

Briefing Notes

Sri Lanka Briefing Notes | Issue No 23 – November 2021



Prevention of Child Abuse in Sri Lanka Impediments & Opportunities



Table of Contents

PREAMBLE.....	3
INTRODUCTION	8
ISSUES OF CONCERN	10
1. Conflating Discipline with Corporal Punishment.....	11
2. Neglecting Neglect.....	14
3. Child Abuse & Technology	16
4. The Need For Prevention Education – Teachers, Parents & Children	18
Support Mechanisms	22
Conclusion	23
Way Forward/Recommendations.....	26
Civil Society	26
Government	26
International community	26

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Sri Lanka Brief expresses its gratitude to “Sri Lanka Solidarity”, Germany for the continued support it renders for producing Sri Lanka Briefing Notes, Sri Lanka Brief Updates and Sri Lanka Brief Fact Sheets.

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PREAMBLE

In February of 2020 a parliamentary debate took place on the increasing number of cases related to child abuse in Sri Lanka. Responding to the opposition, The Hon. Chamal Rajapaksha, tabled statistics [Parliament Hansard of 07th February 2020]ⁱ that indicated 34 cases of child abuse had been reported within the first 15 days of the 2020.

<p>ස්ත්‍රී දූෂණ, ලිංගික අපයෝජන හා ළමා අපවාර: පැමිණිලි</p> <p>வண்புணர்ச்சி, பாலியல் துஷ்பிரயோகம் மற்றும் சிறுவர் துஷ்பிரயோகம்: முறைப்பாடுகள் RAPE, SEXUAL AND CHILD ABUSE: COMPLAINTS</p> <p style="text-align: right;">81/2020</p> <p>3. ගරු වමන්ද විජේසිරි මහතා (ගරු හේෂා විතානගේ මහතා වෙනුවට) (The Hon. Chaminda Wijesiri on behalf of the Hon. Heshu Withanage) මහවැලි, කෘෂිකර්ම, වාරිමාර්ග සහ ග්‍රාමීය සංවර්ධන අමාත්‍යාංශය සහ අභ්‍යන්තර වෙළෙඳ, ආහාර සුරක්ෂිතතාවය සහ පාරිභෝගික සුබසාධන අමාත්‍යාංශය සහ රාජ්‍ය ආරක්ෂක රාජ්‍ය අමාත්‍යාංශයෙන් ඇසූ ප්‍රශ්නය - (1):</p> <p>(අ) (i) 2012 වර්ෂයේ සිට මේ දක්වා ශ්‍රී ලංකා පොලීසිය වෙත ලැබී ඇති ස්ත්‍රී දූෂණ, ලිංගික අපයෝජන හා ළමා අපවාර සම්බන්ධ පැමිණිලි සංඛ්‍යාව, එක් එක් දිස්ත්‍රික්කය අනුව වෙන් වෙන් වශයෙන් කොපමණද;</p> <p>(ii) එම පැමිණිලි අතරින් මේ වන විට පරීක්ෂණ අවසන් කළ පැමිණිලි සංඛ්‍යාව කොපමණද;</p> <p>යන්න එකම මෙම සභාවට දන්වන්නෙහිද?</p> <p>(ආ) නොඑසේ නම්, ඒ මන්ද?</p> <p>மகாவலி, கமத்தொழில், நீர்ப்பாசனம் மற்றும் கிராமிய அபிவிருத்தி அமைச்சர் மற்றும் உள்ளக வர்த்தக, உணவுப் பாதுகாப்பு மற்றும் பாவனையாளர் நலனோம்புகை மற்றும்</p>	<p style="text-align: right;">investigations have been completed?</p> <p>(b) If not, why?</p> <p>ගරු වමන්ද රාජපක්ෂ මහතා (The Hon. Chamal Rajapaksa) ගරු නියෝජ්‍ය කථානායකතුමනි, මා එම ප්‍රශ්නයට පිළිතුර සභාගත* කරනවා.</p> <p>* සභාමේසය මත තබන ලද පිළිතුර: * சபாபீடத்தில் வைக்கப்பட்ட விடை : * Answer tabled:</p> <p>(අ) (i) 2012 වර්ෂයේ සිට මේ දක්වා ශ්‍රී ලංකා පොලීසිය වෙත ලැබී ඇති ස්ත්‍රී දූෂණ, ලිංගික අපයෝජන හා ළමා අපවාර සම්බන්ධ පැමිණිලි සංඛ්‍යාව පොලීසි කොට්ඨාස මට්ටමින් සකස් කර ඇමුණුම* වශයෙන් ඉදිරිපත් කරමි.</p> <p>(ii)</p> <table border="1"> <thead> <tr> <th>වර්ෂය</th> <th>ස්ත්‍රී දූෂණ</th> <th>බරපතල ලිංගික අපයෝජන</th> <th>ළමා අපවාර</th> </tr> </thead> <tbody> <tr> <td>2012</td> <td>1,728</td> <td>674</td> <td>863</td> </tr> <tr> <td>2013</td> <td>1,637</td> <td>692</td> <td>735</td> </tr> <tr> <td>2014</td> <td>1,565</td> <td>624</td> <td>772</td> </tr> <tr> <td>2015</td> <td>1,557</td> <td>661</td> <td>830</td> </tr> <tr> <td>2016</td> <td>1,565</td> <td>562</td> <td>800</td> </tr> <tr> <td>2017</td> <td>1,304</td> <td>508</td> <td>661</td> </tr> <tr> <td>2018</td> <td>1,284</td> <td>520</td> <td>755</td> </tr> <tr> <td>2019</td> <td>1,280</td> <td>544</td> <td>601</td> </tr> <tr> <td>2020.01.15 දක්වා</td> <td>78</td> <td>21</td> <td>34</td> </tr> </tbody> </table> <p>* ප්‍රස්තූතයක් ලෙස තබා ඇත. * நூலிசையுத்தில் வைக்கப்பட்டுள்ளது. * Placed in the Library.</p>	වර්ෂය	ස්ත්‍රී දූෂණ	බරපතල ලිංගික අපයෝජන	ළමා අපවාර	2012	1,728	674	863	2013	1,637	692	735	2014	1,565	624	772	2015	1,557	661	830	2016	1,565	562	800	2017	1,304	508	661	2018	1,284	520	755	2019	1,280	544	601	2020.01.15 දක්වා	78	21	34
වර්ෂය	ස්ත්‍රී දූෂණ	බරපතල ලිංගික අපයෝජන	ළමා අපවාර																																						
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The data also included 78 cases of rape [limited by legal definition in Sri Lanka to penetration of a vagina by a penis], and 21 cases of grave sexual abuse. The inclusion of child abuse with these other two forms of sexual violence is indicative of how child abuse is generally perceived as a sexual violation in Sri Lanka. That said, the term ළමා අපවාර used in the Hansard is a common colloquial misconception and refers to wrongful acts committed by a child. The accurate term would be ළමා අපයෝජන, which refers to child abuse, i.e. abuse of a child. Furthermore, there is no indication of how the data has been disaggregated. For example, does the rape data include instances of statutory rape – those under the age of 16, and would the cases of grave sexual abuse include sexual acts committed against boys? Also, who qualifies as a child within this data? The International Child Rights Convention defines a child as a person not yet 18.



On February 19th, 2020, during the continuing debate, the parliamentary Hansardⁱⁱ states that 3402 cases of sexual violence committed against a child took place in 2019, with disaggregated data to indicate separate instances of rape, grave sexual abuse, incest and child sexual abuse.

[ගරු විමල් රාජපක්ෂ මහතා]

ලමුන්ට එරෙහිව වාර්තා වූ ලිංගික අපරාධ	2015	2016	2017	2018	2019
ස්ත්‍රී දූෂණය	1582	1599	1374	1384	1412
බරපතල ලිංගික අපයෝජනය	749	614	525	670	640
ව්‍යාභිචාරය	42	36	29	28	41
ලිංගික අතවර කිරීම	1488	1361	1225	1332	1309
එකතුව	3861	3610	3153	3414	3402

කාන්තා හා ළමා අපවාර මැඩ පැවැත්වීම සඳහා පහත සඳහන් ක්‍රියාමාර්ග ගෙන ඇත.

ළමා හා කාන්තා අපරාධ නිවාරණය සඳහා ශ්‍රී ලංකා පොලීසියේ ළමා හා කාන්තා අපයෝජන කොට්ඨාස කාර්යාල 44 හා පොලීස් ස්ථාන ඒකක 498 සවිබල ගන්වා ඇති අතර ළමා හා කාන්තා අපරාධ විමර්ශන කටයුතු සම්බන්ධයෙන් විශේෂ පුහුණුවක් ලත් (දේශීය හා විදේශීය) නිලධාරීන්ගේ අනුයුක්ත කර විමර්ශන කටයුතු සිදු කරන අතර ඉහත අපරාධ නිවාරණය කිරීමේ කටයුතු ද සිදු කරනු ලබයි.

එසේම ළමා හා කාන්තා අපරාධ විමර්ශනයෙහිදී කටයුතු කරන රාජ්‍ය ආයතන බහුවිධ ප්‍රවේශයක් තුළ අපරාධ නිවාරණය සඳහා ඉලක්කගත කණ්ඩායම් (පාසල් සිසුන්, දෙමව්පියන්, රාජ්‍ය නිලධාරීන්, විවිධ සමාජ කණ්ඩායම්) හඳුනා ගනිමින් දැනුවත් කිරීමේ කටයුතු සිදු කරන අතර අපරාධ නිවාරණය වීදහස් හා මුද්‍රිත මාධ්‍ය මිස්සේද සිදු කරනු ලබයි.

මෙම අපරාධ විශ්ලේෂණය තුළින් අපරාධවලට හේතුවන කරුණු නිරීක්ෂණය කරන අතර ලමුන් හා කාන්තාවන් අපරාධවලට ගොදුරු වීම වළක්වා ගැනීම සඳහා බහුවිධ ප්‍රවේශයක් තුළින් ක්‍රියාත්මක විය යුතු බව හඳුනාගෙන ඇත. හඳුනාගෙන ඇති සමාජීය, ආර්ථික කරුණු සම්බන්ධයෙන් අදාළ අමාත්‍යාංශ මට්ටමින් පත්කර ඇති රාජ්‍ය නිලධාරීන් (ළමා හිමිකම් ප්‍රවර්ධන නිලධාරීන්, වනිතා සංවර්ධන නිලධාරීන්, පරිවාස නිලධාරීන්, පූර්ව ළමාවිය සංවර්ධන නිලධාරීන්, ප්‍රාදේශීය ලේකම් කාර්යාලවලට අනුයුක්ත මෙම විෂයයන් සම්බන්ධ රාජකාරී කටයුතු සිදු කරන නිලධාරීන් වැනි) ශ්‍රී ලංකා පොලීසිය හා සම්බන්ධීකරණය වෙමින් අවශ්‍ය කටයුතු සිදු කරයි.

5. අන්තර්ජාලය මගින් කාන්තාවන්ට හා ළමයින්ට සිදු වන අපරාධ වැළැක්වීම සඳහා සයිබර් අපරාධ සම්බන්ධයෙන් නීතිය ක්‍රියාත්මක කිරීම පිණිස පොලීසිය බලගන්වමින් තාක්ෂණික සහාය හා පුහුණුව සැපයීමට කටයුතු කරන අතර, සයිබර් ආරක්ෂණ පනතක් හඳුන්වා දීමට කටයුතු කරමින් පවතී.

ගරු සජිත් ප්‍රේමදාස මහතා
(*ගාණ්ඨුභිලු ජනිත ජීවිතානුභව*)
(The Hon. Sajith Premadasa)
ගරු කථානායකතුමනි, ගරු ඇමතිතුමාගේ අවසරය මත මට පොඩි පැහැදිලි කර ගැනීමක් සඳහා අවස්ථාව ලබා දෙන්න පුළුවන්ද?

ගරු කථානායකතුමා
(*ගාණ්ඨුභිලු ජාත්‍යන්තර ඉගැන්වීම්*)
(The Hon. Speaker)
ගරු ඇමතිතුමා අවසර දෙනවාද?

ගරු සජිත් ප්‍රේමදාස මහතා
(*ගාණ්ඨුභිලු ජනිත ජීවිතානුභව*)
(The Hon. Sajith Premadasa)
ගරු අමාත්‍යතුමනි, ඔබතුමා ලබා දුන් පිළිතුර සම්බන්ධයෙන් පොඩි පැහැදිලි කර ගැනීමක් සඳහායි.

ගරු විමල් රාජපක්ෂ මහතා
(*ගාණ්ඨුභිලු ජාත්‍යන්තර ඉගැන්වීම්*)
(The Hon. Chamal Rajapaksa)
හොඳයි, පැහැදිලි කරන්න පුළුවන්.

ගරු සජිත් ප්‍රේමදාස මහතා
(*ගාණ්ඨුභිලු ජනිත ජීවිතානුභව*)
(The Hon. Sajith Premadasa)
පළමුවැනි කාරණය මෙයයි. මා මේ ප්‍රශ්නයෙන් ඇහුවේ, 2020

Again, it is unclear what definition of a child is being followed, given that our age of sexual consent is 16, and children between 16 and 18 may not therefore be included. The 2019 data presented in parliament also does not correspond to the Sri Lanka Police data presented in their Grave Crimes Abstractⁱⁱⁱ that indicate a total of less than 1800 offences against children, including cases of child cruelty. The Sri Lanka Police Grave Crimes Abstract similarly is unclear on children between ages of 16 and 18.

Further exacerbating our lack of cohesive national data, the National Child Protection Authority (NCPA) indicated that their 1929 Child Helpline received 8558 complaints between 1st January



and 31st December 2019^{iv}. Seeking to address our anomalous data gathering methods, the former Chairperson of the National Child Protection Authority, Prof. Muditha Vidanapathirana, indicated in July 2021 that - “A formal National Database to assist in the control of child abuse in the country will be released next August.” Given that this was the 3rd Chairperson in a period of four years, and now has been replaced with a 4th – Udayakumara Amarasinghe, a senior lecturer from the University of Jayawardenapura, it is necessary that the NCPA administration does not fall prey to political maneuvering and is allowed to follow through on their commitments.

Furthermore, due to the restructuring of the NCPA website, there is currently no data available on the diverse cases of child abuse received by NCPA.^v Therefore, child abuse data for 2020 is limited to the Grave Crimes Abstract of the Sri Lanka Police, which indicate a total of 2055 cases, inclusive of 26 cases of sexual exploitation of children, 76 cases of cruelty to children, and 1953 cases of statutory rape.^{vi}

On 29th October 2021, the Daily Mirror reported an Alarming rise in child abuse cases due to school closure.^{vii} No specific statistics were offered, beyond Child and Adolescent Psychiatrist Dr. Miyuru Chandradasa from the Health Promotion Bureau stating that “conditions of depression, anxiety and screen addiction in children and adolescents have relatively increased by 20% in 2020/21 when compared to 2018/19.” This underpins reporting by CERT Sri Lanka, that indicated a dramatic increase in violations that occur on social media platforms; 2662 cases in 2019, compared with 15,985 cases during the 2020 period^{viii} that also coincided with the global and national COVID19 lockdowns. Still, the lack of disaggregated data prevents us from appreciating both the scale and specificity of abuse that children face in their online spaces.

Sensible responses?

On February 19th, 2020, when The Hon. Chamal Rajapaksha, presented the partially disaggregated data in parliament, he also focused on the measures the government has taken to address and mitigate child abuse in Sri Lanka. Four key actions touted were:

1. 44 Women and Children’s desks and 498 police stations have been empowered; they have been provided a special training to investigate cases.
2. All government institutions on a multi sectoral approach conduct awareness to teachers, parents, government officers. Print and electronic media is also utilized for this purpose.
3. Child Right Protection Officers, Women Development Officers, Probation Officers, Development Officers have been appointed to District Secretariats.
4. Technical support and training is provided to police officers to combat cybercrimes.^{ix}

While these are perhaps factually accurate statements, there is no evidence to suggest that these interventions have in anyway yet impacted the proliferation of child abuse in the country. The



intervention in District Secretariats, for example, has been in place across successive governments for over a decade, with no evidence as to the efficacy of the approach. There are also no details available in the public domain on the skills building and training that those representing this state response mechanism have undergone. Ultimately, therefore, the efficacy of the approach can be judged by the increase or decrease of child abuse at national, district and divisional levels in Sri Lanka, which require robust monitoring and evaluation mechanisms for the government to learn from and to replicate effective interventions.

In August 2021, the Women Parliamentarians' Caucus, together with the National Child Protection Authority, indicated that they were addressing the need to fast track child abuse cases and help victims and survivors navigate our judicial processes. The delays associated with criminal prosecution of child abuse is often an impediment for families to file and/or continue with a case, and the child's long term emotional wellbeing is often cited as a reason to drop charges, thereby allowing for perpetrators to walk free.

“The Chairman of the National Child Protection Authority, Prof. Muditha Vidanapathirana stated that an

agreement was reached following the discussions with the Judicial Service Commission to set a specific date for the hearing of child abuse cases pending in the High Courts.

Furthermore, the Chairman stated that circular No. 449 of the Judicial Service Commission has been sent to all High Court Judges on June 28th in order to give priority to cases involving children on the set date and to formulate a methodology for the purpose of identifying such cases.”^x

This is an understandably necessary improvement to current processes, especially as it is in the best interest of the child victim/survivor, however, real world application of these decisions needs to be monitored closely and the state held accountable for any continued failure.

In September 2020, the news company, Adaderana, reported on an interview with Minister of Justice, Ali Sabry, that covered varied areas of national interest that also included his assertion that sex education must be an integral part of a national prevention strategy for child abuse. The news report headline read: Sex education is the way to prevent child abuse – Ali Sabry

“The Minister insists that sex education is the way forward to

prevent child abuse. “We must educate the children on what are their rights, what are the limitations.”

He points out that tackling child abuse should be done through three processes: social justice and a safety net, education for both the parents and the kids, and good legal administration and enforcement of legal remedies.”^{xi}



The Minister sensibly suggests involving parents as a key stakeholder within the school ecosystem and underscores his willingness to work with the Ministry of Education on implementing this proposal. This is yet another opportunity for parents, civil society, and school administrations to hold our government accountable and have them follow through on what could arguably be the most effective long-term intervention on child abuse. Preventing sexual violence and exploitation, however, cannot be limited to lessons on sex and reproduction alone. Currently, as this document will show, there is an absolute dearth of child protection education in schools, which include fundamental social emotional learning concepts such as respect, empathy and consent that can be taught age appropriately in preschools, primary schools, and secondary schools. There have been successful multisectoral efforts previously, as detailed below, led by the Ministry of Education and the National Child Protection Authority, which have failed to be replicated despite their success with teachers, parents, and students. These scientifically designed, evidence-based interventions need a shift in our perception of education, i.e. the need to value our children's emotional quotients [EQ] even as we repeatedly evaluate their IQ.

In the 2022 Budget Proposal which was presented in the Sri Lankan Parliament in early November 2021, there is no clear indication of any funds allocated for the prevention of child abuse, or any form of prevention education related to sexual violence for children and young people of Sri Lanka.



INTRODUCTION

What constitutes child abuse?

The layperson's language of child abuse in Sri Lanka is often limited to physical acts of bodily harm, which include physical acts of sexual abuse, as apparent in the aforementioned parliamentary Hansard. While some may include verbal and/or emotional harm in their discussion of child abuse, there is often a gradation of intensity that posits physical manifestations of abuse as more harmful than other forms. Arguably, even physical abuse is up for contention when motives of discipline and punishment are attached, and perceived as culturally appropriate, even necessary to the process of child-rearing in Sri Lanka.

One of the key reasons for this ambiguity has been the lack of a clear definition for child abuse in the public domain. Hitherto child abuse in Sri Lanka was interpreted chiefly as a violation of the relevant sections of the Sri Lankan penal code, related ordinance, and acts.

For example, the 2020 publication of the long-awaited National Policy on Child Protection^{xii}, published by the National Child Protection Authority [NCPA], states the following:

Child abuse means breach of any provisions of Sections 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A, or 365B of the Penal Code; Any Provision of the Employment of Women, Young Persons and Children Act; Any provision of the Child and Young Persons Ordinance; The Regulation relating to compulsory education made under the Education Ordinance; and an act or omission committed in regard to a child, and includes involvement of a child in armed conflict which is likely to endanger the child's life, or is likely to harm such child physically and emotionally.

This definition has changed little from the definition included in the National Child Protection Authority Act, No 50 of 1998 found on page 18^{xiii}

Clearly this definition was not meant for the layperson, nor teacher, nor parent, nor caregiver, nor anyone who doesn't intend to spend time interpreting the listed Penal Code sections, Ordinance and Acts.

That said, in 2019, NCPA published a Handbook on Child Protection in Sinhala and Tamil that contained a concise definition of child abuse drawn from the following WHO definitions in English:

“Child maltreatment is the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence



and commercial or other exploitation, which results in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Exposure to intimate partner violence is also sometimes included as a form of child maltreatment.^{xiv}

Maltreatment (including violent punishment) involves physical, sexual and psychological/emotional violence; and neglect of infants, children and adolescents by parents, caregivers and other authority figures, most often in the home but also in settings such as schools and orphanages.”^{xv}

The Sinhala only publication Identification, Prevention and Management of Child Abuse [2020], also contains a cogent definition, that reflects the holistic approach to understanding child abuse outlined by WHO:

“ලෝක සෞඛ්‍ය සංවිධානයේ (1999) නිර්වචනයට අනුව ළමා අපයෝජනය යනු ළමයාගේ භාරකරුවන් හෝ විශ්වාසවනන් යන් හෝ වගකීමක් ඇති පුද්ගලයන් විසින් කායික, මානසික, ලිංගික අපයෝජනය හෝ නොසැලිකිලීමක් හෝ වාණිජමය සුරාකෑම හා අනෙකුත් අපයෝජනයන් නිසා ළමයෙකුගේ සෞඛ්‍ය වර්ධනය හෝ ආත්මයට හානිවන අයුරින් කටයුතු කිරීමයි.”^{xvi}

Perhaps the most sensible way forward would be to ensure that this established definition is included in all NCPA publications, tri-lingually, thereby ensuring that all involved in childcare and child protection in Sri Lanka have a unified vision and understanding of child abuse prevention. For example, the National Guideline for Child Care Centres^{xvii}, also published by NCPA in 2020, while mentioning the need to prevent child abuse repeatedly, nowhere clearly defines what constitutes child abuse, nor ways in which childcare practitioners can identify potential signs of child abuse. This is inherently problematic given that this guideline is intended to be a value-addition to how we care for our most vulnerable. Perhaps the expectation is for childcare practitioners and administrators to also access the aforementioned publications on child protection and prevention of child abuse – but given the current strategies [or lack thereof] for dissemination, there are pragmatic concerns whether, in this specific instance, childcare practitioners and administrators of childcare centres would go the distance to engage in this extra preparation beyond the stated requirements of the guidelines.

This pragmatic concern therefore extends also to those administrators, teachers, parents, and all others engaged in childcare, child protection and ensuring and maintaining the general wellbeing of our nation’s children – how do we make accessible these cognizable and practicable definitions without the recourse to legal interpretation?

Who is a child?



This opacity with terminology in Sri Lanka extends to discussion of who qualifies as a child. In the National Policy on Child Protection, NCPA defines a child as “a person under 18 years of age” in line with the convention of the rights of a child^{xviii}, to which Sri Lanka is a signatory. Yet, there are exceptions; for example, under the Children and Young Person’s Ordinance published by NCPA and UNICEF, for the purpose of the Juvenile Court a child is defined as someone below the age of 14 and young person is defined as someone below the age of 16.^{xix}

Arguably, these gradations that have come to apply have seeped into the public domain, with younger children seen as more vulnerable and *innocent* than older children. A further example of this age-related grading is the Grave Crimes Abstract of The Sri Lanka Police, that since 2015 has disaggregated rape data to include the following three categories: Rape of Women Over 16 years of age; Statutory Rape [Women under 16 years] With the consent of the victim; and Statutory Rape [Women under 16 years] Without the consent of the victim.^{xx} This oxymoron of statutory *rape with consent* is apparently included to signify that the girl-child engaged in sexual intercourse of her own volition and was not forced. It has been applied to instances where the girl-child elopes willingly with the male perpetrator, who may, on occasion, also happen to be a child under 18. This manner of data-collation, while perhaps deemed beneficial to the nature of police prosecutions, makes an inherent value judgment on the ability of the girl-child to consent to sex, regardless of the statutory rape law and the age of sexual consent which is fixed at 16.

The ability of a child to consent to sex is further discombobulated under the Muslim Marriage and Divorce Act [MMDA] currently under review^{xxi}, where children as young as twelve are permitted to marry and go on to bear children putting their ill prepared reproductive organs and anatomy under severe stress. The legal age of marriage in Sri Lanka for those not governed by MMDA is 18.

Our willingness to perceive and portray our children as sexually aware and sexually active beings has often led to the rationalization of sexual violence perpetrated against children. For example, in December 2019 a young girl of 12 was gangraped by four men in the vicinity of an illicit liquor vendor in the Gokarella Police Division of the Kurunegala District. Arguing for the defense at the Magistrate Court of Kurunegala, in an attempt to secure bail for the perpetrators following their arrest, the female defense counsel suggested that the 12-year-old while young in age was a willing and consensual participant. [*Case history courtesy of Women’s Development Foundation, Yakalla, Ibbagamuwa*]

If Sri Lanka is to successfully prevent child abuse, we must first ensure clarity in terms of who is a child and what constitutes child abuse, and this clarity must serve as the basis for all awareness raising in the public domain, especially with parents and teachers, who are key stakeholders. It is this clarity that will help shift perceptions and value judgments that are attached to children’s behaviour.

ISSUES OF CONCERN



1. Conflating Discipline with Corporal Punishment

In the recent past, researchers on corporal punishment and discipline in Sri Lanka have cited D Moldrich's assertion in *Somewhere a child is crying* [1986] that during the reign of three ancient kings of Sri Lanka, the rights of children were protected.

“In Sri Lanka, there is evidence that the ancient kings Voharika Tissa (214–236 AC), Vijayabahu II (1186–1187) and Vijayabahu III (1232–1236) were influenced by compassion. Non-violence in Buddhism prohibited any bodily harm, by way of punishment, of children and adults.”^{xxii}

“Moldrich (1986) for instance, has presented evidence of ancient Sri Lankan kings who had declared laws prohibiting any bodily harm, by way of punishment, children and adults alike. Moldrich (1986) has exemplified King Vijayabahu II (1186 - 1187) and King Vijayabahu III (1232 - 1236) who were especially credited for their compassion towards children. Children hit by their parents have been reported to come to King Vijayabahu III and tell him of their woes, with the king then exhorting their parents not to beat the children any longer (Moldrich, 1986)”^{xxiii}

Researchers have sought to juxtapose this approach to child rearing with the prevailing acceptance of and advocacy for corporal punishment by parents, teachers, school administrators/principals, and on occasion, students. In a 2017 study commissioned by the National Child Protection Authority - A Study on Child Disciplinary Methods Practiced in Schools in Sri Lanka –

key findings suggested that corporal punishment continued to be widely prevalent over a decade after the initial 2005 Ministry of Education circular [2005/17] that sought to abolish corporal punishment in schools by overturning previous Ministry of Education circulars [1961/26 and 2001/11] that allowed for physical abuse.^{xxiv}

“The study results indicated high rates of corporal punishment of students in schools in Sri Lanka. The use of psychological aggression too was high. Worryingly, so was physical abuse, a criminal offence. Though students and teachers also reported high use of (positive) discipline, it appears that it is done in conjunction with punishment, thus losing its potential for positive impact on the students. Most teachers and principals believe in the efficacy of corporal punishment. Some evidence suggests that this is due to reasons such as their own experience of it in childhood, because senior teachers use it, and because they do not know of any other strategies to correct misbehaviours. In fact, a majority of teachers had not got any formal training in classroom management, including the use of (positive) disciplining. Though a majority of teachers reported that they were aware of the circular recommending not to use physical force on students, they also reported that they were unaware of its contents.”



“They [students] appear to tolerate corporal punishment, possibly even at abusive levels, if it is done by teachers whom they viewed were skilled in teaching. Their parents too do not complain against such teachers.”

This study goes on to outline the crucial distinction between discipline and punishment, focusing on the potential for “positive” discipline to be an integral part of how we nurture our children.

“The word discipline is usually used synonymously with punishment. However, discipline refers to a system of teaching or instruction, whilst punishment ((such as corporal punishment or psychological aggression) indicates a punitive stance. Hence, the strategies and implications of these two words are different. In general usage, the word punishment is used loosely and often denotes physical punishment. Therefore the words discipline and punishment should be clearly separated. In order to shape desirable

behaviour in students and correct misbehaviour, disciplinary strategies (which are by its nature, positive) rather than punishment strategies (which are by its nature, punitive) are required (Grusec & Kuczysuki, 1997; Kochanska & Thompson, 1997). When disciplining is done within a foundation of teacher nurturance, it promotes appropriate behaviour and prevents misbehaviour. In an ideal world, such a nurturant teacher-student relationship and positive disciplining may suffice to prevent student misbehaviour.”^{xxv}

Some researchers have argued that our prevailing patterns of discipline and corporal punishment are colonial manifestations used by the oppressor to further subjugate the oppressed under the guise of discipline and regulation. In fact, the landmark Supreme Court judgment in February 2021 in favour of a student from Puhulwella Central College who was subject to physical abuse stated:

“The archaic attitude towards punishment of children of “spare the rod and spoil the child “prevails strongly in Sri Lankan culture, indeed the saying used is,

“නොහග හදන ළමයයි, හැඳි නොගා හදන හොඳ්දයි වැඩක් නැත.” (The child raised without beating and the curry made without stirring is useless)

This view does not essentially originate from Sri Lankan culture. In Sri Lanka, there is ample evidence in relation to laws introduced by Kings in order to promote a non-violent, benevolent society, raising nurturing children. In reference to the Chulawamsa it says that during the Anuradhapura and Polonnaruwa era we had two kings who introduced legislature explicitly stating that there should be no physical punishment on both adults and children. Therefore, our culture was such that it had a negative view on Corporal Punishment. Corporal Punishment was



a prevalent method of punishment used during the colonial era of occupation brought into practice from public school practices from their respective countries, thereby trickling into the attitudes and daily practices of citizens of the country.” SC/ FR/ 97/2017 JUDGMENT Page 17^{xxvi}

Our penchant for blaming former colonial masters for our current negative realities is often selective and ignores that these so-called alien attitudes have evolved into vigorous beliefs and practices that are now integral to the collective Sri Lankan psyche. That said, reflecting on their colonial source is beneficial in the event it leads us to reevaluating our values, and if it helps us adapt pre-colonial beliefs, behaviours and practices that help us treat our children, and each other, with dignity and compassion.

Our collective understanding of discipline, however, especially within an increasingly militarized state, continues to flounder. In January 2021, Public Security Minister (Rtd) Rear Admiral Sarath Weerasekara’s proposed compulsory military training for Sri Lankan youth over the age of 18.

“From December 20 last year up to now, more than 100 people had died on the road as a result of violating road rules while more than 180 were reported to have been permanently disabled... This shows there is no discipline in society. Hence, we must provide military training for young men and women above 18 years of age. This is why I will table this proposal in Parliament. There is no need to fear military training. It is through military training that a person will be able to stand strong, build personality and leadership skills. Military training will ensure that we have law-abiding, disciplined and responsible citizens.”^{xxvii}

The notion that discipline, leadership, responsibility, strength of character and personality are dependent on military training is not new, and remains at odds with the nurturing environment that positive discipline advocates for within school settings, where children have diverse interests, and different emotional, psychological and physical abilities. Physically punitive consequences are common within military training if one does not complete a prescribed task successfully. Such statements by the powers that be reinforce the militarized tropes within our education system. For example, primary school children engaged in a march past during a sports meet – what are the potential benefits of such an activity? Are there no other methods to teach primary school students discipline and teamwork rather than have them simulate a Nuremburg rally? Would not a military parade be better suited for those secondary school students who opt to join the school cadet corps? And what of the initiation rituals and/or rags that have seeped into school sporting team cultures that often glorify physicality and humiliate and degrade those who fail to endure?

Furthermore, how do these manifestations of military discipline within schools affect student enforcers? In a culture where adults within a school system are under scrutiny in terms of their interactions with children, what of students who are called upon to enforce both physical and non-physical forms of discipline within school settings? Arguably, the current role of student leaders and/or prefects have distilled into enforcing of school rules. On occasion these student enforcers have exhibited behaviours that have led to physical and emotional harm of fellow students.



The responsibility we place on students to perform onerous tasks that teachers avoid has become commonplace to the point that some teachers regularly look to senior students, student leaders and prefects to enforce and maintain discipline within classroom and school settings. This has led to a culture of fear, where senior students/student leaders/prefects/Seniors in Sports Teams are feared by the rest of the student body due to their perceived powers. In turn, junior students aspire to these coveted roles, and ultimately perpetuate a culture of physical and emotional violence under the guise of enforcing discipline. In these instances, enforcing discipline is reduced to fulfilling the three key criterion for bullying – one sided, on purpose, and repetitive.

2. Neglecting Neglect

“Neglect includes both isolated incidents, as well as a pattern of failure over time on the part of a parent or other family member to provide for the development and wellbeing of the child – where the parent is in a position to do so – in one or more of the following areas:

1. *health*
2. *education*
3. *emotional development*
4. *nutrition*
5. *shelter and safe living conditions”*. [WHO, 2006]

According to the NCPA handbook Identification, Prevention and Management of Child Abuse [2020] the most common form of child abuse is neglect. Yet, there is woefully little information on neglect in Sri Lanka. Perhaps the reason for our lack of data on neglect is once again tied to our gradation of child abuse in Sri Lanka, where physical forms of abuse, including child sexual abuse is more readily cognizable.

That said, in her undergraduate thesis, Child Abuse and Neglect in Sri Lanka, Achini Silva cogently lays out different manifestations of neglect.

“Neglect generally includes the categories of Physical (failure to provide necessary food or shelter, lack of appropriate supervision), Medical (failure to provide necessary medical or mental health treatment), Educational (failure to educate child or failure to provide special educational needs for needy children) and Emotional (give less attention for

child’s emotional needs, failure to provide psychological care, let a child to use alcohol and drugs). Even, in some cases child may be left hungry or dirty, without sufficient clothing, shelter, supervision, medical or health care. Child may not receive love, attention and care that they need from their parents.”^{xxviii}

This fleshed out definition of neglect manifests itself to varying degrees of intensity across the country. In the abstract of her paper Some cultural and economic factors leading to neglect, abuse and violence in respect of children within the family in Sri Lanka presented in 1981 at the



International Congress on Child Abuse and Neglect, Wimala De Silva suggests that “*though in Sri Lanka children are considered a blessing, yet they are also subject to neglect though this is not deliberate on the part of parents but arising from numerous factors, mainly poverty and ignorance. Other influences also operate such as cultural values and weaknesses in the delivery systems. Today females of all socioeconomic levels seek employment, both locally and abroad. This can lead to child neglect since community services for child care are inadequate and traditional help is dwindling.*”^{xxix}

These insights from four decades ago still hold true in 2021. In fact, studies done on the impact of Sri Lankan parents, especially mothers, working abroad show that children left behind are subject to varied manifestations of neglect identified above, and other forms of child abuse. As Rasika Jayasuriya and Brian Opeskin stated in their paper [The Migration of Women Domestic Workers from Sri Lanka: Protecting the Rights of Children Left Behind](#) for the Cornell International Law Journal [2015]:

“The harms experienced by children left behind include disruption to family relations, diversion from education as children are pressured into domestic roles formerly discharged by the absent parent, psychosocial effects of loneliness and abandonment, and a heightened risk of child labor or abuse from alternative carers. A study commissioned by the Sri Lankan Government on the psychosocial issues arising from labor migration noted that a mother’s migration for two or more years seriously affected a child’s personality development. Another study of 400 children found that “the love, attention and proximity of the mother were not replaced by even the best caregivers” in the estimation of the children, with seventy-seven percent experiencing loneliness due to the absence of the mother.”^{xxx}

These realities have led to women and mothers being disproportionately blamed within our inherently patriarchal social construct for abandoning their children to the care and protection [or lack of] of their male partners/husbands. The prevailing economic hardships that forced women to seek employment abroad, or within urban settings in Sri Lanka, most often as domestic help is ignored, as is the fact that a significant portion of Sri Lanka’s foreign currency reserves are dependent on these working mothers and women.

As De Silva identified in 1981, the state was and is still apparently ill-equipped to respond adequately to the needs of children who face issues of neglect and related child abuse in Sri Lanka. Perhaps the most sensible starting point would be to ensure that all state actors involved in prevention of child abuse and neglect ensure the public is aware of what constitutes neglect, so that those who experience it can receive available assistance as early as possible.



3. Child Abuse & Technology

In 1994, The Independent newspaper in Britain published an article – Sex tourists prey on Sri Lanka’s children: Beach resorts are hunting grounds for European child abusers and pornographic video makers. It highlighted the work of Maureen Seneviratne, a child rights advocate who fought to preserve the childhood of victims of child sexual abuse.

“Ms Seneviratne confronted the German video cameraman as he came out of the room. ‘How can you do this?’ she sputtered angrily. The German rubbed his fingers together. ‘Money, money, money,’ he replied. One United States study estimated that more than 250 million copies of videos on child pornography are circulating world-wide, and most were filmed in the Philippines, Thailand and Sri Lanka. One raid, on a home in a Stockholm suburb in July 1992, yielded stacks of letters between paedophiles sharing descriptions of children’s bodies and sex organs. Found in the haul were 300 hours of child pornography videos, mostly filmed in Sri Lanka with titles such as Boy Love in Negombo and Hikkaduwa - the Child Sex Paradise.”^{xxxix}

With burgeoning technology, the opportunities for perpetrators, foreign and local, to exploit children has increased. In July 2021 the Sri Lanka Police set up a special unit to monitor child pornography online, and within the period of a month they identified that “17,629 video clips and photographs have been uploaded to cyberspace from laptops, desktops, mobile phones and tabs in Sri Lanka.”^{xxxix} And approximately a week later, in early August of 2021, this unit arrested “a 25-year-old man who had uploaded more than 500 videos and photographs.”^{xxxix} The establishment of this special unit is indicative of how child sexual abuse has continued to evolve, facilitated by both technological advancements and economic impetus.



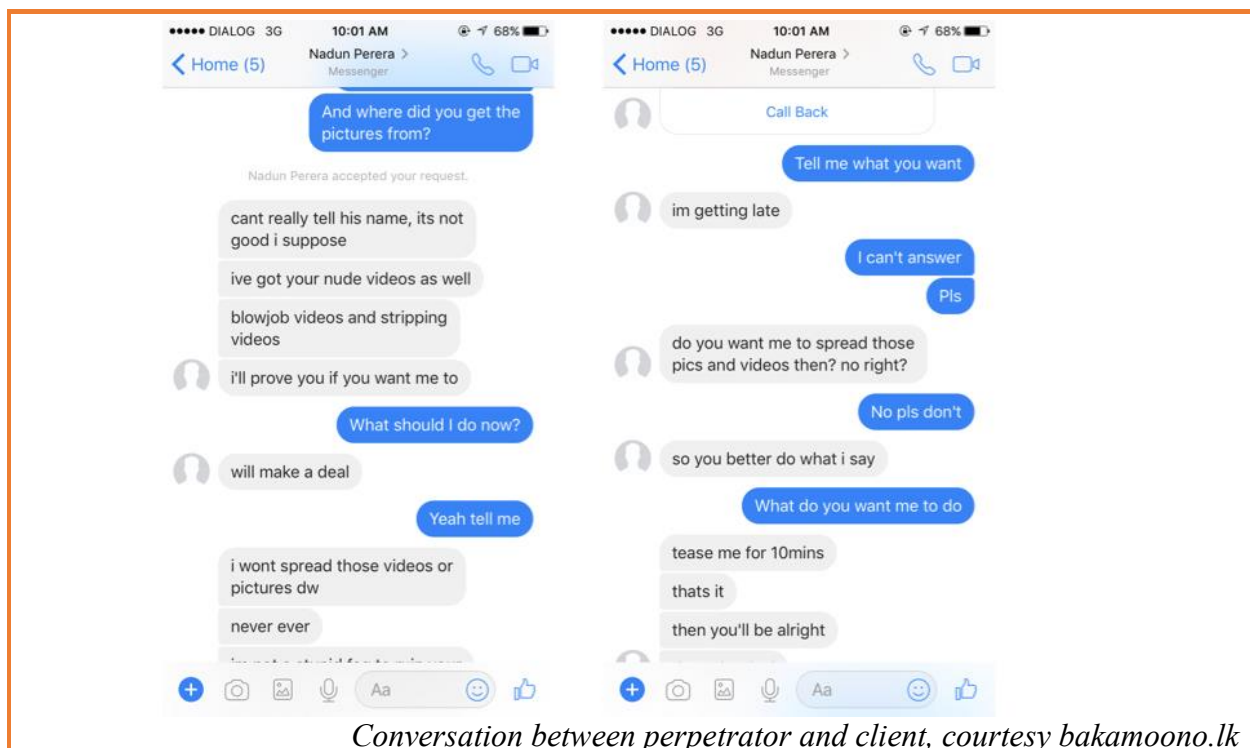
Any sensible prevention intervention must also consider the reality of Sri Lanka’s Nude Culture^{xxxiv} - a culture where young people, and the not-so-young engage consensually in forms of online sex. This can include the exchanging of intimate photographs – nudes – and the making of videos. Predictably, given that shame is so readily associated with the naked body in Sri



Lanka^{xxxv}, and regular incidents of intimate partner violence (IPV) that occur in offline spaces, in 2019 the Daily News reported that over “70 percent of all complaints received by the Criminal Investigation Department [CID Cyber Crime Unit] are on posting of photos, videos and chats after break up of a relationship.”^{xxxvi}

The content generated by these break-ups also resulted in these videos and photographs feeding pornography sites, some of which exhibit exclusively Sri Lankan content^{xxxvii}, and include both girls and boys under the age of 18. Yet again, however, younger children are considered more vulnerable and fall more easily within our parameters of victimhood than older children who sent pictures and made videos of their volition, and therefore are perceived as culpable within our asking-for-it culture. The arrest of the couple who made a sex video [with blurred faces, intent on selling the product] at Pahanthudawa Falls in September 2021 is further indicative of how technology has enabled content creation for purposes of pornography, and how some have chosen to benefit from this online economy.^{xxxviii}

Ultimately, the German pedophile’s riposte of “Money, Money, Money” in 1994 still holds true, except that in 2021, the perpetrators may not necessarily be only adults exploiting children, and may also include young people, exploiting other young people and children.



Given our online landscape, and the over 400% increase in social media related violations reported to CERT Sri Lanka corresponding with the COVID19 lockdown^{xxxix}, we have to prepare our children to responsibly navigate this landscape. This includes establishing open lines of communication between parent and child to facilitate a child who is experiencing abuse online to approach parents, or another trusted adult in their life, for support and assistance. As Minister of Justice, Ali Sabry suggested, the most sensible place would be to include cyber violence



prevention modules in schools, age-appropriately, which include parent and teacher stakeholders in the process of learning about and responding to cyber violence faced by children.

Online child abuse does not necessarily have to be limited to forms of sexual exploitation. Evidence is emerging of how social media platforms such as Instagram are knowingly leading to low self-esteem in children and behaviours that include self-harm. This fallout which includes whistleblower Frances Haugen on how much the company Facebook, which owns Instagram and Whatsapp, knew of the harm it inflicts, led to the pause in releasing an Instagram for kids.^{xi} Haugen appearing before the United States Congress also said:

“Yesterday we saw Facebook taken off the internet. I don’t know why it went down, but I know that for more than five hours, Facebook wasn’t used to deepen divides, destabilize democracies and make young girls and women feel bad about their bodies.”^{xli}

Haugen aligns the gravity of low self-esteem with the deepening of divides which can manifest as racism, sexism and fascism and the destabilizing of democracies.

Given how smart devices have become an extension of a young person’s space, the bullying they experience online can have devastating results in Sri Lanka too. Impossible standards associated with body image are not limited to girls alone, boys are similarly made to aspire to impossible standards, and our children would benefit greatly from sensible interactions with parents and trusted adults that focus on both their physical and emotional wellbeing.

4. The Need For Prevention Education – Teachers, Parents & Children

In 2017 the Canadian Red Cross published a report Child Protection: As part of programming in Sri Lanka^{xliii} The report details one of the most significant child protection interventions in Sri Lanka in the recent past with the stated goal: *“to develop and strengthen capacity of vulnerable children and their caregivers to improve children’s safety from violence.”* The Be Safe programme focused prevention of physical and sexual abuse, and family violence. It included a resource pack of interactive cards, booklets, Audio Tools, and a Be Safe Doll, focusing on 4 thematic areas 1) body ownership; 2) safe and unsafe touches; 3) secrets about touching should never be kept; and 4) safety rules to avoid unsafe situations and access help if ever needed. This intervention was implemented in all 25 districts of Sri Lanka, covering over 127,000 children, 221,000 adults [including parents], with over 5000 teachers trained and cohort of over 200 master trainers, that covered over 2200 schools [23% of all government schools], of which over 220 schools introduced child protection committees. This was intended to be a sustainable ongoing initiative that could be upscaled to include more schools in the country. To this end, the Canadian Red Cross succeeded in forming an impressive partnership over a ten year period with government and non-government agencies including the Ministry of Education, The National Child Protection Authority, The Department of Probation and Child Care Services, The



University of Peradeniya, Sarvodaya, and Plan International. Two Key findings from the evaluation of the intervention in 2015 indicated:

“Changes in behaviour among parents were present after participating in the program. Specifically, 45.6% of parents in the study reported that they have adopted safety mechanisms to increase their child’s safety after participating in the program and 147 parents said that they were able to avert an impending threat of violence as a result of their training.”

And

“Parents and teachers indicate a high endorsement of the project. In particular, significant correlations were found between project dosage and the following variables: increase in children’s sense of safety, the confidence of girls and boys to express themselves at school, knowing where to seek help for violence, and knowing that if they report violence they will be heard. Parents and teachers also indicated that children exemplify safe behaviour after participating in the project, and that the project had a positive effect on the school environment.”^{xliii}

These are both significant findings in an intervention that seeks to address sexual violence through education, especially given our general reticence to approach issues around sex in Sri Lanka. In late 2019, the furor over a Grade 7 text on sex and reproduction – Hathe Ape Potha^{xliv} - brought into clear relief the challenges our public health educators face. A Buddhist monk, Venerable Medagoda Abhayatissa Thera called a press conference to state that the book introduced collaboratively by the Ministries of Health and Education to improve education on sexual and reproductive health in schools, “*promotes inappropriate and obscene content sexually exploiting young children*” According to the venerable thera “*The content of the textbook cannot be even read consciously by adults*”^{xlv} and he demanded the book be prohibited. While some may argue that this was politically motivated given that the book was introduced by the previous government, a similar Ministry of Education intervention in 1994 – Uduvula Yawanaya - was pilloried on the grounds of being inappropriate and discontinued in schools.^{xlvi}

In 2008 the WHO Country Office captured the general perception when they stated that “*attempts to introduce concepts on [reproductive health] have been resisted by certain school principals, teachers, administrators and parents. Objections are on the grounds of cultural sensitivity.*” And “*discussions of issues on sexuality may exacerbate promiscuous behaviour.*”^{xlvii} The fear of exacerbating promiscuity is why lessons on prevention of HIV and other sexually



transmitted infections in Health and Physical Education and Science Text Curricula for O Level students still do not contain the term – condom.

The success of the Canadian Red Cross intervention among purportedly conservative and traditionally minded adults illustrates how a scientifically designed evidence-based approach to prevention education, which includes parent and teacher stakeholders, helping them understand and appreciate objectives and rational, can overcome purposefully reductive and indolent views around sex and sexuality.

“Mr. Janapriya [Master Trainer] explains that because the problems of physical, sexual and psychological violence against children, and within families, are not always discussed openly they remain “sensitive topics.” He adds, “At first I was hesitant to discuss the topics, however, the novel method used during the training and the support provided after the training by the Red Cross allowed us to reach out to other teachers.”^{xlviii}

Despite the successes of this programme, and the potential to be replicated, there is no evidence that it has continued beyond the pockets of previously trained Master Trainers. The 2015 evaluation identified this risk.

***“There is risk of the project not being sustained.** Many teachers reported teaching the program as an extracurricular activity, as opposed to during class time. When asked if there was anything that would motivate them to continue the program, the general response from teachers was that they would continue teaching the project messages if there was support/ follow-up from their superiors, and resource support from an outside source (i.e. the government or an NGO).”^{xlix}*

This attitude that prevention of child abuse is somehow an extra-curricular activity is a malaise that also affected the introduction of Hathe Ape Potha i.e. it was positioned as an extra-curricular activity for Grade 7 students, without being seen as essential part of their learning experience. In fact, a more sensible initiative would have been to ensure that the content in Hathe Ape Potha was similarly presented in the Grade 7 Health & Physical Education textbook which contained most of the information Hathe Ape Potha was presenting in a more engaging manner.



As the Canadian Red Cross and its partners identified, school are the ideal ecosystem for prevention of different forms of child abuse. Schools bring together stakeholders who should value the children’s best interest the most – teachers, parents, & children. A sustained long-term intervention however is essential, especially to transform harmful attitudes, beliefs and practices. For example, while this intervention had relative success in prevention of child sexual abuse and sexual violence faced by children, it struggled to penetrate through to the parental psyche on physical punishments.

“The project did not achieve the anticipated results around perceptions of physical punishment as an inappropriate disciplinary measures in schools. even after the project, a

majority of parents continued to believe that physical punishment by teachers against children is acceptable in school.”¹

Given the continuously evolving manifestations of child abuse, any sensible national response must necessarily involve teachers, parents and children, ensuring an environment of mutual learning where teachers, parents and children interact in an open and frank manner to create a culture of protection. This culture of protection is dependent on the transformation of attitudes, beliefs and practices, that a scientifically

designed evidence-based sustained approach can achieve as illustrated by the Canadian Red Cross Child Protection intervention. While initiatives such as the Child Protection Committees can be utilized toward this goal, it is imperative that the National Institute of Education (NIE) with their various implementing bodies such as Text Book Writers, work in conjunction with the Ministry of Education to include evidence-based age appropriate approaches to prevention of child abuse within the National pre-school, primary and secondary school curricula and not depend on sporadic



interventions by non-government agencies that are limited by project funding cycles. The most sensible entry point for child protection interventions in pre-school and primary school curricula would be Environment Study and for secondary school curricula, the existing Health & Physical Education textbook. This must however necessarily involve training teachers to effectively impart the set curricula, and a stringent monitoring and

evaluation mechanism to ensure that no lessons are being avoided by individual teachers who deem them culturally inappropriate.

It is imperative that prevention of child abuse within the school ecosystem not be perceived as an extra-curricular activity, but as integral part of how we ensure the general wellbeing of our children.

If some one makes us uncomfortable by touching our body or showing something, what should we do?

We should say NO.

Be strong. Be loud. And say NO.

We should GO.




GO away from that person

We should TELL someone you trust

Don't be scared to TELL someone you trust. This is the

No, Go, Tell

rule.

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Conclusion

For a country that claims to put the interest of their children and young people first, Sri Lanka has done little to follow through on these aspirations. In fact, the UN Committee on the Rights of the Child in their Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka^{li}, published on 2nd March 2018 continue to make comprehensive recommendations for the state to follow, which include -

With relation to Corporal punishment:

“Prohibit unequivocally by law, and without any further delay, corporal punishment, however light, in all settings, repeal any legal defence concerning its use and ensure that the relevant laws are effectively implemented and that legal proceedings are systematically initiated upon their breach;

(b) Increase the capacity of relevant groups of professional, in particular law enforcement officers, health personnel, social workers and the judiciary, including *quazis*, to handle cases of violence against children, including the capacity to bring cases of domestic child abuse under the Prevention of Domestic Violence Act;

(c) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects of corporal punishment, with a view to changing the general attitude towards this practice, ensure children’s involvement in the design of prevention strategies and promote positive, non-violent, participatory forms of child-rearing and discipline as an alternative to corporal punishment;

(d) Regularly monitor the situation of children in all places of detention, install closed complaint boxes in prisons, police stations and remand homes to enable children to confidentially complain about torture or ill-treatment when in detention, and ensure unimpeded access by the Human Rights Commission of Sri Lanka to police stations and detention facilities;

(e) Allocate all necessary resources to efforts to implement the national plan of action to prevent child abuse (2016 onwards) and to ensure that efficient follow-up measures are taken where child abuse is reported via helplines.”

With relation to sexual abuse and exploitation

“(a) Strengthen legislation criminalizing child pornography and also ensure its criminalization under the Computer Crimes Act of 2007;

(b) Take prompt measures to revise article 363 of the Penal Code to criminalize statutory rape of boys and take large-scale awareness-raising measures to encourage the reporting of rape of boys, to eliminate the associated stigma and to ensure accessible, confidential, child-friendly and effective channels for the reporting of such violations;

(c) Conduct awareness-raising and education programmes and campaigns aimed at preventing and responding to the sexual exploitation and abuse of children, including child prostitution, targeting parents, children and community members;



(d) **Ensure the systematic and timely investigation of complaints, protect victims against acts of reprisal and ensure full respect for the confidentiality of child victims, including through the use of closed court proceedings in cases of child sexual abuse and exploitation, and bring perpetrators to justice;**

(e) **Bring members of the armed forces who sexually abused and exploited children while serving with MINUSTAH to justice expeditiously and ensure reparation for child victims.”**

Piecemeal efforts at Child Protection, led by an apparently politicized organization such the National Child Protection Authority have not yet had a significant impact in mitigating child abuse in Sri Lanka. Age-appropriate child protection education models, that include parents, teachers, and students, such as those employed by the Canadian Red Cross in partnership with state and non-state actors have the potential, if replicated, to dramatically reduce child abuse for the next generation, and the next.

Long term interventions, done right, do affect attitudes and behaviours as shown with this Canadian Red Cross initiative in Sri Lanka. The failure to adequately replicate this model is an example of the lack of political will to seek a viable sustainable solution to child abuse. In fact, the 2022 budget indicates, child protection and/or the prevention of child abuse, despite parliamentary grandstanding by members of government and opposition over the last decade, still fails to be given any kind of priority.



Way Forward/Recommendations

Civil Society

- I. Create awareness among parents and teachers on the need for education reform focusing on age-appropriate social emotional learning and child protection methodologies by working with parent and teacher stakeholder groups within schools.
- II. Hold regional and national government representatives accountable to fulfil obligations related to the Child Rights Convention and following through on the 2018 and 2019 recommendations^{lii} of the UN Committee on the Rights of the Child.

Government

- I. Explore the need for and implement measures for education reform, focusing on age-appropriate social emotional learning and child protection methodologies through a participatory process that include teacher and parent stakeholders.
- II. Fulfil obligations related to the Child Rights Convention and following through on the 2018 and 2019 recommendations of the UN Committee on the Rights of the Child.

International community

- I. Hold the Government of Sri Lanka accountable to fulfil obligations related to the Child Rights Convention and following through on the 2018 and 2019 recommendations of the UN Committee on the Rights of the Child.



End Notes

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- ⁱⁱⁱ https://www.police.lk/images/crime_statistics/2019/Grave-crime-abstract-for-the-Year-2019.pdf
- ^{iv} <http://www.insssl.lk/index.php?id=249>
- ^v A formal request for information is still pending as of the deadline for publication - International World Children's Day, 20th November 2021.
- ^{vi} https://www.police.lk/images/crime_statistics/2020/01.Grave-crime-abstract-for-the-Year-2020.pdf
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