



Country session: Sri Lanka

Date of session: 77th Session - 15th and 16th January 2018

Context

In its Concluding Observations, the Committee noted with satisfaction the constructive dialogue held with the delegation, praising the progress achieved by Sri Lanka in different areas during its post-conflict country situation after the defeat of the Khmer Rouge. However, the Committee expressed concerns regarding violence against children, the lack of legal provisions for children and their involvement in businesses, the lack of special provisions for children in juvenile justice and the need for more efforts to be made to ensure accountability, child participation and rehabilitation to those impacted by the national armed conflict.

Background information

[OHCHR press release](#)

Webcasts [here](#) and [here](#)

[Audio file](#)

[Summary records](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	23 April 2008

CRC:		OPAC:		OPSC:	
No. of report	5 th -6 th	No. of report	-	No. of report	1 st
Due date	1 October 2015	Due date	-	Due date	22 nd October 2008
Submission	8 June 2016	Submission	-	Submission	10 th January 2018

Written Replies to LOIs and Annex	
Submission	22 December 2017
Due date	15 October 2017

Public reports from children’s rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> All Survivors Project – Sexual violence against men and boys in Sri Lanka and BiH

- Association des étudiants Tamoule de France
- Association Tamil Uzhagam
- Child Soldiers International
- Equal Ground
- Global Initiative to End All Corporal Punishment of Children
- ISS
- Mannar Women’s Development Federation
- Muslim Personal Law Reforms Action Group
- PEACE-EPCAT
- Save the Children

State delegation

The delegation was led by Mrs. Chandrani Senaratne, Secretary of the Ministry of Women and Child Affairs. She was accompanied by a large technical and multisectoral delegation of fifteen further members, namely from the Women and Children Bureau from the Sri Lanka Police, the Maternal and Child Care of the Family Health Bureau, the Ministry of Education, the National Child Protection Authority and the Department of Prohibition and Child Care.

Committee’s Task Force members

Name & Last Name	Country
Ms. Kristen SANBERG	Sweden
Mr. Bernard GASTAUD	Monaco
Ms. Suzanne AHO ASSOUMA	Togo
Ms. Mikiko OTANI	Japan

Dialogue description

i. Character of the dialogue

The dialogue between the Committee and the delegation was generally interactive and cooperative. The questions were mainly focused around legal reforms and implementation of existing legal provisions.

ii. General assessment made by the Committee

The Committee complimented the country for the return of the National Review Committee and existing planned legal reforms. However, it questioned the causes of the delay in approving these laws, saying that children are not yet fully rights holders under the law and urged the delegation for a change to be made so that the national Constitution can be in line with the Convention so the country can fulfil its obligations.

iii. Main issues discussed:

- **Corporal Punishment:** Although Sri Lanka had made a commitment to end violence against children, the Committee lamented that there still has not been a complete legal ban on corporal punishment or efforts to fight cultural mindsets. The delegation answered it has in place school awareness campaigns and that the constitution criminalises torture and the penal code provides for grave damage to children caused with weapons or mines to be prosecuted. Additionally, corporal punishment suffered by any person are legally forbidden, but there are not provisions in place for the special protection of children from physical violence.
- **Sexual Abuse and Exploitation:** The Committee expressed concern over reported cases of sexual abuse in schools and highlighted the importance of addressing the issue of child prostitution, particularly concerning “beach boys” and other forms of sex tourism, by enforcing existing legislation. Another concern relates to the lack of a penal code provision that criminalises all forms of rape suffered by girls. The delegation replied that Muslim girls do not yet enjoy the protection of the law when it comes to rape. Additionally, the delegation said it had carried out training of police officers and teachers, created a helpline number and there were awareness-raising posters in relevant locations. Finally, the delegation said there are plans to decriminalise abortion in cases of rape, incest, when a girl is below sixteen years old and serious foetal impairment.
- **Children and Armed Conflict:** The Committee expressed concern over children affected by armed conflict in the country and their access to education, namely the fact that the military runs schools for conflict affected children. The Committee also expressed worry over the fact that some former child soldiers are being held in detention as terrorists and the impunity of those who had recruited children for armed groups. The delegation said former child soldiers have been provided with educational or vocational training and reintegration efforts have been largely successful.
- **Juvenile Justice:** The Committee revealed concern over the minimum age of criminal responsibility of eight years old, which the state had promised before to raise to twelve years old, the lack of enough special courts for juvenile justice, lack of a minimum age for sending children to prison and the detention of children alongside adults. The delegation answered that the minimum age of criminal responsibility will be amended to the penal code to twelve or fourteen years old. Moreover, a judicial protection bill has amended certain discriminatory sections against juveniles and that children have the right to access to healthcare services and to a phone call upon detention.
- **Child Labour:** The Committee complimented the satisfactory legal framework in place but was concerned about the lack of implementation and the contradiction between the age of mandatory school attendance of sixteen years of age and the legal age of work at fourteen years old. The delegation said the legal age of work will be raised to sixteen and that a National Plan for Child Labour is being developed and will include monitoring and new policies.

Recommendations of the Committee

- **Children’s Rights and the Business Sector:** The Committee urged the State Party to establish a regulatory framework for domestic and foreign businesses which ensures accountability, undertake awareness raising campaigns aimed at the general public, and the tourism industry in particular, on the prevention of child sexual exploitation, disseminate the charter of honours for tourism and the World Tourism Organization’s global code of ethics; strengthen training for police on investigative and computer evidence gathering techniques to identify perpetrators of child sexual exploitation; strengthen international cooperation and request companies to carry out public environmental, health-related and human rights impact assessments.
- **Violence Against Children and Corporal Punishment:** The Committee recalled the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and urged the State Party to prioritise the elimination of all forms of violence against children, specifically through the unequivocal legal prohibition of corporal punishment in all settings and the implementation of such laws in a systematic manner, an increase in the number of relevant professional groups with capacity to bring cases of domestic child abuse under the Prevention of Domestic Violence Act; introduce

sustained public education involving different sectors of society, ensure the involvement of children in the design of prevention strategies, promote education towards alternatives to corporal punishment; monitor the situation of children in all places of detention and allocate the necessary resources for the implementation of the National Plan of Action on Prevention of Child Abuse while ensuring efficient follow-up measures to cases reported through the helplines.

- **Sexual Exploitation and Abuse:** The Committee advised the State Party to develop a comprehensive policy for preventing sexual abuse and exploitation of children and promote rehabilitation through the strengthening of legislation criminalising child pornography, taking action to revise article 363 of the Penal Code to criminalise statutory rape of boys, ensuring accessible, confidential, child-friendly and effective reporting channels for violations, conducting awareness raising programmes, ensuring speedy and systematic investigations of complaints while protecting victims against reprisals and ensuring confidentiality; and bringing military members who sexually abused and exploited children deployed in MINUSTAH.
- **Juvenile Justice:** The Committee underlined the importance of raising the age of criminal responsibility to an internationally acceptable standard, give the child the benefit of the doubt in the context of punishment, take measures to adopt and implement the Children Judicial Protection Bill to children up to 18 years of age, adopt a comprehensive policy for juvenile justice based on restorative practices and the principle of the best interest of the child, establish specialised juvenile court facilities and procedures with adequate human, technical and financial resources; ensure the provision of qualified, independent and free legal aid to children at an early stage and throughout the procedure; promote non-judicial measures and ensure detention is only used as a last resort and for the shortest possible period of time and, when unavoidable, that transportation and detention are not done alongside adults, ensure that detention conditions are compliant with international standards, namely on the right to education and health services.
- **Reconciliation, truth and justice:** The Committee recommends that the State Party increases its efforts to operate a fully independent Office of Missing Persons, with a special attention to children who went missing; ensure that all responsible for recruitment and use of children in armed conflict are brought to justice;
- **Children and Armed Conflict:** The Committee urged the State to formalise its commitment not to prosecute children or persons who were children involved in armed conflict; provide psychological support to former child combatants, internally displaced children and those deprived of a family environment. Moreover, it recommended all schools currently run by the military are transferred to the Ministry of Education; ensure that training of the Cadet Corps does not include military activities and consider acceding to the additional protocols to the Geneva Conventions and the Rome Statute of the International Criminal Court.

Sustainable Development Goals:

The Committee noted in its Concluding Observations the following Sustainable Development Goals:

- Target 1.3 on implementing appropriate social protection systems and measures for all
- Target 2.2 to end all forms of malnutrition, the Committee urged that the State party addresses this matter;
- Target 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management was mentioned twice;
- Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children;
- Target 16.9 of the Sustainable Development Goals on providing legal identity for all and urged the state to intensify its efforts to promote and simplify birth registration.



Next State report

CRC	
No. of report	7 th
Due date	10 th August 2023

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