

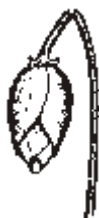
CSEC **The Crime** **against Children**

Commercial Sexual Exploitation of Children



Edited by:

Maureen Seneviratne



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CSEC

The Crime against Children

Edited by
Maureen Seneviratne

Sponsored by
The Body Shop Foundation

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CSEC

The Crime against Children

“ The perfume of flowers blows not against the wind,
nor does the fragrance of sandalwood, *tagara*’ and jasmine,
but the fragrance of the virtuous blows against the wind;
the virtuous man pervades every direction.” V.54

“Sandalwood, *tagara*, lotus, jasmine:
above all these kinds of fragrance,
the perfume of virtue is by far the best.” V. 55

“Of little account is the fragrance of *tagara* or sandal;
the fragrance of the virtuous, which blows even amongst the
gods, is supreme.” V.56

(The Buddha from: The DHAMMAPADA)

“Whatever man gives me
In true devotion:
Fruit or Water,
A Leaf, a Flower:
I will accept it,
That gift is love,
His heart’s dedication.

Whatever your action,
Food or worship;
Whatever the gift
That you give to another;
Whatever you vow
To the work of the spirit:
Lay these also
As offerings before me.”

(Lord Krishna from: The BHAGAVAD-GITA The Song of God)

“Give of the good things ye have (honorably) earned,
and of the earth which We have produced for you.” (2:267)

“Whoever recommends and helps a good cause becomes a
partner therein:

And whoever recommends and helps an evil cause,
shares in its burden.” (4:85)

(The Holy Prophet Mohamed
from: THE QURAN “ISLAMIC VIRTUES”)

“When the Son of Man shall come in his glory, ... Before him
shall be gathered all nations: and he shall separate one from
another, as a shepherd divideth his sheep from the goats”:

“And he shall set the sheep on his right hand, but the goats on the left”.

“Then shall the King say unto them on his right hand, Come,
ye blessed of my Father, inherit the kingdom prepared for you
from the foundation of the world: For I was hungered, and you
gave me meat: I was thirsty, and you gave me drink: I was a
stranger, and you took me in: Naked, and you clothed me: I was
sick, and you visited me: I was in prison, and you came unto
me”.

“Then shall the righteous answer him, saying, Lord, when saw
we thee hungered, and fed thee? or thirsty, and gave thee drink?
When saw we thee a stranger, and took thee in? or naked , and
clothed thee? Or when saw we thee sick, or in prison, and came
unto thee?”

“And the King shall answer and say unto them, Verily I say unto
you, Inasmuch as you have done it unto one of the least of these
my brethren, you have done it unto me”.

(Lord Jesus Christ from: St.Mathew:25:31-40 THE BIBLE)

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Introduction

*“The Grizzly Bear is huge and wild;
He has devoured the infant child;
The infant child is not aware
He has been eaten by the bear”.*

A.E. Houseman

For us, at the P.E.A.C.E Campaign (Protecting Environment And Children Everywhere) the great tragedy for these wounded ones; the abused, maltreated, commercially sexually exploited children is that they are not aware. The deplorable fact, the appalling truth as well as we have discovered it to be, is that these children do not know, do not even partially comprehend the extent of the damage being done to themselves, to the wholity of themselves as persons with rights to their own bodies, their integrity and their wholesomeness by the criminal abuse perpetrated upon them. They are so young, so small, so vulnerable.

“A child is not a sexual partner”, claims the experts and rightly so but what of these children almost born as it were to be sexually abused in a most horrendous manner? The “Grizzly Bears” come in many a guise; but always that of a fairy godfather to these children, deprived of even a measure of the “good life” in both quantitative and qualitative terms. From poverty-stricken backgrounds, from dysfunctional homes, of single parents unable to fend for their large, hungry families, born out of the parents own violation and ignorance.

A chocolate bar is a luxury. A “bon bon” is a most desirable treat. A dollar in rupees is a small fortune. It can feed five or six persons in their over large, always hungry families. Besides as one “Grizzly Bear”, in real terms an adult man from a foreign clime

who admitted he is a “child lover” told us: “I give food, clean clothes, a comfortable bed for your road children and what is there to shout about a little sex (added)?” It is simply one more case of,

*“The infant child is not aware,
He has been eaten by the bear”*

As we have observed the children if allowed to remain ignorant, unaware do not seem to have any alternative but to let themselves be eaten. The commercially sexually abused child (commonly but incorrect referred to as a child prostitute) would be regarded in our society as the lowest form of life: condemned, contemptible, degraded, despised, and yet, ironically, making others rich and powerful because here, as everywhere, money is power. Making others millionaires with money for them to squander and donate for political and other causes, simply by the child’s bondage,. His victimization, the violation of his young, small, emaciated body.

He is sexually abused. He is used in pornography. He is trafficked, across national and international borders. He is forced to become a drug addict. He is forced to traffic drugs. He is introduced to hard alcohol. He is turned sooner or later into a criminal. This child is brutally and cruelly trapped and he does not even know it. He is not loved in the true sense of that word but his abuser is purportedly a “child lover” (paedophile). He is not and should not be anybody’s sexual partner at six years, ten years, twelve years, but he is. He has no other life. He believes this is his life, what life is for him and his ilk and though he may dwell, albeit rarely and temporarily, in a climate of comfort, it is really a backdrop to the horror of his own life. But, it is he, he is told, who has lured his perpetrator to crime. He is responsible. And sooner or later he is cast out into exterior darkness. Soon, very soon, his abuser tires of him. He wants other children. One paedophile is reported to

have abused 1500 children in a matter of a few years stay in Sri Lanka. There are no lasting relationships made between abuser and abused child.

In our laws to protect children from abuse the “age of consent” has been raised to fifteen or sixteen years. The child is the victim now, not the accused, but the beach child; the child taken from the streets, the slums, the shanties cannot use this knowledge and this protective shield to prevent his own abuse. He has, we repeat, no other life. He is sent. He is lured. He is taken. He is bought. He is sold to these Houses of Horror that, alas, continue to abound in our land.

Over the past years of our work, many spent also in research, we have come to meet, to know, to talk and be with, over long periods of time, some of the children commercially sexually exploited in our country. We have met them on beaches, in the streets, the slums, the shanties, in our cities, in and around the Tourist Resorts, on the periphery of places where visitors gather, in remoter suburbs where few people go and go only at their risk or because they are facilitated all the way there by pimps and procurers to abuse our children. In the course of our Action Campaign, which began in 1991, we have had reason to go and every preventive or awareness raising programme conducted is preceded by research and study of the need for awareness, training and the heightened need for programmes to prevent child sexual exploitation.

We have met the victims of abuse perpetrated upon them by locals or foreigners and found such persons are also the abusers involved in hideous syndicates of crime against children and our society. We have met the children in the Courts where earlier they were also Accused Persons taken in the “act of prostitution”, but now are key witnesses in Cases against paedophiles. We have met

children raped, sexually assaulted, maltreated in many incredibly cruel ways. We understand their trauma, their suffering, their feelings of shame, guilt and hopelessness. We have shed our tears. But we have also raised three cheers for the resilient ones who have resisted the pimps and procurers and the fairy godfathers who beckon. Not many however in areas where commercial sexual abuse of children has become entrenched as a sub-culture and where children are at a very high risk. We have over the past years; done everything that is possible with whatever resources we have to carry forward our work with sexually abused children and combat the crime. As a founder of ECPAT International, which began as the “End Child Prostitution in Asian Tourism” Campaign in 1991, and as one of ECPAT’s “National (Asian) Groups”, we had our clear mandate. In a country where very little had been done to even expose the problem, P.E.A.C.E. began its thrust to focus attention upon this most marginalized child. We succeeded. Our Success is well known in Sri Lanka and globally.

The gross exploitation especially of boy children had been professionally researched as far back as 1980. Publications of the Research and its circulation in Europe had perturbed the then Government Authorities who decided to “do something” about it, primarily in the areas of the Law and Law enforcement of such onslaught on children (minors) mainly drawn from the under-privileged sectors of the population. But a Civil war broke out after a pogrom on the Tamil people in the country and as a result of the chaos and violence that followed Tourism in particular and the economy in general was drastically set back. It was decided to shelve the problem at least for the time being.

In 1988 as our research revealed, if formal tourism had been reduced to a dribble because of the adverse socio-political situation in Sri Lanka, a certain brand and breed of “visitor” was boldly entering the country, keeping small innocuous guest-houses and

rooms, annexes, apartments in homes in many residential areas of the country filled year-round, and were, with impunity, sexually abusing our boy children. It was in the month of June 1988 that ECTWT/Bangkok initiated and launched its Study on Child Prostitution in three Asian Countries, including Sri Lanka. Mr. Shirley J.S. Peiris (teacher, a retired school Principal, then General Secretary of the National Christian Council, Sri Lanka), a social worker himself and myself, an investigative journalist by profession and a volunteer Social worker, were contacted by Ms. June Rogers of the ECTWT and requested to conduct the Research Study, incorporating other persons as we so decided. Representatives of several organisations, we found, were all too ready to assist and co-operate with us.

We later identified Mrs. Manel Nanayakkara, National Executive Director of the Y.W.C.A., Mr. Mohamed Mahuruf who was with Terres des Zomme at the time, and the late Ms. Faith Abeywardene then with Redd Barna who, with us, were to form the “Core Committee” (Founder-Membership) of the P.E.A.C.E. Campaign (Protecting Environment And Children Everywhere) in 1991.

Why do we use always the acronym “PEACE” (if only in capital letters)? It was / is a “good” word in a country where there is no real peace! It was / is “good” to be known as “peace- makers” Though P.E.A.C.E. is really engaged in a “war”. A deadly combat against most hideous crimes. The prostitution and trafficking of children.

The Research Study was published in the Report “Caught in Modern Slavery” (Bangkok 1991). Filled with relevant, up-to-date information and case studies it certainly filled a void and drew international attention to and support for the “cause”. “Surely we need to return to,” states writer Judith Ennew in her own remarkable

book 'The Sexual Exploitation of Children', "and reevaluate, moral considerations of all kinds. We need to broaden the sphere of morality to take into consideration all practices which involve a lack of respect for persons, systems of race, class, age and gender in short all inequalities and aggressions....."

We have tried to grapple with the forces of appalling ignorance and strident resistance to our work with and for children, by raising awareness of their victimization and abuse. We have seen the ugly and frightening face of poverty, which leads children to be forced to sell their bodies for adult sexual satisfaction, or to be forced to do so to alleviate parental/ family need. But we have not been blind to the fact that some children also go into prostitution or lend themselves to be sexually abused in casual encounters of temporary duration, for money and gifts or are trafficked and sold into this unsavoury trade to gratify other people's innumerable and uncontrolled wants. We have inevitably found that where the demand is the supply rises to adequately meet it. And it is a most profitable industry, co-related to the Drug Trade, Counterfeiting etc. It is essential to state at the outset that we have worked on the premise that even one child sexually exploited (prostituted) is too many.

We publish in this book a resume of the achievements of P.E.A.C.E. in this War "like no other" to PREVENT C.S.E.C. It is important to record that the greatest "reward" we have gathered is the spin-off from our endeavours; the motivating of Government Authorities and officials to add this to their agenda, the motivating of other NGO's, organizations, Groups including the Corporate Sector to take up the issues, the setting up by Act of Parliament the National Child Protection Authority (NCPA) the establishment of the Police Child Protection Bureau with Desks all over the country, the several Landmark High Court Sentences passed on Criminal Child Abusers, making legal history, above all the raising

and sustaining of public interest in this once outcast child, a social victim, by Media exposure and by the raising of human compassion and sympathy for him/her most horrendous plight.

None of this had been achieved easily. It has been, continues to be a struggle all the way. We have shared our experiences and our expertise freely and none have sought the bright lights or material benefits. But a handful of dedicated, committed persons have given their best to achieve goals and targets and this includes the Committee, the small staff, the Co-ordinators in the areas where P.E.A.C.E. works intensively, the teachers, counselors, doctors, lawyers, social workers and Resource persons to whom so much is owed. It is they who have taken our mission forward and continue to do. I am in no doubt that,

*“A small group of thoughtful committed citizens can change the world.
Indeed it's the only thing that ever has.”*
(Margaret Mead, Anthropologist)

P.E.A.C.E. has several Publications to its credit in all the languages of this country. Documentation is a vital part of on-going study and recording the work of an organization is of immense benefit to itself and others. We do not agree with some Masters of yore who so hoarded their knowledge that it passed away into the limbo of forgotten things when they themselves passed away, much to the loss of the sum total of human knowledge gathered through the years.

This particular Publication which we present with pride and deep thankfulness to the distinguished Contributors, bids far to be our “magnum opus.” It has been remarkably conceived and executed and is of value to both scholars and students as much as it is of immense interest to all readers. In it we truly “carve our name

with pride”. The material published here is above all of timeless value and importance. It covers practically every aspect of the subject. A grim and forbidding subject indeed and one which needs our constant attention for at the beginning and the end of the road it is the present and the future of CHILDREN which is at stake.

Maureen Seneviratne
Chairperson/P.E.A.C.E

Mission Statement of P.E.A.C.E

“P.E.A.C.E. (Protecting Environment And Children Everywhere) is an organization of persons working together for the elimination of child prostitution, child pornography and trafficking of children for sexual purposes. It seeks to encourage the local and world community to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation.”



Our Symbol

*“ A Lotus born within a lake
By water nowhere is defiled
But growth fragrant , beautiful....”*

We take our symbol from one of the finest expressions of Buddhist thought. The Buddha is often compared in the sacred texts to a lotus growing, pure and glowing, out of the mud and mire of the marsh: the world with all its evils, but yet the Buddha remained undefiled.

The lotus is a flower of the Orient, believed to have grown in the Nile marshes five thousand and more years ago. The Blue lotus or “manel”, is the national floral emblem of Sri Lanka. The lotus has been used in Buddhist ceremonial, in décor, in painting and sculpture from the dawn of the Buddhist era in Sri Lanka more than 2500 years ago.

P.E.A.C.E. (Protecting Environment And Children Everywhere) uses for its logo and symbol the lotus bud, broken, if not fully severed from its stem. Thus the child: sexually exploited, denied his/her right to childhood, to the right to be a human being, traumatized, rejected, cast off on the dung heap to wither and decay.

Is there hope and a future for this most marginalized child? The reality is stark: very little. He or she can never fully bloom. Like the lotus bud near- severed from its stem and doomed to fading and to death.

But we believe that death is the pre-requisite of life. Other lotus-buds will bloom. “Dead seed provides life for new flowers.”

If the unspeakable commerce in children for sexual exploitation can be arrested, ended, there is life and bright hope for millions of children all over the globe: the lotus blossoms of tomorrow...

United Nations Convention on The Rights Of The Child

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity.
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Sexual Exploitation

The State shall protect children from sexual exploitation, prostitution and abuse, including prostitution and involvement in pornography.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social re-integration of a child victim of any form of neglect, exploitation of abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and re-integration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Rehabilitative Care

The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment of exploitation receive appropriate treatment for their recovery and social re-integration.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment provided to the child and all other circumstances relevant to his or her placement.

‘Periodic review of Placement’

A child who is placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly.

“Surely it is sorrow enough to know that one child is being sexually abused, or that one child is living on the streets and selling its sexuality. If there are two, or three, or three thousand it is unbearable knowledge. We should not need figures of hundreds of thousands to act, or to call upon authority to remove the burden of guilt. The child we see, or know to be in danger, is our real responsibility.....”

(Judith Ennew: The Sexual Exploitation of Children)

Definitions

Child prostitution is where the person selling or hiring their sexuality is under 18 years of age. Although the term is (usually avoided (by child activists), as they imply a sense of decision and control on behalf of the child, all children under the age of 18 who are in prostitution are considered, de facto, to be sexually exploited.

Sexual exploitation of children refers to the use of children (under 18 years) for the sexual satisfaction of adults. The basis of the exploitation is the unequal power and economic relationship between the child and the adult. The child is exploited for his/her youth and sexuality. Frequently this exploitation is organized by a third party for profit.

The World Tourism Organisation's definition of an International tourist:

Any person who travels to a country other than that in which she has his/her usual residence, for a period of at least one night but not more than one year and whose main purpose of visit other than the exercise of an activity remunerated from within the country visited.

It should be noted immediately that this definition (which is commonly applied) includes not only those who are traveling for leisure, but also those on business travel.

(from: "WISH YOU WEREN'T HERE"
a Research Study by Kevin Ireland – 1993)

The Forces of Exploitation

*“They cast lots for my people and traded boys for prostitutes;
they sold girls for wine that they might drink.” - Joel 3: 3*

“We are witnessing a sad phase in the history of mankind. With the expansion of the modern economy, it is ironic that we are also seeing an unprecedented explosion of prostitution in the Third World countries.... When tourism becomes a major industry, something ugly occurs. Visits are no longer occasions for cultural exchange. Instead, the object is sheer hedonism, pleasure-seeking in the name of freedom...” (Prof. Prawase Wasi: Thailand)

On the level of reality, “Child Prostitution”, the use/abuse/exploitation of children as commercial sex workers, has become an immense and therefore urgent issue for many countries, especially in the Third World. In Asia, available reports clearly testify to the fact of the existence of Child Prostitution in the Philippines, Sri Lanka, Thailand and Taiwan. It exists in other countries as well.

Poverty in developing countries is often linked with exploitation and particularly with the sexual exploitation of children. Millions of children are driven into the labour markets of Asia at a very early age, but probably the worst and seamiest form of exploitation in developing countries takes place in the prostitution and pornography trade.

“This is modern form of slavery which has grown to be a considerable problem in a number of countries..... A common feature of this type of exploitation, is that victims are children and young people who are not in a position to defend their most basic human rights. It is primarily the most defenceless individuals

in the community, those with the greatest need for support and care, who are exploited in the sex market.” (The Sexual Exploitation of Children in Developing Countries: Ove Narvesen: Redd Barna)

Money and Power Factors

Child Prostitution has been created, maintained and promoted by a marketing system and mechanism which is usually owned and controlled by those who already control a great deal of wealth and power. Trading in human sexual services, especially in organized prostitution, is a lucrative way in making more money for them, at the expense of human dignity, social well-being and moral decadence. In this connection, tourism promotion and tourism development becomes part and parcel of the profit making mechanism. As such, Child Prostitution is a reflection of the state of affairs in the societies involved.

Originally prostitution was understood to be an issue of inequality between men and women. Men have historically used women as sexual objects. But the unfolding “development” of this problem has clearly demonstrated that prostitution is one form of exploitation both pervasive and comprehensive. Although both men and women are involved on either side of the exploitative equation, it is the patriarchal values and social structures which undergrid and perpetuate prostitution, including the prostitution of children.

The subjection of powerless human beings to any type of exploitation and oppression is a function of the existing patriarchal capitalist structure of modern society. (1). In the name of capital accumulation, colonies in Asia, Africa and Latin America were created by white men, whose legacy today is seen in the subordinate and dependent relationship the colonized countries have with the countries of the west. In this uneven and hierarchical political and

economic structure, a great number of peoples in the subjugated countries are used and abused for capital accumulation by those in position of wealth and privilege in the core countries. (2). The continued appropriation and exploitation of the Third World's human and natural resources by forces and peoples of the First World has resulted in what calls the former's "underdevelopment" and the latter's "overdevelopment". (3).

The prevailing inequality, exploitation, and oppression in the world cannot simply be explained by the relationship of exploiter and exploited countries. (4). Mies argues that the element of patriarchy as expressed in the sexual division of labour is a core component of this global accumulation process. To the capitalists, women provide "cheap and docile" labour and are to a large degree, expendable resources. This is true in the case of several multinational firms operating in the Philippines and elsewhere in Asia that employ hundreds of poor women as production workers in assembly lines and plantation labourers. Men have also historically used women as sexual objects. Encashing on this, organized business has gone into the selling and use of Third World women and children's bodies to satisfy the needs of overdeveloped societies also.

Sexual exploitation, trafficking, and slavery is a phenomenon closely associated with historical and social subordination. Sexual violence and control over women's bodies have been used to politically subjugate women. Thus, it is not an issue that affects or continues to affect only children. If we are to understand the issue of child prostitution in the Third World and to act toward the attainment of a just social order wherein everyone's body is dignified, it must be seen and analyzed within the context of the sexual exploitation of women and the existing international division of labour. Child prostitution cannot be separated from the broader issue of sexual violence, in which most of the victims are women,

and which takes into account the sexual and international division of labour.

A new phenomenon or perhaps it is as old as Adam, is that the child is now considered “safe” and “clean”, comparatively speaking to adolescents and adults. Now because of the paranoia about HIV/ AIDS on which much awareness-raising has been done in the First World,”Bonbons for the Babies”, is one often-heard demand on the beaches by agents, hawking small children in the Flesh Trade in South Sri Lanka. The boy or girl child would indeed be a “baby” not much older than six to ten years: a sacrificial victim to be offered to the greed and lust of exploiters and abusers. These children, it must be noted, are as much susceptible to being infected with AIDS/HIV as any other older person.

1. Mies / 1986

2. Frank /1969, Wallenstein/1974

3. Ibid

4. Mies /1986

CSEC : A Global Perspective

ECPAT International

Introduction

The commercial sexual exploitation of children is one of the most abhorrent violations of the fundamental rights of children. Often referred to as 'CSEC', it consists of criminal practices that demean and threaten the physical and psychosocial integrity of children. Three primary, interrelated forms of commercial sexual exploitation of children are prostitution of children, child pornography, and trafficking of children for sexual purposes. Other forms include child sex tourism, and types of child marriage. Children can also be commercially sexually exploited in other, less obvious ways, such as when engaged for domestic servitude or in bonded labour.

In the past, the sexual exploitation of children was rarely discussed publicly: in some places it was a taboo subject and in others its existence was denied or ignored. While governments, organisations and individuals around the world are taking action through, for example, training, changes in legislation and law enforcement, awareness-raising, direct care and protection of child survivors, networking and sharing of information and knowledge, and advocacy, in many places the commercial sexual exploitation of children continues relatively freely. This is partly due to the fact that only a small part of the problem is visible - most of it is hidden from society beneath the surface - and also because of a denial of its existence. However, there is also increasing awareness and action by those who have recognised the problem and by children who have spoken about it and are motivating other children and youth. While progress is being made to tackle CSEC,

much work remains - attitudes still need to be changed and greater action implemented.

CSEC Globally

Child sex exploiters take advantage of many different conditions in which children are made vulnerable, such as harmful traditions and customs, discrimination, irresponsible sexual behaviour, domestic abuse, emergency, disaster or conflict situations, consumerism, corruption and inadequate laws. Poverty is important, but not the lone factor that can contribute to the commercial sexual exploitation of children: many children in poverty are not at risk of sexual exploitation, just as children not affected by poverty can be at risk.

Quantification of the commercial sexual exploitation of children is difficult. Qualitative information is increasingly available, but because of hidden and criminal nature of CSEC, it requires intensive investigation guided by strong ethical standards. Nevertheless, pressure from some quarters to provide 'facts and figures' feeds the temptation to offer fact-bites without solid evidence. The result is that once figures are provided, they are used and reused and only complicate work to understand the issue.

HIV/AIDS, poverty and civil and political strife affect many countries in Africa, creating profound economic and social instability. As families are forced to migrate without adequate support to maintain their livelihood or fall victim to illness or marginalisation, children become vulnerable to commercial sexual exploitation. Armed militias abduct children where they are vulnerable to exploitation, or children are trafficked within the continent as well as beyond. The Middle East and North Africa region is seeing increased action for combating commercial sexual exploitation of children, including awareness campaigns, child

participation and development of National Plans of Action which contain strategies for combating commercial sexual exploitation of children. But overall, understanding of how CSEC germinates and spreads is limited and more social and political commitment and work is required to be able to institute effective counter-measures.

In the past, commercial sexual exploitation of children in Asia received much attention, particularly as a destination for sex tourists and trafficking. NGOs and governments, however, have made concerted efforts to tackle the problem, particularly on cross-border trafficking in the Mekong region and on child sex tourism, which affects many countries of the region. The exploitation of children online and through new technologies, however, remains a problem that has been largely unaddressed despite the rapid penetration of new technologies. In South Asia, underprivileged and marginalised boys and girls are victimised by or are at risk of commercial sexual exploitation. Trafficking of children for sexual exploitation, both across borders and internally, is a major issue in the region, but addressing it is obstructed by deep-rooted secrecy, the ingrained social stigma which victims must subsequently endure, and a lack of political commitment evident in inadequate resources and measures applied to protect child victims.

In Western countries, the commercial sexual exploitation of children receives intense attention from the media, police and social services. Trafficking of children is a major problem throughout Europe. The collapse of the Soviet Union and its effects on countries of Eastern Europe and the Commonwealth of Independent States (CIS) has created conditions that allow the emergence of commercial sexual exploitation of children. In the Americas, a lack of legal and social protection and poor regional coordination and collaboration hampers broader prevention efforts and services to victims. Trafficking of children for sexual purposes

is often linked to organised and violent crime and fighting the problem is made more difficult because of porous borders and the 'pull' factor of the United States.

Demand

Commercial sexual exploitation of children exists because there are some people, mainly men but some women, who will pay to have sex with children. Understanding the nature of this demand is a key element to taking a preventative approach to reducing and ending the practice. Recent research by ECPAT in Latin America has focused on understanding how social, historical and cultural constructions sanction individual sexual behaviour towards children.

Demand for sex with children may come from both local and foreign exploiters. Local demand is a significant factor that is often overlooked; generally it comprises persons who are perpetrators of commercial sexual exploitation of children in their country of origin. Almost universally, local demand for sex with children outnumbers the demand of foreigners in any given country. As with demand in general, trying to understand local demand only in terms of the perpetrators without also examining the social, cultural and historical constructions that create sexual tolerance and work together to implicitly allow a 'market' for this crime, provides only a narrow understanding of the multiple forces driving this underlying factor in the commercial sexual exploitation of children.

The sexual exploitation of children by foreigners, if measured in numbers alone, is less extensive than by locals, but it receives a higher profile, especially in media coverage. Organised sex tourism, especially in Asia and Central and South America, has increased the demand for sex with children. Child sex tourists take advantage of their anonymity as well as the socio-economic' disparities to

sexually exploit children. They may try to rationalise their actions by claiming sex with a child is culturally acceptable or that money or goods exchanged benefit the child and community, or by setting their own thresholds for defining who is a child (under the Convention on the Rights of the Child, a child is anyone under the age of eighteen.)

New problems

There is no doubt that the rapid adoption of information technologies into society has brought many great advantages. The Internet is an enormously valuable technological achievement: it brings improved access to information, new channels for business and communications and is a wonderful learning tool for children and young people. Nevertheless, as with other aspects of social development, the cyber-world reflects the same polarities of human behaviour as the physical world, and there are those who will use these technological tools to access and exploit children and young people. Sexual exploitation and child pornography, exposure to sexual predators as well as to damaging images or messages, whether deliberate and unintended, can lead to serious physical and psychological harm.

Child pornography exploits children in many different ways. Children may be deceived, tricked or coerced to engage in sexual acts for the production of pornography or images may be ‘made in the process of sexually exploiting a child without the child’s knowledge. These images are then stored, distributed, sold or traded with others. Those who ‘consume’ pornographic images of children continue the exploitation of these children through their demand for more images. Finally, the makers of pornography often use their products to coerce, intimidate or blackmail the children used in the making of such material.

The growth of the Internet is creating more commercial opportunities for child exploiters and pornographers and new technologies are facilitating the development and reach of distribution networks. As Internet access and other technologies such as mobile phones become even more widely available, the potential for harm is likely to increase. It is imperative for governments, law enforcement, the information and technology industries, and NGOs to form positive cooperative relationships and develop protocols for reporting and responding to such crimes through hotlines and other measures and to help identify and assist the child victims. ISPs must incorporate codes of conduct, include child-friendly information on their sites and give all possible support to law enforcement agencies to prevent the criminal use of the information technologies by those seeking to exploit children, as well systematically address the related crime of pornography and how it is distributed.

Strong laws, hand in hand with effective enforcement procedures which are child-friendly, are important to protect children from commercial sexual exploitation. Yet many countries still lack a comprehensive legal framework for deterring crimes, managing investigations, prosecuting perpetrators and protecting and assisting children in their recovery.

New strategies

The Declaration and Agenda for Action against Commercial Sexual Exploitation of Children is a global framework for combating the commercial sexual exploitation of children. Since it was unveiled at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, in 1996, 161 countries have adopted its guidelines that specify that signatories should develop national agendas for action, including indicators of progress, goals and time frames for implementation.

National Plans of Action (NPAs) if created according to the guidelines of the Agenda for Action, instruct countries to develop a cohesive structure within which various actors can participate to improve cooperation and coordination, provide health and educational programmes, strengthen law enforcement and legislation, adopt non-punitive rehabilitation measures and encourage child and youth participation. For example, where offenders have been able to escape the jurisdiction in which they committed an offence, extra-territorial legislation can be applied to ensure an exploiter faces charges in their country of nationality. But as some countries have developed stronger controls and laws to combat child sex tourists, paedophiles move to other countries where laws are lax or enforcement can be corrupted.

Commercial sexual exploitation inflicts severe physical and psychological harm on children. Long-term recovery and reintegration relies on effective provision of care and continuing protection from further exploitation, but a lack of capacity and resources, and sometimes understanding of the needs of children, means that child survivors of commercial sexual exploitation often do not receive the care and protection they require.

Children must be protected not only in their homes but also in schools and in the communities where they live. Their well-being is dependent on caring and responsive adults, who do not violate the trust and innocence of children. Vital to their long-term recovery is to ensure that caregivers, social workers, psychologists, peer supporters and volunteer youth workers receive training to build their capacity to provide appropriate psychosocial support and to share good practice. A key approach is to recognise the inherent rights of children to, among other things, health, protection from exploitation, appropriate care and freedom of expression, and the obligation of individuals and authorities to support these rights.

The participation of young people is critical in combating the commercial sexual exploitation of children. Consulting with children and youth often reveals that sexual exploitation is a key issue in their lives. Therefore integrating the experience and perspective of children is vital for developing appropriate measures for their protection. Children and young people must have opportunities to express their views, advocate for their own rights, assist their peers and influence decision-making on issues that affect them. In this way they can contribute to their own protection and to the overall development of their communities.

The work of ECPAT

ECPAT International is a global network of organisations committed to ending the commercial sexual exploitation of children. ECPAT groups focus on combating all forms of sexual exploitation of children at local and national level and increasingly cooperate internationally. Generally, to determine the kind of counteractive measures that will be undertaken, local groups have conducted situational analysis studies. These studies assess the nature, extent and manifestation of the problem in areas within their country. ECPAT makes these local sources of information in the form of studies and assessments available through its resource centre and websites.

Ending commercial sexual exploitation of children cannot be confined to reactive actions that simply aim catch and penalise the perpetrators; it requires increased progressive action to change attitudes and practices that make children vulnerable, educate people about its forms so that they will recognise and report its occurrence, and encourage thinking that will take preventative measures to combat the threats that accompany the opportunities as our society changes.

An overview of The Convention on The Rights of The Child With Special Reference to The Rights of Protection

Tyrrell Cooray

Historical Background

The rights and freedoms enunciated in the Universal Declaration of Human Rights have a long history behind them. Two of the 18th century revolutions, the French and the American produced its own catalogue of the rights and freedoms of the human being. During the 19th century the industrial revolution spread through many European countries accompanied unfortunately by a scandalous exploitation of labour. This led to new concepts of human rights.

By the middle of the third decade of this century people were concerned with civil, political, economic, social cultural and humanitarian human rights issues.

The conscience of the civilized world was shocked with some of the frightful events and incidents of the Second World War and three years before the end of the war, on 1 January 1942, twenty nations saw the need to defend life, liberty, independence and religious freedom. They went a step further when in 1944, they proposed the establishment of a United Nations Organization whose aim included the promotion of “respect for human rights and fundamental freedoms”. The Organization was set up in 1945 and is known today as the United Nations.

The original draft of the UN Charter, contained only general provision on human rights. Later due to lobbying by concerned NGOs present at San Francisco when the Charter was finally

adopted there were references to human rights in its Preamble and six of its Articles.

On 16 February 1946, the Economic and Social Council, an organ of the UN, instructed the Commission on Human Rights to submit proposals, recommendations and reports regarding “an international bill of human rights”. On 10 December 1948, the declaration was adopted as the Universal Declaration of Human Rights.

The Universal Declaration enunciates, in succinct form, the inherent rights and freedoms of all human being, men and women, young people and children. Although it has no legal force it is a powerful document in that it sets out legal norms and moral values in accordance’ with which governments, organizations and individuals are expected to regulate their behaviour and on the basis of which their actions can be judged.

The Declaration has not only influenced national legislation but has also inspired the interpretation of national laws by the judiciary. The Universal Declaration, today, creates binding obligations for member states of the UN not because it has become part of customary international law but because they have expressly accepted these obligations.

The Declaration recognized in Article 25 that childhood (and motherhood) are entitled to special care and assistance. However the origins of the UN Convention on Rights of the Child can be found in the basic principles for children’s welfare and protection set out in the Declaration of Geneva promulgated in 1924 as framed by the then Save the Children Fund International Union.

The earliest document then is the Charter of Children’s Rights drawn up in 1923 by Eglantyne Jebb, founder of Save

the Children Fund (UK). This is commonly known as the Declaration of Geneva - a five point statement of basic child welfare and protection principles.

The first attempt to codify basic children's rights was endorsed by the League of Nations. In 1948, it was revised and amplified and formed the basis of the ten-point Declaration on the Rights of the Child which was adopted by the General Assembly of the UN on 20 November 1959.

The General Assembly approved the adoption of a Universal Declaration of Human Rights. Through this declaration the nations of the world were implicitly expressing concern for the rights of children. However it was evident that children have special rights and needs of their own, in addition to those they share with the rest of humanity.

The drafting of a Convention on the Rights of the Child began, in 1979 International Year of the Child - when Poland's proposal for such a treaty was taken up by a working group of the UN Commission on Human Rights.

Once the working group had agreed a full draft text, this was subjected to a detailed technical review, to ensure that it contained no internal contradictions and did not contradict other instruments and that its language was correct.

Then the Commission on Human Rights approved it and forwarded it to the UN Economic and Social Council. From the Council it went to the General Assembly of the UN in New York, where it was adopted unanimously on 20 November 1989, just 30 years after the adoption of the Declaration on the Rights of the Child.

The Convention (binding agreement between States) was officially opened for signature on 26 January 1990. (Signing the Convention is a first step, an indication that a state intends to consider the Convention properly; as a prelude to possible ratification. However, signing does not commit state to ratifying the Convention). A month after ratification by the first 20 states, on 2 September 1990, the Convention came into force.

Sri Lanka is a signatory to this Convention and ratified it on 12 July 1991. Ratifying the Convention is a declaration of willingness to be fully bound by the Convention's provisions and to be answerable to the international community if there is a failure of compliance. States ratifying the Convention give an undertaking to report periodically to a committee of independent experts describing the progress made to match up to the standards set in the Convention. The reports will be used as a basis for international action, co-operation and technical advice about ways in which each country can improve its own standards.

However, it is only when each country has adjusted its legislation and practice to conform to the Convention's principles can compliance be fully ensured. Since the Constitution of Sri Lanka does not state that the principles of international law are part of the law of the land - there is no automatic incorporation of a Convention into the legal system - there is a need for general enabling legislation.

Benefits

The Convention is a set of international standards and measures which signatory countries agree to adopt and to incorporate in their laws. The treaty recognizes the particular vulnerability of children and brings together in one comprehensive code the benefits

and protection for children scattered in scores of other agreements and adds new rights never before recognized.

The Convention defends the integrity of the family and emphasizes the importance of a happy childhood for its own sake not just as a stage on the production line forming future adults. In fact children themselves have a right to know what their rights are. The standards set by the Convention, therefore, are a point of reference for everyone concerned with children.

The idea that children have rights of their own, rights which transcend the family setting is an idea apparently simple, in reality complex. How can society fulfil a separate obligation towards those whose lack of years and means, whose innocence and vulnerability, have already defined them as legal dependents, to be primarily protected by parents and other agents of adult authority? Yet, in this century there has been a growing recognition that children's special needs and life circumstances, because of that very same innocence and vulnerability require a special, an extra response from society, in law and in practice.

Children are the least able to express and assert whatever rights that responsive adults ascribe to them. Their basic human needs of survival and growth to their full potential are largely, if not wholly, dependent for fulfillment, especially in their early years in the willingness and ability of adults to recognize and discharge their obligation to protect and nurture them.

Children, particularly little children, are the most powerless and vulnerable human beings whose needs, therefore, are the most immediate. The obligation of adults to substantiate children's rights to protection and care must therefore take precedence in all considerations of human rights.

Inter-Related

The rights of the child are all inter-related. Each right is fundamental to the dignity of the child and has an impact on the enjoyment of other rights. Therefore, a holistic approach is required to understanding the implementing of the Convention. Some of the articles have immediate application - (the political and civil rights should become immediately applicable once national legislation is amended) - while others will be more progressive in application - (those articles on social, economic and cultural rights may be more progressively realized, depending on available resources). The Convention is timeless in that it must be seen as being valid over an indefinite period. It does not contain specific goals but must be seen as a normative framework for specific goals to be defined country by country within the spirit of the Convention and available resources.

While all the Articles of the Convention are equally valid, the overall obligations are stated in Articles 1 to 5. Article 1 - A child is recognized as a person under 18; Article 2 - All rights apply to all children without exception (non-discrimination); Article.3 – All actions concerning the child shall take full account of his or her best interests; Article 4 -The State must do all it can to implement the rights contained in the Convention; and Article 5 - The State must respect the rights and responsibilities of parents and the extended family to provide guidance for the child which is appropriate to his or her evolving capacities.

The Convention must be read as a whole to fully appreciate Its value as a tool for advancing child rights. A danger lies in considering certain aspects of the Convention in isolation - so as to the detriment of others and thus run the risk of compartmentalizing children's rights and destroy the completeness the authors of the Convention strived for.

However, for the purpose of study and easy assimilation, the Articles are defined within three categories - Provision, Protection and Participation.

Provision

These articles cover the basic rights of children to survive and develop. These range from health care, food and clean water to education and an environment which allows children to develop. The Convention is clear that the best place for a child is with its parents, and that the State has a duty to support and assist parents in this responsibility where necessary.

Protection

In short these articles in the Convention are about every child's right to be protected from discrimination, physical abuse, substance abuse and sexual abuse, injustice, exploitation and conflict.

Participation

These are the rights which concern a child's basic cultural identity, his/her childhood and involvement in the wider society. Although some of these articles may be viewed as provisions for the child by the adult world, there is now a consensus that the child should be an active and contributing participant and not merely a passive recipient in all that concerns his/her development.

Opponents

However the Convention has its share of opponents too. The controversy over the Convention is basically centred on the part of the treaty devoted to the civil rights of children. Freedom of

expression and of association, the right to protection against unlawful interference with the child's privacy, access to beneficial information - Articles 12 to 17 - are severely criticized on the grounds that since the child is a minor he/she is incapable of exercising those rights and freedoms directly.

It is argued that children cannot be called upon to exercise their rights on their own. There would thus appear to be a basic contradiction between the concept of childhood, on the one hand, and that of children's rights encompassing more than just the degree of mere protection that adults and the state are compelled to afford on the other hand. Everything revolves round the fear of a child becoming a "full-fledged person".

For fear that the best interests of the child should always supersede our attitudes and decisions, opponents of the Convention assert that the Convention overturns the most fundamental psychological concepts and points to the end of "adult-ocracy". The treaty, they say, would lead us to an angelic despotism based on the canonization of childhood.

The counter argument is raised that critics have constantly avoided mentioning that States Parties to the Convention have undertaken to respect "the responsibilities and rights and duties of parents", to provide direction and guidance in the exercise by the child of his or her rights. In all fields that affect family life, ultimately, the parents' role is preserved and the State's role is secondary.

It is argued that the fact that the child fits into family and societal relationships confirms the relative nature of most human rights (except for the right to life, protection from torture and cruel in human or degrading punishment). In their true sense, they argue,

children's rights do not encroach upon the rights of adults nor are they exercised at the latter's expense. The right to protection of the child's privacy, they say, must be read together with the right to protection of the family (Article 16), the right to information must be read together with its social and cultural benefits (Article 17) and the right to protection must be read together with its social and cultural benefits (Article 17) and the right to protection must be read together with "the rights and duties of the parents" (Article 3.2) so as not to mislead both the reader and children."

In the Convention a balance is struck between the concept of children's rights and children's duties. A clear role for parents, families, elders and the state in relation to the life of a child is recognized. The Convention views a child as an individual with a connection to the important social units of family and community. The Convention defines the role of the state and its responsibility for children but does not accept and recognize that the adults and the state have uncontrolled authority over children. This ensures the suppression and exploitation of children because of their immaturity and vulnerability. The Articles of the Convention that deal with parental rights and responsibilities and duties of children to respect adults are :- Articles 5,18,14 (2), 3 (2) and 29 (b). The child's duties in the family and community and the child's duties as a national of a country are reflected in Articles 13 (2),14(3),15(2), 29(b), (c) & (d). Hence a balance is struck between rights and duties.

Actor

One of the major improvements of the 1989 Convention is that according to it the child is an individual person who has rights. The child is the actor, the one who will exercise these rights. In contrast to the previous paternalistic attitude of protecting children

for their own good, regardless of - and sometimes contrary to - their wishes, the Convention suggests it is the rights of the child which have to be protected from now on.

There rights have not been set up in opposition to the rights of parents. Children should construct and exert their rights in hand with their parents.

In the case of this Convention of course, these obligations are towards the child. They may be of a direct nature - providing education facilities and ensuring proper administration of juvenile justice, for example, or indirect, enabling parents, the wider family or guardians to carry out their primary roles and responsibilities as caretakers and protectors. So neither the existence nor the content of the Convention denies or reduces the importance of the family - quite the contrary. Furthermore the Convention is not concerned with regulating intra-familial relationships, nor is it a checklist of demands and claims - however legitimate - on the part of children vis-a-vis adults.

In the last resort, the Convention is a catalogue of situations and guidelines that governments are prepared to accept, in theory at least, as falling within their individual and collective responsibilities.

While the Convention on the Rights of the Child upholds a number of basic rights, it does not infringe on the rights of parents to decide what is best for their children. Instead it specifically states that government shall make every effort to keep families intact, and shall provide support and assistance to parents in fulfilling their primary responsibilities with regard to the upbringing and development of their children. The promotion of children's rights is not a matter of placing children in conflict with the adult

authorities in their lives but of encouraging all citizens to work together for a safe, healthy and productive future for children.

What Protection Implies

Behind all human rights lie human values and rights exist only in a social setting. All rights relate to obligations. Rights unrelated to obligations are unreal and ineffective in themselves. They do not lead to action.

In the sphere of **protection** rights some of the major commitments governments make when they ratify the Convention are - ensure special care for disabled children, refugee children, children of minorities, indigenous children, child victims of abuse, neglect, torture and armed conflicts, children without families, **protect** the child from exploitation at work, sexual exploitation, abduction, sale and trafficking, abuse and neglect within the family, drug abuse, unlawful detention, torture, capital punishment, unjustified removal from the family, traditional practices harmful to health.

The Convention recognizes protection within the concept of rights precisely because children need not only protection but also positive affirmation of protection for survival, development and participation.

The protection of children is further reinforced in the adoption by the UN on 25 May 2000, of two optional protocols to the Convention on the Rights of the Child. They are the Optional Protocol on the Convention on the Rights of the Child on the involvement of children in armed conflicts and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Sri Lanka has ratified the Optional Protocol on children in Armed Conflict on 8 September 2000 and the Optional Protocol on Sexual Exploitation of Children has been signed by Sri Lanka in 2002 but apparently not ratified yet.

The main thrust of the Optional Protocol on children in Armed Conflict is for States Parties to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities while the thrust of the Optional Protocol on Children on the Sexual Exploitation of Child is for States Parties to prohibit the sale of children, child prostitution and child pornography as provided for by the Protocol.

The Articles in the Convention that refer specifically to Protection are:-

(The text of each Article is summarized)

Article 11 - Illicit transfer and non-return (The state has an obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party) .

Article 19 - Protection from abuse and neglect - (The State shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish social programmes for the prevention of abuse and treatment of victims).

Article 20 - Protection of a child without family (The State is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases).

Article 21 - Adoption - (In countries where adoption is recognized and/or allowed it shall be carried out in the best

interests of the child, and then only with the authorization of competent authorities and safeguards for the child).

Article 22 - Refugee children (Special protection shall be granted to a refugee child or to a child seeking refugee status. It is the state's obligation to co-operate with competent organizations which provide such protection and assistance).

Article 23 - Disabled children - (A disabled child has the right to special care, education, training to help him or her enjoy a full and decent life in dignity and achieve the greatest degree of self reliance and social integration possible).

Article 25 - Periodic review of placement - (A child who is placed by the state for reasons of care, protection or treatment is entitled to have that placement evaluated regularly).

Article 32 - Child Labour - (The child has the right to protection from work that threaten his or her health, education or development. The state shall set minimum ages for employment and regulate working conditions.)

Article 33 - Drug Abuse (Children have the right to protection from the use of narcotic and psychotropic drugs and from being involved in their protection or distribution).

Article 34 - Sexual Exploitation - (The state shall protect children from sexual exploitation, prostitution and involvement in pornography).

Article 35 - Sale, trafficking and abduction (It is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children).

Article 36 - Other forms of exploitation (The child has the right to protection from all forms of exploitation prejudicial to any aspects of the child's welfare not covered in Article 32, 33, 34 and 35).

Article 37 - Torture and deprivation of liberty (No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without the possibility of release are prohibited for an offence committed by persons below, 18 years. Any child deprived of liberty shall be separated from adults unless it is considered in the child's best interests not to do so. A child who is detained shall have legal and other assistance as well as contact with the family)

Article 38 - Armed conflicts (States Parties shall take all feasible measures to ensure that children under 15 years of age have no direct part in hostilities. No child below 15 shall be recruited into the armed forces. States shall also ensure the protection and care of children who are affected by armed conflicts as described in relevant international law).

Article 39 - Rehabilitative Care (The state has an obligation to ensure that child victims of armed conflict, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration).

Article 40 - Administration of juvenile justice (A child in conflict with the law has the right to treatment which promotes the child's sense of dignity and worth, takes the child's age into account and aims at his or her reintegration into society. The child is entitled to basic guarantees as well as legal or other assistance for his or her defense. Judicial proceedings and institutional placements shall be avoided wherever possible).

In summary the Convention obligates States to protect children from exploitative labour, physical and sexual abuse, the effects of war, neglect and discrimination of any kind. States are charged to provide rehabilitative care for children who have suffered from maltreatment, neglect torture or exploitation.

These Articles are therefore, about safeguarding the child starting with his/her name nationality and identity to his/her protection from physical abuse, substance abuse and sexual abuse, exploitation and conflict.

The Convention reaffirms the fact that children, because of their vulnerability need special care and protection and it places special emphasis on the primary caring and protective responsibility of the family.

The number of provisions relating to protection are so many that “protection of the child” could well have been the central theme of the Convention.

Two important facts that have to be noted are; (1) States Parties to the Convention have Undertaken to respect the responsibilities and rights and duties of parents’ to provide direction and guidance in the exercise by the child of his or her rights. In all fields that affect family life, ultimately, the parents’ role is preserved and the State’s role is secondary, (2) A holistic approach is required to understand and implement the Convention and it must be read as a whole to fully appreciate its value as a tool for advancing child rights. The text, in fact, reflects the tendency to look on all rights as being indivisible and mutually reinforcing in responding to human needs (Although there could be one particular Article highlighting a particular situation, ego child abuse, child labour) yet many other rights are denied/violated or likely to be denied/violated in case of a child in that situation and / or there are accessory Articles. It

is evident that there is a connection between protection of children and realization of their right to health and development. Protection is linked to other rights. A child in a situation of child labour or sexual exploitation, for instance, should enjoy protection rights. However, one has to be mindful of the fact that numerous other rights - survival, development, participation - are denied/violated in such situation.

Two examples to illustrate the need for a holistic approach:-

Child Labour

Article 32

When a child is in a situation of child labour the following Articles also are violated/denied and/or likely to be violated/denied.

- Article 2 - Non Discrimination
- Article 3 - Best interests of the child
- Article 5 - Parental guidance
- Article 6 - Survival and development
- Article 9 - Separation from parents
- Article12 - The childs' opinion
- Article13 - Freedom of expression
- Article14 - Freedom of thought etc.
- Article15 - Freedom of association
- Article16 - Freedom of privacy
- Article17 - Access to appropriate information
- Article18 - Parental responsibilities
- Article19 - Protection from abuse and neglect
- Article24 - Health and health services
- Article26 - Social security
- Article27 - Standard of living

- Article 28 - Education
- Article 31 - Leisure, recreation and cultural activities
- Article 33 - Drug Abuse
- Article 34 - Sexual Exploitation
- Article 36 - Exploitation
- Article 37 - Torture and deprivation of liberty

Adoption Of Children

Article 21

Tied up with accessory Articles namely:

- Article 3 - Best interests of the child
- Article 7 - Name and nationality, right to know and Be brought up by parents where possible.
- Article 8 - Protection of identity
- Article 9 - Separation from parents
- Article 12 - (for older children at least) child's opinion
- Article 18 - Parental responsibility
- Article 20 - Children deprived of a family environment
- Article 35 - Trafficking and sale of children

The protection of children should be considered mainly in the following areas of concern:-

Child abuse and neglect, child labour, child sexual abuse and exploitation, street children, adoption, disabled children, children in the slums, children in trouble with the law, child without a family, internally displaced children, torture and deprivation of liberty of children, drug abuse, children affected by the tsunami and who

are “at risk” such as orphan children, children of one parent families and children who live in common welfare shelters.

The language of the Convention has to be contextualized in the Sri Lankan situation. Here in lies the need to idealize the Convention on a culturally - anchored perspective to reflect concrete demands and material reality.

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The Laws in the Penal Code in Relation to Prosecution of Child Abuses

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Background

The Penal Code of Sri Lanka was enacted by the Penal code of Ceylon Ordinance No. 2 of 1883. Comparing with the penal laws of other countries it was recognized as comprehensive penal law of that time. Even there were amendments from time to time there were no vital amendments in regard the Child Abuse brought to the Penal Code until 1995. Sri Lanka signed the UN Child Rights Charter on the 26th January 1990 and ratified the same on the 12th July 1991. Since then there was a global awareness regarding the child rights and child protection. Sri Lankan laws were also compelled to be amended according to the Child Rights Charter. As a result of series of studies and consultations the Penal Code was amended by Act No. 22 of 1995 and specific offences against children brought into operation.

Act No. 22 of 1995 brought new offence to the Penal Code and modified some of the existing offences in the same. List of these offences are set out as follows:

- 286 A - Obscene publication, exhibition and etc. relating to children
- 308 A - Cruelty to children
- 345 - Sexual harassment
- 360 A - Procuration
- 360 B - Sexual exploitation of children
- 360 C - Trafficking
- 363 - Rape (the original section modified and redefined)
- 364 A - Incest

- 365 A - Acts of gross indecency between persons
- 365 B - Grave sexual abuse
- 365 C - Publication of matters relating to certain offences

Corresponding to these amendments, the Code of Criminal Procedure Act No. 15 of 1979 was also amended, by the Act No. 20 of 1995. Accordingly the schedule of the main act was amended by the said act. Those amendments caused confusion. For an example the Magistrate Court had jurisdiction to try the offence of rape. This confusion was identified and rectified by subsequent amendment to the Code of Criminal Procedure by Act No. 19 of 1997.

As time passes it was identified by the researchers, and the practitioners that there are some shortcomings in the Act and as a result a new amendment was brought by Act No. 29 of 1998. Accordingly there were some new offences were introduced to secure the Protection of Children. i.e.

- 288 (1) - Causing or procuring children to beg
- 288 A - Hiring or employing children to act as procurers for sexual intercourse
- 288 B - Hiring or employing children to traffic in restricted articles

The amendment brought to section 363 by Act No. 22 of 1995 was further amended by this Act No. 29 of 1998 and similarly 365 B also was amended.

It is important to note that first time in the criminal jurisprudence of Sri Lanka (may be in Asia), the phrase “Child Abuse” has been defined by the amendment Act No. 28 of 1998 brought to Code of Criminal Procedure Act No. 15 of 1979 Section 2 states as follows.

“Child abuse” means an offence under section 286A, 288, 288A, 288B, 308 A, 360 A, 360B, 360 C, 363, 364 A, 365, 365A or 365B.

It is to be noted that this article is based only on available laws up to the latter part of September, 2005 and the new suggestions and amendments which are presently before the Parliament and respective Committees and groups and which is not being discussed here.

It could be seen the Child Rights Activists are happy with these amendments. This amendment virtually allows severe punishments for major Child Abuse Crimes. It should be noted that there is a mandatory minimum punishment had been imposed for specific offences under the Penal Code for the first time by these amendments. One may say this is curtailing the discretionary power of the judiciary, but when one go through the research papers, articles, opinions and committee papers some instances could be seen where when those discretionary powers were not properly used. Therefore the minimum sentence was welcomed by most of the activists. On the other hand, the Human Rights activists sought to describe this law as a draconian law. For them, it appears as a dangerous dragon but the question would be to whom such law would be dangerous? Obviously not everyone would be punished under this law. This would apply only for the Criminals where there are Overwhelming Evidence found against them and where the case being proved beyond reasonable doubt. I am of the view, this way a proper conviction is secured. As a student of law when I went through some of the sentences being imposed. I was surprised to find that more than 80% of the cases of this nature are punished with the minimum possible sentence.

I took notice of a case where a schoolgirl of 13 years and 8 months old was dragged out of the school van and raped and

subsequently the girl who was found bleeding was taken to the police station and the hospital in her blood stained school uniform. That school uniform was also marked at the trial and the accused who was 38 years of age and married with 5 children was found guilty after a highly contested trial. But it is not very encouraging to see that the accused was only given 10 years term rigorous imprisonment, with Rs. 1500/- fine and a compensation of Rs.2500/- with 6 months default term.

It is my view that the sentence is absolutely should be in the hands of the trial Judge. He is the best person to assess and weigh the evidence and to impose a correct and appropriate punishment. But in most of the cases only the minimum sentence is imposed. As we know in a case of rape of a girl, who is under 18 years, there is a minimum sentence of 10 years which could be extended up to 20 years is being introduced. Most of the time it was seen the sentences considered were a minimum or just above the minimum. It is noted only in one case out of 289 cases maximum sentence had been given. I wish to make myself clear at this juncture that I am not advocating all the accused be sent forever to the prison, but I am of the view that the principles of sentencing should be understood and adhered to.

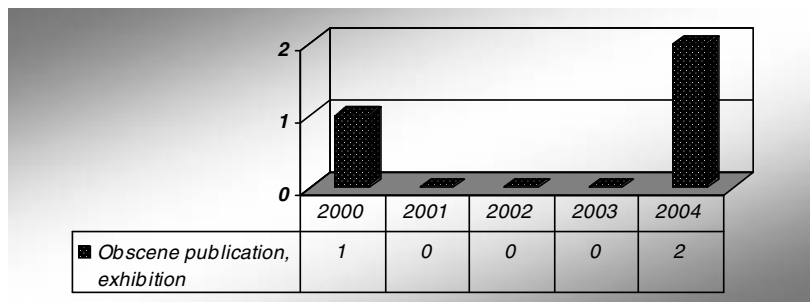
Before we consider the concept of the offence of child abuse, I wish to consider each relevant section of act no. 22 of 1995 and act no.29 of 1998.

Section 286 A - Obscene publication, exhibition and etc. relating to children

This is a section which governs selling or distributing or otherwise publishing and forcing for that purpose. If a person convicted for this offence, he should be punished with

imprisonment of either description for a term not less than 2 years and not exceeding 10 years and may also be punished with a fine.

This section brought by the amendment of act no.29 of 1998 and put the film developers (photo studios) under obligation to inform the authorities when they find a photo of such nature in these developing processes. Considering the statistics available from the Bureau for the Prevention of Abuse on Children, young person and women, (hereinafter mention as bureau) it is interesting to note that this offence is described as a “child minor offence”.



Source: Bureau for the Prevention of Abuse of Children and Women, Sri Lanka Police Department

When one who surf the Internet and who could find some of the papers available on the streets of major towns in Sri Lanka, would notice that the Sri Lankan children were photographed for obscene purposes and those photos are being published. A mere search in any search engines of the internet will bring down at least 127 sites which include photographs of children said to be from Sri Lanka or Ceylon.

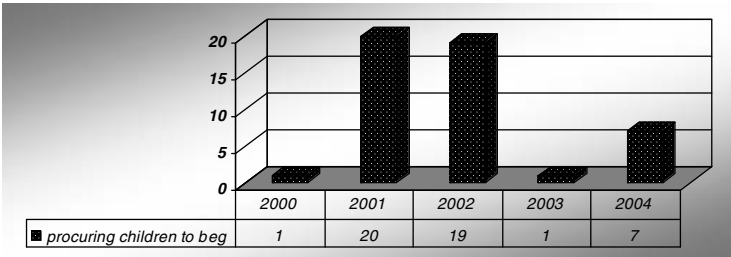
With all due respect to the investigators, I would like to mention that I am unable to see any sophisticated investigations embarked on this offence. When proving this case it will be a Herculean task for the police to prove the certain ingredients of this offence. Therefore most of the cases are literally fail. Are we understand

from this section that anybody wants to possess such a publication for any other reason other than distribution or selling would not commit an offence? This needs a serious consideration by the relevant authorities.

Section 288 (1) - forcing or procuring children to beg

If any person forces or procures a child to be in a street or place for the purpose of begging, commits an offence under this section. It is important to note that the sentence here does not carry a minimum sentence. The section says, punish with the imprisonment of either description for a term not exceeding 5 years and may also be liable to a fine. Further studies conducted by the researchers on street children, there were two types of begging found. One is, by well organized person or persons using children in the business of begging. The other one is due to mere poverty parents make their children to beg for a single meal of the family. We should not forget the period of mid seventies or a period after 26th December, 2004, (i.e. Tsunami, tidal wave disaster) which caused the parents who are unable to earn even for a single meal had to send their children to earn for a meal.

Number of cases reported under Procuring children to beg



Source: Bureau for the Prevention of Abuse of Children and Women, Sri Lanka Police Department

Section 288 A - hiring or employing children to act as procurers for sexual intercourse

This was brought by Act No. 29 of 1998. According to this section hiring or employing children to act as procurers for sexual intercourse commits this offence. Whoever acts as procurer is widely known as “broker” or ‘pimp’. When the adults cannot involve as procurers they employ children to work for them. It was found on a study that small children as young as 7 years are involved in procuring. Normally their work is to find customers for the prostitutes. If a person found guilty he will be punished with imprisonment of either description for a term not less than 2 years and not exceeding 5 years and may also liable to fine. Much to confusion there is no statistics available from the Bureau regarding this offence.

Section 288 B - hiring or employing children to traffic in restricted articles

This offence also brought into main stream by the amendment to the Penal Code Act No. 29 of 1998. Like the above section if any person hires, employs, persuades, uses, induces or coerces a child to traffic in restricted article such as heroin cannabis etc. commits an offence and on conviction imprisonment of either description for a term not less than 5 years and not exceeding 7 years and may also liable to a fine. Here again, there are no specific statistics available from the Bureau regarding this offence.

Section 308 A - Cruelty to children

For the first time in the Criminal Jurisprudence of Sri Lanka any person who is causing psychological abuse to a child can be brought to Court under this section. The operative clause here is “causing mental derangement”. There are very few cases reported

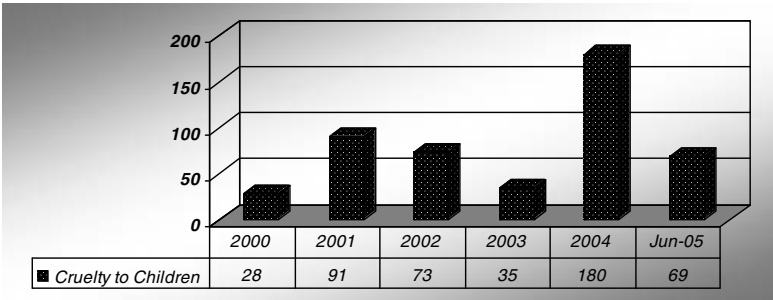
under this element of the section. This may be due to several reasons in other words, unavailability of forensic medical experts in the relevant field for the investigators, lack of awareness among the public etc.

This section is very much used by the investigators and the prosecutors.. The information available from the High Courts of Sri Lanka there were **19 indictments** sent out in the first three quarter period of 2005.

The first case which reported under the section was in November, 1995, few days after the Act was passed in the Parliament. In that case suspects were pleaded guilty and received suspended jail term by the Magistrate Court.

This raised the concern of the legislators, and subsequently the Code of Criminal Procedure Act was amended again and instructions were sent to the relevant authorities. At present if a person convicted under section 308 A is liable to an imprisonment of either description for a term not less than 2 years and not exceeding 10 years. In addition may also liable with a fine and be ordered to pay compensation of an amount determined by Court to the person in respect of whom the offence was committed and for the injuries caused to such person.

Number of cases reported



Source: Bureau for the Prevention of Abuse of Children and Women, Sri Lanka Police Department

Once again in the Criminal Law history of Sri Lanka, for the first time compensation was provided under the Penal Code and it was welcomed by scholars and the people concerned. I would like to discuss the payment of compensation and its important practical impact separately. It should be mentioned the police investigators are well aware of this section and they make use of it very often in their investigations to identify the offence. Considering ingredients of this section the person who keeps a child under 18 years of age in his custody, charge or care found willfully assaults, ill-treats or neglect, such a child commits the offence of cruelty. The important feature of this Act is that the suspect should have had the custody or care of the child and that suspected person intentionally assault (causing injury etc.) ill-treats or neglected the child had to be proved. It was seen under the section the parents, guardians or even school teachers had been brought before the Court.

Section 360 A - Procuration

Part of this section was amended by act no 29 of 1998. Accordingly any person who commits an offence of procuration to be punished with an imprisonment of either description for a term of not less than 2 years and not exceeding 10 years and may also punished with a fine. The available statistics from the Bureau had compiled section 360 A, B and C together. It should be noted these three are distinct offences which are different from each other. So the statistics will not give the exact position of this offence.

Section 360 B - Sexual exploitation of children

If any person knowingly permits any child to remain in any premises for the purpose of causing such child to be sexually abused commits an offence. Which is punishable by imprisonment of either description for a term not less than 5 years and not exceeding 20

years may also punish with a fine. If we explain with an example, if a hotel or a rest house Manager or a caretaker, unknowingly permits a child to be abused, i.e. allows an elder person to have sexual intercourse with a child who is less than 18 years commits an offence under this section.

Section 360 B (1) C

Whoever induces a person to be a client of a child for sexual intercourse or for any form of sexual abuse by means of print or other media, oral advertisement or other similar means .commits this offence. Academics are of the view that the other similar means will include the Internet which is commonly used for advertisement. Since this was not decided by an authority it is unwise to comment on this aspect for the time being.

Section 360 C - Trafficking

The offence of trafficking has received worldwide attention but in Sri Lanka it has not received that much of attention among the investigators and other authorities. Most of the time when a child is taken out, from the legal custody, criminal offences were brought under kidnapping, abduction etc. Most of the academics, scholars, researchers are of the view that the offence of trafficking under 360 C is not comprehensive when compares with the United Nations Charter, European Union definition, SAARC Convention on trafficking etc.

According to the Bill submitted before the Parliament on the 8th August, 2005, section 360 C to be repealed and a new section 360(C) to be introduced. According to that, sub section 360 C (1) C deals with children. Punishment set out in the new Bill is an imprisonment of either description for a period of not less than 2 years and not more than 20 years. When such offence is committed

in respect of a child be punished with an imprisonment for a term not less than 3 years and not exceeding 20 years may also liable with the fine. The new amendment brings a clear definition of trafficking. In addition to the above, section **360 D** is newly introduced to deal with offences related to adoption. This deals with unauthorized or illegal adoption and if a person convicted under this section shall be liable for a term not exceeding 20 years or to a fine or to both.

There is another section to be introduced by this Bill as **360 E** which is for soliciting a child. If a person found guilty under this section upon a conviction be liable to imprisonment of either description for a term not exceeding 10 years or to a fine or to both.

It should be noted that the last two sections does not carries a mandatory minimum period of sentence.

Section 363 - Rape

The previous section which dealt with Rape was redefined. According to the new section, a man is said to have committed Rape when he has sexual intercourse with a woman without her consent or if with the consent, and that consent is obtained through other means which is not considered as consent. The age of consent had been brought up to 16 years of age. The girl who is less than 16 years cannot give consent according to the new amendment, but if the girl is the wife of the person and if she is above 12 years, she is capable of giving consent. We should note at this point that, no person who falls under the General Marriages Ordinance or Kandian Marriages Ordinance, cannot contract a marriage until they reach 18 years of age.

Section 364 (2) - Punishment for Rape

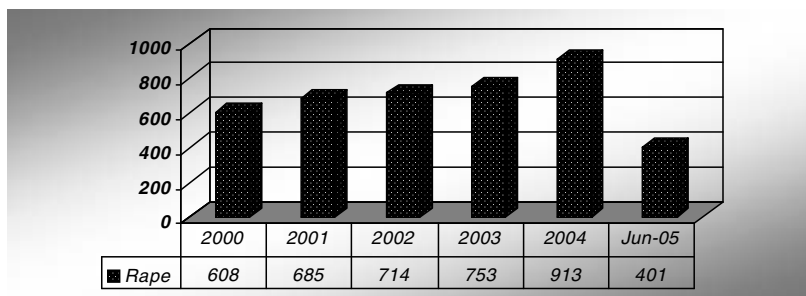
When a person found guilty for rape he shall be punished with rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall in addition be ordered to pay compensation.

Once again it should be noted that the compensation concept was brought as per section 308 A. It should be mentioned at this point to avoid the confusion, if a person convicted for rape where the victim is not a child shall be punished with minimum sentence of 7 years and not exceeding 20 years, with fine and compensation.

For first time in the Penal Code, the concept of incestoral rape being introduced. When a parties are of an enumerated degree of relationship and commits an offence (e.g. Father and daughter, brother and sister etc.) on a woman who is under 16 years of age shall be punished with rigorous imprisonment for a term not less than 15 years and not exceeding 20 years and with a fine. In a decided case where a father who was 44 years old raped his daughter who is 14 years at the time of the incident was found guilty after a highly contested trial and he had been imposed 15 years rigorous imprisonment and Rs. 5000/- fine, in default 6 months RI. Here again we should note that the girl was cruelly raped by father and she was hospitalized for more than 3 weeks and a minimum sentence was given.

The information available from the High Courts there were **568 indictments** were preferred under section 364 within two terms of 2005. If one looks at the available official statistics it would surely to awake the conscience of all. These statistics are of victimized children those who are less than 18 years of age. Further according to the available information these are minimum statistics. For example some of the Police SSP Divisions had given

Number of cases of Rape



Source: Bureau for the Prevention of Abuse of Children and Women, Sri Lanka Police Department

data would raise the eyebrow of the reader. For example SSP division of Hatton had only 2 rape cases in 2000, 4 - 2001, 5 - 2002, 1 - 2003, 3 - 2004, being reported. On the cross check with the relevant Magistrate Court it reveals the information available with the Bureau are inaccurate.

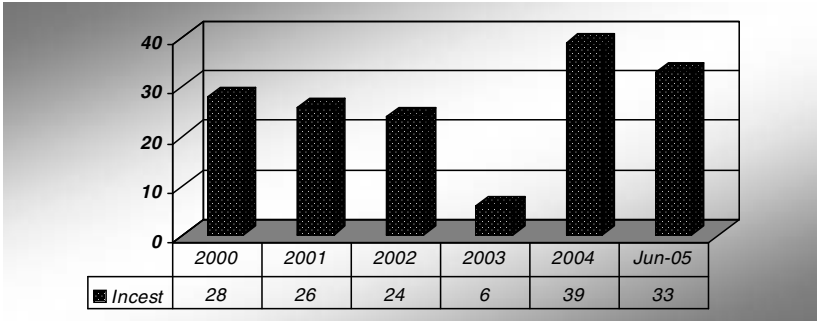
It should be mentioned at this juncture that the proposed amendment Bill which is before the Parliament includes 4th explanation to the 364, i.e. punishment to rape. According to the new provision “injuries” includes psychological or mental trauma. This is a most welcoming amendment. Up to date there is no provision to consider the psychological mental trauma of a rape victim.

364 A- incest

Offence of incest introduced to the Sri Lankan criminal legal system for the first time under section 364A by act no. 22 of 1995. According to section 364A whoever has sexual intercourse with another who stands towards him in an enumerated degrees of relationship commits the offence of incest. The degree of relationship is set out in that section. There is confusion between

the Sinhala version and the English translation. But in practice it did not raise much concern which caused to bring new amendments immediately. Whoever commits the offence of incest shall be punished with rigorous imprisonment for a term not less than 10 years and not exceeding 20 years. If any person attempt to commit incest shall be punished with an imprisonment of either description for a term which may extend to 2 years. Any prosecution under this section needs the sanction of the Honourable Attorney General. The reason behind that requirement may be due to the high concern on the family and society structure of our country. Some of the relationships set out in the section may be wrongly interpreted to include some of the marriageable relationship of some casts or race people of our country. For an example, Upcountry Tamils those who are of Indian origin male can marry his sisters' daughter on liberal interpretation that may be included in the enumerated degree of relationship. If the section is liberally interpreted and used even some of the existing marriages may be disturbed. The legislators are very wise in taking extra precaution on charging or indicting any person under this section.

Number of cases of Incest

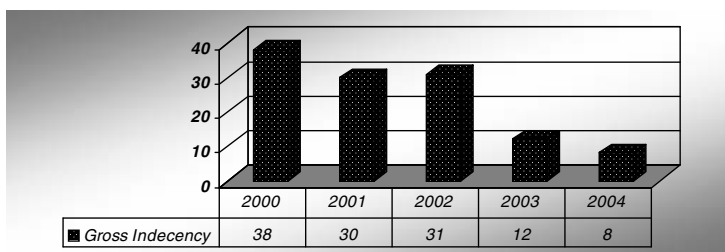


Source: Bureau for the Prevention of Abuse of Children and Women, Sri Lanka Police Department

Section 365 A - Acts of gross indecency between persons

Section 365 A of the Penal Code was replaced by 22 of 1995 and introduced a new section as 365 A. Accordingly any person commits an offence of gross indecency in public or private, shall be punished for a term which may extend to 2 years **BUT** if the offence is committed on a person who is under 16 years on conviction shall be punished with rigorous imprisonment for a term not less than 10 years and not exceeding 20 years with a fine and shall also ordered to pay compensation.

Number of cases of gross indecency between persons



Source: Bureau for the Prevention of Abuse of Children and Women, Sri Lanka Police Department

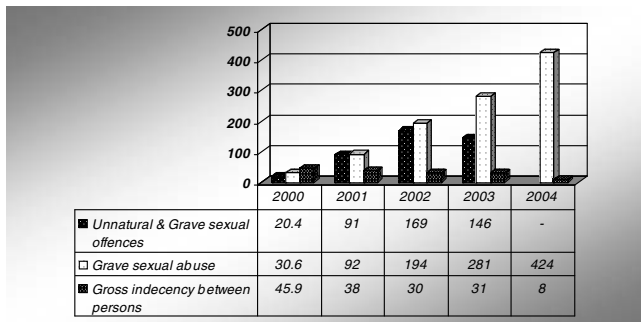
In the meantime, we should understand the classification of these offences by police is not clear because, there are two categories named as Unnatural offence and Grave sexual abuse. Since these two categories more or less falls under the same definition, it is hard to get a clear reporting of statistics.

Section 365 B - Grave sexual abuse

Introduced by act no.22 of 1995 and subsequently amended by act no.29 of 1998. Whoever for sexual gratification does any act by the use of his genitals or any other parts of the human body or any instrument on any orifice or part of the body or any other

person which does not amount to a rape is said to have committed an offence of grave sexual abuse. Considering the available information apart from the rape charges the highest numbers of charges are preferred under this section. Anyhow the Bureau statistics are not clear and gives some sort of confusion. When unnatural offences and grave sexual abuse falls under one category, that there is another category called grave sexual abuse. While cross checking some of the incidents with the relevant police stations. I was informed, offences falls under grave sexual abuse had been categorized as gross indecency between persons.

Couple of random checking brought out the same results and therefore; it is worth mentioning the figures relating to reported cases, prior to mentioning the statistics available.



Source: Bureau for the Prevention of Abuse of Children and Women

In the year 2004 a new column introduced as unnatural offences and there were 36 cases reported.

If one carefully studies section 365 A and 365 B, 365 B appears wider than the other sections. This could be the reason for most of the indictments preferred under this section. According to the information available from the High Courts for the first two terms there were 414 indictments preferred under section 365B.

There is another offence regarding publication of matters relating to some of the offences set out in 365 C. In short that is to prevent further damage to the victim. If any person violates this section and upon conviction he will be punished with an imprisonment of either description of term which may extend to 2 years or with fine or both.

Considering the cases reported for last 10 years it is quiet interesting to note that the public had placed their confidence in the system and they have brought most of the incidents to the notice of the Police who in turn brought them before the Court. No doubt this is the greatest achievement of the legislators and whilst celebrating the success we have to pay concern to the other agencies which are involved with children's affairs.

Considering the complaints received by the Police, media and other institutions had indicated one common thing that the public is now well aware of the cases relating to child abuse, which can be noticed as a significant achievement.

The question is whether our Government officials and others who are dealing with children are prepared or trained to do their job? Most of the occasions we can see the Officers remain passive. The first contact point is the school children. According to the survey conducted by several NGOs, the teachers were told of certain laws in regard of the child abuse. Some of them on their own have studied the provisions of the law and teaching to their students, but the majority of them are merely aware of the law. That is very dangerous because we are expected them to deal with the children directly. As an initiative at least few teachers of each school should be trained on that aspect.

On a research with the certain Ministries and the higher institutions dealing with education it was revealed that they have

not even include these laws of prevention of Child Abuse to their curriculum.

The next first contact place is the Police station. The Police officers are being told of these laws. According to the studies conducted by internal and external resources none were professionally trained to deal with. On a random check made by some of the researchers contacting 365 Police officers only 10 were possessed with the acts which is dealing with the child abuse and out of 365 officers 296 were directly dealing with the children.

The next direct contact in this area is the Probation and Childcare Department. Unfortunately, no statistics available with them. Practically they are the people who assist the relevant authorities to place children who were subject to abuse. But, according to the information available none were professionally trained with the relevant law.

The next category of officers who is having direct dealing with the children is the Court staff. According to the study reports available none were trained to handle children. They may be personally trained by looking after their children or their relatives' children but none were professionally trained. We should be mindful when a child come to Courts, that he is entering to an alien atmosphere and court's environment is always seems to be unfriendly for a child. Therefore a special consideration should be taken at this point.

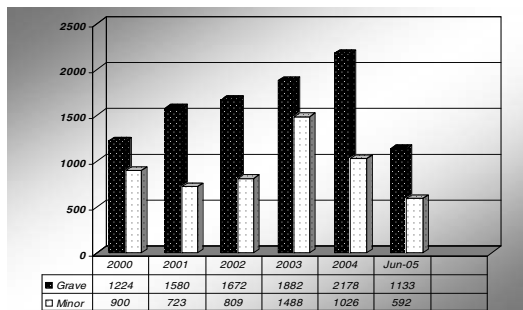
The next category of officers who deal with the children are prison officers. Due to lack of transport facilities most of the victimized children are being transported in the prison vehicle sometimes even with the accused. Here too no official training has given to these officers regarding handling of child victims.

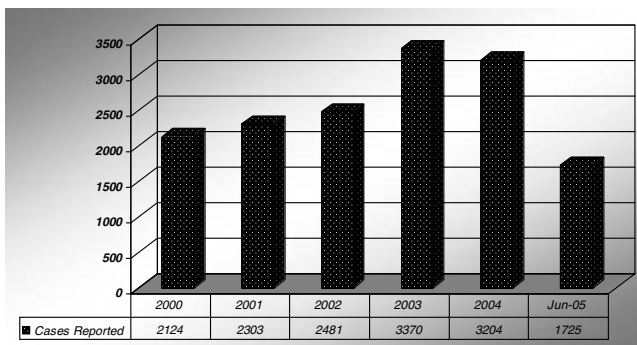
Prosecutors are the next set of people who are handling the children, but may not be directly dealing with them until they are called to give evidence in court. According to the study reports available none of the prosecutors were trained to handle the child abuse matters. There is no doubt they handle the cases very professionally but the question is whether they are child sensitive? In other countries the prosecutors were specially trained to handle child abuse matters and they were professionally trained by all relevant agencies.

The next category of deciding authority is the judiciary. According to the surveys conducted it was revealed most of the judicial officers were informed of the amendments by their own studies. The handling of children, imposing of punishment etc. etc. are done according to their personal views. It is highly appreciable but until and unless a professional training is given there won't be equal treatment to the children when they come before Court. It is noted that this is mentioned as a researcher and not to offend any body.

Some of the statistics made available from the Bureau for the Prevention of Abuse of Children and Women of Sri Lanka Police Department.

Grave and Minor Offence from 2000 to June 2005.





Child Abuse Cases reported to Bureau

The above facts may not be very accurate but, at least the relevant Bureau has taken pains and prepared statistics, which should be highly appreciated. There are other agencies which handle child abuse matters but had not published any statistics up to date. It will be useful for the researchers even for the public that all the relevant agencies such as the Police Prosecuting Authorities, the Court, Prison, Probation and Child Care etc. should make all the statistics available to the public. National Child Protection Authority should have all these statistics with them for reference.

Relief to the Victims

For the first time in the history as I mentioned above, the criminal law has provided compensation for the victims for some offences. It is welcomed by all the people those who concerned of children. In fairness to the Police, Prosecutors, the Courts and other relevant agencies it should be noted that this compensation is awarded to the victims appears only for the record. When you see a Court order most of the time a reasonable compensation is awarded, and in default there is a jail term also being imposed on the accused. Out of 289 cases, where I have done a study only in 4 cases all the compensation was “paid and settled”. When it came in the appeal

it was seen in these balance 285 cases, the compensation was not paid. When these convicted persons were interviewed, they have stated they do not mind serving another 6 months rather than paying Rs.50,000/- to the victim. Therefore if one sees practically the victim does not get anything. All the victims those who come to Court have to bear the cost of traveling, lodging, sometimes the legal expenditure etc. Unfortunately they do not get anything but a satisfaction that the accused was sent to certain number of years to prison. With some of the available information from the prison authorities any person who is imposed of 10 years rigorous imprisonment after serving of 3 year term his case is reviewed by a Board and some relaxation or concession is given. Practically those who had been imposed 10 years rigorous imprisonment had to serve approximately 6 years or less in prison.

In addition to the above the prisoners get pardon from the President, on other national events, concessions etc. etc. There are certain occasions where some of the NGOs pay the fine to get the prisoner out of the prison.

If we ask a question whether the amendment to the Penal Code to include provision for compensation has managed to achieve in this task? , the answer will be in negative. It is my view that the law should be further amended to include the confiscation of properties of the accused to get the compensation paid. That means when a person is suspected the Police should file a separate report of the suspect's details of his assets. Value of his assets should be considered when it comes to the question of bail and the subsequent proceedings. After the person is convicted, before awarding the compensation the court should take the value of the assets of the convicted person in to consideration. When the compensation is imposed until he paid the property should be frozen by the Court. If the compensation is not paid the Court should take steps to liquidate the assets and to pay the

compensation to the victim. I am aware that these additional responsibilities on the Court staff, but when we consider the plight of the victim, the responsibilities become bearable.

It is to be noted that the child friendly Court system and all other needs are discussed and spoken by Parliamentarians, academics, researchers, activists etc. but, still the proposals have still failed to see the light of the day.

Section 451 A was introduced to give priority to child abuse cases and other relevant appeals. Unfortunately, practically it is not followed due to various reasons. There should be a proper follow up programme being carried out by the relevant authorities. It is my humble view that National Child Protection Authority could attend to it, or like in many other countries, there should be a Cabinet Minister in-charge of the matters relating to children. With the available statistics from Parliament, it is noted that almost all the laws related to children which have been passed by Parliament had been passed unanimously. Which is highly commendable in a multi-party representative democratic Parliamentary system.

Considering all above, it is apparent that the Child Rights Charter has created good impact in the Sri Lankan legal system but unfortunately it had not impressed or imposed the same impact on the other sectors until and unless all relevant agencies which are dealing with children, cooperate our children will never have reasonable and fair justice.

The Role of the Media in Highlighting and Arresting Child Abuse

J. B. Müller

Child Abuse is not a recent phenomenon in Sri Lanka. It has been there as long as human beings have existed on this Island home of ours. That is because human nature has been the same from the beginning of time. It might be interesting to also note that before child sexual abuse was criminalized that polyandry was widely practiced where several brothers married one wife-as young as 12 or 13 years of age! The husbands ranged in age from 16 to 40 years of age. The gradual modernization of Sri Lanka rolled back this obnoxious practice of taking a child bride. What is salient to us today is that the reportage of instances of child abuse has gradually increased as the victims themselves and caring and concerned individuals come forward to accuse the persons responsible for these offences, some of whom are notorious 'paedophiles.'

This term came into use in the recent past to describe adults with perverted sexual desires that include having sexual relations with minors, both boys and girls, and in getting these boys and girls to also perform various sexual or sexually-related acts either alone or with others, children as well as adults.

Such activities traumatize young minds sometimes damaging them beyond repair or rehabilitation and when they grow up they also become abusers, perpetuating another vicious cycle of child abuse. This is the most pervasive form of child abuse prevalent in Sri Lanka today.

Child sexual abuse is one of the most disgusting and reprehensible forms that exist and draws our attention to the psychologically sick and warped personality in our midst. Child abuse also includes mental and physical cruelty committed by stepfathers, stepmothers, various relatives, and by those who employ or enslave children in servitude. The victims are usually the helpless and the hopeless, from amongst the poorest of the Poor in both urban shantytown as well as the rural areas. Mothers who go abroad to better the financial standing of their families leave their children in the care of relations who ill-treat their charges wantonly purely because the mother is powerless to do anything.

The Penal Code in Sri Lanka has been amended several times to take cognizance of specific types of offences, making them justiciable, and empowering the Courts to deny bail and to hand down strong deterrent sentences that would discourage such offences. For example:

1. Obscene publications/exhibitions relating to children and an indecent or obscene photograph or film of a child;
2. Cruelty to children;
3. Sexual exploitation of children;
4. Incest;
5. Publication of matters relating to victims of sexual offences;
6. Trafficking;
7. Sexual harassment;
8. Grave sexual abuse;
9. Causing or procuring children to beg;

10. Hiring or employing children to act as procurers for sexual intercourse;
11. Hiring or employing children to traffic in restricted articles; Other offences in the Penal code were amended, revised or enlarged in scope such as:
 1. Grievous hurt
 2. Procuration
 3. Rape
 4. Incest
 5. Unnatural offence, and
 6. Acts of gross indecency

Thus, the local laws have been strengthened in order to fight the menace to the best possible degree but, as we all know, laws aren't enough. People also have a responsibility to act and thereby reinforce the Law.

Many UN declarations and conventions ratified by many countries have created and heightened awareness and many CBOs and NGOs have also taken up cudgels on behalf of the children, seeking first to prevent, and then to redeem the children held in bondage as either slaves, servants, or as involuntary sex workers. This work has to be ceaseless as constant vigilance is needed to arrest child abuse.

The print and electronic media, realizing how widespread such child abuse is, has risen to the challenge and fearlessly exposed many cases that have led to successful prosecutions by the relevant authorities both in Sri Lanka and overseas. The Media, in an unwritten compact, have valiantly supported efforts to build more

awareness with a view to lessening instances to the irreducible minimum. More needs to be done; more needs to be said about both the Dark Side as well as the Bright Side of this endeavour. The object of that being to create a more widespread awareness about offenders and what is being positively done in the areas of prevention and rehabilitation, the before and after aspects of the commercial sexual exploitation of children and other forms of child abuse in our society.

However, human nature being what it is, people will continue to commit offences and these should be, must be exposed and even highlighted in order to inform people of the seriousness of the malaise. It should be understood that the child sex industry has powerful and dangerous backers because it is a money-spinning business where demand is not only constant but also growing steadily. For example, throughout Europe bookstalls at railway and bus stations, airports, and ferries, stock paedophile directories and catalogues where such persons could 'shop' around for the type of children they desire to have sexual relations with! Internet sites, too, display available children complete with names, pseudonyms, addresses and contact details. These sites are updated weekly and provide fresh 'victims for the slaughter.' It is a well-organized worldwide criminal chain with tentacles that reach into the law enforcement agencies themselves. Officials are corrupted and turn a blind eye often harassing and confounding the best efforts of those trying to curtail the activities of these criminals. Therefore, there is a heavy dependence on the Media to expose this aspect as well.

The Media focus on the perpetrators is most welcome like the recent news item in a popular mass circulation Sunday newspaper titled "Child abuser's sex activities confirmed," where the man's name was given along with the fact that he was refused bail. Offenders should be relentlessly exposed as a serious deterrent to

other paedophiles not to come to Sri Lanka. Such media reports also build awareness and make people more vigilant. When it comes to protecting our children from the trauma of child sex abuse, being suspicious about the behaviour and activities of foreigners being overly friendly with our young children, is all right. When paedophiles know that the Media is dogging their steps and that caring and concerned citizens are watchful the first result of that is that their activities would be severely curtailed.

Organizations such as UNICEF and PEACE (a local NGO) have been spearheading initiatives for years and doubtless their labour of love has had a positive effect in building awareness and educating everybody-including the Media about the seriousness, depth, and extent of this problem and its associated problems of child servitude and cruelty.

The commercial sexual exploitation of children is being combated by an ongoing awareness-raising programme consisting of seminars, workshops, and meetings addressed to all segments of Sri Lankan society especially in the high-risk areas. This programme is focused on professionals, schoolchildren, school dropouts, families at all socio-economic levels, the Police, other law enforcement agencies, local government officials, teachers, nurses, social workers, counselors and concerned members of local communities. This also includes counseling and education programmes for mothers of children-at-risk done on a one-to-one basis.

Since much of the problem stems from acute-to-chronic poverty, formal and non-formal education programmes are also being conducted. These include skills and vocational training, arts & crafts, sewing & embroidery, patchwork & fabric painting, cookery, hairdressing & beauty culture, socio-drama, dancing & music, spoken English, health & hygiene, medical clinics and

camps. The object of all these practical training classes is to equip and empower the trainees to break out of the poverty trap with their dignity and self-esteem as human beings intact. In the sphere of creating awareness these aspects, too, should be highlighted and it must be said that there are simply scores of human-interest stories of how the curse of the commercial sexual exploitation of children was avoided.

Let it also be said that no one should run away with the impression that all this is a dull, hard grind by grim-faced caregivers. Far from it. The PEACE Campaign includes youth programmes of the 'Pipena Kusum' or 'Blossoming Flowers' network that concentrates on leadership building, Shramadana, the cultivation of pharmaceutical herbs, library services and sports meets and other fun events that tell these children that there is another pleasant and wholesome side to life.

Organizations concerned with preventing child abuse in its many damaging forms and the Media should continue to reinforce the symbiotic relationship that exists between them in order to combat this menace more effectively. When the Media is involved with its vast potential to publicize such offences nationwide, those involved, whoever they may be or however powerful they may be politically, take several steps back as they are mortally afraid of such exposure in public!

Indeed, the Media has a crucial role to play in highlighting and arresting child abuse in our midst.

Child Pornography and the Internet: Law and Practice in Realm of Cyberspace

Prof. Vitit Muntarbhorn

The Internet is a massive connection between computer networks in the borderless realm of cyberspace. It is a key element behind the globalization process whereby the advances of technology have made access to information faster, more instantaneous and more widespread. It has limitless possibilities in opening up new horizons of knowledge and contacts worldwide.

Quintessentially this man-made technology is neutral. At best, it is a tool of development which has multiple benefits for humankind. At worst, human failings and distortions regrettably manipulate it as a tool of abuse and exploitation. Child pornography by means of the Internet exemplifies this darker side of human nature whereby technology is instrumentalised to become a dehumanising and degrading process; indeed, an instrument of crime.

Examples of such crimes abound. For instance, in 1996 a priest was sentenced in the United Kingdom to six years' imprisonment for amassing and exchanging child pornography with others via the Internet. Thousands of pages of pornographic material had been found in his files. In 1997 Operation Innocent Images, a crackdown on child pornography rings in the United States (US), led to some 90 arrests and 80 convictions. In the same year, police raids on scores of paedophile networks in France resulted in the conviction of several suspects. In New Zealand, a paedophile was found with some 3,500 child pornographic materials, intermingling with bestiality and torture, on his computer.

The situation is becoming increasingly complex in that child sex exploiters find new areas for their operations once there is a clampdown in a particular location. Technologically, they are also becoming more ingenious. With increasingly sophisticated codes to scramble their information through “encryption”, they are able to relay messages in clandestine form, thereby bypassing those channels which would be accessible to law enforcers.

Law / Practice

There is an urgent need for countermeasures against child pornography, and the law must be part and parcel of the required interventions. At the international level, there is already general consensus on the need to protect children from the threat of child pornography and to uphold their rights. The 1989 Convention on the Rights of the Child, the key international agreement on the subject, has been almost universally ratified by the international community. Article 34 of the Convention states that “States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- b) The exploitative use of children in prostitution or other unlawful sexual practices;
- c) The exploitative use of children in pornographic performances and materials” .

Implementation of the Convention is monitored by means of reports from members countries; these are sent to the international Committee on the Rights of the Child to be reviewed and commented upon. There is also a parallel mechanism in the form

of the Special Rapporteur on the Sale of Children who provides independent assessment of the global situation and reports annually to the United Nations Human Rights Commission.

In 1996, the world community congregated in Stockholm for the World Congress against Commercial Exploitation of Children and adopted the Declaration and Agenda for Action of the World Congress calling for the criminalisation of those who sexually exploit children, especially in relation to child prostitution, child pornography and traffic for sexual purposes. Among the measures agreed upon were the following:

- a) develop or strengthen and implement national laws to establish the criminal responsibility of service providers, customers and intermediaries in child prostitution, child trafficking, child pornography, including possession of child pornography, and other unlawful sexual activity;
- b) develop or strengthen and implement national laws, policies and programmes that protect child victims of commercial sexual exploitation from being penalised as criminals and ensure that they have full access to child-friendly personnel and support services in all sectors, and particularly in the legal, social and health fields;
- c) in the case of sex tourism, develop or strengthen and implement laws to criminalise the acts of the nationals of the countries of origin when committed against children in the countries of destination (“extra-territorial criminal laws”); promote extradition and other arrangements to ensure that a person who exploits a child for sexual purposes in another country (the destination country) is prosecuted either in the country of origin or the destination country; strengthen laws and law enforcement, including confiscation and seizure of assets and profits, and other sanctions, against

those who commit sexual crimes against children in other countries; and share relevant data.”

The period after the Stockholm Congress has witnessed many important” developments in several countries, including the adoption of new laws against child pornography and other forms of sexual exploitation, the passage of extra-territorial laws to counter sexual exploitation, a rise in prosecutions and convictions of suspects, and more child-responsive action, including from regional organisations such as the European Union and global inter-governmental organisations such as Interpol and UNICEF. The non-governmental sector has spearheaded many constructive developments in regard to legislative reform and enforcement. In this respect, one should not forget that the Stockholm Congress was initially the brainchild of a key non-governmental organisation now known as ECPAT or End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes.

Developments concerning the law and its implementation are subject to the following observations:

1. Most countries have laws which can be used against child pornography, and they may be interpreted to cover computer-related pornography, including the Internet. Often, the issue is dealt with in the Criminal Code or the equivalent. However, some countries have moved towards the adoption of specific laws against child pornography which provide greater clarity for the issue since many of the longstanding Criminal Codes were drafted well before the advent of the Internet. A recent example of the more specific type of law was the proposal in Ireland in 1997 for the Child Trafficking and Pornography Act. Interestingly, this proposed statute would cover computer-related child pornography explicitly as follows:

“Child pornography” means -

- a) any visual representation -
 - i) that shows a person who is or is depicted as being a child and who is engaged in or is depicted as being engaged in explicit sexual activity, or
 - ii) whose dominant characteristic is the depiction, for a sexual purpose, of the genital or anal region of a child,
 - b) any audio representation of a person who is a child or is represented as being a child and who is engaged in or is represented as being engaged in explicit sexual activity, or
 - c) any visual or audio representation that advocates, encourages or counsels unlawful sexual activity with children, irrespective of how or through what medium the representation has been produced and, without prejudice to the foregoing, includes a representation produced by or from computer-graphics or by any other electronic or mechanical means...”
2. The age for protecting the child from child pornography varies according to the countries concerned. Many countries still interlink between sexual exploitation and the age of sexual consent. In other words, they still test the situation from the angle of whether the child, by national law, can be considered to have consented to the sexual act, and that age of consent ranges in many countries between the age thresholds of 12 and 16. From the angle of child protection from sexual exploitation, however, it is submitted that the sexual consent factor is immaterial as there is abuse of the

child by the adult; this is different from the usual circumstances of a child's discovery of sexuality which is related to the issue of the age of sexual consent. In regard to child protection from such exploitation, the preferred age of protection should be 18, but many countries have currently age thresholds which are much lower than 18. This loophole awaits reform.

3. Many of the national laws do not cover or are unclear on pseudo-pornography concerning children. This pornography usually entails the depiction of a child even though there was no actual involvement of a child in the physical sense. This is exemplified by child-like images which are created by computers or where parts of an actual child are transposed on to the body of an adult. While some countries, such as the United Kingdom, have in recent years changed their law so as to cover pseudo-child pornography, other countries, such as France and Belgium, are still waiting for reform on this front.
4. While most countries prohibit the production and distribution of child pornography, a number of countries still do not prohibit the possession of child pornography. The debate on whether to criminalise possession of child pornography is at times seen as a conflict between freedom of expression and child rights. In fact, there is no real conflict in this regard, as freedom of expression is not an absolute right and is usually constrained by the law of defamation and other public policy considerations, including child protection. As voiced by the Stockholm Declaration above, there is international consensus for the criminalisation of possession of child pornography, and those countries which have not yet reformed their law on the subject are invited to do so.

5. One should be careful about the argument which advocates State intervention and broad regulation of the Internet precisely because it may be based on authoritarian or paternalistic motives. For instance, even though a law compelling the users of the Internet and those facilitating access to information via the Internet to obtain a licence from the authorities could be a means of curbing child pornography, it is too ,simplistic an approach; most countries are against such a law as it is seen as a tool of undemocratic governments to restrict on freedom of speech, the right to privacy and the right of access to information. However, some less than democratic governments have insisted on adopting this approach of compulsory licensing against the tide of international public opinion and practice.

On another front, one is also reminded by US experience in trying to legislate to curb “indecent” and “patently offensive” material coming through the Internet which might also be harmful to children as end-users. In 1997 the Supreme Court struck down the US law - the Communications Decency Act of 1996 - which had purported to do this on the ground that it conflicted with the constitutional right of freedom of speech. However, the case did not directly involve child pornography or the fact of children being used as objects of child pornography, an act which is illegal in US law. The case was more to do with protecting children as consumers or end-users of indecent information. In the lead-up to the courts’ decision, there was an underlying feeling on the part of civil liberties’ groups that it would have been better to build the capacity of the parents and the community to filter against the offending material rather than enable the State to step in with potentially wide-ranging negative implications for the freedom of speech.

6. While the criminal responsibility of producers, manufacturers and distributors of child pornography outside cyberspace is clear in most countries, the responsibility of a new type of 'Intermediaries in the form of Internet Service Providers (ISP) is still in an experimental stage. These ISP vary between those providing access to the utilisation of third party content, on the one hand, and those providing other services such as storing and providing their own or third-party content, on the other hand. One lobby claims that the ISP should not be liable at all for the flow of information through them as a conduit. A contrary lobby advocates some responsibility for the ISP on the basis that many ISP store third party information or their own information (which may contain child pornography) prior to transmitting it to end-users, and the proximity of such a setting to the ISP implies a degree of responsibility.

Some countries have now opted for laws which incriminate the ISP if they intentionally carry child pornography or are negligent about it. The latter case is seen in the situation where there is a complaint to the ISP concerning an alleged child pornography material appearing on the Internet via the ISP. If the ISP fail to investigate or take action to deal with the material, they may be held to be negligent on the basis of the "constructive notice" pertinent to them.

These tenets are exemplified by the 1997 Information and Communications Services Act of Germany with the following implications:

- full responsibility has to be assumed by providers (ISP) who offer their own content on the Net;
- conditional responsibility has to be assumed by providers

who provide third-party content on the Net. These providers can in future be held responsible for illegal third party content only under two conditions: the particular content must be positively known to them, and it must be technically feasible and reasonably to be expected of them to block such individual content. This reasonableness clause makes it clear that the provider will not be required to make every conceivable effort to prevent utilisation of illegal content;

- no responsibility will be expected of providers who merely provide access to the utilisation of third-party content. Such providers are not to be treated differently than providers of telecommunications services, who do not know the content communicated and in fact must not know because of the secrecy of telecommunications”.

Interestingly, the German law also provides for the possibility of an Ombudsman to report on the situation affecting the industry.

7. In some countries, the Internet industry, particularly the ISP, is now promoting self-regulation as a means of enabling the industry itself to promote good governance, transparency and accountability. This implies a “soft law” or “policy” approach of peer pressure and peer review from the industry rather than a “hard law” approach based upon State legislation and intervention. Such self-regulation may mean a Code of Conduct underlining the ethics of the industry. It may be complemented by a complaints mechanism, such as hotlines, and a review of the information in question. It may be an industry-based mechanism or one which is established by an independent body with the support of the industry. However, such self-regulation should make room for due process of law so that in the pursuit of justice, those alleged to be using the Internet

for illicit purposes should have a right to be heard as well as to question decisions against them. One should also be on guard against censorship that may ensure from over-zealous self-regulation.

Developments in the United Kingdom are particularly instructive. British Telecom (BT) has its own “Taste and Decency” policy as a kind of company Code of Conduct. While emphasising that BT should not be monitoring the Internet due to impracticability and reluctance to become a “moral arbiter”, it does not wish to be knowingly in breach of the law or to convey information which might be harmful to end-users, including children. A BT representative clarifies the position as follows:

“BT made the decision not to carry newsgroups (on the Internet) with titles suggesting the newsgroup contained illegal material (for example, alt. picture. paedophilia). With regard to newsgroups whose title suggested they contained adult but not illegal material, BT placed these in a “virtual top shelf”; in other words it did not publish the names of these groups but it did carry them, so customers with independent knowledge of the names of those groups could still gain access to them. . . . BT realised that it might not always correctly categorise newsgroups on this (name) basis and it therefore implemented a complaints procedure according to which we would respond to all complaints and, if necessary, review Internet content on a reactive basis only”.

In 1996 the Internet Service Provider Association was formed as a broader response from the industry geared towards promoting a code of practice for ethical conduct from the ISP industry. This has been bolstered by a network of ISP in Europe.

This self-regulatory approach was later broadened to become a co-regulatory approach by obtaining back-up governmental support for the industry initiative. This was concretised by an agreement between the public and private sectors in late 1996 (known as “RJ/Safety Net”, the three Rs being ratings, reporting and responsibility) to promote a ratings system to enable end-users to know the kind of information being offered, in addition to a reporting system where there are alleged violations, and the promotion of responsibility of the wrongdoer at least by means of peer pressure for redress of grievances.

An interesting idea to be explored for the future is to invite credit card companies to adopt a Charter against child sexual exploitation and to concretise contractual terms to prevent the use of credit cards to pay for services on the Internet related to child pornography. In addition, one may voice the need for ISP and users of the Internet to evolve contracts which would incorporate terms against their involvement in the provision or transmission of child pornography. More focus should also be paid to the criminal responsibility of the content providers of child pornography.

8. Non-governmental organisations and the civil society are increasingly recognised as having a key role to play in monitoring against child pornography on the Internet and helping to promote law enforcement.. This is exemplified by the establishment of the Internet Watch Foundation (IWF) in the United Kingdom as an independent body supported by the non-governmental and business sector to receive and process complaints concerning child pornography, as well as to promote a ratings system. Upon verifying the complaints, it may ask ISP to remove the offensive items from the Internet. It may also adopt a more coercive approach by cross-referring cases to the police for

further action. Its experience in the first year of operation 1996-7, seen from its first annual report, is particularly informative:

“Actioned reports have been predominantly about child pornography (85%), with very small proportions (less than 7% each) about other matters such as financial scams, adult pornography, racism, malicious E-mails, etc.

Most reports referred to Usenet news articles (45%), followed by Web sites (39%). Only a small proportion of reported items apparently originated in the UK (6%) with most from abroad: USA - 63%, Japan - 19%, Europe - 11 %, other - 2%.

The high proportion of Usenet news articles means that effective action can usually be taken in the UK by asking ISP to remove the articles from their servers which they have consistently done. (Usenet news articles are reproduced on all the news servers carrying the relevant news groups). Thus IWF notified UK ISP of 2000 potentially illegal items which they were recommended to remove from their servers.

IWF is not a law enforcement agency, but all cases involving criminal activity (some 2200 items - the 200 odd not notified to UK ISP are generally Web sites on overseas servers) have been reported to the police through the National Criminal Intelligence Service (NCIS). NCIS forwards them to the relevant law enforcement agency, at home or overseas.”

9. Empowerment of the end-users or consumers is a necessary concomitant of good laws and law enforcement, and this is linked with their access to ratings and filtering systems. There are currently three types of filtering: “blacklisting” whereby access to listed sites is blocked; “whitelisting”

whereby some access is possible to a groups of listed sites; and “neutral labelling” whereby the sites concerned are rated or labelled while leaving it to the discretion of the user to decide how to use or not to use it.

The third type is the most widespread. In this respect, such filtering system is currently based upon software known as the Platform for Internet Selection (PICS) which enables end-users to screen the information coming in. This is an important tool to help parents block access by their children to undesirable information, including child pornography. The most widespread ratings system has been evolved in the United States under the acronym RSACi or the system of the Recreational Software Advisory Council. The classification for the ratings of the materials to be filtered under RSACi are as follows:

- nudity;
- sex;
- language;
- violence;
- personal details;
- financial commitments;
- tolerance;
- potentially harmful subjects;
- adult themes;
- context variables.

The ratings system basically invites the content providers to rate themselves - self-rate - according to the classification, and the end users would then have a choice as to whether to access or to filter the information. In a paper from the IWF on “Rating and Filtering Internet Content :A United Kingdom Perspective”, the IWF advocates a number of criteria for the ratings system including user friendliness, provider friendliness and quality control. On

provider friendliness and quality control, the IWF has this advice for the self-rating system:

“IWF is fully committed to the principle of voluntary rating by content providers. It is important to maximise their incentives to rate their sites. Again, a global approach is key to this - it increases the audience reached through a single rating label. Our aim must be to generate a “virtuous circle”. The more users filtering will encourage more providers to rate, making it more attractive to use filtering and so on...

One disadvantage of voluntary self-rating is that the quality of rating is out of direct control of the organisation(s) specifying the system. An element of quality control and “policing” is required to maintain the standards and the credibility of the system. How this ‘Will is exercised will depend on the scope of the system implemented - national or international - but there needs to be consideration of:

- The use of internationally registered logo to franchise rated sites, which can be withdrawn from non-complaint sites;
- A Web crawler approach to vetting sites which display the logo;
- A complaint “hotline” for users to report mis-rated sites. This could be operated by the hotlines already established to report illegal material, such as that of IWF”

For the future, there is a need to integrate the ratings and filtering system automatically into all software and disseminate to end-users, especially parents and school teachers, the know-how to block children’s access to offensive material, including child pornography. The ratings system may also have to be adapted to be more culture-specific.

On another front, there is heated debate raging as regards those who upload and /or download child pornography or other sensitive matters by using secret codes for scrambling the transmission of the information, namely “encryption”. While “soft” (easy) encryption is relatively easily found, “hard” (complex) encryption is at times objectionable because it may be a way of circumventing the law. US law has sought to prevent the export of certain types of encryption and has promoted the idea of “key recovery” or “key escrow” whereby the encrypter would be obliged to build into the system a key to enable law enforcers to have access and “decrypt”. This could be done by the user holding his/her own key (“self-escrow”) or it could be left with a trusted third party. The civil liberties lobby is against the escrow system for fear of encroachments upon rights and freedoms and argue that those with illicit motives and groups would, in any case, bypass such system and it would be the innocent “others” who would suffer the consequences of overlegislation.

10. Promotion of law enforcement is essential and this is interlinked with cooperation at the national and international levels. As already noted, child pornography is generally illegal in all parts of the world, but law enforcement remains a pervasive challenge. In several countries, children’s issues are still low priority when compared with others such as drug-trafficking. The quality of the law enforcers also varies markedly, at times affected by corruption. This is hampered by resource constraints and inadequate technological capacity to counter child pornography. Interestingly, at a recent Nordic Seminar concerning child pornography on the Internet, the police themselves and other participants identified the problems they face in trying to curb child pornography laws as follows:

- how to identify suspected paedophiles;
- the use of anonymous remailers;
- the digital production of photos and video;
- the increasing use of encryption software;. . . .
- (how to) systematically search the Internet;
- (how to) develop a joint hearing of child pornography cases;
- (how to) define what kind of methods the police are allowed to use;
- (how to) share information between net operators and police officers;
- faster handover of crucial information from net operators to police officers;
- (how to) identify the children in the confiscated material;
- (how to) identify the perpetrators and their networks;
- (how to) increase cooperation within the Nordic countries;....
- low consciousness about the problem in society;
- the global extent of the Internet and the possibility to move child pornographic material easily around the world;
- the fast development of technology with decreasing prices;
- poor contacts and communication between actors;
- not clear who is responsible for the child pornographic material on the Internet, content providers or net operator/ host provider;
- the lack of adequate routines for the police and the courts;
- the lack of harmonisation of the legislation in different countries;
- the lack of an international treaty or regulation in the field.”

Many of these challenges depend upon the components voiced above by this study, such as more self-regulation from the industry and more participation from non-governmental organisations and the civil society as watchdogs to help the police. They also depend

upon more cooperation among the police themselves, the raising of the profile of children's concerns as a high priority area among the police, the designation of special units to deal with the issue, and resource generation and allocation.

Precisely because many of the cases reach beyond the national boundaries of a State, inter-State cooperation is necessary to track the culprits. This may entail informal links such as exchange of personnel, such as police liaison officers, and information flow, or more formal links such as treaties. The latter may include mutual assistance agreements by means of evidence sharing and other assistance, and/or extradition of the accused to face trial in another country. Concomitantly, extra-territorial criminal laws are also useful when the alleged wrongdoer escapes from the destination country and returns to his/her country of origin.

In this respect, it should be noted that Interpol has a key role to play in mobilising the police and related law enforcers globally to cooperate more effectively against the phenomenon of child sexual.

The developments concerning the various laws and practices noted above call for various guidelines as best practices against child pornography on the Internet. The following are submitted as key components of such practices:

1. Targeted Regulation. There is a need for laws and policies targeted against the practice of child pornography; the latter needs to be criminalised. The prohibitions should cover the production, distribution and possession of child pornography, including pseudo-pornography. However, to what extent the IPS should be criminally responsible under the law is still open to debate. The trend in some countries would suggest that they may be liable where they are closely

linked with the offensive content and where they intentionally or negligently provide it to end-users.

2. Self-regulation. The Internet industry, including IPS, should be encouraged to adopt self-regulation measures by means of Codes of Conduct, coupled with a complaints mechanism accessible to the public, a review process in relation to alleged transgressions, and peer pressure for reform. Self-regulation may be expanded to interlink with cooperation from the State in the form of co-regulation, such as activities backed by both the industry and the State. It should be respectful of due process of law. More emphasis should also be placed on the responsibility of content providers and their need to self-regulate and become more transparent and accountable.
3. Child-rights Integration. Child rights should be integrated and mainstreamed into national laws, policies and programmes. Concomitantly, the issue of child pornography should be integrated into the work of all concerned organisations and personnel, including the police, judges and welfare workers. In this regard, one should not underestimate the need for multi-disciplinary teams, such as those comprised of law enforcers, psychologists/ counsellors, welfare workers and doctors, to address the needs of victimised children.
4. Ratings/Certification. The use of the ratings system to indicate the nature of the information should be expanded as a means of certifying to the user the content at hand, although ultimately the choice of its utilisation remains with the user. In this respect, the possibility of reviewing those who self-rate in a misleading manner should be maximised. The availability of third-party ratings and / or

ratings from the end-users may be explored, as it may provide more room for objectivity than self-rating.

5. Child-responsive Innovation. Innovations on the part of technology may be used to counter the darker side of technology. A key example is the filtering system which can be applied voluntarily by the end-users to screen the information coming in. This needs to be readily available and made known extensively to the public. Importantly, it can help to prevent children as end-users from having access to offensive materials, including child pornography. Other methods of blocking child pornography, even on an automatic basis, may be developed in future.
6. Harmonisation. This opens up avenues for harmonising laws and policies between different countries. This is already happening on many fronts in Europe. For the future, one may also explore the possibility of harmonising self-regulation measures in relation to the industry; as well as the common standards (inter-operable) for ratings and filtering.
7. Broad-based Mobilisation. Clearly, laws and policies are inadequate unless a broad range of actors is mobilised against child pornography. The business sector, especially the ISP, is crucial partner. The roles of parents, teachers and the children themselves are also essential to help prevent abuses. All of them depend on access to information and education to be computer-literate and to be able to use that know-how to protect children from abuse. They can be coupled with pro-active measures such as contractual terms obliging Internet users, content and service providers to promise not to convey child

pornography, and refusal of credit card companies to deal with child pornography channels.

From the standpoint of the technology industry, there is equally the need for a broader alliance between hardware and software producers, the IPS, content servers, end-users and the “technicians” of the Internet to integrate methods of abuse prevention into their domain. This can be strengthened by the automatic provision of ratings and filtering technology in computer systems.

8. Access Extension. This entails, in particular, the need to render facilities more accessible to’ people who suspect that child pornography is taking place or is being disseminated. A key example is the setting up of hotlines to receive complaints and of emergency homes and mobile facilities for child victims. The need to network between these hotlines and other facilities in different countries is essential in view of the fact that information on the Internet revolves rapidly from one emission or transmission point to another part of the world and may cause multiple infringements.
9. Remediation. Once the exploitation takes place, there is the call for effective remedies. On the one hand, this may imply peer pressure under the self-regulation mentioned. This may be coupled with a review” mechanism, either provided by the industry or an independent mechanism. On the other hand, it may mean targeted legislation and court sanctions if the case goes to court.

One caveat is that sanctions in the form of fines and imprisonment for the child exploiter may not be adequate, and in some countries, there is a tendency among some courts to impose fines rather than prison sentences due to the courts’ impression

that child pornography is not a very serious crime. The offender may also need psychological treatment. After his/her release, there should be ways of monitoring his/her behaviour to prevent recidivism.

Another caveat is that procedures concerning the child victim need to be much more sensitive to the child victim and his/her traumas. A key consideration is that he/she should not be re-victimised by the court process, and that alternative facilities, such as videotape of his/her evidence, should be used to prevent the multiple questioning in the courts which may re-traumatise the child.

10. Evaluation. An evaluation process needs to be instituted to collect data and to use them constructively for reform; such data should be disaggregated to reflect gender, age, origin etc. The data should cover not only the exploited children but also their exploiters, and these should propel more child-and-gender sensitive laws, policies and programmes. In this connection, the presence of centres for missing and/or exploited children is welcome. In various countries, they have a very constructive role in not only tracing missing and/or exploited children but also in compiling data to promote appraisal of the implementation of laws, policies and programmes, and recommend improvements.

These are ten key amendments, if not commandments, as the Internet approaches the new millennium. There is a basic truth underlying all of them. Behind that seemingly unstoppable march to technologies, there is the long and winding road to humanise.

Proposed Law Reform for The Better Protection of Children from Sexual Abuse And Exploitation

Lalani S. Perera

The Penal Code (Amendment) Bill which is presently before Parliament for approval will introduce several provisions which will further strengthen the reforms introduced in 1995 and 1998 to the Penal Code to protect children from sexual offences. The following are the amendments sought to be introduced by the Bill;

- At present there is no legal requirement for computer service providers, such as those providing services through cyber cafes to report to the police, instances of computers in their establishments being used to commit sexual abuse of children. Such instances are on the increase. The amendments therefore seek to require persons who provide services by means of a computer:
 - to take all reasonable steps to prevent the sexual abuse of children through the use of such services; and
 - to inform the police of such abusive use where the service provider becomes aware of such instances.

Failure to do so will attract a term of imprisonment which may extend up to two years.

- Hotels and such other premises are often used for activities relating to the sexual abuse of children. The law at present does not require those in charge of such premises to inform the police of these incidents on suspecting that such incidents are taking place. Imposing a legal obligation on those in

charge of such premises will contribute towards the prevention of those activities.

The amendments will impose an obligation on persons who have the charge, control or possession of any premises and who become aware that such premises are being used for sexual abuse of children to inform the police of such fact.

Failure to do so attracts a jail term up to two years.

- In 1995 “trafficking in persons” was recognized as a criminal offence by an amendment to section 360 of the Penal Code. However, the definition of trafficking in that section is not adequate to give effect to Sri Lanka’s obligations arising consequent to Sri Lanka becoming a signatory to the UN Convention against Transnational Organized Crime (200 I) and the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. Trafficking in women and children take place mostly for sexual offences, such as commercial sexual exploitation. The proposed amendments will re-define the offence of trafficking to enable the law to be implemented more effectively.
- Soliciting children for sexual abuse is not an offence under our law at present. It is reported that children are increasingly solicited for sexual abuse by various means, including *via* the internet. In the absence of legal provision the perpetrators cannot be prosecuted. The proposed amendments will recognize soliciting of children for sexual abuse as an offence. The penalty prescribed for the offence is a jail term which may extend up to ten years.

- Soliciting *any person, believing such person to be a child* will also be an offence. This is necessary since there is the need to nab the perpetrators by using adult decoys. Where such decoys are used to identify perpetrators, it is not possible to prosecute the perpetrators since the solicitation is not in respect of a child. The amendments seek to cover also situations where a decoy is used.

A jail term which may extend to ten years is prescribed for this offence.

- There is no provision in our law for Sri Lankan courts to exercise extra-territorial jurisdiction. When a Sri Lankan commits a crime overseas and returns to Sri Lanka, the foreign country calls upon Sri Lanka either to extradite the offender or to prosecute him in Sri Lanka. However, where there is no extradition treaty with the relevant country, it is not possible to extradite the offender; nor can Sri Lanka prosecute him in the absence of legislation which vests-but courts with extra territorial jurisdiction.

The amendments will vest extra-territorial jurisdiction on Sri Lankan courts in respect of offences committed outside Sri Lanka by nationals of Sri Lanka. Although not limited to child sexual abuse offences, this amendment will contribute towards the more meaningful enforcement of the law relating to such offences.

Arresting CSEC Law Reform to Combat Child Abuse - The Past, The Present and The Future

Lalani S.Perera

In and after 1995, after a lapse of over 100 years since the introduction of the Penal Code in 1883, several legislative interventions have been made to combat child abuse. These interventions have been twofold - amendments to existing laws and the introduction of new laws; and the law reform process continues to address new challenges.

For the first time a definition of “child abuse” was recognized in the National Child Protection Authority Act, No. 50 of 1988. According to that definition “child abuse” means:

- All acts of sexual violence against children
- Cruelty to Children
- Use of children in obscene publications
- Use of children in exploitative labour
- Use of children to traffic in illicit drugs
- Use of children to beg
- Use of children as procurers for sexual intercourse
- Acts contrary to compulsory education regulations
- Involvement of children in armed conflict which is likely to endanger the child’s life or is likely to harm such child physically and emotionally

A child is defined as a person under the age of 18 years.

The law reform initiatives are briefly explained below.

Central Mechanism to Strengthen Protection of Children From Abuse

Enactment of the National Child Protection Authority Act in 1998

The main objective of the Act was to establish a National Child Protection Authority (NCPA) as a central coordinating authority between the Government and non-governmental institutions concerned with child care, in their activities against child abuse, that is investigative, prosecution, court, custodial and rehabilitation processes.

The function of the NCPA are:

- Advisory
- Monitoring
- Awareness creating
- Consultation with relevant central and provincial agencies
- Maintenance of a data base
- Conduct of research
- Securing Safety and protection of children involved in criminal proceedings.
- Liasing with foreign governments and international organizations to detect and prevent child abuse.

The members of the NCPA are appointed by the President to disciplines of psychiatry, paediatrics, psychology, forensic science, law, child welfare, prosecution, police and other related fields. In addition, there are three ex- officio members, viz, the Commissioner of Probation and Child Care Services, the Commissioner-General of Labour and the Chairman of the Monitoring Committee appointed under the Sri Lanka Children's Charter, The NCPA is assisted by a Panel of Officials representing the Ministries of Justice, Education, Defence, Health, Social Service, Provincial Councils, Women's Affairs, Labour, Media and Tourism.

The NCPA is vested with the power to inspect and search premises and also seize articles in the course of its investigations.

Criminal Laws

Amendments to the panel Code in 1995 and 1998

- Created new offences
- Enhanced penalties
- Recognized concept of “mandatory minimum jail terms”, i.e. a jail term not less than the specified term.
- Raised age of statutory rape to 16 years (from 12 years)

The position relating to offences and penalties prior to and after 1995 is indicated in the table below.

PRE 1995		POST 1995	
Offence	Penalty	Offence	Penalty
Statutory rape (i.e. where victim is under 12 years)	Jail term up to 20 years	Statutory rape (i.e. where victim is under 16 years)	Jail term not less than 10 years + fine + compensation
Procuration	Jail term up to 2 years	Procuration	Jail term not less than two years
Unnatural Offence	Jail term up to 10 years	Unnatural Offence where victim is under 16 and offender is over 18 years	Jail term not less than 10 years + fine + compensation
Gross indecency	Jail term up to 2 years	Gross indecency where victim is under 16 and offender is over 18 years	Jail term not less than 10 years + fine + compensation
		Rape of girl under 18 years	Jail term not less than 10 years + fine + compensation

PRE 1995		POST 1995	
Offence	Penalty	Offence	Penalty
		Use of children in obscene publications	Jail term not less than 2 years
		Cruelty to children	Jail term not less than 2 years
		Sexual harassment	Jail term up to 5 years
		Sexual exploitation of children	Jail term not less than 5 years
		Trafficking in children	Jail term not less than 5 years
		Incest	Jail term not less than 7 years
		Statutory rape which is also incest	Jail term not less than 15 years + fine + compensation
		Grave sexual abuse where victim is under 18 years	Jail term of 10 years + fine + compensation
		Publication of matter relating to sexual offences	Jail term up to 2 years
		Use of children for begging	Jail term up to 5 years
		Use of children as procurers for sexual intercourse	Jail term not less than 2 years
		Use of children for trafficking in illicit drugs	Jail term not less than 5 years
		Failure by developers of films/ photographs to inform the police Of indecent / obscene material of children received for developing	Jail term up to 2 years

It may be noted that where there is no reference in the above Table to a mandatory fine or compensation, the court yet has the discretion to impose a fine or award compensation.

Amendment to the Judicature Act 1998

- Dispensed with the requirement of a non-summary inquiry in the case of statutory rape thus enabling the filing of direct indictment in the High Court. Non summary inquiries often become lengthy proceedings prior to the High Court hearing the case thus twice exposing young victims to much trauma.

Amendments to the Code of Criminal Procedure in 1995, 1997 and 1998

- Empowered the High Court to hear all child abuse cases carrying mandatory minimum jail terms, the objective of which was to enable a higher court to try accused in view of the seriousness of the offence.
- Prohibited imposition of suspended sentences of imprisonment where offences are punishable with mandatory minimum jail terms.
- Empowered Magistrates to order detention of persons arrested without a warrant for child abuse in police custody for a period not exceeding 72 hours (as against 24 hours in other cases) for purposes of facilitating investigations.
- Required the giving of priority to child abuse cases.

Amendment to Evidence Ordinance in 1999

- Provided for reception of video-taped evidence by a court, of the preliminary interview of a child victim or witness with a view to reducing the trauma of a victim having to repeat the incident of abuse at the trial.
- However, it is a requirement that the victim should be available for cross-examination.
- Enable the age indicated in a doctor's certificate to be received as *prima facie* proof where a certificate, especially where the age of the victim is a material factor, such as in the case of statutory rape and child labour.

Flaws in The Child Protection Legal Code And The Need for Review

Kalyananda Tiranagama

Since 1995 the Government of Sri Lanka has taken several legislative measures with a view to create a Child Protection Legal Code. This Legal Code consists of the following enactments:

- a. The Penal Code (Amendment) Act No. 22 of 1995
- b. The Penal Code (Amendment) Act No. 29 of 1998
- c. The Code of Criminal Procedure (Amendment) Act No. 19 of 1997
- d. The Code of Criminal Procedure (Amendment) Act No. 28 of 1998
- e. The Evidence (Special Provisions) Act No. 32 of 1999
- f. The Employment of Women, Young Persons and Children (Amendment) Act No. 80 of 2003.

The **Penal Code (Amendment) Act No. 22 of 1995** has brought about several significant changes in the law relating to child abuse. It:-

- a. Created several new offences which were not there earlier:-
 - i. Grave sexual abuse; ii. Sexual harassment; iii. Sexual Exploitation of children; iv. Incest; v. Trafficking; vi. Cruelty to children; and vii. Using Children for obscene exhibitions, shows and photographs.
- b. Enhanced the penalties for existing offences.
- c. Laid down mandatory jail sentences for these offences.

The **1998 Amendment to the Penal Code** created 3 more new offences intended to protect children from abusive or

exploitative employment: i. Causing or procuring children to beg; ii. Hiring or employing children to act as procurers for sexual intercourse; iii. Hiring or employing children to traffic in drugs.

The **Criminal Procedure Code Amendment of 1997** brought about two significant changes in relation to procedure in child abuse cases. It:- a) Laid down minimum mandatory jail sentences in all child abuse cases; b) Made all child abuse cases indictable offences with exclusive jurisdiction given to the High Court.

The **Criminal Procedure Code Amendment of 1998** brought about further changes in procedure in relation to child abuse cases. It:- a) Gave a new definition of ‘child abuse’; b) Made provision for detention of persons suspected or accused of child abuse in Police custody for investigation purposes for a period not exceeding three days; c) Gave a new definition of ‘place of safety’ to include a remand home or hospital or any institution for care and custody; d) Enabled a Court to make order keeping a child who is a victim of abuse in a place of safety for care and protection; and e) Required a Court to give priority to trials and appeals in child abuse cases. All these are significant improvements in procedure in child abuse cases.

The **Evidence (Special Provisions) Act “No. 32 of 1999** made some changes in the law of evidence applicable to child abuse cases: a) Where a child is not able to understand the nature of an oath or affirmation, the Court may permit a child to testify without taking’ an oath or making an affirmation; b) Court can make an opinion as to the age of a child on a statement in a probable age certificate issued by a Medical Practitioner; c) A video recorded interview with a child may be given in evidence in a child abuse case where the child is available for cross-examination; d) Where the child’s evidence given in court contradicts any statement made in his video recorded interview, the Court may act upon, the video recorded statement.

The Employment of Women, Young Persons and Children (Amendment) Act No. 8 of 2003 imposed a total prohibition on the employment of children under 14 years of age. Earlier the age limit for employment was 12 years. It also enhanced the penalties for employment of children in contravention of the law. Earlier the penalty was a jail sentence upto six months or a fine of Rs. 1500. Now the penalty is imprisonment for a period not exceeding one year or a fine not exceeding Rs. 10,000.

All these are positive developments intended to and having the effect of protecting children. They were enacted with a view to give effect to Sri Lanka's obligations under the Convention of the Rights of the Child.

One of the main objectives of the enactment of the 1995 Penal Code Amendment was to bring down the relatively high incidence of sexual abuse of women and children prevailing then, by enabling Courts to impose deterrent punishment on persons found guilty of sexual offences. Since the enactment of these new provisions of law in 1995, the law enforcement authorities and the judiciary have taken a very strict view of sexual offences against women and children. Courts have never hesitated to impose deterrent penalties running into 10 - 15 years of rigorous imprisonment on accused found guilty of these offences. Wide publicity was given to these penalties by the media both electronic and print.

Despite the heavy penalties imposed, contrary to the expectations of those who took the initiatives in enacting these laws, there was no decrease in the number of sexual offences against women and children. On the contrary, as shown by the following statistics available with the Police Department, there has been a continuous increase in the number of sexual offences against children.

Complaints of Sexual Offences against Children received by the Police

Offence	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Rape	155	168	308	385	609	668	685	714	753	930
Other Sexual Offences (Grave Sex. Abuse gross indecency, Incest)	50	204	113	187	423	586	419	484	579	515
Sex. Harassment	24	130	193	259	219	329	462	466	512	654

These statistics clearly establishes that the new child protection laws have failed to achieve the desired effect. There are many factors that have contributed to this situation.

From the time these laws were enacted, certain flaws, weaknesses and areas that created problems in the implementation could be discernible in them. This happened for several reasons. Though a technical committee and a few academics / experts have studied and formulated them, there was no adequate public discussion of these laws prior to their enactment. The Parliamentarians who enacted these laws do not appear to have made an in-depth study of these laws or subjected them to adequate discussion and debate in Parliament. Local/practical realities and customs and traditions of the people of the country have not been taken into consideration.. Despite the glaring flaws and weaknesses in the law and procedure, despite the fact that these flaws and weaknesses have been repeatedly pointed out, the authorities have not taken steps to rectify them by necessary amendments.

The following are some of the flaws, weaknesses and problem areas in child protection legal code categorized under different heads:

a. Lacunae in law

i. Exposure of Children to Obscene Publications

One main contributory factor for the continuing high incidence of sexual offences against women and children is proliferation of obscene publications depicting incidents of sexual relations with children and easy access of children to such publications. Though the Penal Code made it an offence to use or employ children in obscene exhibitions, shows or photographs, still there is no law to deal with exposure of children to obscene publications or publication that have effect of promoting child abuse. There is an urgent need for such legislation.

ii. Trafficking of Women and Children for Prostitution and Exploitative Labour

Trafficking of children for sexual exploitation and exploitative employment is increasingly becoming a serious problem in Sri Lanka. There is no provision in the Penal Code to deal with the problem. S. 360 C of the Penal Code titled 'Trafficking' is not intended to deal with trafficking as such, but to deal with illegal adoptions. The definition of trafficking in the Section is not adequate to cover all aspects of the offence of trafficking as defined in the UN Protocol dealing with Trafficking. This is an area that remains to be addressed with suitable legislation.

iii. Deliberate Use of Children for Begging

Using children as exhibits for soliciting alms is a common

occurrence in Sri Lanka. There are organized gangs using children for soliciting alms. Sometimes they go to the extent of maiming or disfiguring children for this purpose. Newly enacted S. 288 of the Penal Code is not wide enough to cover this act. Maiming or disfiguring children for using in begging and deliberate use of children for begging need to be made an offence punishable with deterrent punishment.

b. Flaws, Weaknesses and Confusions in Existing Law

i. Serious Mistake in the Definition of Incest

There is a serious *mistake* made in the definition of 'Incest' due to the Use of the words 'deceased' and 'widow' in the definition of incest in the last clauses of S. 364A (b) and (c). *A person having sexual intercourse with another person commits the offence of incest, where the female... is his son's or grandson's or father's or grandfather's **widow** or where the male ... is her **deceased** daughter's or granddaughter's or mother's or grandmother's husband.* This will lead to absurd consequences. Though ten years have elapsed since the enactment of this provision still it has not been rectified.

ii. Lack of Definition of Certain Offences leading to Confusion and Injustice

The Penal Code has not defined the offences of unnatural offence (S. 365) and gross indecency (S. 365 A). It has defined the offence of grave *sexual* abuse (S. 365 B) only. The same sexual act may come within any of these sections. The victim, the offender or the law enforcement authorities are not sure as to what the offence committed is. This may have a bearing on the liability of the persons involved and the penalty imposed. For instance when a person is charged for committing an act of gross indecency both persons involved in the act are liable to be charged. When a person is charged for committing grave sexual abuse only one person is charged

and other person is considered as the victim. The penalties will also vary accordingly.

iii. Age of Marriage and Age of Consent for Sexual Conduct

In Sri Lanka almost for two centuries age of marriage for *girls* remained 14 years and any girl could enter into a valid marriage at the age of 14 years with parental consent. Without much public awareness, in 1995, the age of marriage was increased to 18 years for both males and females. Age of consenting to sex was fixed at 16 years of age: These changes in law were brought about with the objective of preventing *child* marriages and child pregnancies. Contrary to the expectation of framers of these laws, this has resulted in many harmful social consequences. This has resulted in a high increase in the number of statutory rape cases and young men who marry girls between 14 - 16 years being sent to jail and branded as rapists. Young girls between 16 - 18 years of age can engage in sex, but cannot get married. This has resulted in marriages being registered giving false age, births of a large number of illegitimate children, young girls being deserted and ended up in brothels. To overcome this *problem* the law needs to be amended either by increasing the age of consent to sex to 18 years or by bringing down the age of marriage to 16 years.

iv. Minimum Mandatory Jail Sentences resulting in Injustice / Same Penalty for Graver and Lesser Offences

Judicial discretion has been completely taken away in most of the child abuse cases. Same penalty has been laid down for different kinds of sexual offences against children. Penalty is same for rape which is a more serious offence

and for grave sexual abuse which is comparatively *less* serious offence than rape. A court cannot take into consideration any mitigatory circumstances in imposing sentence. This will result in injustice and is not conducive for proper enforcement of the law. This needs to be rectified.

v. Employment of Under-aged Children not a Labour Offence

Employment of children under 14 years of age is still remains a labour offence punishable under the Employment of Women, Young Persons and Children Act for which action can be filed without the written sanction of the Commissioner of Labour. It is not a question of non-compliance with labour regulations. For the purpose of more effective enforcement, employment of children below the minimum age should be made a criminal offence, directly enforceable by the Police.

c. Problems in Procedure and Evidence

i. All Child Abuses Cases to be made Cognizable Offences

As the legislature has failed to make the 3 serious offences of Procuration (S. 360 A), Sexual Exploitation of Children (S. 360 B) and Trafficking (S.360 C) cognizable offences, the Police cannot raid a place where these offences are committed or arrest a person who commits these offences without a warrant issued by a Court. These 3 offences should be made cognizable offences enabling the Police to promptly enforce the law.

ii. Sexual Harassment to be included within the Definition of Child Abuse

As the above Chart has shown there are a large number of complaints of sexual harassment received by the Police. Sexual harassment can be equally harmful to and abusive of a child as any other sexual offence committed against a child. Sexual harassment has not been included in the definition of 'child abuse' introduced by Criminal Procedure Amendment Act No. 28 of 1998. This needs to be rectified by inclusion of sexual harassment within the definition of 'child abuse'.

iii. Non-Summary Inquiries in Child Rape Cases

Still non-summary inquiries are conducted in child rape cases where the victims belong to the age group of 16 - 18 years of age. Non-summary inquiries result only in prolonging the trials, subjecting the victims to further harassment by making them to face cross-examination twice, incurring additional costs and loss of interest in the case. There is no logic or justification for conducting non-summary inquiries in rape cases only when no non-summary inquiries are conducted in respect of other kinds of child sexual abuse cases. Non-summary inquiries should be abolished in all rape cases.

iv. Video Recorded Statements of Children as Evidence in Child Abuse Cases

The Evidence (Special Provisions) Act No. 32 of 1999 which enabled video recorded statements of children to be led in evidence in child abuse cases will not serve the intended objective of protecting abused children from secondary victimization in the judicial process because these statements can be led in evidence only where the child is

available for cross-examination. It is in the cross examination that the children are mostly subjected to secondary victimization. If this objective is to be achieved video recorded statements should be made admissible without making children subjecting to cross- examination.

These are some of the main flaws, weaknesses and problem areas in child protection legal code in Sri Lanka. In addition there are other issues like speedy trials in child abuse cases concluded within a definite time frame, legal representation and legal support to children in the judicial process and the problem of institutionalization of children remain to be addressed.

Legal Monitoring of Child Sex Abuse Cases In The Courts - A Unique P.E.A.C.E. Programme

Maureen Seneviratne

The legal monitoring intervention of P.E.A.C.E. began in the days before the Amendments to the Penal Code were passed in Parliament and the child was still regarded as a guilty party in a Case. It now continues as a measure P.E.A.C.E. has taken in watching the best interests of the victim-child, in the Courts and out.

It is also an advocacy programme to lobby government agencies for: improved services; law enforcement authorities to deal with the Cases quickly (rather than to traumatize the victims further): the police to pay attention, investigate, arrest child abusers and do their work in this area of crime with responsibility; and for the Attorney General's Department to conduct the Prosecution efficiently with a view to getting a severe sentence for the abuser.

What is the P.E.A.C.E. role?

Cases are brought to the notice of P.E.A.C.E. which is now very well known in the country as a "voice" in combating CSEC. About 6 -10 Cases where gross sexual abuse /rape/interest has taken place are the ones selected for monitoring. Contact is established with victim, victim's family or what there is of it, teachers, those in the area etc. according to P.E.A.C.E. resources.

•A brief but pithy report is prepared by the volunteer(s) who attend Court (and are permitted by the Magistrate or High Court Judge to remain in the Court when it is cleared) to befriend the

child - victim. It is a basic report on proceedings with definitive comments on procedures etc., and also has information about the victim, the attitudes of police and also anything “picked up” off the record. These have been extremely well received and P.E.A.C.E. had been often told how “useful”, “helpful”, “up-to-date” they are by Justice Ministry Officials, Police Desks (Bureau to Protect Children) in Colombo and other towns where cases are heard. P.E.A.C.E. has now an excellent data base of Case reports / studies.

- Legal aid is provided even though the Prosecution is conducted by the Attorney General’s department (after a brief preliminary Inquiry in the Lower Courts all these cases are now transferred to the High Courts).

- Counselling for trauma of victim and the victim’s family is provided where possible (some families resent an outsider getting involved but some P.E.A.C.E. volunteers are trained in counseling). The main (and much appreciated) role of P.E.A.C.E. is befriending, showing solidarity, with the victim-child and his/her family. Cases can go on for years as cases drag on, even in High Courts, for years.

- The child / family is regularly visited, encouraged to visit P.E.A.C.E. office, warm friendships are forged, the victims are helped to continue schooling, some monetary assistance (also clothes, books, food) is offered for those child-victims and their families as society (neighbours, relatives) is harsh with them and rarely helps.

- Constant, unending lobbying is done to speed up the Case - with Police, Attorney General’s department, witnesses etc. being kept in constant touch with the proceedings etc.

After every hearing which our volunteers attend, reports of Case proceedings are prepared and sent to the following:-

- 1) Attorney General (with whom P.E.A.C.E. has a very good rapport;
- 2) Police Child Protection Bureau (Director)
- 3) Ministry of Justice (Secretary and Senior Assistant Secretary)
- 4) Relevant Embassy or High Commission if abuser is a foreign paedophile;
- 5) Ministry of Social Affairs (Secretary)
- 6) Department of Probation & Child Care;
- 7) UNICEF;
- 8) Donor Agency (if applicable)

Reports also go to the Media who are also encouraged to attend Courts hearings and give publicity (though victims' names cannot be published).

This work is considered of great importance and results have proved this in the landmark sentences given in Cases of gross abuse that have been monitored.

Contact is maintained with the victim even after the Case is completed (some Cases of course are appealed by the convicted abuser), as it takes time (perhaps never) for the child-victim to fit into society again.

It was this area of work of P.E.A.C.E. which led to its being invited by H.E. the President to participate in discussion to form a National Authority to protect children. The present NCPA was heralded by the Presidential Task Force of which P.E.A.C.E. was a member (1996 - 1999), myself nominated by H.E. to serve on it. Later after the NCPA was established by Act of Parliament

(1999) H.E. nominated me (as Chairperson of P.E.A.C.E) to serve as a Board Member (re-appointed in 2002).

Legal monitoring by P.E.A.C.E keeps the Authorities alerted to the situation on the ground, an effective way to ensuring the best interests of victim-children in the Courts.

Legal Monitoring

Child Victims in the Courts

NATIONALITY	DATE OF ARREST & PLACE	CASE NO	
French	22/01/94	Kalutara	BR 82524
British		Negombo	
Canadian	18/07/94	Negombo	MC 76891
Swiss	12/01/95	Kesbewa	BR 77967
Swiss	12/01/95	Kesbewa	BR 77968
Swiss		Matara	BR 12159
Sri Lankan	26/02/95	Akmemana	
Sri Lankan		Akmemana	1880 HC
Belgium	07/09/96	Matara	He. 126/96
Swiss	19/10/97	Ambalangoda	B 1835
Sri Lankan	27/11/97	Kalutara	MC 82524
Italian	02/02/98	Negombo	B 293.
Sri Lankan	20/08/98	Marawela	MC4158/5
Italian	05/10/98	Negombo	B 293/98
German	18/02/99	Negombo	BR 48239.
Norwegian	19/04/99	Negombo	23299 He.
Sri Lankan	24/10/99	Colombo	HC 225/99/226/99
Swedish	29/04/99	Negombo	23199
Sri Lankan	27/07/99	Galle	HC 1878
Sri Lankan	27/07/99	Galle	HC 1879
Sri Lankan	01/10/99	Galle	MC 35994
Sri Lankan	17/11/99	Galle	MC 36/593
German	08/05/2000	Mt/Lavinia	BR.5617
German	18/08/2000	Tangalle	BR 21600 TO
German	05/11/2000	Negombo	BR 3469
Sri Lankan	21/12/2002	Galle	MC 56969
Sri Lankan	06/01/2005	Matara	154 HC
Sri Lankan	05/05/2005	Gampaha	B 1592
Sri Lankan	26/05/2005	Akmemana	HC 1909
British	14/09/2005	Negombo	B 6048/01/05
Sri Lankan	10/10/2005	Moratuwa	B 73344/05

The above are some cases monitored or which are being monitored by P.E.A.C.E

Education: The Key to human dignity: Emphasis on Non-Formal education for School Dropouts and Children at risk of CSEC

M.S. Jayasuriya , B.A. (Ceylon) Post Graduate Diploma- in- Education

Every culture has its own distinctive conventions regarding what should be learned and how learning should take place. These conventions form a largely unquestioned base to the cultures system of primary, secondary and tertiary education. On the whole any education system should cover the main areas of imparting knowledge, individual development, personality development, enable a person to gain experience, social development and sociability development. Education can be given formally or non-formally. The term 'Formal' learning in the article refers to all learning which takes place in the class room, irrespective of whether such learning is informed by conservative or progressive ideologies. 'Non-Formal Learning' on the other hand, is used to refer to learning which takes place outside the class room.

Today education is no longer thought of as an ornament inherited by the elite section of society but as a human right to all citizens, i.e. mass education concept is now adopted. In the background education is considered an investment and therefore development of education through democratic processes is now attempted.

Through this is the desired background to impart knowledge, in reaching this goal Sri Lanka faces many problems which can be classified as:-

- Democratization
- Marginalization
- Gender issues
- National harmony
- Qualitization
- Globalization

Against this background though education is considered the key to human dignity as well as a human right, the question that arises is can an underdeveloped country like Sri Lanka provide holistic learning to the masses without economic development. Yet, inspite of the problems thus faced, it is the duty of every government to do its utmost to provide equal educational opportunities for all, so that they could develop self-confidence and live in dignity. To achieve this education should be democratized. This would enable education to be brought with the access of every individual, irrespective of her/his gender, ethnicity, religion, cultural, social or economic background. Yet democratization has become a challenge facing education and the context of the contribution is envisaged to make towards human development 'Human development' is well defined in the following manner:

“Human development is the process of enlarging people’s choices. In principal, these choices can be infinite and can change over time. But at all levels of development, the three essential ones are for people to lead a long and healthy life, to acquire knowledge, and to have access to resources needed for a decent standard of living. If these essential choices are not available, many other opportunities remain inaccessible. But human development does not end there. Additional choices, highly valued by many people, range from political, economic and social freedom to opportunities for being creative and productive and enjoying personal self-respect and guaranteed human rights”.

Source: *Human Development Report (1995)* Oxford, Oxford University Press.

Education needs to contribute to human development and dignity, but it cannot do so unless it provides individuals, at the earliest opportunity with an education that will enable them to better understand themselves and others and thus to share in collective undertakings and in the life of society (Delors 1997) In this scenario, basic education for all becomes absolutely vital. Hence this purpose of development is the full flowering of the human being, basic education should clearly encompass all the elements of knowledge needed for ultimate access to other educational levels. Basic education should include a body of knowledge and skills that is essential for human development, environment health and nutritional education too. As education is considered the key to human dignity, as mentioned earlier democratizing education would lead to providing of equality of opportunity. The Jomties declaration speaks of education as a human right that should be as sated to all.

“Every person -child, youth and adult -shall be able to benefit from educational opportunities designed to meet their basic learning needs. These needs comprise both essential learning tools (such as literacy, oral expression, numeracy and problem-solving) and the basic learning content (such as knowledge, skills, values and attitude) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions and to continue learning”

(World Declaration on Education for All, Article 1)

As it can now be clearly seen that education provides the key to human dignity and although Sri Lanka has had a free education system loan before independence, the ratio of school dropouts

has risen dramatically over the past few decades, according to recent statistics, more than 50% of students dropout of school, even before they come up to Grade 8. Furthermore it is less than 1/5 who enter the A level classes. It is calculated that at present only 6% of the total number of students who enroll in schools at Grade t level, enter the universities. Even more dangerous is the situation where 10% - 15% of the children who are eligible to attend school, do not attend school at all.

The most important consideration, then is to identify the reasons for this and also find out how these children could be brought to the mainstream of education. Many reasons can be attributed to children not attending school and also for dropping out of school. To name a few poverty, marginalization, disability, social class, caste, ethnicity, inequalities' in the access to resources and power. Thus those who belong to the above categories suffer marginalization and exclusion which prevent them from attending school at all or dropout of school prematurely. Another feature that has been identified as a reason for children dropping out of school is that they are under achievers. This category comprises of students from disadvantaged backgrounds, who feel that school is a dull place, which in turn leads to frustration and builds up a negative mental situation that makes them dropout of school. Moreover in Sri Lanka the long drawn war and the recent Tsunami disaster have further aggravated the existing unhealthy situation.

Children affected by war fall into two categories. Those who are victims of violence and those who are conscripted into the armed groups. Not only do these children lack formal schooling but also they undergo psychological trauma which may prevent them from ever regaining mental readiness needed to get back to formal schooling. Other than this category in two other types of communities the literacy rate is lowest, i.e. the urban slums and the estate communities. The children living along the beach front

fall onto the urban slum group and are very vulnerable to sexual exploitation. Yet another group of children living in the vulnerable areas to sexual exploitation has been identified as main stream children and not dropouts. There are not irregular attenders. They do not backslide or play truant from school during school hours, furthermore even outside school hours. They attend some extra classes in difficult subjects like English or Science. So this shows that they are interested in studying outside the normal study hours. Then the question arises as to where they find time for prostitutional activities. Maybe after school or in the evening since they are main stream children, who have not gone beyond the edge. They, are definitely redeemable material. How they could be safeguarded and given education to live in human dignity will be discussed later in the article.

Another group that is denied education inspite of the Compulsory Education Act which specifically states that those in the age group of 5 years - 15 years should receive a formal education are the children engaged in child labour. In a survey conducted in the South in 1997, in some 700 urban households in the South, it has been revealed, that every household out of twelve houses has employed an underage child as a domestic aid. It is also pointed out that one in every three domestic aides were underage children (Prof. Harendra de Silva and others UNICEF Report 1997)

As stated earlier education provides a person with dignity, the need of the hour is to provide educational opportunities to groups that have been identified as marginalized and deprived of this human rights. So in the depressing scenario what we urgently require today is honest educational planning to enable these children to have access to education either formally or non-formally. This is the kind of situation that needs deep thought in conceptual and attitudinal changes in restructuring the educational system in the country, for it is through education alone that we could build up a

just equitable and a humane society. Therefore the focus of education planning in the 21st Century should not only be providing knowledge and skills but more importantly on providing value education.

If the real causes of children dropping out at a early age are absence of employment, opportunities, poor social infrastructure, high population growth, low income, regional inequality of development, it is extremely vital that not only the government but also the private sector and the NGO's have a great role to play in ushering in a just education system which would directly benefit the marginalized children living in all risk areas, which would empower them to bring out their unexplored talents and capabilities which alone would enable them to have some dignity.

Education for the Exploited

As to by which education could be imparted to children at risk of sexual exploitation and school dropouts, it is very commonly known that the schools attended by the above mentioned category of children, even in the ,reasonably well developed Western province lack adequate facilities, i.e. sports, English education, Computer literacy etc. This makes their school life dull and uneventful, which makes them doubtful of a successful future, which in turn make them lose interest totally in formal education. So, first and foremost the government should seriously change its attitude in providing facilities not only to the recognized schools which have enough facilities and where furthermore their parents too are in a position to provide those, but to those children who need facilities their schools cannot provide. So its the duty of the government to focus is attention, to develop schools, where children of low income families study and make these schools an attractive place for them and make them believe that school is a place which could provide them a path to a successful future.

In this set up the first step that a government should take is to provide competent and dedicated teachers to their schools. It is they and they alone who can help children either to make or mar their future, As such the role of the teachers is of vital importance. In our country most people think that teaching is a job that anybody can handle. Therefore teachers are recruited at different times and different ways and they are assigned to school to teach, irrespective of whether they could manage even a few children leave apart teaching. Justin Dillon and Meg Maguire (1991,5) identify teaching in the following manner.

“Teaching in contemporary schools involves building relationships with many different school students with a variety of background needs, expectations, motivations, aspirations. It is not possible to help children learn effectively unless you have some knowledge and insight into their concerns. The pastoral role of teacher is related to the widest aims of teaching. The national curriculum (in England) places a statutory responsibility upon schools to promote the spiritual, moral, cultural, mental and physical development” of the school student. This means being interested in the children, getting to know them, feeling comfortable about discussing issues relating to their “learning and perhaps advising them in certain ways. At particular times issues related to health, sexuality, substance abuse and so on, become salient in the class room, and society expects schools to address and educate round these concerns. Teachers need to know what they can do as well as what they cannot, in these contexts. And from this pastoral role comes an obvious extension - working with parents. In the current policy setting this aspect of the role of the teacher has significance for the maintenance of a healthy developing school”.

But it is regrettable to note that many of the teachers working in the less developed schools which the marginalized children attend are not fully committed to their role. So they do not get

positively involved in the life of the child. Perhaps the negative role, the parents too play in not helping the children to bring out their capabilities academically as well as non academically may be hindering the work of even enthusiastic teachers. So the marginalized children, who are also at a risk of sexual exploitation too, are to be saved. Serious consideration should be given to providing competent and dedicated teachers and also motivate them, in order to make school a lively place which would retain them in school.

Education is a life long need. In the book “Learning to Be-Educated for Today and Tomorrow”, has very specifically identified and laid down in four main principals of what education should be. They are:-

- Education towards Scientific Humanism
- For Creatively
- To build up social responsibility
- To build up a complete Man

It is against the background, that we have to consider the type of education that should be provided to children who are vulnerable to sexual exploitation and as well as to retain the children in schools till they gain recognized qualifications. From any perception, we have to provide the child a healthy background. The parents should be made aware of the dangers that the children face and should get them involved in school activities as much as possible. As the saying goes, educating a male is only educating one person but, educating a mother is educating a family. The school authorities as well as school development societies should actually try to provide the child with a healthy background where he is encouraged and motivated to do his studies.

Educational Opportunities

Today education opportunities are divided into three broad categories.

- Formal Education
- In-formal Education
- Non-formal Education

According to statistics in developing countries including Sri Lanka, only 30% of the population who are school going age, attend school. But it is a human right that all should be given educational opportunities so that they could face the future with confidence which in turn enable them to live in dignity. To meet the challenge serious thought should be given to impart education, even non formally. Here the foremost priority is to identify the needs of those who are not getting, a formal education and plan out programmes to suit their needs. Non formal education could be imparted while a student is receiving formal education too. To reach their goal, non formal flexible methods could be inculcated in the school curriculum too. A few characteristics in non formal educational methods could be identified as follows:-

- The student should be allowed to select a course of study that he desires
- It should be able to satisfy his needs
- The student should get theoretical and practical knowledge simultaneously
- Not exam or Certificate orientated
- Since the intentions are indicated it's easy to reach them
- Since they learn marketable skills, from which they can gain quickly, the interests in the programmes are also high
- Could earn while studying

- Non formal education is either compulsory or strictly definite. Therefore a student can select alternatives.
- A student has the freedom to face education at his own pace, according to his ability and necessity.
- It could be full term or part time
- The system is flexible

It is an accepted fact that, in Sri Lanka today, the school curriculum is not beneficial either to its top recipients or to the country. Graduate unemployment is a clear example of this. Yet a negligible percentage of children belonging to the upper section of society is blessed with resources to achieve their academic or professional targets. As such education which should be a social equalizer has become a social divider. So the biggest question the country faces today, is ways and means to provide education for all irrespective of their economic, ethnic or social background.

It is in this background that the private sector, religious organizations, the NGO's can take positive steps to provide education to the marginalized children by various activities. It is accepted beyond doubt a knowledge of English is extremely essential to face the job market satisfactorily. So these organizations can provide these children, opportunities to learn English free of charge, which would also keep them occupied and prevent them from getting into undesirable situations. Computer literacy is another area where the marginalized children can benefit if provided free of charge, as the two would help them in obtaining employment. As I have mentioned earlier additional charges in the whole education system too are necessary, if all the children are to benefit by education. For instance in the formal education set up, a bright child is a child who shines only in the academic set up. Others are considered either weak or backward. Even prize givings that aim to motivate children could have adverse effects on children marginalized in the class room because they do not

shine academically. This could create inferiority complexes and even go further as creating rivalries and divisions in the class room. The fact that the students may have talents in other areas such as sports, gymnastics, music, drams etc. should not be overlooked. So schools should pay genuine attention to develop these areas. An academically backward child can shine and gain confidence through their activities.

Here too the private sector, the religious organizations and the NGO's can play a positive role. It is not only State sponsorship but also the private sector sponsorship which enabled Susanthika Jayasinghe and Damayanthi Darsha to be world class athletes. Not only sports but various other forms of skills development could be given non-formally to the marginalized children which would in one way prevent them from being exploited and also develop them in confidence to face the future. Its heartening to note that already a number of Non Governmental Organizations have already started very successfully Programmes to provide education non formally to the marginalized children. Sarvodaya Organisation has a wide net work providing non formally various forms of skills training which enable many to get employment and lead successful lives. The P.E.A.C.E organization is another NGO, which has taken positive steps specially to provide non formal education to children living in areas vulnerable to sexual exploitation. Various skills of their students have been identified and a network of programmes have been started in these areas to help the children to develop these skills which would enable them to gain employment which in turn would enable them to live in dignity.

Another area that can be developed non formally is to provide leadership building programmes, to enable the marginalized groups of students to identify their abilities and provide them opportunities to make use of these. P.E.A.C.E organization has successfully launched their programmes and the benefits are already visible.

Since education is the key to human dignity every effort should be made to make it available to all, either formal or non formal methods. Since education develops in a person a sense of independence, and of their own worth as human beings, having some confidence in their ability to contribute to the society of which they are a part is appropriate. Social, political and moral wise, it is the duty of the whole society to weed out disparities in society which occur due to multiple reasons and contribute in every possible way to bring out a fair and just society. The Persian poet Saadi-in-Gullistan (12th Century) speaks of the necessity of society to provide equal opportunities for all in the following manner.

“All members of the same body
Created from one essence.
If fate brings suffering to one member
The others cannot stay at rest.
You’ who remain indifferent to the burden of pain of others
Do not deserve to be called human.
(*Saadi-in Gullistan-12th Century*)

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Cultural Traditions And Child/Youth Sexuality in Sri Lanka

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Traditional Sri Lankan Society considered the child as a symbol of the fortunes of the family. Any family without children indicated bad luck or misfortune of the wedded couple. Therefore, the society expected successful familial life with children of its people.

After the wedding, bride's as well as bridegroom's parties promoted the necessity of children and also gave necessary assistance to protect the pregnant mother and prevent miscarriage. According to our social history, there is no evidence to show that birth of a girl was unfavoured. Both girls and boys received equal care and affection from their parents. Both sexes were considered as very important to maintain familial life.

The main objective of this paper is to inquire into the attitudes towards child / youth sexuality in traditional Sri Lankan Society.

Traditional Sri Lankan Society considered the ten stages of human life. Out of these ten stages the first ten years was considered as childhood: "Lama vayasa." In this particular stage, the first five years were regarded as the infant stage. Both parents had the responsibility to look after the child. During this first five year period the mother fully breast fed the child. This was the responsibility of the mother. Up to the age of sixteen years, the child was considered as immature and not suitable for marriage. The age of sixteen years was the lowest possible age level for marriage. Without marriage there were no sexual activities reported in the historical records.

Further, without marriage, society did not permit sexual activities. Marriage was the only avenue for human sexual relationships in those days.

However, some historical documents say that the father should arrange the marriage of his daughter before she attains puberty. This indicates the biological transmission and natural necessities as well as organized social action in the traditional society.

Further, society did not permit the postponement of marriage because this is the most critical stage of human sexuality. In addition this type of marriage-associated sexuality does not promote child abuse, forced sex or child sexual activities in the historical periods. However, there was no clear-cut evidence regarding pre-puberty sexual relationships. Because both males as well as females had initiation functions among Sri Lankans.

A girl's puberty ceremony was a very common one and boys' puberty ceremonies existed very rarely in traditional rural Sri Lanka. After the child reached the age of six, girls' position in society was recognized as very important. The main reason was that parents were very much concerned about the biological transmission and social status changes of the girl. This gives some important insight into traditional society's attitude regarding Sri Lankan womanhood and the respect for motherhood in our society.

Almost each and every social group in Sri Lankan society recognized the girl's sex rights as very important. Therefore, society protected them as far as possible from unusual sex harassments, sex abuse or sexual relationships before the rites of passage (puberty ceremony) indicated the necessities of society. Family members always communicated the new status of their daughter to the closest relatives. The ritual symbolized the following message:-

- (a) A recently biologically mature girl should be protected by her closest relatives from sexual relationships or other abnormal relationships. Further, it says, the other members of society also should protect a girl from sexual harassments. That is why other caste groups also participated in the ceremony, on the basis of their social roles.
- (b) Secondly, that society has assigned new statuses and roles to a girl at the puberty ceremony. These statuses are very much similar with other virgin-ladies in society.
- (c) Thirdly, the girl who recently matured is ready for a proper wedding function with a suitable marriage partner and had to be ready to be a respectable mother after her marriage.
- (d) Fourthly, she had to be prepared to make a new respectable family unit in the future, after her marriage.

All these conditions were expected of the young woman to avoid sexual relationships and she was given protection before the marriage or pre-marital sexuality. In addition to that, the latent function of the puberty ceremony is avoiding the opposite sex.

All these rituals and ritual related functions were associated with the girl's biological maturity and social maturity, through post-marital conjugal life in future. Further, all these give an indication about the avoidance of unapproved / illegal child birth which are the consequences often of pre-marital sexual relationships and demanded also avoiding child sexual relationships.

When we come to understand the male's (youth) behaviour and sexual relationships, again that is different from females. In

Sri Lanka certain areas (specially rural NCP) had practiced puberty ceremonies for males also. This type of initiation indicated the organized family members' understanding and communication of readiness of sexual maturity of the boy. Further, this shows Society's expectations on matured sexual and other activities. With the changes in the male body, family members understood the necessity of protecting the youth and his social status. They introduced this stage as gatawaraya which means the boy who passes through childhood, easily understands changes of throat, height, growth of hair of the body etc. Then family members effected changes in his dress accordingly to suit that of elders in society. Further, rural people decided to begin inquiries about a suitable partner for the youth. Basically this age now referred to as Pelwahakkaraganne Kale which means the suitable age to establish a family.

Traditional Sri Lankans Law & Child / Youth Sexuality

According to traditional law in Sri Lanka it permitted a person to marry at the age of 16 years and this age was considered as a marriageable age. At the same time after the 16th year the age of a person was considered and he was regarded as a free person and given status similar to an older man. Even before foreign intervention, Sri Lankans had practiced this age limit from the Anuradhapura to Kandy periods (1500 years at least). However, according to the Roman - Dutch Law the marriageable age was considered as 21 years. But in the 1870 Act Article No.3 says that the person who wanted to marry before the approved age (males before 16 years, females below the 12th year) should get permission from their parents. There were isolated cases which were not registered in government documents or any other authorized place. Under various difficult situations there had been some cultural marriages (such as cross-cousins) that took place below the accepted age, accepted all over the country. But there was no evidence

regarding child abuse or other forms of sexual relationships. Further, this situation clearly shows that the Sri Lankan traditional law book Neethiniiganduwa was strictly followed. There was not even a simple sentence about child sexuality related legal codes or regulations. All other forms of Sri Lankans human rights were very well documented.

History, Religion and Child / Youth Sexuality

According to the religious belief system in the country, up to their 16th year the child's life should be spent as a Brahmachari (A state of virginity). The 16th year is the most suitable year for marriage and to initiate sexual relationships. Out of marital sexuality there was no evidence of homosexuality or other forms of sexual relationships that appear in traditional literature. There was some documentary evidence related to early marriages in Sri Lankan history. King Kawanntissa married Princess Viharamahadevi when she was at an early age. At that time her age was twelve years.

Even in the Anuradhapura period there were some instances related to selling children by parents in acute poverty situations. Pali Rasawahini says that there was a poor man named Nakula in Rohana (South) during the reign of Kakawannatissa, who was once compelled by his acute poverty to mortgage his only daughter for twelve kahapanas. This story was not connected with selling a child for sex work or sex abuse, but the child was mortgaged for purpose of labour or to be used as a family servant.

Analysis

In the Sri Lankan traditional society, social relationships were firmly close and basically family bonds and kinship bonds were very tight. As a result of that protection of youth, children at least upto age 16 years was a responsibility of the family and the larger

kinship group. In addition to that, village level friendship bonds were helpful to integrate every and each person to the kinship system. In this society, everybody had a responsibility to protect each other with great care. So, there were no avenues or legal means available for youth / child sexual relationships before the marriage. Marriage was the only possible sexuality associated bond and after the marriage sexual relations automatically led to procreation and conjugal life. Before the youth's marriage there was no other forms of sex related activities (openly available to him: The Ed.)

Secondly, unlike today, during the bygone period youths did not postpone their marriageable age for reasons such as occupation, education etc. In the first stage of sexual maturity youths had a chance to get married. Basically just after 16 boys or even before that age, girls would have married through arrangements made by parents and relevant parties. Further, society had a free mechanism to select a person from her / his society (caste) because cross-cousin marriages were very common and marriage relationships and sexual relationship were fulfilled within the family institution. Today there are opportunities for youths in society to pass their young age outside their family units. In the meantime there may be a desire to fulfil their natural likes and biological needs through different forms of sexual activities.

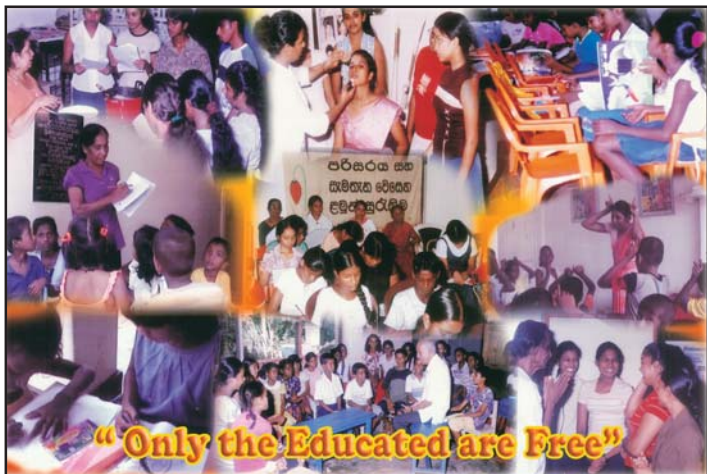
Thirdly, the traditional Sri Lankan Society had a very closely integrated administrative system at the rural level. Specially in the dry-zone of Sri Lanka there was a system called "Variga Saba". In a caste based traditional society, each and every person had a chance to make a complaint against any unethical matter. Even a very simple verbal abuse would make serious consequences according to the Variga Saba decision. Sometimes the punishment for an offence would be expulsion from the caste or from the village, giving up societal relationships. This situation did not allow for

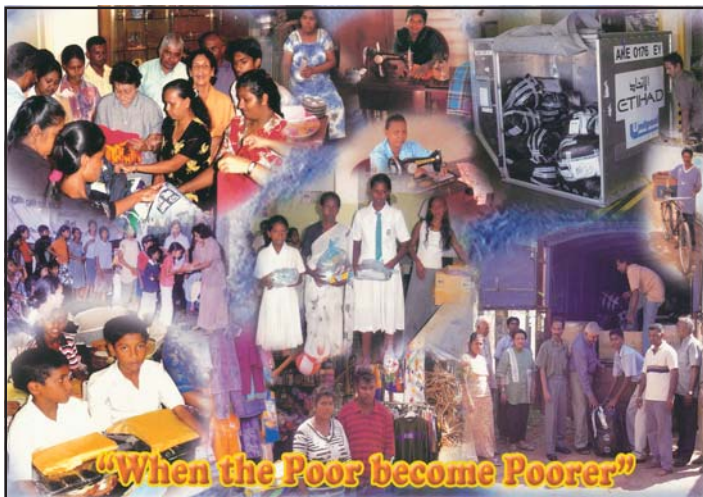
sex abuse or unethical sexual activities as the punishments were severe.

Fourthly, the socio-economic situation of the country provided necessary opportunities to the numbers in society to practice early marriage. As an agricultural society there was division of labour and everybody had an occupation which helped to initiate early marriage relationships. This possibility made illegal relationships less attractive to the youth.

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Swiss National V.B at Negombo Courts

Swiss National at Negombo Courts,
accused of Child Abuse.

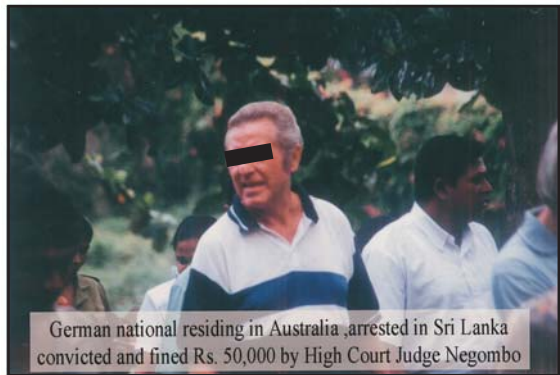


French National T.de B. brought to Kalutara
Magistrate Courts by prison officials

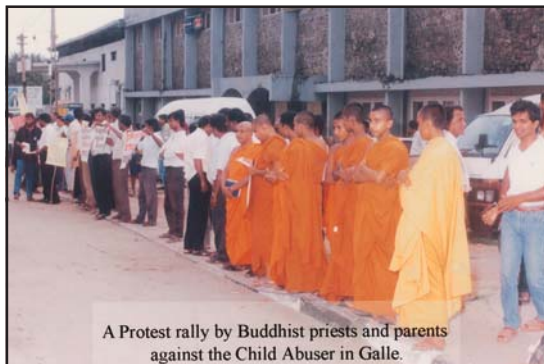
French National brought to Kalutara
Magistrate Courts by prison officials for
Child Abuse trial.



Norwegian National and Swiss National brought to Negombo Courts by prison official of Negombo Remand Prison on charges of Child Abuse.



German National residing in Australia, arrested in Sri Lanka, convicted of Child Abuse and fined Rs.50,000 by High Court Judge, Negombo.



A protest rally by Buddhist monks and parents against a Child Abuser in Galle.



P.E.A.C.E. Leadership Programme in progress.



Seminar conducted by P.E.A.C.E. for Police personnel.



P.E.A.C.E. Counseling/Education session held in Kandy.



P.E.A.C.E. Counseling/Education session held in Angulana.



P.E.A.C.E. Cookery Programme conducted in Colombo North



P.E.A.C.E. Beauty Culture Programme in Egoda-Uyana.



P.E.A.C.E PTSD Programme for Children in Lunawa.



P.E.A.C.E. Non Formal Children's Education Programme conducted in Angulana.

Post traumatic stress disorder in children subject to sexual abuse, natural disasters and poverty

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10 to 12 per cent of people - young and old - we meet in our daily life suffer from mental illness. Out of these 1.2 per cent are subject to severe mental illness while 10 - 15 per cent are subject to minor mental illness. Those with severe mental illness can easily be recognized through changes that could be observed in the way they express their feelings and emotions and in their talk and behaviour. However, identification of those with minor mental illness is not that easy. It is a difficult task. The identification of minor mental illness in children is a formidable task.

In the causation of mental illness the importance of both mental and social pressures has to be emphasized. Although attention is focused on these pressures in severe mental illness it is seen that patients, doctors and counselors are not very enthusiastic to talk about those pressures in minor mental illness. Medical treatment is absolutely necessary in severe mental illness but what is required in minor mental illness is a clear understanding of the illness and the mental ease that results from recovery. With regard to children this understanding is very essential and it is necessary that this understanding should begin with the parents and family before reaching the doctor or counsellor. Such a disorder that can be so controlled is Post Traumatic Stress Disorder (PTSD). The American Association of Clinical Psychology says that PTSD can occur in anyone whether they be young or old. It is true that man goes on with his daily chores facing traumatic experiences. Research has shown that we may find it difficult to continue with

our daily life's responsibilities subsequent to facing special experiences. The situation one has to face from birth through death cannot be counted. Important events could transform one's life. Among these situations could be ordinary or extra-ordinary situations. These extra-ordinary experiences are termed trauma.

Trauma could be divided into two main categories.

- 1) Natural Trauma
- 2) Man made Trauma

Floods, earthslips, epidemics, drought, earthquakes, tidal waves are some of the natural trauma, while war, terrorism, sexual abuse, torture, poverty, destruction of one's property or community property, accidents are some of the man made trauma. We could identify some situations that could lead to PTSD in Children.

- Sexual abuse and sexual harassment.
- Serious situations stemming from poverty, e.g. long hours of starvation, cruelty and torture while being in domestic service.
- Accidents.
- Facing natural disasters, e.g. Tsunamis, floods, landslides.

The stress and trauma resulting from these disasters cause a crack in the normal mental equilibrium of a child. Psychology teacher Pierre Jenet says that when a child has to face pressures, cracks are formed in the child's mind and this is similar to a plate that is cracked.

The Convention on the Rights of the Child and other sources have defined that every human being below the age of 18 is a child. When talking about a child one has to talk in terms of the mental health, physical health, social health, feelings and emotions. It is necessary to pay special attention to a child's mental health.

This is because children have to be healthy and strong if they are to take on responsibilities in the future in the country, in the nation and in religion.

Food and comfort in plenty is useless unless a child can maintain stress free mental health. Unless he / she is stress free, he / she cannot enjoy all the food and comfort. It is necessary not only to provide food and comfort but also provide a stress free mental environment.

Children unlike adults are not able to express their feelings and emotions. The child's vocabulary and ability to speak is restricted. They are unable to comprehend various situations. Therefore their mental health could deteriorate rapidly.

In analyzing PTSD in children it is seen that it can happen while the child is alone or in the company of others. It has been shown in research studies the harm to a child's mind caused in man-made disasters is more grave than the harm caused in natural disasters. The consequences can be of two types - short term and long term. It has to be emphasized that the trauma caused by man-made disasters is more grave and that the impact is long term. A good example is sexual abuse of children by adults. It can be shown by many examples that the consequences would bear their mark even when the child grows into an adult.

Traumatic situations caused by sexual abuse, natural disasters and other traumatic experiences grips on the child's mind without the knowledge of the child. Some of the incidents get lodged in the subconscious mind. This could lead to PTSD. It could be in a week, month, six months or a few years. A common characteristic in PTSD is that although the trauma gets lodged in the subconscious mind almost immediately, the disorder will emerge

after some time only. This is a principle applicable to both young and old.

It is useful for adults to be aware of certain factors that caused PTSD. This awareness will be helpful to prevent their children from these disorders, to refer for treatment if the disorder is observed and also to protect their children from developing the disorder.

A tragic situation is the occurrence in present day society of sexual abuse. Sexual abuse is use of a child under 18 years of age with or without his / her consent. This applies to all children irrespective of colour, sex, language, race, religion, ethnic social origin, disability or any other consideration.

The mind of a child is as tender and pure as a flower and therefore the entry of a stress is easy. A child is not able, unlike an' adult, to choose between right and wrong and therefore they accept what comes their way as good. This is the natural tendency in children. Some adults who take advantage of the childish nature of a child sexually abuse a child and thereby steal the childhood of a child.

A girl or a boy of any age can be prey to sexual abuse. It is very often seen that relatives, friends or neighbours who are close to the family will use the child as a sexual toy without the knowledge of those very close to the child. They will get closer to the family before they get close to the child and the abuser's task is made easy because he appears to be a close friend of the family. It is important to be careful of people who are very closely associated with the family. Attention must be focused on the gifts they provide to the family and the children, unnecessary expenditure on the family and the outings and journeys. The intention of these abusers is to spend money, escape the suspicion of the adults in the family

and win their hearts. Thereafter they would take the child out, provide meals outside the home, win the heart of the child and get closer and then without the knowledge of the child sexually abuse him / her. These are the characteristics of our category of child abusers.

There could be instances of sexual abuse within the family. This is known as incest. To this category fall uncle, aunt, grandfather and brother etc. Various research studies have shown that unmarried men and women who live alone commit these abuses.

Additionally one could see sexual abuse that can be situational. We can see sexual abuse at the hands of strangers in public places. Such as cinema halls, school playgrounds, places of rest, isolated spots and areas covered with trees. What is important is to understand that “any child could be the subject of sexual abuse at any place, at any time”.

Sexual abuse could be of three types.

- 1) Physical
- 2) Non-Physical
- 3) Cruel

Physical molestation would include touching or arousing the genitals or genital area while Non-Physical would include uninhibited exhibition of the body or parts of the body of adults, showing of pornographic pictures, papers and videos. Cruel abuse would refer to sexual abuse and could include sexual activity causing injury to the child such as burning of genital area, cruelty, inserting of various objects in to the genitals.

All these together is termed sexual abuse. This could happen once or on a number of occasions or regularly. Because the child

cannot comprehend that the act is wrong or immoral, or it may be that the child is subject to threats, the child may not disclose to adults or others. Sometimes the sexual activity is introduced to the child as play and hence the child may not disclose it. Parents, guardians and adults should understand the mentality of the child and should be extra vigilant.

In research studies on the lives of abusers, it is seen that they have been abused as children. An example is school children who have fallen prey to seniors at school. Subject their juniors to the same situation. Boys who have been prey to teachers for sexual activities, if they become teachers tend to attempt to abuse children. Research has shown that this situation is applicable to both male and female.

If the abused children are treated and rehabilitated, repetition could be avoided.

Children are innocent and honest.. Therefore when a crime is committed, adults should be able to understand the mind of the child. Adults must be prepared to accept what the child says, they must observe the emotions of the child, they must understand the child. The child should not be punished, the child must not be put into any sort of embarrassment. Parents and adults must fully examine what has happened to the child. The best course of action in these circumstances is to meet with a Counsellor.

Adults should not prevent the child because of the outrage and sorrow caused to them as a result of what has happened to the child although the adult may comprehend the gravity of the situation, a child cannot comprehend the gravity. Adults give vent to their anger by punishing the child, the only consequence is that the child will suffer more. This is harmful to the child. Adults must understand this position.

A child who has been subject to sexual abuse may show symptoms of various illness later on. Moreover, PTSD may occur. Additionally personality disorders, anxiety states and depression could occur. In these circumstances, the family members should recognize these symptoms in the child. Adults should have the awareness to recognize these symptoms. Some of the symptoms shown by children of different age categories are as follows:-

To identify children of pre-school age (0 - 4) if they have been subject to abuse:-

- Fear of an individual
- Withdrawal
- Disturbances in sleep
- Inactivity
- Aggressive behaviour
- Facial expression indicates a wrong has been done Often touching the genital area
- Lying which was not seen earlier
- Tendency to touch the bodies of adults
- Shyness (not seen before)

Age 5 - 10 years:-

- Relating of dreadful dreams of some individual
- Dislike for school for no reason
- Constantly biting nails, end of a pencil, shirt collar
- Stammer {not seen earlier}
- Boisterous behaviour, cruelty
- Unusual fear
- Joy without any good reason and anxiety state
- Lacking interest in school work, sports and extra curricular activities

- Uncontrollable passing of urine and bowel movements
- Dislike for food and rejection of food
- Constant complaints regarding illness (head, stomach)
- Attempts at harm to himself / herself
- Constantly touching own genital area
- Withdrawal from peers and tendency to associate with adults
- Concealed use of pictures, papers
- Tendency to run away from home
- Drawing faces of devils on the back of school books, walls and door of wardrobes etc.

If you observe one or two or few of these characteristics in your child you should understand the sorrowful situation of the child and should pay special attention to him/her. One should not arrive at wrong conclusions merely because one or two symptoms are noticed. Adults should consult Psychological Counsellors or Psychiatrists. The end result of these symptoms could be P.T.S.D.

Poverty and long term cruelty could cause the occurrence of P.T.S.D. The mind of the child could be shattered due to deprivation and frustration. For example if a child is deprived for ever of food a child likes or dress a child likes as a result of the poverty of the parents, it could cause a traumatic situation.

These deprivations and frustrations and the associated stress could be lodged in the sub-conscious mind of a child. This may not happen instantly. It may be over a period of time or it may be a series of stressful situations and they begin to disturb the mental equilibrium and without the child's knowledge transform into an illness. This often happens because the parents, due to their poverty and dire economic circumstances are unable to satisfy and make the child happy. The child cannot comprehend the destitution of

the parents. The child only feels that “he / she did not get it”. This frustrating experiences can lead to P.T.S.D.

A potent source of P.T.S.D. are natural disasters. For example, being subject to tsunamis, cyclones, floods, earth-slips, epidemics.

The environment changes in these natural disasters. It could be seen that almost 90, per cent of people who were subject to such disasters are in fear and distress and confused. Because adults express their feelings in different ways, half the number of people come back to normal. But the situation of children is different. Children are the most vulnerable in such an environment. They cannot comprehend what happened.

They do not have a medium to express their feelings, emotions and stress. The responsibility of adults then is to pay more attention to children and help them overcome the stress, otherwise the trauma the child faces when he / she sees certain objects or stories, they get embedded in the sub-conscious mind and the mind is shattered. All this can come out as P.T.S.D.

The pressure on the child and the response in such situations could differ from child to child. The response to one common situation could differ on the basis of the personality of the child, the environment in which the child has grown and the incidents the child sees.

In these disaster situations we would see different types of children. Children who were injured or developed physical illness because of the disaster, children who have faced death, children deprived of their parents or guardians, children who have seen with their own eyes their relatives dying, children who have seen the disabled, decomposed bodies of their parents and relatives, children who have been sexually abused amidst these situations,

children who have lost their toys, books, home, pets etc. All these are stressful situations. The occurrence of P.T.S.D. is a possibility. It is important to understand the child and obtain treatment for the child without delay.

These situations mentioned earlier are factors that could lead to P.T.S.D. It is necessary initially to see whether the child has symptoms of P.T.S.D. Let us see some of the basic symptoms.

If more than 3 of these symptoms appear it is your duty and responsibility as an adult to swiftly take action.

- If the child is frightened at night because of nightmares.
- If there are disturbances in sleep often.
- If the child says that there is a repetition of the dreadful situation over a few seconds.
- If the child is unable to keep in memory the situation faced, is frightened and cries, falls unconscious.
- Fear out of proportion to the situation faced. E.g. Fear of even seeing the sea, fear of water.
- While playing to dramatize the situation.
- Suddenly fainting repeatedly.
- Withdrawal and tendency to be isolated rather than socializing.

If these symptoms are observed, adults must show more attention to the child. Additionally attention should be focused on the following symptoms too:-

- If the child shows dependency not noticed before.
- Enuresis (Bed wetting) of recent origin.
- Dislike for school.
- Tendency to run away from educational and sports activities.

- Suddenly dashing furniture and other items.
- Being disturbed over incidents that do not demand such a disturbance.
- Saying there is no use doing these things now.
- Suddenly making a big shout and crying or laughing.
- Excessive joy and sorrow.
- Over-sensitivity over the safety of self and others.
- Complaints of illness where there is no valid cause.
- Anger and aggressiveness.

If a child shows more than two of these symptoms it is necessary to see a Counsellor or psychiatrist without delay.

Psychological history has identified a few treatment methods specially for children. Among them are:-

- Psychological Counseling.
- Play Therapy.
- Art Therapy.
- Medical Treatment.

It is absolutely necessary that treatment be obtained from professionally qualified persons. Proper treatment will not only help safeguard the mental health of the child but provide the opportunity to gift a child with a well balanced personality.

STD HIV / AIDS, Dangers Posed to Children /Youth

W. H. G. Fernando

Sexually Transmitted Diseases

Introduction

Sexually Transmitted Diseases (STD) are a group of Diseases which are transmitted by Sexual Intercourse. They are infections and each disease is caused by a germ, or consative organism. These germs usually enter the body as a result of Sexual Intercourse with an infected person. STD are common and a serious problem in the world. There are more than 20 kinds of organisms which are spread through sex. Majority of them can be cured if they are diagnosed early, if treatment is thorough. The STD are not respectors of persons of Social class. A person who goes in for sexual adventures will almost certainly come into contact with an infected person and so runs a great risk of developing diseases. According to WHO (World Health Organisation) estimates every year there are more than 330 million new cases of curable STD. About 1 million infections are occurring every day. They affect sexually active people of both sexes, so STD occur both Males and Females.

How are STD transmitted

- The main mode of transmission of STD is through unprotected penetrative sexual intercourse. (Vaginal and Anal)
- Transfusions or other contact with blood or blood products (Syphilis, HIV)
- Mother to Child during Pregnancy, at delivery or after birth.

The following factors increase risk of transmission

- Having more than one sexual partner
- Having partners who are having other partners
- Having sex with commercial sex-workers
- Continuing to have sex with symptoms of STD

Social factors that influence transmission

- Lack of knowledge of safe sex
- Dislike of Condoms
- Lack of access to condoms
- Sexual practices are deeply rooted in the everyday life of people
- Delay in getting STD Treatment
- Women with STD often have no symptoms
- People may prefer to try alternative health services such as traditional healers.
- The stigma so often attached to STD may lead to people to hide what they feel because of shame, and so avoid seeking treatment

Not taking the full course of treatment for STD

Affective treatment is only possible if patients take the full prescribed course of treatment. Patients may fail to do this for a variety of reasons,

- The cost of treatment
- Lack of Health Education
- Conviction that the treatment taken so far will work

Failure to bring in sexual partners for treatment

Stigma affect a patients willingness to inform his or her partner.

Biological factors that influence transmission

- Age: Young women are specially at risk when they marry or become sexually active during their early teenage years because the nature of their vaginal tissues makes them very susceptible infection
- Gender: It is easier for a woman to be infected by a man than for a man to be infected by a woman. This is because women have a larger surface exposed (ie: The Vagina)

Source: STD Case Management Workshop Book 1

The Most widely known STD are

- Gonorrhoea
- Syphilis
- HIV/AIDS
- Herpes Genitalis
- Genital Warts
- Scabies

Gonorrhoea: Is a active infection disease involving the genital-urinary tract of both sexes and is usually transmitted by Sexual intercourse. The disease is caused by an organism known as 'Neisseria gonorrhoea' or the 'Gonococcus'

Mode of Infection: Sexual Intercourse is by far the commonest and most important mode of infection. The germ may sometimes be transmitted to the eyes of new born infants by contamination with infected genital secretions from the mother. Accidental infections may occur from infected material.

Incubation Period: Is commonly from three to ten days, the average period being about five days. In some women the incubation period may be as long as thirty days and symptoms may not be noticed until after menstrual period following to exposure to infection.

Symptoms: The gonococcus is mostly found in the genital-urinary tract. The disease usually remain localized to the Urethra but it may invade the blood stream. After five days of sexual intercourse with an infected woman the patient usually notices discomfort followed by urethral discharge which rapidly becomes creamy, thick and prudent. There is a feeling of burning sensation on passing urine.

Complications:

- Infertility in women
- Sterility in men
- Potentially blinding eye infections in infants

Syphilis: is an infectious disease caused by an infectious agent named *Treponema Pallidum*. Syphilis is spread mostly by sexual intercourse and can be passed from mother to child. It invades the whole of the body immediately after infection. It can attack almost any part of the human body, and may cause serious illness or remain latent and produce no symptoms for years. It is able to initiate many other diseases attacking various parts of the body. The germ can live up to seventy- two hours in blood taken for transfusion. It is killed immediately by heat, drying and most weak antiseptics. Infections sometime occurs through kissing. An infected pregnant women is most dangerous to the fetus. The disease is usually transmitted to the foetus in the second half of pregnancy when the placenta is fully formed. Syphilis is divided into 3 stages, Primary, Secondary and tertiary. The primary stage is characterized

by lesion occurring at the site of infection, the secondary stage by generalized lesions appearing on the skin and the tertiary stage by destructive lesions.

Complications:

- Congenital Syphilis (is a disease which is transmitted from the mother to the foetus by the placenta)
- Tertiary Syphilis
 - a) Syphilis of the liver
 - b) Syphilis of the Cardiovascular System
 - c) Neuro Syphilis

Herpes Genitalis: Is an acute infection of the genitalia characterized by blistered lesions and is caused by a germ. The lesions may be slightly painful. The affected area is never indurated. If they do not become secondarily infected, crusting will occur and the lesions will heal in seven to ten days. If secondary infections occur, ulceration may follow and healing will be delayed. Genital herpes frequently occurs following sexual intercourse. It will occasionally occur both in husband and wife at about the same time and in some women it occurs regularly at the menstrual period. In some women the symptoms may be very severe and there is fever, intense pain. Herpetic lesion in a pregnant woman just before delivery are extremely dangerous to the infant because of the danger of producing encephalitis, Kerato-conjunctivitis or Hepatitis.

Complications:

- a) likelihood of recurrent attack
- b) There is no satisfactory way of preventing recurrence
- c) It may increase the risk of HIV transmission

Genital Warts: Are small tumors of the skin. They are caused by a infections. Genital Warts usually appear as red, pink or brownish in colour. They are usually soft but occasionally the surface may be had and dry. They become very large. They commonly spread extensively during pregnancy. The sexual partner is frequently found to have warts. They occur in the penis, vulva, vagina, around the arms and inside the thighs.

Complications: Nearly 15% of women with genital warts could get cervical cancer

Scabies: or the itch is a contagious disease. It is characterized by an itchy rash involving the skin, the genitals, the buttocks. Intimate contact with an affected person is usually necessary for the disease to be transmitted and having sex or sleeping with a scabetic person is the commonest way in which the disease is contracted. Patients with scabies complain of severe itching of the skin, which is worse at night. Clean clothes should be put on after a bath. All sex contacts and members of the household should be examined and treated. Scabies frequently occurs together with other venereal diseases.

HIV / AIDS: HIV stands for “Human Immunodeficiency Virus”. “Human” because the virus causes disease only in humans, “Immunodeficiency” because the immune system which normally protects a person from disease becomes weak, “Virus” because like all viruses it infects living things.

AIDS (Acquired Immune Deficiency Syndrome)

AIDS is a group of disease that occur where a person’s immune system is damaged by HIV. Most people with HIV feel healthy for the first few years after getting the virus but later become sick with AIDS. HIV damages many parts of a person’s body. It can do

this in two ways. One is directly invading different organs, the other is by weakening the immune system and allowing other organisms to cause disease.

How do people get infected with HIV

HIV is transmitted mostly through semen and vaginal fluids during unprotected sex without the use of condoms. It could be Heterosexual, Bisexual, or Homosexual. Besides sexual intercourse, HIV can also be transmitted during drug injection by sharing 'of needles contaminated with infected blood, by transfusion of infected blood or blood products or from a infected women to her baby-during pregnancy during birth or after delivery through breast milk.

Casual contact and HIV

People wont get HIV by casual contact. The HIV virus cannot live in air, water or food. It is weak and only lives in body fluids. It only spreads if the body fluids of a person with HIV gets inside another person.

Ways in which HIV is not transmitted

- a) Being physically close
 - In the same house
 - At school
 - At work
 - Playing together
- b) Sharing
 - Toilet seats
 - Swimming pools

- Eating and drinking utensils
- Towels

c) Being bitten by

- Mosquitoes
- Bugs
- Other insects
- Any animal

d) Donating blood

Prevention:

- Sexual abstinence
- Limit the number of sexual partners
- Have sexual intercourse with a faithful partner who is not at risk
- Use condoms during sex
- Have safe types of sex

Sexual acts with high risk of spreading HIV

Vaginal sex frequently spread HIV. Semen, Vaginal fluids and blood can exchange during vaginal and anal sex. A woman has a high chance of getting HIV during vaginal sex than a man does. A woman having vaginal sex with a man who has HIV is more at risk than a man who has vaginal sex with a woman who has HIV. It may be because more semen gets into a woman's vagina than vaginal fluids get into a man's penis.

Sexual acts not spreading HIV

Some sex acts have never spread HIV and are completely safe. People who have completely safe sex do not exchange body fluids

such as semen, vaginal fluids and blood. Safe sex is when only the outsides of people bodies are touched.

HIV/AIDS in Sri Lanka

AIDS is nothing new to Sri Lanka. Through Sri Lanka has a relatively low rate of prevalence it could and would change in the next few years given by W.H.O. to all Sri Lankans.

The first AIDS patient in Sri Lanka was a foreigner reported in the year 1986, while the first Sri Lankan AIDS patient was detected in 1987. Today there are about 7500 to 8000 estimated HIV positive patients people living in Sri Lanka out of only 649 cases have been reported by the end of March 2005. The National STD/AIDS control programmes estimates that approximately 300 Sri Lankan children have become orphans owing to the spread of the diseases

Mode of Transmission of HIV in Sri Lanka

Heterosexual: 84%

Homosexual: 8%

Bisexual: 7%

Mother to Child: 1 %

Source: National STD/AIDS Control Programme, Department of Health Services.

Sri Lanka's low HIV/AIDS infection rate stands threatened by mounting poverty, internal and external migration and long term effects of the ethnic conflict and the Tsunami. According to the United Nations Development Project (UNDP) the loss of livelihood, Physical dislocation, lack of privacy in camps and destruction of community structures are putting people at a greater risk of spreading sexual transmitted diseases including HIV.

Another issue that needs to be addressed with regards to the spread of STD- HIV / AIDS in Sri Lanka is the increase in commercial sex workers, including boy prostitutes who cater to foreign pedophiles and to the international market.

The greatest danger with regard to STD-HIV/AIDS is not knowing enough about the spread of those diseases. To overcome this problem STD-HIV/AIDS education and awareness raising programmes should be greatly increased and every level of society should be targeted.

The P.E.A.C.E Campaign has already taken steps to help children in difficult circumstances and take the following remedial reasons to end the problem.

- Counseling programmes for Mothers
- Leadership Building Programmes for Youth between 14-18 years
- Awareness raising seminars for all segments in the society
- Vocational/Skills training for youth to get them employment opportunities to lead decent lives.

Commercial Sexual Exploitation of Children

Child Prostitution in Sri Lanka has become a grave problem. CSEC, which in the past was attributed to escalating tourist industry, has now become a serious problem involving not only foreign pedophiles but also locals of our country. Incest is becoming a matter of grave concern especially in broken homes and in families where the mother has immigrated to the middle east in search of employment. As a result there is rapid increase in the number of child victims of sexual assault. This category of abused children, traumatized, psychologically traumatized were

treated as unwanted in the past by the society, but in recent times that attitude has changed into that of concern.

Dangers posed to children/youth

It is well known that children who are sexually exploited have health problems.

- The health problems they could face could be contracting sexually transmitted diseases including HIV / AIDS
- STD can cause serious complications and death, having a serious impact on society especially young boys and girls
- In youth Gonorrhoea and Chlamydia can lead to serious complications and cause urethral stricture and infertility
- The adolescent girls who suffer other sexually transmitted diseases face the risk of acquiring HIV even during one act of unprotected sex
- Many sexually exploited girls become pregnant. This includes additional health risks, including the prospect of death from complications from unsafe abortions.
- Infants born to these girls are also vulnerable to many serious health problems.
- Some sexually abused children feel miserable, feel bad about their society and feel frustrated
- Children become misfits in society and regarded as criminals
- They are often traumatized and mentally deranged
- The feeling of guilt haunts them right through their lives if they are left alone
- They could end up as drug addicts and rapists

- These children because of their connections that were established through sex become drug peddlers
- When children are not in demand for sex by foreign or local pedophiles, and do not have money for survival they resort to theft, crimes and begging
- Some children become involved in drug activities and then become drug dependant
- Without education, work skill of family support, they resort to various activities such as loitering in the urban areas, beaches and streets and establish link with pedophiles.
- Some sexually abused children may be afraid of feeling abandoned and may be afraid of nightmares
- Some victims turn out to be abusers themselves

Multi-Pronged Alternative Strategies to Combat Child Prostitution

1) Organize Awareness Programmes on Child Rights and Responsibilities

As these children do not know that they are being deprived of their basic right to live as any normal child, they are not aware of a whole gamut of such rights they are entitled to such as, survival rights, the right to decent livelihood, their right to participation and development, their right to be protected etc. As such, they should be empowered so that they will not be exploited or deprived of their legitimate rights.

2) Implement Latest Legal Reforms Relating to Child/Family Rights, and Facilities Available

The adults are not aware of the legal provisions that protect them and their children from abuse and exploitation. For instance, they are not aware that not sending their children to school, getting caught sexually abusing children and other related offences are punishable by law. This is specially so if a child is their own, and if he/she has been sexually abused by his/her father, grand-father or any else of the family, because it amounts to an incestuous sex offence which carries heavy penalties.

They are also not aware of the legal provisions available with regard to children who are held by force; if such children, as minors, are compelled to perform hard labour, or are used for drug trafficking, including the transport of *kassippu* (illicit liquor)

3) Create On-Going Awareness about HIV/AIDS/STD

Children and adults living in these coastal areas are considered a high risk group, mainly because these are notorious as places of questionable tourist attraction. For, many tourists who come to these areas to enjoy the beautiful seashore and the sunshine, very often are seen in bikinis sunbathing on the beach, which is an attraction to some of the youth, adults and children who think of making a living by catering to their sexual needs. Some of the tourists also come to these areas with the intention of finding sexual partners, and they include paedophiles who come in search of children as their sexual mates.

The majority of their parents do not know that boys are at risk as much as girls, because they are under the misapprehension that boys are not susceptible to HIV/AIDS/STD. They do not know that even a boy can lose his self-worth, self-dignity and self-respect once he gets involved in such nefarious activities.

4) Training in Financial Management

The decadent lifestyle of some of the men and women in these coastal areas is such, that even if they were to earn a couple of thousands at a time, they are only concerned about eating, drinking and dissipating themselves on that very day itself, without leaving any savings for a rainy day. This not only condemns themselves but also their children to periods of starvation, which often happens at times, not to speak of other deleterious consequences.

When they are thus reduced to penury, they are left with no other option than to take money on interest at rates as high as 20% or 30% a month. If the worst comes to the worst, sometimes they are compelled to sell even any valuables they may possess or pawn them.

But if they are made aware of the needs to be thrifty by joining some savings or credit scheme, then these families will learn how to effect savings out of their earnings which will in turn improve their quality of life in no small measure.

5) Introduction of Skills Development Programmes

It was clearly evident from this survey that because the educational level of both adults as well as the youth is very low it is an uphill task for them to find jobs that will fetch them a reasonable good income. Because their expectations are high and they have to earn a sufficient income to live, they would do anything and everything to earn such an income, however unscrupulous be the means adopted.

They are not aware of their inherent skills or the institutions that would provide them some suitable training. If only they had the right connections or any avenues to improve themselves they could have done so to their own advantage.

Therefore, if suitable skills development programmes are organized for them, then they will realize that there are other options to earn an income than by adopting illegal means.

By becoming aware of their latent skills they will also develop their own self-worth, and if there are people who are willing to support them, then they need not have to undergo any risks they are subjected to at present.

6) Introduction of Self-Employment Projects

As has been learned from this study, over 50% of the adults and youth in this survey have not even completed their basic

education. Their only option, given such a shortcoming, is that they should learn a trade if they are to earn a living. If they possess any skills which they could master, then there should be better opportunities to secure some sort of gainful employment.

To meet their needs a well thought-out development programme should be introduced that would pave the way for them to start up self-employment programmes that will be of benefit to them. The introduction of the co-operative system into their way of life would open up new avenues for the marketing of their products also.

7) Improvement of Water and Sanitary Facilities

Water and sanitary facilities in these areas are so very poor that most of the tenements do not have even a toilet, and it is only a very few tenements that have the advantage of a common toilet, compelling most of them to use the beach to meet such needs.

Because of the pollution of the beach in this form, many of them have to obtain their water for drinking and washing purposes and even bathing from the roadside taps in the vicinity. It is therefore necessary to improve the water and sanitary facilities in these area, and thus minimize the risk to a healthy life which many diseases could cause due to unhygienic conditions prevailing.

8) Law Enforcement

Although the crime rate in these coastal areas is very high, law enforcement in these areas is far below expected standards, with drug trafficking and child abuse rating also high on the list.

It is no surprise that more and more youths have become drug addicts while many of the children are at the mercy of pimps who

promote paedophiles to come to these areas to look for children to buy/hire for sexual purposes.

Sometimes even if the law enforcement officers are aware of the culprits, they are not able to take deterrent action against them because some of them enjoy powerful patronage. The power of money to cover up such crimes in these areas cannot be over estimated.

Therefore, the community should be motivated to mobilize themselves to mount a collective campaign against such criminal elements by bringing pressure on the law enforcement authorities to take action against such culprits.

9) Empowerment of Children

As children living in these coastal areas are very often deprived of their basic right to education, which is also a major drawback for them, they are unable to secure any worthwhile employment. With no facilities to read and improve their knowledge, they are not only easily exploited by unscrupulous elements, but are also forced to do hard labour for a mere pittance, while some of them are used for illegal purposes, thus forfeiting their basic rights to survival, protection and participation in the development process.

This drawback could be overcome only if effective steps are taken to educate them on rights and responsibilities, which is the only means of empowering these children to stand up against such social evil, and also to fight for their rights.

10) Importance of Family Relationships

Most of the children come from homes where many conflicts abound, with their parents separated, in some cases their mothers employed abroad, in other cases fathers and even mothers becoming

drug addicts, while some of their parents even are in prison for some offence or other. These virtually deserted children of these families face the predicament of fending for themselves, which they are unable to cope with. So it is no surprise that the physical and emotional security that should have been given to these children by their immediate family circle is conspicuous by its absence.

In order to obviate the ill-effects of such an unhealthy state of affairs, their parents, both fathers and mothers, should be given an orientation regarding the importance of having healthy relationship with their respective family members. The concept of the family should also undergo a reorientation so that there would be free and open dialogue among members of the family, with their children being given the opportunity to express their opinion without fear and favour so that they would get integrated into their families more wholly, particularly in times of stress. This would help them to become aware of their responsibility towards themselves, their families and society they live in.

11) Infrastructure Development

Taking into consideration the location of these tenements in these coastal areas, it is necessary to develop the infrastructure of their surroundings. As most of the tenements are built on encroached land, it is necessary to work closely with the local authorities to effect whatever improvements that are necessary.

There is definitely a need to explore ways and means of providing at least the basic facilities such as water and sanitation. With the population in these areas on the increase, some urgent measures have to be thought of to control new encroachments being made, if the prevailing problems are not to get further aggravated to the point of going out of control.

When improving the infrastructure facilities, careful consideration has to be given to the recreation facilities for the children and youth by providing, particularly, libraries where children/adults and youth could acquire knowledge. There should also be a place where they could meet and share their experiences in the form of a Community Centre.

12) Counselling Education Programmes

PEACE is conducting regular counselling education classes for mothers in these areas, which should be continued on an ongoing basis as they provide opportunities to these mothers to help them to solve their problems, and also to discuss issues that are of common interest to them.

These programmes also provide the opportunity for these mothers to come together as a group to fight injustice, to protect their children from sexual abuse, and to plan out strategies to meet any contingencies they have to face in their day -to-day life.

They are also given an opportunity to learn about the facilities available for women and children, and how they could contact the relevant authorities in order to solve the problems they may have to encounter. This is going a long way in empowering these women to enable them and also their children to counter any injustice, exploitation or discrimination that is their lot.

In this form these women can be motivated to become a pressure group, which enables them to act as a collective body against any abusive acts perpetrated on their community by anti -social elements so that any evidence against the latter could be made use of to prove that they are guilty of any misdemeanour.

When women are thus empowered, they need not have to depend on any outside organization for their skills and strengths to sustain themselves and also their. Kith and kin more meaningfully. With abject dependency thus eradicated, they become persons with self-worth, who are able to think of ways to improve not only their income but also their own life styles and those of their families and the community they live in.

13) Prevention of Child Abuse

As the problem of sexually abused children is assuming unprecedented proportions, whose self-esteem and self-worth get diminished and whose traumatic experiences of being thus abused make them lose their trust in themselves and others, their parents should be impressed on the need to take all precautions against any such abuses being perpetrated on their children now and in the future.

14) Encourage Children to Continue with their Education

As children are legally required to attend school until they are mandatory period of 14 years is over, all steps should be taken to ensure that such children are provided with every opportunity to acquire knowledge provided by the educational system. Therefore, every encouragement and facility should be given to them to continue with their studies by helping them and their parents to surmount all problems they would encounter on the way.

N.B.

P.E.A.C.E (Protecting Environment And Children Everywhere) is the Organisation working more closely on a one-to-one basis, on the ground, to combat these problems, helping the potential victims to empower themselves to combat CSEC. A greater part of the existing infra-structure, howsoever unsatisfactory, was almost entirely swept away by the recent Tsunami Disaster, and all over the coasts, needs to be restored, rebuilt, with proper and efficient planning and provision of the means to a more salubrious environment with means, also, of a better way of life for those who saved their lives and continue to live in these devastated areas.

Parents: Their Role and Responsibility

Anne Abhayasekera

As a mother holds her newborn in her arms for the first time, a magical bonding takes place. There is an immeasurable depth of emotion, of love and tenderness. A father's response to the precious bundle placed in his hands is not dissimilar. Both parents feel they would give their lives for the well-being and the protection of this incomparable gift they have been given to have and to nurture from this day forward, until adulthood is reached.

How come, then, that so many young children in our land are vulnerable and open to abuse of different kinds, even sexual abuse? Do parents grow careless with increasing responsibility and the stress and strain of everyday life? Is poverty the cause of parental neglect? But abuse takes place in affluent homes as well in poor ones and while the cases may be more numerous among the latter, it would seem that better off parents have less excuse for allowing abuse to occur. All parents have an awesome responsibility, when they bring forth a child into the world, to ensure its safety and security, to guard it from harm, to foster its full development into a whole human being who is healthy physically mentally, emotionally and spiritually.

Maslow's "Hierarchy of Human Needs" comes into mind. These are listed as, Physiological needs - food, air, water etc; Safety/ Security needs-shelter, caring and protective adults; Love and Belonging needs- family ties, friendships, happy personal relationships in home and society; Esteem and Recognition needs-acceptance, appreciation; Self actualisation- realisation of one's full potential, utilization of one's talents. All these needs have to be met if the end result is to be a happy human being.

The trouble is that in today's fast moving world, with most wives going to work, the stresses and strains of daily life take their toll. Parents who are in a hurry to get their children ready for daycare or pre-school, to drop them off and get to their own workplaces in time, often have little patience with a child who dawdles or who throws a tantrum at the breakfast table. Similarly, when these parents return home tired in the evening, picking up the children en route, they have a hundred-and-one things to do and are little inclined to pamper the kids who may clamour for attention. So it's easy for children to feel they are considered a nuisance or are in the way and that Amma and Thatha don't have time to listen to their prattle or to tell them a bedtime story. This isn't child abuse, true, but it is neglect. When we deny a child the sharing of ourselves with her through the time we give to playing a game with her, singing a song, telling a story, listening to her chatter, giving a sympathetic hearing to her woes and worries. Romping in the garden, building sand castles on the beach, recognizing any small achievement, offering a word of praise and appreciation - we are keeping her on the periphery of our lives and making her feel unwanted. If such a situation continues for long, that child may become vulnerable to any wolf in sheep's clothing who approaches her with apparent love and concern, but with a hidden agenda that will harm the child. This applies equally to both sexes, of course.

It could be ten times worse for a poor mother who is trying desperately to help her husband eke out a living and who is worn out with incessant toil. Then the children lose out on childhood. They are denied that "full opportunity for play and recreation" that is one of the stated "Rights of the Child" in the UN Declaration, because the parents' circumstances are such that children are pressed into service to help their father or to mind younger children so that the mother may get on with her work. Of course, there are poor homes where every effort is made to care

for and protect the little ones, but it's that much more difficult and as children grow into adolescence they are perceived as possible wage-earners to supplement the family's meager income. So they are sent out into domestic service on the promise of good adequate food for their stomachs, clothing and a monthly sum of money to be paid to the parents. Children in domestic service (or any form of employment), are denied the rights to free education and to learn to be a useful member of society and to develop individual abilities. Quite apart from these finer points, working children are particularly liable to abuse of different kinds-verbal abuse, deprivation of education, adequate food and playtime, assaults on their person and sexual abuse.

Even school-going children from homes that are not among the poorest, can fall easy prey to paedophiles. When a sociologist was doing a survey of school children in the Kalutara District some years ago, in one school the principal told him that he found that many of the children used imported items such as pens and watches etc, and his suspicions were aroused. On inquiry, the principal found that these boys and girls had made friends with generous foreigners they met on the beach and they were being offered various material for services rendered. The parents, when contacted, were not overly concerned and in the case of boys, particularly, they didn't think there was cause for worry because; after all, boys could not get pregnant! These parents too benefited materially from the patronage of the foreigners.

In her soul-searing book, "Wednesday's Children" which contains a number of case studies of sexually abused children and is written out of her own considerable experience with them as the founder of the movement known as P.E.A.C.E (Protecting Environment And Children Everywhere), there is a revealing insight into the attitudes of some of the parents of children who are brought to the law courts to testify against their abusers. In the

chapter titled” Children in the Courts”, Maureen writes: “What of the parents?” The parents of the beach children express shock and horror but very little of this is sincere. Too many of them are aware as to how their boy-children bring home a dollar, so their claims to ignorance have to be dismissed. However, they have absolutely no means to provide legal assistance for their children if and when the need arises, being destitute themselves. In many cases it is only the father who is there to offer meager support to the child as the mother is away-away in lands of ‘Black Gold’ seeking a fortune for her family that may not even exist as an entity if and when she returns home. We also found that parents are the first to label their children as ‘criminals’ when cases come to court, even though under the Revised Penal Code they are all victims now, innocent of crime, up to the age of 16. Parents on the beaches are struggling to survive and children are usually a burden to them.

“Contrary to sentimental views we might have held, there is a little love lost between parents and children in difficult circumstances. Yet of course parents as well as others in the small community will spend hours in the court, simply looking and listening – with no real intent. Their least concern is to address or assist in the trauma of their children summoned to bear witness against their abusers”.

Chilling words indeed. If traumatized children cannot look to their parents to stand by them and help them in times of crisis, who is there for them? Maureen writes: “ As for children in the courts, it is back to the beach again, or the streets, or the slums when the cases are over - where else?” These parents had long ago abdicated their role and responsibility to guide and protect their offspring from harm. But who among us can judge or condemn them, unacquainted as we are with the appalling circumstances and conditions of their own lives? However, Maureen’s reference to the absent mothers who have gone to the Middle East or

elsewhere to earn the kind of money they hope will lift them out of the poverty trap, brings us to another angle of child abuse. Children in the clutches of foreign paedophiles are still a minority of the abused children in our land. The absence of mothers is often cited as a prime cause of incest in this country, where fathers make sexual use of their young daughters to satisfy sexual needs. The absolutely sickening story of a 13 year-old girl whose mother had gone to work in the Middle East, leaving her in the care of her grandfathers (we aren't told where the father was), made front page news in our media earlier this year. *Both grandfathers had raped the child.* Abuse and molestation of children takes place far and wide and not only on the beaches. The Sunday Times of June 26 carried a news item to the effect that "Crimes against children have increased this year, according to the Women's and Children's Bureau of the Police Dept. Director of the Bureau, SSP L.L. Cecil Perera, had said that "Crimes against children have gone up because of poverty and illiteracy. In some cases, mothers have gone abroad and their children don't have a suitable environment in which to grow" He added that most of the abuses are committed not by strangers, but by those close to the family. The Bureau statistics show a total of 769 abuse cases reported up to April of this year 2005 as against 661 cases reported for the same period last year. Ratnapura District had the highest incidence of reported cases, with Anuradhapura District coming second. The most common crime against children is rape-269 cases. How is it that parents are so negligent or uncaring.

I once met a girl from the Gangodawila Detention Home. She told me how her uncle, her mother's brother, had started making sexual advances to her. Her mother disbelieved her and did nothing about it, so she went to the police station of her village and lodged a complain. When the police called at her home, her mother denounced her as a liar and told the police that the girl was making it up. The girl had gone again to the police station and said she

could not live at home because of the unwelcome sexual attentions of her uncle, so she had been sent to the Gangodawila Detention Home. Many years ago, a friend sent an 18 year -old girl from a middle class family to me for counselling. From the age of 9 or 10, Swarna (not her real name) had been sexual abused by her father, but she had not known that that is what it was, for her father had shown much affection and persuaded her that this was a normal father - daughter relationship. He fondled her and used to place his penis between her legs. She didn't like it much, but hadn't wanted to displease her father. The mother was quite unaware of what was going on- she went to work. The father would somehow contrive to be at home on some afternoons when Swarna returned from school and Swarna herself instinctively kept silent. It was only when she confided in a friend that she learned this behaviour was not normal. The friend brought her to me. When the mother was told about it, she was shocked to the core. She arranged for Swarna to stay at a school-friend's house until evening. I don't know how she tackled her husband - I only know that the marriage did not break up and Swarna and her mother drew closer together. Swarna did not regard her father as a monster; she was still fond of him, but she kept her distance from him. A few years later, when she met a young man who wanted to marry her, the father was strongly opposed to the match. The mother, after she had satisfied herself that the man was a suitable partner for Swarna, over-rode the father's objections and stood solidly behind Swarna. Today, Swarna is a happily married woman and the mother of two children. Incest and sexual abuse occur in stately homes as well as in slums and the children may sometimes be pupils in leading schools and of any ethnic group. School Counsellors are accustomed to hearing of abuse by a male relative of the victim. Today, fortunately, such cases are expected to be reported to the National Child Protection Authority which takes necessary action.

I spoke to Dr. Ranjan Rajasingham, Director of ESCAPE (Eliminating Sexual Child Abuse, Prostitution and Exploitation) and asked him whether from his experience he could tell me if much of the sexual abuse is due to parental negligence. His reply was significant. He has found that in the majority of cases he has seen, it is the lack of love from parents that enables an outsider, a close relative or friend, to insinuate himself into the child's affections by showing him the love and attention for which he/she craves. The child responds with unconditional love for that parent-substitute to whom he/she becomes deeply attached. He or she is willing to do anything that the person wants of him. Dr. Rajasingham also said that in such cases, so strong is the bond between the child and his abuser that the child does not want to report any unusual behaviour even if he isn't happy with it. He can't bear the thought of doing anything that might cause trouble for the abuser or hurt him any way. It is evident children need and expect to be loved and cared for by parents. The need for parental love is as instinctive and vital as breathing.

The human newborn has been likened to the closed bud of a flower. If that bud is to develop properly and eventually open to reveal its full beauty, it requires the nurturing soil and the right amounts of sunlight and water. If it is subjected to torrential rains or to a fierce drought, it will be blighted-it will either shrivel up and die, or will turn out to be a poor specimen. It simply will not thrive. So it is with a human infant. It needs love and acceptance. If it has endured rejection, or the chilling absence of praise and appreciation, the dynamics of its personality will be jammed. It will be prevented from developing fully to become the happy, healthy human being it might have been. The parents' pleasure in a child are the spiritual vitamins and the extra nourishment he/she needs to grow well. The self-actualisation process -i.e. the full development of all his/her potential, capabilities and talents-will not be possible. The chances are that a child whose "love and

belonging needs” and “esteem and recognition needs” are unmet, will grow up into an unhappy adult whose mental health may be affected, even if his/her physical health has not impaired, Psychologists clearly pinpoint early childhood experiences as the root cause of nervous disorders and neuroses in people in later life. “We are shaped to an almost frightening degree by those who have loved us or not loved us in early life”. As parents, we have to be available, accessible and responsive to a child’s needs at each stage of his growth. In the frantic demands of daily life today many parents are simply not able to provide this.

The Chairman of the Metropolitan juvenile Court in London once had this to say: “The most grievous problems are neither the spoiled children nor the ill-disciplined. They are the children who from the earliest days have lacked the essentials to their wellbeing- the loss of which nothing else in the world can compensate for- LOVE AND SECURITY. These are the gravely delinquent children.” I think of the many parents who, because of their preoccupation with careers or committees, think they can compensate for the lack of time they give to being with their children, by lavishing all toys and status symbols that money can buy. It doesn’t work. Children may know their parents lead busy lives, but they still expect their needs to be met and their basic need is for the parents to show their love by giving them (the children) quality time. Children denied that become vulnerable to all sorts of harmful influences today, from cruelty at the hands of carers, to pornography on the Internet, to improper amorous advances from familiars who may see more of them than their parents do.

It may be a cliché but a true one that children are the most precious resource of a nation. How are this country’s children being treated by the adults closest to them? I read in the Daily Mirror of June 28 about a ten year old boy rescued by the Women and

Children's Bureau of the Galle Police Division after suffering from such cruelties inflicted on him by his father. When the police raided the house they found the boy lying naked in the corner of the kitchen with his hands and legs tied with a nylon rope and with bruises all over his body and a broken right hand. The mother is working abroad. What a monster of a father! You might well think, and there's no doubt of him being a grossly unnatural father.

However, there is a more common type of abuse of another kind which many more parents are guilty, not even realising it, and that is verbal abuse which, when constantly resorted to, can cause great pain of mind to a child and also destroy his/her self-esteem. We need to listen to the words we use in upbraiding our children- words like "pissa", "booruwa", "gona" (in English they translate into lunatic, donkey and bull). When we yell: "For heaven's sake, can't you see I am busy?" or "My God! Don't you understand English How many times have I told you?" "How stupid can you get?" "Don't talk like a bloody fool!" "You'll send me to the asylum!" etc., we are doing irreparable damage to young minds. There was the irate father, annoyed by the way his ten year-old son noisily chewed his food, who shouted at the boy: "Leave the table Len- you eat like a pig! Do you know what a pig is?" As the child's eyes filled with tears and he angrily pushed back his chair, he shouted back at his father. "Yes, a pig is the son of a swine!"

The role and responsibility of being a parent is undoubtedly one of the most demanding callings open to human beings and one in which few of us can honestly feel we have earned a Gold Medal. But was can all win medals for TRYING OUR UTMOST not to fail our children. The words given below were contained in a statement written in Chinese and English and placed at the entrance to a Kindergarten in Hong Kong and might well be put up in our homes:

I AM A CHILD

I am a child
All the world waits for my coming
All the earth watches with interest
To see what I shall become.
The future hangs in a balance,
For what I am
The world of tomorrow will be.

I am a child
I have come into your world
About which I know nothing.
Why I came I know not.
How I came I know not.
I am curious,
I am interested.

I am a child
You hold in your hands my destiny.
You determine, largely,
Whether I shall succeed or fail.
Give me, I pray you,
Those things that make for happiness.
Train me, I beg of you,
That I may be a blessing to the world.

Contributing to The Health Care of Vulnerable Communities: Practical Medical Methodologies

Dr. Jayantha Jayatissa

1. Overview

Health is one of the major components in any project aimed at community development, others being livelihoods enhancement, education, value formation and improving social harmony. In the process of combating sexual crimes against children enhancement of all these aspects should be addressed. Hence, the importance of holistic development of communities that are vulnerable to sexual abuse of children cannot be overemphasized. The Health Project is one of the major components among the activities carried out by the Campaign, Protecting Environment And Children Everywhere (P.E.A.C.E.) with a view to achieving its main objective - combating commercial sexual exploitation of children (CSEC) and child sexual abuse, rape and incest.

Beneficiaries of the P.E.A.C.E. Health Project (the children who live in 10 vulnerable areas and their mothers) belong to the poorest of the poor sector of society who live in semi permanent shelters with minimal sanitary standards. Poor ventilation and congestion in the houses, poor nutritional status and ignorance of healthy behaviours of the people lead to occurrence of frequent illness episodes in the families. People have poor access to health care provided free of charge by the government hospitals. These institutions are situated more than one kilometer away; there is no public transport system in most of the areas. Due to congestion in the government hospital not only patients have to wait in long queues to consult a doctor and collect medicines, they also do not receive satisfactory care as a result of the heavy workload of the

doctors. Government institutes are maintained with minimal resources and are unable to provide all drugs and investigation facilities and therefore doctors are compelled to request patients to buy drugs and have investigations done from the private sector very often. Only a few can afford to comply with this, while the majority fail to do so and continue to suffer and develop serious complications of the initial illness which demand more resources, adding to the burden of the government which has been facing a civil war for nearly two decades.

When mothers are away from home seeking health care for more than 4 hours an average in government hospitals, children at home are exposed to a greater risk of being sexually abused by the drug addicts in the community and tourists in holiday resorts in near by beaches. This also affect the contribution of family income generated by the mothers who are engaged in micro enterprises established with the assistance of the P.E.A.C.E. organisation.

Main objective of the P.E.A.C.E. Health Project is to reduce the incidence of episodes of frequency of illness by providing primary health care with a view to enhancing the physical, mental and psychosocial well being of the community that would facilitate successful combating of CSEC P.E.A.C.E. Health Component is a comprehensive Project: it has curative programmes as well as preventive programmes. Activities of Curative Programmes include conducting regular clinics in the communities which provide primary medical care and further assistance when members of beneficiary families who are seriously ill need hospitalized treatment. Preventive care is provided in the form of awareness raising with regard to sanitation, nutrition, breast feeding, family planning, stress management and especially child sexual abuse and CSEC, and screening of apparently healthy members of the community at Health Camps.

2. Curative care

2.1. Medical Clinics

These are conducted regularly at Mattakkuliya, Wedikanda, Walauwatta, Angulana and Moratuwa where P.E.A.C.E. works intensively. The Health Team is led by a specialist family physician and includes two MBBS qualified doctors, two qualified pharmacists and an experienced health educator. P.E.A.C.E. mobilisers and volunteers offer invaluable assistance in organizing and conducting the clinics. A few days before a clinic a P.E.A.C.E. mobiliser visits every family in the area and identify those needing medical care and issue a token for each sick child or mother. Priority is given to infants and those who are acutely ill.

Clinics begins with a session of health education for mothers. Areas covered are house hold sanitation, nutrition, breast feeding, child rights, child abuse, family planning, sexually transmitted diseases, HIV/AIDS etc,. This is followed by consultations and issue of drugs. Common health problems encountered are Upper Respiratory Tract Infections (URTI), Asthma, Viral fevers including Dengue, High blood pressure, Diabetes, Chronic eczema, fungal infections of skin and nails, Scabies, Worm infestations, Anaemia and malnutrition. Patients with conditions such as diabetes and hypertension are referred to government hospitals. Most of the patients referred to government clinics for long term treatment find it difficult attend due to reasons such as lack of time, lack of transport, fears related to security of children. Two suspected cases of Tuberculosis, and three suspected cases of leprosy were referred during the past year. Also cases of Heart Disease. Statistics with regard to age, sex, diagnoses, number of referrals are maintained by the health educator. Numbers treated are reluctantly restricted due to financial reasons although the numbers demanding medical care is considerable.

2.2. Assistance for Seriously ill Patients

Area mobiliser informs the P.E.A.C.E. officials whenever a member of a beneficiary family is admitted to a government hospital and needs assistance. If the hospital requests the purchase of a costly, lifesaving drug, financial assistance has to be provided. In the event of a breadwinner of a family being seriously ill, food packages are provided to the family. Mobilisers pay special attention with regard to security of the children whose mothers are admitted to hospital for treatment or childbirth as trafficking for child labour and child sex occurs in these areas.

3. Preventive care

Activities carried out in this area are listed below:

Medical camps

Awareness raising

Health education at medical clinics

Family skills development of mothers of beneficiary families

3.1. Medical Camps

Medical camps are conducted in selected areas in Colombo suburbs and other areas where P.E.A.C.E. works. The Teams include 2 doctors who conduct P.E.A.C.E. medical clinics, 2 more doctors in the locality, 2 dental surgeons from the mobile units of the Government Dental Institute, Colombo, two pharmacists and the P.E.A.C.E. area mobiliser. Around 200 individuals are served in one camp. Formal and informal leaders, youth and mothers in the locality voluntarily assist in organizing and conducting camps. Activities carried out in medical camps are listed below:

1. Health education:
 - (a) A professional health educator and one doctor conducts 3 - 4 Group discussions to educate the Community.
 - (b) Dental surgeon demonstrates proper tooth brushing method and highlights the importance of visiting a dental surgeon every 6 months. Posters are used to convey messages, good practices.
2. Screening of adults for diabetes, hypertension and cataract. Those detected to have defects are referred to appropriate government institutes.
3. Screening of children for congenital abnormalities such as hole in the heart, defects in vision and hearing. Those detected to have defects are referred to appropriate government institute
4. Medical care: Those presenting acute medical conditions such as dengue fever, tonsillitis are examined and drugs provided free of charge and / or referred for specialized treatment.
5. Dental care: Scaling, Fillings and extractions are carried out. Dental services provided at the medical camps are a privilege to the beneficiaries as there are no facilities in the vicinity of their community. Or they may not have time to attend congested dental clinics at government hospitals.

3.2 Awareness Raising Programmes

Awareness raising is one of the major components of the P.E.A.C.E. organisation and are being held regularly, throughout

the country. Target groups are school children, parents, teachers, probation officers, police personnel, judges, health personnel including medical doctors, prison officials to name a few. Methodologies used are seminars, group discussions, work shops, and training courses for service providers for sexually abused children. P.E.A.C.E. has its own resource persons: a qualified public health inspector who had received special training in health education and HIV/AIDS; A Specialist family doctor with professional qualifications and experience in community medicine, child health and counseling; an Attorney at law who has special interest in child rights and crimes against children. They themselves have participated in several intensive training of trainer's courses for service providers for sexually abused children. In addition external resource persons are invited where necessary. Modules of this programmes are as follows:

1. Child rights
2. Forms of child sexual abuse
3. Prevention of child sexual abuse:
 - a. Primary prevention -
 - i. Create awareness on risk factors among children and parents 11
 - ii. Good touch and bad touch
 - iii. Stress management
 - iv. Family bond
 - v. Anyone can be a perpetrator
 - vi. Times during which child should not go out without an adult
 - b. Secondary prevention -
 - i. Consequence of sexual abuse :physical, phycological and social
 - ii. Symptoms and signs of abuse for early recognition

- iii. Early counseling
- iv. Reporting
- v. Prompt medical care

c. Tertiary prevention - Rehabilitation

4. Legal amendments

Module on secondary prevention are usually done by the health team leader of P.E.A.C.E. and the specialist family physician. Participants who know this keep on asking questions regarding behaviors related to physical health and psychological health, as they do not have access to doctors for such verifications. This opportunity is used for health education - opportunistic health education.

4.1. Health education at medical clinics

This has been already discussed in section 3.1., titled, Medical Clinics

4.2. Family Skills Development of Mothers of Beneficiary Families

There is a constant need for conducting this programme. Groups of mothers from several areas are interviewed beforehand. As health education given to mothers at busy medical clinics alone is not sufficient for enhancement of quality of life, special programmes are necessary.

Mothers had requested an opportunity to talk to the specialist family physician and with Counsellors on the following subjects:-

1. Human sexuality
2. Mental depression
3. Stress management
4. Wife battering
5. Child battering
6. Gender issues
7. Any other issues that the group/ an individual wishes to discuss

Duration of sessions are 1 hour and are held weekly for periods of 3 months. If one expresses the desire to have individual discussion that would be allowed at the end of the session. Topic for the day is decided by the mothers and it is possible to discuss more than one topic. No formal lecture is given but questions of mothers are answered. This programme can be best described as “chit chat with your doctor”. Place of meeting could be a community center, school or temple in the locality. Evaluations reveal that the mothers are more knowledgeable and family conflicts are decreasing. The doctors and resource persons see that these programmes enhance family and social harmony. These mothers are also an asset to Society as peer counselors.

5. Conclusion and the Way Forward

Health component of P.E.A.C.E. is a comprehensive project with a satisfactory design and approach. Its impact on the health of beneficiaries has a close link with combating CSEC successfully.

Child Labour: The Laws to Protect Children from Exploitation

Shyama Salgado

Introduction

In 1998, the International Labour Conference adopted a solemn ILO Declaration on Fundamental Principles and Rights at Work, reaffirming the commitment of the international community to “respect, to promote and to realise in good faith” the rights of workers and employers to freedom of association and the effective right to collective bargaining, and to work towards the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation. The Declaration underlines that all member countries have an obligation to respect fundamental principles involved, whether or not they have ratified the relevant Conventions.

The International Programme for the Elimination of Child Labour (IPEC)

The IPEC was established by the ILO in 1992 and the Sri Lanka country programme commenced in 1997. The Strategic objectives of the IPEC programme in Sri Lanka at the time were as follows:

Ratification of ILO C.138 on the Minimum Age of Employment; Effective enforcement of labour laws; countrywide surveys on child labour; legal support for victims; to create awareness; to improve working capacities and strategic planning of the Labour Dept.; support services to victims; prevention of

child labour in plantations and conflict areas; rehabilitation; child education and school enrolment; Child labour force survey; and Occupational health hazards study.

ILO Convention 182 came into force in 2000 and was ratified by Sri Lanka in March 2001. The Convention stipulates not only to secure the prohibition of worst forms of child labour but also to take immediate steps to ban it. Article 6 and 8 call for the designing and implementing a plan of action together with international cooperation.

Article 7 calls for the set-up of time-bound programmes to:

- Prevent the engagement of children in the worst forms of child labour.
- Provide the necessary and appropriate direct assistance for the removal of children from the WFCL and for their rehabilitation and social integration.
- Ensure access to free basic education, and wherever possible and appropriate, vocational training, for all children removed from the WFCL
- Identify and reach out to children at special risk
- Take account of the special situation of girls

C.182 requires member states to ‘take immediate steps to secure the prohibition of WFCL. Article 7 reads that this will include “the provision and application of penal sanctions or, as appropriate, other sanctions. From a legislative point of view, this means that Sri Lanka should have punitive laws in place that secure the prohibition of the WFCL. Article 12 of the accompanying Recommendation 190 calls for Sri Lanka to consider regarding the intolerable forms of child labour Le 3(a)-(c) as criminal offences.

Article 5

No areas of work have been excluded and the scope of application of C 138 has not been restricted in Sri Lanka.

Article 7

Situation analysis - Due to the mainly agro economy which prevails in Sri Lanka, family work is often sought to sow and harvest the fields. Children often are absent from school during these periods of time. In a bid to source work, families often migrate to agricultural areas, and disrupt the schooling of their children.

Lessons Learnt - It is important here too to balance the normative with reality.

There is a proposal to begin lobbying with the Ministry of Education to revisit its initial proposals for a school system in selected areas that will allow for seasonal family work in agriculture related activities.

Challenge - is to get complete stakeholder buy in to the solution since all concerned parties have differing agendas. E.g. school terms when adjusted could affect the family life of the teachers concerned. Policy level interventions such as incentives for working in these conditions might be the answer.

Article 8

Situation analysis - While artistic performances of a non-exploitative nature are not examined by the Competent Authority, any performances that may be considered *exploitative* have been legislated for in Section 18 of the Employment of Women, Young

Persons and Children's Act, and any performances or training that may be considered dangerous Sections 19 and 20 of the same Act.

Challenge - However a mechanism to evaluate the levels of exploitation or danger is not in place and that poses a challenge to effective monitoring.

Article 9

The following Laws and Ordinances are enforced by the Department of Labour in relation to child labour.

1. Employment of Women, Young Persons and Children's Act No. 47 of 1956
2. Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954
3. Factories Ordinance No. 45 of 1942
4. Minimum Wages (Indian Labour) Act No. 27 of 1927
5. Employment of Women in Mines Act No. 13 of 1937

Challenges - Minimum age enforcement in the informal sector should be supported by commitment articulated through allocation of human resources and financial resources.

Lesson learnt - the necessity to consolidate all child labour related laws and empower all law enforcement organizations in a manner that the playing fields are equal amongst them. Equi-dependence will strengthen protective networks and will be mutually beneficial to all. E.g. the coordination amongst labour officers, police and probation officers is uneven due to lack of legal backing for the labour officers and their over-dependence on the police personnel.

Challenge - to rectify this lack of equi-dependence without upsetting the *status quo*.

Recommendations 146

Situation analysis - National Policy: In Sri Lanka, while the National Policy is a pro-child protection one, the issue lies with the implementation and monitoring of such policies.

Lesson Learnt - Since the capacity of the government machinery to monitor compliance with the law in the formal sector is already insufficient, the informal sector does not receive the attention it requires, and much abuse and exploitation takes place as a result.

Challenge - to find innovative methods of providing for inspection - something more proactive than exists at present. Community vigilant - volunteers could be recruited on a roster from these catchment villages to support the monitoring process.

Attention also needs to be focused on OSH standards for children between the ages of 14 and 18 years. Monitoring of such standards also needs to be addressed. The capacity of the labour inspectorate both in numbers as well as a thorough understanding of OSH in child labour needs to be increased. ILO should develop child-specific *guidelines* for establishing norms of noise levels, weight ceilings, etc.

Lessons Learnt - While education policies exist in the formal secondary school structure, they need to be implemented in a practical manner, reaching those girls and boys in extremely rural and vulnerable parts of the country while addressing seasonal migration and other special needs of children. (See response to Article 7 of C 138).

Non-Formal Education though reflected in the Government education policy, needs to be mainstreamed into Government education programmes more strongly, and made flexible to include children who lack literacy and numeracy skills in the formal education sector and as pre-vocational skills training as well.

Challenge - to get it equal recognition on the Education for All agenda of the Government without compromising the compulsory school attendance policy.

Lesson Learnt - A vocational training policy needs to be implemented which addresses the needs of the vulnerable groups of children. This lack of policy leaves room for arbitrary entry level requirements among service providers.

Vocational skills training, needs to be made available in the 3 main languages of the country as well as through more community based interventions rather than center based training.

Intervention programs should be of a duration that can allow that community time to internalize the interventions in a sustainable manner.

Children living / and or working on the street need to be addressed as a special group, since they are often missed at times of interventions, as a result of them being a fluid population and outside parameter driven programs.

Challenge - to move away from the stereotypical accreditation system established through the State mechanism and provide for some recognition for VT undertaken for children with lesser education as is typical of girls and boys within vulnerable groups.

Convention 182

Lessons Learnt

- Programs of action need to be implemented over a long period of time, and a brief 1 - 2 year action program, does not allow for community owned sustainability.
- In Sri Lanka it has been noted that a greater number of boys than girls are vulnerable to CSEC and other forms of exploitation, and appear to require special attention through the IPEC facilitated programs.
- Programs of action which empower the families and communities of children withdrawn from the worst form of child labour need to be implemented. Adequate psychosocial support interventions to meet the needs of the rehabilitation and reintegration process also need to be provided to the children, families and communities.
- The age limit for interventions under IPEC facilitated action programs should be extended to go beyond 18 years and up to at least 25 years. This is because vulnerability to the WFCL does not magically end at 18 years.
- Age flexibility should ideally correspond to the average age for marriage in Sri Lanka (25 years) and the education system

Article 5

- The state sector, vis-a-vis, the Departments of Probation and Child Care Services, Police, National Child Protection Authority, Labour Department, etc, need to be constantly

given awareness on child labour, and capacitated to fully monitor the process from withdrawal to rehabilitation and reintegration of children in child labour.

Challenge faced here is that once cadres are capacitated due to other priorities (e.g. security related issues) the trained cadres are not kept in position but transferred.

When there are many actors and equally empowered partners ‘territorial issues’ challenge the programme. Hence motivation, management techniques and respect for the varying roles/team building have to be nurtured through capacity building initiatives.

- The State should consult with the employers’ and workers’ organizations on appropriate monitoring mechanisms to ensure commitment and support that is crucial to monitoring.

Implementation (Section 8)

- A state managed Child Labour Monitoring Unit needs to be established in order to monitor the data gathered, and to comply with the formal reporting process to the International Labour Office addressed under Section on Implementation (Para 7)

Implementation (Section 9. 10. 11. 12 etc)

- The law relating to entry and searching of employers’ premises of underage domestic workers, needs to be revisited, since the process is cumbersome and does not lend itself to quick and efficient withdrawal of children from child labour.

- The different types of legislation existing with regard to children needs to be consolidated and made consistent.
- The court procedure for children who have been rescued needs to be more child/ victim sensitive and cases need to be concluded fast, allowing for the reintegration process to begin without delay.
- Hazardous Work - see Article 3 of C 138

Article 7

Implementation (Section 1)

See attached separate report on status of legislation in terms of implementing C 182.

Implementation (Section 2)

Lessons learnt - The culture of attending school and following the discipline of regular attendance needs to be inculcated at an early age. ECD through Primary through Secondary school interventions is the most effective form of prevention. Regular school attendance and a learning environment will better empower children to resist efforts by adults to send them into exploitative employment be it within the home or outside. VT on the other hand is an ex-post-facto response to child who have not attended school or have already becomes victims of child labour and withdrawn from such.

Protecting The Environment: A More Salubrious World for Children

Surein J. S. Peiris

A disaster natural or man- made would usually result in panic confusion and chaos. There would be disruptions in daily basic services, displacement of people and even communities; chaos follows an earthquake, fire or floods; there is pandemonium after a howling typhoon or hurricane. One crisis leads to another; and misery loves company; calamity does not come alone, but it is usually accompanied by legions; homelessness, hunger, disease, loss of livelihood etc.

It was indeed a similar situation when the vicious Tsunami Tidal Waves struck our island nation on the 26th of December 2004. The Tsunami 2004 was the largest natural disaster experienced in Sri Lanka. The death toll was 30, 959, 56! 2601 people were displaced, 95,000 homes were destroyed and 375,000 livelihoods affected directly and indirectly. 1,615 km of roads were damaged and 6,500 km of power lines were destroyed. 72 hospitals and 363 facilities were damaged. 280 schools and 4 universities were affected.

And today we are faced with the stark reality that Sri Lanka is a disaster prone area. Gone are the days, when one would say “they happily lived thereafter”. Yes! We are exposed to natural disasters and risks to a level which is unparallel in the history of our nation. Then of course, we have to ask ourselves that million dollar question “Why?”

I dare say, the answer rests with you and me. It is our actions which have brought about our downfall. It is our stupid decisions

which have resulted in Mother Nature turning against mankind. Yes! We have dug our own graves. When god the creator, created this Earth he gave the man the responsibility of stewardship. God bids us “to tend and keep the earth”. This is further endorsed by Mahatma Gandhi’s words when he said “The Earth does not belong to us. We belong to the Earth. We have borrowed it from out future generations”. Yes. Then our bounden duty and solemn responsibility is to be it’s guardian; we are called upon to play a custodian’s role.

Just look back at the lifestyles of our forefathers. They lived in the forests for many generations, (some of the natives do still live in forests) tending it and keeping it, living with the environment in a very harmonious way, not destroying it but learning to live with it. Their life style is very sustainable. But look at the present day generation. True, that modern man has taken vast strides in the advancement of science and Technology. But he has not been able to conquer Natural Disasters. Be it the Asian Tsunami or the “American Catrina or the “Pakistan Earth Quake”. Disasters occur at a rapid pace now, than ever before. Given this scenario what does the future hold for the children of this world?

There are two clearly identifiable types of emergency which shout for equal attention. They are “loud” emergencies encompassing natural disasters and armed conflicts, which displace and disable millions of children worldwide, and “silent” emergencies, resulting from entrenched poverty, sickness famine but which seldom make the headlines. Unfortunately, television and the news media are drawn mostly to the dramatic profile of “loud” emergencies and not to the far greater number of children who die each year in slums and poor villages from diarrhea (3 million) or acute respiratory infections such as pneumonia (3.6 million). It is vital that the world be reminded that no war, flood,

famine or drought ever cost the lives of 35,000 children in a single day. That is the death toll day after day from “silent” emergencies.

But what do we “do” today? We shun the social responsibility and pay scant respect to the protection of the environment. We certainly do not act as if we have borrowed it (earth) from our children. We engage in mass scale deforestation, illegal logging, sand mining, destruction of coral reefs etc.

Deforestation:

Sri Lanka was once a land of rich tropical forests, nurtured by abundant radiation, high temperatures and rainfall, and long growth periods. In pre-colonial times these ecosystems provided locals with most of their daily needs. Over the last century much of this heritage has been destroyed, along with many of its material benefits. Rich forest diversity was, we now know, highly vulnerable to misuse. Deforestation has now seriously diminished timber supplies, made soils less productive, water supply more erratic, and floods more frequent and severe. Management of what is left, and re-establishment of new forests, will require concerted planning and strong political will. These actions depend on broad public understanding of the benefits of reforested watersheds, mixed farmland forests, village groves, shelterbelts, and sustainable natural forest ecosystems.

Deforestation is one of Sri Lanka’s biggest problems as is the case in most parts of the world, especially the Asian region. The loss of forest cover has been far greater than the development that has taken place. Illicit felling has been a major reason for this rapid loss of forest cover. A main cause for this has been the over exploitation of the forest to meet the growing demand for population. What remains of natural forest cover is non productive and low in yield.

Lessons from the Past....

Looking at the past, one could see that the life of the traditional rural society has its foundations firmly rooted in the adjacent forest. It provided the people with the necessary medicinal plants, fuel wood and timber as well as foods like fruits and tubers. Likewise, the forest was the heart (corpus) of traditional farming. Constantly flowing streams from the forest provided water for cultivation. The soil was eternally rich from fallen and decayed leaves. Thus the relationship between the ancient Sri Lankan society and the forest was very close. The people loved the forest which catered to their living needs, and lived in harmony with it. With the onset of colonial rule, the close relationship that existed between the people and the forest began to deteriorate. The British whom came to Ceylon began to clear forest lands and plant coffee. With the decline of coffee plantations by the end of the 19th century, the British introduced tea planting, which accelerated the devastation of forests. The British extended the tea plantations by clearing the forests on hill tops and the expansion of tea plantation continued. The peasantry was also driven to clear forests for their own cultivation and homesteads. Since many up-country forests on steep slopes were converted into tea plantations in this manner, soil erosion, earth slips and the drying up of streams began to take place.

Low-country forests were also cleared due to the mounting demand for land for commercial (cash) crops. Therefore, the people were compelled to invade and to exploit forests in order to fulfill their fuel wood and other needs. Through this process, large areas of forests were cleared leading to the extinction of various plant species.

Landslides

The loss of forest cover in the central hill country region has reached critical levels. This situation has caused massive land slides to occur. In recent years, Sri Lanka's central hill country has been experiencing an unprecedented high incidence of landslides or earth slips. Spells of heavy rain and Geo-physical changes in the hill country, accentuated by man's increasing and clearance of steep slopes, have increased the danger of landslides.

Scientists suggest that large-scale denudation of forests on the hill slopes and ill-advised human construction and farming activities in landslides prone areas have aggravated these natural disasters. Nuwara Eliya and Kegalle Districts are the worst affected, and each year dozens of people are killed.

Landslides and high soil erosion often occur in the same area, but landslides cause more sudden and obviously damaging results. Landslides commonly occur following heavy rain storms, particularly in the hill country. Available evidence, though not quantitative or conclusive shows that the frequency and magnitude of landslides has increased in recent years, causing serious damage to life and property.

Water

Until our land is stricken by drought and pray for rain, we tend to take water for granted and forget that it is one of nature's great gifts to be valued and cherished, to be protected and not to be wasted and polluted.

A survey by the Central Environment Authority (CEA) also warned that the underground water resources are diminishing

rapidly while the surface sources have become more polluted. Industrial effluent, misuse of agro-chemicals and septic tanks located too close to wells are all polluting our water supplies.

Water management was a royal duty in the times of our ancient kings. What is urgently needed today is the formulation of long term policies that reflect changing water demand patterns consistent with efficient use and better appreciation of the social and the environmental effect with the view to minimize the adverse impact.

Coral Reefs

For years, coral reefs along Sri Lanka's coasts have been subject to large-scale destruction from mining of coral for lime required in the building industry. Activity is particularly intense in Akurala, Seenigama, Kahawa, Warallana and Totagamuwa, between Talpe and Ahangama, Mirissa and Madihe and in the Rekawa village. Coral reef destruction also occurs in certain areas along the east coast. Mining reduces coral reef barriers against wave erosion, destroys habitat of a large number of flora and fauna, including economically important fish species, and can eliminate potential for sustainable tourism.

Unsuccessful efforts have been made for several years to discourage coral mining. Coral miners have not yet been persuaded to take up other less lucrative employment, for the CCD lacked the mandate or the resources to provide employment alternatives. Faced with the favorable returns of coral mining, available at least in the short term, CCD had been unable to obtain the necessary co-operation for enforcement from local political and administrative leaders.

Soil Erosion

Serious concerns about soil erosion in Sri Lanka have been expressed since 1873, when Sir J.D Hooker stressed dangers of indiscriminate plantation agriculture. One result was the restriction on land cultivation above 1,525 meters. In 1931, a Committee on Soil Erosion documented the damage caused by plantation crops. The soil conservation Act of 1951, which followed devastating earth slips in the hill country, in particular in the Kotmale valley, has been largely neglected since. As Stocking (1986) observed. "The reality of soil conservation in Sri Lanka today, is one of much rhetoric, little action: the concern of some, the disdain of others".

Bio-Diversity

Sri Lanka's biological diversity has sustained human society for countless centuries in myriad ways, forests, grasslands, wetlands and coastal and marine habitats and the species they support have provided fuel wood, timber. Fish medicinal herbs, crop plants and animals for domestication. They have helped regulate the climate, recycle nutrients, protect soil and water, control pests and diseases and provided habitats and breeding grounds essential for fish and wildlife that enable human survival. Biological diversity refers to the immeasurable variety what life contains. Each species has its different races, and breeds and differences among individuals. Species join to form diverse communities and ecosystems.

Sri Lanka, like countries around the globe, is depleting many of these resources at rates that have made many of them essentially non-renewable. Unlike truly non-renewable resources such as minerals that can be so exploited as to become scarce and uneconomic, we have, at accelerating rates, caused species to vanish altogether, or become dangerously vulnerable to that fate. Among

the most significant causes of this growing problem: forest clearing and burning, shifting, cultivation, wetland damming and filling, timber logging, coral reef destruction, cultivation of monocultures in crops, plantations, and forests, over harvesting of plants and animals, careless introduction of exotic species, indiscriminate use of pesticides, and pollution of our aquatic ecosystems. These are other activities which diminish Sri Lanka's biological resources.

Mangroves:

Have we learnt lessons from the past? We have destroyed the "Mangroves", that acted as a very effective barrier from the sea waves, and when the Tsunami Tidal Waves hit our shores we were found wanting. The only places where the destruction was minimal, ironically, were the places where the "Mangroves" had not been destroyed. Isn't it our duty and responsibility, to educate our children on the importance of environmentally sound practices?

The children of the world are young and innocent but they possess something that many adults forget at times. And that is they act through their hearts and emotions which means that they come into this world without prejudice. It is only as they grow older and through the teachings of their parents that they begin to hate. Therefore, we adults must inculcate in the minds of the young that, they should love and nurture the environment and protect it from abuse. These are internally recognized standards and norms. Public commitments have been made. International Treaties have been signed and ratified. International laws have been passed culminating with the international Conventions on the rights of the child. But what value do they have in a world which goes on destructing the environment and exploiting the children? After all children's lives cannot be put on hold, while adult society mulls over its obligations towards them. The time has come to act. Act now, because tomorrow may be too late!

The Abuse of Children, Causes and Effects

W. A. Sarath Lal Kumara

Child Abuse and Child Sexual Abuse in Sri Lanka - Causes And Effects

Child Abuse

To arrive at a definition of “Child Abuse” is not an easy task. This is because the phenomenon of Child Abuse is so complex. Although various interpretations have been put forward a summarized definition of child abuse would be “Any harmful act done against the good and normal upbringing of a child outside his / her physical and mental situation”.

This clearly indicates that child abuse could be physical or mental/emotional. Therefore any act or situation that is harmful to the physical and mental/emotional well being of a child or which leads to such harm or any act that causes physical or mental pain is child abuse.

Mr. S. Thurairaja, a well experienced State Counsel says “although all physical abuse causes mental abuse of a child, all mental abuse does not cause physical abuse”. From a speech made at the Human Rights Study Circle of the Colombo University in 1999, P.E.A.C.E. Newsletter March 1999. It is helpful at this stage to look at the interpretations / definitions laid down in the Legislative Codes of Sri Lanka.

According to Section 2 (1) of the Criminal Procedure Code Amendment Act 28 of 1998, abuse in relation to a child is

recognized as an offence under Sections 286 (A), 288, 288(A), 288 (B), 308 (C), 363, 364 (A), 365 (A), or 365 (B) of the Penal Code. According to Section 5 (2) of the Evidence (Special Provisions) Act No. 32 of 1999, child abuse is any offence in terms of Section 268 A, 308 A, 360B, 360 C, 363, 364 A, 365, 365A or 356 C of the Penal Code.

Types of Child Abuse

As mentioned earlier Child Abuse is a complex phenomenon. In terms of the definitions and the legal interpretations, child abuse could be classified as sexual abuse and other (non sexual) abuse. The phenomenon of child sexual abuse will be dealt with later in this paper. Therefore we would consider the other types of child abuse. We would consider situations that would impact on the physical and mental developments of a child and those that are considered offences under our laws.

Some of the types of Child Abuse are:-

- 1). Physical assault and cruelty.
- 2). Intentional drugging and inducement to take drugs.
- 3). Hiring or procuring children to beg.
- 4). Conscription by armies.
- 5). Wrongful detention.
- 6). Use for drug peddling.
- 7). Nutritional neglect or neglect of medical care.

Additionally there would be many instances of unlawful and immoral acts. Let us therefore examine the following situations in order to assess the complexity of the phenomenon.

- 1). Unwanted threats.
- 2). Disgrace or shame.

- 3). Destroying the self confidence of a child.
- 4). Causing to commit a wrong.
- 5). Not listening to a child.
- 6). Not caring for the cleanliness of a child.
- 7). Not giving love and attention.

Child Sexual Abuse

The worst form of child abuse is child sexual abuse. Section 2 (1) of the Criminal Procedure Code (Amendment) Act 28 of 1998, Section 5 (a) of the Evidence Ordinance (Special Provisions) Act No. 32 of 1999 and of the Clauses of the Penal Code clearly defined child sexual abuse as an offence. The gravity of this problem which overrides literacy, education, status of individuals is seen when the National Child Protection Authority says that “20 per cent of the children in the country have been subject to some form of sexual abuse at some stage or other of their life”. The process of child sexual abuse could happen at two stages.

- 1). Child Sexual Exploitation.
- 2). Commercial Sexual Exploitation of Children.

Child Sexual Exploitation

We hear of sexual abuse or molestation of a daughter by a father, of a sister by a brother and of children by those who are held in high esteem by Society.

According to statistical data supplied by the National Child Protection Authority, the incidence of child sexual abuse has gone up in the year 2003, as against the years 2001-2002. All these instances have been recognized as child sexual exploitation.

In the Year 2001, there had been 108 incidents and in the Year 2002 the number was 194 and the figure went up to over 200 in the year 2003. In our country the majority of children who are abused fall into the age range of 10 to 14. In the Year 2003 alone, 75 children have been reported as sexually abused. Among these are three innocent little children in the age range 1 to 3 years.

Another serious condition is that sexual abuse is not confined to girls alone. Both boys and girls are at “risk”. In Sri Lanka the ratio is more boys to girls of the age group 10 - 14 years. In the Year 2003, the number of boys was 41 and the number of girls was 164. According to the statistical data of the National Child Protection Authority, the largest number of children who were sexually abused are from the Southern Province. The number of instances there were 51 (from reported Cases).

However, there has been a change in the pattern in the Year 2004. The largest number reputed was from the Superintendent of Police, Division of Ratnapura in the Sabaragamuwa Province. The rise or drop in the incidence of reportage at least depends in the awareness created in the population.

Commercial Sexual Exploitation of Children

The incidence depends on:-

(1) Procurement (2) Abduction / Kidnapping.

Kidnapping is interpreted in the Penal Code in Sections 350, 351, 353, 354, 356, 357, 358, 360 A, C as the removal of a child from lawful custody. The consent of the child and use of force is immaterial.

The use of our children to appease the casual appetite of foreigners is not a recent phenomenon. It has happened over long years.

According to a Study done in our country by Tim Bond of Terre des Hommes in 1980, a comprehensive report was made available regarding the sexual abuse of our children. According to this report, there were nearly 2000 children in prostitution in the year 1980. Of these about 1000 of them were in Colombo and the suburbs. Nearly 200 of them were in Colombo city and about 800 were in the coastal belt.

Today use of children in prostitution is a very profitable trade in the world. Blue films are made and the Internet is used to obtain this prey. In addition, pornographic material, obscene publications are also used.

Children are enticed into prostitution in one of 3 ways:-

- 1) Approaching individually and expressing willingness to buy the child.
- 2) Children / youth (often earlier abused) getting into cliques and offering their bodies.
- 3) Pimps and procurers providing children (the most common), usually lured or threatened into this vice.

The problem had assumed big proportions in magnitude and incidence in the late 1980s as revealed in a research study done by P.E.A.C.E. in 1988 - 89. Nearly 10,000 children between the ages of 8 and 16 were introduced into this trade and according to sociologists and Government statistics the number at that time had increased to between 20,000 and 30,000 abused children in the country. However, although the trade developed in an organized

way in the Southern, Western and Northern Coastal Belt, complaints or recorded data is hard to obtain as official prominence was not given to the issue at that time.

One factor that emerges from this picture is that sexual exploitation of children is well organized and is carried out very secretly. Another factor is that although incidents may come to light, complaints are not made due to social and other pressures.

The Effect of Sexual Abuse on Children

What is the mental state of a child who had been forced to have sex with an adult? Would not a child who is made to appear in the nude before a stranger become a child-adult?

The opinion of psychiatrists is that when a child is engaged in any sex act he / she undergoes physical and mental agony. This had a very unfavorable effect on the future of the child both physically and mentally. The physical effects are bodily pain, physical injuries, sexually transmitted diseases, various other physical ailments and the possibility of developing HIV / AIDS.

The mental and psychological effects are mental agony, anxiety, confusion, depression and the possibility of mental aberrations, inferiority complex and mental illness. The social effects are antagonism towards society, anti-social attitudes, repeated sex engagements, frustration, sex perversion (including homosexuality), failures in marriage, movement away from social groups, inactivity, dependency and social disgrace.

A child who had been sexually abused, begins to resent and hate society. He has a conscious / unconscious intention to vent his revenge on a society that has subjected him to shame and

indignity. When he becomes an adult often he becomes an abuser. Is by then already a drug addict / pusher or on hard alcohol fast on the way to becoming an alcoholic. Many display criminal tendencies, several turn into juvenile delinquents and many from the beaches and slums become part of underworld gangs. They are also easily numbered among the procurers / pimps. What should be done is to combat this situation.

The Hindu Perspective

Children

Humanity's Greatest Wealth

Swami Ranganathananda, Late President-General of the
Ramakrishna Math & Mission Centres world-over

Introduction

I have visited many countries on lecture tour round the world every year. One of the things that have impressed me most everywhere is children-beautiful, simple, energetic, intelligent children in all countries. These children are humanity's greatest assets. They are heavenly- only up to the age of twelve. But after that age, something undesirable happens to some of them causing simplicity and angelic quality to depart, and they get psychically distorted by the forces of our modern society. We find some of them becoming so distorted as to become juvenile delinquents or drug addicts, turning all that beauty into ugliness. The problem has become serious because their number is not stationary or decreasing, but actually increasing, year by year.

What shall we do to help these children to maintain their angelic qualities even as they grow up into mature men and women? That is the most serious problem that faces all modern societies everywhere.

Religion: Need For A Scientific Approach

There is one thing that we miss in our modern societies, and that is the influence of religion. There has been a decline of interest in religion, which had been a great source of strength in all earlier civilizations. But, due to the mixing of religion with non-religious

elements and much superstition, religion fell into decay, and ceased to be a character-forming force; it became increasingly dogmatic, irrational, narrow, and sectarian, unsuited to the modern scientific age.

Such type of religion has naturally become distasteful to young people in all parts of the world. So they keep away from all the religions, and miss that something to strengthen their inner life, which true religion alone can give. Religion has a profound message to every human being, if we approach it scientifically. This is the great contribution of India's ancient philosophy and spirituality and of its powerful modern exponent, Swami Vivekananda.

When we deal with our children on the subject of religion, we have to speak to them in a way that will appeal to them. It must be something which they can understand and appreciate and which, as they grow in age and knowledge, they will steadily realize to be true. No more can we feed them with stories and myths and legends and do's and don'ts. They have their value as stories, entertaining and sometimes slightly educative as well, but something more basic has to be given to the children which will strengthen and enrich them inwardly, and make them withstand traumatic situations. They need to be given scientifically verifiable truths about man. When that is given, they respond.

Human Growth: Its Three Dimensions

The subject of growth is a word and concept always fascinating to a growing child and youth. How does a child grow? What is the nature of that growth? What are the dimensions of that growth?

Today, the whole subject of education has to be approached from that point of view, as the science of human resource development. That is what India did ages ago. In the Upanishads,

it was discovered by great sages, that there is an infinite and immortal dimension behind man's finite and mortal dimension; a spark of divinity ensouling man's psycho-physical system; and that nature has endowed him with the organic capacity to realize this profound truth. This is the science of man in depth, the science of man as the Atman, the Adhyatma-vidya or the Brahma-vidya. The great scientist of modern biology, the late Sir Julian Huxley, called it a science of human possibilities. What are the possibilities hidden in the little child? How to put that child on the long road of its psycho-social evolution?

Hinduism revealed this wonderful subject of man's growth in three dimensions: physical, mental, and spiritual. The first growth is certainly physical. We need our children to be physically fit and fine. A healthy body is the basis for the development of all other possibilities, for all other aspects of personality development. The second level of growth is mental. At birth, how helpless the baby is! But soon it develops its mental possibilities, acquires knowledge of the world around and tries to control and manipulate things in that world, it then goes to school, studies various subjects, and acquires the energy of knowledge.

These two dimensions of a child's development are known to modern civilization. In these two fields, modern man has advanced tremendously. But the profoundest growth of a human child, says Vedanta, lies in the next dimension, in a third dimension, in the dimension of its spiritual growth. What is the nature of that spiritual growth?

There is a need to approach this great subject scientifically, experientially; then alone will we know what it actually means and what its value is for the fullest human growth. It then means, says Vedanta, the spiritual unfoldment of the child. A divine possibility is lying hidden in that child.

Individuality Versus Personality

When a baby is born, you educate it by strengthening its sense of individuality. Before birth, it had no individual identity, but was part of its mother's body; at birth, it gets its physical identity and individuality. And when the datum of ego appears in the child at about the age of two or two-and-a-half, it begins to develop a psychic individuality; and the next education of the child is the strengthening of this ego, the focus of its self-awareness, that it is not just an object among objects but that it is a subject, a self.

This ego or self-awareness is a profound datum appearing in evolution only at the stage of man; it is not manifest in the whole range of cosmic and organic evolution. Today, millions of people all over the world are realizing this sense of individuality, of individual worth and dignity, through the spread of secular education. Till now, they were all submerged in a feudal social order, submerged in the crowd, in the caste, in the collectivity. Man is breaking through all such limitations, and attaining that first stage of human growth through education. No animal can have, or need this prolonged education. Only a human child can have it and can benefit from it.

Up to the age of about five, you strengthen this individuality through that type of education, instilling in it the sense of: 'I am some body', 'I am not an item among items.' Today, millions of children everywhere are experiencing this sense of individuality. That is why, with respect to children, authoritarian approaches will not be suitable today. In them, we are dealing with individuals and not with things; and we have to respect the freedom of the individual and strengthen it.

But Vedanta says, and modern biology also echoes it, that this sense of individuality is only the first stage of human development.

And, with its appearance in a human child, a new science also appears, namely, the science of the self, atma-jnana, which is an investigation into the status of this new datum and of its growth and development. That science tells us that the ego is only an initial datum, and that man should realize its deeper and vaster possibilities in the course, and in the context of his or her life, work, and inter-human relations.

When does a child grow into a person? When it is able to add a little sense of social responsibility to its already attained sense of individual freedom; when it is able to communicate happily with other children and people, to give love to others and evoke love from others. That represents its spiritual growth from individuality to personality.

Suppose a child does not develop into a person, but remains an individual. What happens then? The late Bertrand Russell, the great agnostic British thinker, compares such individuals to billiard balls. A billiard ball has only one relationship with all other billiard balls, namely collision; they cannot enter into each other.

So, a child at individuality level becomes a billiard ball, colliding with other similar children and the world around it. Such children cannot enter into each other, communicate with each other. That should not be; they should learn to love others, establish happy relationship with others, and live in peace with others. This capacity comes only when the child grows from individuality to personality.

So, put all children, says the spiritual and scientific wisdom of mankind, on the road of their spiritual growth from individuality to personality, on the road of their psycho-social evolution.

Psycho-social Evolution As Spiritual Growth

The beautiful concept of psycho-social evolution of man in the twentieth-century biology is essentially an echo of Vedanta's concept of the spiritual growth and unfoldment of man. Swami Vivekananda, accordingly, defines the science of religion as 'the manifestation of the Divinity already within man'.

We detach our psyche from this tiny organic or genetic system and expand it in love and concern for other psyches in society. That is called psycho-social evolution; that is also called spiritual growth; and evolution. We have to put every child on that long road of psycho-social evolution, and guide it, in the initial stages, and leave it to guide itself when it is mature. Values like love, compassion, peace, character-energy, come only out of that spiritual development of children, out of that personality expansion, out of that psycho-social evolution.

Today, our beautiful children all over the world must be put on that long and fascinating road of spiritual growth, so as to make them manifest more and more beauty, truth, and goodness, *pari passu* with their physical and intellectual growth. Can you love? Are you at peace with yourself and with others? That is quality. I have a car; I want two more; I want this and I want that. That is quantity. We are today presenting before children only this philosophy of quantity. That is why they and we are in trouble; there is not that emphasis on the philosophy of quality to foster growth and creativity.

The Problem of Values

We may note that this devaluation of quantity, and stress on quality, is coming, not from a man of religion, but from a famous

modern scientist. Religions have always stressed quality over quantity. We are today under that tyranny of quantity. We have now to bring quality as the criterion of human life and development. The whole of education has to be directed to the qualitative improvement of man in society, so that there will be peace and fulfillment everywhere. That is the direction that human evolution must achieve in this modern period.

Science and technology and the socio-political processes are meant to give us only a firm base for our life, with a view to helping it take-off to higher levels of evolution. We should not get stuck up at the base. But today's sensate civilization makes man stuck up at the organic base level of his or her life.

We are confronted today with the problem of values, and with the problems also of the source of all values. These values are not to be sought for in matter or its transformations. They are not in nature outside; they do not emerge from machines piled on machines. We have to search for values in the human spirit; we have to stir its depth dimension and unfold its precious hidden values like love, peace, compassion. That is a beautiful concept of human development, and we have to guide the growth of our children in the context of this beautiful idea of total human development. We have to ask our children: 'Are you growing?' He or she will answer: 'Physically I am growing'. 'Are you growing intellectually?' 'Yes, I study books, increase my fund of knowledge, and get good marks at examinations.'

Then comes the most important question:

'Are you growing spiritually? Can you love others? Can you feel your oneness with others? Have you peace within yourself and do you radiate it around you?' That is called spiritual growth,

which is stimulated by meditation inwardly, and by work done in a spirit of service outwardly.

That is the way to advance in one's psycho-social evolution. These are some of the most beautiful ideas about child-development coming from the combined wisdom of the ancient spiritual and modern scientific heritage of humanity.

Child Rights in Islam

Dr. M.A.M. Shukri Ph.D (Edin)

We are living at a time in which the moral values, ethical norms and the spiritual traditions are being eroded by the ever-rising tide of materialism. The family which is the basic unit of the society is being threatened by the increasing sense of individualism and as a result, the social structure itself is collapsing due to the ever-rising domination of the anti-social elements which has put on the mask of freedom and liberty, and emancipation from all the moral order and traditionally-accepted norms of behaviour. The moral disintegration that we are witnessing in the contemporary society is an outward manifestation of the spirit of modern man who is the product of the consumerist, materially-oriented society. The external crisis we are witnessing in social life is really-speaking the outward manifestation of this inner crisis in man. Murder, alcoholism, sexual abuse and all the symptoms of the sickness of modern civilization which has lost its spiritual moorings. Hence, all the religions which believe in the moral and spiritual basis of human personality can contribute in no small measure to recreate the eroding spiritual values, to arrest the decay of the social norms that are vital for the well-being and moral health of the human society.

Sexual exploitation of children is one of the major problems that is confronting contemporary society. As stated above, this is one of the external manifestations of the social pathology. Let us reflect in what ways Islam, as a religion could contribute towards this noble task of eradicating the evil of sexual exploitation of children.

Every religion or philosophy has its own world-view, that is to say its concept of the nature of this universe, man's place in it and ultimate aim and purpose of human existence. According to Islamic perspective, the entire universe is the creation of God, and man is the noblest and the most supreme creation of God, *Quran* describes him as '*Khalifathullah*' or the vicegerent of God on earth. Man holds everything, all what he possesses as a trust from God, for which he is accountable in the hereafter.

“Verily We have honoured the children of *Adam*.”

(Quran – 17:70)

“We have indeed created man in the best of moulds.”

(Quran – 95:04)

“It is he who doeth take your souls by night and hath knowledge of all that ye have done by day. By day doeth he raise you up again, that a term appointed be fulfilled. In the end unto Him will be your return. Then will he show you the truth of all what ye did.

(Quran – 6:60)

The life of this world, according to Islam, is transitory and this world is a preparatory ground for the eternal life in the hereafter. Man holds everything in this world as a trust for which he is answerable to Allah in the hereafter. Viewing from this angle, children are also a trust. Holy *Quran* teaches that the child is a gift from God and a trust placed in the care of the child's elders. It is because of this, *Quran* condemns infanticide.

“Kill not your children for fear of want. We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin.”

(Quran –17:31)

Children, according to Islam, should be treated with love, understanding and extreme care. Parents have to look after the needs of the child until he is mature. Islam considers this as a virtuous and pious act as demonstrated in the following prayer which Muslim children are taught to make for their parents :

“O! my Lord, Bestow on them thy mercy even as they cherished me in childhood.”

(Quran – 17:24)

Quran also teaches prayers which make the believers deeply conscious about the parents’ duty towards children :

“And be gracious to me in my children.”

(Quran – 46:15)

“O Lord! Grant unto us wives and children who will be comfort of our eyes.”

(Quran – 25:74)

In the above verses, *Quran* instructs the believers to pray for children who are good, virtuous and comforting to the eyes. For the children to be comfort to the eyes, they must be good, sound and healthy. This objective cannot be attained without parental care and effort to build up their children in all aspects relating to their lives, by looking after their physical well-being, moral character and ethical behaviour.

Islam is strongly sensitive to the crucial dependence of the child on the parents and their decisive role in forming the child’s personality. In this respect, it is rather appropriate to mention here the *Quranic* statement about *Luqman*’s advice to his son, which indicates the emphasis laid by Islam on parental responsibility in matters relating to the proper upbringing of children.

“O! my son” said *Lugman*, “Establish regular prayer, enjoin what is just, and forbid what is wrong and bear patiently whatever may befall thee; surely that is true constancy. Turn not thy cheek away from men in scorn and walk in the earth exultantly. God loves not any man proud and boastful. Be modest in thy walk and lower thy voice, for the most harshest of sounds without doubt is the braying of the ass.”

(Quran – 31:16)

Islam enjoins the believers to safeguard themselves and their children from hell-fire. (Quran – 56:61) Saving one’s children from the fire of hell necessitates not only giving them formal teaching of certain religious beliefs and practices but taking all those steps which would ensure a balanced development of their personality fulfilling the physical, intellectual, spiritual needs. This implies that the verse quoted above envisages the following rights of the child and their fulfillment:

- 1) To create an atmosphere charged with love and understanding for the child’s proper growth;
- 2) Protection of the child’s physical and mental personality from all that which are harmful and injurious to its proper development such as neglect, cruelty and exploitation;
- 3) Provision of adequate nutrition and material environment such as proper housing and recreational facilities;
- 4) To ensure a sound formal education to foster the growth of his inborn aptitude and capabilities;
- 5) To inculcate in the children a strong sense of faith in God, and a feeling of accountability in the hereafter.

Viewing from this angle, it becomes quite clear that the family plays an important part in the proper growth of child’s personality.

It is the family that forms the basic unit of the society, not the individual. *Fathima Heeren* in an article on “Family Life in Islam” mentions that Islamic family life rests on four pillars that provide the basic norms and values to its proper functioning:

- 1) Family life as cradle of human society providing a secure, healthy and encouraging home for parents and the growing of children.
- 2) Family life as the guardian of the natural erotic desires of men or women leading this powerful urge into wholesome channels.
- 3) Family life as they very breeding place for human virtues like love, kindness and mercy.
- 4) Family life as the most secure refuge against inward and outward problems.

Islamic laws are framed with the objective of preservation of the family and web of relationship within the family. It is in order to preserve the institution of the family and to ensure the proper, sound, healthy development of the children that adultery and fornication are prohibited in Islam.

“And approach not fornication. It is indecency and shameful deed and evil as a way.”
(Quran – 2:223)

A commentator of the *Quran* comments on the above verse as follows:

“Sex is not a thing to be ashamed of, or to be treated lightly or to be indulged to excess. It is as solemn a fact as any in life. It is compared to a cultivator’s tilth. It is a serious affair to him: he sows the seed in order to reap the harvest. But, he chooses his own time and mode of

cultivation. He does not sow out of season nor cultivate in a manner which will harm or exhaust the soil.”

In Islam, family is held together and extended by marital ties and permitted relationship. In respect of interaction between society, morality and sex is concerned, there are four choices apparently open to any society:

- 1) An entirely homosexual society.
- 2) An entirely promiscuous society.
- 3) A society in which no sexual relation exists except between husband and wife.
- 4) A free society in which all above forms are tolerated.

An objective, dispassionate approach would reveal of these four choices – the one which helps to promote people’s well-being and welfare ought to be considered as moral, and whatever that have anti-social consequences cannot be considered morally right or good. The social evils that are prevalent in the contemporary society of our coupled with the sexually-transmitted dangerous diseases such as AIDS shows the tragic consequences of the sexual relationship based on homosexuality and also outside the normal marital ties and permitted relationship.

The effects of homosexuality and promiscuity on human values and behaviour are incalculable. This will create a mental attitude to view sex not in the context of a whole, loving relationship but as an end to itself. Hence, consequences of homosexuality and promiscuity are harmful and it is not at all reasonable or justifiable to tolerate the factors responsible for it. One of the most injurious or harmful effects of homosexuality in the society is that it would severely affect the marital relations. Married people may even be considered as ‘odd’ or ‘eccentric’ in such a society and may not even be tolerated.

Quran cites the example of prophet Lot's people who had fallen prey to this sinful practice and how their normal behaviour was completely distorted due to this unnatural behaviour.

“And remember Lot when he said to his people “Will you commit abomination such as none in all the world has ever done before you?”

Verily with lust you approach men instead of women.

Indeed you are a people given to excesses.

But his people's only answer was thus:

“Expel them from your land. They are folk who make themselves out to be pure.”

(Quran – 27:56)

Today we are living at a time in which children are being harassed and abused in most parts of the world, and child prostitution has become a major threat to society. There are two major causes for children to become alienated from the home and seek refuge in society to find solutions to their emotional problems.

- 1) Many criminal tendencies both among the young and the old have their origin in broken homes and unstable families.
- 2) Deprivation of love and care on the part of the parents is another major reason for the children to find solace and comfort in sex.
- 3) The modern consumerist society has created a sense of greed in the minds of the youth for the possession of material goods. Children who are from poor homes and do not have the economic means to buy the modern gadgets and fancy clothes, which would make them to look ‘modern’ and ‘fashionable’ in the eyes of their colleagues, take up to prostitution to find money to fulfill their material needs.

- 4) There is a close relationship between drug addiction and prostitution. Some children or youths who had fallen victims to drugs take up to prostitution to find the money to buy drugs.

Religions which places main emphasis on the moral and ethical well-being of the individual and the society, and on strong and stable family life, can contribute immensely to combat this evil of child prostitution. From an Islamic perspective, as explained above it seeks to build a stable and sound family life in which the husband and wife lead a life of mutual love and affection with understanding and tolerance.

“And among God’s wonders is this; He creates for you, mates out of your own kind so that you might incline towards them and he engenders love and tenderness between you.”

(Quran – 30:21)

The marriage relationship is beautifully summed up in the following verse of the *Quran* :

“They (wives) are your garments and you (husbands) are their garments.”

(Quran – 2:187)

Marriage is metaphorically compared here with a garment which is meant for comfort, protection and security. Thus Islam seeks to build up a sound and stable family in which the husband and wife lead a life of mutual love, tolerance and understanding, finding peace and comfort on each other. A child who is brought up in such a happy, peaceful and joyful home environment would attain a sound physical and mental development. In this respect, Islam

emphasizes the crucial role of parents in the formative education and development of the child.

Children should be happy and cheerful and have a zest for live and living. They should be loved and cared for, and trained in good manners.

“Be generous, kind to your children and make their habits and manners good and beautiful” said Prophet *Muhammad*. There is another saying of the Prophet *Muhammad* which states “He is not of us who is not affectionate to the children and does not respect the old.”

A man named *Al Agra ibn Habis* visited the Prophet and was surprised to see him kiss his grandsons, *Hassan* and *Hussain*. “Do you kiss your children? He asked adding that he had ten children and never kissed one of them. “That shows you have no mercy and tenderness at all. Those who do not show mercy to others will not have God’s mercy shown on them.” commented the Prophet.

According to the psychologists it is the children who are deprived of parental love and care, starved for love and affection and seek to attain it by other means. The sex perverts make use of this mental state of children to fulfill their perverted sexual lust. Hence, the healthy home environment and parental care and love are absolutely important for the healthy growth of children.

Islam also enjoins on the parents to ensure that proper moral training is given to the children at the most crucial period of personality development. The age between ten and fourteen is known in Islam as age of puberty, in which a child is trained to keep away from all sexual passions. At this stage, he is trained to

perform the five times prayer regularly from the age of ten. According to *Quaran*, the prayer creates in one a sense of presence of the Divine and keeps him away from ‘indecent and evil deeds’.

There is a saying of the Prophet *Muhammad* in which he had enjoined the parents to separate the children’s beds when they are ten years. The main reason behind this injunction is to prevent such disgraceful and sinful behaviour as incest.

The age between thirteen and sixteen is known as the age of maturity, during which the child who has now turned an adult is taught the etiquette of sexual behaviour in preparation of marriage. A person is taught to practice chastity and self-restraint until marriage, if for whatever reason he or she is unable to marry.

Thus it is by the creation of a happy and stable home environment, through the satisfaction and fulfillment of children’s yearning for love and affection, and by providing their proper moral and spiritual well-being that we could ensure a generation of children who are healthy, sound and safe, happy and joyful who will be free from all immoral behaviour and will function as productive members of the society. Children are our valuable assets far more precious and valuable than mere material wealth. All the religions agree on the fundamental premise of respect for human personality, and human dignity. The need for an ethical and moral basis for human life and the liberation of man from falling prey to his animal propensities. This gathering of ours, in which all the major religions are represented has provided us an opportunity to discover the commonalties in our religious traditions in the matters of ethics and morality and I am confident that we the members who belong to different religious traditions must put our resources together to recreate spirituality, which is the basis of all the religions, to combat sexual exploitation of children.

Child Rights: A Buddhist Perspective

Ven. Maduluwawe Sobitha Thera. B.A.

Chief Incumbent - Naga Vihara, Kotte

Based on a discussion with Sarath Lal Kumara

Children occupy a special status in the Buddhist philosophy. The Buddha has illustrated this status through His teaching, Sutta discourses and Jataka Stories.

The cardinal acceptance of this status in the Buddhist doctrine is when it says - ‘Puttha vasthu Manussanan’ - Children are the greatest treasure of mankind.

The existence of the world in the present and in the future is dependent on children. Therefore children are the past, the present and the future.

It was the Buddha who pronounced the first principle in child rights. This was in the past, some 2550 years ago.

When the Buddha arrived in the city of Kapilavasthu and on the seventh day escorted by the retinue of monks, He had his meals in the royal palace. Princess Yasodhara dressed the seven year old son Rahula in beautiful attire and told him “Son, he who is there with a retinue of 20,000 ascetic monks is your father” and sent the son to the Buddha to seek his (the son’s) inheritance. Prince Rahula followed the Buddha right up to the monastery chanting, “Oh, ascetic monk do give me please my inheritance”. The Buddha then having proclaimed “Give him the seven fold noble wealth I acquired under the shade of the Bo Tree” instructed Ven. Sariputta to ordain Prince Rahula.

The mother was irate over the ordination of her son and she with the grandfather, King Suddodhana complained to the Buddha.

The Buddha inquired very dispassionately into the complaint and proclaimed a rule that in future no child should be ordained except with the consent of the parents or guardians.

This is the first Vinaya rule in regard to child rights.

According to the Sigalovada suttraya, the duties and responsibilities of parents are five. They are:-

- 1) Parents have to act as teachers of children.
- 2) Educate the children.
- 3) Give them in marriage in due time.
- 4) Gift them their inheritance.
- 5) Be a good example to them.

“Pubba Chariyarthe Uchchawe” - says that the first and foremost teachers of the child are his / her parents.

Children are strangers to this world. They learn first from their parents, then comes the school and the social environment.

It becomes the bounden duty of adults to create a sound environment for the children. A child must be protected very much like what we do to protect and grow a flower plant. The plant is planted on fertile ground, we water the plant as and when it is necessary, protect it from being destroyed, nourish it and look after it. Likewise children should be nurtured and protected. Today the family unit in Sri Lanka is shattered. Family disputes are many.

Thousands of children are separated from their parents as they, the parents are on migratory employment in foreign lands. Many

fathers are addicted to alcohol or indulge in vice. The separation of children from their parent has led to a chaotic situation in families.

When we look at our environment it is full of films, pornographic magazines, liquor bars, drugs, child abuse and other evils which pollute the minds of children.

Moreover poverty is another factor that leads to the destruction of childhood. The future of children is bleak because they do not receive adequate and nutritious food, health standards have deteriorated and the social environment is polluted. We hear of incest in families and sexual molestation of girls by other adults. We also hear of mothers who sell their daughters. This is sad. The use of children in domestic service and use of children in prostitution are disasters and hazards our children have to face. The recent tsunami disaster created a tragic situation for our children.

For all this we see children separated from their parents. Violation and / or denial of child rights, child abuse and we are moving towards a calamity which appears insurmountable. If remedial action is not taken here and now we would grope in the dark very soon.

The Buddha who redeemed Sopaka, the child tied to a corpse, took him to the monastery. The Buddha did not show any discrimination and treated alike the son Rahula, Sopaka and Suneetha from the Chandale caste. The Buddha exhorted the great principle of non-discrimination and love and affection.

Child Rights And Christian Teaching

Based on a Discussion W. A. Sarath LaI Kumara had with Rev. Fr. Cyril Gamini
Fernando, President Signis Cinema and Chief Editor Gnanartha Pradeepa

There are many references about children in the Holy Bible.

The most potent statement is by Jesus Christ Himself. In His discourses Jesus Christ has said “who, so shall offend one of these little ones which believe in me, it were better for him that millstone were hanged about his neck and that he were drowned in the depth of the sea” (Matthew 19:6).

Although there is no specific mention in His teaching regarding punishment, the foregoing statement is evidence of His concern for children and the special place given to children. By indicating the gravity of doing any act to the detriment of a child, it is very clear that the protection of children has been considered of paramount importance.

Very often our society is not safe. The child is so immature that he / she is not able to provide for his safety and security acting on his / her own. To be safe from being abused is not a possibility. Therefore it becomes the responsibility of adults to protect and safeguard children and ensure the realization of their rights.

Once when Jesus Christ was in the company of his disciples he called a child into their midst and said “verily I say unto you, except ye be” converted and become as little children, ye shall not enter into the kingdom of heaven” (Matthew 18:3). What is underlined in this teaching is that one cannot enter the kingdom of heaven unless one cultivates the qualities of a child such as

innocence, good behaviour, modesty, purity and be free from anger, jealousy, pride, arrogance.

One day when He was preaching, mothers brought their children to be blessed by Him. The disciples considered it a harassment and rebuked them and prevented the children reaching Jesus. But Jesus said “Suffer little children to come unto me and forbid them not (Luke 18:16).

Jesus Christ has always emphasized the special status that should be given to children although children are dependent on their parents and elders for nourishment and protection, children should not be frightened of adults. Adults, on the other hand, should not always expect loyalty and obedience from children. Children should have the opportunity for free thinking. Proverbs in the Holy Bible emphasizes this concept.

Parents and adults must consider it their duty and responsibility to socialize children by teaching them to do good, guide them, nourish them, educate them and prepare them to be morally upright.

Christianity talks about the guidance of parents and adults in relation to children and also of the need for correction when necessary. Correction is necessary to show children what is right and what is wrong. Proverbs in Chapter 23 Verses 13 and 14 says “Withhold not correction from the child : for if thou beatest him with thy rod he shall not die. Then shall beat him with the rod and shall deliver his soul from hell”. The Holy Bible also says in Proverbs “The wise son needs the counsel of his father”.

Correction is necessary. The question is when is correction necessary. Although modern society considers punishment as not lawful, yet correction becomes essential to convince the child what

has gone wrong. However, punishment is not meant to appease the wrath and anger of a parent or adult. Correction is based on love. It should be done in good faith for the betterment of a child.

Parent - Child relationships are broken in Western Society and standards and laws that have been proposed to overcome this situation. We have to carefully study how applicable they are in the context of our culture and values

Addendum

The Tsunami Disaster - And After

Maureen Seneviratne, Chairperson-P .E.A.C.E.

It was Sunday 26 December 2004. The day after Christmas. A day of great significance to Buddhists being the full moon (poya) day.

The Tsunami had already struck the East Coast from extreme north down to the south, the eastern and deep southern harbours, bays and beaches were destroyed and still the relentless Wave of Death continued to ravage large areas of the west coast. My first intimation of the Disaster was the phone call from Emmanuel Rodrigo, a friend and long time volunteer in the P.E.A.C.E. Office. “Something,” he said, “something strange is happening on the beach, in the bay of Tangalla. In the south. Watch TV. Watch SIRASA (one of the best News Channels in Sri Lanka). I did. I switched on, a Cricket Match was being televised but soon the announcements came over, thick and fast. They were calling it a “sea flood” but in a few minutes the word “Tsunami” was being used. “Tsunami”? I had heard the word, but had only a vague idea of what it was: something to do with a wind? Then I remembered it was a Japanese word, so maybe it was connected with “earthquake”. So had there been an earthquake and a tidal wave? Soon, all too soon I knew how it all began with the massive earthquake in Aceh and before long the news became pictorial. Went global. Terrible, soul-searing pictures of the abominable destruction this Tsunami - no, Tsunamis - three deadly waves of it - were creating in the Asian and East African Coastal Regions; the appalling toll of death and devastation.

Kevin, my son, a P.E.A.C.E. Volunteer arrived to pay his “Christmas Visit”. He had already seen the main roads of the City overflowing with fleeing people; people flying from their homes, from the ribbons of lanes that reached down from the main road to-the-South, in many places skirting the sea. Some of their homes had already been flooded with 10 ft to 40 ft walls of sea water.

From that ill-fated day up to the time this Book goes into print the scope and focus of the work of the P.E.A.C.E. Campaign has undergone a drastic change. P.E.A.C.E. had addressed its Mission primarily to the poorest-of-the-poor who are also the poorest “in spirit”. Barely eking out an existence they yield their offspring into CSEC purely for the money the child can earn by it - and such small money. As the children trafficked are mostly boys, who, their parents boldly assert, “do not get pregnant” why should “others” interfere?

By others P.E.A.C.E. (in its beginnings) the pioneer in publishing the crime was meant and it took years to change attitudes; raise standards of living and to empower these people to free their children from such bondage. Now the Tsunami Disaster had reduced them to beggary, to destitution, to even more difficult circumstances than they were already accustomed to.

For our part P.E.A.C.E. has made all-out efforts to cope. We had to find ways and means to provide these stricken people in the areas we work, with their basic needs of food and clothing and find places of shelter for them. From our original endeavours to implement the “Protective Rights of Children” as defined in the United Nations Convention of the Rights of the Child, we have had no choice after the Tsunami Disaster but to focus on their “Provisionary Rights”. The very “Survival Rights” of children and what is left of their families.

We have shed our tears. We have wept with those who weep. With the assistance of friends, well wishers world wide, some of the partners of ECP AT International, the Network to which we are affiliated as a “National Group”, we have been able to provide basic needs to some at least of the stricken ones, mostly women and children. We are trying to address their terrible trauma, so visible now in their palpable fear and dread of the sea, their pain and mental torment, their physical and emotional exhaustion and arranging for them to advocate for their dues while also counseling and providing “trauma treatment” (PTSD - Post Traumatic Stress Disorder) to them.

It has not been easy. It is not at all easy. And it is obvious it will continue to be extremely difficult for the victims of a mega-disaster, for ourselves as well, to cope. To restore “normalcy” of even some degree in the lives of these poorest-of-the-poor beach squatters, slum and shanty dwellers, whose children were their most expendable “asset” till P.E.A.C.E. stepped in to combat the Commercial Sexual Exploitation of Children (CSEC) over a decade ago.

And the Programmes P.E.A.C.E. devised and conducted brought hope and opportunity, self esteem and aspirations to these ill-fated lives often bereft of basic necessities. It was becoming very visible that the lotus bud was blooming, not withering away on its broken stem (as depicted in our symbolic logo). Indeed the Youth Club Network gave itself the name “PIPEN KUSUM” (Blossoming Flowers) and that is a measure of the dramatic change of attitudes that became apparent.

And now? It is a year later (as I write this). It is still in the main a scenario of chaos, of unspeakable anguish and grief, of hopes and expectations unfulfilled. Some Tsunami victims continue to

exist in Refugee Centres in utmost squalor, squabbling, quarrelling with one another, grabbing what they can, becoming more and more frustrated and violent. Some have been provided tent dwellings, blazing hot inside, sticky-wet in the rains, considerably airless, ill-ventilated, others with clusters of “plank houses” (transit housing - so called) and within weeks the planks are contracting, giving no privacy to the inmates, creating further problems for children and women. No adequate water supply or toilet facilities are available to these people.

People who have been displaced are demanding redress and claim the Authorities are tardy. P.E.A.C.E. in its own way does everything it can for those in its programmes on a one-to-one basis : the only effective methodology. But we are not into projects like resettlement and rebuilding. That is for the Government to handle and the Aid-Agencies. P.E.A.C.E. is devising and carrying out new programmes, continues with the programmes that have been conducted for years.

Most of all it keeps its eyes open to the trafficking and sexual exploitation of children so much more at risk in these post-tsunamic weeks and in those affected areas. For that is the primary Mission of P.E.A.C.E. - ECPAT - SRI LANKA.

Yet because of the Tsunami P.E.A.C.E. too has had its setbacks, particularly in seeing the sudden, shocking, disintegration of people through no fault of their own but as a result of the massive, mega display of Nature’s mindless destructive forces.

It is left to us at P.E.A.C.E. to,
“watch the things we gave (our) lives to, broken,
And stoop and build’ em up with worn-out tools.”

(Rudyard Kipling: IF)

We have the will and the grit and the infinite compassion, the understanding of a NEED, to do so. We are rich beyond material goods, in the co-operation and support of our colleagues, our partners, our dedicated staff and volunteers.

The P.E.A.C.E. Survival Kit for Victims of the Tsunami Disaster in the Areas the Campaign operates intensively

P.E.A.C.E. is now concentrating on:

Providing urgent, immediate relief for very survival- food, water, medicines, mats, pillows, sheets, soap, washing powder, antiseptics, matches, candles.

- * Looking ahead at what can be done in the longer term.
- * Lobbying officialdom to provide long term relief.
- * Registering the victims with the Police to make sure they become eligible for Government assistance.
- * Arranging to send as many children as possible to school as and when schools function as before.
- * Encouraging, sympathizing, advising, counseling, listening to the tales of horror and agony endured, of the hair breath escapes from death; grieving over their loss of loved ones, weeping with those who weep...
- * Concentrating on its “Restoration of Livelihoods” Programmes - so that once again their self-esteem can be recovered, they could stand on their own feet, they would not need to remain beggars - as the Tsunami has left them.

The worst affected areas where P.E.A.C.E. has worked for the past ten years are :-

Egoda Uyana
Katukurunda
Koralawella
Moratuwella Angulana
Walawwatte
Ratmalana
Mount Lavinia-Wedikanda
Modera
Kalutara North

All South of Colombo City Beach-Squatter Settlements

Colombo North:

Colombo 13, 14 and 15 (Slum Gardens).

The Contributors

Bio Data

Mr. Tyrrell Cooray

Social work practitioner, administrator, educator:ap.d child, rights promoter. Member of the Sri Lanka Administrative 'Service and served as Deputy 'Commissioner, Probation and Child Care Services. Moved from Public Services to Save The ChildrenUK \ as' Programme Coordinator, Early Childhood Development and later as their Child Rights Consultant. Professionally qualified in Social Work. One time a visiting lecturer in Social Work at the Sri Jayewa'rdenapura University. Was a Senior Consultant on the Child Rights Project of the Open University of Sri Lanka and served as an external consultant in research studies done by Marga Institute on child issues. Award winner for uninterrupted engagement in child welfare for over five decades. Now the Sri Lanka Representative of Hope for Children, a British Charity. He is a Child Care consultant who works closely with P.E.A.C.E as a Resource Person.

Mr. S. Thurairaja

L.L.B., L.L.M. (London),
DFMS; Attorney-at-Law;
Senior State Counsel,
Lecturer of Law.

Mr. Thurairaja was the Senior State Counsel prosecuting for Child Abuse cases where "landmark" sentences were given to the Accused persons by the presiding Judges of the High Courts in Galle and Colombo; all cases legally monitored by the P.E.A.C.E. Campaign. He is a valuable Resource person for P.E.A.C.E. programmes.

Mr. J.B.Muller

Editorialist, investigative reporter, journalist, and researcher / writer on the English Language and on the Burgher Community.

42 year's experience in the print and electronic media. Formerly editor of PC WORLD Sri Lanka edition and several other Business / Private Sector publications. Onetime Trade Information Coordinator at the EDB, media consultant/Advisor: Minister of Trade, the Commander, of the Sri Lanka Army, the Institution of Engineers, Sri Lanka, and University of Colombo School of Computing. Currently, Trustee and Executive Director, The English Language Foundation, Inc.

Prof. Vitit Muntarbhorn

Is a Professor at the Faculty of Law, Chulalongkorn University. He was formerly UN Special Rapporteur on the Sale of Children and executive director of Child Rights ASIANET. A longer version of this study, with footnotes etc., will be available later on. This study was prepared for the Child Pornography on the Internet Experts Meeting organised by INTERPOL and ECPAT, Lyon, May 28-29, 1998.

Ms. Lalani S. Perera

Is an Attorney-at-Law. She is also the Senior Assistant Secretary at the Ministry of Justice. She has served on many Committees and Boards as a Legal Advisor, including the National Child Protection Authority (NCPA)

Ms. Maureen Seneviratne

Is the Chairperson of P.E.A.C.E. (Protecting Environment And Children Everywhere) She is a founder member of ECPAT International now extended over 76 countries globally.

Ms. Seneviratne is one of the earliest advocates of the ‘need -to address the issues of CSEC, both in Sri Lanka and in the world.

She is the Author of several books on CSEC which are trail blazers in Sri Lanka.

She is also a Journalist and an Author of books on history, fiction, and biography.

Mr. Kalyananda Tiranagama

Bachelor of Laws (University of Ceylon)

Mr. Tiranagama addresses the following issues in his practise: Labour, Human Rights, Child Rights, Criminal Law. He is the Founder and Executive Director of “Lawyers for Human Rights and Development”. He has been a member of several Government Boards and Committees dealing with Human / Child Rights Issues.

He has participated in several Seminars / Workshops both in Sri Lanka and abroad addressing these and related subjects.

On several occasions he has given his inestimable advice and expertise to the P.E.A.C.E Campaign in its Legal Monitoring Programme while also assisting the Campaign as a Resource Person, (The Law and Children’s Rights) at its Seminars / Workshops and Programmes.

Ms. Muthu Lakshmi Swinitha Jayasuriya

B.A. (Ceylon) Peradeniya (English Medium)

Post Graduate Diploma in Education

Was Deputy Principal, Newstead College, Negombo, for many years and lecturer in English at Swiss Asian School of Hotel Management

and Tourism, Blue Lagoon, Talahena, Negombo. Presently attached to the Universities of Colombo and Sri Jayawardhanapura as a Teacher of English. She has been associated with The P.E.A.C.E Campaign's Non-Formal/Spoken English Programmes for underprivileged children /youths at risk of CSEC, for the past 11 years, working in the Mt. Lavinia and Ratmalana beach areas, devising methodologies that are eminently and positively result-oriented for children/youth of these communities.

Dr. H. M. D. R. Herath

B.A. (Hons), M.A. Ph.D.

Dr. Herath is a Senior Lecturer in Sociology at the University of Peradeniya. He has also held a number of other Teaching appointments, including the visiting lectureship at the University of Colombo, University of Ruhuna, Mahaweli Authority, Rajarata University and the Postgraduate Institute of Agriculture University of Peradeniya.

Dr. Herath is a prolific writer of academic treatises and research papers on a wide range of subjects including topics such as modernization, environment, irrigation management, cultural traits of Sinhalese people, nutrition and poverty, prostitution, culture and personality, child personality development and folklore, water supply and sanitation, attrition of pregnant mothers and development communications.

He has published more than 175 research papers and articles. He has edited a number of books. In addition to that he has published a book on Kinship in Sri Lanka.

His main research areas are Environmental Sociology, Industrial Sociology Rural Sociology and Ethno Botany.

He has participated in a number of academic conferences, seminars and workshops in various parts of the world.

Mr. W. H. G. Fernando

Health Education Officer and Social worker.

Mr. Fernando has been in the Public Health Service throughout his early career. Later he was appointed Health Education Officer of Sexually Transmitted Diseases Control Campaign, Health Department, Sri Lanka for 20 years.

Successful at the examination for Public Health Inspectors Ceylon conducted by the Royal Society of Health U.K.

Presently he is the Health Education Officer and a Core-committee member of P.E.A.C.E (Protecting Environment And Children Everywhere) a NGO combating Commercial Sexual Exploitation of Children.

He is the Winner of the Award for the Recognition of Excellence in the field of HIV/AIDS Prevention and Care in year 2003, presented by the AIDS, Coalition for Care. Education and Support Services together with the NGO Companions of a Journey.

Ms. Anne Abhayasekera

Is a Journalist of great repute. She was a working Journalist for several years at A.N.C.L. (Associated Newspapers of Ceylon Ltd) and continues for many years to freelance. She is also an eminent Family Counsellor, trained and 'qualified. She has authored two books. One on Counselling (LOVE, SEX AND MARRIAGE) and the other about her family (HURRAH FOR LARGE FAMILIES).

Dr. Jayantha Jayatissa

DFM (Colombo) – Diploma in Family Medicine

Family Physician, MBBS (Ceylon)

DCH (Colombo) – Diploma in Child Health

MSc (Colombo) – Community Medicine

MD (Colombo) - Doctor of Family Medicine

He is presently the Chief Medical Officer, University of Kelaniya. He is also a Visiting Lecturer in Community Medicine and General Medicine in IIM affiliated to the University of Colombo; Lecturer, College of General Practitioners of Sri Lanka, External examiner of Community and Family Medicine Department of the Faculty of Medicine, University of Kelaniya etc., etc.

He has thirty years experience as a general medical practitioner, which includes 2 years in the United Kingdom.

He has also engaged in intensive research projects. He is the Coordinator of the UNFPA Health Project for first year University students and is the Visiting Lecturer IIM, affiliated to the University of Colombo.

Dr. Jayatissa is a Resource Person of The P.E.A.C.E Campaign since 1998. Recommended by P.E.A.C.E he has participated in several International training workshops conducted by UNESCAP, ECPAT INT etc., in Nepal, Thailand, Bangladesh etc.,

He conducts several of the regular Medical Clinics and Camps held by P.E.A.C.E.

Ms. Shyama Salgado

National Programme Manager ILO/IPEC (Project Office)
(International Labour Organisation)
(International Programme on the Elimination of Child Labor,UK)

Ms. G.G.P.T. Dharshani Chandrasekera

Psychological Counsellor, Psychology Special - Peradeniya.
Counsellor / Women In Need Organization.

Ven. Maduluwawe Sobitha Thera. B.A.

Hony. President Jathika Sangha Sabhava. Hon. President Jathika Veera Padaname. Chief Incumbent Sri Naga Vihara - Kotte.

Swami Ranganathananda

Late President - General of the Ramakrishna Math & Mission
Centres world - over

Dr. M. A. M. Shukri

B.A. University of Ceylon First Class Honours in Arts
(Specialized in Arabic Studies) Ph.D

Awarded a Commonwealth Scholarship to the University of
Edinburgh (U.K.)

He has served as lecturer at both the Universities of Peradeniya
and Kelaniya and was Head of the Department of Arabic Studies
at the University of Kelaniya.

He has done intensive research on Arabic, Quadratic Exegesis and
the Cultural History of Islam, making many distinguished
Presentations at International Seminars / Workshops etc.,)

His several treatises in his capacity as Director of Naleemiah Institute
of Islamic Research and his Publications have received global acclaim.
He is the author of Islam and Education; Al Quran – Its Doctrine
and way of life; Sufis – In Defence of the Faith.

Presently, Director of Naleemiah Institute of Islamic Research,
Dr. Shukri finds the time to render his services to the Community
as the Executive President of the Muslim Renaissance Movement,
exclusively directed towards the educational regeneration of
Muslims in Sri Lanka. He has also rendered his valuable services
and expertise to the P.E.A.C.E Campaign.

Rev. Fr. Cyril Gamini Fernando B.A.

Chairman - Signis Cinema Foundation. Chief Editor - Gnanartha
Pradeepa

Mr. Surein J.S. Peiris

Mr. Peiris is a law graduate and an Attorney-at-Law in the Supreme Court of Sri Lanka. He has wide experience in the field of environment having served in the Sri Lanka Environment Congress and the Mihikatha Institute for a long period. He has also appeared for the public in Court Cases against the polluting Industries / Business Enterprises. Presently he is the Deputy Director General of the Sri Lanka Red Cross Society. He is also a resource person in the programmes carried out by P.E.A.C.E.

Mr. W.A. Sarath Lal Kumara

Author and Senior Journalist, Sunday Lakkbima. Family/Child Counsellor.

LIST OF P.E.A.C.E. PUBLICATIONS

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|-----|--|-------|
| 1. | An Evil under the sun -
The sexual Exploitation of Children in Sri Lanka
<i>by Maureen Seneviratne</i> | 300/- |
| 2. | Wednesday's Children - Some case studies of Sexually
Exploited Children
<i>by Maureen Seneviratne</i> | 350/- |
| 3. | Sinhala translation of 'Wednesday's Children' | 300/- |
| 4. | A primer on the Penal Code (Amendment) Act No 22
of 1995 - An easy guide to the Amendments - Questions
and Answers | 60/- |
| 5. | Sinhala translations of 'A primer on the Penal Code
Amendments' | 60/- |
| 6. | Tamil translation of 'A primer on the Penal Code
Amendments' | 60/- |
| 7. | "My Rights" - age 5-8 years in all 3 languages English,
Sinhala & Tamil | 60/- |
| 8. | "My Rights" - age 8-12 years in all 3 languages English,
Sinhala & Tamil | 75/- |
| 9. | "My Rights" - age 13-18 years in all 3 languages English,
Sinhala & Tamil | 75/- |
| 10. | Child Abuse in Sri Lanka (Sinhala) <i>by Lal Kumara</i> | 300/- |
| 11. | For The Love of Children <i>by Maureen Seneviratne</i> | 300/- |
| 12. | Sinhala & Tamil translation of 'For The Love of
Children' | 200/- |

13.	Cookery Book (Sinhala)	<i>by T.D. Hettiarachchi</i>	200/-
14.	Sexually Exploited Children: Health Needs and Services Available : Reprint		200/-
15.	P.E.A.C.E. Guide to Health & Beauty (English & Sinhala)		200/-
16.	The Sexually Exploitation of Children - Some Expert Analysis in Sri Lanka	<i>by Maureen Seneviratne</i>	250/-
17.	AIDS :TIME TO ACT (English, Sinhala & Tamil)		60/-
18.	Safety Code for Young UN's - Child'scape		25/-
19.	Sinhala translation of 'Safety Code for Young UN's - Child'scape'		25/-
20.	Tamil translation of 'Safety Code for Young UN's - Child'scape'		25/-
21.	Talking with Children about AIDS		25/-
22.	Sinhala translation of 'Talking with Children about AIDS'		25/-
23.	Tamil translation of 'Talking with Children about AIDS'		25/-
24.	Sexually Transmitted Diseases		25/-
25.	Tamil translation of 'Sexually Transmitted Diseases'		25/-

P.E.A.C.E. appreciates very much the valued contributions of all those who have written the articles in this Publication and all those who have assisted in its production.



CSEC: The Crime against Children has been sponsored by the BODY SHOP FOUNDATION/Gt. Britain. The P.E.A.C.E. Campaign has produced this book and it is edited by Chairperson/P.E.A.C.E., Ms. Maureen Seneviratne.

P.E.A.C.E. has endeavoured to record every aspect and facet of the Commercial Sexual Exploitation of Children, The Crime against Children. P.E.A.C.E. works on these issues to combat CSEC. This is a book of use to educators and social workers and the general reader.