

Sri Lanka

Incidence and Nature of Child Labor

The Sri Lankan Department of Census and Statistics estimated in 1999 that 14.9 percent of children ages 5 to 14 years in Sri Lanka were working.³⁷¹⁶ According to the survey, the majority of working children are in the agricultural sector.³⁷¹⁷ Children are also found working in the informal manufacturing, hotel, and trade industries, and working as craft workers, street peddlers,³⁷¹⁸ and domestic servants.³⁷¹⁹ Some children from rural areas are reportedly sent to work as domestic servants in urban households where, due to debts owed by their parents to traffickers, they may find themselves in situations that amount to debt bondage.³⁷²⁰ The government estimates that more than 2,000 children are engaged in prostitution. The majority of children engaged in prostitution are victimized by local citizens, though there are reports of sex tourism as well.³⁷²¹ Trafficking of children typically does not cross national borders; children are trafficked within the country to work as domestic servants and for the purposes of sexual exploitation, especially at tourist destinations.³⁷²²

Child soldiering remains a persistent problem.³⁷²³ Despite the ceasefire, reports indicate that children continue to be recruited, released and re-recruited to serve as soldiers by the Liberation Tigers of Tamil

³⁷¹⁶ It was reported that 25,533 children were not attending school, and 449,998 working children were attending school while working. Another 38.9 percent of children ages 15 to 17 years and of legal working age were found working. Of them, 209,085 were not attending school, and 241,422 were attending school while working. See Department of Census and Statistics and Ministry of Finance and Planning, *Child Labor Survey in Sri Lanka*, Government of Sri Lanka, 1999, Tables 7 and 18. In 2004, the Government of Sri Lanka reported a declining trend in child labor overall, primarily attributed to increasing public awareness and strengthened regulation of child labor. See U.S. Embassy- Colombo, *unclassified telegram no. 1396*, August 23, 2004.

³⁷¹⁷ Sixty-four percent of working children ages 5 to 17 years were found in the agricultural sector. See Department of Census and Statistics and Ministry of Finance and Planning, *Child Labor Survey*, Table 3.16.

³⁷¹⁸ Department of Census and Statistics, *Summary of Findings of Child Labor Survey in Sri Lanka*, Government of Sri Lanka, [online] 1999 [cited May 21, 2004], 5-6; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/report/srilan99/indexpr.htm>.

³⁷¹⁹ The situation of domestic service is not regulated or well documented, although many thousands of children are believed to be employed in domestic service. A 2003 survey of 4,076 families found 61 child domestic workers under 18 years old. Of these children, 8.2 percent (5 children) were below 14 years old, thereby under the legal working age of domestic workers according to law. See Nayomi Kannangara, Harendra de Silva, and Nilaksi Parndigamage, *Sri Lanka Child Domestic Labour: A Rapid Assessment*, ILO-IPEC, Geneva, September 2003; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/ra/domestic.pdf>.

³⁷²⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Sri Lanka*, Washington, D.C., February 25, 2004, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27951.htm>.

³⁷²¹ Local groups speculate that the number of child prostitutes is significantly higher than 2,000. *Ibid.*, Section 5.

³⁷²² U.S. Embassy- Colombo, *unclassified telegram no. 1436*, August 18, 2003. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labor and Sexual Exploitation: Country Report- Sri Lanka* [CD-ROM], Manila, 2001. See also Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002, 16; available from <http://www-ilo-mirror.cornell.edu/public/english/standards/ipec/simpoc/srilanka/ra/cse.pdf>.

³⁷²³ U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

Eelam (LTTE).³⁷²⁴ Between January 2002 and November 2004, UNICEF documented 4,600 cases of child recruitment by the LTTE, but only 1,208 children released from its forces.³⁷²⁵

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is free and compulsory for children 5 to 14.³⁷²⁶ In 2001, the gross primary enrollment rate was 110.4 percent.³⁷²⁷ The gross enrollment ratio is based on the number of students formally registered in primary school and therefore does not necessarily reflect actual school attendance. Primary attendance rates for Sri Lanka are not available.

Educational reforms to improve the quality of education were initiated by the government in 1999, but education authorities and parents in rural and conflict-affected areas are not fully informed that education is to be free and compulsory, and that monitoring and evaluation of educational reforms are to involve school authorities, parents, and students.³⁷²⁸ Education facilities in the northeast of Sri Lanka have been badly affected by the civil war. UNICEF estimates that 50,000 children are out of school and that more than 6,000 secondary school teachers are needed to fill vacant posts.³⁷²⁹

The December 26 tsunami left thousands of children in Sri Lanka orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor exploitation. However, the impact of the disaster on children's involvement in exploitive child labor has yet to be determined.

³⁷²⁴ From 1983 to 2001, the Government of Sri Lanka fought the LTTE, an armed terrorist group fighting for a separate ethnic Tamil state in the North and East of the island. The LTTE use children for work as cooks, messengers, clerks, and as laborers for building. See U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 1, 5 and 6d. See also Human Rights Watch, *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*, Vol.16, No.13 (C), November, 2004, 49, 53; available from <http://hrw.org/reports/2004/srilanka1104/srilanka1104.pdf>.

³⁷²⁵ In March 2004, the LTTE split into two factions. The Karuna LTTE was disbanded in April after being defeated by the Vanni LTTE and all the child soldiers in the Karuna forces were allowed to return home or were released to their families. In June 2004, however, the Vanni forces started an intense campaign to re-recruit Karuna's disbanded soldiers. Between April and August 2004, almost 100 cases of child re-recruitment was documented by UNICEF. Human Rights Watch, *Living in Fear*, 15, 30, 37, 49. During the fighting between the two factions, a 17 year old female child soldier was killed. See UN News Service, *UNICEF calls for Sri Lanka Rebels to End Recruitment of Child Soldiers*, [hard copy on file] April 19, 2004 [cited May 25, 2004]. See also U.S. Embassy-Colombo, *unclassified telegram no. 1396*.

³⁷²⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Sri Lanka*, prepared by Ministry of Education and Higher Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html. See also Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*; available from http://www.labour.gov.lk/documents/9_1_chap.htm.

³⁷²⁷ Net enrollment rates are not available for Sri Lanka. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁷²⁸ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Sri Lanka (Unedited Version)*, CRC/C/15/Add.207, prepared by Government of Sri Lanka, pursuant to Consideration of Reports Submitted by State Parties Under Article 44 of the Convention, June 6, 2003, para. 42-43.

³⁷²⁹ UNICEF Press Center, *Call to Increase Action for Sri Lanka's War Affected Children*, [online] 2004 [cited May 25, 2004]; available from http://www.unicef.org/media/media_19036.html. An estimated one-third of school-aged children in the areas of the north controlled by the LTTE have either dropped out or never attended school. See UNICEF, *At a Glance: Sri Lanka*, August 17, 2003 [cited May 21, 2004]; available from <http://www.unicef.org/infobycountry/srilanka.html>.

Child Labor Laws and Enforcement

The minimum age for employment in most occupations is 14 years. Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.³⁷³⁰ The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.³⁷³¹ The Employment of Women, Young Persons, and Children Act No. 47 of 1956 prohibits work by children that may be injurious, work by children during school hours, and work by children under 18 years in industrial settings at night.³⁷³² In 2003, this Act was amended to allow children below 14 years old to work only in part-time family agricultural work or participate in technical training. Children below 14 years old are prohibited to work in any family-run industrial operations. Children under 15 years are no longer allowed to work at sea on family-owned vessels.³⁷³³ The Factories Ordinance requires medical certification of children under 16 years old prior to employment, and prohibits children below 18 years old from engaging in hazardous employment.³⁷³⁴ In 2004, the National Labor Advisory Council chaired by the Minister of Labor approved a list of 50 occupations considered to be the worst forms of child labor.³⁷³⁵

Forced labor is prohibited under the Abolition of Slavery Ordinance of 1844.³⁷³⁶ The Penal Code contains provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.³⁷³⁷ Penalties for trafficking children include imprisonment of 5 to 20 years and a fine.³⁷³⁸ The minimum age for recruitment into the armed forces is 18 years old.³⁷³⁹

³⁷³⁰ U.S. Embassy- Sri Lanka, letter to USDOL official, September 21, 2000. However, younger children are allowed to be employed by their parents or guardians for limited work in agriculture. See Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act No. 47 of 1956*, Part III, para 14(1) (a) (i); available from http://www.labour.gov.lk/documents/4_5_chap.htm.

³⁷³¹ Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*; available from http://www.labour.gov.lk/documents/4_4_chap.htm.

³⁷³² The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. See *Employment of Women, Young Persons, and Children Act*, Part I.

³⁷³³ The amendment increased penalties for child labor violations to Rs 10,000 (approximately USD 97) and 12 months imprisonment. See the Employment of Women, Young Persons, and Children (Amendment Act) No. 8 of 2003 as cited in U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also *Employment of Women, Young Persons, and Children (Amendment) Act No. 8 of 2003*, (March 17, 2003), [hard copy on file]. For currency conversion, see FXConverter, [online] [cited May 25, 2004]; available from <http://www.oanda.com/convert/classic>.

³⁷³⁴ U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 6d.

³⁷³⁵ The list is pending approval by the Cabinet and Parliament. Upon approval of the list, amendments to existing laws will become necessary to harmonize regulations and laws. U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

³⁷³⁶ U.S. Embassy- Sri Lanka, letter to USDOL official, November 8, 2001. See also U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 6c.

³⁷³⁷ Government of Sri Lanka, *Penal Code (Amendment)*, 1995, Act no. 22. See also Government of Sri Lanka, *Penal Code (Amendment)*, 1998, Act no. 29.

³⁷³⁸ U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 6f.

³⁷³⁹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, [online] 2002 [cited May 21, 2004], 90; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

The National Child Protection Authority (NCPA) is the primary oversight agency for the protection of children against any form of abuse.³⁷⁴⁰ The Department of Police is responsible for enforcing all complaints related to the worst forms of child labor since most offences are to be prosecuted under the Penal Code.³⁷⁴¹ The Department of Labor enforces labor laws through regional offices and, in many instances, in collaboration with the police. The Department of Probation and Child Care Services is responsible for providing protection and shelter to child victims of all forms of abuse.³⁷⁴²

From January to June 2004, a total of 64 complaints on child labor violations were reported by the Department of Labor, of which 19 were prosecuted.³⁷⁴³ Through the NCPA cyber watch unit that monitors websites for advertisements soliciting children, 11 investigations and 2 arrests were carried out on charges of child pornography and pedophilia.³⁷⁴⁴

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

The Children’s Charter is the primary policy document that promotes the rights of the child.³⁷⁴⁵ The Government of Sri Lanka, through the NCPA, conducts training programs on child protection issues, including child labor, for government and social welfare officials, medical professionals, and the police.³⁷⁴⁶ The Department of Labor also trained 300 labor, probation and police officers on child labor issues in 2003-2004.³⁷⁴⁷ The NCPA carries out public awareness campaigns on child trafficking and

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/11/00	✓
Ratified Convention 182	3/1/01	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		✓
Sector Action Plan (War-affected children)		✓

³⁷⁴⁰ Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17. See also Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*; available from http://www.labour.gov.lk/documents/10_chap.htm. NCPA works with 450 social welfare officers at the community level and has also established 11 district child protection committees to further raise awareness of child abuse issues, including child labor. See U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

³⁷⁴¹ Embassy of Sri Lanka in the United States of America, Information on efforts made by Sri Lanka to Eliminate Worst Forms of Child Labor -- U.S. Department of Labor, letter, to USDOL official, August 30, 2004.

³⁷⁴² *Ibid.*

³⁷⁴³ U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

³⁷⁴⁴ From January to August 2004, 11 investigations (6 of which were of foreign suspects) and 2 arrests (both of foreign suspects) were made. See *Ibid.*

³⁷⁴⁵ The Children’s Charter was enacted in 1992 and represents the provisions of the UN Convention of the Rights of the Child (CRC). A monitoring committee was established to promote legal reforms and monitor the government’s commitment to the CRC. See Save the Children- UK, *Country Report- Sri Lanka*, [previously online] [cited June 14, 2003], 13, [hard copy on file].

³⁷⁴⁶ Training includes trauma and psychosocial counseling, surveillance, legal awareness, as well as training of trainers on these issues. See U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

³⁷⁴⁷ *Ibid.*

commercial sexual exploitation of children, and provides counseling services to child victims of commercial sexual exploitation and to former child soldiers.³⁷⁴⁸ The Tourist Bureau also conducts awareness-raising programs for at-risk children in resort regions prone to sex tourism.³⁷⁴⁹

The Government of Sri Lanka is currently participating in several projects funded to eliminate child labor in the country. These projects include the ILO-IPEC regional project funded by USDOL to combat child trafficking in Asia,³⁷⁵⁰ and an inter-regional ILO-IPEC project that provides vocational training and skills development for former child soldiers and the creation of sustainable employment opportunities for children above legal working age.³⁷⁵¹ Other international and local NGOs are working towards eradicating child labor and sexual exploitation of children.³⁷⁵² In collaboration with ILO-IPEC and UNICEF, the NCPA has assisted in establishing rehabilitation centers that provide protection to child victims of trafficking, as well as vocational training and counseling services.³⁷⁵³ Vocational training and skills development for former child soldiers will be provided that will include the creation of sustainable employment opportunities.³⁷⁵⁴

The government and the LTTE's Action Plan for Children Affected by War to end child recruitment outlined actions that the government, LTTE, local NGOs, and UN agencies needed to take to meet the education, health, and social welfare needs of children and their families in 2004. UNICEF, ILO-IPEC, Save the Children, the Ministry of Social Welfare, Tamil Rehabilitation Organization, UNDP, and UNCHR are implementing various components of plan.³⁷⁵⁵

In an effort to get more children into school, the second phase of the General Education Project, funded by the World Bank, aims to improve the quality, access, and management of schools, including improved

³⁷⁴⁸ U.S. Department of State, *Trafficking in Persons Report-2004: Sri Lanka*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33197.htm#srilanka>.

³⁷⁴⁹ The Bureau comes under the Ministry of Tourism. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16.

³⁷⁵⁰ ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, September 30, 2002, 8.

³⁷⁵¹ Partnering government agencies will include the Departments of Agriculture and Industry, and other organizations at the district level. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Program, Sri Lanka Country Annex*, Geneva, 2004, 8. The Government of Norway provided funding to ILO-IPEC for development of a concept paper on children affected from war. ILO-IPEC official, Active IPEC Project list, annex 1, email correspondence to USDOL official, August 25, 2004.

³⁷⁵² Organizations working to combat child labor and sexual exploitation of children include ILO/IPEC, UNICEF, UNHCR, Redd Barna, Save the Children (UK), Swedish International Development Cooperation, Sarvodaya Suwasetha Sangamaya, Don Bosco Technical Training Center, Community Health Foundation, Social Economic and Development Center, Eradicating Sexual Child Abuse, Prostitution and Exploitation, and Protecting Environment and Children Everywhere. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17-20.

³⁷⁵³ U.S. Embassy- Colombo, *unclassified telegram no. 1396*. The Department comes under the Ministry of Social Services. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16. According to the Committee on the Rights of the Child, government bodies such as the National Monitoring Committee, the National Child Protection Authority, and the Department for Probation and Child Care Services do not effectively coordinate the implementation of the UN Convention on the Rights of the Child, and the roles of these bodies are not clearly defined. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 13.

³⁷⁵⁴ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict, Sri Lanka Country Annex*, 2.

³⁷⁵⁵ The Ministry of Social Welfare is expanding its capacity on child care. UNICEF Press Center, *Call to Increase Action*.

curriculum management and the training of teachers for grades one to nine.³⁷⁵⁶ The government operates a school meal program for first-year students in areas that have high malnutrition and provides school uniform material to needy children.³⁷⁵⁷

³⁷⁵⁶ The USD 83 million project began in 1997 and is scheduled to end in December 2004. See World Bank, *General Education Project (02)*, May 21, 2004 [cited May 21, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P010525>.

³⁷⁵⁷ U.S. Embassy- Colombo, *unclassified telegram no. 1436*.