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Consideration of reports of States parties

List of issues in relation to the combined fifth and sixth periodic reports of Sri Lanka

Addendum

Replies of Sri Lanka to the list of issues*, **

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* The present document is being issued without formal editing.

** The annexes and appendices to the present document may be consulted in the files of the secretariat and on the web page of the Committee on the Rights of the Child.

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Introduction

1. This response seeks to provide information in respect of matters raised by the Committee on the Rights of the Child in the List of Issues pertaining to the 5th and 6th Periodic Reports of Sri Lanka under the Convention on the Rights of the Child (CRC). The response is sequenced in the order of items set out in the List of Issues document, and may be read accordingly.

Part I

Issue 01: Non-discrimination between boys and girls

(i) Amending national legislation

2. The Government of Sri Lanka (GOSL) is committed to amending all provisions in the national laws that are discriminatory vis a vis the rights enshrined in the CRC.

Personal laws

3. Action has been initiated to work towards amending discriminatory provisions in the personal laws applicable to different communities, including the Muslim, Thesawalamai and Kandyan laws.

4. With regard to the matter relating to minimum age of marriage under Muslim law, a Committee appointed by the Minister of Justice to propose reforms to the Muslim Marriage and Divorce Act No 41 of 1975, chaired by former Supreme Court Justice Saleem Marsoof, has conducted deliberations and is expected to submit its report to the Government shortly. With a view to expediting this reform process, the Cabinet of Ministers, in October 2016, appointed a Cabinet Sub-Committee comprising relevant Ministers including the Minister of Justice and the Minister of Women and Child Affairs, to steer the process of proposing reforms forward. It may be noted that both the above committees include several members belonging to the relevant community, with the Marsoof Committee including representatives of Muslim women's rights groups as well.

5. In view of the fact that the aforesaid amendments concern the customary (subsequently codified) law being followed by a specific ethnic group for a long period of time, and as indicated by UN treaty bodies including the CEDAW Committee, the Government continues to carry out programmes aimed at sensitising and maintaining a dialogue (simultaneous with the legal reform process) with the community concerned and civil society organizations, to highlight the importance of legal reform in this regard. Workshops have been conducted with the participation of key Muslim women's rights activists, civil society organizations, religious leaders and the public, with special reference to issues pertaining to the Muslim Marriage and Divorce Act. A Report on the recommendations made at the workshops has been submitted to the Cabinet Sub-Committee appointed in October 2016 to make proposals with regard to amending the Muslim Marriage and Divorce Act.

6. The Ministry of Women and Child Affairs has also identified the discriminatory provisions in other personal laws such as the Thesawalamai and Kandyan laws, and discussions in this regard have already been held with legal experts and representatives of civil society organizations. As a follow-up step, it is planned to conduct meetings with the respective communities in different locations to obtain their views on the amendments. The latest of such community meetings to discuss the Thesawalamai law was held in October 2017 in Jaffna, and action will be taken to consult the lawyers in the areas with regard to proposing amendments to the particular laws. Subsequently, it is expected to submit the proposed amendments to the Ministry of Justice for formulation of legal provisions.

Other legislation

7. The GoSL has formulated a draft amendment the Land Development Ordinance (LDO) seeking to repeal gender-discriminatory provisions in the LDO in relation to succession, inheritance and joint ownership. Although the proposed amendment was initially envisaged to be finalised along with several other general amendments to the LDO, in view of the importance and urgency of the matter, it was decided to instruct the Legal Draftsman to finalise the LDO amendments pertaining to the rights of women on an expeditious basis to be presented to the Cabinet. Accordingly, the draft amendments have already been formulated by the Legal Draftsman and translated into the vernacular languages. Through a Memorandum dated 17 October 2017, the approval of the Cabinet of Ministers has been sought to effect the relevant amendments on an urgent basis.

Provisions in the National Human Rights Action Plan

8. It is also significant to note that the National Human Rights Action Plan (NHRAP) 2017–2021 which came into effect in 2017 and which sets out the Government's road map for the protection and promotion of human rights for the next five years also contains specific provision requiring the amendment of discriminatory laws in consultation with relevant stakeholders.

9. In particular, it may be noted that the Civil and Political Rights Chapter of the NHRAP recommends the 'review of the content of Article 16¹ of the Constitution in consultation with the respective communities'. Additionally, the said Chapter recommends the consideration of post enactment judicial review of legislation in the new Constitution that is currently being formulated — a measure that would enable any citizen to challenge discriminatory provisions of laws already enacted by Parliament.

10. Further, the Women's Rights Chapter of the NHRAP has identified the need for the amendment of the discriminatory provisions in the LDO and in any other personal laws, applicable to land alienation. The same policy has been reiterated in the Chapter on Rights of IDPs, which seeks the review of laws and administrative barriers to ensure non-discrimination in land allocation.

(ii) Statutory rape

11. It is envisaged that once the process of legal reform with regard to the minimum age of marriage under the Muslim law the details of which were set out above, is completed, the current gap pertaining to the applicability of law relating to statutory rape to girls under 16 and coming under the Muslim law, would be addressed.

12. It may be noted in this regard that in the Women's Rights Chapter of the NHRAP, the Government has undertaken to 'clarify Section 363 on statutory rape to ensure zero tolerance for underage sexual relations below age of consent'. The Civil and Political Rights Chapter of the NHRAP also seeks to 'review Penal Code offences to ensure that they are in compliance with the international Human Rights Standards and bring legislations where necessary'.

13. Further, a Commission appointed by the Hon. Prime Minister while he was the Leader of the Opposition has also recommended to 'clarify Section 363 on statutory rape to ensure zero tolerance for underage sexual relations below age of consent (currently 16 years)' and to 'remove the exception in regard to girls below 12 years to accommodate Muslim personal law, to express a general norm in the way that this has been done in other areas of the criminal justice system'. The recommendations of the Commission are currently in the process of being implemented by a Task Force on Prevention of Violence against Women and the Girl Child which is convened by the Prime Minister's Office.

¹ Article 16 of the Constitution preserves the validity and operation of all written and unwritten laws notwithstanding their inconsistency with the fundamental rights chapter.

Issue 02: Details on action plans pertaining to children

- (i) **The GoSL regrets that the draft National Plan of Action for Children (NPAC) which had been formulated for the period 2010–2015 could not reach the level of implementation owing to challenges faced in obtaining approval for the same**

14. However, with the renewed focus on human rights that emerged in Sri Lanka following the Presidential and Parliamentary elections held in 2015, swift measures were taken to upgrade the draft NPA in line with targets in the Sustainable Development Goals (SDG) as well as national priorities and adopt the same for the period of 2016–2020. Accordingly, the NPA is now in the process of implementation.

- (ii) **Details of the new National Plan of Action for Children (2016–2020) Addressing disparities**

15. The new National Plan of Action for Children (2016–2020), (NPAC), which builds on the previous draft Action Plan, was approved by the cabinet of ministers on 14 December 2016. It covers the following important areas while giving due consideration to the SDGs and the provisions of the CRC:

- Early childhood care and development;
- Access quality and relevance in education;
- Quality of health care and nutritional status of children;
- Protection and Care of children;
- Reliable water supply and sanitation facilities;
- Monitoring and evaluation.

16. At the implementation level, measures have been taken by all line Ministries/Agencies to incorporate the activities of the NPAC 2016–2020 into their respective annual action plans for each financial year, and allocations have been granted to them by the Treasury for the implementation of the same. Detailed information in this regard is available at <http://www.childwomenmin.gov.lk/English/national-action-plan/national-plan-of-action-for-children>.

17. It is noteworthy that the NPAC 2016–2020 pays due attention to issues pertaining to children in conflict-affected areas as well as children in the plantation sector. Sections 1, 2 and 3 of the Action Plan seek to address key issues related to early childhood care and development, strengthening access, quality and relevance in education, and provisions for strengthening quality health care and nutritional status. Under these three Sections, sufficient budget has been allocated to address the issue pertaining to geographical disparities, including disparities in respect of children in plantations and conflict affected areas. The NPAC, as a whole too, stresses on interventions aimed at minimizing disparities vis a vis several sectors including the poor, disabled, displaced, plantation sector, street children and children under institutionalized care, etc. In addition to education in former conflict affected areas in the Northern and Eastern provinces, the NPAC also focuses on areas in the North Central and Uva provinces and the Puttalam district where disparities have been reported to be prevalent.

Proposed budget for NPAC 2016–2020

18. The total estimated budget for the implementation of the NPAC is Rs. 13,691.30 million. In addition, the Government has allocated Rs. 303 million for children in areas affected by man-made disasters including the Northern and Eastern provinces.

Monitoring and evaluation

19. The NPAC has a specific monitoring mechanism to oversee progress of implementation. This constitutes a national level Monitoring Committee representing key government stakeholders led by the Ministry of Women and Child Affairs (MWCA). This Committee is responsible for reviewing progress of implementation on a quarterly and

annual basis, and making recommendations for overcoming any obstacles faced in order to streamline the implementation of the NPAC, thus ensuring effectiveness and better outcome.

20. In addition to activities implemented under the NPAC, it may be noted that, commencing from the final phase of the conflict, until 2012, the Government launched special development programs for the Northern and Eastern provinces, namely ‘Neganehira Navodya’ (Eastern Resurgence) and ‘Uthuru Wasanthaya’ (Northern Development), under which normalization of life and reconstruction activities were undertaken, including reconstruction of schools, hospitals, pre-schools and skills development centers. This resulted in a significant improvement in school attendance and in the enrolment of children in the two provinces, as follows:

- Percentage of children attending schools increased by 5.1% in 2015 compared to year 2010;
- Percentage of enrolment in vocational and technical training increased by 6.3% in 2015 compared to 2010;
- Percentage of children who passed the G.C.G. O/L examination increased by 1.06% in 2015 compared to 2010;
- Number of students eligible for university entrance increased by 13,000 in 2015 when compared to 2010.

21. The National Plan of Action for the Social Development of the Plantation Community 2016–2020 was adopted in 2016 and is being implemented by the Ministry of Hill Country New Villages, Infrastructure and Community Development also seeks to address issues relating to disparities in the plantation sector with regard to the rights and welfare of children in the following manner:

<i>Sector</i>	<i>Cost Rs.(Mn)</i>
Housing, water supply, sanitation, and other infrastructure	82 120
Early Childhood Care and Development (ECCD)	3 833
Health and nutrition	5 318.50
Primary and secondary education	5 162
Skills development and vocational training	1 080
Empowerment and governance	1 380
Total	98 892.50

22. It may be noted that, as a result of measures taken by the Government even prior to the adoption of the above Action Plan, the number of schools established in the plantation sector and the number of children continuously attending school in the sector had increased. According to reports of the Ministry of Education, the number of schools which was 716 in 2011 had increased up to 843 in 2015, while the number of children schooling had increased from 187,243 in 2011 to 209,535 in 2015.

(iii) Action Plan for Early Childhood Care and Development (APECCD)

23. As mentioned in the GoSL’s Report, the APECCD 2016–2020 was launched by the Children’s Secretariat which functions under the purview of MWCA, focusing on 5 main areas:

- Policies, systems and structure of ECCD;
- Access to ECCD;
- Quality improvement of ECCD;
- Health, nutrition and safety;
- Monitoring and regulation of ECCD.

24. Total budgetary requirement for the implementation of the APECCD is Rs. 20,008 million.

25. Meanwhile, the Government is also in the process of implementing a project on ECCD worth USD 50 Million, with financial assistance from the World Bank, aimed at improving the quality and accessibility of ECCD in underserved and unserved areas. Steps have also been taken to allocate USD 10 million (20% of the project value) to the Plantation Human Development Trust to ensure the effective implementation of this project.

(iv) National Child Protection Policy (NCPA)

26. As certain shortcomings were observed in the draft National Child Protection Policy 2013, the Government has currently formulated a draft National Child Protection Policy 2016 addressing the gaps identified in the previous draft as well as based on current issues in the area. The Policy has now been presented for public consultations throughout the country prior to its finalization.

Issue No 03: National Monitoring Committee (NMC) on the Rights of the Child

Mandate

27. The mandate of the NMC is to monitor the situation of child rights in the country, attend to reporting obligations under the CRC and support greater realization of child rights in Sri Lanka.

Structure

28. It is a national level coordination mechanism for child rights, comprising government and civil society representatives. The NMC, which is the highest authority tasked with making collaborative decisions for the protection and promotion of child rights in Sri Lanka, is chaired by the Secretary to MWCA, and also includes six members appointed by the President, and Secretaries/Head of departments from relevant Ministries and Agencies. Below this high level tier, is a second tier of a Working group/Coordination Forum of focal points from each Ministry/Agency that is represented in the NMC. The role of this group is to directly coordinate with the MWCA in the monitoring of implementation of child rights and report on a regular basis on the status of implementation and measures taken to protect and promote child rights within their respective mandates. There is also a Technical Working Group comprising government and non-governmental actors, which is mandated to provide technical guidance and support to MWCA with regard to the development and implementation of the NMC processes.

29. The structure of the NMC extends to the national, provincial, district, divisional and village level to ensure grass-root and community involvement. Detailed information in this regard, including partners of the committees, management and administration, roles and responsibilities are at **Annex 'A'**. This comprehensive structure of the NMC was approved by the Cabinet of Ministers on 27 September 2017.

Functions and activities

30. The functions of the NMC include intervention in the form of advice and advocacy on any matter related to children; assisting the MWCA to develop national level action plans in line with the provisions of the Children's Charter; providing recommendations for the amendment of local legislation to ensure compliance with the CRC; implementing, supervising and investigating the progress of programmes aimed at the protection and promotion of child rights; co-ordinating among all institutions, including public, non-government and private institutions, that work in the area of children, supporting these organisations by giving advice and recommendations, and attending to the reporting requirements under the CRC.

Issue 04: Social and environmental policies and regulations applicable to businesses and industries

31. As a party to the ILO Conventions on Minimum Age for Admission for Employment and on Prohibition and Immediate Action for Elimination of Worst Forms of Child Labour, Sri Lanka has put in place the following national legislation to eliminate child labour:

- (a) Employment of Women, Children and Young Persons Act No. 47 of 1956 as amended by Act No.08 of 2003;
- (b) Amendment to Regulation made under section 14 (read with section 31) of the Employment of Women, Children and Young Persons Act;
- (c) Shop and Office Employees Act No. 19 of 1954 (as amended);
- (d) Factories Ordinance No. 45 of 1942;
- (e) Minimum Age (Indian Labour) Ordinance and Minimum Age (Indian Labour) (Amendment) Act No. 25 of 2000;
- (f) Compulsory Attendance of Children at Schools Regulation No. 1 of 1997;
- (g) The Penal Code, and Penal Code (Amendment) Acts No. 22 of 1995 and 29 of 1998 No. 16 of 2006;
- (h) National Child Protection Authority Act No. 50 of 1998.

32. The above laws stipulate the minimum age for employment as 14 years, make provision for mandatory schooling, and seek to guarantee that young persons are not employed in work that is hazardous or detrimental to their wellbeing.

33. In 2017, a 'National Policy on Elimination of Child Labour in Sri Lanka' was formulated and approved by the Cabinet. An action plan is currently being prepared to implement the policy.

34. In 2017, the Government also raised the minimum age for compulsory education from 14 to 16 through an amendment to the regulation under the Education Ordinance. It is envisaged to raise the minimum age of employment from 14 to 16, in line with the latest amendment to the age of compulsory education.

35. Further, the Government has taken steps to increase the penalties under the Employment of Women, Children and Young Persons Act through the raising of the maximum fine from Rs. 1,000 (One thousand) to Rs. 10,000 (Ten thousand) and the period of imprisonment from six months to twelve months.

36. In 2010, the Government gazetted a list of 51 hazardous forms of work in which young persons should not be employed, and this list is currently being reviewed by a committee appointed by the Department Labour with a view to updating the same with new forms of hazardous labour.

37. With regard to the apparel industry, the Board of Investments of Sri Lanka (BOI), in keeping with the principles underlying the 'Global Compact' proposed by the Secretary-General of the United Nations and related labour standards, has issued guidelines and a manual on Labour Standards and Employment Relations. As per clause 1.2 of the manual, BOI enterprises may employ persons who have attained the age of 16 years but below 18 years only subject to the following conditions.

- (i) Young persons cannot be employed for more than 50 hours of overtime during any month.
- (ii) Young persons cannot be employed after 10 p.m. and before 6 a.m.
- (iii) Routine labour audits should be carried out by BOI officials.

38. It may be noted that the legislation, regulations and policies set out above cover all businesses and industries including the plantation, textiles, construction and tourism industries.

39. Whilst there is work still left to be done towards the total elimination of child labour, it is noted that Sri Lanka has already achieved remarkable progress in this regard due to the effective implementation of the existing legal and regulatory framework. This is evident in the significant drop that the country has succeeded in achieving with regard to child labour, and in the high school enrolment ratio which currently stands at 90.1 as a percentage of the total child population. According to the “Child Activity Survey — 2016” conducted by the Department of Labour with the Department of Census and Statistics, the child labour situation in the country has significantly improved with only 1% of the estimated child population in the country (age 5 to 17) associated with child labour. The notable progress that Sri Lanka has made in this regard is evident in the following statistics contained in the report:

Main indicators	Survey Year					
	1999*		2008/09**		2016#	
	Number	%	Number	%	Number	%
Child population						
Estimated child population aged 5–17	4 344 770	100	4 338 709	100	4 571 442	100
Children not engaged in any work of economic value	3 418 733	78.7	3 781 111	87.1	4 467 738	97.7
Children engaged in work of economic value (working children)	926 037	21.3	557 599	12.9	103 704	2.3
Children engaged in work but non child labour	N.A	N.A	450 340	10.4	59 990	1.3
Children in child labour but non hazardous	N.A	N.A	43 343	1	4 707	0.1
Children engaged in hazardous forms of child labour	N.A	N.A	63 916	1.5	39 007	0.9
School attendance						
Among total children	3 913 102	90.1	4 076 731	94	4 118 781	90.1
Among working children	691 420	74.7	448 161	80.4	40 290	38.9
Among total child labour	N.A	N.A	57 315	53.4	8 713	19.9
Among hazardous form of child labour	N.A	N.A	19 111	29.9	4 612	11.8
Working children by employment status						
Employee	172 938	18.7	86 425	15.5	37 500	36.2
Employer	520	0.1	0	0	0	0
Own account worker	33 682	3.6	20 631	3.7	4 741	4.6
Contributing family worker	710 184	76.7	450 543	80.8	61 463	59.3
Other	8 713	0.9	N.A	N.A	N.A	N.A

Source: Report on Child Activity Survey 2016 Sri Lanka, Department of Census and Statistics.

* Excluding Northern and Eastern Provinces.

** Excluding Northern Province.

N.A. — Not available.

Field work of the survey was carried out from January to May. Many of students in age 15–17 years were not attending school as they were expecting G.C.E. (O/L) results.

40. The above figures indicate a reduction of child labour in Sri Lanka by 60%, compared to the previous Child Activity Survey conducted in 2008/2009. It may also be noted that the percentage of children who engage in hazardous forms of child labour has considerably dropped, and that out of the existing 0.9%, no children in the age group 5–11

engage in any form of hazardous labour (pertaining to which the majority belongs to the age group of 15–17).

41. With regard to informal sectors such as construction, tourism, etc. where it may be relatively challenging to detect instances of child labour, the Government has put in place a mechanism reaching down to the grass root level to identify cases and take remedial measures, whilst also implementing welfare measures to incentivize parents to ensure the compulsory education of children.

42. The Department of Labour has successfully piloted programmes in several districts to ensure zero tolerance of child labour, and as a result, the Districts of Rathnapura, Kegalle and Ampara of the country have already been declared as areas with the zero level of worst forms of child labour. This programme has a strong mechanism to identify children who may be vulnerable to child labour, and this early identification helps to protect them from such vulnerable situations. The programme is currently being replicated in all other districts in the country with lessons and best practices learnt from the implementation of Child Labour Free Zone programme in the Ratnapura District.

43. With regard to welfare measures seeking to incentivise education and eliminate child labour, it may be noted that Sri Lanka provides free and universal primary and secondary education and also provides free books and uniforms to all school children. Further, free food is provided to school children in disadvantaged areas. In the plantation sector, the Plantation Human Development Trust (PHDT) implements programs to enhance the quality of lives of 1 million plantation community members and their children, including through the establishment and management of Child Development Centers, capacity building of teachers, etc. A new program has been launched to provide 7 perches of land for plantation sector families to build a housing unit and to provide up to 2 acres of land per school, to expand, develop or to establish schools in the estates.

44. These measures, coupled with poverty alleviation programmes such as Samurdhi which benefit the poor, are expected to minimise child labour, particularly in the informal sectors.

45. With regard to the tourism sector, it is noted that in addition to the strict legal framework that has been put in place to prevent the use/abuse of children, the Government has taken a number of measures at the practical level to combat child labour in tourism. The National Child Protection Authority (NCPA) has written to all foreign Missions in Sri Lanka requesting to share the details of sex offenders planning to travel to Sri Lanka, and has received a positive response from many Missions. Further, notifications have been displayed at the arrival lounge of the airport informing Sri Lanka's zero tolerance policy on child abuse, while leaflets have also been distributed along the coastal belt and kept in the lobbies of hotels in the coastal area indicating the zero tolerance policy on child abuse and setting out the penalties that the offence entails. The NCPA has also conducted programmes on the zero tolerance policy of the Sri Lankan Government with regard to child sex tourism, for the foreigners in Bentota and Kalutara in 2016. Further, hotel staffs have been briefed on the legal responsibility cast on them with regard to preventing child sex tourism. Accordingly, 5 Child Protection Awareness programmes have already been conducted recently for 360 beneficiaries. Programmes on strategies for combating child labour and child sex tourism have also been conducted for 1,893 beneficiaries in the plantation sector and for education and health sector staff.

Issue 05: Participation of children in reconciliation process

46. The GoSL recognizes that inculcating the values of reconciliation and co-existence among the community including children is key to achieving and maintaining sustainable peace. Several important Government Ministries/Agencies have been established, and they work hand in hand with regard to implementing different aspects of the reconciliation process. These include the Ministry of National Integration and Reconciliation, Ministry of National Co-existence, Dialogue and Official Languages, the Office for National Unity and Reconciliation functioning under the direct purview of the President and the Secretariat for Coordinating the Reconciliation Mechanisms functioning under the Prime Minister's Office.

47. The Ministry of National Integration and Reconciliation conducts special programmes for obtaining the involvement of children in the reconciliation and peace-building process through programmes conducted in schools and Dhamma schools. Rs. 2 million and Rs. 1.5 million have been allocated respectively for the implementation of these programmes.

48. The existing curricula for school children also offers them with an understanding of the cultural and religious values of different communities, and underscores the importance of ethnic and religious peace and harmony.

49. Additionally, the Office for National Unity and Reconciliation (ONUR) which is headed by former President Chandrika Bandaranaike Kumaratunga is in the process of taking the following measures to ingrain peace and reconciliation into the education system:

- Improvement of school curricular: In collaboration with the Ministry of Education, ONUR has already commenced an initiative to include segments on peace and reconciliation into the school curricular;
- School twinning programs: ONUR has made arrangements to conduct twinning programs for school children from the North and the East to visit schools in the South, and *vice versa*. The programs are designed to enable children to get to know and appreciate the lives and cultures of their fellows from the North and the East, and build lasting friendships;
- Teacher training programs: ONUR, with the Ministry of Education, has initiated a drive to conduct training programs for school teachers, focusing specifically on peace and reconciliation.

50. In addition to the above, the Ministry of Education has set up a national level Peace Education and Reconciliation Unit and Tamil Schools Development Branch. The vision of this unit is a 'General education system fostering social cohesion and reconciliation among children'. The Ministry, together with GIZ, is implementing a reconciliation program titled 'Education for social cohesion', for which the budgetary allocations were Rs. 42 million and Rs. 13 million in 2015 and 2016 respectively.

51. The Department of Probation and Child Care Services (DPCCS) conducts an annual summit of the National Children's Council, bringing together children from grassroot level across the country, including from the Northern and Eastern provinces. The Summit facilitates interaction and dialogue between children from the North and the South. The Council's Constitution also requires its composition to be ethnically and religiously pluralistic. The programs conducted at the Summit are in all three languages, and include cultural shows from all three communities. The Children's Club structure at the district and divisional levels mirrors this structure followed at the national level, and includes children from all three communities.

Issue 06: National Plan of Action to address Gender Based Violence and the National Policy on Disability

- (i) **The National Plan of Action to address Sexual and Gender based Violence (NPSGBV) for the period 2016–2020 was approved by the Cabinet in June 2016 and has been included in the medium term budgetary framework of the GoSL**

52. The process of formulating the Policy Framework and Action Plan was participatory and consultative, with extensive consultations having been held with Ministries, International Organizations and the civil society. The Full text of the NPSGBV is available at <http://www.childwomenmin.gov.lk/English/downloads/laws>.

53. The NPSGBV contains a separate section on children, including activities related to the rights of disabled children. Targeted actions foreseen in this regard are as follows:

- Since the mandate pertaining to the rights of persons with disabilities (PWDs) currently lies with the Ministry of Social Empowerment and Welfare, the Plan of

Action proposes to transfer the mandate of children with disabilities to the MWCA, and to seek Cabinet approval for the same;

- Development of minimum standards/guidelines for institutions established for disabled children;
- Including the responsibility of monitoring sexual and gender based violence against children into the job role of Social Service Officers, Child Rights Promoting Officers and Probation Officers;
- Identifying disability as a vulnerability when preparing care plans and emphasizing on focused, specific strategies for development of the said group.

(ii) The Ministry of Social Empowerment and Welfare has developed and operationalized a National Policy on Disability since 2003 which addresses a wide range of matters pertaining to disabled children including greater accessibility to schools, combating negative socio-cultural attitudes, promotion of inclusive education, development of skills, and access to teacher-training through the National Institute of Education

54. The strategies to combat discrimination against disabled children have also been set-out under Section VI of the policy and these include various measures to support disabled children/their parents and families, health support, ECCD, and non-formal and formal education. The Subsection on vocational training and skills development stresses that equal opportunities for vocational training and skills development should be provided to both male and female youth who are disabled. Moreover, under the same Section, it is required that any policies, guidelines, strategic plans and action plans that are adopted should accommodate the needs of disabled women.

55. Further, in a significant move, the Policy has redefined the terminology used for these children, by using the term ‘needy children’ as opposed to disabled children, with a view to combating the social stigma attached to the latter term.

56. With a view to expanding tertiary education opportunities for disabled children, special provision has been made to admit blind and differently-abled students to undergraduate degree programs every year, based on their A/L results. Students who sat A/L using Braille System are admitted to follow Bachelor of Arts degrees while other differently-abled students are admitted to Bachelor of Arts, Bachelor of Commerce, Bachelor of (Biological) Science, and Bachelor of (Physical) Science degrees. This measure has been taken under the power vested in the University Grants Commission by the Universities Act No.16 of 1978.

Issue 07: Prohibition of Corporal Punishment

57. Progressive steps have been taken by the Government toward achieving the criminalization and prohibition of all forms of ill-treatment and harassment of children, including corporal punishment, in all settings. A significant step in this regard was the enactment of Section 308A of the Penal Code through Amendment Act No. 22 of 1995, which deals with cruelty to children. The relevant section states as follows:

I. “Whoever, having the custody, charge or care of any person under eighteen years of age, wilfully assaults, ill-treats, neglects, or abandons such person or causes or procures such person to be assaulted, ill-treated, neglected, or abandoned, in a manner likely to cause him suffering or injury to health (including injury to, or loss of sight or hearing, or organ of the body or any mental derangement), commits the offence of cruelty to children.

II. Whoever commits the offence of cruelty to children shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding ten years and may also be punished with fine and be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person”.

58. The Government acknowledges that, while the above provision constitutes a significant way forward, other provisions in the Penal Code such as Section 341 and Section 82 of the Penal Code may mitigate the full application of Section 308A.

59. In recognition of this gap, during Sri Lanka's Universal Periodic Review which took place in November 2017, the Government has accepted a recommendation to prohibit corporal punishment in all settings, reiterating State commitment in this regard.

60. It may be noted that, whilst more clarity may be needed on this issue at the level of national legislation, the Ministry of Education has, in recent years, issued several circulars including Circulars Nos. 2001/11 and 2005/17 prohibiting the use of corporal punishment in schools. These Circulars have clarified that, in the event that a teacher applies 'demeaning corporal or psychological pressure' on a student even with the intention of maintaining school discipline, that could give rise to a breach of fundamental rights enshrined in the constitution and to an offence relating to cruelty to children under Section 308(A) of the Penal Code. Therefore, the prohibition of corporate punishment in schools has been adequately clarified, and as a result, a number of fundamental rights applications/other court cases have been filed against teachers and education authorities in respect of acts of corporal punishment, in recent years.

61. Further, a study on Corporal Punishment has been conducted in response to a request made by UNICEF and the recommendations following the study have been considered for the log frame with actions, expected impact and monitoring mechanism currently being developed by the National Child Protection Authority together with the National Partnership to End Violence against children.

62. In the meantime, Sri Lanka, being a pathfinder country to the Global Partnership to End Violence against children, has taken on the issue of physical and humiliating punishment, by including corporal punishment into the Road Map of National Partnership for Ending Violence against Children. Consequently, the following recommendations of the corporal punishment study will be raised at the Solution summit (Global partnership to end violence against children) as priority issues:

- I. Introducing a law to combat corporal punishment in the country.
- II. Conducting pilot programs in 2 districts for the implementation of recommendations of the study.

Issue 08: Impact of social protection services on reducing child poverty

63. Due to unavoidable reasons, the Ministry of Social Empowerment and Welfare was unable to complete the evaluation of the impact of poverty reduction programmes conducted by the Department of Divineguma in the year 2016. The Ministry expects to complete the said evaluation in the next few months. However, in general, the poverty alleviation programmes of the Government are perceived as a significant contributor to the notable strides that Sri Lanka has made in reducing poverty. The poverty headcount ratio (PHCR), which represents the percentage of the population living below the poverty line, has decreased from 8.9 percent in 2009/2010 to 6.7 percent in 2012/2013.

64. Meanwhile, the Government has also implemented a Poverty Alleviation Microfinance Project (PAMP II) aimed at improving income levels of the poor, while enhancing financial inclusiveness through income generating opportunities and skills development of beneficiaries. The coverage of the programme includes the five highest poverty stricken districts of Mullaithivu, Monaragala, Mannar, Batticaloa and Killinochchi. PAMP II covers a total of 56, 695 poor persons (26.6% of poor families in 14 districts). Rs. 321 Mn has been granted as loan facilities under this programme.

65. The impact of this programme was assessed through a sample survey carried out in 2015 on 1400 families that benefited from this programme. Results show that 91.4% (1279 families) families have passed the poverty line of Rs. 16,500 monthly income per family. Of this 85.6% were female headed families. Launched in 2013, the PAMP — II RF is the continuation of the earlier project, which will continue up to 2018. As of 31st March 2017,

86,548 families have been granted loan facilities with disbursements amounting to Rs. 6250.9 Mn. Of this, 84% of families are headed by women, and 44% of families are from the former conflict affected areas in North and East. The Mid-term evaluation of this project is scheduled to be completed shortly.

Issue 09: Mechanism to regularly assess the situation of institutionalized children and to de-institutionalize children

66. The Department of Probation and Child Care Services (DPCCS) has introduced a two-pronged care plan (i) for children who are institutionalized; and (ii) for children in vulnerable situations. The Department believes in and is committed to the assessment of children in institutionalized care as a priority, as it would provide insights into issues faced by children and the existing status of children's homes. Under the care plan, a special format, namely DPCC/50, has been introduced to Provincial Probation Departments, as probation constitutes a devolved subject in terms of the 13th amendment to the Constitution. This format is required to be filled by each Probation Officer in charge of a children's home, with updated information covering the entire period of care. It is expected that the evaluation of these informative formats would facilitate easy assessment of the situation of each child.

67. Case conferences and family group conferences are held in all care giving institutions, as part of the care plan for children, with the participation of relevant officials and members of the civil society organisations. In some provincial councils, a program titled "back to home" is implemented, whereby homeless families are supported with financial assistance to build a house and take the child/children back home.

68. Further, a mechanism called a Placement Committee, appointed by Commissioners of Provincial Departments of Probation and Child Care Services, is also in place to assess the situation of children in institutionalized care. In terms of the provisions of the Orphanages Ordinance and the Children and Young Persons Ordinance, Provincial Departments of Probation and Child Care Services have the power to monitor children's homes and other child care institutions. From the time that a child is admitted to an institution, the Placement Committee assesses the situation of the child every six months with the participation of the following members:

- Commissioner of Probation and Child Care Services of the respective provincial council;
- Chief Probation Officer;
- Probation officer who recommend admitting the child into the institution;
- Parent/guardian of the child;
- Matron in charge of the home.

69. The period of stay for a child at the institution or handing over the child back to the family will be decided at this Placement Committee.

Measures taken to decrease the number of children committed to institutions by court orders and due to economic reasons

70. In the case of children who are at risk due to economic hardship and brought before courts, action is taken to place them with suitable families, for care and protection under a system called "fit person orders", whereby the care giver is paid a monthly allowance for providing the necessary care to the child. The law provides for this system as an alternative to institutionalization.

71. Meanwhile, Sri Lanka is in the process of formulating an alternative care policy for children, which is expected to be completed soon, and which would include a foster parent system for needy children in Sri Lanka.

Measures taken to de-institutionalize children

72. As the gate-keeping mechanism pertaining to the institutionalizing of children, the DPCCS has introduced a care plan in the form of a prevention mechanism as well. This care plan constitutes a comprehensive strategy for minimizing the vulnerability of children, and its main objective is to maximize the opportunities for children to grow up within their families. The Action Plan on Social Protection for Children (2016–2018), which is implemented by the DPCCS together with Children’s Secretariat (CS) and the NCPA, has allocated Rs. 78.2 million for the care plan, targeting 11,820 families. Further, DPCCS has already developed guidelines on Case Management for Prevention, which provide guidance on comprehensive approaches to address the issue of child vulnerability. In 2016, DPCCS conducted a research on “identification of barriers to the re-integration of institutionalized children”. The recommendations of the research have been incorporated into the DPCCS annual action plan.

Issue 10: Availability of confidential and youth-friendly services, availability of contraceptives, promotion of sexual reproductive health education in schools, review of legislation on abortion, and efforts to address suicide among children**Availability of confidential and youth-friendly services**

73. The Ministry of Health has taken measures to establish dedicated centers called Youth Friendly Health Services (YFHS) by circular number 02-03/2014 dated 19.06.2014. To date, 9 such centers are functioning effectively and the Ministry intends to expand these centers to other areas of the country. The YFHS was revised according to global standards, in 2016. The participation rates at the centres are presently 70%, while participation at outreach programs is 92%.

74. In Sri Lanka, the health issues of adolescents are looked after by school health programs through health promotions, medical examinations, referral and follow up. All Medical Officers of Health (MOH) provide services to adolescents through clinics conducted every Saturday morning at referred centers. In addition, the Medical Officer (Mental Health) assigned to all districts carries out programmes catering to the mental health needs of adolescents. The expenditure on child health from the overall health budget, i.e. for school health, child nutrition and child psychiatry has increased.

75. As a knowledge-base for the youth, the Ministry of Health (Family Health Bureau) has introduced a special website [www.yowunpiyasa.com (youthhub)] where youth can access information relating to adolescent concerns and issues. The National Child Protection Authority has also introduced the website www.youthink.com making information in this regard available to youth. The Family Planning Association of Sri Lanka too maintains the web platform <http://www.roadtoadulthood.lk/> as a self-learning tool for young people on reproductive health and rights.

Measures taken to increase the availability of contraceptives

76. Measures have been taken to enable the services provision of reproductive health services to those under 16 years who are sexually active. A circular has been issued by the Attorney General to the Inspector General of Police in this respect. Furthermore, education programs are also being carried out for vocational training groups regarding reproductive health. In a recent initiative, the Family Planning Association of Sri Lanka, with funding from the International Planned Parenthood Federation, has launched program to install contraceptive vending machines enabling cashless and more user friendly purchase of contraceptives for the public. This is considered an initiative that will prevent teenage pregnancies and reduce the incidence of HIV/STD’s in the country.

Measures taken to promote sexual and reproductive health education in schools to prevent early pregnancies and sexually transmitted diseases

77. All students from grade 6 to 11 are taught about sexual and reproductive health in general, under the Health subject. A Parliamentary Committee on Women and Children has decided that comprehensive sexual reproductive health education including family planning should be provided to students of Grade 12. A teacher training manual has been prepared in this regard and teacher training has been carried out by the National Institute in Education (NIE). Currently, the pilot assessment in this regard has been completed.

78. Medical Officers of Health have also been instructed to conduct life skills programs to empower adolescents, and to reduce teenage pregnancies and other reproductive health problems including STDs. Targeted small groups are also educated by midwives at the grass-root level.

Review of legislation on abortion

79. Teenage pregnancies under the age of 16 years which was approximately 500 per year over the last few years has now decreased to approximately 400 per year, with the introduction of family planning awareness to teenagers. With a view to guaranteeing the best interests of pregnant teenagers, amongst other objectives, the Ministry of Justice has sought the approval of the Cabinet of Ministers for the liberalization of the law on medical termination of pregnancies to cover the specific circumstances of rape and incest, where pregnancy occurs in a girl below the age of 16 (a victim of statutory rape), and in cases of serious foetal impairment.

Suicide among children

80. According to the Global School Health Survey 2016, in Sri Lanka, nearly 9.4% of students reported a suicidal ideation in which there are equal proportions of females and males. Of them, 6.4% reported a suicidal ideation with a plan, with no significant differences by age or gender. From the proportion that had seriously considered attempting suicide, most were from the urban sector (7.5%) rather than from the estates (3.5%) or the North and East (4.3%). In this backdrop, as a preventive mechanism, the Government has taken several measures to address this issue by enhancing accessibility of children to counseling services established in schools. As an initial step, teachers have been trained as counselors and deployed in schools. Prevention of suicide has been already introduced to the school curriculum of the Health and Civic subjects. In the years 2014, 2015 and 2016, 665,525 and 560 educational and health officers were trained on life skills. At the ground level, Medical Officer (Mental Health) assigned to each district implements various activities to minimize suicide among adolescents. A 24 hour toll free child helpline operated by the National Child Protection Authority has proved to be effective in providing services to children in this regard. Well trained and bilingual officers are available on this helpline.

Issue 11: Situation of street children

81. Street children have been identified by the Government as a vulnerable group in respect of whom action needs to be taken on a priority basis. Although the Government has, in the last few years, attempted through different ministries and agencies, to devise a sustainable solution for this issue, the success of these efforts have been limited due to various reasons. It has been observed that children end up on the streets not only due to poverty but also as result of other social factors and the nature of economic activities used by the street community. The major income sources of these groups are begging, acting as porters, rag picking, selling fruits/vegetables and miscellaneous work in which children sometimes get involved. Permanent street children live with families that live in street groups with a leader, and share the proceeds of the group. Thus, street children can be identified under four categories:

- Children on the street with continuous family contact;

- Children on the street with occasional contact with families;
- The families are occasionally moving into the urban cities and while being there, get involved with day today activities;
- Children who live on the street on their own (Abandoned and orphaned children).

82. Given the Government's continuous commitment to address this issue, the National Plan of Action for Children (2016–2020) developed by the MWCA has recognized several strategies to overcome the issues pertaining to street children. Accordingly, new programmes/activities have been incorporated into Section 5 on children in need of protection and care, including the following action points:

- Developing and implementing plans of action to protect street children;
- For protecting street children, establishing Drop-in centers/rehabilitation centers and sensitizing family, community/local bodies;
- Providing identity cards for such children and their families living on streets;
- Initiating joint help line/protecting programme to register families of street children;
- Introducing economic empowerment /income generation for families to get them off the streets;
- Carrying out studies and research to fill the information gap;
- Capacity building programmes for officers working with street children;
- Establishing learning centers to promote literacy and numeracy of street children;
- Training and upgrading skills of teachers on working with street children;
- Streamlining learning programmes to improve literacy and vocational skills with focus on the interest and age of the child;
- Providing identification and other references required to enroll children in mainstream school where possible;
- Providing financial assistance to purchase shoeing items;
- Launching scholarship schemes.

83. As per the plan of action, the Ministry of Social Empowerment and Welfare, Ministry of Education, NDPCCS and Provincial Departments are responsible for implementing these programmes.

84. In the meantime, Government has taken measures to address this issue, focusing priority attention on areas where this issue is more prevalent, especially pilgrim areas. For instance, the MWCA intervened to address the issue of street children in the Katharagama pilgrim area through a plan of action that included the following activities:

- Establishing schools;
- Day Care Services (With the support of Sarvodaya and Action Lanka etc);
- Institutionalization of street children based on court order.

Issue 12: Measures taken to decrease pre-trial detention period and to provide legal assistance to children during judicial procedure

85. The Criminal Procedure Code states that investigations into any criminal offence must be completed without delay. Section 120 stipulates that:

“(1) every investigation under this Chapter shall be completed without unnecessary delay and where such investigation cannot be completed within fifteen days, the officer-in-charge of the Police station or the inquiry shall transmit to the Magistrate's Court having jurisdiction in the case a report of the facts and the progress of the investigation at the end of the fifteen days and thereafter at the end of every fifteen days until the completion of the

investigation; (2) the detention ordered under Sub-section (3) of Section 115 shall be for periods of fifteen days at a time; and (3) as soon as the investigation is completed the officer-in-charge of the Police station shall forward to such Court a report in the prescribed form; if in the report there is no allegation that the suspect has committed or has been concerned in the committing of any offence the Magistrate shall discharge him; and if the report alleges that if the suspect has committed or has been concerned in the committing of any offence he shall be prosecuted in accordance with the provisions of this Code.”

86. The above provisions are applicable to all cases, including those involving children. These legal provisions are strengthened by Section 17 of the Children and Young Person Ordinance, in terms of which it is compulsory to produce the child to court along with the report of social study on family background by the probation officer.

87. Initial steps have already been taken to amend the Penal Code to raise the minimum age of criminal responsibility to 12 years, with the Cabinet of Ministers approving the formulation of the said amendments in November 2016. The Penal Code amendments in this regard have already been drafted, and currently the amendment to the Code of Criminal Procedure Act which should accompany the above amendment to the Penal Code, are awaiting the observations of the Hon. Attorney General. Further, a Children (Judicial Protection) Bill, which will be a critical piece of legislation for juvenile justice, has been formulated and is awaiting Hon. Attorney General’s clearance.

88. Child-friendly Courts have already been established and are in operation in Battaramulla (Colombo), Jaffna and Anuradhapura, and more such courts are to be set up in Moneragala, Puttlam, Mannar and Ampara.

89. UNICEF Sri Lanka, in collaboration with the Ministry of Justice, has conducted a Juvenile Justice Assessment (2016–2017) and the final recommendations of the assessment have been submitted. The findings of this assessment will be very important to provide legal assistance to children during judicial procedures.

Issue 13: Updated information on measures taken to implement the Committee’s recommendations on the implementation of the Optional Protocol on the involvement of children in armed conflict

Killing of children and missing children

90. The GOSL co-sponsored two UNHRC resolutions that set out Sri Lanka’s broad commitments to promote reconciliation, ensure accountability for alleged abuses of international human rights law and IHL during the armed conflict, and improve the human rights situation in the country. The resolutions specifically commit to the establishment of transitional justice mechanisms including an Office on Missing Persons (OMP), a truth-seeking commission, an Office on Reparations, and a special court with independent counsel.

91. It is envisaged that atrocities committed during the conflict would also receive consideration under the above mechanisms.

92. In January 2016, the government appointed a Consultation Task Force (CTF) on processes relating to reconciliation and transitional justice. The CTF comprised civil society representatives and was assisted by a Committee of Experts, and a Representatives Committee, which connected the task force to relevant stakeholders. The CTF carried out nationwide consultations and received over 7,000 submissions. Its final report was presented to the Government in January 2017, and is being considered in the process of preparing draft legislation to establish relevant mechanisms.

93. In August 2016, Parliament enacted legislation to establish the OMP, and in July 2017, the OMP was assigned to the Ministry of National Integration and Reconciliation. As per the requirement, the Constitutional Council has reportedly submitted its nominations for the appointment of Commissioners to the OMP, to the President. Rs. 1.4 billion has been allocated in the 2018 national budget for the Office.

94. Meanwhile, the DPCCS in Northern Province has established a Family Tracing Unit (FTU) for tracing the families of children affected by war. 833 applications had been received by the said unit and out of these applications, and the Unit has so far managed to unify 71 children with their families.

95. 594 ex-child combatants have already been reintegrated to the society with the intervention of the Bureau of the Commissioner of Rehabilitation. Within the reintegration process, these children were always treated as victims not as offenders or suspects. In addition to the above, the DPCCS has intervened to enhance the social lives of the victimized ex-combatants by providing special psychosocial programs such as “happy family” (how to lead a happy family). Furthermore, the DPCCS is in the process of conducting a psychosocial assessment of former child combatants, which is to be completed shortly. In the rehabilitation process, the following aspect have been covered:

- Formal Education programs;
- Vocational Trainings;
- Aesthetic/drama therapy;
- Spiritual therapy;
- Spiritual development;
- Counseling and positive value cultivation;
- Programme for engagement of cultural activities.

Dissemination and training

96. As the national body responsible for implementing the CRC and its 2 Optional Protocols, the MWCA has accorded due attention to the dissemination of these legal instruments among officers, the community and children. Training programmes have been conducted for officers who work with children, and the three armed forces conduct dedicated training sessions for officials on international Human Rights treaties including the CRC and its Optional Protocols. The Sri Lanka police has been instructed to establish Children and Women’s Desks at each police station, and currently 42 such units have already been setup and training provided to its staff on handling cases in line with international standards.

97. Steps have been taken by the DPCCS to promote and disseminate the CRC and its Optional Protocols among children engaged in children’s clubs and children’s council programs. Awareness about the instruments has also been raised at village/divisional and district levels through the child development committees.

Landmines

98. In a landmark move aimed at ensuring non-recurrence, Sri Lanka acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention), on 13 December 2017.

99. According to the National Mine Action Centre, landmines have been cleared in approximately 135.4 square kilometres in the North and the East from 2002 to 2017. Mine clearing in the remaining 25.5 square kilometres is in progress.

100. The Centre has also conducted a special programme on the Mine Risk Education (MRE) for communities in order to reduce the social and economic impact from landmines. The first and most important target of the programme is the communities who are at risk of mines. School-teachers, role models, or local leaders who will encourage community members to engage in safe behaviour; politicians and mass media; and humanitarian workers and government staff comprise the other target groups of the programme.

101. A Mine Risk Education (MRE) Programme has been developed by UNICEF Sri Lanka, in partnership with the Ministry of Education and other local and UN organizations, to minimize deaths and injuries from landmines and explosive remnants of war (ERW).

102. In 2016, UNICEF, with other government organizations, conducted the MRE programme for around 250,252 persons, which resulted in a 15 % increase in community explosive devices reporting (2,196 to 2,517) compared to 2015. 62 community structures were established at village level to educate the community on land mines.

Policy on eradicating small arms

103. Although no specific legislation has been enacted on eradicating small arms, usage of guns or any form of guns are restricted by the Firearms Ordinance No. 33 of 1916. In terms of the said Ordinance and amendments thereto, no one is allowed to sell, produce or purchase any gun without obtaining a license issued by authorized officials.

Part II

Issue 14: Brief updates on new laws, bills and regulations, new institutions reforms, and recently introduced action plans and programmes

New bills, laws and regulations

104. As already referred to above, the Government has enacted or is currently finalizing several legislations aimed at the protection and promotion of the rights of children. These include:

- A regulation issued under the Education Ordinance in 2017 raising the minimum age for compulsory education from 14 to 16;
- Draft amendments to the Penal Code and the Code of Criminal Procedure raising the minimum age of criminal responsibility to 12 years;
- A draft Child Protection and Justice Bill, which proposes to repeal the Children and Young Persons Ordinance, in order to conform with international standards pertaining to the best interest of the child. The Bill proposes to introduce special protections to children in conflict with the law and children in need of care and protection.

105. Other recent laws, bills and regulations recently introduced/to be introduced and which seek to protect and promote human rights in general include:

- The Right to Information Act enacted by Parliament in June 2016, which is currently being implemented (for more information: <https://www.rti.gov.lk>);
- Prescription (Special Provisions) Act No. 5 of 2016 passed by Parliament: The Act enables special provisions in respect of persons who were unable to pursue their rights in court for the recovery of any immovable property including land due to the activities of any militant terrorist group which prevailed in Sri Lanka and for matters connected therewith or incidental thereto;
- Enactment of an amendment to the Assistance to and Protection of Victims of Crime and Witness Act on 7 November 2017 to provide for the victims and witnesses of a crime to record evidence or a statement through audio-visual linkage, without personally attending Court, and to facilitate such process through Sri Lanka diplomatic Missions abroad;
- Bill giving effect to the International Convention for the Protection of All Persons Against Enforced Disappearance (presently before Parliament);
- Registration of Deaths (Temporary Provisions) (Amendment) Act facilitating the issuance of certificates of absence to families of missing persons;
- Enactment of an Amendment to the Mediation Boards Act in July 2016 aimed at preventing delays in the administration of justice;
- Enactment of the Office on Missing Persons Act;

- A draft Bill on Sign Language, with the objective of making legal provision to establish the Sign Language as a recognized language in the country;
- A draft Prison Administration Bill to bring the conditions and standards in prisons on par with international standards.

New institutions/institutional reforms

- Since January 2016, a Special Presidential Task Force for the Protection of Children has been established under the direct purview of the President;
- Pursuant to the enactment of the Assistance to and Protection of Victims of Crime and Witness Act in 2015 as mentioned in the Periodic Report, on 8 January 2016, the National Authority under the Act has been established. The proposed Budget allocation in this regard for 2018, has been increased. The Inspector General of Police has established the Witness Protection Division of the Sri Lanka Police, which is dedicated to provide protection to victims of crime and witnesses, and to investigate offences that may be committed against victims and witnesses.

Recently introduced policies/programmes/action plans and their scope*Policies*

National Child Protection policy

106. The NCPA in collaboration with MWCA is in the process of formulating a National Child Protection Policy which will build on the draft Child Protection Policy of 2013.

107. The draft Policy sets out the goals, guiding principles and values and main strategies to ensure that all children are protected from all forms of abuse, neglect and other forms of ill-treatment and harm.

108. The content of the Policy is envisaged to be incorporated into government action plans such as the National Action Plan for Children and National Human Rights Action Plan. The main purpose of the Policy is to provide the common vision, definitional clarity, policy goals, guiding principles and a conceptual framework to guide multi-sectoral, multi-agency child protection activities across government. It also provides a framework for monitoring and evaluation of outcomes and impact of child protection. The policy identifies priority areas to be addressed for the protection of children in Sri Lanka. It also identifies the key stakeholders in child protection.

Policy on ECCD

109. The first time in Sri Lanka in 2004 National Policy on Early Childhood Care and Development approved by the Ministers of cabinet and had been implemented thereof, later on it was taken a decision to revise and update the practicing policy with comprehensive vision. Accordingly, following areas with proposed actions were incorporated into the policy. The general components of the policy give equal opportunities across the country without considering the disparities either in geographically or as such.

- Health and nutrition;
- Early childhood education;
- Child care protection;
- Parent family and community;
- Investment in ECCD;
- Strategies targeting all ECCD programs and services.

110. In addition to the above actions ECCD administration mechanism and roles and responsibilities of the ECCD partners were incorporated.

National Policy on Elimination of Child Labour

111. In 2017, a 'National Policy on Elimination of Child Labour in Sri Lanka' was formulated and approved by the Cabinet. An action plan is currently being prepared to implement the policy.

112. Further, in June 2016, demonstrating commitment at the highest level of Government, the President signed a pledge on 'Zero Tolerance of Child Labour' during an event held to commemorate the 'Day against Child Labour'.

National Policy of Alternative Care

113. The Department of Probation and Child Care Services is in the process of preparing alternative care policy which was waiting for long. This policy included following components and at the moment it is at the draft level.

- Children with contact with law;
- Alternative care provisions;
- Prevention/Gate keeping;
- Reunification and reintegration.

Plans of Action

National Human Rights Action Plan (2017–2021)

114. In 2017, the GoSL finalized and launched Sri Lanka's National Plan of Action for the Protection and Promotion of Human Rights for the next 5 years, i.e. 2017–2021, after a process of extensive consultations with all stakeholders. The Action Plan contains a separate chapter on the Rights of the Child. A high-level monitoring mechanism has been established to oversee the implementation of the Action Plan.

Plan of Action on Social Protection for children (2016–2019)

115. Save the Children Sri Lanka country office and with the support of Save the Children UK initiated the Early Childhood Care and Development (ECCD) Trust Fund which endorsed by the cabinet in 2008. This was followed by the Memorandum of Understanding (MOU) signed in June 2011 facilitating the transfer of LKR 270 Million for ECCD. Subsequently, the scope of the plan on action was expanded to entire child protection in the form of a National Policy on Elimination of Child Labour where the MWCA, NDPCCS, NCPA and CS were recognized as implementing partners. Strategies areas of the action plan are as follows:

- Early childhood care development;
- Child Rights governance and child protection;
- Institutional development and national campaigned;
- Monitoring, evaluation accountability and learning.

Plan of Action on Sexual Gender Based Violence (2016–2020)

116. The Policy Framework and National Plan of Action to address Sexual and Gender based Violence (NPSGBV) for the period 2016–2020 was approved by the Cabinet in June 2016 and included in the medium term budgetary framework of the GoSL.

117. The process of formulating the Policy Framework and Action Plan was participatory and consultative, with extensive consultations having been held with Ministries, International Organizations and the civil society. The Plan addresses SGBV in all its manifestations, and is all encompassing in that it cuts across nine lead sectors namely, child affairs, disaster management, economic development and employment, education, empowerment and prevention, foreign employment, health, justice and mass media.

118. It recommends a policy framework which based on upholding human rights and gender equity and equality, and adopts a comprehensive and holistic three pronged approach of prevention, intervention and advocacy for policies and laws, to combat and address SGBV. The Full text of the NPSGBV is available at <http://www.childwomenmin.gov.lk/English/downloads/laws>.

119. Relevant sectors of the Action Plan with their estimated budget are as follows:

<i>Sector</i>	<i>Budgeted Amount (LKR in Million)</i>
Child Affairs Sector	61
Disaster Management	5.8
Economic Development and Empowerment	570
Education	27
Empowerment and Prevention	997
Foreign Employment	12
Health	118
Justice and law reforms	21
Media	113

National Plan of Action on Prevention on Child Abuse (2016 onwards)

120. This Action Plan was prepared by a Committee appointed by the Cabinet. Targeted action foreseen in the Action Plan are as follows:

- (a) Awareness creation among school teachers, parents school dropouts pupils and pupils;
- (b) Registration of migrant works in divisional secretariats;
- (c) Reduce abuse and sexual harassment;
- (d) Ensure justice for children in evidence procedure;
- (e) Penal code amendment on statutory rape;
- (f) Minimize delays of hearing the cases in courts;
- (g) Strengthening women and children's bureaus in police stations;
- (h) Awareness campaigns;
- (i) Obtaining the support of the members of local government authorities to actively engage in activities of prevention on child abuse;
- (j) Monitoring of child protection activities.

National Plan of Action on "Daruwan Surakimu" (2017–2019)

121. This action Plan devised and implemented under the direct purview of the President under the name "Lets Protect Children" is implemented and monitored by a Presidential Task Force. The following thematic areas are to be addressed by this Action Plan:

- Preventing drug addiction among children;
- Skills development of children;
- Developing parenting skills;
- Preventing abuse due to pornography.

Recent ratifications of human rights-related conventions

122. GoSL ratified/acceded to the following international instruments during the period 2015–2017:

- The International Convention for the protection of All Persons from Enforced Disappearance in December 2015;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol) on 15 June 2015;
- The Convention on the Rights of Persons with Disabilities in February 2016;
- The Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled in September 2016;
- The Optional Protocol to the Convention against Torture in November 2017;
- The Ottawa Convention on Land Mines in December 2017.

123. Further, in August 2016, GoSL made a declaration under Article 22 of the Convention Against Torture recognising the competence of the Committee against Torture to receive individual communications.

Part III

Issue 15: Available data

124. In keeping with the high priority placed on protection and promotion of rights of children, the Government, the annual budget for sectors involving work relating to children has been substantively increased in last three years. Although it is difficult to extract disaggregated figures in this regard owing to the fact that the funds allocated by the budget are disbursed among different ministries/agencies under different heads as requested by the committee, the GoSL wishes to provide the available data as follows:

Budget allocation for child sector in Sri Lanka

<i>Sector</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Ministry of Women and Child Affairs	1 184	3 391	6 686
Department of Social Services	99	109	42
Ministry of Education	12 591	16 883	12 877
Ministry of skill development and vocational	56	47	48
His Excellency, President Daruwan Surakimu	-	-	200
Department of Buddhist Affairs, Department of Muslim Religious and Cultural Affairs	103	84	184
Ministry of Transport and Civil Aviation	1 695	1 800	1 998

125. In addition to the national budget allocation as mentioned above, budget has been allocated for provincial institutions under the provincial budget as well.

Budget expenditure for last three years

<i>Sector</i>	<i>2014 (Million)</i>	<i>2015 (Million)</i>	<i>2016 (Million)</i>
Capacity building and staff training on child protection (Ministry of Women and Child Affairs and Ministry of Education)	1.8	4.1	1.8

<i>Sector</i>	<i>2014 (Million)</i>	<i>2015 (Million)</i>	<i>2016 (Million)</i>
Improving supervision and infrastructure (As per the data available at DPCCS)	5.5	2.9	1.5
Development of vocational training of adolescent (As per the data available in the Ministry of skill dev. And vocational training)	N/A	10 762.97	12 519.88
Scholarship programmes for indigent children (DPCCS)	0.9	1	1.1
Scholarship programmes children with disabilities (As per the data available with the ministry of social services)	N/A	8.834	3.000
Establishing village level committees on the prevention of child abuse	1	3.63	2

126. In addition to the above data, allocations for all ministries for child protection/prevention of child abuse are given below:

Financial investment for children protection by all relevant government agencies

	<i>% of expenditure</i>	<i>Allocated amount (Rs. Million)</i>
2014	0.59	15 727
2015	0.70	22 313
2016	0.97	30 088

Issue 16: Data on children — Children living in alternative care

Children in institutions

127. The NDPCCS has introduced a national database on institutionalized children, networking with the provincial departments. However, the database is still in the process of being updated. Therefore, the Department is currently not in a position to provided disaggregated data in the form requested by the Committee. Based on a study conducted in 2014 by the NDPCCS, the following data has been made available:

Distribution of children in CCIs by age and female

<i>Age</i>	<i>Male</i>	<i>Female</i>
0–2	105	119
2–5	223	325
5–10	1 370	1 702
10–14	1 998	2 901
14–18	1 541	2 953
18+	404	538
Total	5 641	8 538

Distribution of children in CCIs by ethnicity and religion

<i>Ethnicity</i>	<i>No</i>	<i>%</i>
Sinhala	7 828	55.2
Tamil	5 458	38.5
Muslim	877	6.2
Other	16	0.1
Religious		
Buddhist	6 314	43.5
Hindu	3 588	25.3
Christians	1 603	11.3
Roman Catholic	1 797	12.7

Categories of children with special needs

<i>Category</i>	<i>Male</i>	<i>Female</i>
Disability	143	94
Psychological disorder	195	107
Disease/ailment	64	48
Juvenile delinquency	96	46
Mentally deformed	145	150
Other	76	143
Total	719	588

Children in alternative care settings

128. The number of children in alternative care in Western and Central provinces in the last 3 years are given below:

Children in alternative care settings

<i>Province</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Western	154	47	52
Central	822	774	263

Note: Disaggregated data from other 7 provinces are not available.

Domestic adoption and inter-country adoption**Data on local and Inter-country adoption**

<i>Year</i>	<i>Local adoption</i>	<i>Inter-country adoption</i>
2011	1 739	83
2012	around 1 500	7
2013		8
2014		20 (Local 12)
2015		23 (Local 12)
2016		10 (Local 03)

Note: Foreign adoption statistics includes persons of Sri Lankan origin living abroad and family related adoption.

Issue 17: Data of children with disabilities

129. Accordingly to the report of the National Census in 2012, that 1,617,924 out of the total population of 18,615,577 had difficulties (this includes all forms of difficulties in all age).

Type of difficulties

<i>Type of difficulties</i>	<i>No. of people (including all ages)</i>	<i>%</i>
Seeing	996 939	61.6
Walking	734 213	40.4
Hearing	38 977	24
Cognition	343 689	21.2
Self-care	197 575	12.2
Communication	185 833	11.2

130. Available data on disabled children based on provinces are given below:

Disabled children living with their family — Western Province

<i>Year</i>		<i>2014</i>	<i>2015</i>	<i>2016</i>
Age	0–5	982	1 053	1 090
	6–18	1 955	1 980	2 105
Gender	Female	1 483	1 462	1 639
	Male	1 454	1 571	1 546
Type of disability	Seen	187	184	201
	Communication	518	558	578
	Walking/Moving	615	635	656
	Mental Disorder	173	179	183
	Down Syndrome	747	774	812
	Autism	70	73	76
	Fit	88	96	104
	Other	539	534	573

Disabled children living in institutes — Western Province

<i>Year</i>		<i>2014</i>	<i>2015</i>	<i>2016</i>
Age	0–5	41	41	40
	6–18	661	657	647
Gender	Female	294	293	292
	Male	408	405	395
Type of disability	Seen	108	107	105
	Communication	284	284	283
	Walking/Moving	26	26	25
	Mental Disorder	8	8	8
	Down Syndrome	213	211	207
	Autism	8	2	8
	Fit	0	0	0
	Other	55	24	51

Attending regular primary schools — Western Province

<i>Year</i>		<i>2014</i>	<i>2015</i>	<i>2016</i>
Age	5–21 yrs	2 610	2 401	2 929
Gender	Female	1 089	937	-
	Male	1 521	1 464	-

Disaggregated data related to disabled children — Northern Province

<i>Year</i>		<i>2014</i>	<i>2015</i>	<i>2016</i>
Attending regular primary schools (6–10 yrs)		2 018	2 254	2 865
Attending regular secondary schools (11–16 yrs)		1 077	1 460	1 850
Attending dedicated schools (6–16 yrs)		560	600	750
Total		3 655	4 314	5 465

Disabled children in Northern Province — 2017

<i>District</i>	<i>No of Disabled Children</i>				<i>Total</i>
	<i>Living with their family</i>	<i>Living in institutions</i>	<i>Out of schools</i>	<i>Abandoned by their families</i>	
Jaffna	836	227	624	9	1 696
Kilinochchi	276	26	180	0	482
Mulaithive	335	34	156	1	526
Vavuniaya	217	85	138	44	486
Mannar	225	5	90	0	320
Total	1 889	377	1188	54	3 508

Issue 18: No. of children arrested/children in pre-trial detention/detention

131. The data in this regard is currently available only regarding the Central Province and North West Province and the data on other provinces are being collated.

No. of children arrested/children in pre-trial detention/detention**Central Province**

<i>Year</i>	<i>Children arrested and referred</i>	<i>Children in pre-trial detention</i>	<i>Children in detention homes</i>	<i>Children referred to other jurisdictional protection procedures</i>
2016	364	59	49	05
2015	1 119	38	26	06
2014	1 559	26	22	05

Issue 19: Complaints received by the Human Rights Commission of Sri Lanka

Child rights cases received by Human Rights Commission in Sri Lanka

<i>Respondent</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>Total</i>
National Cadets Corps	01	-	-	-	01
Schools	29	06	04	-	39
Ministry of Education	03	-	-	-	03
Zonal Education Office	01	01	01	-	03
Department of Prisons	01	-	-	-	01
Probation Department	-	02	-	-	02
Ministry of Child Affairs	-	02	-	-	01
National Child Protection Authority	-	01	01	01	03
Police	-	01	01	-	02
Ministry of Sports	-	01	-	-	01
Total	35	13	07	01	56

Source: Database of HRCSL.

Type of child rights cases received

<i>Type of complaint</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>Total</i>
Ongoing cases	07	08	07	01	23
Not interested	02	-	-	-	02
Relief granted	08	02	-	-	10
Directives given	01	01	-	-	02
No FR violation	09	-	-	-	09
Not within mandate	02	-	-	-	02
Settlement	02	-	-	-	02
Refer to Ministry of Education	01	-	-	-	01
Refer to Zonal Director of Education	01	-	-	-	01
Withdraw	01	01	-	-	02
Refer to other organization	-	01	-	-	01
Cannot contact the petitioners	01	-	-	-	01
Total	35	13	07	01	56

Source: Database of HRCSL.

Issue 20: Complaints received by the NCPA child-line in the last three years

132. NCPA has established a toll-free childline — 1929 which operates 24 hours with bilingual accessibility, for logging complaints against violence against children. Average number of complaints received through this line is 100,000. But investigation reports indicate that most of the cases so received have been made as a result of personal disputes between parties. Therefore, this response seeks to provide details only on the complaints maintained in a database at NCPA.

Type of child rights cases received to child-line — 2014

<i>Type of offence</i>	<i>No of cases</i>
27A. ACO — Unlawful custody	2
286A. Obscene publication	2
288. Procuring to beg	248
288B. Trafficking restricted articles	19
308A. Cruelty to children	2 160
345. Sexual harassment	522
352. Kidnapping from lawful guardianship	200
353. Abduction	30
360C. Trafficking	163
360D. Offences related to adoption	2
360E. Soliciting a child	22
363. Rape	508
365A. Gross indecency	4
365B. Grave sexual abuse	411
71. CYPO — Neglect of children	760
Child labour	293
Compulsory education	1 470
Domestic violence	101
Juvenile delinquency	263
Miscellaneous	3 135
Total	10 315

Type of child rights cases received to child-line — 2015

<i>Types of abuse</i>	<i>No of cases</i>
286A. Obscene publication	2
288. Procuring to beg	338
288B. Trafficking restricted articles	22
308. Exposure and abandonment	2
308A. Cruelty to children	2 317
345. Sexual harassment	735
352. Kidnapping from lawful guardianship	219
353. Abduction	39
360C. Trafficking	174
360E. Soliciting a child	2
363. Rape	433
365. Unnatural offences	1
365A. Gross indecency	1
365B. Grave sexual abuse	365
71. CYPO — Neglect of children	885
Child labour	313
Compulsory education	1 463
Domestic violence	106
Juvenile delinquency	274

<i>Types of abuse</i>	<i>No of cases</i>
Miscellaneous	3 041
Total	10 732

Type of child rights cases received to child-line 2016

<i>Types of abuse</i>	<i>No of cases</i>
286A. Obscene publication	5
288. Procuring to beg	329
288B. Trafficking restricted articles	30
308A. Cruelty to children	2 180
345. Sexual harassment	713
352. Kidnapping from lawful guardianship	124
353. Abduction	85
360C. Trafficking	159
360E. Soliciting a child	11
363. Rape	347
365. Unnatural offences	2
365A. Gross indecency	1
365B. Grave sexual abuse	196
71. CYPO — Neglect of children	617
Child labour	283
Compulsory education	1 457
Domestic violence	64
Juvenile delinquency	276
Miscellaneous	2 482
Total	9 361

Issue 21: Updated data related to child protection

133. Department of Censes and statistic conducted a survey on “Child Activity” with the Ministry of Labour and the International Labour organization in 2016. The data emanating from the survey have been set out in the response to Issue 4.

Issue 22: Priority areas in terms of implementation of the CRC

134. The GoSL wishes to draw the attention of the Committee to the following areas, amongst others, that Sri Lanka considers to be important in the implementation of the CRC:

1. Preventing Child Abuse.
2. Strengthening social structures to focus on child protection.