



Guidebook on the Rights of the Child in Sri Lanka

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GUIDEBOOK ON THE RIGHTS OF THE CHILD IN SRI LANKA



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND

Foreword

This Guidebook on the Rights of the Child in Sri Lanka is dedicated to the children of Sri Lanka and the courage they displayed in the aftermath of the December 2004 Tsunami. The Tsunami caused great pain, trauma, uncertainty and upheaval. Many children in the area where the Tsunami struck were never seen again. Those who miraculously escaped death found themselves in a world so transformed that survival would have been extremely difficult without the many strangers, both local and foreign, who came to provide assistance. Approximately 5,500 children lost one or both parents to the Tsunami. The parents of many children were injured, traumatised, or lost their jobs. The siblings, relatives and friends of many children perished or went missing. Children's homes and schools were damaged or destroyed. Many children were required to spend long periods in temporary shelter away from familiar and comforting surroundings. Many became ill due to limited access to fresh food and clean water for long periods after the Tsunami.

In addition to quickly mobilising resources to respond to the humanitarian relief effort that was urgently required, the Government of Sri Lanka recognised the key role that the law can play in protecting the well-being of children and other vulnerable groups affected by the Tsunami. The Government moved swiftly to enact the *Tsunami (Special Provisions) Act*. It made special provision with regard to the issuance of death certificates in respect of persons missing following the Tsunami. Other initiatives were immediately launched to ensure that children affected by the Tsunami were not deprived of their legal rights.

As part of their post-Tsunami support, the Governments of Finland, Ireland, and Italy provided funding for the implementation of IDLO's Post-Tsunami Legal Assistance Initiative. Under the Initiative, IDLO has worked with local and international partners to help affected communities and institutions in Sri Lanka through a range of law-related activities. IDLO has, for example, supported the Legal Aid Commission of Sri Lanka conduct a nation-wide assessment of the well-being of children who had lost one or both parents to the Tsunami in order to identify ways in which these children could be better supported through the application of the law, including the *Tsunami (Special Provisions) Act*.

At a very early stage in the Initiative, IDLO was urged by the Legal Aid Commission and others working in the field of children's rights to produce a user-friendly, accessible, and practical publication that would examine legal issues relevant to Tsunami-affected children and to the protection of children in Sri Lanka more generally. The idea was to have a written resource on children's rights which would be of use both to practitioners who work with children or deal with children's rights and to the general community. This Guidebook is the result. It is intended to support those helping children who survived the Tsunami as well as those working with children more generally.

I wish to acknowledge and thank the many people in Sri Lanka who provided the legal expertise and contextual knowledge which forms the scientific basis on which this Guidebook is based. We are particularly indebted to the Legal Aid Commission of Sri Lanka and the IDLO Sri Lanka Alumni Association in this regard. I also wish to recognize the efforts of the IDLO staff in our Rome, Sydney and Colombo offices who contributed to the production of this Guidebook and in so many other ways to make our Post-Tsunami Legal Assistance Initiative a success. Our gratitude is extended to the Governments of Finland, Ireland, and Italy for providing generous financial support which made the Initiative and the Guidebook possible.



William Loris
Director-General
International Development Law Organization

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The Guidebook was co-authored and edited by Ms Harshini Ranasinghe of the IDLO Sri Lanka Project Office, with the assistance of Mr N. Selvakkumaran, Dean of the Faculty of Law, University of Colombo. Overall guidance was provided by Mr Miles Young, Manager of IDLO's Post-Tsunami Legal Assistance Initiative for Indonesia and Sri Lanka and Mr Dinesh Kanagaratnam, Chief of Party, IDLO Sri Lanka Project Office.

IDLO acknowledges and thanks: the Legal Aid Commission of Sri Lanka for initially suggesting a collaboration to investigate and assess the situation of tsunami-affected children which ultimately led IDLO to produce this Guidebook, and for providing invaluable information on key issues to include in the Guidebook; Ms Pushpika Weerakoon & Mr Marimuthu Thirunavukarasu of the IDLO Sri Lanka Project Office for their key contributions, especially in relation to the scope and contents of the Guidebook; and the experts and stakeholders who attended a workshop on 21 June 2007 to discuss the utility, scope and contents of the Guidebook, and who subsequently reviewed and provided feedback on drafts of the Guidebook.

Several experts contributed to certain chapters/topics in the Guidebook and must be acknowledged and thanked: Ms Rose Wijesekera, Senior Lecturer, University of Colombo (Chapter 4 - Duty of Protection and Support); Mr Arulanandham Sarveswaran, Senior Lecturer, University of Colombo (Chapter 5 - Exploitation and Abuse of Children, Child Labour); Ms Jeeva Niriella, Senior Lecturer, University of Colombo (Chapter 5 - Exploitation and Abuse of Children, Sexual Exploitation of Children) and Mr Naganathan Selvakkumarn, Dean of the Faculty of Law, University of Colombo (Chapter 6 - Domestic Violence).

Dr Hiranthi Wijemanne, Executive Director, South Asia Women's Fund, Ms Ramani Thotagamuwa, Director, National Centre for Victims of Crime, Mr Ajith de Zoysa, Attorney-at-Law, Ms Grace Mang, UNICEF Sri Lanka and Save the Children in Sri Lanka, must be acknowledged and thanked for their contributions during the initial stages of this Guidebook. The work of Ms Yvette Selim, Ms Upeksha Sapukotana, Ms Zoe Ewen, and Ms Anushka Rajapakse during the final stages of this initiative ensured that the Guidebook was published on schedule. Finally, IDLO appreciates the cooperation of the children whose photographs appear throughout this Guidebook and we thank the children's parents for granting permission to publish these photographs.

Preface

The tsunami that struck Sri Lanka and other parts of South East Asia in December 2004 resulted in a significant loss of life. In Sri Lanka, an estimated 5,500 children lost one or both parents to the tsunami and countless others were considerably affected in other ways, including through loss of housing, geographical displacement, disruption to education, contraction of tsunami-related illnesses and the like.

In 2006, IDLO responded to a request from the Legal Aid Commission of Sri Lanka for assistance to investigate and assess the situation of children who had lost one or more parents to the tsunami. This led IDLO to consider the utility of a practical, easy-to-read and user friendly reference tool for those working to protect and promote children's rights (including the rights of children who were affected by the tsunami) that would also be accessible to the Sri Lankan community at large. Extensive consultations with experts and stakeholders confirmed the utility of such a resource and further consultation followed to define the scope and contents of the Guidebook.

This Guidebook contains useful and practical information about children's rights, the rights and obligations of those entrusted with the care and custody of children and the remedies available in the case of abuse and violation of children. The Guidebook covers key legislation, remedies and procedures and institutions, based on what experts and stakeholders consulted by IDLO considered to be the most useful and practical information. To make it easy-to-read and user friendly, simple terminology, illustrations and case studies are used to explain often complex legal issues and processes.

This Guidebook can serve as a reference tool for legal practitioners, (local and international) Non-Government Organisations, officers in the Department of Probation and Child Care Services, police officers (especially those working in the Women's and Children's Desk), school teachers, care givers in children's homes, parents and those entrusted with the care and custody of children.

Practical tools for the Guidebook provides an overview of the Court system in Sri Lanka and briefly describes the local and international legislation captured in this Guidebook. **Chapter 1** describes the *Children and Young Persons Ordinance*, which is the main legislation providing for the protection and promotion of rights of a child or young person who is facing a charge of an alleged offence or who is a victim of an offence. **Chapter 2** specifically deals with the *Tsunami (Special Provisions) Act*. It captures only the important aspects concerning the protection and promotion of children orphaned or left with one parent by the tsunami. **Chapter 3** deals with the adoption of children and lists the procedure in the case of both local and foreign adoptions. **Chapter 4** provides a detailed account of the different types of protection afforded to children through guardianship, custody and maintenance. **Chapter 5** deals specifically with child exploitation and abuse; it lists various forms of child labour and the remedies available to protect children who are vulnerable to recruitment. This chapter also deals with sexual exploitation of children and it assists in identifying children in such situations, noting the process to seek remedies on behalf of such children. **Chapter 6** covers domestic violence situations which puts children in an even more vulnerable position, making them prone to abuse and exploitation. **Chapter 7** serves as a record of the government departments and institutions which deal with child affairs; it is a guide to better understanding where child welfare fits into the government structure. **Chapter 8** is a contact directory of the Sri Lankan government departments and NGOs (local and international) mandated with the protection and promotion of children's rights and child welfare.

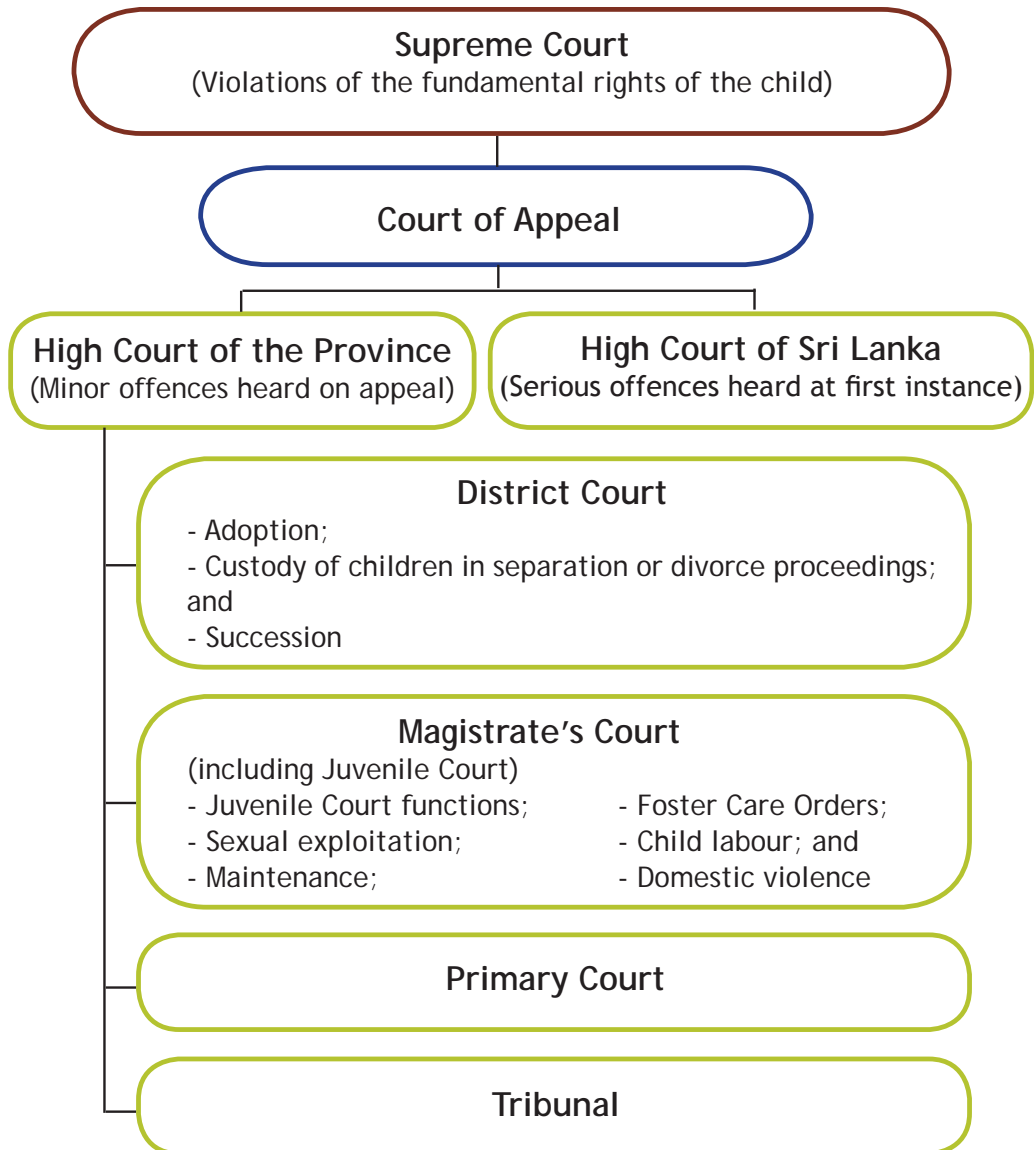
Practical Tools for the Guidebook

The Sri Lankan judicial branch consists of the Supreme Court, the Court of Appeal, the High Court (including High Court of the Province), the District Court, the Magistrate's Court, the Juvenile Court and the Primary Court.

The Primary Court, Juvenile Court, Magistrate's Court, District Court and High Court are courts of 'first instance'; these courts can also make special provisions in relation to children. The Juvenile Court and the Magistrate's Court (functioning with the capacity of a Juvenile Court), have the power to hear applications involving juvenile offenders. The Supreme Court is the final court of appeal for all criminal and civil cases including those that involve the protection of children's rights.

Below is a summary of the court structure in Sri Lanka. Appeal processes will vary depending on the relevant legislation and jurisdiction of each court.

Court Structure in Sri Lanka



Laws Covered in this Guidebook

Below are tables of all legislation covered in this Guidebook. The table lists the relevant features of the legislation and the corresponding chapter(s) within this Guidebook that discusses the legislation.

SRI LANKAN LEGISLATION		
Legislation	What the legislation covers	Chapters dealing with this legislation
1978 Constitution, Chapter III	<ul style="list-style-type: none"> • fundamental rights • the protection and promotion of children's rights 	Children and the Law (Chapter 1)
Children and Young Persons Ordinance No. 48 of 1939	<ul style="list-style-type: none"> • Juvenile Courts • the protection of children and young persons • supervision of juvenile offenders 	Children and the Law (Chapter 1)
Evidence Ordinance No. 14 of 1895	<ul style="list-style-type: none"> • rules and regulations for obtaining evidence • validity and relevance of evidence 	Children and the Law (Chapter 1)
Tsunami (Special Provisions) Act No. 16 of 2005	<ul style="list-style-type: none"> • provisions to deal with persons affected by tsunami • special arrangements for tsunami orphaned children regarding their guardianship, custody, foster care and adoption • monitoring and evaluation of custody, foster care and recommendations for adoption 	Children affected by the Tsunami (Chapter 2)
Adoption Ordinance No. 24 of 1941	<ul style="list-style-type: none"> • procedures for the adoption of children • registration of custodians 	Adoption (Chapter 3)
Civil Procedure Code No. 2 of 1889	<ul style="list-style-type: none"> • custody applications 	Protection (Chapter 4)
Maintenance Act No. 37 of 1999	<ul style="list-style-type: none"> • maintenance for legitimate, non-marital and adopted children 	Succession (Chapter 4)
Matrimonial Rights and Inheritance Ordinance No. 15 of 1876.	<ul style="list-style-type: none"> • provisions for circumstances when a person dies without leaving a last will 	Succession (Chapter 4)

Muslim Intestate Succession Ordinance No.10 of 1931	<ul style="list-style-type: none"> • succession for Muslim persons 	Succession (Chapter 4)
Penal Code No. 2 of 1883	<ul style="list-style-type: none"> • criminal offences and punishments • offences involving children (e.g. cruelty towards children, abuse and exploitation, sexual exploitation of children) 	Abuse and Exploitation (Chapter 5)
Criminal Procedure Code No. 15 of 1979	<ul style="list-style-type: none"> • procedures for criminal cases 	Abuse and Exploitation (Chapter 5)
Employment of Women, Young Persons and Children Act No. 47 of 1956	<ul style="list-style-type: none"> • permitted terms and conditions of the employment of women, young persons and children 	Child Labour (Chapter 5)
Factories Ordinance No. 45 of 1942	<ul style="list-style-type: none"> • permitted terms and conditions of the employment of persons, including children, in factories 	Child Labour (Chapter 5)
Shop & Office Employees Act No. 19 of 1954	<ul style="list-style-type: none"> • permitted terms and conditions of the employment of persons, including children, in shops and offices 	Child Labour (Chapter 5)
Minimum Wages (Indian Labour) Ordinance No. 27 of 1927	<ul style="list-style-type: none"> • minimum wages for persons of Indian origin, including children 	Child Labour (Chapter 5)
Mines and Minerals Act No. 57 of 1981	<ul style="list-style-type: none"> • terms and conditions covering persons working in mines, including children 	Child Labour (Chapter 5)
Trade Unions Ordinance No. 14 of 1935	<ul style="list-style-type: none"> • terms and conditions of trade union membership, including children 	Child Labour (Chapter 5)
Regulation No. 1003/5 under the Education Ordinance No. 31 of 1939	<ul style="list-style-type: none"> • minimum education span for children 	Child Labour (Chapter 5)
Domestic Violence Act No. 34 of 2005	<ul style="list-style-type: none"> • the prevention of domestic violence • civil remedies for victims of domestic violence 	Domestic Violence (Chapter 6)
National Child Protection Authority Act No. 50 of 1998	<ul style="list-style-type: none"> • the National Child Protection Authority • the protection and treatment of children who are victims of abuse • the co-ordination and monitoring of action against all forms of child abuse 	Government Department dealing with children (Chapter 7)

INTERNATIONAL CONVENTIONS AND TREATIES		
Legislation	What the legislation covers	Chapters that discuss this legislation
UN Convention on the Rights of the Child	<ul style="list-style-type: none"> the basic human rights of children 	Children and the Law (Chapter 1)
Convention on Protection of Children and Co-Operation in respect of Intercountry Adoption	<ul style="list-style-type: none"> procedures for intercountry adoptions to ensure it take place in the best interests of the child and with respect for his or her fundamental rights as recognised in international law regularisation of intercountry adoption in a manner which promotes the best interest of the child and to prevent abduction, sale or trafficking in children 	Adoption (Chapter3)
International Labour Organization Convention - Minimum Age Convention No. C138	<ul style="list-style-type: none"> national policy to ensure the abolition of child labour age restrictions for employment 	Child Labour (Chapter 5)
International Labour Organization - Worst Form of Child Labour Convention 1999 No C182	<ul style="list-style-type: none"> all forms of slavery or practices similar to slavery the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances work which is likely to harm the health, safety or morals of children 	Child Labour (Chapter 5)
Optional Protocol to the Convention on the Rights of a Child on the involvement of children in armed conflict	<ul style="list-style-type: none"> the involvement of children in armed conflict the minimum age for compulsory recruitment the requirement to prevent individuals under the age of 18 from taking a direct part in hostilities 	Abuse and Exploitation (Chapter 5)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<ul style="list-style-type: none"> the offences of sale of children, child prostitution and child pornography the obligations to criminalise and punish the activities related to these offences the rights and interests of child victims 	Abuse and Exploitation (Chapter 5)

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1

LAWS RELATING TO CHILDREN AND YOUNG PERSONS IN SRI LANKA

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 3. What are the powers of a Juvenile Court?
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 5. Can a child or young person give evidence?
 6. Can the proceedings of the court be publicised?
 7. What arrangements can the court make on behalf of children or young persons?
 8. Are there any restrictions on the punishment of a child or young person?
 9. What orders can the court make if a child or young person is found guilty?
 10. What are the powers of the court regarding children or young persons “in need of care or protection”?
 11. What happens when the court issues a supervision order?
 12. Is there a right to appeal the court’s decision?

Background



Children around the world have the right to be protected from undue risks of harm or mistreatment.

Children around the world have the right to be protected from undue risks of harm or mistreatment. They are the most vulnerable members of society who have no choice but to depend on adults to provide them with their needs. It is the responsibility of family members, the legal system and society at large to support these rights and to ensure that children are protected.

Children's rights are protected and promoted through the Sri Lankan legal system. The Constitution recognises the rights of all persons and incorporates special provisions safeguarding the rights of children. Other legislation imposes duties and obligations on family members and society to ensure the well being of children.

International law also recognises the necessity to protect and promote the interests and well being of children. The foundations of international child protection laws are derived from the *United Nations Convention on the Rights of the Child (CRC)*. The CRC states that children are born with fundamental freedom, the inherent rights of all human beings and that children should be provided with special care and protection.

Sri Lanka ratified the CRC in 1991 and became party to the *Optional Protocol to the Convention on the Rights of the Child on the prevention of involvement of children in armed conflict (the Optional Protocol to the CRC)*. This means that the Sri Lankan government is required to ensure that every

child in Sri Lanka has all the rights that are set out in the CRC and the *(Optional Protocol to the CRC)*.

Sri Lankan legislation is a complex mixture of laws due to the country's multifaceted history. Criminal laws are based on English law. Civil laws are of Roman-Dutch origin. Legal principles applying to marriage, divorce and inheritance are based on the common law or Kandyan law, Muslim law and Tesawalamai Law (if applicable).

The *Children and Young Persons Ordinance No. 48 of 1939 (CYPO)* is the principal legislation relating to children and young persons in Sri Lanka. It is also the only law that deals with the juvenile justice system in Sri Lanka. This Chapter will focus on CYPO.

CHILDREN AND YOUNG PERSONS ORDINANCE (CYPO)

The *CYPO* is the principal legislation in Sri Lanka which addresses the rights and interests of a child or young person who is facing a charge for an alleged offence or who is a victim of an offence. *CYPO* provides for the establishment of Juvenile Courts, the rules that safeguard the interests of the juvenile offenders during the hearing and, if applicable, during sentencing.

Key definitions

- *child* - under *CYPO* is a person below the age of fourteen years.
- *young person* - under *CYPO* is a person who has attained the age of fourteen years and is under the age of sixteen years.
- An *offence* is an act or a crime committed by a person (*the offender*) against the law. In some cases these offences may be directed towards and/or involve victims, including children.
- *Victim* means a person who has suffered harm (e.g. physical, mental, emotional, and economic) through acts or omissions that violate laws.
- *Juvenile offender* is a child or young person who is facing a charge for an alleged offence.

1. What does juvenile justice mean?

Juvenile justice refers to how a court should deal with children or young persons that come before the court as victims or offenders of a crime.

2. *What is a Juvenile Court?*

A Juvenile Court is a court that hears any charges against a child or a young person. The Magistrate's Court can exercise the power of a Juvenile Court while continuing its regular court functions. The Bambalapitiya Court is the only court that is solely considered a Juvenile court (for contact details refer to Chapter 8 - Contact Directory).

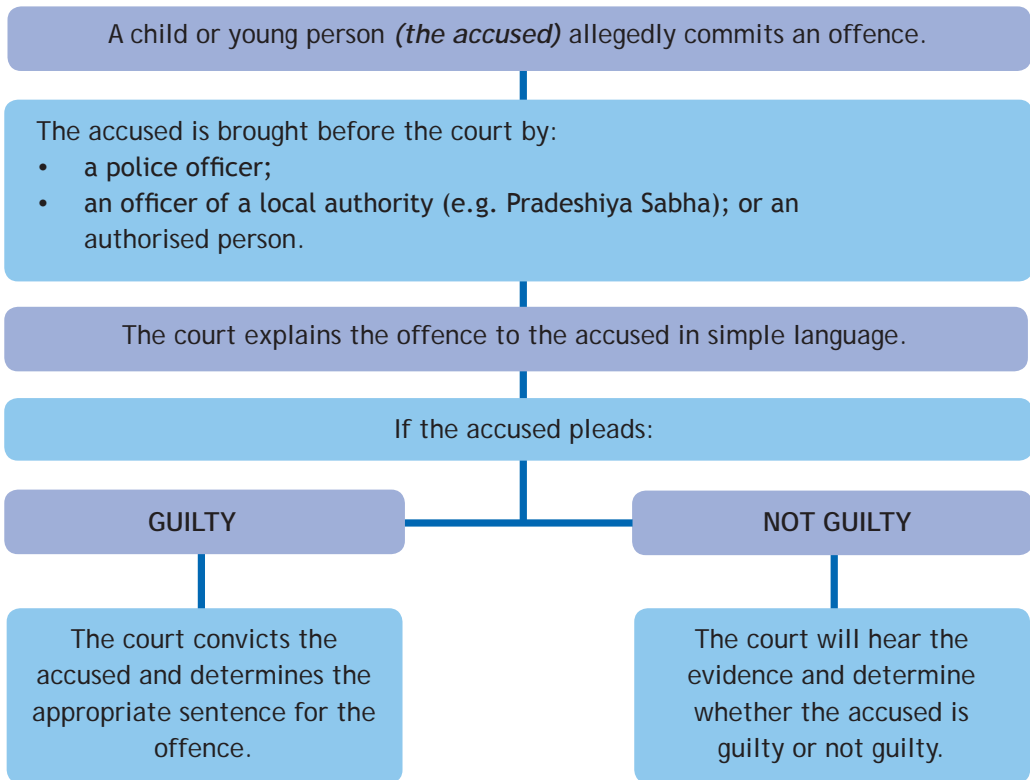
3. *What are the powers of a Juvenile Court?*

A Juvenile Court can hear and determine most cases relating to a child or a young person charged with an offence under a *Penal Code* including:

- cruelty of children and/or young persons;
- causing or encouraging seduction or prostitution of a girl under the age of 16;
- allowing persons under the age of 16 to be in brothels;
- causing or procuring persons under the age of 16 to beg;
- punishment for using criminal force unless there was grave and sudden provocation;
- assault;
- kidnapping or abduction;
- punishment for rape; and
- any other offences involving bodily injury to a child or young person.

The Juvenile Court cannot hear cases regarding serious offences such as murder, wrongful killing, attempted murder, attempted wrongful killing or robbery. Instead, serious offences will be heard by a higher court.

Where a child or young person is accused of an offence, the court adopts the following process:



4. *What is the court procedure when a child or young person is found guilty?*

If the court is satisfied that a child or young person is guilty of an offence, the court will take into consideration any information regarding the child or young person's circumstances (including any criminal history). The court can obtain this information from the accused, their probation officer and/or any other person.

To obtain information regarding the child or young person's circumstances, the court may remand the child or young person for up to 21 days at a remittal home or in the custody of a fit person.

5. Can a child or young person give evidence?

Yes, under the *Evidence Ordinance*, children can give evidence where the court deems that it is appropriate and important to do so. However, when a child or young person gives evidence, the *Evidence Ordinance* and *CYPO* impose special measures in the courtroom to protect the integrity and dignity, and to prevent the victimisation and intimidation, of that child or young person.

For example, the court may:

- direct that any persons who are not members of the court or parties to the case be excluded from the court during the child's or young person's evidence;
- obtain a child's or young person's evidence by way of video recorded evidence; or
- prohibit a child or young person from being in the court during a trial of other persons.

6. Can the proceedings of the court be publicised?

Generally, reports regarding cases heard in a court cannot be published in newspapers, magazine or other journals. However, publication is not restricted if the report is written in good faith in any publication devoted exclusively to the protection and welfare of children or young persons (e.g. a scientific journal) provided the personal information of the child or young person (e.g. their name, address, school and family details) is not reported.

7. What arrangements can the court make on behalf of children or young persons?

Arrangements that the court can make on behalf of a child or young person include:

- for a child or a young person to be separated from adults (who are not relatives) in the police station, during transfers to or from court or when waiting for court proceedings;
- for a female child or young person to be under the care of a woman;
- for bail and detention in certain circumstances;
- for the child or young person to be remanded or committed to custody of a remand home or put under the supervision of fit and proper persons;
- for the parent of child or young person charged with an offence to attend court; and
- for probation officers to be given notice of applications and charges against the child or young person.

Whether a child or young person is brought before the court as being in need of care or protection, as an offender or otherwise, the court will:

- have regard to the welfare of the child or young person;
- take steps to remove the child or young person from undesirable surroundings; and
- secure the proper provision of education and training for the child or young person.

8. Are there any restrictions on the punishment of a child or young person?

Yes, in general a child or young person cannot be imprisoned if they fail to pay a fine. However, if a young person is of such bad character that he or she cannot be detained in a remand home or certified home, the young person may be detained.

9. What orders can the court make if a child or young person is found guilty?

If a child or young person is found guilty of an offence, the court can:

- commit the child or young offender under bond to the care of a probation officer, parent, guardian, relative or other appointed person for a period not exceeding 3 years;
- order the child to be detained in a remand home for a period not exceeding one month;
- if a child has attained the age of 12 years, order the child to be sent to an approved or certified school;
- release the child or young person subject to certain conditions or after admonition; and/or
- order limited corporal punishment on a child or young person.

The court can also order the parent or guardian of the child or young person to:

- enter into a bond (an agreement to fulfil conditions as specified by the court) that proper care and protection will be given for a period not exceeding one year; or
- be fined on behalf of the child or a young person.

10. What are the powers of the court regarding children or young persons “in need of care or protection”?

The CYPO defines a child or young person “in need of care and protection” as a child or young person that:

- does not have a fit parent or guardian that can take proper care of them or who may expose them to moral danger; or
- is a member of the same house as a person who has committed an offence against that child or young person.

If the court finds that a child or young person is in need of care or protection, the court may:

- if the child is 12 years or older, order the person to be sent to an approved or certified school;
- commit the person to the care of a fit person;
- order the parent or guardian to provide proper care and guardianship; or
- order the child or young person to be under the supervision of a probation officer or some other appointed person, for a maximum period of 3 years.



11. *What happens when the court issues a supervision order?*

Where the court makes an order to place a child or young person under the supervision of a probation officer or of some other fit person, that officer or person must:

- visit or receive reports from the child or young person at reasonable or specified intervals;
- ensure that any conditions of any bond entered into are observed;
- report to the court about the behaviour of the child or young person;
- advise, assist, and befriend the child or young person and, when necessary, endeavour to find them suitable employment; and
- if it is in the interests of the child or young person, bring them before court so that court may order that he or she be sent to an approved or certified school or be committed to the care of a fit person who is willing to undertake the care of them.

12. *Is there a right to appeal the court's decision?*

A decision made under the *CYPO* by the Juvenile Court or a court of first instance can be appealed. All appeals in the first instance must be made to the High Court of the relevant Province.

An appeal may be made by:

- the child or young person; or
- the child's or young person's parent or guardian on their behalf, by private application.

chapter

2

CHILDREN AFFECTED BY TSUNAMI

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 2. How does a current custodian become a foster parent?
 3. What criteria should a foster parent fulfil?
 4. Who cannot become a foster parent?
 5. Are foster parents supervised?
 6. How long is a Foster Care Order valid for?
 7. When is a Foster Care Order cancelled?

Background



Approximately 5,500 children were orphaned or left without a parent due to the Tsunami.

The tsunami of 26 December 2004 (*the Tsunami*) was one of nature's most brutal and savage natural disasters. The Tsunami left a trail of destruction killing 35,322 people. The damage to property was massive and the toll on human life was immeasurable. One such tragedy is the orphans of the Tsunami.

Approximately 5,500 children were orphaned or left without a parent due to the Tsunami. This added a whole new dimension to children's rights, particularly regarding the protection and welfare of children, and gave rise to numerous legal complications. In 2005, in a bid to address these concerns, the Government of Sri Lanka enacted the *Tsunami (Special Provisions) Act, No. 16 of 2005 (the Tsunami (Special Provisions) Act)*. This chapter concerns this Act only.

Part II of the Act specifically deals with the children and young persons who were affected by the Tsunami, and provides special protection mechanisms to safeguard their rights. An important feature of the Act is the specific category for young persons aged between 18 and 21 years. The Act extends the mandate of the National Child Protection Authority (*NCPA*) to cover children and young persons affected by the Tsunami, in terms of custody, foster care and adoption. However, it must be noted that this Act only sets up a guardianship process for children and young persons affected by the Tsunami and the general law regarding foster care and adoption will apply where relevant.

Tsunami (Special Provisions) Act

Key phrases

- *child* - under the *Tsunami (Special Provisions) Act* is a person who is under 18 years of age.
- *young person* - under the *Tsunami (Special Provisions) Act* is a person who has attained 18 years but who is under 21 years of age.
- *current custodian* - a person who has the custody of a child, who falls under this Act, provided the child is not their natural child, becomes the current custodian of the child.
- *Foster Care Order* - a Foster Care Order is issued by the Magistrate's Court after assessing the suitability of the applicant. This order makes the current custodian(s) the *foster parent(s)* of the child or young person.

1. How do you become a current custodian?

To be legally recognised as a current custodian the person must:

- have custody of the child at the time the Act came into operation in 2005;
- register with the Commissioner of Probation and Child Care Services; and
- provide all necessary care and protection to the child, including education.

2. How does a current custodian become a foster parent?

If the current custodian wishes to be the foster parent of the child, an application can be made to the Magistrate's Court (through the NCPA) for a Foster Care Order. This application must be lodged within 1 month of being registered as the current custodian.

If any person wishes to adopt a child who falls under this Act, he or she must be appointed as a foster parent, as specified under the Act. Thereafter, the general adoption procedure contained in the Adoption Ordinance shall apply. (Refer to Chapter 3 - Adoption.)

An application by the current custodian(s) for a Foster Care Order is made to the Magistrate's Court through the NCPA.

The suitability of the current custodian(s) is evaluated by the Foster Care Evaluation Panel of the NCPA.

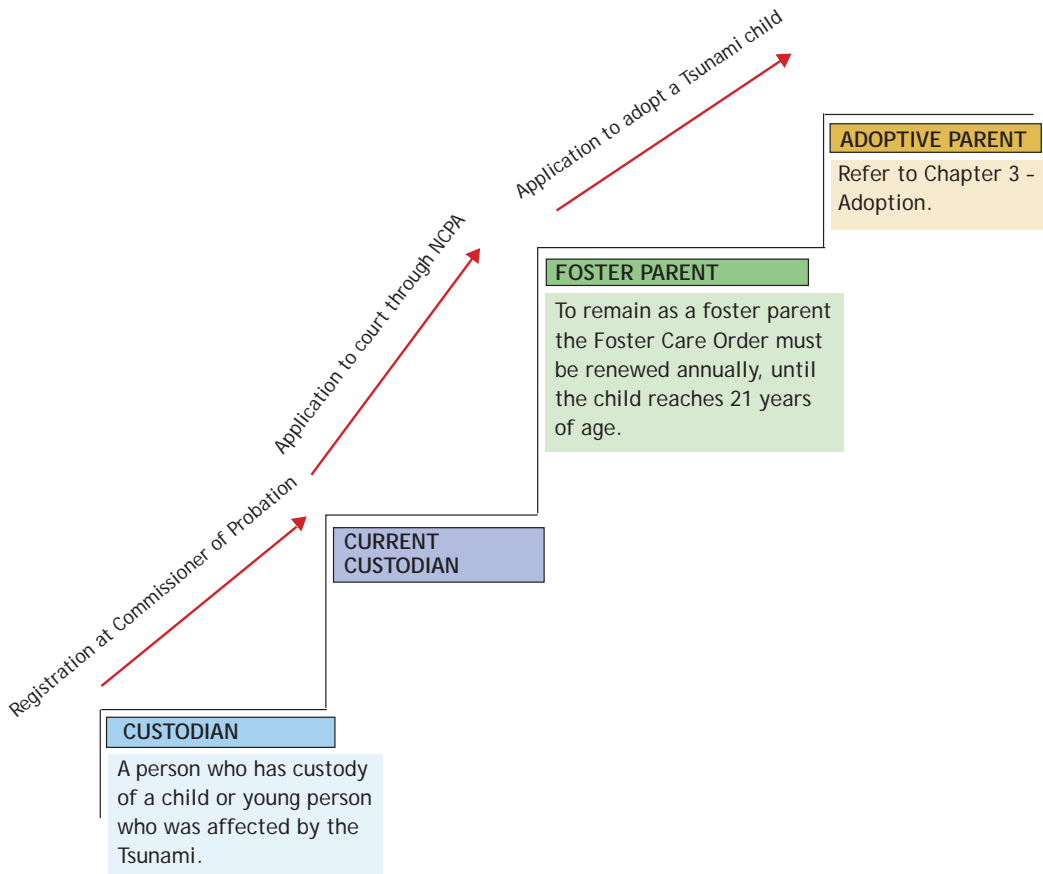
The Magistrate's Court will consider:

- the recommendations from the NCPA; and
- the child's consent, if the child is above 10 years of age.

If the Magistrate's Court is satisfied it will issue the Foster Care Order.

The current custodian is now considered a foster parent.

Below is a diagram that summarises the complete procedure of how a custodian can become an adoptive parent.



3. What criteria should a foster parent fulfil?

There are various criteria that the person(s) applying to be the foster parent(s) (*the applicant(s)*) should fulfil.

Criteria to become a foster parent

General Criteria:

- Couples or a single person are eligible.
- Couples should be legally married for a minimum period of 3 years.
- A couple is preferable; however, a single parent may be considered if it is in the best interest of the child.
- There should be a 25 to 45 year age difference between the foster parent(s) and the child.
- The applicants' family should be stable.
- The couple should demonstrate effective parenting, marital accord and an absence of domestic violence.
- A family where there has been a recent death of a child should not be considered unless placement in such a family would be in the best interest of the child.

The applicants should be:

- willing to undergo training in caring for a child or young person who has been emotionally traumatised;
- willing and capable to undergo training with regard to health and safety responsibilities;
- willing to be interviewed or visited as part of the assessment and the monitoring process; and
- able to ensure that the child is provided with adequate education.

The applicants should be able to provide:

- adequate primary and preventive health care for the child or young person;
- health care needs that meet the physical, mental, emotional and social development of the child or young person;
- necessary nutrition to achieve the full growth potential of the child or young person; and
- opportunities for the child or young person to maintain and develop contact with extended family and friends, unless such contact is not practicable or consistent with the child's welfare.

4. Who cannot become a foster parent?

A person:

- with a history of alcoholism, drugs, physical, mental or emotional complications that would interfere with the proper upbringing of the child;
- with a history of maltreatment or who has been a recipient of child protection service during childhood;
- who was convicted of any offence or who has a police record; and/or
- who has plans to proceed abroad for employment or other reason for a long period of time.

5. Are foster parents supervised?

Yes, a monitoring officer (appointed by the NCPA) is required to monitor the performance of foster parents and ensure that the foster parents are carrying out their required duties and obligations. The monitoring officer should submit a report every 3 months.

6. How long is a Foster Care Order valid for?

The Foster Care Order is valid for up to 1 year and can be renewed annually until the child turns 21 years old. However, there will be no need to renew the Order if the foster parent successfully applies to adopt the child or young person (refer to Chapter 3 - Adoption).

7. When is a Foster Care Order cancelled?

A Foster Care Order is cancelled where:

- the foster parent(s) obstructs the supervision of the monitoring officer;
- the Magistrate is not satisfied with the conduct of the foster parent(s); or
- any incident of dispute about guardianship arises.

chapter

3

ADOPTION

Detailed Table of Contents

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- Types of adoption

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- Adopting a child from a receiving home
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 6. Which government authority deals with the adoption applications?
 7. What is the procedure for adopting a child from a registered home?
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- Court Process
 9. What does the court look at when approving an adoption application?

10. What order(s) will the court issue?
11. What is the procedure for adopting a related and/or known child?

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FOREIGN ADOPTION

12. Who is considered a foreign applicant?
 13. Who can apply for adoption?
 14. What laws cover the foreign adoption process?
- Foreign adoption procedure
15. What is the procedure for adopting a child from a receiving home?

Background



Adoption safeguards and promotes the interests of children, who are otherwise deprived of a family, a safe home environment.

Adoption safeguards and promotes the interests of orphaned children or children whose parents are unable to adequately support them. Adoption provides these children, who might otherwise be deprived of a family, a safe home environment.

It is vital to protect the child's rights throughout the adoption process. All rights, duties, obligations and liabilities of the natural parents or guardians of the child are transferred to the adoptive parents; the adoptive parents then become liable for any neglect the child might suffer when the child is in their care.

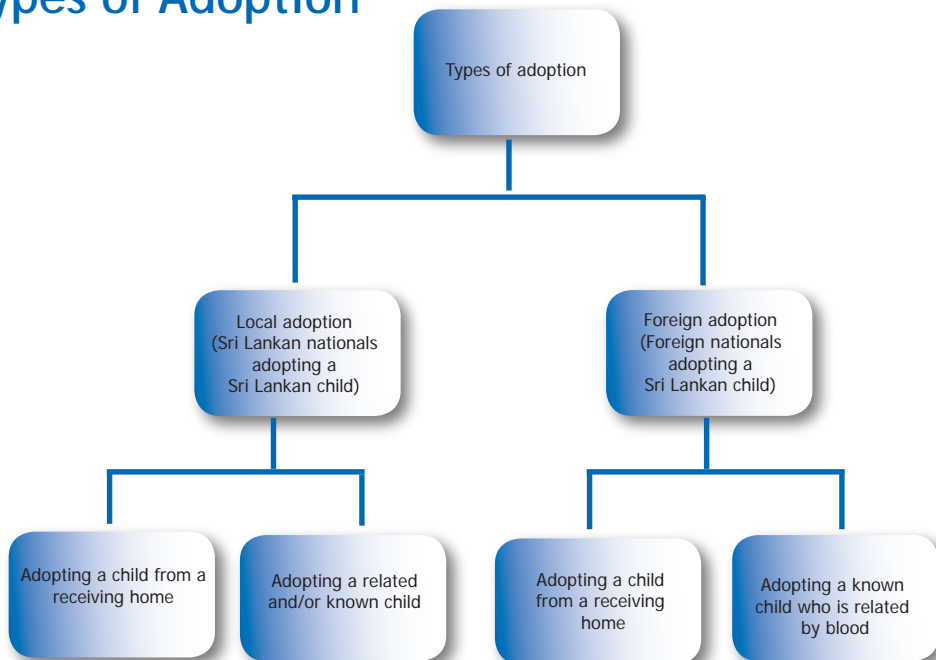
There are laws in place that enable both local and foreign persons to adopt Sri Lankan children. These laws ensure that the adoption procedure is transparent, safe and that it takes into consideration the best interests of the child. It also ensures that the legitimate exercise of adoption will not be used to exploit children.

This chapter will cover the main legislation in Sri Lanka that addresses adoption: *the Adoption of Children Ordinance No. 24 of 1941 (the Adoption Ordinance)*. The *Adoption Ordinance* has general application in Sri Lanka; therefore, customary laws (Muslim and Tesawalami laws) do not apply except in the case of succession (refer to Chapter 4 - Duty of Protection and Support). (*The Adoption Ordinance*) provides procedures for the adoption of children and registration for persons who are not the natural parents

of the child but have the care, custody or control of child (*the custodians*).

The District Court, as the upper guardian of all children, acts as a guardian of children who are eligible to be adopted. The persons seeking to adopt the child (*the applicants*) must lodge the adoption application with the District Court.

Types of Adoption



The Department of Probation and Child Care Services (the Department) consists of Provincial Commissioner of the Department of the Probation and Child Care Services (the Provincial Commissioner of the Department).

LOCAL ADOPTION

Adopting a child from a receiving home

A child may reside in a receiving home (e.g. State Receiving Homes and Voluntary Children's Homes) that is set up to provide the necessary safety and protection for children who cannot live with their own families, either temporarily or permanently.

1. Who can apply to adopt a child?

A single Sri Lankan person or a married Sri Lankan couple can apply to adopt a child. (In practice, applications submitted by married couples are favoured.) Two single persons cannot make a joint application to adopt a child. If an application is made by a married person, the consent of the other spouse is required, unless the other spouse is of unsound mind.

The applicants must be 25 years or older and should be 21 years older than the age of the child that they are applying to adopt. However, the 21 year age difference is not required in situations where the child is:

- a direct descendant of the applicant;
- a full or half blood brother or sister of the applicant;
- a descendent of a full or half blood brother or sister; or
- a descendent of the wife or husband of the applicant by another father or mother.

2. Can a single male applicant adopt a female child?

According to the *Adoption Ordinance*, a single male applicant is not allowed to adopt a female child. However, the District Court may grant adoption if it is satisfied that the adoption will safeguard and promote the welfare of the child.

Consent

3. Whose consent is required for adoption?

Consent of the natural parent(s) or guardian(s) of the child is required. The child's consent is required if the child is over 10 years.

4. Can adoption occur without the consent of the natural parent(s) or guardian(s)?

Yes, in circumstances where the child is being brought up, maintained and educated by any person (or two spouses jointly) as if the child was their own child for at least 2 years.

In addition, the consent of the natural parent(s) or guardian(s) is not required where they:

- cannot be found;
- are of unsound mind; or
- are not in a position to support the child to the satisfaction of the court.

5. How long will the adoption procedure take?

The time frame needed to complete the adoption procedure varies. The time taken is influenced by many factors including the number of applicants and the number of suitable children for adoption.

6. Which government authority deals with the adoption applications?

The adoption process is solely handled by the Provincial Commissioner of the Department of Probation and Child Care Services (refer to Chapter 8 - Contact Directory).

7. *What is the procedure for adopting a child from a receiving home?*

The applicant(s) sends a formal request to the Provincial Commissioner of the Department of Probation and Child Care Services.
(The application should bear the signatures of all applicants.)

The Provincial Commissioner directs the local Probation Officer to provide a report on the suitability of the applicant(s).

If the Provincial Commissioner is satisfied with the report, he or she may register the application.

A licence, which permits the identification of a prospective child, is issued to the applicant(s). The applicant(s) identifies a child.

If there are no objections and no other applicant(s) wishes to adopt the same child, the applicant(s) may file for an Adoption Order at the District Court through an Attorney-at-Law. (This application must be filed within 1 month from the date the licence was received.)

If the Court is satisfied with the application, the Court will issue an Adoption Order or an Interim Order.

Once an Adoption Order is made by the court:

- the new adoptive parents should obtain a new birth certificate for their adoptive child; and
- the Attorney-at-Law representing the adoptive parent(s) should forward a copy of the Adoption Order to the Registrar General's Department.

8. *What happens if more than one applicant shows interest in adopting the same child?*

An interview board (established by the Provincial Commissioner and functioning under the leadership of the Commissioner) conducts individual interviews of all the applicants.

The board identifies the most suitable applicant(s) from the interview process.

The board publicises its decision to enable other applicants interested in adopting the same child to forward any objections to the board.

If the applicant(s) wants their application to be reconsidered they must submit an appeal to the Commissioner.

The board then evaluates all the appeals and determines the successful applicant(s).

The successful applicant(s) must file for an Adoption Order within 1 month of receiving the decision of the board.

Court Process

9. What does the court look at when approving an adoption application?

The court must be satisfied that the consent of the parent(s) and/or guardian(s), and the child (refer to Consent on pg. 24) were given with the knowledge of the nature and effect of the adoption. Parents, in particular, should understand that the adoption will permanently deprive them of their parental rights.

The court must also be satisfied that the child will benefit from the adoption and that no payment was made to the parent(s), guardian(s) and/or the receiving home in consideration for the adoption.

The Court can also impose other terms and conditions as the court deems fit.

10. What order(s) will the court issue?

In adoption proceedings, there are two types of orders issued by the District Court: Interim Orders and Adoption Orders.

Types of orders	When is this order issued?	What is the effect of the order?
Interim Order	If the Court seeks to postpone the determination of an Adoption Order, an Interim Order is issued to allow for a probationary period.	<ul style="list-style-type: none"> • Custody of the child is given to the applicant(s) for a maximum period of 2 years. • The applicant(s) must provide adequate provisions for the maintenance and education of the child.
Adoption Order	If a successful application is made to the District Court then the Court appoints some person (or body of persons) to act as the guardian of the child.	<ul style="list-style-type: none"> • The child is deemed to be born in lawful wedlock of the adoptive parents. • The surname or family name of the adoptive parents can be given to the child.

11. What is the procedure for adopting a related and/or known child?

The adoption process with regard to a child who is either related to the prospective adoptive parents by blood or by affiliation is similar to the process of adopting a child from a receiving home. The only difference is that the applicant(s) does not have to identify a prospective child. In this case, the adoption process begins with the engagement of an Attorney-at-Law to start the court process.

The Provincial Commissioner of Probation and Child Care is not involved in the adoption process since the child is not deemed to be in its care. The requirement of consent of the natural parent(s) or guardian(s) and the child, however, is an important aspect in this adoption procedure.

Succession

For succession rights of adopted children please refer to Chapter 4 - Duty of Protection and Support.

FOREIGN ADOPTION

12. Who is considered a foreign applicant?

A foreign applicant is a person applying to adopt a Sri Lankan child who is not a citizen of Sri Lanka or is not resident or domiciled in Sri Lanka.

13. Who can apply for adoption?

Only married foreign couples can make an application to adopt a Sri Lankan child. Single parents cannot apply to adopt a child. Each of the applicants must be aged 25 years or older, and should be 21 years older than the child to be adopted.

14. What laws cover the foreign adoption process?

The laws which cover the foreign adoption procedure include Sri Lankan adoption laws and the local immigration and emigration laws that deal with the immigration of the child to the foreign applicants' country.

Foreign adoption procedure

Unlike local applicants, foreign applicants cannot find children for adoption of their own accord, unless the child is a blood relative.

If the foreign applicants are not adopting a child who is a blood relative, a child can be allocated by a receiving home (which has been registered by the Department of Probation and Child Care Services for over 5 years). Specific authorisation by the Commissioner of Probation and Child Care Services is also required. The application procedure will be directly handled by the Department of Probation and Child Care Services.

It is an offence under Sri Lankan law for the applicant(s) to make any payment (or give any rewards) to any person in consideration of the adoption.

15. *What is the procedure for adopting a child from a receiving home?*

The foreign applicants lodge a formal application with the Commissioner of Probation and Child Care Services. (An application must be lodged for at least 1 year before a child will be allocated to the foreign applicants.)

An overseas social welfare agency/department will provide the Commissioner with a home study report on the suitability of the applicants to adopt a child.

Upon receipt of an acceptable home study report, the Commissioner will identify a suitable child for the foreign applicants and a letter of allocation will be sent from a Sri Lankan adoption agency to the foreign applicants.

The applicants will be required to stay in Sri Lanka for at least 4 -5 weeks until the adoption process is complete. During their stay, they will be required to attend an interview at the Department of Probation and Child Care Services.

If the applicants' interview is successful, they will be able to see the child and may take the child for a medical examination.

During the District Court proceedings:

- the foreign applicants will be required to attend the proceedings (unless the Court waives this requirement); and
- the Court will consider all relevant circumstances surrounding the adoption including the foreign applicants' home study report.

If the Court is satisfied with the application, it will issue an Adoption Order.

Upon receipt of an Adoption Order, the adoptive parents should obtain:

- a Certificate of Adoption;
- a Sri Lankan passport for the adoptive child; and
- a visa from the country of the adoptive parents.

(If the child is less than 10 years old, the adoptive parents may be required to provide progress reports of the child to the Department of Probation and Child Care Services.)

PLEASE NOTE: Prospective adoptive parents are advised to fully research any adoption agency or facilitator they plan to use for adoption services.

chapter

4

DUTY OF PROTECTION & SUPPORT

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2. Who is a custodian?
3. What is joint custody?
4. What is guardianship?
5. Can a person have both custody and guardianship over a child?
6. What happens to the child (or children) when their parents separate?
7. Can the non-custodian parent challenge a temporary Court Order?
8. Can a person who is not the parent of the child ask for the custody of the child?
9. What happens after the separation or divorce proceedings?
10. Does matrimonial guilt of a parent affect whether he/she will be granted custody of a child?
11. What rights does a child have regarding his or her custody?
12. Does the father have a better right for custody than the mother?
13. What are the obligations and rights of the non-custodian parent?
14. Who is awarded the custody of a non-marital child?
15. Does the law regarding custody apply to every child in Sri Lanka?
16. What is Muslim law on custody?

- Maintenance or Duty of Support

17. What is maintenance?

18. Who can claim maintenance?
19. Can a child claim maintenance from his or her parent(s)?
20. Are adult offspring entitled to claim maintenance from their parents?

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- **Maintenance**

21. Who provides maintenance to the child during the separation period?
22. Is it only the father who has an obligation to provide maintenance?
23. What are the obligations of the parents of a disabled child?
24. Who is responsible for providing maintenance to a non-marital offspring?

Case Study II

- **Maintenance Application Procedure**

25. What is the procedure for claiming maintenance for a child?
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28. What should the child do if a parent does not pay the maintenance allowance as ordered by the Magistrate?
29. How can a Muslim child claim maintenance?
30. Who can a Muslim child claim maintenance from?
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32. What is the status of a non-marital child under Muslim law?

- **Inheritance/Succession**

33. How can a child inherit his or her parents' property?
34. What right does a non-marital child have over his or her parents' property?
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36. What laws deal with Muslim persons' succession?
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Background



Children are free human beings, so their freedom of choice should also be guarded within limit.

Children, regardless of their race, colour, sex, religion or other status, need special care and protection. It is the duty of society (which includes the child's family, the general public and the government) to ensure the children's rights are protected.

Every child has a right to be protected against exploitation. When a child's ignorance and lack of experience is exploited, this can lead to the child making wrong choices which could harm them physically, financially, socially and/or psychologically. To prevent exploitation occurring, it is important to realise that every child needs guardianship and protection by a competent authority until he or she is able to make informed decisions. A competent authority generally refers to natural parents; however, in certain instances the court can appoint another person or institution as a competent authority to look after the welfare of a child.

This position should be balanced with the view that the freedom of the child should not be overly restricted. Children are free human beings, so their freedom of choice should also be guarded within limit. The limit as the law recognises is "the best interest of the child"; accordingly, any authority who exercises the controlling power over a child should do so in the best interest of the child.

Legal action can be taken if the authority misuses its power or the power is not used in the best interest of the child. Where it appears that

such power is not being exercised for the best interest of the child, the Court can intervene on behalf of a child and prevent any person, even a natural parent, from exercising any control over that child.

This chapter deals with protection afforded to children in situations where their custody or guardianship is at issue, where a child's parent(s) and/or guardian(s) is not providing adequate maintenance or care and the right of a child to inherit and succeed to his or her parent's property and assets. The chapter lists the rights of a child in such situations and the remedies available when these rights are violated.



CUSTODY AND GUARDIANSHIP

The following section deals with custody and guardianship issues which arise in situations where parents either file for separation or divorce.

1. What is child custody?

Child custody means control over the child. This can include:

- physical possession;
- the control of the day to day life of the child; and
- the upbringing and education of the child (e.g. the right to consent to medical treatment, the right to discipline and correct the child and preventing a child from associating with a third party).

It is the person(s) or institution who exercises the legal custody of a child that can decide on these matters for the child.

2. Who is a custodian?

A custodian is a parent who has physical possession of the child. Accordingly, a non-custodian parent is the parent who does not have custody of the child.

3. What is joint custody?

Joint custody is where the separated parents are given equal access and rights over the child or children. This is not common in Sri Lanka.

4. What is guardianship?

Guardianship means the protection of the rights, freedom and welfare of the child. While the guardian can intervene when custody issues are at risk, guardianship does not always include physical possession of the child.

5. Can a person have both custody and guardianship over a child?

Yes, this is what normally happens in a family. Parents jointly exercise the custody and guardianship over their natural and/or adopted children.



Separation is where both husband and wife cease to live together; however, this does not dissolve the marriage.

Divorce is an order given by court dissolving a marriage.

The District Court is where separation or divorce proceedings are heard. Applications for custody are also heard at the District Court (*the Court*) as the Court is considered the upper guardian of all children.

6. *What happens to the child (or children) when their parents separate?*

According to the *Civil Procedure Code No.2 of 1889 (Civil Procedure Code)*, the mother or the father of a child, can apply to the Court for the custody of their child. Once an application for custody has been made, the Court decides who the child should live with until the separation or divorce proceedings are finalised. This temporary order is not the final decision of the court.

7. *Can the non-custodian parent challenge a temporary Court Order?*

Even after the court has made an order regarding the custody of the child, the non-custodian parent can apply to the court to have custody.

The non-custodian can inform the Court that the present custody situation is not in the best interest of the child and the father or mother must satisfy the Court that it is in the best interest of the child to stay with him or her. The Court will then decide which parent should have custody of the child. The Court's primary concern is the welfare and happiness of the child.

8. Can a person who is not the parent of the child ask for the custody of the child?

Yes, in such a situation the person should satisfy the Court that awarding the custody of the child to his or her parent is against the welfare and happiness of the child and that the child's best interests will be guaranteed by granting custody to that person.

The Court can direct the child to be kept with a person who is not the parent in situations where the court thinks that awarding custody to either parent is against the welfare of the child; this can be a relative of the child or even a recognised institution.

9. What happens after the separation or divorce proceedings?

The Court will consider the custody application(s) and will decide who to grant custody of the child to. The main factor the Court considers is the interests of the child; this includes the child's sense of security and the capability of the custodian to provide education for the child.

10. Does matrimonial guilt of a parent affect whether he/she will be granted custody of a child?

The matrimonial guilt or innocence of a parent is no longer a deciding factor in a custody application. However, the Court will consider this fact when evaluating the interests of the child. Where the Court thinks that the parent's character will have a negative effect on a child, custody will not be awarded to that parent.

11. *What rights does a child have regarding his or her custody?*

If the child is over 10 years old, the Court may get the opinion of the child regarding who the child wants to live with. However, the Court will not consider the opinion of an infant or a very young child because a child of this age is considered unable to express their opinion.

If the Court does consider a child's opinion it should be satisfied that the opinion of the child was not overly influenced or expressed under pressure. Usually the child's opinion is heard in private and not in open court.

12. *Does the father have a better right for custody than the mother?*

No, the Court is no longer guided by the view that the father should be the preferred custodian. To determine which parent should have custody the Court will consider what is best for the child.

13. *What are the obligations and rights of the non-custodian parent?*

The Court can order a sum of money to be paid monthly or as directed by the Court to the child (refer to *Maintenance at pg, 43*).

The Court may order the non-custodian parent:

- not to visit the child;
- to visit the child at a certain time and place; or
- to take care of the child for a certain period of time.

14. *Who is awarded the custody of a non-marital child?*

A non-marital child is a child born to parents who are not married. Usually the custody of such a child is awarded to the mother or to the relatives of the mother. However, the Court must consider the welfare of the child and can order that the child be kept under the custody of the Court at an institution with state supervision (e.g. a children's home)

15. *Does the law regarding custody apply to every child in Sri Lanka?*

No, the laws discussed above are applicable to all Sri Lankan children except for Muslim children. Muslim children are governed by Muslim law.

16. *What is Muslim law on custody?*

The law applicable to a Muslim depends on the sect to which a person belongs. Muslim law prefers the father to have custody of a minor child, although the custody of a very young child is granted to the mother.

MAINTENANCE OR DUTY OF SUPPORT

17. *What is maintenance?*

Maintenance is providing the necessities for a person. This includes food, clothing, shelter, health care and education. The list of necessities can include other resources depending on the person's financial capability and social status.

The law on maintenance is embodied in the *Maintenance Act No.37* of 1999 (*the Maintenance Act*). This applies to everybody except Muslims.

18. *Who can claim maintenance?*

The following persons can claim maintenance:

- children from parents;
- spouses from each other; and/or
- parents from children.

19. *Can a child claim maintenance from his or her parent(s)?*

Parents include both natural and adoptive parents. Every child, who is unable to maintain himself or herself, has a legal right for maintenance from his or her parents, until the child reaches the age of 18 years.

20. *Are adult offspring entitled to claim maintenance from their parents?*

A child between 18 and 25 years of age is considered an adult offspring of his or her parents. The parent(s) are bound to maintain their adult offspring where the child is unable to maintain him or herself and the parents have sufficient means.



Case study I

Nimal is a 20 year old male. His parents are Kamala and Sena. Nimal is a student at the University of Colombo and is unable to work while studying. Although he gets Rs.2500/= from the Mahapola Scholarship Fund, it is not sufficient to pay for his expenses for which he needs another Rs.5000/=. His father, Sena, is a wealthy businessman, but refuses to give any money to Nimal because Sena wants Nimal to join his business and does not want Nimal to do higher studies at the university.

Can Nimal claim maintenance from his parents?

Even though Nimal is an adult, he can claim maintenance from his father for two reasons:

- Education is a right as well as a reasonable ground for Nimal not to work, so Nimal is considered a needy adult offspring; and
- Sena has enough money to provide maintenance to Nimal, so Sena's refusal to provide maintenance is unreasonable.

If Kamala and Sena were poor and did not have sufficient income to provide bare necessities for their other children, could Nimal still claim maintenance from his parents?

While Nimal could still claim maintenance the court will consider the financial situation of the parents. Given the financial situation Nimal's parents face, the Court would not order Kamala and Sena to bear Nimal's expenses.

MAINTENANCE

21. *Who provides maintenance to the child during the separation period?*

No matter who has the custody of the child, the maintenance of the child is the responsibility of the child's parents. Under the *Maintenance Act*, a parent who has sufficient income must maintain his or her child.

It is possible for the Court to order one parent (or a person who is not the parent of the child) to have custody and the other parent to pay sufficient maintenance to the child.

22. *Is it only the father who has an obligation to provide maintenance?*

No, both parents are liable depending on their financial situation. If both parents have sufficient income, then both the mother and the father are liable for their child's maintenance, in accordance with their earnings.

Supposing if, in the above situation (Case study I), the father was disabled and mother was earning a considerable income, then she is liable to pay her child's reasonable expenses.

23. *What are the obligations of the parents of a disabled child?*

Parents should provide maintenance to their disabled child. Under Sri Lankan law, a disabled child is an offspring who is or becomes physically or mentally disabled so that the disabled offspring cannot support him or herself.

There is no age limit for when the parental obligation to maintain their disabled offspring ceases. The parents are liable to maintain such offspring according to their financial means.

24. *Who is responsible for providing maintenance to a non-marital offspring?*

Both parents are liable to provide maintenance to a non-marital offspring, so long as who the child's parents are (*the child's parentage*) is proved to the satisfaction of the Court. If the child's parentage cannot be proved then the child will not be able to claim maintenance from that particular parent.

Case study II

Kanthi had a child from Piyal. They were not married. When Kanthi was pregnant, Piyal left her. Kanthi does not know where Piyal lives.

Who is liable to maintain the child?

It becomes the liability of Kanthi, the mother, to maintain the child.

What should Kanthi do if Piyal is found, but he refuses to pay maintenance?

Kanthi will have to first prove that Piyal is the natural father of the child, and then claim maintenance for the child from him. If the child's parentage is proved, then the law applicable to adult offspring and disabled offspring also applies to non-marital offspring.



Maintenance Application Procedure

25. What is the procedure for claiming maintenance for a child?

An application can be made by the child, adult offspring or disabled offspring. The application should be made against the parent(s) who, if they have sufficient means, refuses to maintain their offspring.

The application should be lodged with the Magistrate's Court in the area where:

- the person applying lives;
- the offspring on whose behalf the application is made lives; or
- the person against whom the application is made lives.

The Magistrate must consider the requirements of the person applying and the means of the person against whom the application is made. The Magistrate must also consider the economic and social status of all the parties.

The Court will order the person against whom the application is made to pay a sum of money every year to the child or offspring and/or to the person who has the custody of the child or offspring.

26. *How is the amount of maintenance calculated?*

The amount of maintenance can vary from person to person. The amount of payment depends on the monthly income of the person against whom maintenance is claimed.

The amount of maintenance can also vary from time to time.

27. *What is a Maintenance Order?*

A Maintenance Order compels a non-custodian parent to provide periodical payments for the care and support of the child of an earlier marriage (in the case of a divorce) or a non-marital child.

Case study III

Suppose a Magistrate had ordered a father to pay a sum of Rs. 1000/= to his infant son in the year 2000. However, this amount was not sufficient for the child who attends school. By the year 2007, the father's income has increased.

What can the child do in such a situation?

The child, or the person in whose custody the child is in, can apply to the Magistrate's Court for an alteration of the Maintenance Order. The Magistrate will consider the request and other relevant evidence and will make an appropriate alteration of the Order.

28. *What should the child do if a parent does not pay the maintenance allowance as ordered by the Magistrate?*

First, the child or the person in whose custody the child is in, has to inform the Court about the failure of the parent to pay the maintenance allowance. After an inquiry, the Magistrate will order the parent to pay the allowance.

If such a parent has failed to pay for more than 2 months, the Magistrate can order the amount to be deducted from the parent's salary and to be paid directly to the child.

29. *How can a Muslim child claim maintenance?*

Maintenance of Muslim children is governed by Islamic principles and not by the *Maintenance Act*. An application for maintenance can be made either by the child or someone on behalf of the child. The application should be made to the *Quazi* Court

30. *Who can a Muslim child claim maintenance from?*

Under Muslim law, a child cannot claim maintenance from the mother, but only from the father or from the custodian of the father's estate.

31. Is there an age limit to claim maintenance for a Muslim offspring?

Normally a Muslim father is responsible for providing maintenance to his;

- son until he reaches 18 years; and/or
- daughter until she is married.

However, where the son who is above 18 years has no income and is engaged in studies and the father has sufficient means, the son can claim maintenance from his father.

32. What is the status of a non-marital child under Muslim law?

The status of a non-marital child is as same as under the General Law. If the child's parentage is proved, the natural father will have to pay maintenance, otherwise it becomes the duty of the mother to maintain the child.

INHERITANCE/SUCCESSION

Last will is a legal document by which a person gives instructions regarding how his or her property should be disposed of after his or her death.

33. How can a child inherit his or her parents' property?

The following provisions do not apply to Muslims (refer to Muslim succession on pg. 51)

	Where a parent died:	
	leaving a last will	without leaving a last will
What laws/provisions apply?	The terms and conditions of the will.	The <i>Matrimonial Rights and Inheritance Ordinance</i> No.15 of 1876.
Who can the property be left to?	A person can leave his or her property to anybody he or she likes. This can include a family member or outsider.	See below.
How is the property divided?	<p>If a parent leaves any property to a child in his or her last will, then that child becomes the owner of that property.</p> <p>However, where the parent has not left any property to a child in his or her last will, then the child cannot claim any right over the property.</p>	<p>Surviving spouse (the widowed husband or wife): Half of the entire property goes to the surviving spouse.</p> <p>One child: half of the property goes to the only child.</p> <p>Two children or more: The other half of the property goes to children in equal shares.</p>

34. *What rights does a non-marital child have over his or her parents' property?*

a) Father's property:

A natural father can leave property to a non-marital child in his last will. However, a non-marital child does not have any right to his or her father's property unless his or her parents married after the child was born.

b) Mother's property:

A non-marital child will have rights to his or her mother's property in equal shares as if he or she was a marital child.

35. *To which court should a person go to claim his or her rights?*

A child must file an application in the District Court to claim inheritance or succession to property or assets of a deceased parent. If the child is under the age of 18 years, an administrator must file the case on behalf of the child.

Muslim Succession

36. *What laws deal with Muslim persons' succession?*

The *Muslim Intestate Succession Ordinance No.10 of 1931* is the legislation that deals with Muslim persons' succession. Under this law, a Muslim person's succession to his or her parents' or grandparents' should be in accordance with the Muslim law governing the sect to which such person belongs.

37. *What rights does a Muslim child have over his or her parents' property?*

A Muslim person cannot leave his or her entire property to non-family members in a last will. Two thirds of the property must be left for the family. Even where a Muslim person has left a last will that does not provide any property to their children, his or her children can claim their rights to two thirds of the property.

38. *Under Muslim law, does a child's right to his or her parents' property differ if he/she is a natural child or an adopted child?*

Yes, while a natural child can claim rights of succession to his or her parents' property, an adopted child is not entitled to do so. This principle was decided by the Supreme Court in 1987.

chapter

5

EXPLOITATION & ABUSE OF CHILDREN

Detailed Table of Contents

- Background
 - Child Labour
1. Which legislation deals with child labour in Sri Lanka?
 2. What is the minimum age for employment prescribed by these laws?
 3. What terms and conditions of employment are covered under these laws?
- Worst Forms of Child Labour
4. What are the worst forms of child labour prohibited in Sri Lanka?
 5. What are the relevant government institutions which take action against child labour?
- Sexual Exploitation
6. What is considered sexual exploitation of a child?
- Grave Sexual Abuse
7. What is grave sexual abuse?
 8. Is consent of the victim an important element?
- Pornography
9. What acts are considered pornography?

- Child Trafficking

10. What is child trafficking?

The process followed to provide remedies for abuse and exploitation of children.

11. In what situations can a suspect be released on bail?

12. What is the court process?

- a) Magistrate's Court
- b) High Court

13. What are the punishments if a person is found guilty?

- International Law Regarding Child Labour and Sexual Exploitation Of Children

Background



The children who are subjected to such exploitation and abuse can suffer physical and emotional trauma, which seriously affects their ability to reach their full potential.

The exploitation and abuse of children is a major problem in Sri Lanka. The factors that contribute to these violations of a child's rights vary (e.g. poverty, natural disasters, internal conflict, broken families, alcoholism and organised crime). However, the advancement of modern technology, such as the internet, has generally made children more vulnerable to abuse and exploitation. The children who are subjected to such exploitation and abuse can suffer physical and emotional trauma, which seriously affects their ability to reach their full potential.

The Sri Lankan government has taken numerous measures to eliminate child exploitation and abuse. The measures include legislative interventions, ratifying international instruments and the establishment of institutions such as the National Child Protection Authority, Children's Desks in police stations, labour offices to address child labour issues and creating public awareness.

This chapter focuses on the most prevalent types of child exploitation and abuse, namely child labour and sexual exploitation of children. This chapter covers the laws in place to prevent such abuse and exploitation. It also provides information about the type of protection available to children who have been victims of such abuse.

CHILD LABOUR

Children can be exploited, harassed and abused in different ways in the work place. Generally, child labour occurs because it is a cheap form of labour and child workers are rarely organised or unionised to bargain. The sectors children are employed in vary and include domestic service, agriculture, fishing, factories, markets, shops, street business, restaurants and garages.

Children's conditions of employment can be extremely hazardous and dangerous; these inhumane conditions can lead to children being exploited physically, psychologically and even sexually. This in turn deprives children of their childhood, including their right to education, which is detrimental to their physical and mental development.

Key phrases

Child labour is work carried out by children who are under the minimum age for employment as prescribed by law.

Worst forms of child labour is work that is likely to harm the health, safety and morals of children (e.g. slavery, trafficking of children, forced recruitment of children in armed conflict).

1. Which legislation deals with child labour in Sri Lanka?

This chapter will cover the following legislation that deal with the prevention of child labour in Sri Lanka:

- *the Employment of Women, Young Persons and Children Act No. 47 of 1956;*
- *the Factories Ordinance No.45 of 1942;*
- *the Shop and Office Employees Act No.19 of 1954;*
- *the Minimum Wages (Indian Labour) Ordinance No. 27 of 1927;*
- *the Mines and Minerals Act No. 57 of 1981;*
- *the Trade Unions Ordinance No.14 of 1935;*
- *the Penal Code No.2 of 1883*
- *Regulation No. 1003/5 dated 25.11.1997, passed under the Education Ordinance No. 31 of 1939.*

According to regulations made under the Education Ordinance, the span of compulsory education is 14 years.



2. What is the minimum age for employment prescribed by these laws?

Legislation		Minimum age for employment
Employment of Women, Young Persons and Children Act	Minimum age for employment	14 Years
	Public or private industrial undertaking	14 Years
	Employment at sea (on a vessel)	15 Years
	Training to take part in performances of a dangerous nature	16 Years
	Public performances endangering life or limb	18 Years
	Prescribed hazardous occupation	18 Years
	Night work	18 Years
Shop and Office Employees Act	14 Years	
Minimum Wages (Indian Labour) Ordinance	14 Years	
Mines and Minerals Act	16 Years	
Trade Unions Ordinance	16 Years (Minimum age to be a member of a trade union)	

3. What terms and conditions of employment are covered under these laws?

The following table lists examples of situations where a child or young person may be employed. However, this is not an exhaustive list, for further details please refer to the specified legislation.

Legislation	Terms and conditions of the employment of a child or young person
Employment of Women, Young Persons and Children Act	<p>Circumstances under which a child may work:</p> <ul style="list-style-type: none"> • in light agricultural or horticultural work before the commencement of regular school hours or after the close of school hours, by his or her parent(s)/guardian(s); or • in any school or other institution supervised by a public authority that imparts technical education or other training for the purpose of any trade or occupation.
Factories Ordinance	<p>Hours of work for young persons who are not:</p> <p>at least 16 years of age:</p> <ul style="list-style-type: none"> • no more than 12 hours per day; and • no earlier than 6 a.m. or later than 6 p.m. <p>at least 18 years of age:</p> <ul style="list-style-type: none"> • no later than 8 p.m. <p>Maximum hours of work for a young person: 60 hours per week (including overtime).</p> <p>Overtime Overtime is allowed for young persons who have attained 16 years of age. For young persons between the age of 16 and 18 years, the total number of hours of overtime work should not exceed 50 hours per month.</p>
Shop and Office Employees Act	<p>Hours of work A person who works in a shop or office, who is aged between 14 and 18 years, is not allowed to be employed before 6 a.m. or after 6 p.m.</p> <p>Night work Males who have attained the age of 16 years may be employed at night between 6 p.m. and 10 p.m. (in or about the business of a hotel, restaurant or place of entertainment).</p>
Mines and Minerals Act	<p>Mine work Mine work is allowed for a person who has attained 16 years of age as long as the young person provides a certificate of fitness to the manager of the mine.</p>

Punishments for the violation of the above offences terms and conditions vary; in most instances it is a fine, imprisonment or both. In certain circumstances compensation to the child victim is also granted.

WORST FORMS OF CHILD LABOUR

4. What are the worst forms of child labour prohibited in Sri Lanka?

The *Penal Code* No.2 of 1883 (the *Penal Code*) deals with the worst forms of child labour in Sri Lanka.

The following types of worst forms of child labour are prohibited in Sri Lanka:

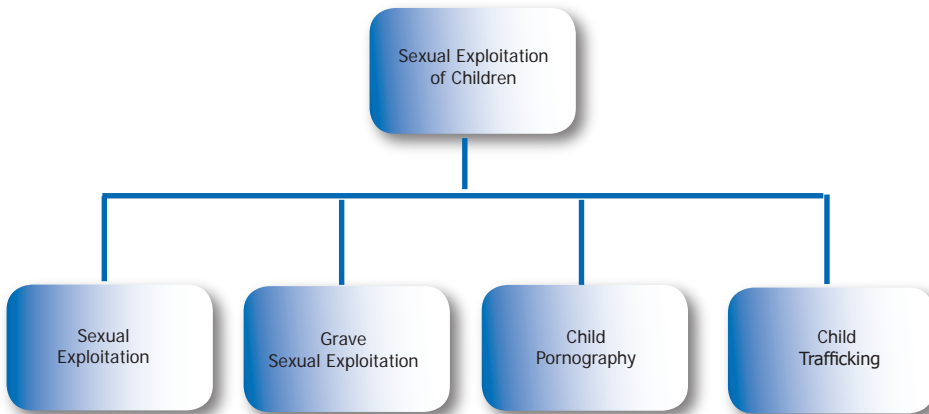
- employing a child to appear or perform in any obscene or indecent exhibition or show, photograph or film;
- causing or procuring a child to beg;
- hiring or employing children to traffic in restricted articles;
- sexual exploitation of children;
- debt bondage;
- serfdom;
- forced or compulsory labour;
- slavery; and
- engaging or recruiting a child for use in armed conflict.

5. What are the relevant government institutions which take action against child labour?

The Labour Department, the Police Department and the National Child Protection Authority administer, investigate and/or enforce provisions regarding child labour.

SEXUAL EXPLOITATION

This section covers the relevant sections of the Penal Code which deals specifically with sexual exploitation, grave sexual exploitation, child pornography and child trafficking.



6. What is considered sexual exploitation of a child?

Under the *Penal Code*, the following acts are considered sexual exploitation of a child:

- knowingly permitting any child to remain in any place for the purpose of causing the child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;
- acting as a procurer of a child for the purpose of sexual intercourse or for any form of sexual abuse;
- inducing a person to be a client of a child for sexual intercourse or any form of sexual abuse;
- taking advantage of the person's influence over or the person's relationship to a child to procure the child for sexual intercourse or any form of sexual abuse;
- threatening or using violence towards the child to procure the child for sexual intercourse or any form of sexual abuse; and/or
- giving money, goods or other benefits to a child or the parents of the child with intention to procure the child for sexual intercourse or any form of sexual abuse.

GRAVE SEXUAL ABUSE

7. What is grave sexual abuse?

The *Penal Code* of Sri Lanka recognizes grave sexual abuse as a separate crime affecting the human body. Under the *Penal Code* grave sexual abuse is a broad term that describes various indecent (sexual) activities (e.g. any act for sexual gratification, any act by using the perpetrator's genitals or any other part of their body or any instrument on any orifice or part of the body of a child).

Grave sexual abuse covers various criminal offences such as:

- rape;
- sexual assault;
- incest; and
- unlawful homosexual acts.

8. Is consent of the victim an important element?

One of the main elements to be proved by the suspect in defence in such a case is whether the consent was obtained.

A victim cannot give valid voluntary consent if the victim;

- is under 16 years of age;
- is of unsound mind;
- was in a state of intoxication induced by alcohol or drugs at the time of giving consent; and/or
- is in either lawful or unlawful custody of the perpetrator.

PORNOGRAPHY

Key phrases

child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.

Sale of children
means any act
or transaction
whereby a child is
transferred by any
person or group of
persons to another
for remuneration or
any other
consideration.

9. *What acts are considered pornography?*

The following acts are recognised as child pornography under the *Penal Code* in Sri Lanka:

- hiring, employing, assisting, persuading, using, inducing or coercing a child to appear or to perform in any obscene or indecent exhibition or show, or to pose or model for or to appear in any obscene or indecent photograph or film including video recording;
- selling, distributing, publishing or having possession of such obscene, indecent photographs, or film including videos;
- being a parent, guardian, or person having the lawful or unlawful custody of a child causing or allowing the child to be employed or to participate in any obscene or indecent exhibition or show or to pose or model for or to appear in any such photograph or film including videos;
- taking, assisting in taking any such indecent photograph of a child, distributing or displaying or showing any indecent photographs; and
- distributing, displaying or showing publications (e.g. newspapers, advertisements, magazines) containing any obscene, indecent photographs or pictures, or having in possession for distribution or showing any indecent photograph or publications.

Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

CHILD TRAFFICKING

10. What is child trafficking?

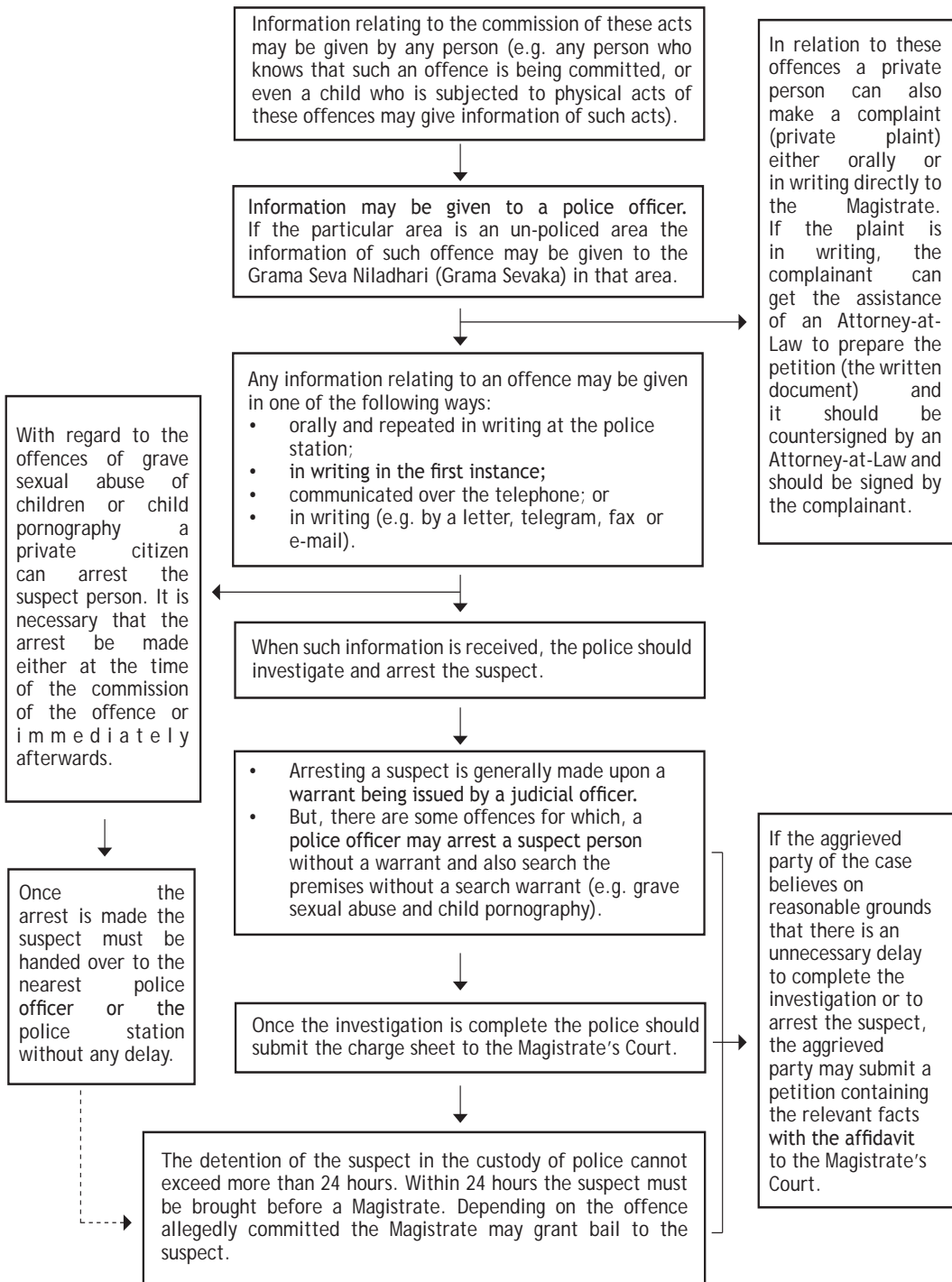
Child trafficking is prohibited under the (*Penal Code*) in Sri Lanka.

Child trafficking means:

- any act of buying, selling, or bartering of a child for money or any other consideration;
- arranging for or assisting a child to travel to a foreign country without the consent of his or her parents or lawful guardians;
- obtaining the signed consent (i.e. affidavit) from a pregnant woman for money or any other consideration for the adoption of the unborn child of such woman;
- engaging in procuring a child from hospitals, clinics, day care centres, nurseries, shelters for women, welfare centres or any other child care institutions for money or any other consideration; and/or
- getting a child from any such institution or centre by intimidation of the mother of the child or the lawful guardian or the person in charge of such institution or centre.



The process followed to provide remedies for abuse and exploitation of children.



11. *In what situations can a suspect be released on bail?*

Bail is when court releases a suspect, on the basis that the suspect provides personal, and in some cases financial security, to the court.

The Magistrate can release the suspect on bail for child pornography offences. For offences such as child abuse, child trafficking, sexual exploitation of children, the Magistrate cannot release the suspect on bail; however, for such offenses the High Court has the power to release the suspect on bail.

12. *What is the court process?*

a) *Magistrate's Court*

Sexual exploitation offences covered by this chapter cannot be heard by the Magistrate's Court. If a plaint comes before the Magistrate's Court (refer to diagram: *The process followed to provide remedies for abuse and exploitation of children*), the Magistrate will forward the proceedings to the Attorney-General and may also direct the Officer-In-Charge of the appropriate police station to conduct further inquiries.

The Magistrate can issue an order to place the child in a child care centre under the supervision of a probation officer or some other person appointed by the court, if the following conditions are met:

- the victim is a child and does not have parent(s) or guardian(s);
- the parent(s) or guardian(s) are unfit to exercise care and guardianship or are not exercising proper care and guardianship;
- the victim is a street child; or
- the suspect is a parent or guardian of the child.

b) *High Court*

The offences outlined in this Chapter are to be heard in the High Court.

If the suspect pleads not guilty, the High Court will conduct a trial and can convict or acquit (release) the accused after the trial. If the suspect pleads guilty, the High Court will sentence the suspect according to the punishments outlined below.

The High Court can issue other orders while the case is pending. For example, if the child is under the supervision of a probation officer in a child care centre, the probation officer has the power to advise, assist, and take necessary steps to find the child suitable employment. To do this the officer must bring the child before the Court and the Court may then order the child to carry out such employment.

13. *What are the punishments if a person is found guilty?*

Offence	Punishment
Sexual Exploitation	<ul style="list-style-type: none"> imprisonment (minimum term of 5 years and maximum term of 20 years); and may include a fine.
Grave Sexual Abuse	<ul style="list-style-type: none"> imprisonment (minimum term of 10 years and maximum term of 20 years); and may include a fine.
Child Pornography	<ul style="list-style-type: none"> imprisonment (for a minimum of 2 years and maximum term of 10 years); and may include a fine.
Child Trafficking	<ul style="list-style-type: none"> imprisonment (minimum term of 5 years and maximum term of 20 years); and may include a fine.

INTERNATIONAL LAW REGARDING CHILD LABOUR AND SEXUAL EXPLOITATION OF CHILDREN

The *United Nations Convention on the Rights of the Child (CRC)* specifically deals with child labour. The CRC provides that the Sri Lankan government (and all other countries that have ratified the Convention) should legislate for a minimum age of employment, terms and conditions regarding employment of children, penalties to ensure appropriate enforcement and other appropriate measures. The *Minimum Age Convention (C 138) of the International Labour Organisation* also covers child labour.

Another international instrument that deals with child labour is the *Worst Forms of Child Labour Convention (C 182) of the International Labour Organisation*. This instrument prohibits work which is likely to harm the health, safety or morals of children. It also prohibits all forms of slavery or practices similar to slavery (e.g. sale and trafficking of children, and forced or compulsory labour) and the use, procuring or offering of a child for prostitution, the production of pornography or pornographic performances.

The *CRC* also deals with sexual exploitation of children. The Convention provides that measures should be taken to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution and other unlawful sexual practices or pornographic performances and materials.

The *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* provides that the Sri Lankan government should prevent, detect, investigate, prosecute and punish those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime* focuses on effective action to prevent and combat trafficking in persons, especially women and children, and includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking.

chapter

6

DOMESTIC VIOLENCE

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 5. What protection does the *Prevention of Domestic Violence Act* provide for children?
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 7. Who can support the child's application?
 8. What can the aggrieved child seek from the Court?
 9. What orders can the Court issue?
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 11. What is a Supplementary Order?
 12. Who receives a copy of a Protection Order when it is issued?
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 15. Is there a right to appeal?

Background



Consequences of domestic violence are far reaching and destructive to the development of a person's personality and psychological well-being.

Although domestic violence is prevalent in many households in Sri Lanka, it remains largely a hidden problem. It is commonly believed, and research studies demonstrate, that domestic violence occurs more often among poor and less educated families. Domestic violence has been recognised as a problem not only to the well-being of the affected families but also to the development of the society in which we live.

There are a variety of reasons why domestic violence occurs. Domestic violence may be due to a lack of respect for another person's rights and feelings, poverty, medical conditions or problems among relatives and a lack of competence to sort them out. Whatever the reason(s) may be, domestic violence is illegal and suitable remedial and preventive steps should be taken to deal with acts, or threatened acts, of domestic violence.

Consequences of domestic violence are farreaching and destructive to the development of a person's personality and psychological well-being. It is worse still for children who suffer domestic violence themselves or witness domestic violence being inflicted on their loved-ones. Domestic violence leaves a lasting impression on the children's minds that can negatively impact upon their future conduct and behaviour in society.

Taking these factors into consideration, in 2005 the Sri Lanka legislature introduced a specific law: the *Prevention of Domestic Violence Act No. 34 of 2005 (the Prevention of Domestic Violence Act)*. The main purpose of

this law is to prevent the occurrence of domestic violence and to provide suitable remedies against any such acts or possible acts. The *Prevention of Domestic Violence Act* covers a wide category of people, including children.

Key phrases

child - under the Prevention of Domestic Violence Act a child is defined as any person under the age of eighteen.

aggrieved child - any child who is affected by domestic violence.

applicant - a person who lodges a domestic violence application with the Magistrate's Court.

respondent - a person who the domestic violence application is filed against.

PREVENTION OF DOMESTIC VIOLENCE

1. What is domestic violence?

According to the *Prevention of Domestic Violence Act*, domestic violence involves:

- a) certain criminal offence(s) and/or emotional abuse of a person;
- b) where there is a personal relationship between the persons involved; and
- c) the act(s) takes place in a particular context or environment.

Emotional abuse means cruel, inhuman, degrading or humiliating conduct that is directed against a person, as a pattern of conduct.

2. What criminal offences are considered domestic violence?

Under the *Prevention of Domestic Violence Act*, some criminal offences (covered by the *Penal Code*) are considered domestic violence. These offences include:

- exposing and abandoning a child under twelve years;
- causing hurt and grievous hurt under a variety of situations;
- wrongful restraint or confinement;
- using force;
- assault; and
- criminal intimidation.

3. Are all situations of domestic violence covered?

No, the *Prevention of Domestic Violence Act* covers domestic violence when the act(s) arises:

- within the home environment; or
- outside the home between persons who have a personal relationship (i.e. between the person who commits the acts and the person against whom the acts are committed).

4. Who can seek the assistance of the Court under the Prevention of Domestic Violence Act?

Any person who is subjected to acts of domestic violence, or who fears that such acts are likely to be committed against him or her, can seek assistance from the Court.

The **Magistrate's Court** deals with domestic violence applications under the *Prevention of Domestic Violence Act*. (For the purposes of this chapter the Magistrate's Court will be referred to as **the Court**.)

5. *What protection does the Prevention of Domestic Violence Act provide for children?*

A child will come under the *Prevention of Domestic Violence Act* if the following conditions are met:

- a) an act of domestic violence is committed against the child;
- b) the act was committed by a person who is in a personal relationship with the child (e.g. parent, grandparent, brother, sister, half-brother or sister); and
- c) the act was committed within the home environment or outside the home and there is a personal relationship between the parties.

6. *Who can bring a domestic violence application on behalf of a child?*

If the person who is subjected to acts of domestic violence or fears such acts, is a child, an application can be brought on the child's behalf to the Court by:

- a parent or guardian of the child;
- a person with whom the child resides;
- a police officer; or
- a person authorised by the National Child Protection Authority.

7. *Who can support the child's application?*

Any person who knows of the acts of domestic violence committed against a child can submit an affidavit (i.e. a written statement sworn to be true) regarding such acts. The affidavit may be attached to the application made to the Court.

8. *What can the aggrieved child seek from the Court?*

An aggrieved child can seek a Protection Order from the Court to prevent such acts of domestic violence being committed against him or her.

9. What orders can the Court issue?

The Court can make one or many orders. The two main orders are called Interim Protection Orders and Protection Orders.



	Interim Protection Order	Protection Order
When is this Order issued?	<ul style="list-style-type: none"> while the Court assesses the application; and if the Court is satisfied that there is an urgent need to prevent acts of domestic violence being committed and a need to ensure the safety of the aggrieved child. 	<ul style="list-style-type: none"> after the Court assesses the application; and if the Court is satisfied that there is a need to prevent any acts of domestic violence being committed and a need to ensure the safety of the aggrieved child.
What other factors will the Court consider?	<ul style="list-style-type: none"> whether it is necessary to conduct an inquiry before issuing the Interim Protection Order; and the respondent's explanation of why a Protection Order should not be issued against him or her. 	<ul style="list-style-type: none"> if there is the need to impose other conditions and prohibitions, the Court will consider whether: <ul style="list-style-type: none"> any hardship may be caused to the respondent or to any other person as a result of making the Order; and the need for the accommodation of the aggrieved child and the children of the respondent.
How long is the Order valid for?	<ul style="list-style-type: none"> until a Protection Order is issued or the application is refused. 	<ul style="list-style-type: none"> for a period the Court determines (this cannot exceed 12 months).
What are the effects of these Orders?	<p>The respondent will be prohibited from:</p> <ul style="list-style-type: none"> entering or occupying the residence of the aggrieved child, even if it is shared by the aggrieved child and the respondent; entering the school of the aggrieved child; entering any shelter in which the aggrieved child is temporarily accommodated; preventing the aggrieved child from using or having access to shared resources; preventing the aggrieved child from remaining in the shared residence; contacting or attempting to establish contact with the aggrieved child; committing acts of violence against any other person who is assisting the aggrieved child (e.g. social worker); following the aggrieved child around so as to cause a nuisance; engaging in any other acts which will be detrimental to the safety, health or well being of the aggrieved child; and/or selling, transferring or encumbering the matrimonial home so as to place the aggrieved child in a destitute position. 	
What other orders can the Court issue?	<ul style="list-style-type: none"> an Order to hold an inquiry. 	<ul style="list-style-type: none"> Supplementary Orders.

10. What happens at an inquiry?

The Court will assess the application and receive further evidence as it deems fit at an inquiry. The date of the inquiry will be within fourteen days from the date of application.

If the respondent does not have legal representation, the Court may prohibit the respondent from examining the witnesses, including the aggrieved child. Instead, the Court may require the respondent to provide the questions to the Court so that the Court can ask the questions from the witnesses and/or the aggrieved child.

11. What is a Supplementary Order?

A Supplementary Order is issued where the Court is satisfied that such orders are necessary for the immediate safety, health or welfare of the aggrieved child. Supplementary Orders may be issued in addition to a Protection Order and may include provisions for:

- the police to accompany the aggrieved child to any place to assist with the collection of personal property;
- the police to seize any weapons in the possession of the respondent;
- the respondent and the aggrieved child to attend mandatory counselling sessions or psychotherapy or other forms of rehabilitative therapy;
- the respondent to provide payments and facilities to the aggrieved child as are necessary to continue in the occupation of any residence in which the aggrieved child will reside; and
- a social worker, family counsellor, probation officer or family health worker to monitor the observance of the Protection Order and submit a report to Court every 3 months.

12. *Who receives a copy of a Protection Order when it is issued?*

Copies of a Protection Order will be provided to:

- the respondent;
- the aggrieved person (e.g. child);
- the person who made the application to Court; and
- the officers in charge of the police stations of the areas where the aggrieved person and the respondent live.

13. *Can a Protection Order be changed or cancelled?*

Yes, the Court can alter, modify, vary, extend or cancel a Protection Order where it is satisfied that the circumstances have changed so that such a course of action is required.

The Order can be changed or cancelled by an application made by either the aggrieved person or the respondent. In circumstances where the application is made on or behalf of a child, the Court must be satisfied that the application is made freely and voluntarily before it alters or cancels the Order. The Court will hear both the aggrieved person and the respondent before the order is varied or cancelled.

14. *How are Interim Protection Orders and Protection Orders enforced?*

A failure to comply with an Interim Protection Order or Protection Order is a punishable offence which carries:

- a fine (maximum of Rs.10,000);
- imprisonment (for a term not exceeding 1 year); or
- both a fine and imprisonment.

In addition, if the Court ordered the respondent to provide urgent monetary assistance and the respondent has failed to do so, the Court can direct the respondent's employer to directly pay the aggrieved person part or all of the specified amount from the respondent's salary.

15. *Is there a right to appeal?*

A person who is not satisfied with an Order made by a Magistrate's Court can lodge an appeal to the High Court. However, filing an appeal will not suspend the operation of an Order issued by the Magistrate, unless the High Court decides otherwise.



chapter

7

GOVERNMENT INSTITUTIONS INVOLVED IN CHILD AFFAIRS

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- Ministry of Social Service & Social Welfare
 1. Department of Social Services
 2. National Council for Persons with Disabilities
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 1. Psychosocial Intervention and Counselling Service Programme
- Human Rights Commission of Sri Lanka
- Legal Aid Commission of Sri Lanka
- Department of Police
 1. Children and Women Bureau

Background



This chapter deals with government institutions, departments and ministries, which specifically deal with protection and welfare of children's rights.

This chapter deals with government institutions, departments and ministries, which specifically deal with protection and welfare of children's rights. The chapter provides an account of the duties of each institution. This chapter focuses on the duties of the Ministry of Child Development and Women's Empowerment, Ministry of Social Welfare and all departments and institutions falling within the authority of these ministries namely, the National Child Protection Authority (*NCPA*), the Department of Probation and Child Care Services, the Department of Social Services, the Human Rights Commission, the Legal Aid Commission and the Ministry of Social Service and Welfare.

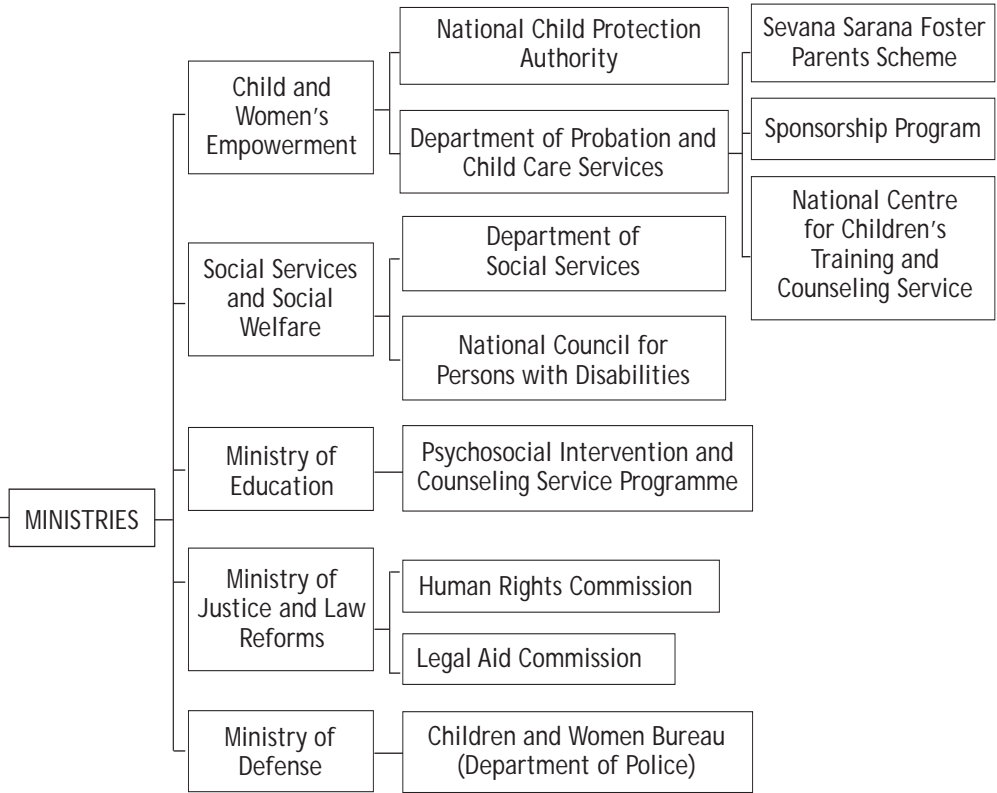
(For the contact details of these departments and institutions please refer to Chapter 8 - Contact Directory.)

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Ministry of Child Development and Women's Empowerment

The Ministry of Child Development and Women's Empowerment is entrusted with formulating policies and programmes regarding early childhood development. The Ministry also co-ordinates these activities with the provincial level committees and provides monitoring and follow-up plans. In keeping with national policies and international standards, the Ministry seeks to preserve and promote children's rights in Sri Lanka.

Other duties of the Ministry include formulating and implementing plans, programmes and projects to provide equal opportunities for children in vulnerable situations (e.g. those in children's homes, juvenile offenders and those subjected to exploitation and abuse).

Under the Ministry of Child Development and Women's Empowerment there are many Departments and Statutory Institutions that have been entrusted with specific duties with regard to children's rights.

Department and Statutory Institutions falling under the Ministry of Child Development and Women's Empowerment

1. National Child Protection Authority

The NCPA was established under the *National Child Protection Authority Act No. 50 of 1998*. The NCPA formulates national policies regarding the prevention, protection and treatment of children who are victims of abuse.

NCPA's main aim is to protect children from abuse and exploitation and to promote protective environments for all children.

The functions of the NCPA include:

- advising the government on national policy and measures for the protection of children and the prevention and treatment of child abuse;

- creating awareness of children's rights;
- consulting and co-ordinating with relevant ministries, local authorities, public and private sector organisations and recommending measures for the prevention of child abuse and protection of victims;
- recommending legal, administrative and other reforms for the effective implementation of national policy;
- monitoring the implementation of the law, progress of all investigations and criminal proceedings in cases of child abuse;
- recommending measures for the protection, rehabilitation and reintegration into society of children affected by armed conflict;
- receiving and acting on complaints received from the public relating to child abuse;
- advising and assisting local bodies and non-governmental organisations (*NGOs*) to co-ordinate campaigns against child abuse;
- co-ordinating and assisting with the tourist industry to prevent child abuse due to commercial sex networks;
- co-ordinating, preparing and maintaining a national database on child abuse; and
- monitoring organisations which provide care for children.

2. Department of Probation and Child Care Services

The Department of Probation and Child Care Services was established on 1 October 1956, under the *Children and Young Persons Ordinance*. The Department seeks to enhance the rights of all Sri Lankan children by providing protection to orphaned, abandoned, destitute children and others in conflict with the law. In keeping with national policies and international standards, the Department ensures the maximum participation of children throughout this process.

The Department of Probation and Child Care Services is the main state institution which deals with children's homes and the rehabilitation of juvenile offenders in Sri Lanka.

The main objectives of the Department are as follows:

- limiting the imprisonment of children and young persons by providing rehabilitation with the view to re-integration into society;
- taking appropriate (e.g. lenient) judicial action in respect of children and young persons;
- providing essential services (e.g. shelter, education, clothing and food) to needy children and young persons; and
- offering children, when possible, the opportunity to live with their parents and to provide the parents with adequate support.

The Department's powers and functions are carried out by the central government and provincial administration. The probation officers for each divisional secretary's office report directly to the Provincial Commissioner of Probation and Child Care. Any complaints regarding child abuse can also be directed to these probation officers, who in turn take necessary action, with the assistance of relevant institutions (e.g. the Police, Department of Labour and NCPA).

The Department has established institutions and programmes which promote child welfare; these include the Office of the Sevana Sarana Foster-Parents Scheme, the Sponsorship Programme and National Centre for Children's Training and Counselling Services.

a. Office of the Sevana Sarana Foster Parents Scheme

In 1988, the Sevana Sarana Foster Parents Scheme (*Foster Scheme*) was launched by the Department of Probation and Child Care Services. This scheme provides financial assistance to school going children between the ages of 6 and 13 years from low income families. The children are registered with the Department of Probation and Child Care Services.

The Foster Scheme's objective is to take the necessary steps to give the children registered with the Department an opportunity to continue their education and for the development of their physical and mental well being; this in turn provides the children an opportunity to grow within their family environment.

The Scheme provides for the expenses of the child. A minimum amount of Rs. 500 is credited monthly to a child's savings account maintained at the National Savings Bank. The parent(s) or guardian(s) can withdraw this amount to pay for the child's expenses. This financial assistance is provided by the Department through funding from donors (i.e. private individuals or institutions).

b. The Sponsorship Programme

The Sponsorship Programme provides financial assistance to children who live or have applications pending to live at a children's home. The main aim of the Programme is to assist children to remain within their family environment, instead of being admitted to a child care institution. A monthly payment of Rs. 200 is given to each child; this amount is paid from funds made by donors and the Government until the child reaches 18 years of age.

c. National Centre for Children's Training and Counselling Services

The National Centre for Children's Training and Counselling Services was established in 2000. The main aim of the Centre is to provide remedial treatment and vocational training for female child victims of various forms of abuse. The Centre provides counselling services for female children subjected to sexual exploitation, used as child labourers, subjected to other forms of abuse and exploitation and those suffering from aggressive behaviour. It also provides these children with vocational training and education programmes.

The Centre also maintains remand homes, certified schools, receiving homes and detention homes that are created under the Department of Probation and Child Care Services.

Ministry of Social Service & Social Welfare

The Ministry is in charge of the implementing policies, plans and programmes in relation to social services and social welfare. The Ministry has established mechanisms that help in the early identification, intervention and rehabilitation of children with disabilities. It also implements relevant public assistance schemes and vocational training opportunities for children with special physical needs. Other programmes deal with the prevention of drug abuse and the rehabilitation of children who are drug addicts.

Department and Statutory Institutions falling under the Ministry of Social Services and Social Welfare

1. Department of Social Services

The Department provides special relief and rehabilitation measures with the aim to increase the participation of underprivileged social groups in social development. In addition to conducting welfare programmes for all underprivileged groups, the Department conducts special programmes to improve the living standard of women and children in destitute conditions.

Some of the programmes conducted by the Department for the welfare of Children include:

- conducting early intervention programmes for disabled children through the Child Guidance Centre by providing early awareness programmes for parents and conducting teacher training programmes;
- providing shelter for mentally challenged children;
- providing financial assistance to voluntary services organisations working with children;
- providing duty waivers for NGOs registered with the Ministry, which includes those working for the protection and promotion of children's rights; and
- rehabilitation of drug addicts and conducting awareness programmes on drug addiction for school children.

2. National Council for Persons with Disabilities

The Council promotes the advancement and the protection of rights of people, including children, with disabilities. It also advises the Government on issues concerning people with disabilities. The Minister of Social Welfare is the Chairman of the Council and the Ministry Secretary is the Secretary of the Council. The Council consists of 20 members including representatives of Disabled People's Organisations and disability-related organisations. Other representatives of the Council include relevant ministries, departments, professionals and NGOs.

The National Secretariat for Persons with Disabilities, established in 1995, was set up to implement the decisions of the Council.

Ministry of Education

The Ministry of Education is the key institution which deals with the educational affairs of children in Sri Lanka. Several programmes have been launched by the Ministry for the advancement of child welfare in Sri Lanka.

1. Psychosocial Intervention and Counselling Service Programme

One of the key programmes launched by the Ministry deals with the psychological wellbeing of children. This programme is conducted in schools by the Ministry of Education in Sri Lanka and is assisted by the Provincial Council and Zonal Education Offices. This programme covers three wide areas namely, child development, prevention of child abuse and counselling. The programme is aimed at increasing children's creativity, capabilities and memory power. Children are educated on issues relating to child abuse, ways to prevent such abuse and on what steps should be followed if a child is subjected to such abuse. Teachers are also provided training on counselling children under this programme. In addition, the services of a trained psychologist will be provided for children in need of counselling.

Each year the Ministry of Education provides funding for the Psychosocial Intervention and Counselling Services Programme. The money is distributed by the Provincial Councils to schools in Sri Lanka through the Zonal Education Offices (refer to Chapter 8 - Contact Details).

Human Rights Commission of Sri Lanka

The Human Rights Commission (*HRC*) is an independent statutory institution that is set up to promote and protect human rights in Sri Lanka (refer to Chapter 8 - Contact Details). The HRC's main objective is to protect and promote the rights of vulnerable groups, including those of children. The HRC makes recommendations to the government regarding how national laws and administrative practices can better mirror Sri Lanka's international human rights obligations. It also advises the government regarding becoming a party to international treaties that promote children's rights.

Powers of the HRC include:

- examining and making inquiries into the infringement and imminent infringement of fundamental rights of children (e.g. right to education);
- observing the welfare of child detainees or offenders in detention homes, children's homes, certified schools and remand homes by conducting regular inspections of these places;
- undertaking research on children's rights issues and public education programmes on children's rights; and
- obtaining evidence regarding issues of children's right violations (e.g. by examining witnesses).

Legal Aid Commission of Sri Lanka

The Legal Aid Commission (*LAC*) of Sri Lanka is a statutory body established in 1978 (refer to Chapter 8 - Contact Details). The independence of the Commission enables the LAC to prosecute the state in fundamental right violation cases. LAC also provides legal assistance in situations of fundamental right violations of children. The Commission has established a special unit called the Child Rights Desk, which deals with issues pertaining to children's

right protection and promotion. Through this unit LAC provides free legal advice and monetary assistance to pursue cases involving children's rights violations.

The aims of the Child Rights Desk are to:

- create awareness on children's rights and obligations of elders, parents, teachers and the general public in protecting and promoting these rights;
- appear on behalf of child offenders in Juvenile Courts;
- carry out research relating to child issues;
- advise the government to amend existing laws or to introduce new laws to improve child protection in Sri Lanka; and
- produce publications relating to children's rights.

The Commission also conducts an array of awareness programmes and public campaigns through its 35 regional centres. Another objective of the Commission is to provide equal access to justice for every Sri Lankan citizen (e.g. by providing free legal advice and the services of lawyers to represent them).

Department of Police

The police in general are entrusted with the protection and promotion of rights of all citizens including those of children. However, the Children and Women Bureau set up by the Department of Police is an important arm in the law enforcement machinery in Sri Lanka, which specifically safeguards the rights of the women and children.

Children and Women Bureau

The Children and Women Bureau was established in 1979 (refer to Chapter 8 - Contact Details) for the purpose of the prevention of child abuse and exploitation of women and children. There are 36 children and women bureaus functioning in Sri Lanka at present and all are headed by women police officers.

Each police station has a "Women and Child Help Desk", headed by a police officer who is trained in counselling. The

bureau is entrusted with the tasks of taking action against crimes committed against women and children, filing cases in the appropriate courts on behalf of the victims, assisting the Attorney General's department to conduct cases and conducting awareness programmes in schools to educate children, parents and guardians on how to prevent child abuse and related issues.



chapter

8

CONTACTS DIRECTORY

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 - SRI LANKA POLICE
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 - Legal Aid Commission of Sri Lanka (LAC)
 - National Disaster Relief Service Centre
 - Children’s Secretariat
 - Sri Lanka Women’s Bureau
 - Registrar General Department
 - Juvenile Court
 - MINISTRIES
 - Ministry of Child Development and Women’s Empowerment
 - Ministry of Justice and Law Reforms
 - Ministry of Social Services and Social Welfare

- Ministry of Resettlement and Disaster Relief Services
- Ministry of Defense, Public Security, Law and Order
- Ministry of Labour Relations and Man Power
- Department of Labour
- Ministry of Education
- Psycho Intervention and Counseling Programme

2. NON-GOVERNMENTAL ORGANISATIONS - SRI LANKA

- Child Rights Group (CRG)
- Friends of Needy Children Association
- Law and Society Trust (LST)
- People in Need Foundation (PINF)
- Plan - Sri Lanka
- Sarvodaya
- SOS Children's Villages of Sri Lanka
- Sewalanka Foundation

3. INTERNATIONAL NON - GOVERNMENTAL ORGANISATIONS.

- a. CARE International (Sri Lanka)
- b. Child Rights Project (CRP)
- c. Children of the World - Human Rights
- d. Christian Children's Fund of Canada
- e. Christian Children's Fund - Sri Lanka
- f. Save the Children-Sri Lanka
- g. World Vision - Sri Lanka

4. UNITED NATIONS

- International Labour Organization (ILO)
- United Nations International Children's Fund (UNICEF)

1. State Institutions

DEPARTMENT OF PROBATION AND CHILD CARE SERVICES

Commissioner of Probation and Child Care Services (Mr.D.M.S. Abaygunawardhena)	Address: No;150 A, L.H.P. Building, Nawala Road, Nugegoda.
	Tel: 011-2853596 / 011-2853549
	Fax: 011-2852393
	Web: www.probation.gov.lk
E-mail: pcc@sltnet.lk	
Provincial Commissioners	
Western Province (Mr. D.A. Vithanage)	Address: Provincial Commissioner, Western Province, No.204, Densil Kobbekaduwa MW, Battaramulla.
	Tel: 011-4413162 / 011-4413372
	Fax: 011-2865848
Southern Province (Mr. Chinthaka Lokuhetti)	Address: Provincial Commissioner, Southern Province, Kithulampitiya, Galle.
	Tel: 091-2234156 / 077-9191426
Central Province (Mr. Waruna Samaradiwakara)	Address: Provincial Commissioner, Uwa Province, Keppetipola Road, Badulla.
	Tel: 055-2231209
North Western Province (Mrs. Padmini Kariyawasam)	Address: Provincial Commissioner, North Western Province, No. 2, Dambulla Road, Kurunegala.
	Tel:037-2224796
North Eastern Province (Mrs. N.R. Ranjani)	Address: Provincial Commissioner, North Eastern Province, Main Street, Trincomalee.
	Tel: 026-2223085 / 026-2222875
North Central Province (Mrs. Wasanthi Ratnapala)	Address: Provincial Commissioner, North Central province, Anuradhapura.
	Tel: 025-2222570
Sabaragamuwa Province (Mrs.Chandrani Samarakoon)	Address: Provincial Commissioner, Sabaragamuwa Province, K,B. Ratnayaka MW, Kachcheriya, New Town, Ratnapura.

State Receiving Homes	
Western Province	Address: Prajapathi State Receiving Home, Galle Road, Panadura.
	Tel: 038-2232638
Southern Province	Address: Ruhunu Children's Home, Kithulampititya, Galle.
	Tel: 091-2222960
Uva Province	Address: Sevana State Receiving Home, Bandarawela.
	Tel: 057-2222289
North Eastern Province	Address: State Receiving Home, Jaffna.
North Central Province	Address: Abaya Children's Home, Airport Road, Anuradhapura.
	Tel: 025-2222570
Central Province	Address: Tikiri Sevana Children's Home, Ogaswatta, Uda Peradeniya.
	Tel: 081-2238814
North Western Province	Address: Amila Sevana State Receiving Home, Migawela.
	Tel: 037-2269602
Sabaragamuwa Province	Address: Paradise Children's Home, Kuruvita, Ratnapura.
Other Institutions under the Department	
National Centre for Children Training and Counseling Services	Address: No: 176/104, Galkanuwa Road, Gorakana, Moratuwa.
	Tel: 038-2297353 / 011-5559228
	Fax: 011-5559228
	E-mail: pcc.nfcc@sltnet.lk
Sevana Sarana Foster Parents Scheme Secretariat	Address: No: 150A, Nawala Road, Nugegoda.
	Tel: 011-2853549 / 011-2853596
	Fax: 011- 2853293
	E-mail: procom@sltnet.lk

HUMAN RIGHTS COMMISSION OF SRI LANKA

Head Office	Address: No.36, Kinsey Road, Colombo 8.
	Tel: 011-2694925 / 011-2685339
	Fax: 011-2694924
	Web: www.hrc-srilanka.org
	E-mail: sechrc@sltnet.lk
Regional Centers	
Ampara	0632222340
Anuradhapura	0252222953
Badulla	0552229634
Batticaloa	0652224420
Jaffna	0212222021
Kalmunai	0672229728
Kandy	0812222855
Matara	0412226533
Trincomalee	0262222607
Vavuniya	0242221060

SRI LANKA POLICE

Emergency Hotline on Child Right Violations	011-2444444
Children and Women Bureau Desks	
Ampara	063-2222222
Anuradhapura	025-2222223
Badulla	055-2222222
Bandarawela	057-2222222
Batticaloa	065-2224422
Chilaw	032-2222222
Colombo-North	011-2431861
Colombo-South	011-2588680
Colombo-Central	011-2433744
Elpitiya	091-2291222

Galle	091-2222222
Gampaha	033-2222226
Gampola	081-2352222
Hatton	051-2222222
Jaffna	021-2222222
Kaluthara	034-2237225
Kandy	081-2222222
Kantale	026-3234222
Kegalle	035-2222222
Kelaniya	011-2911922
Kuliyapitiya	037-2281222
Kurunegala	037-2222222
Matale	066-2222222
Matara	041-2222222
Monaragala	055-2276222
Mount Lavinia	011-2738351
Negambo	031-2222222
Nikaweratiya	037-2260222
Nikaweratiya	037-2260222
Nugegoda	011-2852992
Nuwara Eliya	052-2222222
Panadura	038-2233204
Polonnaruwa	027-2222222
Ratnapura	045-2222222
Tangalle	047-2240222
Trincomalee	026-2222223
Vavuniya	024-2222222

OTHER SPECIAL INSTITUTIONS

Presidential Secretariat	Address: Presidential Secretariat, Colombo 1.
	Tel: 011-2324801-4 / 0112423494-5
	Fax: 011-2446657
	Email: presec@presidentoffice.lk
	Web: www.priu.gov.lk
National Child Protection Authority (NCPA)	Address: No. 330, Thalawathugoda Road, Madiwela, Sri Jayawardenapura.
	Tel: 011-2778911-3
	Web: www.childprotection.gov.lk
	E-mail: complaints@childprotection.gov.lk
Legal Aid Commission of Sri Lanka (LAC)	Address: No. 129, Hulftsdrop Street, Colombo 12.
	Tel: 011- 5335329 / 011- 5335281
	Fax: 011- 2433618
	Web: www.lawaid.org
	E-mail: legalaid@sltnet.lk
National Disaster Relief Service Centre	Address: No. 189, Galle Road, Colombo 3.
	Tel: 011 - 2395497
	Fax: 011 - 2394494
	Web: www.ndmc.gov.lk
	E-mail: secdrs@sltnet.lk
Children's Secretariat	Address: No 177, Nawala Road, Naranhenpita , Colombo 5.
	Tel: 011-2368956
Sri Lanka Women's Bureau	Address: Ministry of Women's Affairs, PO Box. 1546, Colombo 5.
Registrar General Department	Address: No. 280, Main Street, Colombo 11.
	Tel: 011-2393071 / 011-2393072
	Fax: 011-2393074
	Web: www.rgd.gov.lk
Juvenile Court	Address: Juvenile Court, Bambalapitiya.
	Tel: 011-2581806
	Fax: 011-2587498

MINISTRIES

Ministry of Child Development and Women's Empowerment	Address: No 177, Nawala Road, Naranhenpita , Colombo 5.
	Tel: 011-2505584 / 011-2505585
	Fax: 011-2369294 / 011-2506730
	Web: http://www.priu.gov.lk/Ministries_2007/Min_Child_Dev_womens_empower.html
	E-mail: mwa@slt.lk
Ministry of Justice and Law Reforms	Address: Superior Courts Complex, Colombo 12.
	Tel: 011-2323022
	Fax: 011-2320785
	Web: www.justiceministry.gov.lk
	E-mail: secmoj@srilanka.net
Ministry of Social Services and Social Welfare	Address: 5th Floor, "Sethsiripaya", Battaramulla.
	Tel: 011-2887349-51
	Web: www.socialwelfare.gov.lk
Ministry of Resettlement and Disaster Relief Services	Address: No:146, Galle Road, Colombo 03.
	Tel: 011-2395109
	Fax: 011-2395517
Ministry of Defense, Public Security, Law and Order	Address: No:15/5, Baladaksha Mawatha, Colombo 03.
	Tel: 011-2430860-9 / 011-2430878-9
	Web: www.mod.gov.lk
	E-mail: modadm@sltnet.lk
Ministry of Labour Relations and Man Power	Address: 2nd Floor, Labour Secretariat, Naranhenpita, Colombo 05.
	Tel: 011-2581149 / 011-2581143
	Fax: 011-2588950
Department of Labour	Tel: 011-2583164
	Web: www.labourdept.gov.lk
Ministry of Education	Address: Ministry of Education, Isurupaya, Battaramulla.
	Tel: 011-2785141-50
	Web: www.moe.gov.lk

Psycho Intervention and Counseling Programme	Address: Mr. K.P.N. Premasiri, Deputy Director of Education, Ministry of Education, Isurupaya, Battaramulla.
	Tel: 011-2784873
	E-mail: de-cagc@moe.gov.lk



6. NON-GOVERNMENTAL ORGANISATIONS - SRI LANKA

Child Rights Group (CRG)	Address: No: 10, Kinsey Terrace, Colombo 8.
	Tel: 011-4610943
	Fax: 011-4610943
	E-mail: crg@diamond.lanka.net
Friends of Needy Children Association	Address: No. 429/2, Old Kandy Road, Nungamugoda, Kelaniya.
	Tel: 011-2912021
	E-mail: foncaat@lanka.com.lk
Law and Society Trust (LST)	Address: No.3, Kinsey Road, Colombo 8.
	Tel: 011-2691228
	Fax: 011-2686843
	Web: www.lawandsocietytrust.org E-mail: lst@sltnet.lk
People in Need Foundation (PINF)	Address: No.655/4, Elvitigala Mawatha, Colombo 5.
	Tel: 011-2368952
	Fax: 011-2368952
	Web: www.pinfoundation.org E-mail: daj@sltnet.lk
Plan - Sri Lanka	Address: No.6, Classen Place, Colombo 5.
	Tel: 011-2508644 / 011- 011-2588252
	Fax: 011-5354647
	Web: www.plan-lanka.lk
Sarvodaya	Address: No.98, Rawatawatta Road, Moratuwa.
	Tel: 011-2647159 / 011-2655255
	Fax: 011-5557972
	Web: www.sarvodaya.org E-mail: admin@sarvodaya.org
SOS Children's Villages of Sri Lanka	Address: PO Box. 05, Piliyandala.
	Tel: 011-27038890
	Fax: 011-2702321
	E-mail: soslanka@sltnet.lk

Sewalanka Foundation	Address: 2nd Floor, No. 432 A, Colombo Road, Boralesgamuwa.
	Tel: 011-2545362-5
	Fax: 011-2545166
	Web: www.sewalanka.org
	E-mail: headquarters@sewalanka.org

7. INTERNATIONAL NON - GOVERNMENTAL ORGANISATIONS

CARE International (Sri Lanka)	Address: No:8/8A, Gregorys Road, Colombo 7.
	Tel: 011-5344526
	Fax: 011-2693168
	Web: www.careinternational.org.uk
	E-mail: dilhara@cara.lk
Child Rights Project (CRP)	Address: No: Greenland Lane, Off-Isipathana Mawatha, Colombo 5
	Tel: 011-2592663 / 011-2588575
	Fax: 011-2588575
	Web: www.ffit.org
	E-mail: crpcida@slt.net
Children of the World - Human Rights	Address: No. 70, Elawella Road, Matara
	Tel: 041-4922077
	Fax: 041-4922077
	Web: www.emdh.org
	E-mail: rakesh@emdh.org
Christian Children's Fund of Canada	Address: No: 119/5, Kynsey Road, Colombo 8.
	Tel: 011-2686132
	Fax: 011-2686712
	E-mail: ccfc@slt.lk
Christian Children's Fund - Sri Lanka	Address: No.147, Suvisuddharama Road, Colombo 6.
	Tel: 011-2501238
	Fax: 011-2500120
	Web: www.christianchildrensfund.org

	E-mail: gaminip@sri.lanka.net
Save the Children-Sri Lanka	Address: No:58 A, Horton Place, Colombo 7.
	Tel: 011-2672672-4
	Fax: 011-2672671-5
	Web: www.savethechildren.lk
	E-mail: mail@savethechildren.lk
World Vision - Sri Lanka	Address: No. 371, R.A. De Mel Mawatha, Colombo 3.
	Tel: 011-5555508
	Fax: 011-5555009
	Web: www.worldvision.org

UNITED NATIONS

International Labour Organization (ILO)	Address: No.202 7 204, Baudhaloka Mawatha, Colombo 7.
	Tel: 011-2592525
	Fax: 011-2500865
	Web: www.ilo.org
United Nations International Children's Fund (UNICEF)	Address: No. 5, Githanjali Place, Colombo 3.
	Tel: 011-2555270
	Fax: 011-2588575
	Web: www.unicef.org