Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Sri Lanka – 2nd Session – 2008

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National Report

The overall aim of the national education policy is to ensure universal access to quality education. The adult literacy rate in the country is comparatively high at 90.7 per cent. In Sri Lanka education at primary and secondary level is free and compulsory all over the country, with university education also being free of charge. In order to ensure better access to quality education for high achieving students in less well resourced areas, 15 000 scholarships are provided annually for students moving from primary to secondary level, to national schools throughout the country. Since the education itself is free, the financial component is provided for maintenance purposes.

The government has taken action to combat malnutrition among children and expectant mothers. A free mid-day meal which is high in nutritional value is provided to schools where students’ malnutrition levels are over 40 per cent. The programme covers a large number of needy students at a cost of Rs. 721 million per annum. To improve nutritional practices among expectant mothers, a ‘National Nutrition Month’ was declared in May 2006. A free nutritional supplement (Thriposha) is distributed to expectant mothers to improve their nutrition levels. In 2006 there were 715,211 beneficiaries under this programme. The State Pharmaceuticals Corporation has also launched a programme to provide drugs at a reduced price to pregnant mothers, the elderly and to children.

Nearly a third of the population of Sri Lanka is below 18 years of age. Sri Lanka is Party to the Convention on the Rights of the Child and both its Optional Protocols. Sri Lanka has a very good record with regard to child development, education and healthcare. A dedicated line ministry – the Ministry of Child Development and Women's Empowerment - with four statutory bodies under its purview namely: Sri Lanka National Child Protection Authority, Department of Probation and Childcare Services, Children's Secretariat and the Office of the Sevana Sarana Foster-Parent Scheme, exists to formulate and implement policies to advance, secure and guarantee the rights of children. The National Plan of Action for the Children of Sri Lanka (2004 – 2008) has, as its main targets, access to education, reducing infant mortality, child labour law enforcement, access to safe drinking water and sanitation and the eradication of several forms of abuse of children.

The Children and Young Persons Ordinance forms the legal basis for child protection and covers a vast array of issues. Additionally, Sri Lanka has taken several measures to combat the exploitation and abuse of children. Enhanced statutory penalties have been prescribed for utilisation of children in unsuitable work including compensation in keeping with our obligations under Worst Forms of Child Labour Convention, 1999. The protection of children for pornography, sexual exploitation, begging and trafficking also draws heavy penalties. Adoption of children (especially international adoption) is an area of particular concern and, as a state party to the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption, 1993, a strict legal regime exists to protect children’s interests. The criminal justice system is geared towards the rehabilitation of child offenders. Free telephone hotlines have been established to provide contact in case of any abuse of children. Cyber surveillance operations monitor internet-based predation upon children. The National Child Protection Authority was established in 1998 with the intention of creating a central body that would focus its attention and efforts on preventing child abuse, prosecuting offenders, fostering national awareness of children’s rights, providing policy advice to Government and in assisting victims of abuse. A series of amendments to the Penal Code in 1995 greatly enhanced protection for children by introducing new penal provisions relating to exploitation of and cruelty to children and also prescribing enhanced penalties for a range of offences where the impugned acts were committed against persons under the age of 18.

The issue of children and armed conflict has been of particular concern for Sri Lanka. Sri Lanka played an active role in bringing the issue of child combatants to the forefront at the UN. Sri Lanka volunteered to work with the UN Security Council Working Group on
auto-generated
before a judge and informed of the reasons for arrest and any charges against them.

JCSR noted the denial of access to legal termination of pregnancy for women and girls who are victims of rape and incest.

SLDF stressed that internally displaced people (IDPs) live in very poor conditions with inadequate access to housing, health care, and education; many have been repeatedly displaced. WMC noted that there is fear amongst families, both within and outside IDP camps, about security of, and sexual violence against young women, resulting in families arranging ‘marriages’ for their teenage daughters. Young girls are not sent to school due to the increased number of checkpoints. At many camps and welfare sites facilities are minimal with regard to health issues, such as family planning, child bearing and feeding infants.

Final Report

- As regards the issue of child soldiers, the Hon. Samarasinghe stated that the Government of Sri Lanka reiterates the position taken in its national report and emphasises its zero-tolerance policy supported by strong legislative measures. The Government was encouraged that the TMVP facilitated the release in April of 39 children held by the paramilitary group known as the Karuna Faction. The Government is pleased to note that UNICEF has recorded a drop of children held by the Karuna Faction from 164 in January 2008 to 76 at the end of April. Unfortunately the figures for the LTTE are not as encouraging. The Government has called on all groups that have used children in armed conflict to cease the practice immediately and to release all minors in their custody.

(ii) Interactive Dialogue with the State under Review

- Canada recommended that Sri Lanka continue to take steps to ensure that those organisations, with which it is affiliated, like the TMVP, stop recruiting child soldiers and release them. It further recommended that Sri Lanka investigate all allegations of extrajudicial, summary or arbitrary executions and bring the perpetrators to justice in accordance with international standards in order to combat impunity for human rights violations. Canada specifically referred to the public hearings of the Commission of Inquiry which implicated members of the Government and security forces in the murder of five boys in Trincomalee.

- Bahrain noted Sri Lanka’s continuous efforts to eliminate poverty and strengthen the right of health and education. It requested additional information on the human rights concepts included in the school curricula and their impact on the quality of teaching.

- India noted the success achieved by Sri Lanka in providing free education to its people.

- Sweden raised the issue of numerous disappearances and child recruitment, not only related to the LTTE. In spite of numerous national efforts, impunity persists. Calls made for independent international monitoring of the situation has not yet been accepted by Sri Lanka. Sweden urged that (a) measures against impunity in relation to disappearances and child recruitment as well as (b) an acceptance of independent international monitoring be taken up as recommendations.

- Belgium condemned the continued recruitment of child soldiers by the LTTE troops. TMPV, which remains close to the Government, also recruits child soldiers. It recommended to Sri Lanka to take judicial and other measures to put an end to the complicity of the army and police in the recruitment of child soldiers in zones under its control. It noted efforts underway with the assistance of the international community for the rehabilitation of child soldiers. The Special Rapporteur on the question of torture noted cases of child soldiers who were arrested and remain under the authority of the anti-terrorist department. Belgium recommended to Sri Lanka to step up its efforts for the rehabilitation of child soldiers – in particular through enhanced cooperation with the international community – and to adopt measures necessary for their rehabilitation in an appropriate environment.

- Nepal noted that despite the difficult situation resulting from the armed conflict, Sri Lanka has deployed resources in the fields of education and the protection of children.

- Luxembourg noted numerous concerns regarding violations of children’s rights, as well as conscriptions and abductions of children in the immediate vicinity of the official security sites. Luxembourg recommended to Sri Lanka to (a) pursue the ongoing inquiries into allegations of violations of children’s rights, such as conscriptions and abductions of children in the near vicinity of official security sites, and to adopt vigorous measures to prevent such grave violations, in particular in areas held by the government; and (b) take other urgent measures for the re-integration of children who have surrendered to the governmental forces asking for special protection and that are currently held in prisons.

- Finland enquired how protection of civilians is ensured during the conflict and expressed particular concern for the situation of journalists and abducted children.

- The Holy See commended Sri Lanka on the numerous national human rights mechanisms put in place and attention was drawn to the plight of the many child soldiers who are enrolled by the Tigers, but also, as confirmed by many reports, by the Karuna group, which seems close to the Government. The Holy See encouraged the authorities of Sri Lanka to investigate the involvement of the paramilitary Karuna Group of abducting children for use as soldiers.

- Slovenia enquired what the minimum age for voluntary recruitment into Sri Lanka’s armed forces exist, and if so what it is, and about safeguards to ensure that recruitment is not forced. Slovenia recommended to Sri Lanka to investigate allegations of forced recruitment of children by the TMVP/Karuna faction and hold accountable persons found in violation of CRC and its Optional Protocol.

- While noting the zero-tolerance policy for child recruitment and steps made to rehabilitate former child soldiers, New Zealand remained concerned at reports that child recruitment continues. New Zealand recommended that Sri Lanka take further steps to improve the effectiveness of its measures to combat the recruitment of child combatants and welcomed Sri Lanka’s comments on this proposed recommendation.
- Romania noted the creation of a commission to investigate allegations of abduction and recruitment of child soldiers by various forces, and enquired about how it operates, results achieved, and other measures Sri Lanka will take to fully implement its obligations under Optional Protocol to CRC on the involvement of children in armed conflict. It recommended to Sri Lanka to investigate the role of security forces in child recruitment and hold those responsible accountable. Romania requested information on Sri Lanka’s intentions to combat child labour, the results achieved, and the lack of minimum age for marriage.

- Italy recommended that Sri Lanka take further active measures in order to put an immediate end to forced recruitment and to the use of children in armed conflicts by all factions, including the Karuna Group.

- Poland enquired about steps taken to combat sexual exploitation of children and child prostitution, especially in coastal resorts. Poland recommended to Sri Lanka to ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child.

- Guatemala enquired whether there are any plans to alter the minimal age of criminal responsibility.

- The Democratic People’s Republic of Korea noted progress made in providing essential services as well as the efforts to reach its Millennium Development Goals, especially to increase the literacy rates, school enrolment and health care outcomes.

- The Republic of Korea asked about concrete measures taken to prevent the alleged abductions and recruitment of child soldiers.

- The United States of America noted Sri Lanka’s struggle against terrorism and recommended the following: (a) demobilise child soldiers by assuring children serving with pro-government militias (forced or voluntary) are released and adequate resources allocated for disarmament, demobilisation, reintegration, repatriation and other activities to halt the unlawful recruitment of children; (b) Sri Lanka’s plan to address the forcible recruitment of child soldiers should be publicised and (c) Sri Lanka should work with international and domestic non-State actors to halt the recruitment and use of child soldiers.

- Uruguay asked about measures to ensure that detained children, including those suspected of belonging to the LTTE and those who were forcibly recruited and escaped, are separated from adults and receive special care and attention.

- Prof. Rajiva Wijesinha welcomed questions regarding education and language policy, since these would serve to make clear the commitment of the Government to pluralism and equitable development. Though for many years the Official Languages Act had not been implemented properly, this was now being promoted apace and over the last decade bilingualism through education had been implemented, while making English more widely available for reasons of equity.

**Conclusion and Recommendations**

The recommendations formulated during the interactive dialogue have been examined by Sri Lanka and the following recommendations enjoy the support of Sri Lanka:

- Ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child (Poland).

- Step up its efforts for the rehabilitation of former child soldiers – in particular through enhanced cooperation with the international community and adopt measures necessary for their rehabilitation in an appropriate environment (Belgium);

- Adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as the recruitment of child soldiers, in accordance with international norms and in a transparent manner (Sweden);

- Take judicial and other measures to put an end to the recruitment of child soldiers in all parts of its territory, and accordingly give further appropriate directions to the security forces and police to ensure their implementation (Belgium);

- Investigate allegations of forced recruitment of children and hold to account any persons found in violation of CRC and its Optional Protocol (Slovenia);

- Take further steps to improve the effectiveness of measures to combat the recruitment of child soldiers (New Zealand);

- Take active measures in order to put an immediate end to forced recruitment and use of children in armed conflicts by all factions (Italy);

- (a) Pursue the ongoing inquiries into allegations of violations of children’s rights in armed conflict, such as conscriptions and abductions of children anywhere and to adopt vigorous measures to prevent such violations; and (b) take other urgent measures for the re-integration of children who have surrendered to the governmental forces asking for special protection or who are currently held in prisons (Luxembourg);

(iv) Voluntary Commitments of the State under Review

In pursuit of its commitment to the further promotion and protection of human rights, Sri Lanka voluntarily makes the following commitments:

- As a part of its commitment to guarantee civil and political rights as well as economic, social and cultural rights of its people, Sri Lanka will continue to align its development strategy within the larger framework of promoting local values and social protection for women, children, elderly and differently-abled people and other vulnerable groups in society and respect for human rights and good governance.

- Sri Lanka will continue to take steps to safeguard and advance the rights of children through national mechanisms such as the National
Child Protection Authority and the Ministry of Child Development and Women's Empowerment. Sri Lanka will also continue to actively support international processes that seek to advance the rights of the child.

- Sri Lanka will continue to take steps that seek to advance the empowerment of women and women’s rights and gender equality at national level through the Ministry of Child Development.

- Trafficking of human beings, particularly women and children, is emerging as one of the most urgent issues of today and involves the gross violation of human rights of vulnerable segments of the society. In line with Sri Lanka’s policy of open and constructive engagement with the international community and its commitment to enforce global standards, Sri Lanka will work closely with its partners to combat this heinous activity.

- Sri Lanka will introduce changes in both formal and non-formal educational systems to introduce and/or further develop the human rights content within these programmes with a view to nurturing a culture of human rights in society.