awareness and indifference amongst citizens of the plight of children was demonstrated by the District Governor of Rotary who showed reluctance to employ children from CDCS in a Reintegration Program, due to his concern of the adverse impact that the "mindset" of these children might have on their organisations. The CEOs of the Ceylon Chamber of Commerce and the National Chambers of Commerce whilst citing Undertakers and Morgues as potential employers for children reaching 18 years, were of the view that unless tax exemptions were made available to companies for CSR programs, they did not see the possibility of supporting projects to assist Children of CDCs. This Committee regrets that business leaders choose to use the plight of children who have been abandoned, neglected or subject to physical or sexual abuse to barter for more profit for their companies. A foundation for a stable country has to be on the dual platforms of economic and social stability. However, this committee is confident that despite the stand of the Chambers, there are civic minded businesses that would be willing to participate in programs to enhance the protection of children.

In order to engage with Non-State Actors, the Agencies under the purview of the Ministry of Women and Child Affairs must initiate a process to clearly define specific roles and design and implement a system that would enhance support and coordination. It should also engage with other Governmental Stakeholders to implement a robust system of protection. The members of the medical professions specially those who have engaged with us have shown an exemplary commitment and should be included in Policy forming initiatives. The members of the official and unofficial Bar have also expressed their willingness to assist in the protection of children. Other Civil Society Organizations have also made a commitment to contribute to initiatives to enhance the protection mechanism, and these opportunities have to be built on by the State Agencies.

5.3.2 Delay in Implementation

There is a disconnect among the core agencies responsible for implementation of the response mechanism which highlights the need to ensure that all stakeholders are aligned in an integrated approach to the protection of children.

The committee has noted with concern the delays in implementing policies and regulations which have led to the inability to provide a cohesive service.

Throughout the deliberations with Stakeholders, this committee has noticed the lax attitude of State officials in carrying out the tasks entrusted to them. There are no timelines specified and these tasks have been dragged on over lengthy periods of time as demonstrated below.

- It has taken the NCPA twenty years to formulate the National Policy on Child Protection which was approved by Cabinet in 2018.
- The five-year Action Plan envisaged in the Policy has been drafted over a period of four years.
- Guidelines for Child Development Centres have been drafted over a period of five years.
- There is no evidence of submission of a comprehensive plan of action on child protection and prevention of child abuse, to the State for implementation.
- Data Collection has been weak and requisite information is not maintained by the Authority.

The DPCCS services as well as other development officers such as FEDO do not carry out monitoring of care plans on a regular schedule but only as per the convenience of the officials indicating a lack of commitment to the wellbeing of the child. These delays have been compounded by the indifference to the best interest of children as demonstrated by no provision being made for Care Plans for Children, in the guidelines drafted for women's shelters.

Timeline for Deliverables: The committee further recommends that strict timelines be established for the specified child protection tasks which should not leave room for processes that drag on from meeting to meeting with inability to formulate and implement a quality service. Officials should be mindful that their delays result in thousands of children suffering due to the harm caused by abuse and violence. They should also be aware that their acts of commission and omission would lead to the State being held vicariously liable. The Head of Department or Agency should be held responsible for implementation.

5.3.3 Monitoring and Evaluation

Care Plans

It is noted with concern that monitoring and evaluation processes are not implemented to the required standards thus impeding a delay of an effective service. This appears to be a problem across the services. It has been brought to the attention of the committee that care plans for individual children are not evaluated regularly. Many reasons have been cited varying from the increased numbers of migrant labour causing delay to care plans updates not being done due to numbers of children being insufficient to warrant a regular periodic assessment.

Awareness Programmes

The committee noted that almost all child protection agencies are conducting 'awareness programs' with some on the same subject perhaps even directed to the same target groups. Questions were raised as to who monitors such awareness programmes and whether the impact of these programmes is assessed.

5.3.4 Data Management

During discussions with Stakeholders the lack of Data on Issues relating to Child Protection has become very clear. During discussions with Stakeholders this committee has learnt of the inability or reluctance on part of State Agencies to share Data.

The formation of policy has to be based on credible data. At present no agency has a comprehensive database or regular access to Stakeholder Data. It would appear that decisions are based on Officers opinion guided by insufficient information.

The Foreign Employment Bureau has not been able to access the Data from the Department of Immigration and Emigration. The NCPA has been unable to obtain Data on Investigations and Trials relating to child abuse. Staff shortages have been cited for the paucity of Data, as demonstrated by the NCPA Legal officers struggling to create a Data base, a Task that should be assigned to Professionals.

The management and accuracy of data that is gathered by agencies is also a concern. There are instances of under reporting, duplication, some data figures not adding up and different agencies having different versions. Information and data are not shared among relevant agencies. The Committee is of the view that there should be a proper information management system that strengthens the measurement, records taking and maintaining and data storage for analysis and reporting.

The absence of adequate data related to Child Protection

High quality data is essential for the monitoring of the child protection system and for decision making. In the absence of good data, it is very difficult for the government to know if policies are working, if more children are seeking services related to their protection and ultimately whether the investment the government is making on the wellbeing of children and their families are bringing dividends or benefiting them.

The mandated agency to maintain data related to the protection of children is the National Child Protection Authority (NCPA). However, it cannot deliver on this mandate unless it gets relevant information from the other stakeholders. This include the Police, the Attorney General's Department (AGD), Judicial Medical Service (JMS), the Judiciary, Prisons Department and the Department of Probation and Child Care Services (DPCCS), the Ministry of Labour including the Sri Lanka Bureau of Foreign Employment. Other institutions such as the Human Rights Commission (HRCSL), the Legal Aid Commission (LAC), National Authority for Victims of Crimes and Witnesses (NVWPA) could also be agents that provide valuable child protection information that will be important to ensuring justice for children.

The committee is of the view that, except for very micro level information collected at the institutional level such as the numbers of complaints received by the NCPA or the Police, or the number of children in a child development center, there is no quality data that could generate the indicators necessary to monitor the protection situation of children. It was felt that data is collected for reporting purposes only when a need arises such as when the foreign ministry is required to report on the status of children in Sri Lanka to the Committee on the Rights of the Child.

This committee strongly recommends that systems are established to at least include the following standard indicators related to child protection, disaggregated by age, sex and geographic location (police division)

- (1) Number of Children detained overnight by police pre-charge during the year (Responsibility: Police);
- (2) Number of criminal proceedings (Magistrates Court and High Courts) initiated against children during the year (Responsibility: Ministry of Justice)
- (3) Number of children convicted, acquitted, and cases dismissed each year (Responsibility: Ministry of Justice)

- (4) Number of children diverted from the criminal justice system for the year (Responsibility: Mediations Board Commission)
- (5) Number of new children sentenced who received custodial sentence in certified schools during the year and the numbers released during the year (Responsibility: DPCCS)
- (6) Number of new children sentenced who received custodial sentence in prison and school for youthful offenders and the numbers released for the year (Responsibility: Prisons Department)
- (7) Number of children sentenced by courts with alternative (non-custodial) measures for the year (Responsibility: DPCCS)
- (8) Number of children who were in pre-trial detention in remand homes and in prisons (Responsibility DPCCS and Prisons Department)
- (9) Number of cases of crimes against children reported to police (Responsibility: Police)
- (10) Number of crimes against children brought to trial during the year (Responsibility: Ministry of Justice)
- (11) Number of criminal convictions during the year in which the victim was a child ; total and as a percentage of cases tried i.e., conviction / acquittal / dismissal rates] (Responsibility: Ministry of Justice)

Recommendations

- The roles of the Agencies must be clearly defined including the duties and job description of Officers at ground level to ensure that there is no overlap and maximum use of all resources is possible.
- All CDCs should convene a Placement Committee meeting every month, to review care plans and make recommendations for children's reunification with families.
- Senior Probation Officers to review Case management of child victims in CDCs at least on a quarterly basis.
- Review and update regulations, circulars and standing orders on placement Committees, Case Committees and Warrant Committees.
- Forensic investigation reports, DNA reports, video evidence collection and other health services should be accessible at Provincial level for children's Court Cases.
- There should be a focal point appointed in every stakeholder ministry that would be responsible to ensure the implementation and coordination of all interventions to be implemented. Such focal point should be responsible for the implementation of SOPs and training programmes, maintaining data and monitoring issues of violence against children.
- Establish a comprehensive Inter-Agency coordination mechanism involving Police, Health Sector, CRPOs, NCPA officers, and Divisional Secretariat officers to improve child protection efforts.

Recommendations Continued

- It is proposed that the procedure for evaluating the various programmes and projects (including awareness programmes) be implemented under strict regulations to be conducted at stipulated intervals.
- A National Database should be created incorporating relevant information from all Stakeholders. This task should be assigned to a Professional Data Management Company which would design an appropriate system.
- Establish a comprehensive Inter-Agency coordination mechanism involving Police, Health Sector, CRPOs, NCPA officers, and Divisional Secretariat officers to improve Child protection efforts.

5.4 Restructuring and Redefining Procedures for Enhanced Child Protection

In discussions with the Committee one of the key issues raised by Stakeholders was the need to restructure and redefine the mandates of the different actors or agencies within the Child protection space. As presented above, there is a serious duplication of tasks and high inefficiency among the officers and agencies working on child protection. Therefore, a detailed eco-system mapping of the agencies and redefining respective duties and the drawing up of clear boundaries is essential. This should also link to the overall Child protection structure as a whole, with the NCPA as the monitoring arm functioning as a part of the Office of the President.

It is imperative to re-establish and reorient the NCPA to act in accordance with the mandate stipulated in the Act. A significant change in the structures and institutional arrangements within the NCPA is vital to shift its role from direct implementation of Child protection interventions to a monitoring function. This transition is crucial for minimizing duplications both Nationally and Locally. This shift is also expected to clear any confusion regarding the respective responsibilities of the NCPA and DPCCS.

It was brought to the attention of the Committee that the NCPA was in fact under the Office of the President until 2005 and was able to spearhead the implementation of child protection interventions. However, in 2005 this Authority was brought under the Ministry of Women and Child Affairs resulting in it losing its ability to ensure the support of all stakeholders and its ability to discharge its functions according to its legal mandate. Hence, a request has been made to the Committee to the effect that the NCPA be brought again under the office of the President.

During Committee meetings with key Stakeholders, requests for increased financial resources have been considered. However, the Committee recommends allocating additional resources at present only in cases of dire need, such as increasing the number of Officers at WCDs. Other resource allocations should be synchronized with changes made to the Administrative Structure to ensure that an efficient protection service is delivered. State agencies have continued to follow outdated

practices and interventions in many spheres. This is contrast to the programmes being carried out by Non-Government Organizations such as Brighter Path Foundation, Child Protection Force Leads, Voice Foundation, All Ceylon Buddhist Congress and Emerge to name a few.

The Presidential Task Force/Committee should lease with all donor agencies to obtain expertise and funding to implement the Master Plan outlined in Chapter 6 to ensure a comprehensive holistic plan is implemented.

Recommendations

- A Presidential Task Force Committee on Child Protection be established to consist of five members, three of whom would be drawn from civil society with suitable experience of working at ground level.
- That the NCPA functions under the President's Office to carry out its mandate under Act No.50 of 1998.
- The NCPA should be a body that would undertake monitoring and evaluation of child protection services as well as providing guidance and recommendations to the State envisaged by sections 14 b and c of the NCPA Act no.50 of 1998.
- As an independent monitoring and evaluation body the NCPA should not be involved in investigations by the police or conducting video recordings, which should be transferred to the appropriate Agencies.
- The National Child Protection Fund to be established under the National Policy on Child Protection should be under Presidents Office and payments made for programmes/projects approved by the Presidential Task Force/Committee.
- The appointments of Senior Officials to the NCPA should be in keeping with the guidelines and provisions set out under the Act and only of those who have experience working within the child protection and care mechanism should be appointed to fill the key posts within the Authority.
- Departmental plans that are submitted annually should indicate Multi-Sectoral coordination. The necessity for Multi-Sectoral coordination among identified key sectors in planning, implementing and evaluating responses and prevention measures should be clearly notified and gazetted.
- The Children's Charter and its Amendments clearly stipulate the vertical coordination mechanism from Village to National level. This mechanism should be regulated and monitored for its effectiveness, and revisions made to improve the mechanism.

The Committee is of the opinion that in order to reorganize the Child Protection Mechanism the following be implemented:

5.5 Legal Framework

Currently, a body of Legislation exists to provide for a framework for the protection and well-being of children facing violence and abuse. However, these laws, initially drafted and passed during Colonial times, reflect an outdated mindset of "Spare the Rod and Spoil the Child." While ad-hoc Amendments have been made to the Acts and legislation enacted to deal with current developments, these Laws fall short of aligning with best practices that have emerged through research and evaluation. They fail to support modern thinking and practices of the best interests of the child, which is accepted as a *sine qua non* for Legislation pertaining to the protection of Children.

The process of responding to and handling reports of Violence Against Children (VAC) should be explicit and unequivocal, placing a responsibility on all relevant parties to prioritize the "Best Interests of the Child," rather than focusing solely on barriers and challenges encountered whilst implementing response mechanisms. This Committee has noted significant deficiencies, that directly impact the physical and mental well-being of the Victims in the procedures to address Child abuse.

If a procedure is to be child friendly or victim centric it is imperative to understand each step's impact on the victim and the Committee has observed the following:

5.5.1 Reporting of Offences

Children are not afforded a proper and streamlined mechanism through which they can record and register complaints. The helpline operated by the NCPA is frequently unanswered, and no provision exists for complainants to leave voice recordings. It is also noted that the NCPA's website is not user/child-friendly and lacks guidance for children encountering difficulties. Furthermore, there has been no exploration of leveraging digital platforms like WhatsApp to file complaints and facilitate requests for assistance or information dissemination to Authorities. Proposing the download of the NCPA App proves impractical, particularly for children seeking to make confidential complaints, especially within domestic settings where retaining such an app on their phones might not be viable. Expecting children in distress to fill in forms regarding their complaints is another feature that demonstrates a lack of empathy.

The inadequacy of personnel at Women and Children Desks (WCDs), coupled with the absence of child-friendly private spaces, presents a significant drawback within the response mechanism. The committee has observed that, more often than not, there is an absence of Officers at WCDs, leading to complaints being redirected to regular Police Officers. The psychological dynamics pertinent to trauma victims could be disregarded in such instances when the child is referred to officers not trained to deal with children.

The state must also be mindful of the fact that children often hold apprehensions towards the Police, primarily when a male officer is involved—a situation compounded by the fact that abuse cases frequently involve male perpetrators. Consequently, disclosing comprehensive details to another male becomes a challenge, particularly in cases of rape requiring the divulgence of intimate information. Furthermore, the lack of essential resources like computers and mobile phones at Women and Children Desks impairs the provision of optimal service delivery.

According to the available statistics from the Police and the NCPA, there has not been a significant rise in Violence Against Children (VAC) in the past three years. However, these figures contrast with the prevailing trend of violence in the country. Data from International agencies such as ICMEC, highlights a different perspective. The increased brutality observed in the nature of crimes committed is reflected from reports by grassroots Organizations. These underscore global trends in the increase in domestic violence, substance abuse, and an escalation in the use of digital media which all fuel Violence Against Children.

The Committee is of the view that these statistics mainly pertain to reported cases and does not represent the actual status of violence against children and is the result of the absence of a strong reporting system being in place.

5.5.2 Admission to Institutions

When a child's circumstances necessitate their placement in a Child Development Centre (CDC) due to an inability to reside with Parents or Guardians, it becomes imperative for the Probation Officer and the court to ensure that the child's best interests are upheld. Officials from CDCs have brought to the attention of the Committee cases in which children are placed in centres located outside their home provinces, subjecting these young victims to the strains of relocation away from their familiar surroundings. Another observation is of the practice of placing Children in conflict with the Law and victims of violence and abuse together at the same CDC. A commitment to prioritizing the child's best interests and awareness of the potential behavioural challenges that this practice may cause should ideally lead to the avoidance of such situations.

5.5.3 Trial

The central focus during the Trial stage revolves around the testimony of the child. In the past, the child was not only required to provide evidence but was also mandated to be present in court throughout the Trial and endure cross-examination. It is now widely recognized that this procedure, which entails confronting the perpetrators, leads to the re-traumatization of the victims.

The cross-examination phase, by opposing Counsel, is often the most distressing aspect of any trial for both Adults and Children. Its intention is to highlight inconsistencies and vulnerabilities in the witness's testimony. However, this process often involves posing harsh and aggressive questions that can bewilder the witness and lead to contradictions in their statements. This is tantamount to the emotional abuse of a child who has already undergone the trauma of physical abuse.

Consequently, several countries have introduced amendments to create victim-centric Trial Proceedings while still ensuring fairness for the defendant. These measures encompass familiarizing the child with the court and its proceedings, employing video recordings to capture the child's initial testimony, considering the child's preferences concerning facing the defendant, and minimizing the need for the child's physical presence in court by utilizing technology for examination and cross-examination.

The Mental Health problems that arise in a child's journey through the law enforcement process is best highlighted by Professor Diyanath Samarasinghe in "Getting to Better" and provide the rationale for providing Victim Centric procedures wherever possible. (annex 5)

In response to the research on the negative consequences of a trial on the child steps have been taken in the UK to ameliorate the damage to Child Victims.

The Youth Justice and Criminal Evidence Act 1999 of the United Kingdom introduced a range of Special Measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The Special Measures that are available to vulnerable and intimidated witnesses with the agreement of the court are:

The use of screens (Section 23);

The use of live TV link (Section 24);

Giving evidence in private (Section 25) (limited to sexual offences and those involving intimidation);

The removal of wigs and gowns (Section 26);

The use of video recorded interviews as evidence-in-chief (Section 27).

Vulnerable witnesses are also eligible for the following Special Measures:

Communication through intermediaries (Section 29);

The use of special communication aids (Section 30).

The Special Measures introduced allow both Defence and Prosecution examination of witness to take place with less trauma to the child and thereby more accurate evidence collection. This procedure entails lawyers directing their questions through a specially trained independent officer. This Officer then communicates these inquiries to the Child witness, aiming to extract the necessary information while minimizing any potential emotional distress for the Child.

In Sri Lanka, the utilization of video recordings for the initial testimony of Child Witnesses has been introduced. Two video recording units, one located at the National Child Protection Authority (NCPA) and the other at the Ragama Hospital, capture the evidence of child victims. However, subsequent to this recording, the Child is pulled back into the conventional court process, where they are expected to endure the emotional strain of being present on each trial date as well as undergoing cross-examination and facing the hostilities of those connected to the accused. The intention behind employing video recordings is thereby negated by this system, which neglects the well-being of child victims.

It is important to recognize that a trial that might span up to approximately 20 hours is prolonged over a duration of almost 15 years. The causes for these delays include absence of expert witnesses such as JMOs, the transfer of Judges hearing the Case and requests for postponements by Counsel. During this period, the victim often becomes a resident of a Child Development Centre, leading to a disruption to their ability to live a normal life. Many victims also face the distress of receiving death threats from the accused, further adding to their emotional burden.

These delays have resulted in a backlog of Cases being built up over the years. According to the NCPA statistics approximately 6000 cases are pending conclusion. In order to overcome this problem, the Committee recommends that a Court be established in each Province to clear this backlog, hearing these Cases on a day to basis.

Child victims have additionally endured other forms of indignity. This includes instances where Children are transported to court in the same vehicle as hardened criminals. Some reports from NGOs and CPCCs have even highlighted situations where children brought to Colombo for trial are accommodated in the magazine prison. It is unfortunate that authorities have not taken steps to address this cruel and inhumane situation, despite being entrusted with the duty of providing care and protection to children.

It is crucial for officials to recognize that delays caused by adhering to regulations, conducting meetings, and postponing regular monitoring have detrimental effects on the mental well-being of innocent children who have become victims of a society that tolerates violence. The committee therefore questions whether their obligation to carry out the mandate of providing care and protection to children has been effectively fulfilled.

5.5.4 Legislation

Given the time constraints and as this Committee has noted that there are committees engaged in the drafting of amendments to relevant Legislation, an in-depth analysis of all Laws has not been undertaken.

However, the committee would make the following observations:

- I. That all the laws enacted up to year 2000 be amended in line with modern best practices. These include acts such as the CYPO, Vagrants ordinance and Adoption of Children Ordinance.
- II. Legislation that incorporate guidelines for child care centres be enacted to ensure that all the Institutions maintain the same standards of care.
- III. That the classification of offenses considered minor in the Penal Code be reviewed vis-a via their application when committed against a child.
- IV. That a system of parole where the accused reports to the police station regularly be introduced to prevent threats to victims their families and CDC officials taking place.

In respect of changes to Legislation, recognizing the significance of the Child and Young Persons Ordinance (CYPO), this committee has engaged with officials responsible for drafting amendments to the Act. A specific recommendation by this committee is to differentiate between victims of violence and those abandoned or destitute in order to address the trauma suffered by victims of abuse. Further, the amendment makes it mandatory for the officer in charge of a police station to have a child in need of protection and care to be brought to the police station without having to inform parents of guardian, and to have the child kept in the station for up to 24 hours. It further enables the OIC to extend this duration to 72 hours with the approval of the court

However, it should be noted that this provision is not aligned with the best interests of the Child. This consideration takes into account the fact that numerous police stations lack dedicated spaces for Women and Children's Desks, and the presence of officers specialized in handling these cases throughout the day is not guaranteed. While Child-Friendly spaces are designated for children in conflict with the law, the same provision is not extended to Children in need of protection and care. It is seen that the roles of Women and Children's Desks (WCDs) in addressing the needs of vulnerable Children are not appropriately acknowledged and their responsibilities in this process must be included in the Act.

5.5.5 Child Victims of Sexual Violence

In cases of violence especially sexual abuse of children in Sri Lanka, the current system often results in the victim being further harmed. Children who have experienced such harm suffer not only physically but also mentally and emotionally, and these impacts often persist into adulthood. When these Children are placed in institutions, they may spend an average of over a decade there,

effectively being deprived of a normal childhood. This situation underscores the need for urgent reforms and better support mechanisms for child victims of abuse.

Victims of sexual abuse endure a distressing process that includes medical examinations and the painful retelling of their experiences to Investigating Officers and the Judiciary, essentially reliving their trauma. Beyond this ordeal, they often face stigmatization within society and grapple with challenges during the reintegration process.

In stark contrast, the legal system allows the perpetrator to be released on bail, and they are only required to appear in Court on Trial dates. If found guilty, the perpetrator faces the prospect of imprisonment, fines, and compensation to the victim. However, during the often-protracted legal proceedings, which can span a decade or more, the perpetrator is at liberty to fully enjoy a normal life. Meanwhile, the victim continues to suffer, confined to a Child Detention Centre (CDC) and deprived of the love and care of their family. This stark disparity highlights the need for a more victim-centred approach and a comprehensive overhaul of the legal and support systems for survivors of sexual abuse.

The rationale behind prosecuting and convicting an accused individual is also to serve as a deterrent, discouraging the recurrence of similar incidents. Unfortunately, the low rate of convictions which is only 4% of prosecutions, often taking place a decade or more after the offence, does not effectively act as a deterrent, as evidenced by the ongoing rise in Violence Against Children (VAC). Several factors contribute to this situation, including the leniency of imprisonment for certain offences and the delayed nature of legal proceedings.

It is crucial to enhance both fines and compensation payable to the victim and establish a provision for these amounts to be paid promptly following the trial's conclusion. This sum should be placed as a deposit in court, similar to provisions in the Labour Court, and there should also be provisions for guarantors on behalf of the accused to ensure the timely payment of fines. These measures aim to expedite the Legal process, increase accountability, and improve the overall effectiveness of the legal system in addressing cases of VAC.

The Committee for Child Development and Child Safety (CDCS) has brought to the attention of the Committee concerns regarding the personal security of their members when accompanying children, particularly due to threats received while performing their duties. As a response, the committee recommends the introduction of a 'Parole System,' wherein the accused would be required to report to a Police Station, ensuring the safety and security of both the victim and those overseeing their welfare.

Additionally, there have been instances where the lack of clarity in certain provisions of the Law has resulted in cases being filed under the wrong section by the Police, leading to the acquittal of the accused. This often leaves the victim in a situation where they feel isolated and overwhelmed by the complex legal procedures they may not fully understand. To address this issue, it is proposed that provision be made for lawyers to advocate for the child's interests during the trial, ensuring that procedural errors do not result in a miscarriage of justice. This would involve granting the right to Counsel overseeing the child to actively participate in the proceedings, and this should be incorporated into existing legislation. This measure aims to protect the rights of children and improve the overall effectiveness of the legal process in cases related to child safety and welfare.

5.6 Liability of the State

The decisions by the Supreme Court in SE/FR/97/2017 has highlighted the vicarious liability of the State for the acts of violence perpetrated by its officials and resulted in the State being ordered to pay compensation to the victims. Acts of omission by State officials who neglect or fail to take appropriate action when a child's rights are violated would also make the State vicariously liable for these omissions. Delayed responses to a call on a helpline, the unavailability of officials at Women and Children's desks to note complaints, Principals who are aware of teachers engaging in sexual harassment but not taking action to prevent further harm are examples of these omissions.

This also raises the issue of the State liability for damage caused to victims of violence and abuse by the various acts of omission or commission by State officials that result in victims having to face re-traumatization and re-victimization. It is the lapse on the part of State Agencies and officials who have failed to implement policies to protect Children, that has often resulted in children being subjected to physical and sexual abuse. The delays in carrying out investigations and conducting prosecutions, the State officials not being present at trials leads to the system subjecting the child to re-traumatization as well as depriving him or her of a normal childhood including an education. By dragging on a trial which would take approximately 20 hours over a period sometimes reaching 15 years, these officer cause irreparable damage to the lives of these child victims and should therefore be held accountable along with the State. It should be noted that despite inflicting hardships on the child victim state agencies obtain only 4% convictions in trials over a decade after the incident, makes the sacrifices made by the victim an exercise in futility. This committee therefore recommends that stipulated period to be agreed upon to conclude proceedings be enacted and that compensation be paid by the State to the child (to be collected on attaining majority) for each year that a delay is noted in leading to the satisfactory conclusion of all proceedings and the reintegration of the child.

Recommendations

- Align all child protection laws with the principle of "The Best Interests of the Child."
- Consider consolidating all legislation related to child protection, into a unified legislation that incorporates the concept of the best interests of the child.
- Implement these aligned laws uniformly across the country, urging Provincial Councils to revise existing regulations in accordance with national policies and guidelines.
- Connect the allocation of funds from the Central Government to Provincial Government according to the degree of compliance with the best practices in child protection.
- Introduce necessary amendments to the Criminal Procedure Code to minimize the prolonged suffering and prolonged traumatization of victims.
- Amendments to the criminal procedure code which would incorporate the Special Measures that enable victim-centric and child- friendly procedures which include;
- The integration of technology to facilitate witnesses giving statements remotely, and thereby elimination of the necessity for the child's physical presence on every trial date.
- Establishment of a streamlined and effective procedure to respond to children in need of protection and care.

Recommendations Continued

- Experts in child protection must be consulted to collaborate and formulate these procedures with relevant laws amended to align with this framework. The intention is to ensure that legislative efforts do not inadvertently perpetuate injustices suffered by child victims.
- The inclusion of a Pre-Trial Management Conference Scheme facilitating the planning of dates and appearances, ensuring that the system's shortcomings and implementation delays do not deprive children of their rightful childhood period.
- Provide Training for State Prosecutors and Judges in Child-friendly Procedures as Child-friendly Prosecution is essential to ensure that the Legal process is sensitive to the needs and vulnerabilities of Child victims.
- Training State Prosecutors and Judges in child-friendly Prosecution techniques should be conducted through Sri Lanka Judicial Training Institute (SLJTI).

THE WAY FORWARD

The demand for adequate care and protection for children has surged dramatically in response to socio-economic and technological changes over the past two decades. However, State Agencies have failed to identify or anticipate shortcomings in the system that hinder the delivery of appropriate interventions. As a result, solutions have emerged that do not prioritize the child's best interests with limited consideration for the application of modern best practices, ultimately harming the child in need of protection.

The lack of a sense of urgency is glaringly evident in the prolonged duration taken to formulate Child Protection Policies. This Committee has highlighted delays and deficiencies in both the planning and implementation processes. These extended timelines underscore the inadequacies and the lack of commitment in executing timely and professionally crafted strategies to address the vulnerabilities faced by children.

The absence of clear definitions outlining the roles of agencies and their officers has resulted in overlapping functions, thereby hindering the optimal utilization of resources. As highlighted by the Commissioner of Probation and Child Care, one of the prevailing challenges in the field of child protection is the lack of an integrated approach for the provision of requisite services.

The Committee firmly asserts that the persistent delays in policy formulation, along with ad hoc and uncoordinated intervention implementations, must not be allowed to continue if we intend to meaningfully resolve the issues related to child protection. It is imperative that the State renews its commitment to establish and implement a strong care and protection service for children. This commitment should permeate every level of government and transcend all services, consistently prioritizing the best interests of the child over the convenience of State Agencies.

In order to overcome the present situation, the Committee makes the following recommendations which it feels is the only way to ensure that the protection of children come out of the abyss into which it has fallen.

This Committee recommends the design and implementation of a comprehensive Master Plan within a stipulated timeframe. This Master Plan should be founded on the dual pillars of prevention and response.

6.1 Master Plan

6.1.1 Prevention

There is a significant lack of awareness among the majority of Citizens regarding violence against children (VAC) and the severe consequences thereof. Many have little or no knowledge of how to handle cases of VAC, often resorting to the routine procedures followed for general criminal offences and conflicts.

Parents often lack the knowledge required to prevent child abuse or identify signs of abuse, leading to vulnerabilities.

The stigma associated with issues of sexual abuse and fear of Law Enforcement Agencies often deter victims from coming forward to report incidents of abuse. This stigma and fear contribute to the underreporting of VAC cases.

There is a limited visibility of responses to instances of abuse and the support available to victims, including resources like the 1929 Helpline and facilities like Lama Piyasa and the services provided by NGOs. Additionally, a scarcity of trained officers equipped to handle cases of VAC, both in police stations, schools and hospital environments has been identified.

Officials often fail to detect children suffering from abuse, neglect, and other issues in a timely manner, which can result in the deterioration of the child's situation. This is frequently seen in situations of female-headed households and in relation to children of migrant labour.

The ignorance of correct parenting skills as well as helicopter parenting combine to add to the stress that children face. This in turn exposes them to vulnerabilities such as digital media addiction and exposure, substance abuse as well as mental health issues. In the words of a bright young intern in the Presidential Secretariat “our generation suffers from OCD, ADHD, anxiety, depression and other problems due to the stress we undergo, our parents’ generation did not have these problems”.

Several critical issues contribute to the heightened vulnerabilities of children. There has been a notable absence of in-depth analysis concerning the multifaceted factors that expose children to abuse and exploitation. There is a significant deficiency in addressing challenges stemming from elements like digital media, substance abuse, and the impact of migrant labour, all of which substantially increase children's susceptibility to harm.

These issues persist partly due to a lack of awareness regarding the problems posed by these triggers and a parallel absence of knowledge on effective coping mechanisms to mitigate children's vulnerability to harm. There is no room for complacency in respect of the situation in these sectors and addressing these shortcomings is imperative to ensure the safety and wellbeing of children in society.

It is crucial to incorporate these risk factors into an awareness program focused on prevention, which should be launched without delay. Furthermore, a targeted approach is necessary, where each factor such as digital media is addressed through separate awareness programs tailored to different sectors that deal with them.

It is therefore imperative that all Stakeholders understand and accept the importance of implementing a robust programme to prevent the escalation of violence against children. 'Stakeholders' in this context is not only state officials and agencies but society as a whole and include State Agencies, Civil Society, Private Sector, Religious Bodies, Educational Institutions and Media.

The prevention of violence against them is the ultimate protection that the State can give its children.

Safeguarding children necessitates comprehensive solutions encompassing both Prevention and Response strategies. Program tracks are essential to address the obstacles to child protection and to effectively implement best practices in child care and development. In order to be effective prevention programmes must seek to make a meaningful change in societal attitudes.

This Committee therefore recommends that the State implements a programme that has as its goal the creation of awareness across all segments of society about the gravity of Violence Against Children (VAC) and the importance of taking meaningful steps to prevent it.

The prevention component of the Master Plan should prioritize over a year-long high-visibility program aimed at raising awareness among various stakeholders on the vulnerabilities of Children. This program should go beyond a mere advertising campaign and should engage all relevant parties through awareness building training etc across all communication channels and should target parents, teachers, children themselves, civil society, the private sector, media, and professionals working in relevant fields.

The goal of these publicity, advertising, awareness, and training initiatives should be to foster a significant shift in attitudes. This shift should result in the realisation of the critical importance of protecting children from the vulnerabilities they face.

It is essential to draw attention to the areas that have heightened children's vulnerability to exploitation, neglect, and abuse, that demands immediate action. These critical areas of concern include the role of media, particularly digital media, as well as the pressing issues related to substance abuse and the hardships stemming from the separation of families due to migrant labour. Visible response mechanisms, such as helplines and social media campaigns, should be established to reach children through social media platforms, recognizing the significant role they play in information dissemination and interaction in today's digital world.

There should be focus on promoting awareness of different response options available for dealing with VAC, including resources like the 1929 Helpline, Social Media Pages, Women and Children Desks, Lama Piyasa School Counsellors/Befrienders, and NGOs.

A program to build awareness for parents in all schools nationwide, with a clear implementation timeline should be conducted. It is also crucial to develop age-appropriate programs to empower children to understand their rights and protect themselves. These awareness initiatives should leverage technology to reach and engage with a maximum number of target groups effectively. Platforms like Zoom, Microsoft Teams, and social media platforms such as Facebook and Instagram can play a significant role in delivering these programs.

This programme should also provide comprehensive training to personnel dealing with VAC, ensuring a victim-centric approach when handling different aspects of Child protection. This includes training for Police Officers, Child Rights Promotion Officers (CRPO), Child Protection Officers (CPOS), Teachers,

Hospital staff, and officials dealing with administration. Training programs should also be implemented to equip professionals with the skills to offer psychosocial support for prevention and response, with the aim of reducing incidents of violence and abuse and strengthening the protection of vulnerable children.

The number of outreach and field workers in agencies addressing violence and abuse, accompanied by appropriate training to identify potential problem areas should be increased.

6.1.2 Response

The Response Mechanism, aimed at ensuring that children in need of care and protection receive proper assistance from trained personnel, is also beset with flaws.

The Protection of Children since 2005 has been under the Ministry of Women's and Child Affairs leading to the impression amongst many including Stakeholders that it is limited to these two groups in society.

This Committee reiterates that this is a rational problem which should be brought centre stage and dealt with effectively without delay.

All state agencies have highlighted the scarcity of resources, resulting in a deficiency of personnel and equipment necessary for implementation of effective measures. While addressing fundamental resource gaps in key areas is an urgent necessity, this Committee strongly believes that a more streamlined approach, designed to eliminate duplication and enhance professionalism through training and evaluation, can lead to the provision of higher-quality services.

To fortify the response mechanism, it is imperative to implement essential administrative reforms while simultaneously enhancing the capacities of first responders in Child Protection. This involves equipping the Women and Children's Desks, the Probation and Childcare Departments, hospitals, and schools with the necessary training and resources to effectively address Child Protection concerns. Effective community participation would also be a sine qua non in implementing a strategy to combat violence against children.

Despite enduring a 30-year war and two insurrections, Sri Lankans have long been known globally for their gentleness, warm smiles, kindness, and hospitality. However, today, there is growing evidence of cruelty emerging across various facets of society, indicating a troubling reversal of this reputation. From inhumane treatment of animals and environmental destruction to corruption within the business and state sectors, these trends reflect a weakening of the moral fabric of our society.

The involvement of activist and politicians advocating violence to achieve their goals, trade unions willing to compromise children's well-being, and professionals justifying violence all contribute to the distortion of values. This sends a harmful message to children, suggesting that violence is an acceptable part of normal ethical behaviour. Even more disconcerting is the fact that leaders in educational, religious, and caregiving institutions are sometimes found to be perpetrators of child abuse, a troubling trend that continues unchecked and unabated.

The prevention of violence is therefore of paramount importance to achieve success in dealing with violence against children and by children, for as long as adults continue to tolerate and encourage violence explicitly, for children to embrace non-violence would be an exercise in futility.

Children lack the ability to form unions or chambers to protect their interests. They depend on and trust the adults within their families and communities to safeguard and care for them. When this trust is betrayed, it threatens the foundation of a stable society not only in the present but in the future as well, for it is the children of today who will emerge as the leaders of tomorrow. Protecting and Caring for them is one of the best investments that the State can and should make for in the words of Nelson Mandela *“Our children are the rock on which our future will be built, our greatest asset as a nation. They will be the leaders of our country, the creators of our national wealth, those who care for and protect our people.”*

Bibliography

Bibliography

Legislation

Penal Code (Amendment) Act No.22 of 1995

<http://citizenslanka.org/wp-content/uploads/2016/02/Penal-Coda- Amendment -Act-No-22-of-1995-E.pdf>

Children and Young Persons Ordinance No.48 of 1939

<https://www.srilankalaw.lk/revised-statutes/volume-ii/190-childrens-ordinance.html>

National Child Protection Authority Act No. 50 of 1998

<https://childprotection.gov.lk/images/pdfs/acts-guidelines/National%20Child%20Protection%20Act,%20No.%2050%20of%201998.pdf>

Orphanages Ordinance No.22 of 1941

<https://www.srilankalaw.lk/o/843-orphanages-ordinance.html#:~:text=45%20of%201946.,connected%20with%20the%20matters%20aforesaid.>

Probation of offenders Ordinance 42 of 1944

<https://www.srilankalaw.lk/p/941-probation-of-offenders-ordinance.html>

Vagrants Ordinance No.4 of 1841

http://hrlibrary.umn.edu/research/srilanka/statutes/Vagrants_Ordinance.pdf

Youthful Offenders (Training School) Ordinance No.28 of 1939

[http://hrlibrary.umn.edu/research/srilanka/statutes/Youthful Offenders \(Training School\) Ordinance.pdf](http://hrlibrary.umn.edu/research/srilanka/statutes/Youthful Offenders (Training School) Ordinance.pdf)

National Policy on Child Protection 2019

<https://childprotection.gov.lk/images/pdfs/acts-guidelines/2020.12.31%20National%20Policy%20on%20Child%20Protection.pdf>

National Guidelines and Minimum Standards for Child Development Centres in Sri Lanka

<https://childprotection.gov.lk/index.php/en/resource-centre/legal-policy-documents>

Publications and Articles

‘Getting to Better’ 2019 Professory Diyanath Samarsinghe

Census of Children in Child Care Institutions 2019 : Department of Census and Statistics in collaboration with the Department of Probation and Child Care Services.

<http://www.statistics.gov.lk/Resource/en/OtherCensusandSurveys/CensusReports/CensusofChildreninChildCareInstitutions2019Keyinfo.pdf>

Women’s Well Being Survey, Department of Census and Statistics, Sri Lanka 2019

http://www.statistics.gov.lk/Resource/reference/WWS_2019_Final_Report

Annual Statistical Report of 2022 – Sri Lanka Bureau of Foreign Employment

<http://www.slbfe.lk/page.php?LID=1&MID=275>

Online violence against children in urban and semi-urban settlements in Sri Lanka: A research on incidence, nature and scope : Save the Children Sri Lanka 2021

<https://srilanka.savethechildren.net/resources/online-violence-against-children-urban-and-semi-urban-settlements-sri-lanka-research>

Impact of Adverse Childhood Experiences on Intimate Partner Violence Perpetration among Sri Lankan Men: Fonseka, R. W., Minnis, A. M., & Gomez, A. M. (2015). *Plus One*, 10, e0136321.

<https://pubmed.ncbi.nlm.nih.gov/26295577/>

South Asia Initiatives to End Violence Against Children 2015

<http://saievac.org/>

Broadening gender: Why masculinities matter? De Mel, Peiris and Gomez 2013

https://www.care.org/wp-content/uploads/2020/05/Broadening-Gender_Why-Masculinities-Matter.pdf

Child Sexual abuse presentation to a teaching hospital in Sri Lanka: Yasodha Maheshi Rohanachandra, Irosha Amarabandu, Prasanna Dassanayake: Sri Lanka Journal of Child Health 2021

<https://sljch.sljol.info/articles/10.4038/sljch.v50i4.9856>

Emerging concerns and case studies on child marriage in Sri Lanka: UNICEF 2013

<http://www.iccwnispncanarc.org/upload/pdf/2501970655EMERGING%20CONCERNS%20AND%20CASE%20STUDIES%20ON%20CHILD%20MARRIAGE%20IN%20SRI%20LANKA%20%20.pdf>

Child Sex Trafficking in the Tourism Sector in Sri Lanka: Save the Children 2020

https://srilanka.savethechildren.net/sites/srilanka.savethechildren.net/files/library/Child%20Sex%20Trafficking%20in%20the%20Tourism%20Sector%20in%20Sri%20Lanka_12thProof_.pdf

National Youth Health Survey 2012/2013 among youth aged 15-24 years: Family Health Bureau
<https://srilanka.unfpa.org/sites/default/files/pub-pdf/Youth%20Health%20Survey.pdf>

National Policy on Alcohol Control
https://mentalhealth.health.gov.lk/images/Resources/Publications/Policies/national_policy_on_alcohol_cotrol_en.pdf

Sri Lanka Labour Force Survey : 2016
http://www.statistics.gov.lk/Resource/en/LabourForce/Annual_Reports/2016.pdf

Priyanjali De Zoysa et al 2015

Physical, sexual and emotional abuse during childhood: Experiences of a sample of Sri Lankan young adults. Child Abuse & Neglect, 81(5), 2018, 214-224
Chandraratne, Fernando & Gunawardene,

Juvenile Victimization in a group of young Sri Lankan adults : A D Fernando, K A W Karunasekera. Ceylon Medical Journal 2009

The Effects of Violence on Health. Frederick Rivara et al. Violence and health. Vol 38 No, 10
<https://doi.org/10.1377/hlthaff.2019.00480>.

The effectiveness of a short-term training program on child protection, International Journal of Political Science and Management, 2015

Emotional Abuse of Children Leading to Somatoform Disorder: A Form of Child Abuse June 2022 Volume 10 Issue 1

Preventing violence against children in Sri Lanka: Discussion paper 2017
http://www.developmentpathways.co.uk/wpcontent/uploads/2017/08/Sri_Lanka_Report_WEB.pdf

The impact of violence on the physical health of children drawing from a data base *(A D Fernando & S Randeny) of 1283 children who have been admitted to the health system following violence.

Estimating the Prevalence and Drivers of bullying including cyberbullying: Sri Lanka: UNICEF 2020
<https://www.unicef.org/srilanka/reports/estimating-prevalence-and-drivers-bullying-including-cyberbullying>

National Guideline for The Management of Child Abuse and Neglect A Multi-Sectoral Approach: September 2014
https://medicine.kln.ac.lk/depts/forensic/images/LearningMaterials/Guidelines/National_Guideline_on_Child_Abuse_and_Neglect.pdf

Newspaper Articles

Child rights experts shed light on 'helicopter parents'- Daily Mirror 16 August 2023

https://www.dailymirror.lk/print/front_page/Child-rights-expert-sheds-light-on-helicopter-parents/238-265374

"The bane of the Cane" Prof. Harendra de Silva in the Sunday Observer -11th November 2018

<https://archives1.sundayobserver.lk/2018/11/11/news-features/bane-cane#:~:text=Corporal%20or%20physical%20punishment%20can,from%20one%20generation%20to%20another.>

Spotlight on Dehiattakandiya National School Promoting a questionable college culture and a low Z score: Prageeth Sampath Karunathilaka Daily Mirror 3rd August 2023

<https://www.dailymirror.lk/expose/Spotlight-on-Dehiattakandiya-National-School-Promoting-a-questionable-college-culture-and-a-low-Z-Score/333-264452>

Lurking predators make some temples unsafe for novice monks: Kamanthi Wickremesinghe

<https://www.dailymirror.lk/news-features/Lurking-predators-make-some-temples-unsafe-for-novice-monks/131-258552>

Let's Protest, It's our right : Nadvi Mohideen Sunday Times October 16, 2022

<https://www.sundaytimes.lk/221016/sunday-times-2/lets-protest-its-our-right-498850.html>

Aragalaya's Fundamental Rights Farce : When lawyers distort facts: H.R.H Amarasinghe, Convenor, Citizens Collective for Law and Order

<https://www.sundaytimes.lk/220911/sunday-times-2/aragalayas-fundamental-right-farce-when-lawyers-distort-facts-494666.html>

Definitions

Dysfunctional family: is a family in which conflict, misbehavior, and often child neglect or abuse and sometimes even all of the above on the part of individual parents occur continuously and regularly, leading other members to accommodate such action.

ANNEXURES

ANNEXURE - 1

Committee to Study and Make Recommendations for the Protection of Children

Members of the Committee

Ms. A K Weeratunge - Chairperson

Attorney-at-Law
Former Chairperson, Diripiyasa Trust Fund
Former Chairperson, Agromart Outreach Foundation

Dr. Manoj Fernando - Member

Head of Department, Health Promotion
Faculty of Applied Sciences
Rajarata University of Sri Lanka

Ms. Mumtaz Faleel – Member

Country Director
World University Service of Canada

Ms. Malithi Herath - Member

Management Consultant
Digital Content Strategist - #Politicslk

Ms. Nirmali Wickremesinghe - Member

Educational Consultant – Former Principal of Ladies College

Dr. Dilshani Bogollagama - Member

Founder - Tree of Health Pvt. Ltd.

Dr. Asiri Hewamalge - Member

Consultant - Community Physician
National Programme on Child Care Development and Special Needs
Family Health Bureau

Ms. Shiromi Masakorala - Member

Executive Director
Hemas Outreach Foundation

Ms. Buddhini Withana - Member

Senior Technical Advisor
Save the Children

Dr. Asvini D. Fernando – Member

Council Member
Sri Lanka College of Pediatricians

Dr. Hemamal Jayawardane

Attorney-at-Law
Child Protection Specialist
UNICEF

Compilation of report – Ms. Anuradhi Navaratnam, Attorney at Law

Convener of the Committee – Economic Affairs Division

ANNEXURE - 2

Stakeholder List

| 2023.06.07 - Provincial Probational Commissioners | |
|---|--|
| Designation | Ministry/ Department / Institute/Organization |
| Designation | Ministry/ Department / Institute/Organization |
| Deputy Commissioner | Department of Probation & Child Care Services |
| Commissioner | Eastern Provincial Department of Probation & Child Care Services |
| Commissioner | Northern Provincial Department of Probation & Child Care Services |
| Commissioner | UVA Provincial Department of Probation & Child Care Services |
| Commissioner | Southern Provincial Department of Probation & Child Care Services |
| Commissioner | North Western Provincial Department of Probation & Child Care Services |
| Commissioner | Central Provincial Department of Probation & Child Care Services |
| Commissioner | North Central Provincial Department of Probation & Child Care Services |
| Commissioner | Sabaragamuwa Provincial Department of Probation & Child Care Services |
| Commissioner | Western Provincial Department of Probation & Child Care Services |
| 2023.06.15 - Voluntary Homes | |
| Designation | Ministry/ Department / Institute/Organization |
| Manager | Al Arkam Child Development Centre |
| Manager | Bhakthiwedantha Child Development Centre |
| Manager | Viharamahadevi Child Development Centre |
| Manager | Arklow Boys Home Child Development Centre |
| Vice President | Muslim Balika Child Development Centre |
| Manager | Sucharithodaya child development center |
| Warden | Noguchi Child Development Center |

| | |
|--|---|
| Chairperson | Anula Wijerama Child Development Centre |
| General Manager | Brighter Path Foundation |
| Founder | Child Protection Force |
| National Director | Voice for Voiceless Foundation |
| Child Protection Manager | Leads |
| Psychologist of Emerge | Emerge Lanka Foundation |
| Child Protection & Advocacy Specialist | Child Fund Sri Lanka |
| Secretary | All Ceylon Buddhist Congress |
| 2023.07.13 - Education Sector | |
| Designation | Ministry/ Department / Institute/Organization |
| Vice President | Association of University Lecturers |
| Secretary | Sri Lanka Education Administrative Services Association |
| President | All Ceylon Principal Services Association |
| Secretary | Association of Principal Professionals |
| Deputy Secretary | All Ceylon Graduate Teachers Association |
| Secretary | Training Colleges and Teachers Organization |
| Secretary | Sri Lanka Free Teachers Association |
| Secretary | Catholic Teachers Association |
| Secretary | Association of Public Teaching Professionals |
| Principal | Visakha College, Colombo 04 |
| Principal | Ananda College, Maradana |
| Deputy Principal | St. Joseph's College, Colombo 10 |
| Principal | Hindu College, Ratmalana |
| Principal | Zahira College, Colombo 10 |
| Principal | Muslim Girls College, Colombo 04 |

| | |
|---|---|
| Assistant Principal | Al Ashar Muslim College, Tiharia |
| Principal | Swarna Jayanti College, Kegalle |
| Principal | St. Teresa's Girls' College, Elpitiya |
| Principal | Heinwala Jayatissa College, Matara |
| Principal | Dodampotta Junior College, Narangoda |
| Principal | Godahena Tamil College, Dodangoda |
| 2023.07.20 - Prevention and Response to Online Violence against Children | |
| Designation | Ministry/ Department / Institute/Organization |
| CEO, ICTA | ICTA |
| Deputy Director (Legal) | TRC |
| Lead Information Security Engineer | SL CERT |
| Senior Information Security Engineer, | SL CERT |
| Chief Cyber Security Investigator | Sri Lanka Army |
| ASP | Computer Crime Investigation Division |
| General Manager | Sarvodaya Fusion |
| WHO | WHO |
| CEO | VizuaMatix |
| Head of Marketing and Corporate Communications | VizuaMatix |
| CEO | Xhackster |
| Director | Xhackster |
| Chief Operating Officer | Dialog Axiata |
| General Manager– Innovations | Mobitel (Pvt) Ltd |
| Hutchison Telecom | Hutchison Telecom |
| Hutchison Telecom | Hutchison Telecom |

| 2023.07.27 - Discussion on Substance Abuse | |
|---|---|
| Designation | Ministry/ Department / Institute/Organization |
| Expert committee on Substance use | Sri Lanka Medical Association |
| Expert committee on Substance use | Sri Lanka Medical Association |
| Chairman | National Dangerous Drugs Control Board |
| Chairman | National Authority on Tobacco and Alcohol |
| Research Officer | National Authority on Tobacco and Alcohol |
| Executive Director | Alcohol and Drug Information Center |
| Director | Alcohol and Drug Information Center |
| Director | Healthy Lanka organization |
| Senior Superintendent of Police, Director | Police Narcotic Bureau |
| Former Hon Director | Sri Lanka Sumithrayo |
| Director | Mental Health Unit, Ministry of Health |
| Deputy Director (Education) | Co-curricular Activities, Guidance and Counselling Branch , Ministry of education |
| 2023.08.03 - Legal Sector | |
| Designation | Ministry/ Department / Institute/Organization |
| Chairman | National Authority for the Protection of Witnesses and Victims |
| Additional Solicitor General | Attorney General's Department |
| Deputy Solicitor General | Attorney General's Department |
| Deputy Solicitor General | Attorney General's Department |
| Deputy Solicitor General | Attorney General's Department |
| Head of Legal Division | National Child Protection Authority |
| Senior Probation Officer | Department of Probation and Child Care Services |
| DIG | Child and Women Abuse Prevention Division |

| | |
|-------------------------------------|---|
| President | Bar Association of Sri Lanka (BASL) |
| Secretary | Bar Association of Sri Lanka (BASL) |
| 2023.08.10 - Government CDCs | |
| Designation | Ministry/ Department / Institute/Organization |
| Assistant Matron | Sujatha Sevana, Bandarawela |
| Matron | Gothami Home, Bandarawela |
| Matron | Samadhi CDC, Maduruketiya |
| Warden | Nenasarana CDC, Katharagama |
| Warden | Yashodara Girls Home, Keppetipola |
| Assistant Warden | Suraksha Boys Home, Keppetipola |
| Matron | Vishaka Girls Training and Counseling Center, Keppetipola |
| Officer In Charge | Tikiri Sewana, Kandy |
| Matron | Werawalawatta Remand Home (Boys) |
| Principal | Ranmuthugala Certified Girls Home |
| Warden | Ranmuthugala Remand Girls Home |
| Matron | Prajapathi State Receiving Home, Panadura |
| Principal | Certified School, Hikkaduwa (Boys) |
| Principal | Viharamahadevi Certified School, Kithulampitiya (Girls) |
| Overseer | Boys Home, Kithulampitiya |
| Superintendent | Niwarthana Children Home, Halpathota |
| Officer In Charge | Kanchadewa Children Home, Hambanthota |
| Officer In Charge | Isuru Sewana |
| Principal | Girls Home, Madaatugama |

| 2023.08.17 - Foreign Employment Bureau and Health Sector | |
|---|--|
| Designation | Ministry/ Department / Institute/Organization |
| Chairman | Sri Lanka Bureau of Foreign Employment |
| General Manager | Sri Lanka Bureau of Foreign Employment |
| Additional General Manager (International Affairs) | Additional General Manager (International Affairs) |
| Director | Family Health Bureau |
| Director | Health Promotion Bureau |
| Consultant Community Physician, Program Manager | School Health, Family Health Bureau |
| Consultant Community Physician, Program Manager | Adolescent Health, Family Health Bureau |
| Consultant Community Pediatrician | Colombo North Teaching Hospital, Ragama |
| Consultant Child and Adolescent Psychiatrist | Lady Ridgeway Hospital for Children |
| Director | Colombo North Teaching Hospital, Ragama |
| Child and Adolescent Psychiatrist | Colombo North Teaching Hospital, Ragama |
| Prof. of Forensic Medicine | University of Kelaniya |
| President | Sri Lanka College of Paediatricians |
| President | College of Forensic Pathologists of Sri Lanka |
| Member of the media Subcommittee | College of Psychiatrists of Sri Lanka |
| President and a nominee | College of Child and Adolescent Psychiatrists of Sri Lanka |
| Sri Lanka College of Obstetricians and Gynaecologists | Sri Lanka College of Obstetricians and Gynaecologists |
| Nominee | Medico-legal Society of Sri Lanka |
| Secretary of the Child Protection Committee | Sri Lanka College of Paediatrician |
| Consultant Pediatrician and Head | <i>"Lama Piyasa"</i> |
| Secretary | College of Forensic Pathologists of Sri Lanka |

| 2023.08.31 - Chambers | |
|-----------------------|---|
| Designation | Ministry/ Department / Institute/Organization |
| Managing Director | The National Chamber of Commerce |
| Dr Champa Nelson | The National Chamber of Commerce |
| CEO | Ceylon Chamber of Commerce |
| President | Federation of Chambers of Commerce and Industry of Sri Lanka (FCCISL) |
| District Governor | Lions Club |
| District Governor | Rotaract Club |
| Representative | National Peace Council (NPC) |
| District Governor | Rotary Club |
| Former President | Bar Association |
| President | Organisation of Professional Associations of Sri Lanka (OPASL) |

Combating Childhood Malnutrition and its Effects: A multi sector approach

Professor Pujitha Wickramasinghe, Senior Professor in Paediatrics, University of Colombo

Malnutrition, meaning wrong nutrition has a broader perspective. Although for many years we equated the word malnutrition to undernutrition, with the increase in prevalence of obesity and its association with non-communicable disease (NCD), its span has increased, and with the addition of micronutrient deficiency, hidden hunger, the picture has got more complicated. Therefore, addressing all forms of malnutrition is of paramount importance not only from a short-term health benefit but also on long-term socio-economic impact.

Under five under-nutrition has reduced from the time of independence. However, since the turn of the century, wasting, stunting and being underweight has been static¹. Despite many supplementary programmes as well as empowering the public on combating undernutrition, the poor improvement of statistics has puzzled health administrators and growth physiologists. In older ages also the undernutrition has improved but not beyond a certain level. Undernutrition affects brain development thus affecting the cognitive and emotional processors, increase susceptibility to infections, poor physical and brain growth affecting academic performance and personality. Furthermore, with low school attendance and underperforming in academic work with low scholastic achievements leading to poor wage earnings affecting both micro and macro economy of the country. The foundation of adult health, wellness, economic capacity, and well-being begin with experiences that occur from conception through 2 years of age.

Overweight and obesity is increasing from younger age and a steep rise could be seen from grade one to grade seven probably due to increase sedentariness that occur with preparation for grade five scholarship examination². About 10% of adolescents are either overweight or obese with more seen in urban areas. Obesity is clearly associated with many cardiovascular risks like abnormal blood lipids and high blood pressure. Metabolic syndrome, a condition which increases future risk of heart attacks and strokes, is present in more than one fifth of obese children³. Different stages of impaired glucose control are seen among obese children and even adult type diabetes mellitus (T2DM) could be seen among older adolescents⁴. Similarly nonalcoholic steatohepatitis which in the long run leads to develop cirrhosis and hepatocellular carcinoma is present in about 20% of obese children⁵. It is a matter of time before they develop complications of metabolic abnormalities because of childhood obesity. Moreover, more than 70% of obese children become obese adults leading to early development of NCD⁶. It has shown clearly that growth in first few years of life has a lasting impact on health^{7,8}. 15-22% of adults between 30-70 years are at risk of dying of NCD prematurely⁹, which denotes that more in the population are suffering from these illnesses, leading to poor economic outcomes for the country. This is again a clear result of poor nutritional status maintained in early life.

¹ DHS and MRI data (including National Nutrition and Micronutrient Survey in Sri Lanka: 2022; ² National Nutrition Month data, FHB, 2019-2022; ³ Wickramasinghe et al, Ann of Hum Biol 2013; ⁴ Wickramasinghe et al, Pediatric Diabetes 2021;22:168-181; ⁵ de Silva et al, CMJ, 2006 ⁶ Freedman et al, (Bogalusa Heart study), Pediatrics 2001;108:712-8; ⁷ Wickramasinghe & Arambepola, BMC Pediatrics, 2023; ⁸ Samaranayake et al, J Dev Origin of Health and Disease 2022; ⁹ WHO, *NCD country profile*, 2018.

Combating malnutrition, under or overnutrition, is not a responsibility that falls singularly on a single party. The government, corporate sector, society, public and more importantly the individuals and their families are stakeholders. To combat malnutrition successfully, a life course approach with multisector involvement is importance.

Malnutrition is not purely an outcome of imbalance in providing nutrients, but more complex with many contributory factors. Psychosocial wellbeing, security, physical activity are some factors. Therefore, ensuring food security alone is not going to solve the problem of malnutrition. Provision of food in short run may correct many statistics. However, there is no assurance that it will ensure good health.

Furthermore, literature has shown that dynamics of growth and its outcome in local context or south Asian context differ from many that faced by the west. A better understanding of the local factors need to be done as dynamics of growth and patterns of growth are affected by geography and genetic make up. Ensuring good research is important to find solutions to many issues in a local context.

A multisectore approach taken in addressing the complex issue of malnutrition should be to

1. Ensure optimum growth
2. Improve food security
3. Improve environment and happiness
4. Provide adequate opportunities for physical activity

Ensuring optimum growth

Improve girl child's health

Today's girl child is tomorrow's mother. It is important to optimize adolescent growth spurt, the last window of opportunity for the girl child to increase its size which will help to nourish a healthy baby. Similarly, its important to look at prevention of obesity as an obese mother gives rise to an obese child. Furthermore, they have many psychosocial issues for which they have not got the opportunity to seek credible solutions.

Local adolescent care is somewhat in no man's land as paediatric care stops around 14 years and adult care begins at 18 years. No hospital in Sri Lanka has an adolescent ward and only very few are qualified to handle them. It's a group that need to be handled by a multidisciplinary team - adolescent health physician (paediatrician or physician), endocrinologist, psychiatrist/psychologist and a nutritionist, as the issues they face are multifaceted and proper care and counselling is a must. Such facilities have to be improved with ensured care.

Way forward: Established at least one adolescent care unit (separate male and female ward) for each province and ensured trained personal are involved in the care.

A female embarking with a sound nutritional status would have good pregnancy outcomes and in long term health of the child is also better. Strong programme to provide complete genetic counselling, prevention of infections through rubella vaccination, optimizing the nutritional status by both reducing wasting and overweight and controlling any NCD if present. Commencement of folate

supplementation preconceptionally or to make available folate fortified food and provide multiple micronutrient supplement has shown to be more effective during pregnancy and lactation².

Way forward: *Make compulsory that all newly married couples are registered at the MOH and could incorporate into the data base when registering the marriage by registrar of marriages. At that point all necessary advice as well as instructions could be provided and to adhere to them.*

Need to have research to identify the most appropriate combination of micronutrient supplementation and also provide the supplementation for the neediest on a case by case basis rather than having blanket programmes.

Growth Monitoring

The concept of first 1000 days of life beginning from conception to completion of second birthday, and its effect on determining future health is well accepted. Sri Lankan data shows its effects¹. Growth monitoring optimally happen during first two years of life. However, there after there is a gradual decline and during school ages the monitoring does not happen so efficiently.

Further there are some concerns of use of international growth monitoring tools on Asian populations and more research is needed to define better growth monitoring tools. Field staff has to be periodically trained and update their knowledge and skills.

Way Forward: *Continued growth monitoring is needed and probably with continued health record possibly to progress to an electronic version.*

Empower school children on these processors and ensure periodic assessments are done.

Fund local research on to understand the dynamics of growth of Sri Lankan children.

Food Security

Food Production in Sri Lanka

The overall carbohydrate intake in a Sri Lankan diet is high. Staple food of Sri Lanka is rice and there is sufficient cultivation to be self-sufficient. Although many alternative sources of carbohydrate are available, majority of the population heavily depends on rice for all three main meals, followed by wheat flour-based products which is an imported commodity.

The protein intake of children is poor and whatever protein is taken it is sourced by plant, which are not of the highest quality compared to animal protein.

Sri Lanka with diverse geography and climates enables to maintain diversity in its crops and cultivate almost throughout the year. However optimum utilization of land is not happening. Land provided for cultivation to individuals are also used for dwelling and small cultivations are invariably subjected to larger crop damages especially by pest invasion. Traditional good agricultural practices are slowly disappearing with heavy dependence on agrochemicals. Apart from agricultural land inland water tanks are under-utilized both in the form of water management as well as inland fisheries.

Home gardening is a form of promoting food production, but is only a complimentary method and moreover, it could help children to develop life skills rather than improving the nutrition to a greater

extent. Best is to promote communities to practice home gardening and each household to cultivate a limited number of crops which would provide less crop waste and help to share surplus with others.

Way forward:

Have clear distinction between cultivation land and inhabiting land which would help in minimizing crop wasted and maximizing soil conservation and crop preservation.

Maximum utilization of inland water tanks in the fisheries industry.

Providing technical support on home gardening through agriculture officers rather than only providing material support.

Empower and strengthen agricultural societies in the locality to take care of the activity .

Educate and guide public on use of alternative foods and create provide food recipes

Take steps to protect producers (farmers) but ensuring a market for their harvest (when in surplus) as much steps are taken to protect consumers during off season. Importation has to be done with caution to protect both consumer and producer.

Empower all strata of society with micro finance management skills. Embed modules on those in all programmes carried out irrespective of main objective of the programme is.

Food Distribution in Sri Lanka

Sri Lanka is not adopting cost effective food distribution strategies. The local produce is hardly distributed within the area but are collected to designated few economic centers and transported back. The local market is not well established. Transportation mainly happening via lorries, rather than on train increasing overheads. Use of poor food distribution methods leads to large scale food loss and waste. All these add on to the overheads leading to increase in prices ultimately born by the consumer.

Way forward:

Development of efficient food distribution mechanisms of food with the district and country and empower the agricultural societies to take a lead role not only in production but sale as well.

Food supplementation

Should happen during crisis situations only and almost always have to give priority for locally produce food items. Further, such recipients on basis of poverty (non in crisis) should engage in mandatory community service, for at least 2-3 days a week, at public places, such as at schools, hospitals, public places or government office, till they are out of that programme.

The human gut microbiome is shown to control a major part of the health and improving it is important. Therefore intake of locally produced food is important to feed the gut microbiome rather than using food alien to the locality/country.

School mid-day meal programme is an important programme that not only focused on improving nutritional status but also improves school attendance and its related outcomes. A carefully designed programme will benefit not only school children but local economies as well.

Way forward:

Provide mainly during crisis, using local produce. Beneficiaries of poverty elimination programmes should engaged in mandatory community services.

Strengthen the school mid-day meal programme after designing it thoughtfully.

Minimizing food loss and waste.

A major part of the agricultural produce is either lost in the field or wasted at different points in transportation to the end consumer. Furthermore, the surplus that occur in certain seasonal food especially fruits. Preservation of surplus food happens to a very low extent and especially industries such as canning, drying, or use as animal food, happens in a limited way. These industries need to be developed to reduce waste, and use surplus in off season thus maintain an uninterrupted supply of commodities at an affordable price.

Way forward:

Provide incentives to industry to use this excess produce into other forms of food preservation.

Marketing of Food and Non-Alcoholic Beverages to children

One of the major contributory factors to childhood obesity and micronutrient deficiency is influence of marketing of certain food to children poor in nutrient but rich in sugar, salt and fat. Apart from it causing malnutrition, these foods also lead to poor health in children and adults in long run. WHO has developed comprehensive guides and there are many local guidelines as well. However, there are short comings in implementing most of the available rules and regulations.

Way forwards:

Implementation of the existing rules and regulations and guidelines and legislature as well as inquire into areas that are deficient and develop required legislature as early as possible.

Creating a conducive environment

Socio, Economic, Political, and Emotion (SEPE) environment is important to maintain a child friendly atmosphere which will promote child growth and health. In today's context child's environment has expanded beyond physical environment to cyber space. The physical environment at home and school are dwindling fast due to unplanned changes in the landscape. This has led to poor physical activity development which affects child growth as well as long term health,.

Unregulated cyber environment as well as ill disciplined media culture exerts more harm on children than good. Addiction to screens has made children more sedentary, and less than 20% of four year old children in the country fulfill WHO recommended daily physical activity levels.

School curriculum and tuition culture has pushed children to develop a more recall knowledge based assessments which has blunted creativity and increased mental stress as well as physical stress in school children. Schools are environments that children's main society which is not well managed leading to be a stressful environment.

Way forward: *Create an activity based educational curriculum which promotes skill development.*

Maintain the recommended buildings to open space ratio at schools and also provide public recreational places

Provide proper training and accreditation process and regulate teaching profession as much as done for other leading professions.

Provide a prominent place for physical activity in daily living, at school (including curriculum) as well as home and society.

Strengthening Research

Sri Lanka for thousands of years had been a successful in agriculture and irrigation. Some of the well-developed techniques are looked down upon amidst the commercialization. While research related to child growth and its biology must be studied, it's very important that agricultural research occurs in both cultivation and improving harvesting as well as in animal husbandry and fisheries. Setting up and improving these.

Identify research priority area and have a national focal point in organizing each research activity for main areas such as medical, agriculture, food industry, dairy and animal husbandry etc. Provide opportunities for collaborations, ease out bureaucracy etc. These will help not only prevent duplication but also effective in utilization of resources.

Way forward: *Identify key areas of research, promote collaborations between local and international organizations, minimize red tape in administration of grants.*

Develop focal points to coordinate common research on identified important areas.



**Suggestions made by
Sri Lanka College of Paediatricians (SLCP)
regarding the prevention of Violence Against
Children**

- 1. Age for consent for medico-legal examination in children**
- 2. Prevention of corporal punishment in children**
- 3. Parenting Interventions in the Prevention of Violence
Against Children**



1. Age for consent for medico-legal examination in children

The UN Convention on the Rights of Child defines a Child as: “Every human being below the age of 18 years, unless under the law applicable to the child, the majority is attained earlier. According to Sri Lankan law, a person less than 18 years of age is considered a child whilst the legal age for consent for sex is 16 years. Based on the above legal factors and the consensus faced during the procedure of medico-legal examination of children who have faced violence, the Child Protection Committee of the SLCP along with the College of Child & Adolescent Psychiatrists concurred on the same decision of lowering the age for consent for medico-legal examination to 16 years of age.

The consent for medico-legal examination of a 16-year-old is only valid when he/she is of sound mind (intellectually normal child). On assessment, if a child is found to have a mental age below 16 years (although the chronological age is 16 years) parental consent should be obtained. On occasions where the child refuses to give her/his consent for examination consent should be obtained from the parents or legal guardian.

2. Prevention of corporal punishment in children

Corporal or physical punishment is defined by the UN Committee on the Rights of the Child as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light”. Instilling discipline in children is of utmost importance to achieve a healthy and well-balanced society. The method which is practiced instilling this discipline should not cause pain or discomfort to children which will result in a negative outcome in children.



The aim of disciplining children is to teach Right from wrong, teach them valuable skills, positive reinforcement behavior, resilience, emotion regulation, and conflict resolution skills in life. Corporal punishment **should be banned in homes, schools, and institutions in which children are gathered for activities, and Child Development Centers.**

The best way of disciplining children to help children is by examples set by responsible adults in day-to-day activities.

Parents should be taught about alternative methods of discipline instead of corporal punishment and positive parenting practices.

The alternative methods of disciplining children, in schools, are recommended by the Ministry of Education Circular Number 2005/17 dated 11.05.2005 states;

1. Organize curricular and extra-curricular activities in schools to prevent students from engaging in bad behaviors in school and teach them about the rules and regulations prevalent in schools. Do not allow and accept the wrong acts.
2. Be an example of good behavior and let them learn from good adult models.
3. If he/she does a wrong act, the decision regarding the punitive action to be taken should be made by a panel. The panel should include the principal. A child can be suspended for a maximum period of 2 weeks. The decision should be conveyed to the parents.
4. If the act is very wrong, depending on the seriousness of the act, the child can be transferred to another school, to the same grade with the approval of the Zonal/Provincial Director of Education. Every single act against the child should be recorded and kept in the school. This information should not be publicized in the school or outside the school.



Those alternative methods of discipline laid out by the Ministry of Education should be practiced and there should be a way of effective monitoring system for whether teachers adhere to these methods.

The other alternative method of discipline can be practiced in other places starting from home and other institutions.

1. Setting them penalties if they have not adhered to the plan of work -such as prohibiting them from watching the television unless he/she finishes the work or acts.
2. Withholding rewards -When they have done an act that is not acceptable such as not listening to parents or elder siblings.
3. Reward them with their good behaviors -explain him/her and provide something they like for the good act.
4. Parents should discuss their behaviors and explain the bad consequences of them in a caring hand while showing love and affection.
5. Give them additional responsibility or work for the bad behavior or wrong acts.
6. Time out technique.

The ways and methods that responsible adults should follow, and support society include.

1. Implementation and enforcement of laws regarding the prohibition of corporal punishment in schools, homes, and childcare institutions.
2. Aiming to increase awareness to perform as an educative act rather than a punitive act and shift the attitudes towards non-violent child rearing and clarifying the responsibilities of parents, and guardians in their caregiving role.



3. Educate adults regarding harmful social norms around childcare, rearing, and disciplining.
4. Education and life skill interventions to build a positive home environment and violent-free environment and strengthen relationships between parents, teachers, and other caregivers.
5. Parents and caregivers support through information and skill-building sessions to develop nurturing, non-violent parenting.

The most important action of all these responsible bodies is to arrange an effective monitoring system to ensure the sustainability of these programs and actions to ensure a healthy, safe, non-violent environment for the children.

3. Parenting Interventions in the Prevention of Violence Against Children

Parent support in the form of parenting interventions is an important and effective strategy to reduce child maltreatment. Child maltreatment occurs most frequently in the home environment at the hands of parents and other caregivers, although it is also prevalent in other settings such as schools and Child Development Centers where children are subject to adult authority. Parenting interventions strengthen the quality of parent-child relationships and help parents and caregivers develop alternatives to violent discipline.

Prevention of violence against children should have a life cycle approach and cover the layers in the socio-ecological model. Responsibility for preventing and responding to violence against children should be shared between the different ministries of the government sectors that can influence the underlying causes, and risk factors including



stakeholders, including government organizations such as health, education, social services, and non-governmental organizations.

The following areas are priorities in improving parenting capacity;

- Parenting and skills in parenting should start from the adolescent age group, providing them with adequate knowledge and capabilities.
- Identification of parental mental illnesses and maintaining a register of those parents to support them in nurturing their children with the support of social service officers.
- Implement measures to prevent domestic violence, and intimate partner violence which improves the children facing adverse childhood experiences that minimizes developmental trauma.
- The impact and negative outcome on children who have faced violence should be taught to parents in antenatal clinics, and immunization clinics by MOH service groups.
- The creation of parent support groups in the community and provide a hotline and panel of experts to discuss their problems.
- The planning of these programs should be done in a multisectoral manner with the involvement of all the stakeholders.

The Child Protection Committee of Sri Lanka College of Paediatricians already has started a campaign through private-public partnerships to empower preschool children and teachers to prevent possible violence against children.

SLCP is extremely happy to join hands to extend support to build capacities or provide technical support to develop an effective sustainable parenting program in Sri Lanka.



In addition to responding to the above three questions the members who represented the College would like to highlight the following:

The Child Protection Committee of SLCP has done several activities and work to provide better management of children who have faced violence.

1. Formulated a concept note on the Provision of Child Protection Services for Children who have Faced Violence (Annexure 1). To meet the objective of providing child protection services in the country in 2011, the Child Protection Committee of the Sri Lanka College of Paediatricians embarked on a project titled 'Creating Safe Communities for Children' (Annexure 1). Plan, Sri Lanka (a Non-governmental Organization) joined hands with SLCP to fund the project. agreed to fund the project.

The project had two objectives:

- Child Protection: The better management of children who have faced violence.
- Child Safeguarding: The primary prevention of violence against children (VAC).

2. The Sri Lanka College of Paediatricians and Plan Sri Lanka invited all stakeholders for several workshops and meetings to develop a national guideline for the management of children who had faced violence. Multi-disciplinary integration in the health sector and the multi-sectoral integration with other sectors that are involved in the management of children were invited for discussions based on the 'best interests of the child'. Roles and responsibilities of all sectors were defined. The final document titled "**National**



Guideline for the Management of Child Abuse and Neglect: A Multi-sectoral Approach

(Annexure 2), was launched officially by the Hon. Minister of Health on the 4th of December 2013, and an improved version was printed in September 2014. The stakeholders suggested that the guideline be piloted in the Gampaha District, prior to its dissemination island wide.

3. The Concept of Safe houses (Child Protection Units) in Health Institutions was proposed in December 2012, for the better management of these children, The Ministry of Health accepted the concept of 'Safe Houses in Health Institutions. As a response to that first safe house named *Lama Piyasa* was opened on the premises of Colombo North Teaching Hospital Ragama in 2015. The meaning of *Lama Piyasa*, is to imply 'the place where violence ends, and healing begins'. The objective was to pilot a safe house in the Gampaha District as part of the project of Creating Safe Communities for Children. *Lama Piyasa* is an in-house facility for children who have faced violence for their psychosocial rehabilitation, integration, and follow-up. The ward complex has facilities to accommodate 10 children.

Consultant Paediatricians, Consultant Child & Adolescent Psychiatrists/Adult Psychiatrists and Consultant Judicial Medical Officers from the Ministry of Health and the University provide services to the children. There are 6 nurses and 3 junior staff members. Other sectors childcare and probation, legal, education, and officers from the National Child Protection Authority (NCPA) are involved in the management. The follow-up for the respective child is arranged by the medical team and the community workers on discharge. In addition to the provision of better management in the facility, a Video Evidence Recording Unit (VERU) was also established to get the video evidence to support the children with undue delay in legal proceedings. The VERU facility is manned by officers from NCPA.



The recommendation of SLCP is to establish 8 other safe houses in health institutions in 8 other Provinces to provide better management for children who have faced violence. Once these units are established it is envisaged that they will become active hubs for networking and coordination of child protection activities with all stakeholders at Provincial level.

4. The Standard Operational Procedure (SOP) has already been handed over to the Ministry of Health to implement as a circular in all the Government hospitals for the better management of the children who have faced violence (Annexure 3).

SLCP is awaiting a process that expedites the release of this circular to be issued by the Ministry of Health.

ANNEXURE - 5

Recommendations and Suggestions from the College of Forensic Pathologists of Sri Lanka

As a College, we stand for the protection of children along with other stakeholders, adhering to a zero-tolerance policy for child abuse.

A. Minimizing the delay in submitting or locating relevant medical reports

There are three main steps where JMOs are held responsible during the process of delivering justice to children in all forms of child abuse.

1. Examining children at the time of production by the Police/ward.
2. Preparing the Medico-Legal Report (MLR) and sending it to the Court and the Attorney General's Department.
3. Attending courts for oral testimony.

Although we emphasized that this delay was not entirely due to the fault of the JMO, there are numerous reasons causing delays in medico-legal reports.

| Problem | Solution |
|--|---|
| 1. Some police officers do not send the request for the MLR to the relevant JMO on time. | Instruct all OIC's of all police stations to request the MLR from the relevant JMO within 2-4 weeks of examining the child. |
| 2. Delays in handing over summons to the JMO. | Ensure this delay is minimized by the courts and police. |
| 3. Incomplete summons. | Send summons with ALL relevant details. |
| 4. Sending summons to JMOs who have left the country for overseas training. | Hand over the summons to the officer covering up the work of the said JMO. This Officer can be traced through the Ministry of Health and the Attorney General's Department. |
| 5. Doctors in judicial service who suddenly leave the country without handing over the work in a proper manner | Send summons to the Director/Head of the Institution, who is responsible for the documents left in the hospital |
| 6. Lack of stenographers, computers, printers, toners etc | Provide all as soon as practicable. |

| | |
|--|---|
| 7. Overworked JMO's in some heavy work load stations. | Increase cadre positions |
| 8. Postponing taking oral evidence from JMO. | Give prior information to the JMO if evidence is not being taken. |
| 9. JMOs traveling very long distances to give oral evidence. | Evidence through platforms such as Zoom /Microsoft Team to be made admissible in court. |
| 10. Misplaced MLRs by police and courts, despite JMO receiving a receipt of receipt. | Judicial Service Commission: to address this and other relevant issues. Police: to collect the report from the JMO |
| 11. Cases dragging on for 10-15 years despite reports being sent by the JMO. | Identify the specific reasons on a case by case basis and prevent the same occurring in the future. |

Suggestions for improving and expediting procedures in the future

- 1. Create, annually update and maintain a database of doctors in judicial service** - Collect the contact data or email addresses of ALL doctors providing judicial services from the Ministry of Health, University Grants Commission.(Retired and demised doctors information also should be sought.) Create a database in the relevant police station or Attorney General's Department.
- 2. Summons/reports via digital technology-** Implement a provision to send summons/requests through a digital system and also receive medical reports on the same system.
- 3. Oral evidence via Zoom /Microsoft Teams** -Ensure that oral evidence is obtained through platforms such as Zoom or Microsoft Teams, enabling the testimony of distant or remote JMOs without requiring their physical presence.
- 4. District level meetings** - We encourage fostering potential collaboration and holding meetings at the local/district level with the Consultant JMO, police officers, probation officers, and designated individuals from the court or Attorney General's department on a regular basis [every two months]. The aim being to examine the causes of delays in implementing justice in cases of child abuse and to promptly identify viable solutions.
- 5. Notifying the Head of the Institution** - In rare occasions where the report is not sent despite confirmation of the JMO receiving the summons or request, promptly notify the Head of the institution, RDHS, Provincial Directors of Health Services, and ultimately the Director General of Health Services.
- 6. Digital database of Child Abuse cases with live updates** - This will enable all relevant stakeholders to monitor the progress in real time,

B. Age limits for consented sexual intercourse, medico-legal examinations and the administration of contraception

As 16 years is the legal age of consent for sexual intercourse as stipulated by the country's law (under section 363 of the Penal Code), we recommend maintaining the same age for consensual sexual intercourse, medico-legal examinations and the administration of contraception.

We are aware that the insertion of contraception below the age of 16 is permitted on a case-by-case basis, as specified in the circular issued by the Attorney General's Department and endorsed by the Ministry of Health. However, we encourage other stakeholders to uphold the age of 16 in all possible circumstances for contraception.

C. Eliminating Corporal Punishment: Upholding the Law to Protect Students

We recommend that corporal punishment should be abolished and strictly aligned with the laws of the country.

The misuse of corporal punishment for disciplining students by teachers, parents, or guardians, with exceptions proposed by other stakeholders, can create a loophole for abusers who might receive legal protection under the law.

"At the Council Meeting held on 19/08/2023, a decision was made to establish a committee comprising council members from the CFPSL. This committee has been tasked with making submissions to the 'Committee to Study and Make Recommendations for the Protection of Children' (President's Task Force) in order to address the mentioned issues."

Dr, S. P. A. Hewage

President

College of Forensic Pathologists of Sri Lanka

Dr. Prasanna Appuhamy & Dr. S. Raveendran

Joint Secretaries

College of Forensic Pathologists of Sri Lanka

ANNEXURE - 6



SRI LANKA COLLEGE OF CHILD AND ADOLESCENT PSYCHIATRISTS

Established in 2015
Email: slccapsych@gmail.com

PATRON

Emeritus Prof Hemamali Perera

PAST PRESIDENTS

Dr Swarna Wijetunge
Dr Sudarshi Seneviratne
Dr Wajantha Kotalawala
Dr Udena Attygalle
Dr Dulangi Dahanayake

PRESIDENT

Prof Miyuru Chandradasa

VICE PRESIDENT

Dr Darshani Hettiarachchi

PRESIDENT-ELECT

Dr Anuradha Herath

SECRETARY

Dr Samindi Samarawickrama

ASSISTANT SECRETARY

Dr Wishva Uduwage

TREASURER

Dr Lakshini Wickramasinghe

ASSISTANT TREASURER

Dr Senani Wijetunge

EDITOR

Dr Nilanja Warsapperuma

ASSISTANT EDITOR

Dr Madona Sriskandarajah

PUBLIC RELATIONS OFFICER

Dr Prabha Vidyathilake

COMMITTEE MEMBERS

Dr Swarna Wijetunge
Dr Ianthica Medagama
Dr T Gadambanathan
Dr Malika Weerasinghe
Dr Wajantha Kotalawala

7th September 2023

Chairperson

Committee to Study and Make Recommendations for the Protection of Children

Presidential Secretariat – Sri Lanka

Dear Madam,

Recommendations on the protection of Sri Lankan children by the Sri Lanka College of Child & Adolescent Psychiatrists

A child and adolescent psychiatrist is a medical specialist with extensive and advanced training in children and adolescents' emotional, behavioural and learning issues (birth to 20 years). The Sri Lanka College of Child and Adolescent Psychiatrists comprises all child and adolescent psychiatrists working in Sri Lanka.

Please find the attached document with our recommendations.

Thank you.

Faithfully,

Prof Miyuru Chandradasa MBBS MD MRCPsych

President - Sri Lanka College of Child & Adolescent Psychiatrists

Contact Address:

Prof Miyuru Chandradasa, Department of Psychiatry, Faculty of Medicine, University of Kelaniya, Ragama.



1.0 Psychological development of the child

1.1 Multi-system interactions in the development of the child.

The child's development is seen as a product of multi-system interactions. These systems will work synergistically to improve the child's developmental trajectory and outcome.

The parent's educational and employment status and multiple other factors will determine the child's outcome. It must be appreciated herein that the lower the socio-economic status, the greater the negative socio-relational aspects that would be magnetised to the child subsystem, including poor nutrition, poorer schooling/academic options, and poorer quality of parenting and social influences. Further, within larger socio-political constructs, any adverse effect would spill down to the child with more force, as parental protective factors are less capable of containing the child subsystem. These children are most vulnerable to maltreatment and violence, learning loss at times of crisis, early school dropouts, substance misuse, and early adolescent sexual encounters/teenage pregnancies, among others. Herein, vulnerability creates more significant synergistic effects upon the child's outcomes, as opposed to fewer or none within intact, empowered and skilled parental systems capable of providing safety and containment.

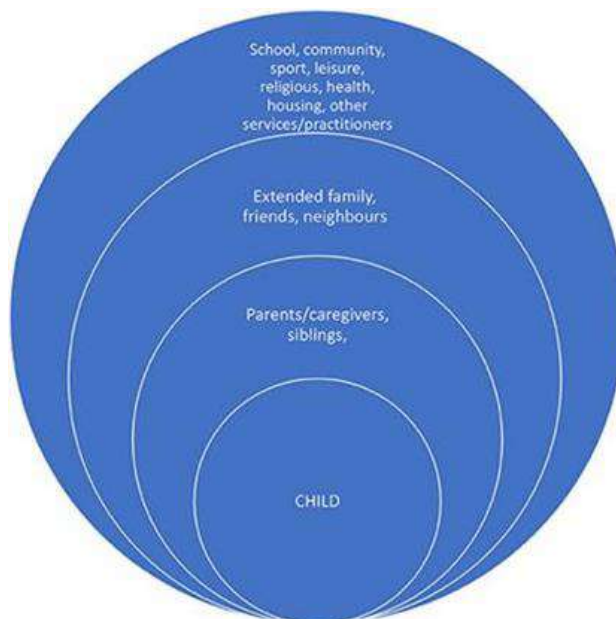


Figure: A conceptual representation of the system interactions



1.2 The child's emotional, relational, and psychological development in a nutshell

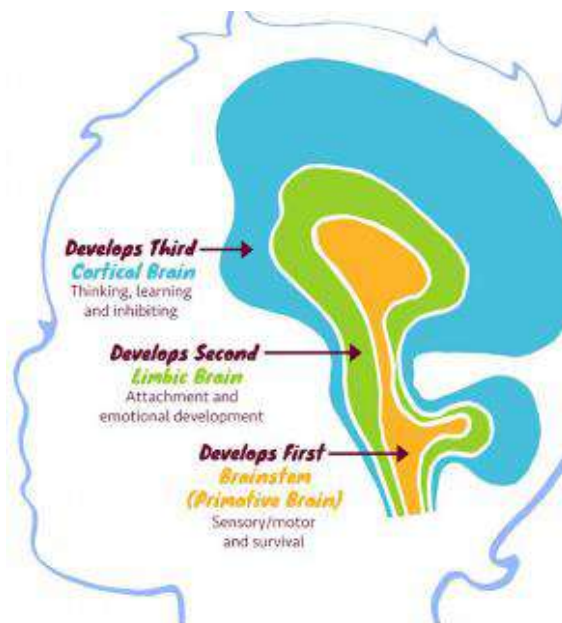
The child's emotional and relational development begins with brain development in pre-natal life. Mother's mental distress will spill down onto the baby during the pregnancy, and any traumas the mother has undergone shall also be handed over during the pre-natal life via epigenetics.

1.2.1 Infant Mental Health

During infancy, attachment (an evolutionary and neurobiological process driven by the need for survival as any other animal) will lay the template for the emotional and social (relational) development and the child's psychological development, determining the future personality structure. For this process to occur, the person in the mothering role must be attuned to the infant to co-regulate the internal brain processes that govern attachment and other developmental processes.

The construct of Infant Mental Health is an intensely studied realm in child and adolescent mental health across the globe and is highly important, as the most significant rate of neuronal development occurs during this period.

Figure: Co-regulated brain with the caregiver: Optimum development





1.2.2. Further Child Development and the Family System

A safe and secure relational system (family system) is essential for the growing child's optimum development.

The relational constructs are changing in Sri Lanka, with the social structures and dynamics changing across the last century. The change in dynamics would directly affect the child population as the relational system appears more unstable currently, with single parenting, social isolation, and the breakdown of extended family systems being important systemic factors. Further to the same, regarding the female, the mothering role has become highly challenged, where many females are currently employed; however, her core roles and responsibilities have not changed and are not being supported, especially by the larger systems (i.e., state).

The parent is a larger, wiser and kinder figure who helps the child to regulate. The parent's capacity to mentalise and be reflective creates the space for the child to develop optimally within the emotional relational developmental domains. This further requires an age-appropriate limit setting.

Safety is the most significant construct for a child's emotional and relational development. The brain growing within such systems is well orchestrated, emotionally regulated, and able to relate to others, explore and learn.

1.2.3 Larger systems and culture – Sri Lanka

The Sri Lankan cultural connotations largely shape the child's development as it infuses via the parents, school and society. The media play a prominent role herein, too.

It must be understood that the Sri Lankan culture shaped parenting across millennia. The marriage construct was based upon the need for stability; the at-home mother held the mothering role, and the child system was nurtured and dependent upon the parents till adulthood. The Collective responsibility of child-rearing was more significant within the culture. Over the last century, massive structural and dynamic changes occurred within the relational system and communities. Nevertheless, the indices that spoke volumes of adolescent health continued to be encouraging. This included significantly low levels of adolescent sexual encounters (evidence points that sexual intercourse at an age less than 16 is associated with poorer outcomes for the individual), markedly less teenage substance use, and lower divorce rates.

Hence, it is noteworthy to identify positive culture-specific parenting styles and customs within Sri Lanka that would continue to hold the family systems together and bring safety and protection to the child. Current changes and advances in parenting result from research carried out mainly in the Western civilisation. Differences in parenting styles without a longitudinal understanding of the same in our population could bring in more considerable harm and burden across time that may be irreparable.



2.0 Violence towards the child

Authors would like to equate violence to children to any form of relational trauma occurring to the brain, as the neurobiological, emotional, relational and psychological effects are non-distinguishable. The products arising from violence/relational trauma can be broadly classified as ‘developmental trauma’, which occurs within a spectrum. The younger the onset, the more intense, with a longer duration of exposure, with multiple adversities occurring during the child’s life, would be some factors that would define the neurobiological and psychological effects upon the child.

2.1 Pre-natal life: Pre-natal stress-induced effects

The underlying neurobiological changes in pre-natal exposure to maternal distress are depicted below.

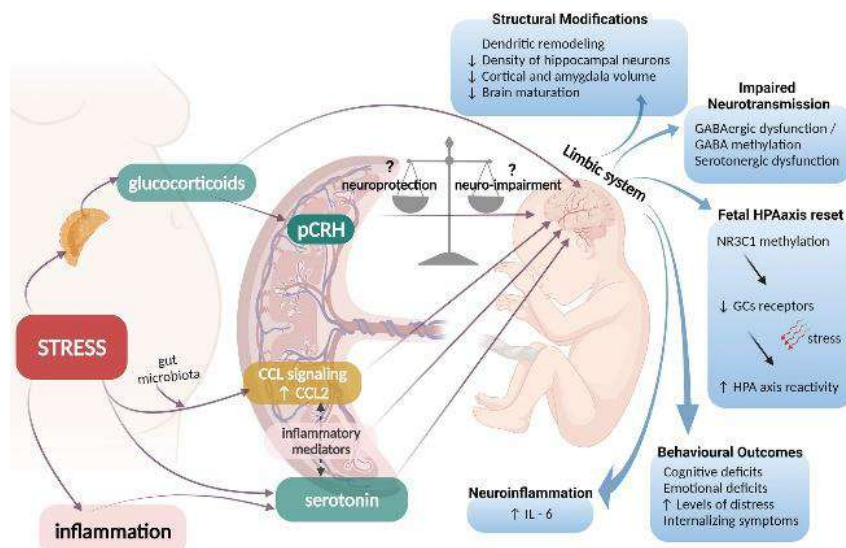


Figure: Pre-natal maternal stress on the foetal brain

2.2 Trauma to Infant, child and adolescent

The most significant trauma shall come to a child when the trauma comes from a close relational figure, i.e., a parent. The following purviews in developmental trauma are relayed to discuss interventions.

2.2.1 Attachment Disruption within Infant Mental Health

Characteristic pathological brain changes occur in children when the attachment process is highly disrupted by caregiver interaction. These children, if they do not receive contained



SRI LANKA COLLEGE OF CHILD AND ADOLESCENT PSYCHIATRISTS

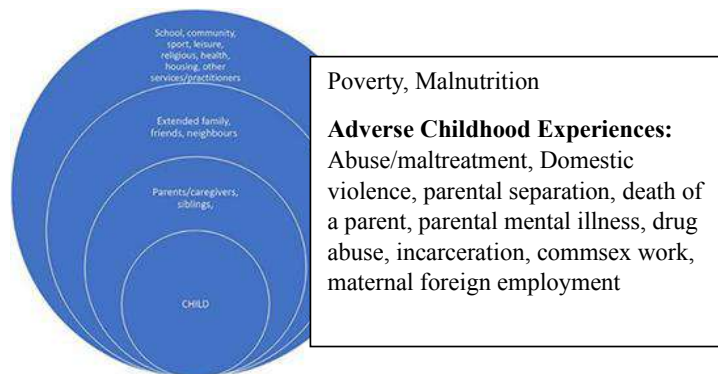
parenting later, will have significant difficulties in emotional regulation, interpersonal problems, personality disorders and passage of trauma to the next generation, among many other ill effects.

2.2.2 Concept of Adverse Childhood Experiences (ACEs) and Developmental Trauma

Adverse Childhood Experiences (ACE)

As within the below conceptual representations, the addition of each adverse life experience synergistically increases the degree of trauma response in the brain and body of the child. As each negative life experience unfolds in a child's life, an arrest of a certain degree in the development occurs in addition to the threat/stress response that would continue to overlay the child's development.

Concept of ACES



ADVERSE CHILDHOOD EXPERIENCES INCLUDE:



ADVERSE CHILDHOOD EXPERIENCES HAVE BEEN LINKED TO:



Figure 5: Adverse Childhood Experiences and Adverse Community Environments defining the outcomes for the child.

Figure: The brain in survival has little capacity to regulate, explore and learn



SRI LANKA COLLEGE OF CHILD AND ADOLESCENT PSYCHIATRISTS

A child or adolescent with ACES has changes to their brain development. Brain development focuses more on safety as the most primordial need has not been met. Such a brain would struggle to learn, explore, focus on attention to work/study, self-regulate, and healthily relate to others. These children will have adverse outcomes of child maltreatment, early sexual encounters, learning loss, school drop dropouts, substance misuse and overall poor life outcomes. They are at risk for lifelong health and behavioural problems, such as cancer, stroke, and depression. The greatest malady is when trauma passes across to the next generation.

The number of children and adolescents within ACEs of significance is unknown in Sri Lanka. With past crises affecting large socio-economic groups, it is prudent to deliberate that the masses have plummeted into poverty. With the same magnetises, many other adversities to the family system, including a parent leaving for foreign employment (especially mothers exiting), more significant learning loss, school dropout and poorer academic outcomes, substance misuse, and early adolescent sexual encounters, to name a few.

Within the context of school dropouts, over 300,000 enter grade 1, and over 100,000 are dropped out after O/Ls having received negligible skills for a livelihood (including overall life skills), parenting skills, where they would have no capacity to go beyond survival despite having had ten years of formal education. These adolescents, who receive no supervision or guidance towards their future lives, would have adverse life experiences spilling onto their offspring. Most of these adolescents are likely to have received ACEs within their community to the least. School dropouts have been a recent concern following the COVID pandemic and the crisis. Authors have received many children in their care who have experienced aces and have had difficulties reintegrating them into school due to significant learning loss and other family concerns.

It should be noted herein that sexual encounters before 16 years have been found to have adverse outcomes for adolescents by a large WHO-collaborated study involving five developed countries.

It is the author's experience that, although all needed state services exist (Probation and Childcare Department, NCPA, Regional Services at the District Secretariat, Child and Women's desk within police departments), the systems are highly disintegrated and mostly not capable of providing with smooth transitioning of care and follow up. The authors hardly receive feedback from the services unless they are pushed to do so. The childcare services at the national and regional levels do not collaborate, thus leading to fragmentation and poor outcomes for the child. The school systems do not have a consistent methodology to report child adversities, which would need interventions according to the authors' experiences. The school administrators are unaware of legislation and care pathways available for traumatised children. The most significant concern is that the multiple childcare service units are highly fragmented, with a poor understanding of their boundaries, transitioning of care, follow-ups and collaboration with other state services. The lack of a model of care pathway according to the trauma burden and risk to the child is a further concern.

Hence, the overarching need for evidence-based solutions to reduce exposure to ACEs, screening for ACEs at the community and school level, addressing the impacts of those experiences, and investing in preventive health care and mental health, including healthy parenting, is of paramount importance to reduce the health/financial burden across generations.



SRI LANKA COLLEGE OF CHILD AND ADOLESCENT PSYCHIATRISTS

Further to the same, focus on trauma-informed care for children and families. Identify best practices for developing care pathways, development of legislations, and funding for training in trauma-informed best practices.

3.0 Interventions at focus

Reduce exposure to ACEs (Adverse Childhood Experiences)

An in-depth understanding of ACEs the child brings in the first steps towards preventing ACEs. This begins with Policymaking, which would trickle down to the masses.

All the above-stated factors would directly affect the outcome of the adolescent who leaves school confidently towards furthering their life and occupational skills. This solid template will provide the structure upon the family system to be built, whereby the borne child is a product of a loving marriage, well supported by both parents, who are equipped to deal with adversities in life. The larger systems must be able to hold the mothering role and other support systems for the best outcomes for the child.

A well-integrated and collaborated state service structure, which would identify the constructs of ACEs, would work in unison to support disintegrating family systems early to bring in support to strengthen and realign towards optimising child outcomes.

Screening for ACES

A methodology should be devised where each child in the state is screened periodically for ACEs, and interventions are developed according to the degree of trauma exposure. This includes addressing all systems the child interacts with, with the available resources. Most importantly, strengthening the family system when capable while providing safety and containment to the child.

Each child within the education system must be identified in their academic trajectory based on computation and interventions devised according to same, where no child would leave the education system without life skills and skills for a livelihood.

Skills for children and adolescents

Parenting skills must be taught before the adolescent leaves school.

Developing body awareness

Mind awareness, including mentalisation and reflective capacity skills, begins at primary school.

Sexuality education according to age, decisions on sexual relations, having children, and contraception. Herein, age /developmentally appropriate-content must be provided within the cultural framework.

Particular focus on strengthening the female child in independent living.

For the current parent population



SRI LANKA COLLEGE OF CHILD AND ADOLESCENT PSYCHIATRISTS

A National strategy must be brought towards education in healthy parenting, including constructs in infant mental health. To bear in mind to identify existing parental systems that may be positive within the culture providing safety and protection to the child.

Mandatory maternity or paternity leave: Identify mothers who can be in the workforce but opt to become stay-at-home mothers. The authors propose a national strategy where mothers or caregivers can have flexible work hours. This would likely bring in a larger workforce nationally and certainly more stress-free, content mothers. Significantly, the safety and availability of a parent figure can be strengthened for the children.

Secondary prevention

All females with major psychiatric illnesses: planning pregnancy, & postpartum, developing mothering skills, mobilising supports.

Increased surveillance in pregnancy and infancy in identifying mental health indices, including the presence of likely ACEs to the infant/child in the family system and community. Early detection of depression in the first year and identifying vulnerable for same during pregnancy/pre-pregnancy,

Addressing impacts

The authors propose a unified division consisting of child protection services, including probation services, NCPA, police, health services, and regional services to each district, to bring forth a team to be mobilised when child protection concerns are received from any source. The presence of a unit consisting of all relevant officials will prevent the current disruptions to care in collaborating and integrating the services and providing the best interest towards the child.

The unit should be trained to address the urgency and the scope of intervention towards the child, whereby significant delays and mismanagement are avoided.

Trauma-focused care for all children and adolescents in out-of-home care services and particular focus during pregnancy and postpartum, including developing mothering skills.

4.0 Immediate actions to be taken

- 1) Appoint school counsellors to every/close-by school: arrange for the counsellors to obtain training from consultant child and adolescent psychiatrists periodically.
- 2) Implement measures to control media depictions of violence, including suicides.
- 3) Include parenting in the health curriculum of middle and upper school education.
- 4) Include comprehensive sexuality education in the health curriculum of middle and upper school education.
- 5) Bring/strengthen legislature to ban corporal punishment
- 6) Allocate time on government and private electronic media for child and teen mental health promotion

ANNEXURE - 7

| | | | | |
|--|------------------------------|---|---|-------------------|
| දුරකථන (සාමාන්‍ය) தொலைபேசி (பொது) Telephone (Common) | 0112 696 677 0112 681 309 |   | අපගේ අංකය எனது இல Our Ref. No. | FHB/AYH/Let-01/20 |
| දුරකථන (අධ්‍යක්ෂ) தொலைபேசி (பணிப்பாளர்) Telephone (Director) | 0112 696 508 | | ඔබේ අංකය உமது இல Your Ref. No. | |
| ෆැක්ස් பெக்ஸ் Fax | 0112 690 790 | குடியை முகவரி Address | 231, ද සේරම් ප්ලේස්, கைலாசி 10, 231, ஊ சேரம் பிளேஸ், கொழும்பு 10, 231, De Seram Place, Colombo 10. | |
| විද්‍යුත් තැපෑල மின்னஞ்சல் Email | director@fhb.health.gov.lk | පවුල් සෞඛ්‍ය කාර්යාංශය සෞඛ්‍ය අමාත්‍යාංශය குடும்ப சுகாதார பணியகம் சுகாதார அமைச்சு Family Health Bureau Ministry of Health | | |
| වෙබ් අඩවිය இணையத்தளம் Website | fhb.health.gov.lk | දිනය திகதி Date | 24/08/2023 | |

President/Secretary of the Committee to study and make recommendations for the protection of Children

Recommendations by the Family Health Bureau

In accordance with the discussions held during the meeting on August 17th, we are pleased to present recommendations of the Family Health Bureau, Ministry of Health aimed at ensuring the protection of children.

1. Establish a mechanism to ensure safety in school hostels, in religion-based educational institutes (ie: pirivena, etc.) and other institutions for children
2. Establish a mechanism to provide secure day care facilities and school hostels for children identified as being at risk of abuse at home
3. Maintain adolescent friendly and confidential healthcare services as per international and national standards:
 - Hon. Attorney General has provided legal waiver (letter no E-100/2014 dated 26.01.2015) for healthcare providers to provide sexual and reproductive services for needy adolescents adhering to the principles of best interest of the child, adhering to case-by-case evaluation, with parental consent as appropriate.
 - Accordingly supportive guidelines, circulars were released and staff were trained which has led to a notable decrease in teenage pregnancies and maternal mortality among teenagers – **ensuring their survival rights.**
 - It is imperative that any legal reforms should ensure these established provisions and avoid any impediment on the seamless provision of sexual and reproductive health services for needy adolescents adhering to Convention on the Rights of the Child directives (CRC).
 - *The Convention on the Rights of the Child strongly protects children's right to access sexual and reproductive health services and their rights to substantive equality and nondiscrimination. The CRC Committee has urged states to "ensure that health systems and services are able to meet the **specific sexual and reproductive health needs of adolescents.**" In this regard, the CRC Committee has made clear that adolescents should have access to the **full range of sexual and reproductive health services***

4. Cybersecurity Legislation: Evaluate, enact, and implement legislation to protect the children and adolescents from cyber violence and related harassments in cyber space (CRC article no 34 general comment 25).

6. Provisions for continuing formal school education for pregnant adolescent girls: Ensure equal educational opportunities for pregnant adolescent girls, without any form of discrimination.

- They should be offered the support to continue their formal school education after delivery of the child/ pregnancy period.
- CRC reiterates every child has the right to an education, Sri Lankan Constitution highlights of the right to universal and equal access to education at all levels **to all persons**

7. Address Staffing Vacancies: Address the human resource needs in the curative and preventive health sector particularly public health midwives and to provide them with adequate resources to function optimally. Further it is needed to provide needy human resource needs of National Child Protection Authority to respond to the complaints timely and effectively. There is a dire need to improve the efficiency in responding to complaints reported to NCPA Hotline.

8. Establishment of child friendly courts – at least 1 per province as early as possible to facilitate child to establish a child friendly judiciary system. And to take actions to prevent long delays in clearing the judicial cases.

9. Making regulations on mandatory recruitment criteria to obtain police clearance in recruiting staff (teachers and other officers who will work with children) that they did not have any history of been perpetrators of child abuse in any form.

10. Regular capacity building and scrutinized monitoring and evaluation systems for Officers in Charge/matrons of child care institutions to facilitate child friendly environment in institutions.

8. Multisector Committee for School Dropouts:

- Establish /strengthen multidisciplinary committees at the divisional level to monitor and facilitate the reintegration of school dropouts.
- These committees should work to provide vocational training and re-enroll students into educational institutions.
- Education sector to focus on prevention of school dropout due to the fact that students are weaker in academic activities by ensuring that they can access vocational training through school system
- Install governance systems with District secretariat and Provincial secretaries to ensure this activity is happening at Divisional level.

9. Support for children without mothering person as a caregiver: i.e.: establish foster parenting schemes

- Provide protection for children in situations where they lack a traditional caregiving figure, such as when a mother is absent or deceased.
- This protection should extend to children in correctional, religious, and educational institutions.

10. Legislation reforms: Reform laws to accommodate medical termination of pregnancy to safeguard the rights of sexually abused children – who becomes pregnant after the rape and to prevent genital mutilation. Country to have one law for age for marriage having only 18 years as the age of marriage

Thank you for your attention to these crucial matters unattended for a long period.


.....

Director/Maternal and Child Health
Family Health Bureau

Dr. Githamsias de Silva
MBBS, MSc, MD Community Medicine
Director Maternal and Child Health
Family Health Bureau

Getting to Better –Diyanath Samarasinghe

CHAPTER 3 - CHILDREN FACING COURTS OF LAW

A great deal of avoidable distress is caused to children caught up in legal proceedings. The physical court appearance is usually a relatively brief episode in a series of events, often stressful, that occur before and after. A big difficulty even for powerful adults who face court proceedings is that they suddenly find themselves powerless. Children are rendered quite helpless. Most children do seem somehow to come through apparently unharmed. But a fair number may not.

Careful, systematic and sustained measures have already been put in place to better protect children in this situation. The stresses and deprivations faced by children forced to deal with police, probation, courts and legally enforced incarceration have diminished considerably and steadily in the last few decades. We have to thank the committed people who have brought about these institutional changes.

While we encourage and applaud such systemic measures, we may also try to improve things further. We can, say, start by examining how a single court, police station or probation office can become more 'child- friendly', as it were. Similarly, an individual attached to any of these settings may try to improve things using her own initiative.

Possibilities

Considering the most pressing needs of children caught up in legal proceedings is a good way to start. Access to parents or other familiar adults is probably the greatest need. Children taken over by the law- enforcement system generally lose contact with family or regular guardians. This may be more common when the parents are poor - and have no way to take steps of their own to get access to their child. High in the list of needs of children caught up with the law is therefore the need for some form of consistent support from caring adults- ideally from among those previously closest to her.

How may we provide such support? We can start by exploring ways to provide more regular access to parents or other previous care givers, for children taken away from them. If that is impossible, we may try to organize regular contact with a caring adult who is not part of the enforcement process, such as police and probation services. Some other government officer may be a feasible option.

The number of children uprooted from their nom settings due to encounters with law enforcers is not large. Each Divisional Secretariat area will have very few children facing this predicament in any given year. A local arrangement can be organized to have a relevant officer unconnected to law enforcement proceedings-nominated to look after the interests of any child from that area, who is moved out of his regular home. This officer can then function as the child's officially nominated protector. Ideally a person already known to and nominated by the child can be arranged to fulfil this 'regular visitor' role.

As soon as child is to face police or probation services, an 'official visitor' can be designated and that person too can be permitted to go along with the child to wherever she is taken for questioning, examination, recording statements or whatever else. The role of this visitor is to befriend the child, explain what is happening and provide for needs that the rest of the system is not geared to provide - or indeed to notice. Hunger. thirst. fear of sleeping beside an unknown adult. not being able to

communicate with loved ones, not knowing what is to happen the next day and so on can more easily be dealt with through this regular adult support person.

The foregoing is an example of how we can think of meeting a currently unmet need. There are other needs that may similarly be met through similar measures. A tabulated list of such needs and possible responses follows. These are only examples, to provide ideas.

Summary of Suggested Measures

1. Giving the child as much control as possible, over what happens

| Background issue/ need | Potential responses |
|---|---|
| Powerlessness or lack of control over life circumstances is bad for anybody - child or adult. An extreme form of it is when a child does not even understand what is happening to her, or know what is due to happen next - as often happens when she is involved in law enforcement proceedings. | <p>1.1 Creating sensitivity to the fact that the child should be given as much opportunity as possible to voice likes, dislikes, needs and fears should help. This applies to events throughout enforcement proceedings and not only to court appearances.</p> <p>1.2 A small pamphlet reminding staff to consider how the child they are dealing with is feeling and reacting (for example, whether confused by what is happening, terrified, hungry, in need of emptying an overfull bladder or grieving the absence of loved ones) May be useful.</p> <p>1.3 A checklist of things that staff in police and probation services should attend to when dealing with a child, to be displayed prominently, should help.</p> <p>1.4 Some form of age - appropriate pamphlet or other means to educate the child on how to ask for her needs, whom to speak to about any fears or worries and how to deal with any difficulties or prevent certain known and common problems may be helpful. This should also help reduce uncertainty and prepare her for what's due next.</p> <p>1.5 Setting up formal opportunities, during the various questionings and other proceedings for the child to express desires and fears can be tried. A questionnaire too may be used. It can be used to voice grievances, fears, wishes and desires.</p> |

2. Reducing vulnerability

| Background issue/ need | Potential responses |
|---|--|
| <p>Children are more vulnerable than adults and the poor more than the less-poor.</p> <p>Vulnerability can lead to various forms of exploitation, abuse and other harm.</p> <p>A sense of vulnerability, per se, is harmful in that it generates further anxiety.</p> <p>Halls of justice are designed to serve their primary purpose - which is not the provision of children's needs. Nor are police, probation, prisons and certified schools designed and run with the comfort and protection of children as a major aim.</p> | <p>2.1 We can try to arrange special steps to reduce vulnerability, wherever children face enforcement authorities - especially when they are detained overnight.</p> <p>2.2 Getting periodic verbal or written comments from the child about physical facilities, other living arrangements, who he has to sleep next to, what he misses and the like can be organized. Simply asking whether he'd like a change of arrangements can help.</p> <p>2.3 In settings where many children are detained together for extended periods, a regular system for anonymous reporting to a visiting authority can bring hidden problems to light.</p> <p>2.4 Other ways to create opportunities for children in legal custody to voice concerns and fears should be pursued. Concerned lay persons have a major potential role here.</p> |

3. Helping reduce stresses associated with facing enforcement proceedings

| Background issue/ need | Potential responses |
|---|--|
| <p>Anxiety insecurity and uncertainty over what will happen next are to be expected in children caught up in law enforcement proceedings. The harm from these is worse for children not only because they are weaker but also because they are still growing and developing. Harms are likely to be persistent.</p> <p>It is easy to forget that all children are not equally mature or equally resilient - and that each child is unique.</p> <p>Chronological age is only one measure of maturity. There is intellectual maturity as well as emotional maturity that also matter.</p> | <p>3.1 The use of CCTV coverage children's dealings with police, probation and residential setting staff can be of immense help. There are potential negatives of this measure that need to be considered. It is also likely to be strongly resisted.</p> <p>3.2 The child's time in court, if any, is only a small part of a long haul of difficulties that precede and follow the brief court appearance. Greater attention is needed to get feedback from children about their experiences with police probation and other staff.</p> <p>3.3 Where children are subject to cross-examination, it may be feasible to create profession-wide sensitivity among members of the legal profession on avoiding harassment of child witnesses as a means of getting an</p> |

| | |
|--|--|
| Responses of children who are fearful or grieving can easily be misunderstood as rebelliousness. This applies mostly during police proceedings (especially when the child is alleged to be an offender) - e.g., not answering questions due to fear or not knowing how to respond. | <p>acquittal of a client.</p> <p>3.4. Children probably respond with less fear to women police (and probation) staff. Making this part of universal practice is worth promoting.</p> <p>3.5 Establishing a designated individual 'child visitor' for every child who is taken into legal custody is a measure that can help ameliorate many of the problems listed in this paper. (See details under subject 6.3 page 44).</p> |
|--|--|

4. Helping children handle emotional reactions such as sadness, anger, guilt, hopelessness and fear.

| Background issue / need | Potential responses |
|--|---|
| <p>When children are traumatized or abused or exposed to losses they need to have the rights conditions for physical and psychological healing and recovery. Most children then adjust and cope with their traumatic experiences. But some fail to cope and show evidence of this failure. Such children need to be noticed and provided special help.</p> <p>The priority of 'law enforcers' may be to convict an offender. The law enforcement proceedings can often cause much added trauma to child witnesses. When a child is labelled, pointed at , seen as complicit or questioned harshly by counsel there is further trauma. Even adult rape victims are reluctant to report offences because of such unpleasant consequences. The persistent damaging effect on a child is of much higher order.</p> | <p>4.1 The less resilient or more seriously traumatized children taken out of their natural settings may need special help. Officers dealing with children have to be informed that a child who appears unusually withdrawn, sad, angry or not eating or sleeping properly probably requires more than usual kind of care.</p> <p>4.2 Providing training for officials, on how all children who come before them can be handled in ways that minimize distress and long term harm, can be helpful.</p> <p>4.3 Establishing a designated individual ' child visitor' for each child – mentioned under the preceding subject as well –should help prevent and also ameliorate stress reactions that the more sensitive children experience.</p> |

5. Experiencing 'normalcy'

| Background issue / need | Potential responses |
|--|--|
| <p>Children 'normally' play, attend school, interact with parents and other caring adults, learn, read, pursue other leisure activities and have reliable routines that allow them to anticipate what will happen next day and next week. They can also influence , to different degrees, the adults that they have to deal with – to seek what they like and avoid what they don't like.</p> <p>Children who are detained by legal force in</p> | <p>5.1 Consciousness of the needs for normalcy should be made part of settings where children are detained short or long term.</p> <p>5.2 Contact with previous loved ones has to be arranged with all possible vigour. Different options can be tried out to achieve this.</p> <p>5.3 Forcibly placing children in under-staffed and under- resourced settings that deprive them of the most basic childhood needs should be seen</p> |

| | |
|---|--|
| <p>settings such as certified schools, remand homes or other locations often have none of the things and privileges that they previously had.</p> <p>Children may also get pushed into institutions when parents die, fail to care or choose to dodge their responsibilities.</p> <p>There may be a tendency to push for an institutional option in such circumstances, as some officials too may see it as an easy way out. Such children too face similar deprivations, though they may not always have to face a court of law.</p> | <p>as a form of child abuse.</p> <p>5.4 Certified 'schools' and other institutions of child incarceration should have in place a system for regular formal unannounced inspections. Feasible practical arrangements should be designed for family and friends also to visit the child regularly.</p> <p>5.5 Designated official visitors should bring to the notice of staff any shortcomings that must be rectified. Authorities beyond the institutions should be notified if remedies agreed are not implemented. But staff in places of child detention should not be unfairly scapegoated for problems arising from inadequacies in numbers and other resources.</p> <p>5.6 Means have to be set up to prevent children in places of detention being victimized or bullied by fellow inmates who are stronger, or organized to prey upon others.</p> <p>5.7 The use of CCTV cameras can help. But there is a risk that this can become an intrusion on the privacy of the incarcerated children.</p> <p>5.8 The arrangement of having a designated personal 'child visitor' for each child – mentioned previously regarding children facing courts of law – should be of great benefit in these custodial settings too.</p> |
|---|--|

6. Providing secure links with caring, responsive adults

| Background issue / need | Potential responses |
|---|---|
| <p>Healthy development and optimal wellbeing of a child requires secure, responsive relationships with loving, capable and caring adults. When children are wrenched out of their usual settings, they lose the link with parents or others who fulfill this role of emotional and physical provider and protector. Healthy emotional growth requires a consistent link with such an adult or adults.</p> | <p>6.1 In most cases, connection with parents or guardians is the best way to secure protection and care for children facing law enforcement proceedings. Creative means for providing continued contact with parents can be designed.</p> <p>6.2 Where parents or guardians do not or cannot exercise this role other means need to be setup. A succession of staff, however caring, cannot easily provide the consistency for a child to develop a secure personal link. New approaches to address this can be tested – and if successful made part of standard practice.</p> <p>6.3 The designated child visitor or protector suggested under the previous headings is likely to solve many of the problems listed here. The</p> |

| | |
|--|---|
| | <p>idea is to provide 'visiting rights' to a designated person or persons who will be responsible for looking after the needs of each child forcibly taken out of their regular settings.</p> <p>(The designated child visitor for that particular child will ideally be a previously caring member of the child's own family or community. Where the family or community is incapable of presenting a caring and capable visitor a state official can be so designated. This designated person should have no role whatsoever in the law enforcement proceedings. The power and limits to authority of this designated visitor can be defined. But the person designated will have to be consistently and reliably available to the child.)</p> |
|--|---|

Studying what further can be done

The various different places where children are forced to spend time, as part of legal proceedings, are rarely organized to supply the needs of children – or indeed of adults. A necessary and useful step in making things better is to study what happens to the child from the moment she encounters 'the law'. If a researcher is engaged to study and document in detail what happens to the child from the moment she is faced with law enforcement authorities much that is unnoticed will come to light. The researcher has simply to walk the walk of the child concerned and observe, feel and record all that happens. This is especially important when the child is taken away from familiar people and settings. And the study should cover the whole 24 hours of all days – from beginning to formal end of all legal proceedings.

Such a study can be set in motion tomorrow – as best possible within whatever resources can be found. Better and more thorough studies can be conducted when more resources are available. The point is to start observing things from the child's viewpoint and drawing attention to the findings, as they emerge.

The researchers engaged can keep submitting monthly updates on what they find, with suggestions for improvements that they think desirable. Such a study can also collect observations and ideas from all those who have to deal with the child in various official and unofficial capacities. The idea is to get a picture of what is happening, as seen from the viewpoint of the child concerned. Necessary improvements will follow, likely effortlessly.

Making enforcement proceedings and custodial setting kinder

The kind of study suggested in the preceding paragraphs, to examine the realities that confront a kid who find himself suddenly in the hands of adult strangers, will yield many ideas for action. Anything that can be done, even by one person or a small group, to make the child's life at least slightly less frightening, miserable, boring or painful can then be tried. Simply discussing the many avoidable reasons for children facing the law to be made needlessly unhappy will make at least some officials do things informally to improve things. Good results from any small actions of concerned officials can then be spread among others.

We can also suggest small changes in institutional conduct. For example, how many custodial institutions encourage regular contact between incarcerated children and family or friends?

This applies especially to 'certified schools' where children are imprisoned for many years.

A simple arrangement can be set up to seek out people that the child would like to meet periodically. The idea is that no child will feel isolated and forgotten, with no contact with caring family or community, in some custodial institution.

Reducing incarceration of children

Harms from institutionalization are even worse on children than on adults. Institutions in which children are forcibly confined by the law enforcement apparatus are not labeled prisons. Whatever their official name, such as 'Certified Schools', they do not provide the emotional warmth, care, guidance, education, opportunities and interactions that children outside get. And these institutions are really geared to reform or correct a child or help a child develop well. The damage is further increased when they are understaffed, under-equipped and unable to help the children in their custody to achieve some kind of normalcy in their lives. Society should therefore try hard to minimize or stop the institutionalization as well as to improve the condition of children who are already incarcerated.

The first step needed is for all levels of officials in 'the system' to keep reiterating to each other that institutionalization should be the final resort for a child causing trouble or in trouble. The tendency for a solution to be seen as the only resort or the first resort for some kinds of problems has to be confronted. Individual officers who promote institutionalization must also be continually challenged. When a child is seen as a problem by the family and relations or the wider local community, one response is to say that he is 'incurable' and should be put away in some institution that can tame or control him. Some communities may be at the extreme end of wanting to foist the child off on some home or agency outside, so that they can live without the trouble that a particular child is seen to cause. When background reports are prepared by various officials they can be influenced to slant things in favour of a custodial outcome, based on the views of the people in the child's setting. There is room to create a public trend too, to discourage children being sent to correctional institutions where their needs are poorly met.

Looking beyond

Children facing courts and law enforcers are relatively few in number. Larger numbers are subject to many other forms of discomfort and distress as a result of their relative powerlessness. While we try to protect children facing the law enforcement authorities, we should keep looking critically at how children are treated generally. All of us can begin to question the unseen pressures and rules imposed on children in good faith. What should we feel about a child having to attend school every designated day, whether they like it or not, for instance?

Society delegates to a child's parents or guardians the task of 'socializing' the child. Parents, to be considered good, must make sure their child conforms to society's core values and expectations. Many parents do their 'parenting' job without questioning the rules and values that they thereby impose on their children. It may be good for society if parents look more critically at which of its assumptions and practices are good to inculcate in their child.

ANNEXURE - 8



Instagram

• This article is more than 2 years old

Facebook aware of Instagram's harmful effect on teenage girls, leak reveals

Social media firm reportedly kept own research secret that suggests app worsens body image issues

Damien Gayle

W @damiengayle

Tue 14 Sep 2021 19:40 BST



Facebook has kept internal research secret for two years that suggests its **Instagram** app makes body image issues worse for teenage girls, according to a leak from the tech firm.

Since at least 2019, staff at the company have been studying the impact of their product on its younger users' states of mind. Their research has repeatedly found it is harmful for a large proportion, and particularly teenage girls.

"We make body image issues worse for one in three teen girls," said a slide from one internal presentation in 2019, seen by the **Wall Street Journal**. "Thirty-two per cent of teen girls said that when they felt bad about their bodies, Instagram made them feel worse," a subsequent presentation reported in March 2020.

Another slide said: "Teens blame Instagram for increases in the rate of anxiety and depression. This reaction was unprompted and consistent across all groups."



Social media firms 'should hand over data amid suicide risk'

Read more

Comprised of findings from focus groups, online surveys and diary studies in 2019 and 2020, the Instagram research shows for the first time how aware the company is of its product's impact on the mental health of teenagers. And yet, in public, executives at **Facebook**, which has owned Instagram since 2012, have consistently downplayed its negative impact on teenagers.

As recently as March, Mark Zuckerberg, Facebook's chief executive, claimed social media was more likely to have positive mental health effects. In May, Adam Mosseri, who is in charge at Instagram, said he had seen research suggesting its effects on teenagers' mental health was probably "quite small".

In a "mental health deep dive", marketing and product design executives and data scientists at Facebook concluded that some of the problems, such as "social comparison", were specific to Instagram and not replicated by other platforms.

"Aspects of Instagram exacerbate each other to create a perfect storm," said one internal report, which said pressure to share only the best moments and to look perfect could pitch teenagers into depression, low self-esteem and eating

Among the most concerning findings was that among users who reported suicidal thoughts, 13% in the UK and 6% in the US traced them back to Instagram. Another transatlantic study found more than 40% of Instagram users who reported feeling "unattractive" said the feeling began on the app; about a quarter of the teenagers who reported feeling "not good enough" said it started on Instagram.

Facebook's internal conclusions echo a number of studies that implicate social media in an epidemic of **mental health problems among young people**. In 2017, YoungMinds and the Royal Society for Public Health published research **singling out Instagram** as having the most **negative impact on young people's mental wellbeing** of all social networks. Emma Thomas, the charity's chief executive, said that while social media could be beneficial, it also came with increased pressures.

"Being surrounded by constant images of the 'perfect' life and seemingly perfect bodies can also have a big impact on how you feel about your own life and appearance, and it can be really hard not to compare yourself to others," Thomas said.

A spokesperson for **5Rights Foundation**, which campaigns for changes to digital services to make them more suitable for children and young people, said: "Facebook's own research is a devastating indictment of the carelessness with which it, and the tech sector more broadly, treats children.

"In pursuit of profit these companies are stealing children's time, self-esteem and mental health, and sometimes tragically their lives ... This is an entirely human-made world, largely privately owned, designed to optimise for commercial purposes - it does not have to be like this. It is time to optimise for the safety, rights and wellbeing of kids first - and then, only then - profit."

"In pursuit of profit these companies are stealing children's time, self-esteem and mental health, and sometimes tragically their lives ... This is an entirely human-made world, largely privately owned, designed to optimise for commercial purposes - it does not have to be like this. It is time to optimise for the safety, rights and wellbeing of kids first - and then, only then - profit."

Facebook declined to comment, but sent the Guardian a link to a [blog post](#) by Instagram's head of public policy, Karina Newton. She said the WSJ story had "focused on a limited set of findings and casts them in a negative light".

"Issues like negative social comparison and anxiety exist in the world, so they're going to exist on social media too," Newton said. "That doesn't change the fact that we take these findings seriously, and we set up a specific effort to respond to this research and change Instagram for the better."

... there is a good reason why *not* to support the Guardian.

Not everyone can afford to pay for news right now. That is why we keep our journalism open for everyone to read, including in Sri Lanka. If this is you, please continue to read for free.

But if you are able to, then there are **three** good reasons to support us today.

- 1.** Our quality, investigative journalism is a scrutinising force at a time when the rich and powerful are getting away with more and more.
- 2.** We are independent and have no billionaire owner pulling the strings, so your money directly powers our reporting.
- 3.** It doesn't cost much, and takes less time than it took to read this message.



Sunday Times 2

Let's protest; it's our right

View(s): 42

But guidelines are necessary not to make our demonstrations unlawful

By Nadvi Mobideen

Protesting is in. It is a cool thing to do. We have spent the past five months writing placards, going to Galle Face, making outlets and sandwiches for protestors and going through all the latest news on our phones.

We did not want to play politics. We wanted a President who was indifferent to our suffering to give us a solution or resign. Ours was a peaceful protest but, unfortunately, it did not stay that way. Groups with other agendas hijacked our project and the resulting violence brought about damage, destruction and loss to the country.

The question now is: how do we exercise our Fundamental Right of expression by protesting in a responsible and lawful way? How do we ensure that our protests do not violate the law, leaving us liable to be dealt with by law enforcement authorities? It is vital that we realise that our rights are only as prescribed by law and that breaking the law would be counterproductive.

So let's look at what guidelines we should follow to ensure that our protests are legal and do not descend to the level of unlawful assembly or mob violence.

The right to protest stems from our fundamental right to free expression and our fundamental right to peaceful assembly guaranteed by the United Nations Covenant on Civil and Political Rights and our constitution. However, it is clear that there is no absolute fundamental right that people can exercise regardless of other citizens or the welfare of the State. The fundamental right of a citizen to protest is under no condition unlimited and unfettered. In all countries where the rule of law prevails this is strictly confined to PEACEFUL protests.

In the UK and the US, responsible lawyers and civil rights groups issue guidelines and advise potential protestors on how to organise a protest within the universally accepted principles of the right to protest. These guidelines help protestors organise their activities and deal with law enforcement authorities. They also ensure that laws are not broken.

These are a few quotations from these guidelines.

WHAT IS A PEACEFUL PROTEST?

The US History High school guide

A peaceful protest also known as nonviolent resistance is a form of protest in which participants do not engage in any action that could be deemed violent. Participants in a peaceful protest are unarmed, they do not fight back against attempts to stop their actions and they refrain from damaging any property.

WHAT ARE YOUR RIGHTS TO PROTEST?

American Civil Liberties Union

If you take part in a protest

You may:

Distribute leaflets, flyers or other literature on your own property or on public sidewalks, parks and plazas

Picket or protest on public sidewalks, parks and plazas so long as sidewalks and building entrances are not blocked

Chant or sing protest songs on public sidewalks, parks and plazas

You may not:

Block access to sidewalks or buildings

March in the streets without a permit

Disrupt counter-protests

Engage in speech that is obscene, make knowingly false statements of fact, or that is likely to incite an immediate disruptive or dangerous disturbance

Your rights:

Your rights are strong in what are known as "traditional public forums" such as streets, sidewalks and parks. You also have the right to speak out on other public property, like plazas or in front of government buildings without interfering with other purposes the property was designed for.

WHAT ACTION ARE YOU PERMITTED

Limitations on action:

Demonstrators who engage in civil disobedience — peaceful, but unlawful, activities as a form of protest — are not protected under the First Amendment and can be arrested.

If you endanger others while protesting, you can be arrested. Without a permit, a protest that blocks vehicular or pedestrian traffic is illegal.

You do not have the right to block a building entrance or physically harass people. The general rule is that free speech activity cannot take place on private property, including malls, without the consent of the property owner. You do not have the right to remain on private property after being told to leave by the property owner.

CAN YOU SURROUND A PRIVATE RESIDENCE?

It has been ruled by a US court that surrounding a private residence as a protest is illegal and therefore does not constitute a legitimate peaceful protest. As these are the precedents used universally our courts would also follow these decisions.

From the above, it is clear that guidelines are available as to what constitutes a peaceful protest and what is permissible to be considered a legitimate exercise of a fundamental right.

However, there are times when events take an unexpected turn and a protest can easily turn into unlawful assembly or riot and protestors could be arrested and remanded under the Penal Code.

WHAT IS AN UNLAWFUL ASSEMBLY OR RIOT?

In chapter viii of the Penal Code, unlawful assembly is defined as follows:

An assembly of five or more persons is designated an "unlawful assembly" if the common object of the persons composing that assembly is:

To overawe by criminal force or show of criminal force the Government or parliament or any public servant in the lawful exercise of the lawful power of such public servant.

This section goes on to elaborate on other instances of unlawful assembly which include the common object being the resistance of any law or legal process, committing any mischief or criminal trespass by show of criminal force, the takeover of property or depriving any person or the public the right of way they have enjoyed.

WHAT SHOULD YOU DO IF THE PROTEST BECOMES UNLAWFUL?

If you realise that this protest is unlawful or becoming violent and therefore a riot you should leave immediately for the law is very clear that if you know that the assembly was unlawful and you join or continue in it you would be considered a member and could face six months imprisonment or a fine or both, if you continue in an unlawful assembly which has been ordered to disperse by a lawful authority, you could face two years imprisonment.

ARE YOU LIABLE FOR OTHER PROTESTERS' ACTIONS?

Whenever force or violence is used by the assembly or any member of the assembly to achieve the common object of the assembly every member of that assembly becomes guilty of the offence of rioting and could face a prison sentence of up to two years.

OTHER OFFENCES RELATED TO PROTESTING

Provoking a riot

Any person who wantonly or maliciously gives provocation to start a riot is guilty of an offence which carries a jail sentence of two years.

Criminal intimidation

Even if you do not take part in the unlawful assembly but use the circumstances to threaten anybody to cause injury to his person, reputation or property with the intention of causing him alarm to avoid carrying out any act which he is legally entitled to do, you would be guilty of the offence of criminal intimidation.

This becomes relevant in today's context where electronic and digital media are used to incite people to riot.

Abetting

You could be charged with abetting of a criminal act if you have instigated any person or engaged in a conspiracy or intentionally aided by any act or illegal omission to do an act which would be an offence in Criminal Law. If a criminal act is committed as a result of the abetment you would receive the same punishment as if you committed the offence. Even if you planned to cause one effect but a different effect is caused, you would be considered liable for the different effect.

Today, protesting is becoming the tool that is being used by many factions to attain their goals. To this end, there is no hesitation to encourage citizens, especially the youth, to come out and protest. Unlike in other countries, there is no professional body or civil society or religious groups that have come forward to guide and educate young people to abstain from violence or illegal acts which would undoubtedly put them on the wrong side of the law.

Instead, those who are arrested are portrayed as martyrs subjected to brutal attacks by the army or police. This undoubtedly would lead to more youth who are ignorant of the fact that they are breaking the law and are liable to face criminal charges continuing with more protests. This is known as weaponising stupidity, a tactic used by political leaders who while inciting followers do not ever spend a night in the remand prison on their way to grab power.

While our youth are being misdirected by these "leaders" the damage to the image of the country, its economy and stability also keep mounting.

It is in this context that it becomes vital that you make every effort to become aware of your rights and the limitations to your rights as well as the legal consequences should you become embroiled in a situation that is a riot or unlawful assembly. Taking an informed decision about your planned action and the possible results thereof would make you better prepared to take steps to protect yourself to face any problems that may arise.

From the above, it becomes clear that our fundamental right to expression and assembly is limited to PEACEFUL Assembly or PEACEFUL protests. This is because we cannot infringe on another's fundamental rights while exercising our own rights. The rationale for this is well explained as follows: Our rights culture cannot constitute us unless all rights count, and all rights cannot count if all rights are absolute.

ANNEXURE - 10



Sunday Times 2

Aragalaya's Fundamental Right farce: When lawyers distort facts

View(s): 262

By H.R.H. Amarasinghe, Convenor, Citizens Collective for Law and Order

In July, Sri Lanka went through one of the most turbulent chapters of its post-independence era with the departure and resignation of its President, the election of a new President by Parliament, and the takeover of the President's House, the Secretariat, the Prime Minister's office and residence by Protestors, the attack on the Speaker's Residence, the takeover of Rupavahini and the burning of the Prime Ministers private residence.

Only the parliament building was left and the first step to that was the attack on the Speaker's residence. The country was nose-diving into anarchy at a time when the IMF and donor countries had stipulated that political stability was a sine qua non to grant financial aid to Sri Lanka. It was a time when responsible political, religious, civil society, media and business leaders should have called for restraint, counselled citizens to remain calm and not engage in illegal and disruptive acts. Instead, most chose to remain silent. It demonstrated how threadbare the moral fabric of Sri Lankan society is.

But if the silence was bad what came after was worse. For this was the gross misrepresentation of fact and law by lawyers and fundamental rights activists indulged in a bid to discredit the country and the President in the eyes of the world. Following the eviction of protestors who had forcibly entered the Presidential Secretariat and continued to prevent its functioning, they attempted to paint a picture of a country where police brutality was the order of the day.

THE FACTS

As at July 22, there were three separate and distinct sections of the Aragallaya in the area referred to as Galle Face which generally covers the area from Galle Face Hotel to Kingsbury Hotel and the Lighthouse.

1) Galle Face Green

The Aragallaya began in April on the Galle Face Green. This was a peaceful protest which was gradually infiltrated by various groups and eventually hijacked by violent groups who had motivation going beyond protesting against the suffering inflicted on the masses by a corrupt Rajapaksa regime and demanding a solution to their problems.

2. Bandaranaike Statue

This area by the entrance to the Presidential Secretariat had stalls erected around the statue. As this obstructed the movement of people and vehicles to and from the Presidential Secretariat, the police obtained a Court Order on July 20 prohibiting any gathering or structure in an area of 50 meters around the Bandaranaike statue.

3. Presidential Secretariat

This building was occupied forcibly by Protestors from July 9 when they broke through the barricades erected by the police and gained entry after Gotabaya Rajapaksa had left the country. They also entered the President's House, Temple Trees and the Prime Minister's Office, overpowering the Police guarding these state buildings.



The occupation of the Presidential Secretariat by protestors: A fact that was left out in the statements issued by Aragallaya lawyers and human rights groups

The original protest site was the Galle Face Green which was where peaceful protestors had gathered. However, after July 9, protestors had taken over the Presidential Secretariat even though the objective of their protest #Gotapahome had been achieved.

These locations were distinct and separate from each other due to the widely differing nature of the sites and the purposes they were used for. The Galle Face Green could be considered a public space often used to stage peaceful protests. The Bandaranaike statue and the Presidential Secretariat were on the opposite side of the Green across Galle Road next to each other. Anyone attempting to lump these three locations together and create the impression that it was one site is guilty of a gross misrepresentation of fact designed to deliberately mislead the public.

THE LAW

What are Fundamental Rights?

Fundamental rights are the basic rights of an individual to live life with safety and security. They are guaranteed to all citizens and enshrined in the Constitutions of democracies and are enforceable by law.

The Covenant on Civil and Political Rights, the UN Human Rights Declaration and the European Charter are some documents that guarantee the freedom of expression and freedom of peaceful assembly. However, it should be noted that these freedoms are not absolute but subject to restrictions.

The Sri Lankan Constitution states as follows:

Article 14(1) – Every citizen is entitled to

- (a) the freedom of speech and expression including publication
- (b) the freedom of peaceful assembly
- (c) the freedom of association

These freedoms are subject to the following restrictions.

"Article 15(7) – The exercise and operation of all the Fundamental Rights declared and recognized by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order, the protection of public health and morality or for the purpose of securing due respect and recognition for the rights and freedoms of others or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph, "law" includes regulations made under the law for the time being relating to public security."

It is clear that there is no absolute Fundamental Right that people can exercise regardless of other citizens or the welfare of the State. The Fundamental Right of a citizen to protest is under no condition unlimited and unfettered. In countries where the Rule of Law prevails, this right is strictly confined to a PEACEFUL protest.

What is considered a PEACEFUL protest by law?

The International Covenant on Civil and Political Rights Article 21 states as follows:

"The right of peaceful assembly shall be recognized. No restrictions may be placed on this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health and morals or the protection of the rights and freedoms of others."

Forcible entry and occupation of the office of a Head of State would not be considered a peaceful protest under any circumstances according to the law on fundamental rights and peaceful assembly. The Presidential Secretariat was vital for the smooth functioning of the State. This occupation was detrimental to national security and public order and was in violation of the rights and freedoms of public servants to carry out their duties. The US and the UK have introduced legislation to specify various aspects of these rights while having judicial interpretations of the nature and scope of the exercise of these rights.

In the UK, two landmark judgments have held that the right to a peaceful protest has to be exercised in conjunction with the rights of others. The judgments in the cases of Mayor of London vs Hall (Parliament Square) and Mayor Commonality and Citizens of London vs Samede (St Paul's) established the position in respect of public land and protest camps. It was held that

According to the Public Order Act 1986, the police have a right to limit the exercise of the right to protest if there is a breach of the peace. The Police, Crime, Sentencing and Courts Act 2022 has introduced a number of measures to address the disruption caused by Protestors and allows the police to impose any type of condition on a public assembly to prevent serious disorder, serious damage to property, serious disruption to the life of the community. Protests and demonstrations in the Controlled Area of the Palace of Westminster and Parliament Square are not permitted at any time.

This has been done taking into consideration the importance of all arms of government being able to function smoothly. The UK government's stand on this has been clearly stated by Home Minister Preeti Patel.

"We do not make policy by mob rule in this country"

In the US, the position on the occupation of public buildings is best set out by the Freedom Forum Institute analysis wherein to the question "Do we have an unfettered right to occupy public Buildings?" it answers "No". The government can limit such protests depending on several factors. Firstly violent protests are outlawed anywhere. The text of the First Amendment provides for "the right of the people to peaceably assemble". The key word is "peaceably" – violent protesting is not allowed."

....."the right to protest is often affected by the location and purpose of the government property where the protest takes place."

In the landmark case US vs Kokinda, the Supreme Court ruled that "the government's ownership of property does not automatically open that property to the public."

According to the FFI analysis "government officials could limit protests inside a courthouse because the government has important operations to conduct. It must be able to control its operations to carry out its functions. The government must be able to carry on its own speech and expression free from interference"

Surrounding private residences is not considered peaceful protest and is banned in most areas of the US.

The current trend in the west is to have designated protest sites where people can exercise their freedom of expression and peaceful assembly without infringing on the rights of others to move freely and engage in their activities without interruption.

APPLICATION OF THE LAW TO THE FACTS

As noted above there were three distinct and separate locations

1. Galle Face Green

The original site where the Aragalaya started and was considered the designated protest site was not attacked by the security forces. In fact, video footage is available of Police asking those occupying the Presidential Secretariat to move to the Galle Face Green as occupying the Secretariat was an offence. The two major independent news channels, Derana and Hiru, while giving extensive coverage to this event refer to the Presidential Secretariat being cleared of occupants. There is no mention of protestors on the green being attacked.

However, references have been made consistently and continuously by lawyers and civil rights activists to peaceful protestors being attacked or the protest site on the Galle Face Green being attacked. The Galle Face Green was the only site where protestors could have been considered peaceful and references to peaceful protestors being attacked were designed to deliberately create the impression that it was those on the green who were evicted and therefore there had been a violation of their Fundamental Rights.

2. Bandaranaike Statue

By erecting tents and occupying this area, protestors were able to impede movement to and from the Presidential Secretariat thereby obstructing public servants from discharging their duties. As requests to clear this area had been ignored, the Police on July 20 obtained a Court Order prohibiting the obstruction of 50 metres around this statue. Occupying this area was in violation of a court order and, therefore, illegal.

3. The Presidential Secretariat

This is the office of the Head of State and the centre of the administration of the Executive arm of the State. It also contains the most important documents of the State. By occupying this Secretariat, the protestors prevented the highest-level public officer from carrying out his duties. The Prime Minister was to be sworn in at 10a.m and a request by the police to hand over the building by 6 a.m. was refused. This occupation was without precedent in the world but the manner in which similar situations have been dealt with by the West indicates that it would never be considered legal or peaceful or be tolerated. The manner in which rioters were beaten back by the Police on Capitol Hill demonstrated that the US would not tolerate any attempt to take over vital state buildings. The Police Crime Sentencing and Courts Act makes protests outside Westminster Palace illegal. This makes it clear that the occupation of important state buildings is not in any way considered a peaceful protest.

The surrounding circumstances of this period have also to be taken into consideration.

On July 9, the Aragalaya ceased to be a peaceful protest.

On July 13, Aragalaya protestors entered the Rupavahini building, shut down transmission and telecast their own messages.

On July 13, they attacked the Speaker's Residence in an attempt to take over the access to Parliament

On July 9, they surrounded the private residence of the Prime Minister and set fire to it while looting valuables.

On July 10, the leaders of Aragalaya protestors held a press conference where they stated their intention of occupying the Presidential and Prime Ministerial Offices and residences until the President, the Prime Minister and the entire Government resigned. They outlined their planning for July 9, including joint action with the Inter-University Student Federation (IUSF). IUSF convener Wasantha Mudalige announced his intention to take over the parliament building.

Could anybody with any sanity say that these were the actions of a peaceful protest movement?

It is in this context that we have to analyse the statements made by lawyers in respect of the July 22 events as they contain a serious misrepresentation of fact and law.

The Bar Association:

"The Bar Association of Sri Lanka strongly and unreservedly condemns the use of force and violence last night by the authorities in attacking protestors in the vicinity of the Presidential Secretariat."

The protestors were not in the vicinity of the Presidential Secretariat but in the Secretariat itself which they had entered by force on July 9. Despite having this information why did the President of the Bar Association suppress the fact that the Presidential Secretariat was the site that was cleaned?

Bhavani Fonseka Human Rights lawyer:

"The protestors were very clear that they were going to leave today"

Protestors in all other locations had left by July 14 and according to a statement released by the Police, several attempts by the police officials requesting the occupants to leave had not yielded results for over a week. The police were of the opinion that these occupants who were the hardcore elements could not be trusted.

"And what happened in the early hours of the morning was extremely worrying with violence targeting peaceful protestors"

This is a deliberate falsehood. Is it her position that forcibly entering and occupying the office of the Head of State is considered a peaceful protest in law?

"This is an indicator of what this government is going to do in terms of repression and the threat to basic rights and rule of law in Sri Lanka."

Another lie was calculated to discredit the government of Sri Lanka. President Wickremesinghe is a Liberal who introduced the 15th Amendment to the Constitution, whose performance regained GSP+ and made Sri Lanka the best location to visit in the world. His commitment to democracy is internationally recognised.

Centre for Policy Alternatives:

Addressing a letter to the Attorney General the CPA states as follows:

"Based on media reports hundreds of military personnel and police blocked the access roads to Galle Face Green shortly after midnight on 21st July 2021 preventing the public from entering the area. Following this the military and police armed with riot gear attacked the protest site."

The protest site on Galle Face Green was not attacked. Video footage is available showing police calling out to protestors to move from the Presidential Secretariat to the Galle Face Green.

"Assaulting peaceful protestors"

The forcible entry to and occupation of the office of a Head of State can never be deemed a peaceful protest in accordance with the universally accepted definition of what constitutes a peaceful protest.

"Dismantling the tents."

The list of tents given by Aragalaya leaders were all in the area of the Bandaranaike statue and covered by the Court Order issued on 20th July. Refusal to obey the Court order resulted in the dismantling of the tents.

"Video footage shows unarmed protestors being assaulted by the police."

Video footage also shows heated confrontations with the Police by Protestors defying the Police leading to their evacuation. Any citizen taking part in a riot would be aware that the Police would use riot gear. There were no serious injuries and this is pure exaggeration to gain sympathy.

The Human Rights Commission stated as follows:

"The Human Rights Commission condemns the brutal and despicable act by the military at the Galle Face vicinity in the early morning hours today. A total violation of the Fundamental Rights of the people by the Executive"

This statement is a gross misrepresentation of the facts pertaining to the incident. Galle Face vicinity is the area surrounding the Bandaranaike statue and the occupation thereof was illegal due to the court order. This shows that there was an awareness that it was not the Galle Face Green (the only peaceful site in the Galle Face area) that was affected. But by omitting to mention the Presidential Secretariat as the correct location and referring to Galle Face it has created the impression that it was the original site that was affected. Why is it that the Presidential Secretariat is not mentioned? It is doubtful that the HRC has the requisite knowledge of the law relating to Fundamental Rights, the restrictions of these rights and their interpretation.

If the above statements were made bona fide by these lawyers and the experts on fundamental rights it becomes clear that they had not verified facts and had absolutely no knowledge of the law relating to the Fundamental Right to conduct a peaceful protest.

These statements were made in tandem with statements from the western world which were also gross misrepresentations of law and fact.

These were as follows

Julie Chung US Ambassador

"Deeply concerned about the action taken against the protestors at Galle Face."

This is a deliberate attempt to conceal the truth regarding this incident and by confusing the locations to inform the world that Sri Lanka was violating the Fundamental Rights of its citizens.

Action was taken against the protestors occupying the office of the Head of State and not against those on the designated protest site on Galle Face Green. Was the ambassador not aware that there were three distinct locations with three different legal ramifications involved?

Sarah Hulton, High Commissioner of the UK

"Very concerned about reports from the Galle Face Protest Site."

This again is a misrepresentation of fact as the incident was focused on the office of the Head of State and the adjacent area around it which was the subject of a court order. The Galle face Protest Site was not attacked.

The news telecast of Ada Derana of July 22 shows persons occupying the Presidential Secretariat being moved to the protest site on the Galle Face Green by the Police as it was accepted that occupation of this site was legal.

UN Human Rights Committee

"The use of force against peaceful protestors runs contrary to international law and we urge the authorities to immediately halt the use of such force."

Could the UN Committee state categorically that forcibly entering and occupying the office of a Head of State is a peaceful protest

"We are alarmed by the unnecessary use of force reportedly used by the Sri Lankan forces to break up a protest camp near Presidential offices in Colombo"

This was not action taken against a protest camp near the Presidential Offices but action in the Presidential Secretariat itself to evacuate those who continued to occupy this building a week after the original protestors had vacated other buildings.

"Only hours before the protestors indicated that it was due to be dismantled."

Is it the UN position that those who break the law can dictate to law enforcement officers when they will cease to break the law?

Security personnel including police and military stormed the area and tore down their tents.

The tents that were torn down were in the area around the Bandaranaike statue and they were being used in violation of a court order to clear 50 metres around the statue.

The list of tents given by the leaders including the IT Centre, the Water and food supply Centre, the disabled soldiers' tent and the Gate Zero tent were all in the area specified in the court order.

"Protestors were not allowed to leave the site for several hours."

The Police using hailers requested the occupants of the Presidential Secretariat to leave that building and move to the original protest site. After the evacuation, there is video footage of the police escorting the evacuees to the Galle Face Green.

The geopolitical power struggles that are taking place among the powerful nations have resulted in weaker countries being made their pawns. Regime change is a game played by the US consistently. Installing weak leaders and disposing of those who will not dance to their tune has become an effortless exercise. The tools of modern warfare are not limited to bombs and guns and the process of installing puppet regimes has been made easier by the growth of electronic and social media. In a country such as Sri Lanka where the total economy has collapsed leading to widespread discontent among its citizens, it becomes very easy to spread disinformation to destabilise the leaders and cause chaos which would lead to anarchy.

There is a deliberate and calculated attempt to attack the President, tarnish the image of the country especially internationally and ramp up discontent among the citizens to create a climate conducive to more rioting. Is it focused on creating a hate campaign around the President in an attempt to achieve another regime change?

The lawyers and civil rights activists mentioned have misrepresented the truth and have deliberately and maliciously created a picture of Sri Lanka as a country where the Rule of Law does not exist and the new President and the military are engaged in attacking innocent civilians and suppressing their Fundamental Rights.

Is it that the President of the Bar Association, leading human rights lawyers, NGOs and the Human Rights Commission are unaware that the law that relates to the exercise of the right to hold protests is confined to PEACEFUL protests? Why is it that they have suppressed the second part of Article 21 of the Covenant on Civil and Political Rights and Article 15 of our Constitution?

By skillfully playing on the words Galle Face and omitting to mention the occupation of the Presidential Secretariat they have attempted to fan the flames of hatred against the President and Security Forces to enable another riot to take place. Is this what Sri Lanka needs at this juncture?

It is well known that Western Countries like Germany suspend purchasing from countries that violate human rights. Potential tourists reading of a brutal army in a country where the due process of law is said to be absent would prefer a safer destination.

The relentless painting of a dire human rights situation in Sri Lanka are acts which will undoubtedly damage the economy, incite hatred and violence and further destabilise the country. This should be halted before greater damage is done for it is becoming clear with each passing day that Colombo's foreign-funded NGOs and professional bodies are to the Law and Order of this country what Cabraal Professor Lakshman and PB Jayasundera were to the economic stability of Sri Lanka.

ANNEXURE - 11

[Menu](#)[Donate](#)

PROTESTERS: KNOW YOUR RIGHTS!



Although the right to peacefully protest is constitutionally protected, the definition of “peaceful protest” may differ from person to person. Here are some valuable tips on what to do if you are confronted by a police officer or another public official during a protest.

Bookmark this page! You can also [download a wallet size card for printing](#). If you have an encounter with the police, you can protect yourself and your rights. If you believe that your rights have been violated, please contact an attorney.

What You Need to Know

[Your Rights as a Protester](#)[Keep in Mind](#)[Limitations on Speech](#)[Limitations on Action](#)[If You Are Arrested](#)

Your Rights as a Protester

ACLU Ohio **PROTEST**

- You have the First Amendment right to peacefully assemble to protest.
- You can protest in public spaces, such as streets, sidewalks, and parks so long as you aren't blocking traffic. If anticipating a group large enough to block pedestrian or car traffic, contact your municipal government for more information.
- You can protest without a permit in response to recent events. Check local laws for restrictions.
- You have the right to distribute literature, chant, and engage passersby in debate in public spaces without a permit.
- You can photograph or videotape the police.

[Go back to list](#)

Keep in Mind

- What you say to the police is always important. What you say can be used against you, and it can give the police an excuse to arrest you.
- You are required to provide your name, address, or date of birth to a law enforcement officer upon request. You can be arrested for refusing to identify yourself to an officer.
- You do not have to consent to a search of yourself or your car.

[Go back to list](#)

Limitations on Speech

- The government can limit speech by imposing “time, place, and manner” restrictions. This is most commonly done by requiring permits for meetings, rallies, and demonstrations.
- The First Amendment does not protect speech that incites violence, is obscene, or is threatening
- It is a federal crime to threaten to harm the president, the vice president, or a major candidate for either office.

[Go back to list](#)

Limitations on Action

- If you endanger others through the manner in which you choose to protest, you can be arrested. A protest that blocks traffic generally requires a permit.
- You do not have the right to block a building entrance or physically harass people.
- Protesting on private property is not protected by the law. You can be arrested if trespassing.
- Do not interfere with, touch or verbally antagonize the police.
- Avoid carrying any drugs or weapons. If you happen to be arrested, you could face additional charges for their possession.

[Go back to list](#)

If You Are Arrested

- Do not run or resist. It may result in additional charges.
- The whole process, from arrest to release on bail, should take about 24-36 hours.
- The police will ask you for basic biographical information and will take your fingerprints and photograph, unless you have been charged with a very minor crime.
- You will then be interviewed by a court agency so that bail can be assessed. You do not have to answer their questions, but giving accurate information will speed the process.
- You can hire an attorney to represent you at the arraignment and present arguments regarding bail.
- The judicial officer will set bail according to several factors (local connections, seriousness of the crime, how many other protesters have been arrested, etc.).
- There are three main types of crimes that you could be charged with. They are, from least to most severe, a minor misdemeanor, a misdemeanor offense, and a felony offense.

[Go back to list](#)

If you feel your rights have been violated, write down everything you can remember, including officers' badge and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses.

Ohio residents who believe their rights have been violated are encouraged to report these concerns to:

**ACLU of Ohio
Attn: Intake Department
4506 Chester Ave.
Cleveland, OH 44103**

Or go to our Need Legal Help page:
www.acluohio.org/resources/need-legal-help

[Go to our Protest page](#), where we have a number of additional resources.

ANNEXURE - 12



[Home](#) / [Articles](#) / [Housing](#) / [Should Shelter Locations Be Made Public?](#)

Should Shelter Locations Be Made Public?

Domestic violence shelters often keep their locations confidential. But some are public—and they have positive outcomes to report

By Stephanie Thumott Sep 14, 2020

[Print Article](#) [Share](#)



When we think about domestic violence shelters, we typically think of clandestine homes or buildings, the location of which survivors are sworn to secrecy to protect. Because if abusers know where to find their victims, well, no good is going to come from that.

But then Sarah Campbell, director of the Council on Domestic Abuse in Terre Haute, Ind., had an eye-opening moment. In one particular training session, she asked the woman leading the group: What do you see in other shelters that we could do to improve our services?

"She said, 'Have you considered going public?' Honestly, I hadn't. It had never occurred to me," Campbell says.

Campbell asked for a list of shelters in Indiana whose locations were public, and she called a half dozen of them. They all had positive experiences to report—they hadn't seen any increased violence from abusers, and it was more convenient for survivors to come for shelter.

It was the compelling personal stories from survivors, though, that touched Campbell. One survivor said she didn't know her town had a shelter until it went public. When it did, she drove by it a couple of times, and decided she could live there if she needed to. One day, she felt ready to go in for help. She parked in the lot for 10 minutes, got scared, and went away. She did that four more times before she went inside.

"Think of that impact," Campbell says. "Had she not known the location, she was never going to go there."

Campbell was convinced that going public was the right idea for her shelter, and she made the case to her board. Her shelter's location became public in 2017.

"Since we've gone public, we've had such great success. Countless survivors tell the same story," she says.

"Since we've gone public, we've had such great success. Countless survivors tell the same story," she says.

Privacy Feels Safer for Some Survivors

Other survivors feel differently, though. Some survivors feel a greater sense of protection when a shelter is confidential. "That has been part of our experience. It's important to take into consideration what residents feel," says Barbara Paradiso, the director of the Center on Domestic Violence at the University of Colorado Denver School of Public Affairs.

She points out that shelters having a public location isn't a new idea. Some shelters were opening as public, or converting from confidential to public, as far back as the 1990s.

Cheap Datacenter Proxies

Unlimited access, 24/7 Dedicated Customer Support
Instant setup

"It isn't the norm. More shelters than not do keep their address confidential. I think that each shelter needs to make its own decision, and that decision should be based on their lived experience and the needs of their local community," she says. "Programs care about the safety of the people they're serving, and go about trying to enhance that safety in a variety of different ways. They need to choose which ways make the most sense for their community."

There are a variety of pros and cons that domestic violence organizations should consider before deciding whether to keep their address confidential or make it known publicly.

Keeping Shelter Locations Confidential Is a Struggle

Campbell approached her shelter's neighbors before their ribbon-cutting ceremony to fill them in on the shelter's plans to go public. "Almost all of the neighbors knew what we were already. You can't really keep it confidential," she says. The shelter looked like an apartment building, but people knew it was a shelter.

There are various ways word gets out:

- Some survivors return to their abusers and disclose the location
- Survivors' children and family members find out about the shelter
- Taxi drivers and rideshare drivers drop off survivors
- Abusers follow survivors after a custody exchange
- Neighbors observe activities and figure out that a location might be a shelter
- Search engines routinely disclose shelter locations

Public Shelters Can Connect with the Community More Easily

When a shelter's location is public, the community keeps an eye on it. "There's a really good community watch aspect to it," Campbell says. "People who are driving by take a look to make sure nothing shady is happening."

Neighbors keep watch, too. And Campbell said her shelter's neighbors are willing to share their video camera footage if needed.

Public Shelters May Be More Convenient for Survivors, Reduce Stigma

Campbell says in the past, survivors would have to walk four or five blocks to get a bus or meet a ride. Now they can walk out the front door and get picked up. "That makes a big difference when you have three kids and it's the middle of winter," she says.

Campbell also felt that making the shelter's location public helped ease the stigma that can be attached to domestic violence. "We don't want domestic violence to be a secret. We didn't want the shelter to be a secret," she says.

Paradiso knows of another community that philosophically didn't believe survivors of domestic violence needed to hide. "They felt they could stand strong and stand proud in a community and maintain safety for one another," she says.

Public Shelters Can Draw Volunteers and Donations

Donate and change a life

Your support gives hope and help to victims of domestic violence every day.

Donate

Campbell says that more people are able to volunteer now that the shelter's location is public. And groups can come in and offer activities. She says that her shelter now hosts substance abuse groups, financial literacy classes, cooking classes, makeup application sessions, and spa days. "We're able to have a bigger variety of activities," she says. They have also seen an increase in financial contributions.

Shelter Funding Might Be Tied to a Location Being Confidential

Some shelters receive federal funding that's contingent on their location being private, Paradiso says. And that's for valid reasons—there are many ways the location of a domestic violence survivor can be made public, putting them in danger. She says that survivors who have cases in court, who work with the department of social services, who vote, or who buy property can end up with their address becoming public. Confidential shelters give them an opportunity to keep their address private.

Shelters Can Strike a Balance

One organization where Paradiso worked had a shelter at a confidential location and an outreach center that served as their public face. And she knows of another community where they built a shelter right across the street from the police station.

"The bottom line is, communities need to make intentional decisions around what makes the most sense for creating safety for the individuals they are serving. That's going to look different for each community," she says.