



Protecting Environment and Children Everywhere (PEaCE/ECPAT Sri Lanka) and ECPAT International

Alternative Report

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for the examination of Sri Lanka's State Party's Fifth and Sixth Combined
Periodic Report under Article 44 of the
Convention on the Rights of the Child

to the **Committee on the Rights of the Child**

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ABBREVIATIONS

BBC	British Broadcasting Corporation
CERT CC	Computer Emergency Readiness Team Coordination Centre
Committee	The Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
CSE	Child Sexual Exploitation
DPCCS	Department of Probation and Child Care Services
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
GOSL	Government of Sri Lanka
ICT	Information and Communication Technology
LTTE	Liberation Tigers of Tamil Eelam
MWCA	Ministry of Women and Child Affairs
NCPA	National Child Protection Authority
NGO	Non-Governmental Organisation
NMC	National Monitoring Commission
NPA	National Plan of Action
OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
PEaCE	Protecting Environment and Children Everywhere
SAARC	South Asian Association for Regional Cooperation
SACG	South Asia Coordinating Group on Action against Violence against Children
SAIEVAC	South Asia Initiative to End Violence Against Children
SECTT	Sexual Exploitation of Children in Travel and Tourism
SGBV	Sexual and Gender Based Violence
UN	United Nations
USD	US Dollars

1. EXECUTIVE SUMMARY

Child sexual exploitation continues in Sri Lanka with impunity due to lack of prioritisation by the government. The government has failed to submit its initial report on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (OPSC), almost nine years overdue.

The consequence of this failure has been an oversight of the implementation of the OPSC. PEaCE and ECPAT International, therefore, request the Committee on the Rights of the Child to include CSE related concerns and recommendations in their list of issues and concluding observations.

Despite the civil war and the 2004 Indian Ocean Tsunami, Sri Lanka has been categorised by the UNDP as a *high human development country*. Nevertheless, the instability in the recent past, poverty, labour migration, tourism development, and other factors contribute to the vulnerability of children. Although there are little statistical data available on the crime, there were at least 1,777 sexual and gender based violence against children in 2014, where the majority of these cases concerned victims younger than 16 years of age, though most cases remain unreported.

From qualitative research it is evident that the prevalence of boy victims seems more than in other South Asian countries, a crime with a seemingly strong link to inbound tourism. Sexual exploitation of girls is largely limited to the local population. The fast-growing access to the Internet, mobile phone penetration and Internet cafes, are creating new pathways to groom children and distribute child sexual abuse material. Child marriage, still prevalent in Sri Lanka, should also be considered as a manifestation of Child Sexual Exploitation.

Some of the gaps in the legal framework are a clear, unambiguous definition of the child, a stay of the statute of limitations until the victim has reached adulthood, and clear definitions with regard to child prostitution, child pornography and sexual exploitation of children in travel and tourism. Despite the gaps identified in this report, Sri Lanka does have an adequate legal framework with mechanisms in place to significantly increase the combat against child sexual exploitation. Moreover, Sri Lanka has recently (re)committed itself to eliminate violence against children by adopting the 2030 Agenda for Sustainable Development.

An impetus to the combat could be led by the National Child Protection Authority, which comes within the purview of the Ministry of Women and Child Affairs. With the categorical implementation of the National Action Plan to address Sexual and Gender Based Violence 2016 – 2020.

For the elimination of child sexual exploitation, the Government of Sri Lanka could improve data measurement to monitor the implementation of the (OPSC), amend gaps in its legal framework, but above all, improve implementation of the legal framework.

Key recommendations to improve implementation are allocating sufficient budgetary resources, raising public awareness, training of judicial officers in all manifestations of child sexual exploitation, researching demand, curtailing online available child sexual exploitation materials, maintaining a nationwide 24-hour helpline, improving services to victims and minimising the vulnerability of Sri Lankan children.

2. JUSTIFICATION FOR SUBMISSION

This Alternative Report meets the objective of providing an in-depth insight into Child Sexual Exploitation¹ (CSE) in Sri Lanka and to request the Committee on the Rights of the Child (hereinafter the “Committee”), to include CSE related concerns in its List of Issues and – at a later stage - in its Concluding Observations that will galvanise targeted action against CSE by the Government of Sri Lanka (GOSL).

¹ The used term is in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 24, accessed on 5 February 2017, <http://luxembourgguidelines.org/>.

The biggest issue hampering the combatting of CSE in Sri Lanka is the lack of prioritisation of the issue and proper enforcement of child protection as guaranteed under the Sri Lankan legal system. This is demonstrated by the fact that the government has – to date – not submitted its initial report on the Optional Protocol to the Convention on the sale of children child prostitution and child pornography (OPSC) despite its ratification on 22 September 2006. In Sri Lanka’s State Party’s Fifth and Sixth Combined Periodic Report under Article 44 of the Convention on the Rights of the Child (CRC), Sri Lanka had promised that the initial state report on the OPSC will be submitted in 2016². However, up till now (February 2017) no report has been submitted. In accordance with article 12 of the OPSC, the initial report for Sri Lanka has been due since 22 September 2008, resulting in an 8½ years of being overdue.

In the meantime, however, the unfulfilled promise of the GOSL to submit a report in 2016 does not provide any form of protection to victims of CSE and children-at-risk.

To improve the protection of children in Sri Lanka, Protecting Environment and Children Everywhere (“PEaCE”) and ECPAT International kindly request the Committee to proactively include concerns and recommendations pertaining to CSE in both its List of Issues and its Concluding Observations. This would greatly facilitate fast-tracking of the implementation of the OPSC by Sri Lanka (which was adopted over 10 years ago) and encourage government and non-governmental organisations (“NGOs”) to jointly work on improvements without further delay.

3. METHODOLOGY AND SCOPE

The present submission is based on desk research conducted by PEaCE (ECPAT Sri Lanka) and ECPAT International.

The scope of this submission is limited to CSE and its different manifestations, including exploitation of children in prostitution,³ sexual exploitation of children online, CSE material,⁴ child trafficking for sexual purposes and sexual exploitation of children in the context of travel and tourism⁵ (hereinafter “SECTT”).

4. POLITICAL CONTEXT

After gaining independence in 1948, Sri Lanka developed into a multi-party democracy. Founded on welfare ideologies, the state assumed its role to protect and respond to the needs of society, duly incorporating the special needs of children. This has particularly been the case in relation to health care and education services.⁶ In spite of recent political instability and a devastating tsunami in 2004, Sri Lanka has been categorised as a ‘High Human Development Country’ in 2015 - ranking 73rd among 188 countries surveyed and indicating an annual job growth of 12 percent.⁷ The country has comfortably surpassed most

^{2 2} GOSL (2016), “Sri Lanka’s State Party’s Fifth and Sixth Combined Periodic Report under Article 44 of the Convention on the Rights of the Child”, 55, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2f5-6&Lang=en

³ The used term is in line with the recent widely adopted Terminology Guidelines. ECPAT International (2016), “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016”, Bangkok: ECPAT, 29, accessed on 5 February 2017, <http://luxembourgguidelines.org/>.

⁴ Ibid., 39.

⁵ Ibid., 54.

⁶ Semasinghe, W M. (2011), “The Effects of Public Welfare Policies on Rural Poverty in Sri Lanka: A Logistic Regression Analysis”, Sri Lanka Journal of Advanced Social Studies, Vol 1 (1), 145 – 179.

⁷ United Nations Development Programme (UNDP), “Human Development Report 2015”, Tables 1 Human Development Index and its components, 209, accessed 5 February 2017, http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf.

of the Millennium Development Goals set for 2015.⁸ This has brought a wide range of benefits to the country with a population of over 20 million, including 6 million children.⁹

The 27-year civil war between the Liberation Tigers of Tamil Eelam (hereinafter “LTTE”) and the Sri Lankan government, which ended in 2009, did not only take a high death toll, but also internally displaced hundreds of thousands of families that were forced to live in refugee camps with limited access to basic needs.¹⁰ Allegations and reports of Sexual and Gender Based Violence (hereinafter “SGBV”) by military forces were recorded during the conflict.¹¹ Research also indicates that women and children in Sri Lanka were trafficked into brothels during the war, particularly in the Anuradhapura area - a major transit point for members of the Sri Lankan Armed Forces heading north.¹² There is very little information on CSE cases during the civil war. Anecdotal evidence suggests that CSE did occur, but remained unreported.¹³

In addition to the widespread devastation caused by the civil war, the tsunami of December 2004 displaced approximately 418,000 people,¹⁴ leaving hundreds of children orphaned or separated from their parents.

During the course of the civil war and in the aftermath of the tsunami, children dropped out of schools and/or assumed household responsibilities in the absence of the family’s primary caregiver.. This lack of security heightened children’s vulnerability to abuse and exploitation within and outside the family unit. Many reported instances of sexual abuse against children indicate that the victims were later drawn into prostitution because of the exploitation.¹⁵

The current government, elected in January 2015, has high ambitions to progress human development and to move beyond Sri Lanka’s problematic past. Public consultations have been held, one on constitutional reform and another on implementation of a United Nations Human Rights Council resolution on establishing transitional justice mechanisms. Civil space and freedom of expression have improved, while the newly appointed Constitutional Council has appointed members to the National Human Rights Commission and the Police Commission, working further towards restoring the independence of all commissions.¹⁶ However, according to critics progress in reconciliation and transitional justice has been too slow and superficial.¹⁷ In June 2016, the UN High Commissioner for

⁸ World Bank (2016), “Context Sri Lanka”, updated on 4 October 2016, accessed on 5 February 2017, <http://www.worldbank.org/en/country/srilanka/overview>

⁹ United Nations Children’s Fund (UNICEF) (2016), “The State of the World’s Children 2016; A Fair Chance for Every Child”, 136, accessed on 7 February 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

¹⁰ Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (2011), “Sri Lanka: IDPs and Returnees Remain in Need of Protection and Assistance”, accessed 5 February 2017, <http://www.internal-displacement.org/assets/library/Asia/Sri-Lanka/pdf/Sri-Lanka-January-2011.pdf>.

¹¹ Hart, Jason (2011), “Children and Armed Conflict”, Refugee Studies Centre, Oxford University, accessed on 5 February 2017, <https://www.rsc.ox.ac.uk/files/publications/other/dp-children-armed-conflict-sri-lanka.pdf>.

¹² US Department of State, Office to Monitor and Combat Trafficking in Persons, “Trafficking in Persons Report 2010: Sri Lanka”, (2010), accessed 5 February 2017, <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>.

¹³ Watchlist on Children and Armed Conflict (2008), “No Safety No Escape: Children in the Escalating Armed Conflict in Sri Lanka”, 2, 5, 23, accessed 5 February 2017, <https://resourcecentre.savethechildren.net/library/no-safety-no-escape-children-and-escalating-armed-conflict-sri-lanka>.

¹⁴ World Bank (2005), “The World Bank in Sri Lanka”, Accessed on 5 February 2016, <http://siteresources.worldbank.org/INTSRILANKA/Resources/LK06.pdf>.

¹⁵ Amarasinghe, Sarath. W. (2002) “Sri Lanka: the CSE. A Rapid Assessment”, International Labour Organisation (ILO): International Programme on the Elimination of Child Labour (IPEC), page xiii, accessed on 5 February 2017 http://www.childtrafficking.com/Docs/ilo_2002_sri_lanka_commerc.pdf.

¹⁶ Human Rights Watch (2017), “World Report 2017 - Sri Lanka”, accessed on 5 February 2017 http://www.ecoi.net/local_link/334754/463201_en.html.

¹⁷ Amnesty International (2017), “Sri Lanka: Consultation Task Force report must lead to justice”, accessed on 5 February 2017, <https://www.amnesty.org/en/latest/news/2017/01/sri-lanka-consultation-task-force-report-must-lead-to-justice/>.

Human Rights commended Sri Lanka for progress made, but stressed the importance of continued action.¹⁸

5. CSE IN SRI LANKA

5.1. CONTRIBUTING FACTORS TO CSE

The recent political upheavals and natural disasters have inevitably intensified the vulnerability of children in Sri Lanka and negatively affected their protection. Other factors, described hereinafter, have played a role in the prevalence of CSE in Sri Lanka.

Poverty and Labour Migration

All over the world, acute poverty is the most significant push factor forcing children into prostitution. The steady and fast growing economy of Sri Lanka provides protection for many children to get out or stay away from CSE situations. Sri Lanka's economy has grown at an average 6.4 percent between 2010 and 2015, leading to improved and shared prosperity. Extreme poverty remains low (almost 2 percent in 2012/13), but moderate poverty remains a challenge (15 percent in 2012/13) leaving vulnerable children at risk.¹⁹

Foreign remittances are a vital income for Sri Lanka and many families, with a total remittance of almost 7 billion USD in 2015.²⁰ The number of Sri Lankans migrating overseas for work has – after a slight increase – returned to its level of 2011. Most of these migrants are younger and often parents. The extended absence of primary care-givers has resulted in reduced protection for children within the home and family unit. Reports indicate that many children from homes with absent mothers, experience neglect, dropout of school and are significantly more vulnerable to abuse.²¹ Children whose mothers have migrated overseas for work are not only forced to assume the role of primary care-giver within their families, but these circumstances often also lead to an increased risk of domestic sexual abuse.²² A 2008 survey conducted by Terre des Hommes identified extreme poverty and lack of protection within the family unit (due to the absence of parents, especially mothers) as major risk factors contributing to CSE.²³

Tourism Development

Tourist arrivals have increased steadily since 2009 with a total of almost 1.8 million international tourist arrivals in 2015 with the highest number of tourists from India, China, and the UK.²⁴ The developing tourism industry has led to a growing demand for commercial sex in Sri Lanka, contributing to an increase in SECTT. The country has gained notoriety as an easy destination for SECTT due to lax enforcement of laws pertaining to CSE. The literature review of NGO reports on CSE indicates the growing number of foreign tourists entering Sri Lanka is one of the most significant factors contributing to pervasive sexual

¹⁸ United Nations Human Rights Office of the High Commissioner (2016), *“Human Rights council discusses human rights situation in Sri Lanka and Myanmar”*, accessed on 5 February 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20207&LangID=E#sthash.u0G8ZekG.dpuf>.

¹⁹ World Bank (2016), *“Context Sri Lanka”*, accessed on 5 February 2017, <http://www.worldbank.org/en/country/srilanka/overview>.

²⁰ Central Bank of Sri Lanka (2016), *“Sri Lanka Socio-Economic Data 2016”*, accessed on 4 February 2017, http://www.cbsl.gov.lk/pics_n_docs/10_pub/docs/statistics/other/Socio_Econ_Data_2016_e.pdf.

²¹ United Nations Development Programme (UNDP) (2010), Asia-Pacific Regional Centre, *“HIV/AIDS and Mobility in South Asia”*, at 129-130, accessed 5 February 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/54321F2A8C44A60EC12577EB00433AA3-Full_Report.pdf.

²² Frederick, John, (2010) *“Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses”*, UNICEF Innocenti Working Papers, 21, accessed on 5 February 2017, <https://www.unicef-irc.org/publications/594>.

²³ Squire, Jason and Wijeratne, Sarasi (2008) *“Sri Lanka Research Report: The sexual abuse, commercial sexual exploitation and trafficking of children in Sri Lanka”*, Terre des Hommes, 18, accessed on 5 February 2017 http://www.childtrafficking.com/Docs/tdh_08_tra_report_0309.pdf.

²⁴ Sri Lanka Tourism Development Authority (2015), *“Annual Statistical Report 2015”*, 15, http://www.sltlda.lk/sites/default/files/Tourist_Board_Annual_Report_2015.pdf.

exploitation of boys.²⁵ The sexual exploitation of boys is mainly attributed to male foreign tourists. Girls are more frequently prostituted to the local communities. It is difficult to assess whether the demand for boys is higher than it is for girls as there is limited up-to-date substantive research on the demand side of CSE in Sri Lanka. It is also unclear, whether commercial exploitation of boys was present among locals before the problem became associated with foreign tourists.²⁶

Religious Institutions

The sexual abuse of boys has been considered to occur in religious institutions, although this phenomenon has never been openly (or officially) acknowledged. According to a BBC Sinhala research study, approximately 130 priests/monks have been charged for sexual abuse of minors. However, many of these cases have not resulted in convictions.²⁷

Sexual Abuse

Sexual abuse of children by family members, teachers or other known acquaintances, ultimately pushes children into prostitution. Many reported instances of sexual abuse against children indicate that the victims may be later drawn into prostitution because of the exploitation.²⁸ Children of migrated parents and child labourers are more vulnerable to sexual abuse.

Social Norms and Behaviour

UNICEF Innocenti Research Centre's working paper on sexual abuse and exploitation of boys in South Asia, revealed that despite awareness of the issue of CSE, actual reporting of cases remains low in Sri Lanka because of stigma attached to the victim, reluctance to get involved in court proceedings, or pressure from influential people to ignore the offence. Furthermore, many do not consider abused children, particularly boys, to be victims, while girls who are sexually abused are blamed for being 'loose' or having unreliable parents.²⁹ In Sri Lanka, boys are at a relatively higher risk due to societal segregation between girls and boys in terms of both gender roles and environment. There appears to be increased social restriction on girls, while boys are allowed greater social mobility and independence and thus are less protected.

5.2. FINDINGS OF CSE IN SRI LANKA

The public of Sri Lanka is concerned about incidences of sexual violence against children, but a deeper understanding of the scope and scale of the problem has been limited due to lack of research and data on CSE.³⁰ Sri Lanka began investigating cases of child sexual abuse and CSE in the 1980s, but data collection and research have rarely been comprehensive.³¹ The Police Unit of the National Child Protection Authority does keep a database on all complaints of violence against children, including that of cyber violence. In 2014 the Police Unit received a total of 10,315 complaints; out of which 1,777 were clearly SGBV related

²⁵ Squire, Jason and Wijeratne, Sarasi (2008) *"Sri Lanka Research Report: The sexual abuse, commercial sexual exploitation and trafficking of children in Sri Lanka"*, Terre des Hommes, 47, accessed on 5 February 2017 http://www.childtrafficking.com/Docs/tdh_08_tra_report_0309.pdf

²⁶ Ibid, 42, 47.

²⁷ Pathirana, Saroj (2017), *"Sri Lanka's hidden scourge of religious child abuse"*, BBC News, 1 June 2012, accessed on 7 February 2017, <http://www.bbc.co.uk/news/world-south-asia-15507304>.

²⁸ Amarasinghe, Sarath. W. (2002) *"Sri Lanka: the CSE. A Rapid Assessment"*, International Labour Organisation (ILO): International Programme on the Elimination of Child Labour (IPEC), page xiii, accessed on 5 February 2017 http://www.childtrafficking.com/Docs/ilo_2002_sri_lanka_commerc.pdf.

²⁹ Frederick, John, (2010), *"Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses"*, UNICEF Innocenti Working Papers, at 21, accessed on 5 February 2017, <https://www.unicef-irc.org/publications/594>.

³⁰ Savitri Goonesekere (undated), *"Children and the Legal System of Sri Lanka"*, accessed 9 February 2017, https://www.unicef.org/srilanka/media_9147.htm.

³¹ Frederick, John (2010), *"Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses"*, UNICEF Innocenti Working Papers, at 128, accessed on 5 February 2017, <https://www.unicef-irc.org/publications/594>.

issues.³² A report of the Leader of the Opposition's Commission on the Prevention of Violence against Women and the Girl Child commented that most of the complaints with the police regards cases of statutory rape, where the victim is younger than 16 years of age (e.g. 84% of the cases in 2012).³³ The data collected by the Police Unit do not show the manifestation of CSE. The majority of cases, however, remain unreported. Due to the limited availability of specified data, most research on CSE in Sri Lanka is based on qualitative research. Studies on CSE and SECTT have focused primarily on boys as victims and Sri Lanka as a destination country for SECTT.³⁴ There has been less research focusing on the families and communities from which exploited children originate.³⁵ Similarly, the sexual exploitation of girls as victims and the demand side of CSE and SECTT are also neglected areas of research.

Exploitation of Children in Prostitution

In contrast to other South Asian countries, a distinct characteristic of CSE in Sri Lanka is the prevalence of boy victims. Studies indicate that CSE of boys is largely connected to tourism.³⁶ Girls, on the other hand, are prostituted to the local population.³⁷ Girl prostitution generally takes place in unregistered hotels, guest houses, karaoke bars, massage parlours and brothels, while boy prostitution occurs most frequently in coastal and tourist destinations.

Sexual Exploitation of Children Online and CSE Material

Many pornographic websites can be accessed through the Internet in Sri Lanka. The large number of Internet cafes in urban areas has also increased the likelihood that children are watching or downloading pornographic material from the Internet and are participating in sex-related chat rooms.³⁸ In 2014, 26% of the population had access to the Internet.

Internet connection through mobile phones has become a serious concern due to the large number of mobile users, many of whom are young consumers. In 2014 the mobile phone penetration was 103%,³⁹ making mobile phones more common than toothbrushes.

Some qualitative cases showed that child sexual abuse material has been produced in the Sri Lankan sex market but recent studies would be useful.⁴⁰ Additionally, travelling sex offenders are often linked with the production of child pornography for both private use and commercial purposes. A UNICEF Innocenti research report indicates there is evidence that foreign sex offenders and their local counterparts, photograph, film or conduct sexual acts with children in Sri Lanka.⁴¹

³² GOSL, Ministry of Women and Child Affairs, "Policy Framework and National Plan of Action to Address Sexual and Gender-based Violence (SGBV) in Sri Lanka, 2016-2020", accessed 9 February 2017, <http://www.childwomenmin.gov.lk/English/news/ministry-news/policy-framework-and-national-plan>.

³³ Opposition Commission on Prevention of Violence against Women and the Girl Child (2014), "Report of the Leader of the Opposition's Commission on Prevention of Violence against Women and the Girl Child", 23, accessed on 10 February 2017, <http://www.childwomenmin.gov.lk/resources/30/REPORT.pdf>.

³⁴ Squire, Jason and Wijeratne, Sarasi, (2008), "Sri Lanka Research Report: The sexual abuse, commercial sexual exploitation and trafficking of children in Sri Lanka", Terre des Hommes, 8, accessed on 5 February 2017 http://www.childtrafficking.com/Docs/tdh_08_tra_report_0309.pdf.

³⁵ Ibid.

³⁶ Ibid., 47.

³⁷ Ibid.

³⁸ Frederick, John (2010) "Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses", UNICEF Innocenti Working Papers, 128-130, accessed on 5 February 2017, <https://www.unicef-irc.org/publications/594>.

³⁹ United Nations Children's Fund (UNICEF) (2016), "The State of the World's Children 2016; A Fair Chance for Every Child", 136, accessed on 7 February 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁴⁰ ECPAT International (2016), "Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report South Asia", 38, <http://globalstudysectt.org/>.

⁴¹ Frederick, John (2010), "Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses", UNICEF Innocenti Working Papers, 21, accessed on 5 February 2017, <https://www.unicef-irc.org/publications/594>.

Child Trafficking for Sexual Purposes

Sri Lanka is primarily a source and, to a lesser extent, a destination country, for men, women, and children subjected to forced labour and sex trafficking. Within the country, women and children are subjected to sex trafficking in brothels and massage parlours.⁴²

SECTT

Sri Lanka became internationally renowned in the 1980s for the high presence of SECTT.⁴³ In 1994, the country's beach resorts were described by the United Kingdom based newspaper 'The Independent' as "*hunting-grounds for European child abusers and pornographic video makers*".⁴⁴ However, despite programmes to combat SECTT (discussed further in chapter 5), SECTT in Sri Lanka still appears to be prominent.⁴⁵ The Global Study on SECTT confirms the high influx of paedophiles and/or preferential child sex offenders.⁴⁶

In 2011, the National Child Protection Authority warned of an increase in the sexual exploitation of children connected to the rapid growth in the tourism sector. Since the end of the 27-year-long civil war with the LTTE, the country's tourism industry has continued to expand with almost 1.8 million international tourist arrivals in 2015.⁴⁷ With the country now at peace, the economic growth of the island nation is heavily tourism driven; however, the growth in child protection seemed to have lagged.

Boys are more likely than girls to be forced into prostitution in coastal areas for SECTT.⁴⁸ The 2010 study by UNICEF on Sexual Exploitation of Boys in South Asia, also indicated that SECTT was more prominent amongst boys than girls in Sri Lanka.⁴⁹ This strong link of CSE of boys by travelling sex offenders is an anomaly in the region where local offenders are more common.⁵⁰ Boys are an average age of 14 at the time of their first sexual abuse.⁵¹ Offenders tend to be male, and often relatives, peers or family friends.⁵² For boys who live near tourist destinations, foreign child sex offenders seem to be the first perpetrators.⁵³ Several studies have shown that boys are rarely forcefully coerced into sexual contact; instead a high level of "consent" has been noted.⁵⁴ Data shows that about 20% of boys enter the sex industry due to economic reasons, whereas over one-third enter due to peer influence or the social environment.⁵⁵ There are cases where young boys are 'sold' by their families to older boys, or cases when parents encourage their

⁴² US Government, Department of State (2016), "*Trafficking in Persons Report: Sri Lanka (2016)*", 346.

⁴³ Squire, Jason and Wijeratne, Sarasi, (2008), "*Sri Lanka Research Report: The sexual abuse, commercial sexual exploitation and trafficking of children in Sri Lanka*", Terre des Hommes, 8, accessed on 7 February 2017 http://www.childtrafficking.com/Docs/tdh_08_tra_report_0309.pdf.

⁴⁴ McGirk, Tim (1994), "*Sex Tourists Prey on Sri Lanka's Children: Beach Resorts are Hunting-Grounds for European Child Abusers and Pornographic Video Makers*", The Independent, 19 January 1994, accessed 7 February 2017, <http://www.independent.co.uk/news/world/sex-tourists-prey-on-srilankas-children-beach-resorts-are-huntinggrounds-for-european-child-abusers-and-pornographic-video-makers-tim-mcgirk-reports-from-colombo-1407820.html>.

⁴⁵ Laccino, Ludovica (2014), "*Top Five Countries with Highest Rates of Child Prostitution*", International Business Times, 6 February 2014, accessed 7 February 2017, <http://www.ibtimes.co.uk/top-five-countries-highest-rates-child-prostitution-1435448>.

⁴⁶ ECPAT International, "*Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report South Asia*", Bangkok: (2016), 37, accessed on 12 February 2017, <http://globalstudysectt.org/>.

⁴⁷ Sri Lanka Tourism Development Authority(2015), "*Annual Statistical Report 2015*", 15, http://www.sltda.lk/sites/default/files/Tourist_Board_Annual_Report_2015.pdf.

⁴⁸ US Government, Department of State (2016), "*Trafficking in Persons Report: Sri Lanka (2016)*", 346.

⁴⁹ Frederick, John (2010), "*Sexual Abuse and Exploitation of Boys in South Asia: A Review of Research Findings, Legislation, Policy and Programme Responses*", UNICEF Innocenti Working Papers, 21, accessed on 5 February 2017, <https://www.unicef-irc.org/publications/594>

⁵⁰ Ibid., 126.

⁵¹ Ibid., 127.

⁵² Ibid., 127.

⁵³ Ibid., 127.

⁵⁴ Ibid., 127.

⁵⁵ Ibid.

children to enter the sex industry, although this appears more prevalent with girls.⁵⁶ There are cases noted of boys entering sexual interactions with foreign tourists without remuneration, but instead as a basis for companionship or friendship.⁵⁷ There are some indications of female sex offenders with ‘beach boys’, meaning that a foreign tourist takes on a ‘temporary boyfriend’ during her holiday.⁵⁸

Child Marriage

In 2008 – 2014, 2% of children was married by the age of 15, while 12% was married by 18 years of age in Sri Lanka.⁵⁹ Child marriage must be recognised as both a factor enhancing vulnerability to CSE and a form of CSE itself. When a child marriage is settled between two families, the economic transaction that takes place establishes full control over the life of the child, for a price. Commercial sexual exploitation of children, defined as using a child for sexual purposes in exchange for goods or payment in cash or in-kind, takes place also when a child is forced into child marriage, in exchange for a dowry and the obligation to enter a sexual relationship with another individual.⁶⁰ Along with being a form of CSE in itself, child marriage also creates the conditions for exposure to other forms of CSE. By displacing children from their families of origin, child marriage makes them vulnerable to various forms of abuse and exploitation, including CSE.⁶¹

6. RESPONSES

6.1. INTERNATIONAL AND REGIONAL LEGAL STANDARDS

Sri Lanka has ratified the most relevant international instruments related to CSE. The Convention on the Rights of the Child and the OPSC were ratified in 1991 and 2006, respectively. In 2015 Sri Lanka ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Special Rapporteur on the sale of children, child prostitution and child pornography has never visited Sri Lanka, nor the Special Rapporteur on trafficking in persons, especially women and children. Relevant in the fight against CSE online, the GOSL – as the first country in South Asia – has acceded to the Council of Europe Convention on Cybercrime (Budapest Convention) in 2015.

In the latter part of 2015, the GOSL adopted the 2030 agenda for Sustainable Development. This framework of action commits the GOSL to eliminate all forms of violence against children, including sexual abuse and exploitation.⁶²

Governments in the region have recognised the importance of regional coordination and collaboration. All countries are members of the South Asian Association for Regional Cooperation (hereinafter “SAARC”), created when its charter was adopted by Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka in 1985. Afghanistan joined SAARC in 2007. Sri Lanka adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2002 as the first regional treaty to specifically address trafficking, defining trafficking as “*the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking*”. The Convention further defines ‘persons subjected to

⁵⁶ Ibid., 202.

⁵⁷ Ibid., 53.

⁵⁸ ECPAT International (2014), “CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies”, 35, accessed on 7 February 2017, http://www.ecpat.org/wp-content/uploads/2016/04/Regional%20CSEC%20Overview_South%20Asia.pdf.

⁵⁹ United Nations Children’s Fund (UNICEF) (2016), “The State of the World’s Children 2016; A Fair Chance for Every Child”, 152, accessed on 7 February 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁶⁰ ECPAT International (2014), “CSEC in South Asia: Developments, Progress, Challenges and Recommended Strategies”, 35, accessed on 7 February 2017, http://www.ecpat.org/wp-content/uploads/2016/04/Regional%20CSEC%20Overview_South%20Asia.pdf.

⁶¹ ECPAT International (2015), “Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage”, 73, accessed on 12 February 2017, <http://www.ecpat.org/news/new-thematic-report-unrecognised-sexual-abuse-and-exploitation-children-child-early-and-forced/>.

⁶² Sustainable Development Goal Targets 5.2, 8.7, and 16.2.

trafficking’ as “women and children victimised or forced into prostitution by the traffickers by deception, threat, coercion, kidnapping, sale, fraudulent marriage, child marriage, or any other unlawful means”. Additionally, Sri Lanka has ratified the Convention on Regional Agreements for the Promotion of Child Welfare in South Asia, also enacted in 2002.⁶³

6.2. NATIONAL LEGAL FRAMEWORK

The provisions contained within the Sri Lankan *Penal Code* and other laws relating to children are reasonably comprehensive in addressing various forms of violence against children. In 1992, one year after the ratification of the CRC, the GOSL adopted a *Charter on the Rights of the Child* with similar content to the CRC.⁶⁴ The *Charter* establishes a Monitoring Committee to monitor the implementation of the *Charter*. Since then several amendments have been made to the existing legislation to align laws with principles and provisions of the CRC and other relevant international legal instruments. During the civil war the upholding of children’s rights in Sri Lanka was significantly curtailed by the continuing application of emergency regulations.⁶⁵ Current implementation in accordance with the binding international legal standards is hampered by personal or customary laws (Muslim personal law, Kandyan law, Thesavalam law and Colonial Buddhist Ecclesiastical Law) and some remaining gaps in the national legal system. However, the biggest obstacle in the fight against CSE is not the legal system in Sri Lanka, but the enforcement of it.

A potentially important future policy that could improve enforcement of child protection is the National Child Protection Policy currently under development by the National Child Protection Authority. The Policy focuses on the prevention of, and protection from child abuse as well as service provision for child abuse victims. Consultation rounds have taken place and it is expected that the policy will be completed in the first quarter of 2017.⁶⁶

Definition of a Child

The Sri Lankan Constitution does not contain a definition of the term, ‘child’. This has left room for inconsistencies among Sri Lankan domestic laws. The *Age of Majority (Amendment) Act* No. 17 of 1989 sets the age of majority as 18 years,⁶⁷ as does the *Charter on the Rights of the Child*. This is also the case where most new laws, like the *Assistance to and Protection of Victims of Crime and Witnesses Act* of 2015, do define children as below the age of 18 years.⁶⁸ However, there are numerous deviations from this principle, resulting in confusion and insufficient rights or protection of adolescents. The *Children and Young Persons Ordinance* (1939) defines a ‘child’ as anyone less than 14 years,⁶⁹ although a draft *Children (Judicial Protection) Act* is tabled to replace the *Ordinance*.⁷⁰ Other anomalies can be found in the legislation regulating organ transplants and marriages, where the parents are granted the right to take

⁶³ ECPAT International (2016), “Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report South Asia”, 42, accessed on 12 February 2017, <http://globalstudysectt.org>.

⁶⁴ GOSL, “Charter on the Rights of the Child”, accessed on 9 February 2017 <http://www.hrcsl.lk/PFF/The%20Charter%20on%20the%20Rights%20of%20the%20Child.pdf>

⁶⁵ United Nations Committee on the Rights of the Child (2010), “Concluding Observations: Sri Lanka”, Sri Lanka 55th Session, 19 October 2010, accessed on 8 February 2017 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2fCO%2f3-4&Lang=en.

⁶⁶ National Child Protection Authority’s website (2016), “News”, 7 December 2016, accessed on 11 February 2017, <http://www.childprotection.gov.lk/news/>.

⁶⁷ Age of Majority (Amendment) Act No 17 of 1989.

⁶⁸ Section 46 defines the terms ‘child victim of crime’ and ‘child witnesses’ respectively to mean a person who is less than eighteen years of age and who is either a victim of crime or a witness.

⁶⁹ GOSL, Child and Young Persons Ordinance 1939, Section 88.

⁷⁰ GOSL, “Fifth and Sixth Combined Periodic Report Submitted under Article 44 of the Convention”, 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2f5-6&Lang=en.

decisions on behalf of children under 21 years. Some government policy documents also deviate from the age of 18 for adulthood.⁷¹

Another noteworthy exception to the age of legal adulthood is in the *Penal Code* where the age of consent for sexual acts for girls is set at 16 years.⁷² Although other countries have also set the age of consent at 16 years of age, PEaCE and ECPAT International believe that this age is too young and hampers proper protection against CSE of older children, e.g. the protection against statutory rape. In that light, it is of concern that there has been a call to change the provision of statutory rape for sex with children below the age of 16. Another concern is that the provision of statutory rape only protects girls, not boys.

Homosexuality

The current articles 365 and 365A of the *Penal Code*, prohibiting homosexual relations (described as ‘*acts of gross indecency*’), may put children in danger as the article does not explicitly exempt children from the crime, thus a child might be treated as an offender instead of a victim in exploitative situations.⁷³

Birth Registration

To stop child marriages and other forms of CSE, birth registration is crucial. Birth registration is mandatory and births within Sri Lankan families are usually registered. However, there is a significant number of unregistered births, particularly amongst refugee/returnee/internally displaced children, children of families living on the street, children living in plantations and children born in the gypsy and indigenous ‘Vedda’ communities.⁷⁴ In the period of 2010 – 2015, 3% of children remained unregistered.⁷⁵

Child Labour

Child labour puts children in vulnerable positions and increases the chance of becoming victims of CSE. In 2006 section 358A of the *Penal Code* was introduced to prohibit the employment of slave labour and recruitment of child soldiers. The amended *Employment of Women, Young Person and Children Act* prohibits the employment of children in hazardous forms of labour. This includes working in day/night clubs, bars and casinos, night time work (between 8pm and 6am), hotel work, working in restaurants, shops, call-centres, in telemarketing or the tourist industry. Child domestic labour is also explicitly prohibited. However, according to UNICEF, in the period 2009-2015 still 3% of 5-14-year-old children were involved in child labour.⁷⁶

Statute of Limitations

The GOSL does not have special provisions to tolling⁷⁷ the statute of limitations for child victims of CSE. Pursuant to Section 456 of the Criminal Procedure Code, “*the right of prosecution for any... crime or offense (save and except those as to which special provision is or shall be made by law and for murder or treason) shall be barred by the lapse of twenty years from the time when the crime or offense shall have been committed*”. There are no special limitations periods applicable to CSE crimes, while generally victims may take a long time to report.

⁷¹ Savitri Goonesekere, “*Children and the Legal System of Sri Lanka*”, (undated), accessed 9 February 2017, https://www.unicef.org/srilanka/media_9147.htm.

⁷² GOSL, Penal Code, Section 363(e).

⁷³ GOSL, Penal Code, Section 365A.

⁷⁴ Ibid.

⁷⁵ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 152, accessed on 7 February 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁷⁶ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 152, accessed on 7 February 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁷⁷ Tolling is the process of officially increasing the period of time within which someone can be accused of a crime after the date when it was committed, Cambridge Dictionary, <http://dictionary.cambridge.org/dictionary/english/tolling>.

Exploitation of Children in Prostitution

Section 360B and 360E of the *Penal Code* prohibit the exploitation of children in prostitution. It is commendable that children are defined as below 18 years of age for these sections of the law, but lacking is a definition of ‘child prostitution’.⁷⁸

Sexual Exploitation of Children Online and CSE Material

The *Penal Code* prohibits, ‘child pornography’⁷⁹ under article 286 A, where a number of conducts classified as “*offence of obscene publication and exhibition relating to children*” but it does not provide a definition of ‘child pornography’ that incorporates the elements of the OPSC or other relevant legal instruments. However, the *Penal Code* prohibits a number of acts related to obscene or indecent exhibition, photographs and films in which a child is portrayed or is made to perform.⁸⁰ The list of acts includes also possession: “*...any person who (a) hires, employs, assists, persuades uses, induces or coerces any child to appear or perform in any obscene or indecent exhibition or show or to pose or model for, or to appear in, any obscene or indecent photograph or film of who sells or distributes, or otherwise publishes, or has in his possession, any such photograph or film.*” Perpetrators can be sentenced up to ten years.

To combat child pornography the *Children and Young Persons (Harmful Publications) Act No. 48* of 1956 is also being used.⁸¹ Children are, in theory, protected from exposure to obscene materials under this law, which forbids the dissemination of pictorial publications that may be harmful to children and young people. In addition to these provisions, the *Vagrants Ordinance* also criminalises the act of publicly exhibiting any obscene print, picture, or other indecent exhibition, to the repulsion or annoyance of others.⁸²

The *Computer Crimes Act No. 24, 2007* unfortunately does not address child pornography as a modality of cybercrime.

Virtual “child pornography” is not explicitly addressed. However, based on the judicial authority’s interpretation, an offender might be possibly charged using the broad wording of section 2(a) of the *Obscene Publications Ordinance*: “*for purposes of or by way of trade or for distribution or public exhibition to make or produce or have in possession for purposes stated or otherwise, obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, video cassettes or any other obscene objects*”.

The aforementioned legal framework fails to meet international standards, particularly because it lacks a definition for CSE material (or ‘child pornography’), although the GOSL has committed itself to do so by ratifying the Council of Europe Convention on Cybercrime (Budapest Convention).

The *Evidence (Special Provisions) Act of 1995* was enacted in Sri Lanka to address the admissibility of audio visual recordings made by electronic or mechanical means. This amendment has contributed to the successful prosecutions of perpetrators involved in creating and/or distributing child pornography.

Child Trafficking for Sexual Purposes

In April 2006, Sri Lanka amended its *Penal Code* to specifically address child trafficking. Under the newly amended Section 360C, it is illegal to recruit, transport, transfer, harbour or receive a child, regardless of the child’s consent, for purposes of prostitution or other forms of sexual exploitation.⁸³ Punishment

⁷⁸ ECPAT prefers the term ‘exploitation of children in prostitution’ instead of ‘child prostitution’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 29, <http://luxembourgguidelines.org/>.

⁷⁹ ECPAT prefers the term ‘child sexual exploitation images’, *IBID.*, 39.

⁸⁰ GOSL, *Penal Code*, article 286A

⁸¹ GOSL, *Children and Young Persons (Harmful Publications) Act No.48* of 1956

⁸² *Ibid.*

⁸³ GOSL, *Penal Code*, Section 360C subsection 2.

ranges from three years to twenty years imprisonment and a possible fine where the victim is a child.⁸⁴ The wording of Section 360(C) illustrates the legislative drafter's intention to bring Sri Lankan domestic law in line with international standards, as it incorporates the same wording as the *Trafficking Protocol* to define trafficking. The Section specifically refers to trafficking for the purposes of securing forced or compulsory labour or services, slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation.⁸⁵

SECTT

SECTT is not defined in the law. The *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act 2005*, does give the Sri Lankan Courts jurisdiction over offenders trafficking of children for prostitution who are present in Sri Lanka, when the act is committed by a citizen of Sri Lanka or the victim is a citizen of Sri Lanka.⁸⁶ While the extraterritorial provision of the law is commendable, there is a need for the same extraterritoriality of all other CSE crimes, especially as CSE crimes often have an international aspect, not only in trafficking cases, but also e.g. in SECTT, sexual exploitation of children online and CSE material.

Extradition is governed by the *Extradition Law No. 8 of 1977*. An 'extradition offence' is an act or omission which falls within any of the descriptions set out under the Schedule in the Law. The schedule does include CSE related crimes, such as 'rape', 'carnal intercourse with a female between twelve and fourteen years', 'procuring a girl or a woman to become a common prostitute', and 'an offence covered by the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act, No. 30 of 2005*'⁸⁷, but does not include all CSE related crimes.

Child Marriage

The minimum age for marriage is 18 years.⁸⁸ However, the *Marriage Registration (Amendment) Act* created some confusion as to whether a person under the age of 18 could marry with the consent of their parents. The Court of Appeal in the case of *Gunaratnam v The Registrar General* held that the age of marriage was absolute and there could be no valid marriage, with or without parental consent, below that age.⁸⁹ However, the law still contains a legal provision which permits parents to consent to a marriage involving a minor.⁹⁰ Furthermore, personal laws in Sri Lanka are still lacking specific minimum age requirements, particularly under Muslim Personal Law, where the age of puberty is the age at which a marriage can take place.⁹¹ A report from the Muslim Women's Research and Action Forum noted that cases of child marriage occurred in Muslim communities within Sri Lanka.⁹² The report argues that the concept of *kaikuli* (gifts given by the parents of the bride to the bridegroom) has reduced Muslim marriage in Sri Lanka, to a transaction between buyer and seller. This serves to place a significant financial burden on the bride's family and dehumanises those children who are forced to participate.⁹³ Despite the occurrence of child marriages in various parts of Sri Lanka, the Sri Lankan government has successfully increased the age of marriage to 18 and has actively encouraged marriage registration. Both these

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ GOSL, *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act, 2005*, Section 5.

⁸⁷ Ibid., Section 6.

⁸⁸ GOSL, *Marriage Registration (Amendment) Act*, Section 15.

⁸⁹ *Gunaratnam vs. The Registrar General*, Court of Appeal, Tilakawardane, J. and Amaratunga, J. CA NO. 1031/01. AUGUST 30, 2001.

⁹⁰ GOSL, *Marriage Registration (Amendment) Act*, Section 22.

⁹¹ United Nations Committee on the Rights of the Child (2010), "*Concluding Observations: Sri Lanka*", Sri Lanka 55th Session, 19 October 2010, 14, accessed on 8 February 2017

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2fCO%2f3-4&Lang=en.

⁹² Muslim Women's Action and Research Forum (undated), "*Report to the Global Movement for Equality and Justice for Muslim Women*", accessed on 8 February 2017, <http://www.musawah.org/sites/default/files/SriLanka-report%20for%20Home%20Truths.pdf>.

⁹³ Ibid.

changes are positive legal reforms for promoting child rights,⁹⁴ but have not yet eradicated the harmful traditional practice of child marriage.

6.3. IMPLEMENTATION, USING LAWS AND POLICIES TO COMBAT CSE

Regional Coordination

To address regional issues of violence more comprehensively, the South Asia Forum for Ending Violence Against Children was established in 2005. Today, the forum is known as the South Asian Initiative to End Violence Against Children (SAIEVAC). SAIEVAC areas of priority are concerned with child marriage, corporal punishment, trafficking, child labour, sexual abuse, and exploitation. With the formation of SAIEVAC and continuous regional conventions, South Asia reiterates its commitment to address issues of violence against children and work towards coordinating, standardising and monitoring progress.⁹⁵

The South Asia Coordinating Group on Action against Violence against Children (SACG), is made up of International NGOs and UN agencies that work against such violence in the region. SACG supports the work of SAIEVAC by providing technical and financial support on various areas of expertise. Each member state sets up a National Action and Coordinating Group against Violence against Women and Children that is linked directly to SACG to strengthen and promote inter-agency work between multiple stakeholders.

With the regional instruments, the region does have a solid mechanism in place to address issues of trafficking and violence against children.

National Coordination of Stakeholders

The Ministry of Women and Child Affairs (hereinafter “MWCA”) is the apex ministry for child affairs. Key departments and statutory institutions operating under MWCA are the National Child Protection Authority (hereinafter “NCPA”), the Department of Probation and Child Care Services (hereinafter “DPCCS”) and the Children’s Secretariat.

The NCPA is the agency responsible for the prevention of child abuse and the protection and treatment of victims. The NCPA coordinates and monitors actions against all forms of child abuse.⁹⁶ As the main legal entity, it advises the government, in coordination with various ministries, local authorities, and public and private sectors. It also maintains a database on violence against children. Unfortunately, the budget of the NCPA has decreased in the last decade, which has affected NCPA’s impact.⁹⁷

There are committees at district and village level to support a nationwide implementation of child protection, including the District Child Development Committee, Divisional Child Rights Committee, Village Child Development Committees, Village Child Rights Monitoring Committees, Children’s and the Angels’ Network.⁹⁸ Many of these mechanisms lack implementation though, thus not providing the needed country-wide child protection network.

The DPCCS operates under two sectors; Probation sector and Child Care Services sector. The child care services ensure child care as a community focused social responsibility by creating a conducive and child friendly environment for the protection of child rights.⁹⁹

⁹⁴ UNICEF, “*Early Marriage: Child Spouses*”. Innocenti Research Centre, (2001), accessed on 8 February 2017 <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>.

⁹⁵ ECPAT International (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report South Asia*”, 42, accessed on 12 February 2017, <http://globalstudysectt.org/>.

⁹⁶ National Child Protection Authority’s website, accessed on 9 February 2017, <http://www.childprotection.gov.lk/>.

⁹⁷ Savitri Goonesekere (undated), “*Children and the Legal System of Sri Lanka*”, accessed 9 February 2017, https://www.unicef.org/srilanka/media_9147.htm.

⁹⁸ Ministry of Women and Child Affairs, “*News of 25 August 2016*”, 21, accessed on 9 February 2017 <http://www.childwomenmin.gov.lk/English/news/ministry-news/policy-framework-and-national-plan>.

⁹⁹ Department of Probation and Child Care Services’ website, accessed 10 February 2017, <http://www.childwomenmin.gov.lk/English/institutes/dpccs>.

The Ministry of Justice is the lead government agency for the coordination of all initiatives taken to address human trafficking in Sri Lanka. With the aim of strengthening coordination the inter-ministerial National Anti-Trafficking Task Force was established in 2010. The Task Force members meet once a month and organise regular dialogues with NGOs and international organisations. Some positive initiatives undertaken include the work of the Department of Probation and Child Care Services to identify child victims of trafficking.

The National Monitoring Commission (hereinafter “NMC”) was established in accordance with Article 40 of the Sri Lankan *Charter on the Rights of the Child*. The NMC is mandated to monitor the implementation of the *Charter on the Rights of the Child* and to report to the Committee on the Rights of the Child when required. Due to the civil conflict the NMC did not function for many years, but has been revived since and is responsible to monitor the implementation and impact of the National Plan of Action (hereinafter “NPA”) on SGBV.

The most active and consistent non-governmental stakeholders working to end CSE in Sri Lanka are UNICEF, Save the Children and PEaCE.

National Plans of Action

In the past decades Sri Lanka has had several NPAs in place contributing to the overall wellbeing of children, including a plan to address SECTT. Currently there are two NPAs in place that address CSE: the National Action Plan to Address SGBV 2016 – 2020 (hereinafter NPA SGBV) and the National Plan of Action to Combat Human Trafficking.

The MWCA initiated a multi-sectoral and comprehensive NPA SGBV. The process of the formulation of the policy framework and action plan was participatory and consultative with nine key sectors: Child Affairs, Disaster Management, Economic Development and Employment, Education, Empowerment and Prevention, Foreign Employment, Health, Justice and Law reform and Mass Media. Civil society groups, local and international non-governmental organizations, trade unions, private sector, UN agencies, researchers were also involved in the formulation of the NPA.¹⁰⁰ The NPA includes actions to combat CSE. The NPA focuses on prevention of early marriage, sexual violence against children as well as CSE and cyber violence against children.

Progress has been made by the GOSL to combat trafficking, for instance with the adoption in 2015 of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. A process is underway to follow-up the NPA for the Promotion and Protection of Human Rights 2011-2016 with a new NPA 2017-2021.¹⁰¹ However, the U.S. Department of State Anti-trafficking found that overall efforts have not increased in 2016, and consequently has kept Sri Lanka on the Tier 2 Watch List in 2016. The U.S. Department of State granted a waiver from a downgrade, because the GOSL did devote sufficient resources to the NPA.¹⁰²

Although the NPAs are comprehensive and applaudable policy frameworks to initiate and coordinate action, there is a need to improve implementation, monitoring and coordination. According to a UNICEF evaluation, the National Plan of Action for Children 2004 - 2008 the lack of proper monitoring and coordination hampered the effectiveness of the plan.¹⁰³

¹⁰⁰ Ministry of Women and Child Affairs, “News of 25 August 2016”, accessed on 9 February 2017 <http://www.childwomenmin.gov.lk/English/news/ministry-news/policy-framework-and-national-plan>.

¹⁰¹ European Commission (2017), “Report on assessment of the application for GSP+ by Sri Lanka”, 5, accessed on 22 February 2017, http://trade.ec.europa.eu/doclib/docs/2017/january/tradoc_155236.pdf.

¹⁰² U.S. Department of State (2016), “Trafficking in Persons Report 2016”, accessed on 22 February 2017, <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258863.htm>.

¹⁰³ UNICEF (2007), “Summary of mid-term reviews and major evaluations of Country Programme: South Asia Region”, 9, accessed on 10 February 2017 http://www.unicef.org/about/execboard/files/07-PL33_ROSA_MTR.pdf.

A noteworthy NPA from the past, is Sri Lanka's National Action Plan against Child Sex Tourism. It has been the only NPA in South Asia dealing explicitly and directly with SECTT. Adopted in 2006 in cooperation with UNICEF and PEaCE, the two-year plan emphasised the need for community awareness and capacity building for stakeholders in the travel and tourism industry, such as hoteliers, tour operators, airports, police, councils, guides, etc. Its implementation has been varied, strengthening registration in guesthouses and hotels for foreign tourists and travellers but has insufficiently addressed child protection due to lack of collaboration between the government and other stakeholders such as NGOs, civil society and the private sector.¹⁰⁴ The plan has not been extended nor replaced with new NPAs to address SECTT specifically, but the NPA on SGBV 2016 – 2020 does include measures to specifically combat SECTT, such as awareness raising of the tourist industry.

Prevention

Long-term prevention strategies include improving the status of children who are most vulnerable to CSE. This can be achieved by implementing policies to reduce poverty and social inequality and by improving access to education, health, and social services. Effective short- to medium term strategies include raising awareness of the issue amongst the public, vulnerable groups, offenders, government officials and the private sector. Campaigns, education, and training initiatives designed to target each of these groups, are also effective means of implementing these strategies.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged to help implement prevention strategies. In 2011, Sri Lankan Telecom, 'Mobitel', in collaboration with the Internet Watch Foundation (IWF) and the GSM Association, embarked on a venture to combat child abuse content. This alliance aims to inhibit the use of mobile devices or Internet services by individuals or organisations seeking to profit from the demand and supply of child abuse content. This is facilitated through a combination of technical measures and via collaboration and information sharing.

Furthermore, information, education and outreach programmes should be directed at CSE offenders to promote changes in social norms and behaviour and to reduce the demand for child victims of commercial sexual exploitation. Before this can be done, a study should be undertaken into the demand side of CSE.

The following awareness and community empowerment programmes have been implemented by the GOSL and civil society: *Thatu Savimath Samanala Viyak*, and the *Angels' Network*.¹⁰⁵ The NCPA continues to conduct awareness raising among hoteliers in the South of Sri Lanka to address child sex tourism,¹⁰⁶ and it is preparing school modules on the safe use of the Internet.¹⁰⁷

Communication materials have been developed and disseminated targeting a wide public audience at national level such as *Dayawen sinawak*, *Lama lokaya lamaintamai*, *Lama Shramikatwaya Pitudakimu*,

¹⁰⁴ ECPAT International (2016), "Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report South Asia", 37, accessed on 12 February 2017, <http://globalstudysectt.org/>.

¹⁰⁵ Save the Children International (2016), "Investing in Children in Sri Lanka, Child Centric Resource Analysis", accessed on 21 February 2017, <https://srilanka.savethechildren.net/sites/srilanka.savethechildren.net/files/library/Child%20Centric%20Resource%20Analysis%202016%20Sri%20Lanka%20Full%20Report.pdf>.

¹⁰⁶ GOSL 2016, "Sri Lanka's State Party's Fifth and Sixth Combined Periodic Report under Article 44 of the Convention on the Rights of the Child", 53, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2f5-6&Lang=en.

¹⁰⁷ GOSL, NCPA's website, "News", <http://www.childprotection.gov.lk/news/>.

Stop Child Labour, Good Touch – Bad Touch, Child Rights, and Responsibilities (Simple Version of CRC) and *Online Safety*.¹⁰⁸

PEaCE works with a variety of stakeholders to raise awareness often in close cooperation with other key stakeholders. Examples of such awareness raising programmes are:

Target Group	Focus	Partners
Rural Children's Committee	Support to survivors of CSE, including educational support and working with street children.	Department of Probation and Child Care Services
School principals, teachers and students	Seminars and programmes on SECTT and sexual exploitation of children online	Zonal Education Office / Department of Education
Paramedics including family health workers	CSE trainings	Medical Officer of Health
Police Officers	Training on child protection, child friendly prosecution etc.	Children and Women Bureau
Youth	Awareness raising	National Youth Services Council (NYSC)
School children	Awareness raising	Women's Education and Research Centre (WERC)

In 1995, in response to the growing threat of paedophiles using Sri Lanka as a base, a special child protection unit was set up by the NGO LEADS called 'ESCAPE' (Eradicating Sexual Child Abuse Prostitution and Exploitation) with an array of services to marginalised communities, including awareness raising and capacity building on Prevention of Child Abuse to staff of child care homes, pre-school teachers, children, parents, care givers and the Village Child Rights Monitoring Committees.

The Voice Foundation organises an annual walk to raise awareness on child abuse.

Although the Sri Lankan government and civil society have taken steps to address the prevention of child abuse and CSE, these efforts have not been coordinated and have been neither systematic nor sustainable. National coordination of these efforts would greatly enlarge the impact of all the efforts.

More effort is also needed to prevent sexual exploitation of children online and the production, distribution, sale, and possession of CSE material. Some small interventions have taken place, such as the cyber safety programs for kids as well as the yearly Cyber Security Week (CSW – conducted for 6 years) organised by the Information and Communication Technology Agency (ICTA) of Sri Lanka.¹⁰⁹ Other interventions have included the ban on the Internet of some pornographic websites.¹¹⁰ Despite this, many of these Internet sites are still accessible to Sri Lankan users, including CSE materials.

In 2010, the GOSL issued a ban on pornography accessed through mobile phone connections. PEaCE, together with the Police Children and Women's Bureau, intervened to bring about a judicial order to block

¹⁰⁸ GOSL, Ministry of Women and Child Affairs, "Policy Framework and National Plan of Action to Address Sexual and Gender-based Violence (SGBV) in Sri Lanka, 2016-2020", 23, accessed 9 February 2017, <http://www.childwomenmin.gov.lk/English/news/ministry-news/policy-framework-and-national-plan>.

¹⁰⁹ ICTA (2016), "Cyber Security and Cybercrime Strategies", UNCTAD World Bank Event, 18 April 2016, accessed on 11 February 2017, http://unctad.org/meetings/en/Presentation/dtl_ewweek2016_JFernando_en.pdf.

¹¹⁰ The Sri Lankan Juvenile Court issued an order to the Tele Communications Regulatory Commission imposing a ban on all such indecent websites. This resulted in over 100 local and foreign websites being banned. "Sri Lanka bans over 100 porn websites featuring locals", ColomboPage: Sri Lanka Internet Newspaper, 26 August 2010, accessed on 12 February 2017, http://www.colombopage.com/archive_10B/Aug26_1282830418CH.php.

970 pornographic Internet sites featuring Sri Lankan women. Most pornographic sites remain available, providing pictures, videos and contact information of girls. Some of these photographs have been taken with mobile phones without the girls' knowledge.

The GOSL does not have a child sex offenders' registry to prevent repeat offences by preferential offenders or paedophiles.

Protection

CSE complaints can be lodged with police officers of the National Police of Sri Lanka.¹¹¹ The Police Unit of the NCPA – currently employing 25 police officers¹¹² – plays an important role in combating CSE through referring cases to law enforcement authorities and raising awareness.¹¹³ The NCPA also maintains a database on all complaints of violence against children, including that of cyber violence NCPA received a total of 10,315 complaints in 2014, out of which 1,777 were SGBV related issues.

A 24-hour helpline is available to report CSE cases, operated by NCPA.¹¹⁴

Despite the policing and reporting mechanisms and the existing legal framework, CSE case reporting and prosecutions remain very low. Following up investigations with prosecutions of CSE crimes is still challenging due to lack of capacity and resources as well as official complicity¹¹⁵ in crimes. Jurisprudence and sentencing in cases of violence against children and girls have been criticised for lack of urgency and priority.¹¹⁶ The constraints and challenges faced by the authorities and the victims can be surmised from the fact that of the total complaints of over 10,000 in the year 2014, only 2,080 complaints were concluded by the end of the year.¹¹⁷

While CSE crimes are certainly not decreasing, the bulk of the perpetrators never face consequences – or at best face a short time of imprisonment. Most suspects are often sent away on bail as the backlog in the justice system is over ten years. A multi-country study conducted in 2014 among Sri Lankan men showed that almost 97% of male rapists had not suffered any legal consequences. Of the 3.2% that had been arrested only 2.2% had been penalized.¹¹⁸ Of the six countries surveyed, Sri Lanka had the worst conviction rate,¹¹⁹ giving the impression that Sri Lankan men can rape boys, girls, and women with impunity.

¹¹¹ GOSL (2016), *"Sri Lanka's State Party's Fifth and Sixth Combined Periodic Report under Article 44 of the Convention on the Rights of the Child"*, 52, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2f5-6&Lang=en.

¹¹² Ibid., 50.

¹¹³ Ibid., 51-52.

¹¹⁴ GOSL (2016), *"Sri Lanka's State Party's Fifth and Sixth Combined Periodic Report under Article 44 of the Convention on the Rights of the Child"*, 53-54, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2f5-6&Lang=en.

¹¹⁵ Official complicity was also noted in the report US Department of State (2016), Office to Monitor and Combat Trafficking in Persons, *"Trafficking in Persons Report 2016: Sri Lanka"*, 347, accessed 11 February 2017, <https://www.state.gov/documents/organization/258881.pdf>.

¹¹⁶ Savitri Goonesekere (undated), *"Children and the Legal System of Sri Lanka"*, accessed 9 February 2017, https://www.unicef.org/srilanka/media_9147.htm.

¹¹⁷ GOSL, Ministry of Women and Child Affairs, *"Policy Framework and National Plan of Action to Address Sexual and Gender-based Violence (SGBV) in Sri Lanka, 2016-2020"*, accessed 9 February 2017, <http://www.childwomenmin.gov.lk/English/news/ministry-news/policy-framework-and-national-plan>.

¹¹⁸ Partners for Prevention (2013) *"Why Some Men use Violence against Women and How We Can Prevent It? Quantitative Findings from the United Nations Multi Country Study on Men and Violence in Asia and Pacific"*, UNDP, UNFPA, UN Women and UN Volunteers publication, 45, accessed on 21 February 2017 <http://www.partners4prevention.org/sites/default/files/resources/p4p-report.pdf>.

¹¹⁹ Ibid.

Victim protection is inadequate. Victims are often treated as criminals, while there are no special services and child victims are often mixed with criminals in state institutions.¹²⁰ An internal study on Police Women and Children's Desks (2014) commissioned by the Ministry, evaluated the work of Police Women and Children's Desks to respond to issues of violence against women and girl children.¹²¹ The findings and recommendations of this study are not published. However, in 2015 the GOSL adopted the *Assistance to and Protection of Victims of Crime and Witnesses Act No. 4* and established a *National Authority for the Protection of Victims of Crime and Witnesses*, but many challenges remain in implementation of the provisions of the Act and a sector-wide and coordinated approach is needed.

Further training of law enforcement officers and judges is needed to ensure that judicial officers understand the intricacies of CSE cases. Such training needs to be incorporated in the curriculum of the Police Academy and the Sri Lanka Judges' Institute (SLJI).

Considering the hurdles on the pathways to justice, it is important that civil society upholds monitoring of CSE cases to ensure they are followed through by the justice/judicial sector. PEaCE is one of the NGOs providing this service through legal and counselling support for child victims/witnesses. PEaCE provides free legal aid for cases at the Magistrate Court and the High Court, including investigations to collect evidence, referral of CSE cases to authorities, assisting victims to get DNA tests in case of pregnancy and providing video evidence facilities. It also offers legal support for the victims and counselling services for both the child victims and their families. In several cases, this specialised programme has ensured conviction of child sex offenders.

Of concern as well is the fast growing CSE crime of sexual exploitation of children online and the production, sale and possession of CSE material. As per the recommendation of the CRC in 2010, the GOSL has reinstated the website monitoring unit or the Cyberwatch Unit of the National Child Protection Authority (NCPA) recommenced activities in January this year. The Cyberwatch Unit receives and investigates complaints related to sexual exploitation of children online. It blocks porn sites, provides counselling to victims and initiates legal action. .¹²²

The Sri Lanka Computer Emergency Readiness Team | Coordination Centre (Sri Lanka CERT) is the Centre for cyber security, mandated to protect the nation's information infrastructure and to coordinate protective measures against, and responses to cyber security threats and vulnerabilities. It was set up in June 2006, in collaboration with the Information and Communication Technology Agency (ICTA) of Sri Lanka. CERT collaborates with the Ministry of Education to conduct awareness programmes on safe Internet usage and intervenes in cases of online abuse, especially on social media. CERT also provides technical support to schools and trains media outlets on cyber-crimes and online safety.

The National Centre for Cyber Security conducts awareness sessions for school children and parents upon requests from schools or the Ministry of Education. The Centre works with the private sector and NGOs to conduct awareness programmes at the community level on security risks and threats, the social media, internet best practices and tips on avoiding cyber predators.

In addition, the Financial Intelligence Unit issues notices to inform commercial banks whose customers contribute to child pornography websites through electronic payment systems and Internet transactions. Credit cards remain the most common method of online payment used by consumers and suppliers of

¹²⁰ US Department of State (2016), Office to Monitor and Combat Trafficking in Persons, "*Trafficking in Persons Report 2016: Sri Lanka*", accessed 11 February 2017, <https://www.state.gov/documents/organization/258881.pdf>.

¹²¹ GOSL, Ministry of Women and Child Affairs, "*Policy Framework and National Plan of Action to Address Sexual and Gender-based Violence (SGBV) in Sri Lanka, 2016-2020*", 155, accessed 9 February 2017, <http://www.childwomenmin.gov.lk/English/news/ministry-news/policy-framework-and-national-plan>.

¹²² GOSL, NCPA's website, "News", accessed on 12 February 2017, <http://www.childprotection.gov.lk/news/>

pornographic material.¹²³ A task force of Sri Lankan commercial banks, in collaboration with the Financial Intelligence Unit, is working to eradicate the commercial viability of child pornography. However, in general, the Sri Lankan police currently lack the necessary technical expertise and resources to combat these crimes. There are limited legal enforcement mechanisms in place to facilitate necessary and effective investigations. The police should also be granted a wider range of investigative powers, e.g. undercover operations, to address sexual exploitation of children online. These powers are currently not granted in the Computer Crimes Act for these specific crimes, while significant quantities of CSE material, manufactured in Sri Lanka, is disseminated via the Internet, and stored on personal computers.

Recovery and Reintegration

A National Guideline for “The Management of Child Abuse and Neglect” has been developed and disseminated¹²⁴ by the Sri Lanka College of Paediatricians and Plan-Sri Lanka, which gives directions in caring for abused children.

“Guidelines and Standards for Childcare Institutions in Sri Lanka”¹²⁵ published in 2013 by NCPA sets criteria for the establishment of child care institutions, quality of care providers, quality of care of the children, and standards for physical environment and security and the quality of monitoring and evaluation. Case Management Guidelines have also been developed and distributed.

Despite these important guidelines, GOSL’s efforts to rehabilitate and reintegrate CSE victims have been inadequate. The service provision by NGOs far outnumber the service provision by the government.¹²⁶ In 2012 there were 27 state-run institutions (including 10 remand homes) to care for 2,150 children, while there were 339 private institutions taking care of 11,619 children. This lack of government resources and capacity has been internationally recognised by the CRC Committee in its concluding remarks in 2010. The Committee acknowledged the lack of shelters and trained professionals to meet the recovery, rehabilitation and reintegration needs of child victims of sexual abuse and exploitation.¹²⁷ Unfortunately, there are currently no mechanisms in place to provide citizens with a say in government budgets for service provision. A possible way to gain access to government services for CSE victims could be through the International Covenant on Civil and Political Rights (ICCPR) Act’s special provision that permits filing of cases in a High Court to enforce children’s and citizen’s rights, including access to State services. This avenue has not been tried yet by child rights groups.¹²⁸

To date most services to CSE victims are provided for by NGOs. Examples of service provision by civil society are the programme *ESCAPE*, the Child Protection division of LEADS that services over 400 individuals and their families with counselling, rehabilitation and legal services, aside from awareness raising and capacity building of the Village Child Rights Monitoring Committees. LEADS also runs

¹²³ Sri Lankan Financial Intelligence Unit (2007) “*Light a Million Candles Campaign*,” Circular No. 8, 4 April 2007. Accessed http://www.cbsl.gov.lk/pics_n_docs/09_lr_docs/directions/fiu/All_FIU_Circulars_2007.pdf.

¹²⁴ Sri Lanka College of Paediatricians and Plan Sri Lanka (2014), “*National Guideline for The Management of Child Abuse and Neglect A Multi-Sectoral Approach*”, ISBN 978-955-121428-9, accessed 12 February 2017, http://www.kln.ac.lk/medicine/depts/forensic/doc/National_Guideline_on_Child_Abuse_and_Neglect.pdf.

¹²⁵ NCPA 2013, “*Guidelines and Standards for Childcare Institutions in Sri Lanka*”, accessed 12 February 2017, <http://www.childprotection.gov.lk/documents/guidelines%20and%20standards%20for%20childcare%20institution%20in%20sri%20lanka.pdf>.

¹²⁶ Opposition’s Commission on Prevention of Violence against Women and the Girl Child (2014), “*Report of the Leader of the Opposition’s Commission on Prevention of Violence against Women and the Girl Child*”, 18, accessed on 10 February 2017, <http://www.childwomenmin.gov.lk/resources/30/REPORT.pdf>.

¹²⁷ United Nations Committee on the Rights of the Child (2010), “*Consideration of reports submitted by States parties under Article 44 of the Convention*”, Sri Lanka 55th Session, 19 October 2010, 18, accessed on 12 February 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2fCO%2f3-4&Lang=en.

¹²⁸ Savitri Goonesekere (undated), “*Children and the Legal System of Sri Lanka*”, accessed 9 February 2017, https://www.unicef.org/srilanka/media_9147.htm.

government registered safe houses catering to children who are referred to by the Courts and child care services.

The Don Bosco Technical Centre runs vocational training programmes for boys who are at risk of trafficking or have been trafficked. These vulnerable children receive vocational training such as carpentry, house wiring, plumbing, computing and welding in addition to classes in English, Mathematics and Sciences.

Child and Youth Participation

Since the adoption of the CRC, the traditional view of the adult-child relationship has been challenged and it is becoming increasingly accepted that children have rights and are not mere recipients of adult protection, and to this end, they have the right to be heard, consulted, and have their views taken seriously on matters that affect them.¹²⁹ Meaningful child participation is not a mainstream practice among families and communities in Sri Lanka and will require a change in attitude and mind-set.

The GOSL runs a structured programme promoting the right of the child to participate through Children's Clubs. These clubs are formed at community level and in schools. However, club members are mostly involved in religious activities and not in any community work.¹³⁰

Also noteworthy is the Sri Lanka Youth Parliament established in 2010, providing a platform for young people to have their voices heard, develop leadership skills, and engage in political discourse. The majority of the members of the Youth Parliament are elected, with the fourth Youth Parliament being elected in December 2016.¹³¹

In 2016, PEaCE facilitated a process by and for children to advocate for "*The World We Want*", which Declaration was handed over to the President and Head of State through his special emissary at the PEaCE 25th Anniversary Celebrations on 20 November 2016

With the approval of the Department of Probation and Child Care Services, PEaCE communicated with Children's Councils in all 25 Administrative Districts to generate ideas for the Declaration. The final Declaration was formulated by the national level Children's Council. This Declaration will be integrated into, for example, the recommendations of this document to the Committee on the Rights of the Child, so that the children of Sri Lanka— can, even indirectly, influence the protection of their rights.

7. CONCLUSION AND RECOMMENDATIONS

Based on the findings of CSE in Sri Lanka and the interventions by the GOSL, including its commitment to the Sustainable Development Goals pertaining to eliminate all forms of violence against children, a roadmap is set out below to protect children of Sri Lanka against CSE. The roadmap includes recommendations of 207 Sri Lankan children from all 25 Administrative Districts as presented in their report "*The World We Want*". These recommendations are written **in orange**.

7.1. LACK OF DATA

To date, the GOSL has failed to provide detailed information pertaining to CSE in Sri Lanka, PEaCE and ECPAT primarily request the Committee to recommend that the GOSL provides information on measures taken by the State Party to fulfil its obligations under the Optional Protocol on the Sale of Children, child prostitution and child pornography (OPSC) and submit the initial report as soon as possible. This initial report will demonstrate the need to implement comprehensive methods of data collection and research

¹²⁹ Convention on the Rights of the Child, Article 12.

¹³⁰ Save the Children International (2016), "Investing in Children in Sri Lanka, Child Centric Resource Analysis", accessed on 21 February 2017, 324 – 332, accessed on 22 February 2017, https://srilanka.savethechildren.net/sites/srilanka.savethechildren.net/files/library/Child%20Centric%20Resource%20Analysis_2016%20Sri%20Lanka_Full%20Report.pdf.

¹³¹ National Youth Services Council's website, accessed on 11 February 2017, http://www.nysc.lk/aboutParliament_e.php.

related to all aspects of CSE and SECTT that will lead to an improved and evidence-based legal and policy framework.

7.2. LEGAL FRAMEWORK

Although the legal framework of Sri Lanka has undergone many improvements to enhance the protection of children from CSE, the following further improvements must be made:

- Adoption of the draft National Child Protection Policy.
- **Adoption of the age of consent as 18 years**, while providing criteria to determine sexual consent between peers, so as to avoid misunderstanding and exclude non-exploitative cases, or, alternatively, ensuring that offences committed against children between 16 and 18 years of age are criminalised when the sexual acts are exploitative (such as prostitution or pornography), or where there has been abuse of a relationship of trust, authority, or dependency.
- Revision of article 363 of the *Penal Code* to include the offence of statutory rape for boys.
- Ensuring that there are no legal ambiguities about the definition of the child to allow full rights and protection to all children – boys and girls indiscriminately - under 18 years of age by reviewing all laws.
- Provision of legal definitions for exploitation of children in prostitution (or ‘child prostitution’), CSE material (or ‘child pornography’) and SECTT.
- Abolition or revision of articles 365 and 365A of the *Penal Code* to prevent children from being treated as offenders instead of victims in exploitative situations.
- Enactment of progressive extraterritorial legislation and unconditional extradition laws covering all CSE related crimes.
- Amendment of the Criminal Procedure Code to toll the statute of limitations until the age of majority in cases involving child victims.
- Amendment of the Computer Crime Act to make its investigatory provisions applicable to content-related cybercrime, such as the online sexual exploitation of children. The Act provides a wide range of investigatory powers, but currently does not apply to investigations of online “child pornography”.
- **Regulating access to Internet Cafés for children.**
- Introduction of a child sex offenders’ registry that complies with international standards on confidentiality and privacy and cooperation with INTERPOL’s Green Notices system as well as their planned international police clearance system.

7.3. IMPLEMENTATION, USING LAWS AND POLICIES TO COMBAT CSE

Most NGOs agree that the biggest obstacle to end CSE in Sri Lanka is the lack of enforcement of the laws in place. To improve the implementation of the legal system, it is recommended that the GOSL should:

- increase the budget of the Ministry of Women and Child Affairs’ National Child Protection Authority (NCPA);
- prioritise implementation of the National Plan of Action against Sexual and Gender Based Violence by:
 - Communicating on a regular basis with all ministries and government agencies included in the NPA;
 - Ensuring proper monitoring mechanisms to measure and report on the implementation of the NPA;
 - Establishing a monthly or quarterly working group, including all relevant stakeholders, e.g. civil society organisations, donors, etc.

- coordinate – and if possible – fund the awareness raising of CSE amongst the public, vulnerable groups, offenders, government officials and the private sector on CSE in general, the prohibition and prison sentences, identification, and report of CSE cases;
- raise the awareness of children through schools to strengthen their coping mechanisms for CSE situations;
- fund and properly staff the child helpline to report CSE cases 24 hours a day and 7 days a week, as well as promote the helpline among the public;
- commission or conduct a study into the demand side of CSE in Sri Lanka;
- curtail online available CSE materials;
- build capacity and provide resources for the justice sector to investigate and prosecute CSE crimes and fast-track SGBV and/or CSE cases in the justice system to end impunity and provide access to justice for the victims; This includes capacity and resources to combat CSE online, which will require a considerable investment in capacity building in investigating and computer evidence gathering techniques and equipment;
- deny bail for an accused when the Medical Certificate shows sexual abuse of the victim, especially if it is a minor;
- allow children to testify outside the court room, or at least not in the court room where the accused is present;
- prioritise capacity building of the justice sector in victim and witness protection;
- develop referral systems to avoid victims being treated as criminals;
- establish shelters for CSE victims where children – boys and girls – are provided with rehabilitation and social reintegration services;¹³²
- integrate the voice of the child by consulting children on all topics related to them;
- a mechanism to ensure that parents obtain birth certificates for children born outside of medical facilities must be developed
- eradicate child labour totally;
- provide free education for all children;
- eradicate early and forced child marriage; and
- create economic opportunities for young parents, to allow them to stay in Sri Lanka to raise their children.

¹³² As per the Concluding Observations of the United Nations Committee on the Rights of the Child for Sri Lanka in 2010, “*Consideration of reports submitted by States parties under Article 44 of the Convention*”, Sri Lanka 55th Session, 19 October 2010, 18, accessed on 12 February 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLKA%2fCO%2f3-4&Lang=en.

8. PROTECTING ENVIRONMENT AND CHILDREN EVERYWHERE (PEACE/ECPAT SRI LANKA)



Launched in 1991 as a campaign, Protecting Environment and Children Everywhere (PEaCE) was established to support the global initiative of ECPAT International a network of organizations and individuals working together to eliminate child prostitution, child pornography and the trafficking of children for sexual purposes.

PEaCE aims to foster collaboration among local civil society organizations and activists to broaden the spectrum of the child rights community to form a network for the protection of children from sexual exploitation. As a registered non-governmental organization under the Voluntary Social Services Organizations in Sri Lanka, the main focus of PEaCE is the preventive aspect of Commercial Sexual Exploitation of Children (CSEC), with particular reference to Sexual Exploitation of Children in Travel and Tourism (SECTT). Since its inception, PEaCE has taken action to raise public awareness about the fate of thousands of exploited children, while liaising with the government to improve and strengthen child protection laws, policies and mechanisms. Our advocacy encompassed political parties on either side, individuals in inter and semi-governmental organizations, local and international NGOs, religious and educational institutions, civil society, law enforcement, the corporate sector, professional and academic bodies and many others.

PEaCE has raised awareness, established and strengthened community based mechanisms for child protection, trained workers and officials, monitored the movements of paedophiles, helped survivors of abuse to cope with law's intricacies, counselled mothers and caregivers and assisted youth to develop job-oriented vocational skills.

PEaCE has received national recognition when it was co-opted by successive governments to sit in on Technical Committees, Steering Committees, Task Forces and Board Directorates set up to tackle the problem of abused and exploited children.

PEaCE continues to facilitate awareness raising seminars and workshops; provide counselling education programs for mothers / families whose children are at high risk; and vocational skills training for children and youth in vulnerable communities. It has also widened its scope to monitor cases of child sex abuse in our law courts and help reintegrate into society those children who have suffered neglect, abuse and exploitation.

PEaCE (ECPAT-Sri Lanka) counts 26 years of campaigning to eliminate child prostitution, child pornography and the trafficking of children for sexual purposes.

9. ECPAT INTERNATIONAL



ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 90 network members operating in 82 countries across eight regions of the world.