

Sri Lanka

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Sri Lanka has been a member of ILO-IPEC since 1996.²³⁶² In 1998, National Child Protection Authority (NCPA) Act No. 50 was enacted to create an oversight agency for the protection of children against any form of abuse,²³⁶³ and a child labor survey was conducted in 1999 by the Sri Lanka Department of Census and Statistics with technical assistance from ILO-IPEC's SIMPOC.²³⁶⁴ The NCPA is working in consultation with the ILO, UNICEF, Save the Children UK, and other NGOs to address the problem of child labor. In cooperation with the Ministry of Labor, the NCPA conducts training programs for judicial, labor, probation, and police officers to educate authorities dealing with child labor issues.²³⁶⁵ Sri Lanka is part of an ILO-IPEC sub-regional project funded by USDOL to combat trafficking in South Asia. The government is also working with ILO-IPEC to identify the worst forms of child labor. A rehabilitation center established by the NCPA provides vocational training and counseling services to child victims of trafficking.²³⁶⁶

Incidence and Nature of Child Labor

In 1999, a child activity survey conducted by the Sri Lanka Department of Census and Statistics, in cooperation with ILO-IPEC, estimated that 15 percent of children between the ages of 5 and 14 were working.²³⁶⁷ According to the survey, the majority of working children appear in the

²³⁶² The ILO-IPEC programs focus on (1) capacity building and research; (2) policy, law, and enforcement; (3) awareness raising; and (4) the direction action for prevention, withdrawal, rehabilitation, and protection of children from child labor. Government of Sri Lanka, Ministry of Labor, and ILO-IPEC at <http://www.labour.gov.lk/documents/3ilotpec.htm> on 10/19/01.

²³⁶³ Government of Sri Lanka, Ministry of Labor, National Child Protection Authority Act No. 50 of 1998, at http://www.labour.gov.lk/documents/10_Chap.htm on 10/18/01.

²³⁶⁴ Government of Sri Lanka, Department of Census and Statistics, "Summary of Findings of Child Labor Survey in Sri Lanka," 1999 [hereinafter "Summary of Findings of Child Labor Survey"], at <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/report/srilan99/indexpr.htm> or <http://www.statistics.gov.lk/Documents/BulletineCH/ChA1.htm> on 10/17/01.

²³⁶⁵ Unclassified telegram no. 1719, September 2001 [hereinafter unclassified telegram 1719].

²³⁶⁶ *Ibid.*

²³⁶⁷ In 1999, the Sri Lankan Department of Census and Statistics, under the Ministry of Finance and Planning, in collaboration with ILO-IPEC conducted the Child Activity Survey 1999 to measure the extent of child labor in Sri Lanka. Approximately 7.5 percent (69,064) of the 926,038 working children were in full-time employment, while an estimated 67.1 percent (621,705) of working children combined work with school and household activity. *See* "Summary of Findings of Child Labor Survey."

agricultural sector.²³⁶⁸ Children are also found working in the manufacturing and hotel industries, and working as craft workers, street peddlers, and domestic servants.²³⁶⁹

The trafficking of children for exploitative work and prostitution are recognized forms of child labor in Sri Lanka. Children are primarily trafficked internally to work as domestic laborers or for the purposes of sexual exploitation, especially at tourist destinations.²³⁷⁰ Conscripting of youths under 18 years into the armed forces also occurs in Sri Lanka. Reports indicate that children have been forcibly recruited to serve as child soldiers by the Liberation Tigers of Tamil Eelam (LTTE).²³⁷¹

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is compulsory and free for children between the ages of 5 and 14.²³⁷² In 1998, the gross primary enrollment rate was 107.4 percent, and the net primary enrollment rate was 89.5 percent.²³⁷³ Primary school attendance rates are unavailable for Sri Lanka. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁷⁴

Child Labor Laws and Enforcement

Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.²³⁷⁵ The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.²³⁷⁶ Forced labor is prohibited under the Abolition of Slavery

²³⁶⁸ Sixty-four percent of working children are found in the agricultural sector. Children working in the agricultural sector include child employees on farms or unpaid child workers helping in family enterprises. See "Summary of Findings of Child Labor Survey."

²³⁶⁹ "Summary of Findings of Child Labor Survey."

²³⁷⁰ ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation*, Country Report, Sri Lanka (Manila, 2001) [hereinafter *ILO-Japan Asian Meeting*] [CD-ROM]. See also U.S. Department of State, *Trafficking in Persons Report*, July 2001, Sri Lanka [hereinafter *Trafficking in Persons Report*].

²³⁷¹ *Country Reports on Human Rights Practices for 2000—Sri Lanka* (Washington, D.C.: U.S. Department of State, 2001), [hereinafter *Country Reports for 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/index.cfm?docid=704>. See also Sonia Rosen, Solidarity Center, "Sri Lanka: Recent Reports on Child Labor Problems Which Violate ILO Convention 182." See also unclassified telegram 1719.

²³⁷² Government of Sri Lanka, Ministry of Labor, Education Ordinance of 1997, "Compulsory Attendance of Children at Schools," Regulation No. 1 of 1997, at http://www.labour.gov.lk/documents/9_1_Chap.htm on 10/18/01. See also UNESCO, *The Education for All 2000 Assessment: Country Reports—Sri Lanka* at http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html on 10/18/01.

²³⁷³ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²³⁷⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²³⁷⁵ Embassy-Sri Lanka, submission to USDOL official, September 21, 2000.

²³⁷⁶ Government of Sri Lanka, Ministry of Labor, Shop and Office Employees Act No. 19 of 1954, at http://www.labour.gov.lk/documents/4_4_Chap.htm on 10/18/01.

Ordinance of 1844.²³⁷⁷ The Employment of Women, Young Persons, and Children Act No. 47 of 1956 prohibits work by children that may be injurious, the work of children under the age of 12 during school hours, and the night work of children under 18 years in industrial settings.²³⁷⁸ The Code of Criminal Procedure and the Penal Code contain provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.²³⁷⁹ The minimum age for entering the armed forces is 18; however, parental consent is required if a recruit is under the age of 21.²³⁸⁰

The NCPA is the central agency for coordinating and monitoring action on the protection of children,²³⁸¹ but the Department of Labor, the Department of Probation and Child Care Services and the Police Department are responsible for the enforcement of child labor laws that are under their respective jurisdictions.²³⁸² In 2000, a total of 194 complaints were filed on child labor violations, of which seven were prosecuted and 79 were dismissed because of lack of evidence or faulty grievances.²³⁸³

The Government of Sri Lanka ratified ILO Convention 138 on February 11, 2000, and ILO Convention 182 on March 1, 2001.²³⁸⁴

²³⁷⁷ Embassy-Sri Lanka, submission to USDOL, November 8, 2001 [hereinafter November 8, 2001, submission to USDOL]. *See also Country Reports for 2000.*

²³⁷⁸ Government of Sri Lanka, Ministry of Labor, Employment of Women, Young Persons, and Children Act No. 47 of 1956, at http://www.labour.gov.lk/documents/4_5_Chap.htm on 10/18/01. Persons in violation of this act may be subject to fines of up to 1,000 rupees (USD 11), a period of imprisonment not to exceed 6 months, or some combination of both. Special provisions under this act are applied to children working at sea. Except in the case of family work or apprenticeship programs, children are not allowed to work at sea. The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. For currency conversion, *see* <http://www.carosta.de/frames/convert.htm> on 2/7/02.

²³⁷⁹ Penal Code Act No. 22 of 1995 as cited in the Protection Project Database at www.protectionproject.org. *See also* Code of Criminal Procedure (Amendment) Act No. 19 of 1997 and Penal Code (Amendment) Act No. 22 of 1995, as cited in ILO, NATLEX Database, at <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang'E&doc'query&ctry'LKA&llx'12.01>.

²³⁸⁰ Electronic correspondence from Theresa Manlowe, U.S. Embassy-Colombia, to U.S. Department of Labor official (April 11, 2002).

²³⁸¹ *ILO-Japan Asian Meeting*. *See also* unclassified telegram 1719.

²³⁸² November 8, 2001, submission to USDOL.

²³⁸³ Unclassified telegram 1719.

²³⁸⁴ ILO, ILOLEX database: Sri Lanka, at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.