

SRI LANKA

Report On Child Labour, Forced of Indentured Child Labour And Other Worst Forms of Child Labour, and Efforts Made To Eliminate Such Child Labour

1. Setting Sri Lanka in the International context

The Government of Sri Lanka is committed to eliminate child labour. This commitment was expressed at the UN World Summit held in 1990 for the protection and development of children. Sri Lanka also endorsed the Global Action Plan and ratified UN Convention on Rights of the Child in 1991.

Sri Lanka ratified the two ILO core conventions: ILO Convention 138 on Minimum Age For Admission for Employment in 1999 , and ; Convention 182 on Prohibition and Elimination of Worst Forms of Child Labour in , 2001. Sequel to the ratification of UN Convention on Rights of the Child in 1991, the Government of Sri Lanka in 1992 adopted the Children's Charter.

Sri Lanka reaffirmed its commitment in the UN Special Assembly on World Fit for Children held in 2002.

2. The National Context

Under the Constitution of Sri Lanka(1978) Article 27(13) Directive Principles of State Policy and Fundamental Duties, the state pledges to “promote with special care the interest of children and youth as to ensure their full development, physical, mental, moral, religious and social and to protect them from exploitation and discrimination”. The Constitution also provides under chapter III, Fundamental Rights –Article 12(4) for affirmative action so that the equality principle shall not be impugned by special provision being made in law or by executive action, for the advancement of children. .

Sri Lanka has creditable achievements in aspects of education such as school enrolment, literacy and gender equity, compared to other countries in the region. **The National Education Commission (NEC)** appointed in 1991, after studying the memoranda received from professional associations, trade unions, university community, teachers, political parties and the general public submitted their recommendations in 1997. A programme for the implementation of the reforms began in 1999. The primary goals of the proposals were: (a) to provide a system of education that would equip students with the necessary knowledge, skills and attitudes, to make them employable and productive citizens; (b) Create a generation of young people with correct values compassion and care towards fellow citizens and who will be able to live with tolerance towards one another.

The reform proposals were based on two main policy initiatives: (a) improvement in the quality of education; (b) providing Education for all. In 1997 Compulsory Schooling regulations were formulated making schooling compulsory for children up to 14 years of age, i.e Junior Secondary level. Free education is accorded to any person from the kindergarten to the university education. The children are provided with free text books and uniforms, and in the areas where poverty rate is relatively high, the children are provided with free meals. At present , Action is being taken to explore the possibility extending compulsory education to Senior Secondary level.

Sri Lanka's Ten Year Horizon Development Framework 2006-2016, " Mahinda Chinthana : Vision for New Sri Lanka" has specifically expressed the need for combating child labour and the action that would be taken to formulate broader policies to address the issue holistically.

Role of the ILO International Programme on Elimination of Child Labour (IPEC)

Sri Lanka very much appreciates the assistance extended by the ILO/IPEC in its efforts in eliminating child labour during the period 1998-2008. The IPEC helped Sri Lanka to implement projects addressing a wide range of child issues, and develop a strong partnership among the concerned government agencies, trade unions, employers and non-governmental organizations and formulation of coherent policies and their effective implementation. Ratification of two ILO Core Conventions on Child Labour, capacity building of officials of the Department of Labour , Department of Police and the Department of Probations and Child Care jointly and strengthening the enforcement activities; effecting amendments to the laws relating to child labour to make the national laws in line with the provisions of the ILO Conventions; making " worst forms of child labour" punishable offences under the Penal Code ; carrying out " Child Activity Survey -1999" ; wide use of media creating awareness; programmes conducted by the stakeholders in the areas of creating awareness, rehabilitation of child victims , addressing sectoral child labour issues such as plantation sector, domestic sector, are some of the important benefits accrued to Sri Lanka consequent to the implementation of the ILO IPEC. It is necessary to underline the fact that the good work relations among the stakeholders, and various activities and practices developed during the implementation of the ILO/ IPEC are still being continued by the Government of Sri Lanka.

Strengthening Labour legislation

In addition to the Penal Code Amendments of 1995 and 1998 making some of Worst Forms of Child Labour punishable offences , the Penal Code Amendment No 7 of 2006 made the following offences as punishable under the Penal Code. The offences are: Sec. 358A Debt Bondage, Serfdom, Forced or Compulsory Labour , or Slavery,. when committed in relation to a child or engaging or recruiting a child for use in armed conflict; Sec. 360C Trafficking ; Sec. 360 D Offence related to adoption ; Sec. 360E

Soliciting a child; Sec. 365B Grave sexual abuse , if the offence is committed in respect of a person under eighteen years of age.

The Employment of Women Young Persons and Children Act No 47 of 1956 was amended by Employment of Women Young Persons and Children (Amendment) Act No 06 of 2006, in order to provide for enabling provisions to empower the Minister to make Regulations prohibiting certain occupations as hazardous occupations for persons under the age of 18 years.

Consequently, 49 occupations have been identified as “hazardous occupations” after broad stakeholder consultations, and Regulations have already been drafted. The Draft Regulations would be Gazetted, and would submit to the Parliament for adoption.

Activities Undertaken to Eliminate Child Labour

After having broad consultations, the National Child Protection Authority and the ILO-IPEC developed the *National Plan of Action to Combat Trafficking in Children for Sexual and labour Exploitation* which covers four areas , namely, legal reforms and law enforcement; institutional strengthening and research; prevention rescue; and protection and reintegration.

In 2006, the government developed a *National Action Plan to Combat Sex Tourism*, led by the UNICEF and the Sri Lanka Tourist Board. It included a large campaigning component to raise awareness amongst tourists, young people, community leaders, tourism professionals, families and journalists, emphasizing Sri Lanka’s zero-tolerance policy in relation to sexual exploitation of children in tourism

Establishment of Children’s Council throughout the Island: A district Children’s Councils are being established in each district, by further extending the project of Children’s Council, introduced by the Department of Probation and Child Care Services. The District Children’s council is constituted with office bearers of Children’s Council in each District Secretariat area. The objective of this is to secure children’s participation, protection of their rights, development of their skills and creation of their moral development and thereby ensure the protection of children. By December 2009, 9 District Children’s Councils have been established with the participation of governmental and non-governmental organizations and chaired by the District Secretary.

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nine (9) District Children's Councils have been established with the participation of governmental and non-governmental organizations and chaired by the District Secretary.

Special Committee to look into the issue of reducing the duration of the judicial proceedings relating to child abuse: With the assistance of the NCPA, it was proposed to appoint a Special Committee to look into new ways to reduce the duration of proceedings at courts relating to child abuse. This committee comprises of a Police DIG, Commissioner of Probation and Child Care Services, Deputy Solicitor General and a psychologist.

Child Labour Issues in the War Affected Area in the North and the East

After thirty years Sri Lanka was able to wipe out one of the most dangerous terrorist groups that ruined the economy, the development activities, and the human life. Besides, they also have resorted to forced and compulsory labour, human trafficking, forced recruitment of child soldiers, much to the distress and despair of the human community. Following are some of activities undertaken to eliminate Child labour in the North and the East.

Protection provided by the Department of Probation and Child Care Services for children deprived of their parents and presently living in Vauniya relief villages: A special programme, is being implemented by the Ministry of Child Development and Women Empowerment and the Department of Probation and Child Care Services for protection of children displaced by war and deprived of parents and presently living in relief villages. Under this programme, Court Orders have been obtained through the Vauniya Court, to institutionalize and rehabilitate 349 children who have been deprived of their parents. Those children will be referred to Homes for Children already functioning under the Department of Probation and Child Care Services.

Priority for child rights in Internally Displaced Centre (IDP): With the Government giving high priority to the welfare of children in the IDP welfare villages, special teams have been deployed to carry out urgent activities for the protection and care of displaced children.

The special teams consist of specialist form the fields of health, and child care, who carry out urgent activities for protection of and care of displaced children.

According to the National Child Protection Authority (NCPA), more than 10,000 children have been screened so far, and reports concerning their current status are being obtained to make necessary arrangements. The mental conditions of children are being examined by the psychiatrists attached to the teams.

The NCPA pays special attention to the safety of orphans and children separated from their parents, to ensure that they do not fall into the hands of persons unable or unsuitable to provide them proper care.

The programme commenced on 1st June 2009 and is supervised by a 20 member panel from universities, NCPA and Department of Probation and Child Care Services.

30 state officers appointed for Northern Province to attend to child issues: Thirty state officials have been recruited for Northern Province including fifteen Cultural Officers, eight Probation Officers, five Rural Development Officers and two Social Service Officers *to attend to child issues*. These officers have been selected from Kilinochchi, Mullaitivu, Mannar and Vavuniya districts (the war affected districts) by the Provincial Public Service Commission.

Rehabilitation and reintegration of former child combatants:

Rehabilitation Commissioner General together with the NCPA provides protective care for all the ex-child combatants at two locations. Children are separated from adult surrendees. According to the data available with Rehabilitation Commissioner General 128 children who were under the age of 18 years at the time of surrendering were re-united with their families or recruited for foreign employment. All of them were males.

The government has granted amnesty to child combatants in terms of Emergency Regulations proclaimed on 15th December 2008. (A copy of the *Gazette notification No. 1580/5 of the 15th December is attached. – Annex VI*). They are entitled to undergo the rehabilitation programme carried out by the Bureau of the Commissioner General of Rehabilitation.

The Ministry of Disaster Management and of Human Rights in collaboration with the ILO drafted *A National Framework Proposal on ex-combatants*

The UNICEF and the Government of Sri Lanka launched a *national campaign to prevent child recruitment*, and to promote the release of all recruited children.

As per the decision of the Board of NCPA, 4 dropping centres in the Southern Province were closed down. The remaining 2 centres in the Eastern Province do functions well providing psychological support to the vulnerable children and their families.

Support programmes of UNICEF:

Following the discussions between H E the President of Sri Lanka and H.E. Ban Ki-Moon, UN Secretary General, during the latter's recent visit to Sri Lanka, it was recognized that rehabilitation and reintegration of former child soldiers forcibly recruited by the LTTE as an important area which needs urgent attention in the post-conflict context. H E the President reiterated his firm policy of zero tolerance in relation to child recruitment. In cooperation with UNICEF, child friendly procedures have been established for their release and surrender and rehabilitation in "protective accommodation centres. The objective of the rehabilitation process presently underway is to integrate former child soldiers into society as productive citizens.

According to the Commissioner General Rehabilitation, three rehabilitation centres have been established: one in the Eastern Province, while the other in the Northern Province. Another special centre is established, and rehabilitation programmes are underway. It implements activities under four modules. Those are (i) Psycho-social rehabilitation, (ii) Vocational rehabilitation (iii) Religious rehabilitation and (iv) Social Rehabilitation.

Opportunities for ex-child combatants sit General Certificate(Advanced Level) Examinations.

Nearly 166 former LTTE child soldiers sat the GCE Advanced Level Examination held in August 2009, in Vavuniya. The Examinations Department established 10 special examination centres in Vavuniya for 1,263 displaced candidates who were housed in IDP welfare villages in Vavuniya at that time. Among them were 166 ex-child soldiers from displaced camps.

Under the direction of the Ministry of Education, the Department of Examinations had taken steps to conduct several extra classes to upgrade the knowledge of the students before sitting the Advanced Level Examination.

Children affected by the tsunami:

NCPA project on tsunami affected children: Tsunami (Special Provisions) Act, No.16 of 2005 (please refer the copy of the Act in Appendix – III) provides special protection mechanism for the children and young persons who have become orphans due to Tsunami and for those who were left with a single parent who could not provide adequate care and protection for children. A project was launched by the NCPA together with the Ministry of Justice, with assistance received from Asian Development Bank (ADB) to appoint ***Forster Parents*** to those children through courts. This ensures better protection for children.

Information on programmes implemented for the Prevention of Employment of child Labour.

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1. To provide a system of education that would equip students with the necessary knowledge, skills and attitudes, to make them employable and productive citizens.
2. Create a generation of young people with correct values compassion and care towards fellow citizens and who will be able to live with tolerance towards one another.

The reform proposals were based on two main policy initiatives:

- Improvement in the quality of education
- Providing Education for all

At present, the compulsory schooling age range is from 5 to 14 years, which is up to the end of Junior Secondary Level. It is proposed to make compulsory schooling up to the senior secondary level 1 - G.C.E. (O.L) or completion of Grade 11. Levels of school education on respective ages and grades are as follows.

Levels of school education, respective ages and grades

<i>Level of education</i>	<i>Age</i>	<i>Grade</i>
<i>Primary</i>	<i>Year 05-10</i>	<i>1 -5</i>
<i>Junior Secondary</i>	<i>Year 11-14</i>	<i>6 -9</i>
<i>Senior Secondary (Level 1)- G. C. E. (O. L)</i>	<i>Year 15 –16</i>	<i>10 – 11</i>
<i>Senior Secondary (Level 2) - G. C. E. (A. L)</i>	<i>Year 17- 18</i>	<i>12 - 13</i>

Source: Ministry of Education

Particulars on schooling 2007

<i>Net enrollment rate (%)</i>	<i>96.67</i>
<i>Drop out rate (primary) %</i>	<i>6.60</i>
<i>Pupil- teacher ratio (primary)</i>	<i>23.81</i>
<i>Pupil – teacher ratio (secondary)</i>	<i>19.52</i>

Child Labour Survey:

As mentioned in the previous report, the ILO has assigned the Department of Census and Statistics (DCS) to carry out the Child Labour Survey. The DCS has already completed the survey and the Report is due to be published in April 2010.

Table 1: Capacity Building programmes for law enforcement officers 2007 -2009

<i>Program</i>	<i>2007</i>	<i>2008</i>	<i>2009</i> <i>(up to August)</i>
<i>No. of programs</i>	08	08	02
<i>Labour officers participated</i>	80	80	20
<i>Other officers participated</i>	160	160	40

Source: Women and Children's Affairs Division,
Department of Labour

Table 2: Awareness programs for social partners 2007 -2009

<i>Program</i>	<i>2007</i>	<i>2008</i>	<i>2009</i> <i>(up to August)</i>
<i>No. of programs</i>	50	50	12
<i>No of participants</i>	3500	3500	840

Source: Women and Children's Affairs division,
Department of Labour

*Awareness programs for parents 2007 -2009***Table 3: Awareness programs for parents 2007 -2009**

<i>Program</i>	<i>2007</i>	<i>2008</i>	<i>2009</i> <i>(up to August)</i>
<i>No. of programs</i>	50	50	56
<i>No of parents participants</i>	2000	2000	1680

Source: Women and Children's Affairs division

Department of Labour .

Statistics on Enforcement of Legislation Relating to Child Labour for the Year. 2009

No	Conviction	No of Information	Court	Settled	False complaints	Investigation pending
01	Security and trustee	32	16	08	04	04
02	Sexual Exploitation	46	24	-	07	15
03	Trafficking	26	10	-	05	11
04	Cruelty	14	06	-	02	06
05	Rape	09	06	-	01	02
06	Child Labor	10	-	-	01	09
07	Unlawful activities	-	-	-	-	-
08	Abduction	14	-	-	06	08
09	Other Various activities	65	-	13	16	36
10	Sexual abuse	14	02	-	05	07
11	Torture/ Cruel inhuman	14	-	-	04	10
12	Obscene document	01	01	-	-	-

13	Abuse	06	04	-	-	02
	Total	251	69	21	51	110

Source: Special Police Investigation Unit

Child Protection Authority, Sri Lanka