

Sri Lanka

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Sri Lanka became a member of ILO-IPEC in 1996.³³⁵⁶ In 1998, the National Child Protection Authority (NCPA) was established under the Presidential Task Force as an oversight agency for the protection of children against any form of abuse.³³⁵⁷ In cooperation with the Ministry of Labor, the NCPA conducts training programs for judicial, labor, probation, and police officers to educate authorities dealing with child labor issues. The NCPA is working in consultation with the ILO, UNICEF, Save the Children UK, other NGOs, and the media to address the problem of child labor.³³⁵⁸ The Children's Charter, enacted in 1992, is the primary policy document that promotes the rights of the child.³³⁵⁹

The Department of Census and Statistics conducted a child activity survey in 1999.³³⁶⁰ A rapid assessment on the commercial sexual exploitation of children in Sri Lanka was carried out by the University of Ruhuna in 2000.³³⁶¹ The Department of Probation and Child Care Services provides protection to child victims of abuse and sexual exploitation and works with local NGOs that provide shelter.³³⁶² The NCPA established a rehabilitation center that provides vocational training and counseling services to child victims of the worst forms of child labor.³³⁶³ The Tourist Bureau conducts awareness-raising programs for at-risk children in resort regions prone to sex tourism.³³⁶⁴ Sri Lanka is part of an ILO-IPEC sub-regional project funded by USDOL to combat trafficking in South Asia. Other international and local NGOs are working towards eradicating child labor and

³³⁵⁶ The ILO-IPEC programs focus on capacity building and research; policy, law, and enforcement; awareness raising; and direct action for prevention, withdrawal, rehabilitation, and protection of children from child labor. Ministry of Education and Labor of the Government of Sri Lanka, *Sri Lanka*, ILO-IPEC, [online] [cited November 14, 2002]; available from <http://www.labour.gov.lk/documents/3ilotpec.htm>.

³³⁵⁷ Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/10_Chap.htm.

³³⁵⁸ U.S. Embassy- Colombo, *unclassified telegram no. 1719*, September 2001.

³³⁵⁹ The Children's Charter represents the provisions of the UN Convention of the Rights of the Child (CRC). A monitoring committee was established to promote legal reforms and monitor the government's commitment to the CRC. See Save the Children- UK, *Country Report- Sri Lanka*, 2001 [cited September 6, 2002]; available from http://www.savethechildren.org.uk/development/reg_pub/country_reports?SriLanka_2001.pdf.

³³⁶⁰ The survey was carried out with the technical assistance from ILO-IPEC's SIMPOC. See Department of Census and Statistics, *Summary of Findings of Child Labor Survey in Sri Lanka*, Government of Sri Lanka, 1999 [cited October 28, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simnoc/srilanka/report/srilan99/indexpr.htm>.

³³⁶¹ The rapid assessment was funded by USDOL and technical assistance from ILO-IPEC's SIMPOC as part of a project that conducted 38 rapid assessments of the worst forms of child labor in 19 countries and one border area. See Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002.

³³⁶² The Department comes under the Ministry of Social Services. See *Ibid.*, 16.

³³⁶³ U.S. Embassy- Colombo, *unclassified telegram no. 1719*.

³³⁶⁴ The Bureau comes under the Ministry of Tourism. See *Ibid.*

sexual exploitation of children.³³⁶⁵ The government collaborates with UNICEF and other NGOs in and effort to mitigate the impact of civil war on children.³³⁶⁶

Incidence and Nature of Child Labor

In 1999, the child activity survey conducted by the Department of Census and Statistics estimated that 15 percent of children ages 5 to 14 years in Sri Lanka were working.³³⁶⁷ According to the survey, the majority of working children are in the agricultural sector.³³⁶⁸ Children are also found working in the manufacturing, hotel and trade industries, and working as craft workers, street peddlers, and domestic servants.³³⁶⁹

Child prostitution and trafficking of children for exploitative work exist in Sri Lanka.³³⁷⁰ Children are primarily trafficked internally to work as domestic laborers and for the purposes of sexual exploitation, especially at tourist destinations.³³⁷¹ The government estimates that there are more than 2,000 active child prostitutes in the country, and private groups claim higher numbers.³³⁷² Reports indicate that children have been forcibly recruited to serve as child soldiers by the Liberation Tigers of Tamil Eelam (LTTE).³³⁷³ NGOs claim boys and girls, some as young as 12

³³⁶⁵ ILO-IPEC, *South Asian Sub-Regional Programme to Combat the Trafficking of Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka*, project document, RAS/00/05/010, Geneva, February 2000. A phase two of this project began in October 2002. Organizations working to combat child labor and sexual exploitation of children include ILO/IPEC, UNICEF, UNHCR, Redd Barna, Save the Children (UK), Swedish International Development Cooperation (SIDA), Sarvodaya Suwasetha Sangamaya, Don Bosco Technical Training Center, Community Health Foundation, Social Economic and Development Center, Eradicating Sexual Child Abuse, Prostitution and Exploitation, and Protecting Environment and Children Everywhere. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17-20.

³³⁶⁶ H.E. Chandrika Bandaranaike Kumaratunga, President of Sri Lanka, Statement at the United Nations Special Session on Children, May 8, 2002.

³³⁶⁷ For purposes of this survey, working children were considered to be children who were paid employees, self-employed and those who work in a family enterprise without payment, excluding housekeeping activities. Approximately 7.5 percent (69,064) of the 926,038 working children ages 5 to 17 years were in full-time employment, while an estimated 67.1 percent (621,705) of working children combined work with school and household activity. See Department of Census and Statistics, *Summary of Findings*.

³³⁶⁸ Sixty-four percent of working children between 5 and 17 years were found in the agricultural sector. Children working in the agricultural sector include child employees on farms or unpaid child workers helping in family enterprises. See *Ibid*.

³³⁶⁹ *Ibid*.

³³⁷⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Sri Lanka*, Washington, D.C., March 4, 2002, 2551-57, Sections 5 and 6 [cited December 17, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8241.htm>.

³³⁷¹ ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Sri Lanka* [CD-ROM], Manila, 2001. See also Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*.

³³⁷² U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2551-53, Section 5.

³³⁷³ For nearly two decades, the Government of Sri Lanka has fought the LTTE, an armed group that is fighting for a separate ethnic Tamil state in the north and east of the island. *Ibid*. See also U.S. Embassy- Colombo, *unclassified telegram no. 1719*.

years old, are recruited by the LTTE; children that have disappeared are feared to have been conscripted.³³⁷⁴ In September 2002, UNICEF aided 85 child recruits released by the LTTE to return to their parents or guardians.³³⁷⁵

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is free and compulsory for children between the ages of 5 and 14.³³⁷⁶ In 1998, the gross primary enrollment rate was 111 percent, and the net primary enrollment rate was 101.7 percent.³³⁷⁷ Primary school attendance rates are unavailable for Sri Lanka. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³³⁷⁸

Child Labor Laws and Enforcement

Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.³³⁷⁹ The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.³³⁸⁰ The Employment of Women, Young Persons, and Children Act No. 47 of 1956, Article 58, prohibits work by children that may be injurious, the work of children under the age of 12 during school hours, and the night work of children under 18 years in industrial settings.³³⁸¹ In January 2000, Parliament repealed a regulation permitting domestic employment for children as young as 12 years old.³³⁸² Forced labor is prohibited under the Abolition of Slavery

³³⁷⁴ Coalition to Stop the Use of Child Soldiers, "Red Hand Day," *Newsletter*, February 12, 2001. See also Amnesty International, "Sri Lanka Country Report," in *Amnesty International Report 2002*, 2002, [cited September 6, 2002]; available from <http://www.amnesty.org>.

³³⁷⁵ "Tamil Tigers Release Child Recruits," *BBC World Service*, September 11, 2002.

³³⁷⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Sri Lanka*, prepared by Ministry of Education and Higher Education, pursuant to UN General Assembly Resolution 52/84, 2000, Section 2.1.5 [cited October 28, 2002]; available from http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html. Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/9_1_Chap.htm.

³³⁷⁷ Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³³⁷⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³³⁷⁹ The law allows younger children to be employed by their parents or guardians for limited work in agriculture. See U.S. Embassy- Sri Lanka, letter to USDOL official, September 21, 2000.

³³⁸⁰ Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/4_4_Chap.htm.

³³⁸¹ Persons in violation of this Act may be subject to fines of up to 1,000 rupees (USD 11), a period of imprisonment not to exceed six months, or some combination of both. Special provisions under this Act are applied to children working at sea. Except in the case of family work or apprenticeship programs, children are not allowed to work at sea. The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. See Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act No. 47 of 1956*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/4_5_Chap.htm. For currency conversion, see FX Converter, [online] [cited December 17, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

³³⁸² U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2553-57, Section 6d.

Ordinance of 1844.³³⁸³ The Penal Code contains provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.³³⁸⁴ The minimum age for recruitment into the armed forces is 18 years old.³³⁸⁵

The NCPA is the central agency for coordinating and monitoring action on the protection of children.³³⁸⁶ The Sri Lankan Department of Labor, the Department of Probation and Child Care Services and the Police Department are responsible for the enforcement of child labor laws that are under their respective jurisdictions.³³⁸⁷ In 2000, a total of 194 complaints on child labor violations were reported by the Department of Labor, of which 7 were prosecuted and 79 were dismissed because of lack of evidence or faulty grievances. In the first eight months of 2001, the Department of Labor reported 199 complaints, with 48 cases withdrawn and 40 prosecuted.³³⁸⁸

As a Member State of the South Asian Association for Regional Cooperation, Sri Lanka signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.³³⁸⁹

The Government of Sri Lanka ratified ILO Convention 138 on February 11, 2000, and ILO Convention 182 on March 1, 2001.³³⁹⁰

³³⁸³ U.S. Embassy- Sri Lanka, letter to USDOL official, November 8, 2001. See also U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2553-57, Section 6c.

³³⁸⁴ Government of Sri Lanka, *Penal Code (Amendment)*, 1995, Act no. 22. See also Government of Sri Lanka, *Penal Code (Amendment)*, 1998, Act no. 29.

³³⁸⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, [online] 2002 [cited November 14, 2002], 90; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/Document/CHILD%20SOLDIERS%201379%20REPORT%20CONTENTS%20\(2002\)?OpenDocument](http://www.child-soldiers.org/cs/childsoldiers.nsf/Document/CHILD%20SOLDIERS%201379%20REPORT%20CONTENTS%20(2002)?OpenDocument).

³³⁸⁶ ILO, *The ILO-Japan Asian Meeting*. See also U.S. Embassy- Colombo, *unclassified telegram no. 1719*.

³³⁸⁷ U.S. Embassy- Sri Lanka, letter, November 8, 2001.

³³⁸⁸ U.S. Embassy- Colombo, *unclassified telegram no. 1719*. See also U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2553-57, Section 6d.

³³⁸⁹ Under this convention, the governments commit themselves to regional cooperation to address various aspects of prevention and criminalization of the trafficking of women and children for commercial sexual exploitation, and repatriation and rehabilitation of victims of trafficking. Each member state government has yet to ratify the convention. See South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit Held in Kathmandu*, press release, January 9, 2002, [cited December 17, 2002]; available from <http://www.saarc-sec.org/>.

³³⁹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 28, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.