

## 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.<sup>4079</sup> In 1998, the National Child Protection Authority (NCPA) was formed under the Presidential Task Force as an oversight agency for the protection of children against any form of abuse.<sup>4080</sup> 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 and the Labor Department are working in consultation with the ILO, UNICEF, Save the Children UK, other NGOs, and the media to address the problem of child labor.<sup>4081</sup> The Children's Charter, enacted in 1992, is the primary policy document that promotes the rights of the child.<sup>4082</sup> 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.<sup>4083</sup>

The Department of Census and Statistics conducted a child activity survey in 1999.<sup>4084</sup> In 2001, a rapid assessment on the commercial sexual exploitation of children in Sri Lanka was carried out, and in 2003 another assessment on child domestic labor was carried out.<sup>4085</sup> 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.<sup>4086</sup> The NCPA established a rehabilitation center that provides vocational training and counseling services to child victims

<sup>4079</sup> 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. See Ministry of Education and Labor of the Government of Sri Lanka, *Sri Lanka*, ILO-IPEC, [online] [cited June 13, 2003]; available from <http://www.labour.gov.lk/documents/3ilotpec.htm>.

<sup>4080</sup> Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002, 17; available from <http://www-ilo-mirror.cornell.edu/public/english/standards/ipecc/simpoc/srilanka/ra/cse.pdf>. See also Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*; available from [http://www.labour.gov.lk/documents/10\\_chap.htm](http://www.labour.gov.lk/documents/10_chap.htm).

<sup>4081</sup> The Labor Department trained 300 officers in 2001 through an ILO-IPEC program. See U.S. Embassy- Colombo, *unclassified telegram no. 1856*, October 7, 2002.

<sup>4082</sup> 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*, [previously online] [cited June 14, 2003], 13, [hard copy on file].

<sup>4083</sup> 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. Member state governments have 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 October 10, 2003]; available from <http://www.saarc-sec.org/11summit.htm>.

<sup>4084</sup> The survey was carried out with 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, [online] 1999 [cited August 17, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/report/srilan99/indexpr.htm>.

<sup>4085</sup> The rapid assessment was funded by USDOL with 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 Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*. See also Nayomi Kannangara, Harendra de Silva, and Nilaksi Parndigamage, *Sri Lanka Child Domestic Labour: A Rapid Assessment*, ILO-IPEC, Geneva, September 2003; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/ra/domestic.pdf>.

<sup>4086</sup> The Department comes under the Ministry of Social Services. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16. According to the Committee on the Rights of the Child, government bodies such as the National Monitoring Committee, the National Child Protection Authority, and the Department for Probation and Child Care Services do not effectively coordinate the implementation of the UN Convention on the Rights of the Child, and the roles of these bodies are not clearly defined. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Sri Lanka (Unedited Version)*, CRC/C/15/Add.207, prepared by Government of Sri Lanka, pursuant to Consideration of Reports Submitted by State Parties Under Article 44 of the Convention, June 6, 2003, para. 13.

<sup>4087</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*, August 18, 2003. The NCPA monitors the tourism industry and commercial sexual exploitation of children, and provides former child soldiers and victims of trafficking medical and psychosocial services. See U.S. Department of State, *Trafficking in Persons Report-2003: Sri Lanka*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#srilanka>.

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of the worst forms of child labor.<sup>4087</sup> The Tourist Bureau conducts awareness-raising programs for at-risk children in resort regions prone to sex tourism.<sup>4088</sup> Sri Lanka is part of an ILO-IPEC sub-regional project funded by USDOL to combat child trafficking in South Asia.<sup>4089</sup> ILO-IPEC also implements a national country program to eliminate child labor.<sup>4090</sup> Other international and local NGOs are working towards eradicating child labor and sexual exploitation of children.<sup>4091</sup> The government collaborates with UNICEF and other NGOs in an effort to mitigate the impact of civil war on children.<sup>4092</sup> For example, UNICEF advocated for a 60-day deadline for the armed forces to vacate schools that was included into a ceasefire agreement in February 2002.<sup>4093</sup> In 2003, the Government of Sri Lanka began participating in an inter-regional ILO-IPEC project funded by USDOL that aims to prevent and reintegrate children involved in armed conflict.<sup>4094</sup>

The second phase of the General Education Project, funded by the World Bank, has been underway since 1997 and aims to improve the quality, access, and management of schools, including improved curriculum management, and the training of teachers for grades 1 to 9.<sup>4095</sup> The government operates a school meal program for 20,800 first year students in areas that have high malnutrition and provides school uniform material to needy children.<sup>4096</sup>

## Incidence and Nature of Child Labor

In 1999, the Sri Lankan Department of Census and Statistics estimated that 15 percent of children ages 5 to 14 years in Sri Lanka were working.<sup>4097</sup> According to the survey, the majority of working children are in the agricultural sector.<sup>4098</sup> Children are also found working in the manufacturing, hotel and trade industries, and working as

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<sup>4088</sup> The Bureau comes under the Ministry of Tourism. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16.

<sup>4089</sup> ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, September 30, 2002, 8.

<sup>4090</sup> This program is funded by the Danish Government. See ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 16 August 2003*, August 16, 2003.

<sup>4091</sup> 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, 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.

<sup>4092</sup> H.E. Chandrika Bandaranaike Kumaratunga, President of Sri Lanka, Statement on the Occasion of the Special Session of the General Assembly on Children, United Nations Special Session of the General Assembly on Children, New York, May 8, 2002.

<sup>4093</sup> UNICEF, *UNICEF Humanitarian Action Report 2003: Sri Lanka*, 2003, 273-76 [hard copy on file]. For nearly twenty years, 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. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Sri Lanka*, Washington, D.C., March 31, 2003, Section 1; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18315pf.htm>. On June 10, 2003, at an international conference on rebuilding Sri Lanka, governments and organizations pledged USD 4.5 billion in aid for the next 4 years, contingent following the ceasefire agreement and observance of human rights. See Hiroshi Hiyama, *International Donors Pledge \$4.5 Billion Dollars for Sri Lanka*, [hard copy on file] June 10, 2003.

<sup>4094</sup> ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Program*, project document, Geneva, September 17, 2003.

<sup>4095</sup> World Bank, *General Education Project (02)*, November 3, 2003 [cited November 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P010525>.

<sup>4096</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

<sup>4097</sup> This percentage represents an estimated 475,531 working children. The total population of 5 to 14 year olds in Sri Lanka at the time of the survey was 3,186,838. 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. See Department of Census and Statistics, *Summary of Findings*.

<sup>4098</sup> 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*.

<sup>4099</sup> *Ibid*. The situation of domestic service is not regulated or documented, although many thousands of children are believed to be employed in domestic service. See U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6d.

craft workers, street peddlers, and domestic servants.<sup>4099</sup> Children from rural areas are reported trapped in debt bondage as domestic servants in urban households.<sup>4100</sup> Children are primarily trafficked internally to work as domestic laborers and for the purposes of sexual exploitation, especially at tourist destinations.<sup>4101</sup> Some children have been exploited by foreign pedophiles, although the majority of children engaged in prostitution cater to local citizens.<sup>4102</sup> The government estimates that more than 2,000 children are engaged in prostitution.<sup>4103</sup> A local NGO estimates that in 2003, there were 5,000 to 6,000 children between the ages of 8 and 15 years engaged in sex work, 70 percent of which were boys.<sup>4104</sup>

Despite the ceasefire, reports indicate that children continue to be recruited to serve as child soldiers by the Liberation Tigers of Tamil Eelam (LTTE).<sup>4105</sup> NGOs claim boys and girls, some as young as 12 years old, are recruited by the LTTE; children that have disappeared are feared to have been conscripted.<sup>4106</sup>

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is free and compulsory for children 5 to 14.<sup>4107</sup> In 1998, the gross primary enrollment rate was 105.9 percent, and the net primary enrollment rate was 97 percent.<sup>4108</sup> An estimated 85 percent of children under the age of 16 attend school.<sup>4109</sup> 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.<sup>4110</sup>

Educational reforms to improve the quality of education have been initiated by the government in 1999, but education authorities and parents in rural and conflict-affected areas are not fully informed.<sup>4111</sup> Education facilities in

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<sup>4100</sup> U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6c.

<sup>4101</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labor and Sexual Exploitation: Country Report- Sri Lanka* [CD-ROM], Manila, 2001. See also Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*.

<sup>4102</sup> U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 5.

<sup>4103</sup> *Ibid.*, Section 5.

<sup>4104</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

<sup>4105</sup> Amy Waldman, "Sri Lanka's Children Still Abducted for War by Rebels," *The New York Times* (New York), January 6, 2003; available from [http://www.operationsick.com/articles/20030106\\_srilankachildrentaken.asp](http://www.operationsick.com/articles/20030106_srilankachildrentaken.asp). See also U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Sections 1g, 5 and 6d. Children recruited receive LTTE ideological and formal education, and compulsory physical training. The LTTE use children for work as cooks, messengers, clerks, and as laborers for building. See U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6d.

<sup>4106</sup> Coalition to Stop the Use of Child Soldiers, "Red Hand Day," *Newsletter*, March 2002. See also Amnesty International, *Sri Lanka Country Report 2003*; available from <http://web.amnesty.org/report2003/lka-summary-eng>.

<sup>4107</sup> 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, Part II, Section 2.1.5 [cited June 14, 2003; available from [http://www2.unesco.org/wef/countryreports/sri\\_lanka/contents.html](http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html)]. See also Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*; available from [http://www.labour.gov.lk/documents/9\\_1\\_chap.htm](http://www.labour.gov.lk/documents/9_1_chap.htm).

<sup>4108</sup> 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 2003* [CD-ROM], Washington, D.C., 2003.

<sup>4109</sup> U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 5.

<sup>4110</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report. Also, a significant number of children with disabilities, particularly girls, do not have access to special education programs, and special schools are concentrated in the more urbanized western province. See UN Committee on the Rights of the Child, *Concluding Observations*, Par. 36-37.

<sup>4111</sup> *Ibid.*, para. 42-43.

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the North and East of Sri Lanka have been badly affected by the civil war; UNICEF estimates that one third of the school-aged children have dropped out or have never attended school.<sup>4112</sup> In July 2003, with funding from the European Union, 55 schools were opened in the North as part of efforts to rebuild conflict-affected areas.<sup>4113</sup>

## Child Labor Laws and Enforcement

Minimum age for employment in most occupations is 14 years. Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.<sup>4114</sup> The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.<sup>4115</sup> The Employment of Women, Young Persons, and Children Act No. 47 of 1956, prohibits work by children that may be injurious, work by children during school hours, and work by children under 18 years in industrial settings at night.<sup>4116</sup> In 2003, this Act was amended to allow children below 14 years old to work only in part-time family agricultural work or participate in technical training. Children below 14 years old are prohibited to work in any family-run industrial operations. Children under 15 years are no longer allowed to work at sea on family-owned vessels.<sup>4117</sup> The Factories Ordinance allows for the employment of 14 year olds and calls for medical certification of children under 16 years old, and prohibits children below 18 years old from engaging in hazardous employment.<sup>4118</sup> In January 2000, Parliament repealed a regulation permitting domestic employment for children as young as 12 years old.<sup>4119</sup> Forced labor is prohibited under the Abolition of Slavery Ordinance of 1844.<sup>4120</sup> The Penal Code contains provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.<sup>4121</sup> Penalties for trafficking children includes imprisonment of 5 to 20 years and a fine.<sup>4122</sup> The minimum age for recruitment into the armed forces is 18 years old.<sup>4123</sup>

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<sup>4112</sup> In the conflict affected areas, 836 out of 980 primary schools are functioning primary schools; 7 percent have sanitation facilities and 60 percent have access to safe water. The average dropout rate in these areas is 15.8 percent compared with the national average of 3.9 percent. There is a severe teacher shortage with approximately 25 percent of all posts vacant in the North and East. However, the ceasefire between the government and the LTTE has allowed for the return of internally displaced people. See UNICEF, Humanitarian Action Report, 274-75.

<sup>4113</sup> *EU Opens Rebuilt S. Lanka Schools in War-Hit North*, (Reuters Limited), [hard copy on file] July 22, 2003.

<sup>4114</sup> U.S. Embassy- Sri Lanka, letter to USDOL official, September 21, 2000. However, younger children are allowed to be employed by their parents or guardians for limited work in agriculture. See *Employment of Women, Young Persons, and Children Act No. 47 of 1956*, Part III, para 14(1) (a) (i); available from [http://www.labour.gov.lk/documents/4\\_5\\_chap.htm](http://www.labour.gov.lk/documents/4_5_chap.htm).

<sup>4115</sup> Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*; available from [http://www.labour.gov.lk/documents/4\\_4\\_Chap.htm](http://www.labour.gov.lk/documents/4_4_Chap.htm).

<sup>4116</sup> The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. See *Employment of Women, Young Persons, and Children Act*, Part II, para 7 (2) (a).

<sup>4117</sup> The amendment increased penalties for child labor violations to Rs 10,000 (approximately USD 100) and 12 months imprisonment. See the Employment of Women, Young Persons, and Children (Amendment Act) No. 8 of 2003 as cited in U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also Government of Sri Lanka, *Employment of Women, Young Persons, and Children (Amendment) Act No. 8 of 2003*, (March 17, 2003), [hard copy on file]. For currency conversion, see FXConverter, [online] [cited October 10, 2003]; available from <http://www.oanda.com/convert/classic>.

<sup>4118</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

<sup>4119</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Sri Lanka*, Washington, D.C., March 4, 2002, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8241.htm>. There is no clear legal definition of the child applicable throughout the country and existing age limits in various areas such as marriage, child labor, and the penal code provisions on child sexual abuse are not in compliance with international standards. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

<sup>4120</sup> U.S. Embassy- Sri Lanka, letter to USDOL official, November 8, 2001. See also U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6c.

<sup>4121</sup> Government of Sri Lanka, *Penal Code (Amendment), 1995*, Act no. 22. See also Government of Sri Lanka, *Penal Code (Amendment), 1998*, Act no. 29.

<sup>4122</sup> U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6f.

<sup>4123</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, [online] 2002 [cited June 14, 2003], 90; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

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In October 2002, the police opened an office to support NCPA investigations into child abuse and to arrest suspects based on those investigations.<sup>4124</sup> The NCPA also has a cyber watch unit to monitor websites for advertisements soliciting children.<sup>4125</sup> The NCPA is the central agency for coordinating and monitoring action on the protection of children.<sup>4126</sup> 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 in their respective jurisdictions.<sup>4127</sup>

From January to July 2003, a total of 102 complaints on child labor violations were reported by the Department of Labor, of which 23 were prosecuted.<sup>4128</sup> In 2002, international monitors received over 600 complaints about child abductions, indicating the LTTE increased recruitment of children despite the ceasefire accord.<sup>4129</sup> Though there are fewer reported cases of child recruitment since early 2003, significant numbers of released children are yet to be seen.<sup>4130</sup>

The Government of Sri Lanka ratified ILO Convention 138 on February 11, 2000, and ILO Convention 182 on March 1, 2001.<sup>4131</sup>

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<sup>4124</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

<sup>4125</sup> *Ibid.*

<sup>4126</sup> ILO, *The ILO-Japan Asian Meeting*. See also U.S. Embassy- Colombo, *unclassified telegram no. 1856*.

<sup>4127</sup> U.S. Embassy- Sri Lanka, letter, November 8, 2001.

<sup>4128</sup> U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

<sup>4129</sup> The Sri Lanka Monitoring Mission (SLMM) was set up of representatives from Nordic countries to verify the implementation of the ceasefire agreement. At the end of 2002, the SLMM found that 313 cases out of 603 complaints regarding child recruitment were violations of the ceasefire agreement. See Amnesty International, *Sri Lanka Country Report*.

<sup>4130</sup> UNICEF indicates that more releases of child combatants may come once relief mechanisms are in place. See Lindsay Beck, *S. Lanka Rebels Said Recruiting Fewer Children*, (Reuters Limited), Reuters, [hard copy on file] May 8, 2003.

<sup>4131</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 13, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.