

child rights connect

## Country session: Sri Lanka

Date of session: 21 May 2019

### Background information

OHCHR press release: (pending)

[Webcast](#)

[Audio file](#)

### Reporting

#### *Reporting methodology*

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

#### *State report:*

Common core document	
<a href="#">Initial submission</a>	8 November 1994
<a href="#">Updated document</a>	23 April 2004
Annexes	-
OPSC	
No. of report	1 <sup>st</sup>
Due date	22 October 2008
Submission	10 January 2018
Written replies	
Submission	28 March 2019
Due date	15 February 2019

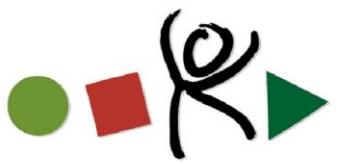
#### *Public reports from children's rights defenders*

Alternative reports	
NGOs	Juvenile Justice Advocates International
NHRIs	-

#### Additional comments:

### State delegation

The State delegation was small and consisted of solely technical staff. The delegation was composed of the representatives of the Department of Probation and Child Care Services; the Attorney General's Department; the National Child Protection Authority; the Bureau for the Prevention of Abuse of Children and Women and the Permanent Mission of Sri Lanka to the United Nations Office at Geneva.



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## Committee's Task Force members

Name & Last Name	Country
Benyam Dawit MEZMUR	Ethiopia
Mikiko OTANI	Japan

## Dialogue description

### i. Character of the dialogue

The atmosphere was cooperative and constructive, but the dialogue lacked a more in-depth discussion on some topics.

### ii. General assessment made by the Committee

The Committee appreciated the handing out of additional information received on the same day of the dialogue; including a possible new legislation on harmful publications in addition to the report and encouraged the State party to provide further information in writing. The Committee commended the State party for its positive and constructive spirit in engaging with treaty bodies after such a long civil war.

### iii. Main issues discussed:

- **General measures of implementation:** With regards to disaggregation and data collection, the Committee asked whether the lack of data collection on child marriage and sex tourism implied that there were no such cases or if it was due to lack of capacity? The delegation affirmed that the country is facing challenges as far as data collection is concerned. The Committee raised concern about the fact that sale and trafficking was not considered grave enough since the sanction provided was solely a fine and asked whether such a punishment is commensurate with the offense committed. The delegation replied that fines are always coupled with other types of punishments.
- **Prevention:** The Committee asked whether there are any plans to amend the Muslim Act which allows marriage of children below the age of 18. The delegation assured the Committee that the discussion is ongoing among stakeholders so as to get consensus on the legal amendments be made.
- **Prohibition:** The Committee commended the State party on the efforts made to cover a number of offenses under OPSC by amending the Penal Code and asked to consider further review of the national legislation so as to fully comply with art.3 of the OPSC. To the question on the number of people who have been convicted for violations of the OPSC, the Committee did not receive a clear answer.
- **Sanctions:** The Committee noted that different types of sanctions apply to the three types of offences provided for by OPSC -i.e. minimum of 3 years of imprisonment for sale of children, minimum of 5 years of imprisonment for child prostitution and minimum of 2 years for child pornography- and asked the reasons behind such a difference especially for child pornography. The delegation clarified that child pornography and child prostitution are sufficiently covered by Sri Lankan domestic legislation, mainly by the Penal Code. All of these offenses carry minimum mandatory sentences but go up to a maximum sentence; for instance, sexual exploitation carries a minimum mandatory sentence of 5 years up to a maximum of 20 years of imprisonment and a fine. The delegation clarified that it doesn't exist a specific offence called "sale of children" but there are related offenses; there is a provision which comprehensively criminalizes the offense of trafficking. Moreover, the delegation acknowledged that practical challenges exist in the prosecution of all forms of child abuse when children are called as witnesses. The Committee raised concern about the treatment of a child involved in a crime event. The delegation responded that it is up to the judge to decide whether the child would face criminal responsibility or not.



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- **Prosecution:** The Committee asked about the number of reported cases, the amount of cases investigated and to the amount of cases prosecuted, and sanctions applied to perpetrators. The delegation admitted that there have not been many cases prosecuted and that the lack of resources to undertake effective investigations has been one of the main reasons.

## Recommendations of the Committee

- **Data collection:** The Committee recommends that the State party disaggregate data by, inter alia, sex, age, nationality and ethnic origin, geographic location, type of offence and socioeconomic status; collect data on how children access and use digital and social media; collect data on the number of cases reported, prosecutions and convictions and the redress provided to child victims, disaggregated by the type of offence, including with regard to online and offline activity, details regarding the perpetrator and the sex, age, nationality and ethnic origin, geographic location and socioeconomic status of the victims; give due respect to children's right to privacy in collecting, analysing and storing data; and analyse the data collected and use it as a basis for designing policies and strategies to implement the Optional Protocol while assessing progress achieved towards that objective.
- **General measures of implementation:** The Committee urges the State party to ensure that all acts and activities listed in the Optional Protocol are fully covered under domestic criminal law, including all forms of sale of children, child prostitution and pornography and the sexual exploitation of children in travel and tourism.
- **Prevention of sale of children, child prostitution and child pornography:** The Committee urges the State party to undertake research on the root causes and extent of the sexual exploitation of boys and girls; to strengthen its poverty reduction strategies and supportive social protection measures for families in disadvantaged and marginalized situations; to intensify its awareness-raising activities to change attitudes about the sexual exploitation of children and alert the general public; to strengthen its regulation and engagement with the communications technology sector to prevent and respond to online child sexual exploitation; to further strengthen its efforts to eliminate child labour; and to establish a mechanism to effectively identify, monitor and support children who are at risk of becoming victims, or are victims, of offences covered by the Optional Protocol and their families.
- **Prevention of sale of children, child prostitution and child pornography:** The Committee urges the State party to define and criminalize the offences of the sale of children, child prostitution and child pornography, covering all the acts and activities prohibited under articles 2 and 3 of the Optional Protocol, including an attempt to commit any of those acts or complicity or participation in any of those acts; to prohibit child and forced marriage; and to ensure that all boys and girls under the age of 18 are fully protected from all forms of sexual exploitation, including prostitution.
- **Protection of the rights of child victims:** the Committee recommends the State party to strengthen its mechanism for the early identification of child victims of offences under the Optional Protocol; to adopt and implement the draft national guidelines concerning the treatment of and reparation, restitution and rehabilitation with regard to all crime victims; to ensure that child victims of offences under the Optional Protocol are not subject to treatment or sanctions as offenders and are given appropriate support; and to provide all children with free legal aid and the support of specialized child psychologists and social workers, and ensure they have access to child- and gender-sensitive complaint mechanisms and appropriate procedures for seeking compensation and redress, without discrimination.
- **Helpline:** The Committee recommends the State party to allocate sufficient resources to ensure the quality of the existing helplines and ensure that they are fully accessible and known to all children; to conduct systematic training for professionals operating the helplines to effectively prevent and respond to cases of the sale of children, child prostitution and child pornography; and to establish a regular and effective monitoring mechanism to ensure the quality of the helpline support and advice provided.

## Sustainable Development Goals

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### Next State report:

CRC OPSC	
No. of report	-
Due date	-

***Disclaimer:*** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.