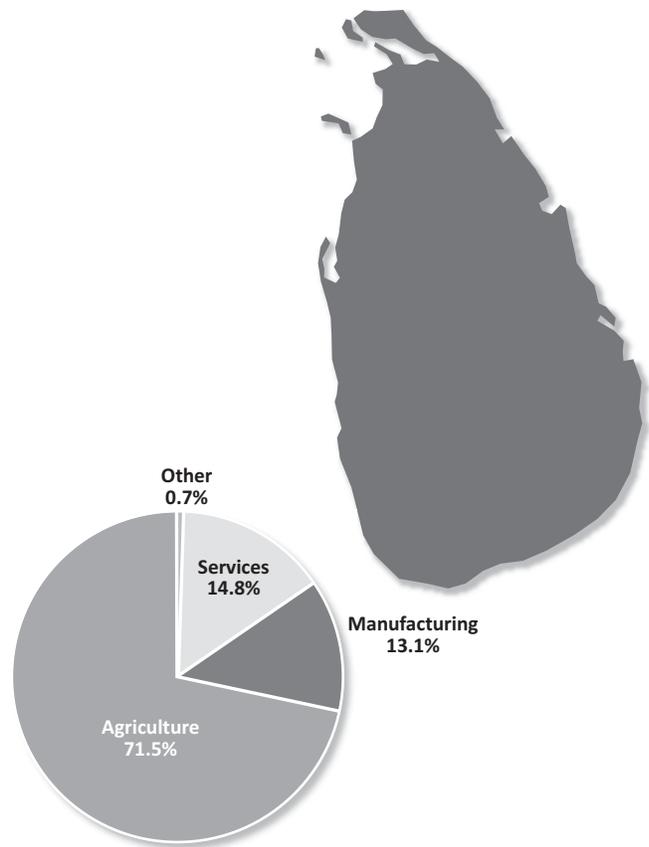


Sri Lanka

The Government of Sri Lanka has taken steps to address some common worst forms of child labor in the country through programs focused on plantation workers and former child soldiers and has published a National Action Plan to Eliminate the Worst Forms of Child Labor by 2016. However, draft regulations specifying occupations prohibited to children have yet to be published. Children continue to be involved in the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁶²⁶

Some children in Sri Lanka are exploited in the worst forms of labor, including in agriculture.⁴⁶²⁷ Some children's work in agriculture could involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides. In some cases children are also employed in domestic service, a largely unregulated sector in which children may work long hours and are vulnerable to physical and sexual abuse.⁴⁶²⁸

There are also reports that children in Sri Lanka also perform dangerous work in the tile and fishing industries, construction, and mining.⁴⁶²⁹ In tile manufacturing children work long hours, carry heavy loads, and experience breathing problems, fatigue, and body pain.⁴⁶³⁰ Children in the fisheries sector work long hours, often at night.⁴⁶³¹

Child trafficking is also an issue in Sri Lanka. Children are trafficked to the Middle East and Singapore, where they are subjected to forced labor and sexual

exploitation.⁴⁶³² Children are also internally trafficked for domestic service, exploitive labor, and commercial sexual exploitation. There are reports of children below the age of 12 being kidnapped to work in fireworks or fish-drying factories.⁴⁶³³ Trafficked children often come from rural areas or Internally Displaced Persons (IDP) camps, and some are lured by the promise of employment in the garment industry.⁴⁶³⁴ The prostitution of children is reported to be of concern, particularly in the coastal areas.⁴⁶³⁵ Boys are among those exploited in prostitution.⁴⁶³⁶

In May of 2009, Sri Lanka's 26-year long internal conflict ended. Until that point, children had been involved in both para-military and military activities, including performing a variety of activities for the Liberation Tigers of Tamil Eelam (LTTE), an armed terrorist opposition group.⁴⁶³⁷ From 2003 to May 2009, UNICEF recorded more than 6,000 cases of children recruited by the LTTE. Forced recruitment of children into the LTTE surged in the months prior to the end of the hostilities, and children were used on the frontlines to dig bunkers, collect weapons from killed soldiers, and protect senior leadership.⁴⁶³⁸ Additionally, the pro-

government Tamil Makkai Viduthlai Pulikal (TMVP), a former LTTE faction and registered political party, was reported to recruit, sometimes forcibly, children as soldiers.⁴⁶³⁹ In 2008, the Government of Sri Lanka, TMVP, and the United Nations signed a Tri-Partite Agreement Action Plan to stop the recruitment and arrange for the release of child soldiers.⁴⁶⁴⁰ In May 2009, the Government of Sri Lanka officially declared victory over the LTTE opposition group, the entire leadership of the LTTE was destroyed, and hostilities ceased. The Government has demonstrated its commitment by adopting a zero tolerance policy toward the recruitment of child soldiers and by rehabilitating the child soldiers who were recruited or forcibly conscripted by the LTTE.⁴⁶⁴¹

Laws and Regulations on the Worst Forms of Child Labor

A 1999 amendment to the Employment of Women, Young Persons, and Children Act of 1956 sets the minimum age for employment at 14.⁴⁶⁴² A second amendment (2006) sets the minimum age for employment in hazardous work at 18.⁴⁶⁴³ Children ages 14 and 15 may work nine hours per day and children ages 16 and 17 may work ten hours per day.⁴⁶⁴⁴ The minimum age for employment at sea is 15.⁴⁶⁴⁵ Children under 14 may be employed by their own parents in agricultural work or as part of training activities.⁴⁶⁴⁶

The 2006 amendment to the Employment of Women, Young Persons and Children Act of 1956 enabled the Ministry of Labor Relations and Manpower to publish a list of hazardous occupations. Accordingly, the Government of Sri Lanka published a draft list of 49 hazardous occupations, 40 of which were to be unconditionally prohibited and 9 of which were to be conditionally prohibited for children ages 14 to 18.⁴⁶⁴⁷ In 2009, the Government drafted regulations to prohibit these hazardous forms of child labor, but the draft has not yet been sent to Parliament for approval.⁴⁶⁴⁸

The Penal Code, Amendment Act No. 16 of 2006, prohibits forced labor, debt bondage, and all forms of slavery.⁴⁶⁴⁹ In addition, the Penal Code prohibits the trafficking of children.⁴⁶⁵⁰

The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, prohibit sexual violations against children below 18 years, particularly with regards

to child pornography, child prostitution, and the trafficking of children.⁴⁶⁵¹

The Penal Code 2006 Amendment also prohibits the recruitment of children below 18 years in armed conflict.⁴⁶⁵²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Child Protection Authority (NCPA) is charged with monitoring and coordinating action to protect children.⁴⁶⁵³ This body’s mandate includes formulating policies on child abuse and exploitation and coordinating groups that combat them. It also monitors research, coordinates resource mobilization, and monitors implementation of the law and investigations.⁴⁶⁵⁴ This group treats child labor as a form of abuse along with sexual exploitation and child conscription.⁴⁶⁵⁵

The Department of Labor, within the Ministry of Labor Relations and Manpower, and the NCPA are responsible for enforcing child labor laws.⁴⁶⁵⁶ The Department of Labor’s labor inspectorate employs 314 labor officers to enforce all labor laws, including those on child labor. In 2009, 240 labor officers, police officers, and probation officers were trained on

child labor issues.⁴⁶⁵⁷ The Department of Labor and the NCPA coordinate efforts with the Women and Children's Bureau of the Sri Lanka Police to enforce child labor laws.

Complaints of child labor violations can be made via two hotlines, one with the Women and Children's Bureau of the Sri Lanka Police and the other with the Ministry of Child Development and Women's Empowerment. During the reporting period, these hotlines received 140 complaints of child labor involving children below 14. Nine led to cases being filed. There is no data available on the number of children removed from labor exploitation, convictions or penalties. However, research suggests it takes approximately two years for child labor cases to be resolved.⁴⁶⁵⁸

The NCPA is the lead agency responsible for preventing child trafficking.⁴⁶⁵⁹ The NCPA operates under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police to enforce child trafficking violations.⁴⁶⁶⁰ In 2009, the Sri Lankan Police trained 859 officers on human trafficking issues.⁴⁶⁶¹

Complaints of trafficking violations can be made via the Women and Children's Bureau of the Sri Lanka Police and the Ministry of Child and Development and Women's Empowerment. From January to November 2009, there were 38 trafficking investigations by the Women and Children's Bureau of Sri Lanka Police and ten investigations by NCPA, although it is possible that both agencies conducted investigations of the same cases.⁴⁶⁶² NCPA is reported to have rescued 11 child trafficking victims and conducted 20 arrests. NCPA filed ten cases but it is unknown whether these cases are closed or resolved.⁴⁶⁶³

Although the 2006 Penal Code Amendment prohibits the use of child soldiers, no prosecutions are known to have taken place.⁴⁶⁶⁴

Government Policies on the Worst Forms of Child Labor

The Government of Sri Lanka has established policies specifically focusing on child protection and mainstreamed child labor issues into the national development framework. The Government

implemented a National Action Plan (NAP) for Children (2004-2008).⁴⁶⁶⁵ It budgeted \$124.6 million to implement the policy with \$2 million allocated for child labor programs.⁴⁶⁶⁶ A new NAP (2010-2014), prepared by the Ministry of Finance, will also include an action plan to eliminate child labor.⁴⁶⁶⁷ The new NAP has not yet been published.⁴⁶⁶⁸

The Government's key development plan, *Mahinda Chintana* – A Vision for New Sri Lanka (2006-2016) includes government policies on combating child labor.⁴⁶⁶⁹ The policies outlined in *Mahinda Chintana* encourage parents to keep children in school rather than sending them to work. A key part of the *Mahinda Chintana* is the Roadmap to 2016 – From Commitment to Action, Elimination of the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor by 2016. The road map includes plans for institutional capacity building of programs for planning, delivery and reporting of child labor, awareness raising, resource centers, and integrated enforcement and monitoring systems. To date, the Government has only released a concept note of this plan.⁴⁶⁷⁰

The Roadmap also provides social protection for at-risk children and specifically focus on the plantation sector where child labor is prevalent.⁴⁶⁷¹ To this end, the policy outlines five key strategies for eliminating child labor, including poverty reduction through minimum wage standards and safety networks for migrant workers and their families; strict enforcement of minimum age employment legislation especially in the informal sector; and rehabilitation of child soldiers.⁴⁶⁷² However, the policy does not lay out specific programs for implementing these initiatives.

The 2007 Youth Employment Policy & National Action Plan also emphasizes access to quality education and recognizes the issue as an important means for addressing child labor.⁴⁶⁷³

The Government has also developed policies regarding certain specific types of the worst forms of child labor. The National Plan of Action to Combat Trafficking in Children for Sexual and Labour Exploitation emphasizes reforming and enforcing laws, strengthening institutions, and conducting research, as well as prevention, rescue, protection and reintegration of trafficked children.⁴⁶⁷⁴

In 2009, the Ministry of Disaster Management and Human Rights developed the National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka. This policy focuses on both adult and child combatants and targets 15,000 participants.⁴⁶⁷⁵ Its goal is rehabilitation of combatants who need psychosocial support for a period of up to three years. Youth will also be given educational opportunities and access to sports, art, theatre, and music.⁴⁶⁷⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 1997 through 2001, Sri Lanka participated in 15 donor-funded projects in support of the National Programme on Child Labor, focusing on the prevention and reintegration of former child workers.⁴⁶⁷⁷ Since 2001, six new programs have been initiated, some specifically targeting child trafficking, child domestic labor, and child soldiers.⁴⁶⁷⁸

Currently, the Ministry of Education (MOE) has programs for vulnerable children working in plantations. These children receive educational services, including additional classes for secondary students in plantation areas.⁴⁶⁷⁹ In the plantation province of Sabaragamuwa, the ILO collaborates with

district governments in a Youth Employment Project which benefits youth at risk of entering worst forms of child labor.⁴⁶⁸⁰

Between 2008 and 2009, the Department of Census and Statistics conducted a Child Labor Survey with technical support from the ILO.⁴⁶⁸¹ The survey is intended to be a key component in preventing worst forms of child labor as it is designed to inform further program and policy initiatives. However, the survey results have yet to be released.⁴⁶⁸²

The Government of Sri Lanka has also created rehabilitation and reintegration programs for former child soldiers.⁴⁶⁸³ Specifically, it provided two residential educational and vocational training facilities for 556 child ex-combatants. These facilities offer catch-up education classes and allow family visits to reintegrate the children into the community. Of these ex-combatants, 180 appeared for their grade 11 equivalency exams in December 2009.⁴⁶⁸⁴

The Government Road Map for eliminating the worst forms of child labor specifically targets child trafficking and commercial sexual exploitation, and this effort is headed by the National Child Protection Agency.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sri Lanka:

IN THE AREA OF LAWS AND REGULATIONS:

- Approve the draft regulations prohibiting child labor in occupations on the hazardous list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Prosecute individuals suspected of recruiting and using children in armed conflict

IN THE AREA OF POLICIES:

- Finalize and publish the National Action Plan for Children (2010-2014) and implement its recommendations.
- Finalize specifics regarding programs to be implemented under the Roadmap to 2016 on the Worst Forms of Child Labor in line with the *Mahinda Chintana*.

IN THE AREA OF PROGRAMS:

- Finalize and publish National Child Labour Survey results.
- Establish and/or further continue programs targeting children involved in hazardous work in the agriculture, tile, fishing, domestic service, and commercial sexual exploitation sectors.

⁴⁶²⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁶²⁷ ILO-IPEC, *Child Labour and Responses: Sri Lanka*, [September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/srilanka/index.htm>..

⁴⁶²⁸ U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6d.

⁴⁶²⁹ U.S. Embassy - Colombo, *reporting*, February 8, 2010.. See also University of Colombo Social Policy Analysis & Research Center, *Situation Report on Child Labour*, March 2008 2008.

⁴⁶³⁰ Social Policy Analysis & Research Center, *Plantation, Fire-Works Industry, Tile Industry, Coir Industry & Fishery*, 70.

⁴⁶³¹ *Ibid.*, 102.

⁴⁶³² U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 9-12. See also U.S. Embassy- Colombo, *reporting*, February 17, 2010, para. 11.

⁴⁶³³ U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 7, 8, 10, 12. See also U.S. Department of State, “Sri Lanka,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁴⁶³⁴ U.S. Embassy- Colombo, *reporting*, February 16, 2009, para. 12.

⁴⁶³⁵ U.S. Department of State, “Country Reports- 2009: Sri Lanka.”

⁴⁶³⁶ U.S. Embassy- Colombo, *reporting*, February 16, 2009. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Sri Lanka.” See Also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children Sri Lanka*, Bangkok, 2006, 11; available from http://www.ecpat.net/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-SRI_LANKA.pdf.

⁴⁶³⁷ U.S. Embassy - Colombo, *reporting*, June 12, 2009.

⁴⁶³⁸ Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning Protection of Children Post Armed Conflict*, July 2009, 1-3; available from <http://www.unhcr.org/refworld/publisher,CSCOAL,,,4a77f93e2,0.html>. See

also UNICEF, *Sri Lanka: More Children Victims of Conflict says UNICEF*, [2009 [cited October 13, 2010]; available from http://www.unicef.org/media/media_48044.html.

⁴⁶³⁹ U.S. Embassy - Colombo, *reporting*, June 12, 2009. See Also Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 6. See Also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict of Sri Lanka*, June 25, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/351/86/PDF/N0935186.pdf?OpenElement>.

⁴⁶⁴⁰ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴¹ *Ibid.*

⁴⁶⁴² ILO IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka* [September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/srilanka/national.htm>.

⁴⁶⁴³ *Employment of Women, Young Persons and Children (Amendment) Act, No. 24 of 2006*, (August 21, 2006), 2. 20A. (1).

⁴⁶⁴⁴ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁵ Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956* No. 47 (November 7, 1956), part II, 9.(1); available from <http://www.labourdept.gov.lk/Legislations/Emplof%20WomYouPersonsChi.pdf>. See also U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁶ Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*.

⁴⁶⁴⁷ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁸ *Ibid.*

⁴⁶⁴⁹ Government of Sri Lanka, *Penal Code (Amendment), 2006 Act No. 16*, (April 24, 2006).

⁴⁶⁵⁰ U.S. Department of State, “Country Reports- 2009: Sri Lanka.”

⁴⁶⁵¹ Government of Sri Lanka, *Penal Code (Amendment), 1995, Act No. 22*, (October 31, 1995), Government of Sri Lanka, *Penal Code (Amendment), 1998, Act No. 29*, (June 6, 1998).

⁴⁶⁵² U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁵³ U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010.

⁴⁶⁵⁴ National Child Protection Authority, *National Child Protection Authority: Children are like Flowers, They Bruise Easily, Stop Cruelty to Children*, [online] [cited July 16, 2010]; available from <http://www.childprotection.gov.lk/home.html>.

⁴⁶⁵⁵ *Ibid.*].

- ⁴⁶⁵⁶ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁵⁷ Ibid.
- ⁴⁶⁵⁸ Ibid.
- ⁴⁶⁵⁹ Ibid.
- ⁴⁶⁶⁰ U.S. Embassy - Colombo, *reporting, February 17, 2010.*
- ⁴⁶⁶¹ U.S. Embassy- Colombo, *reporting, February 17, 2010, 9.*
- ⁴⁶⁶² U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁶³ Ibid.
- ⁴⁶⁶⁴ Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 8.
- ⁴⁶⁶⁵ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁶⁶ National Planning Department, *National Plan of Action for the Children of Sri Lanka, 2004-2008*, Government of Sri Lanka Ministry of Finance and Planning, Colombo, 2004, 125-126; available from http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf.
- ⁴⁶⁶⁷ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁶⁸ Ibid.
- ⁴⁶⁶⁹ Ibid.
- ⁴⁶⁷⁰ U.S. Embassy - Colombo, Email Communication to USDOL Official USDOL Official, November 11, 2010.
- ⁴⁶⁷¹ IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*
- ⁴⁶⁷² Department of National Planning Ministry of Finance and Planning, *Mahinda Chintana: Vision for a New Sri Lanka A Ten Year Horizon Development Framework 2006-2016*, 2006; available from www.treasury.gov.lk/docs/MahindaChintanaTenYearDevelopmentPlan.pdf.
- ⁴⁶⁷³ IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*
- ⁴⁶⁷⁴ ECPAT International, *Global Monitoring Report: Sri Lanka*, 16.
- ⁴⁶⁷⁵ Ministry of Disaster Management and Human Rights, *National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka*, October, 2009, 9; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_117302.pdf.
- ⁴⁶⁷⁶ Ibid., 14.
- ⁴⁶⁷⁷ ILO- IPEC, [online] IPEC Action in Sri Lanka [cited July 29, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/responses/srilanka/action.htm>.
- ⁴⁶⁷⁸ Ibid.].
- ⁴⁶⁷⁹ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁸⁰ Ibid.
- ⁴⁶⁸¹ ILO-Colombo, *Child Labor*, [online] 2009 [cited July 29, 2010]; available from http://www.ilo.org/colombo/areasofwork/lang--en/WCMS_DOC_COL_ARE_CHL_EN/index.htm.
- ⁴⁶⁸² Ibid.].
- ⁴⁶⁸³ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁸⁴ Ibid.