



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-fifth session

Summary record of the 1567th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 September 2010, at 10 a.m.

Chairperson: Ms. Lee

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Third and fourth periodic reports of Sri Lanka (CRC/C/LKA/3-4; CRC/C/LKA/Q/3-4 and Add.1; HRI/CORE/LKA/2008)

1. *At the invitation of the Chairperson, the members of the delegation of Sri Lanka took places at the Committee table.*
2. **Ms. Wijemanne** (Sri Lanka), introducing her country's third and fourth periodic reports, said that the end of the conflict in Sri Lanka that had lasted nearly three decades had created opportunities for improving the well-being of all children in the country. Even during the period of the conflict, the policies and programmes of successive Governments had continued to respect the best interests of the child in terms of their survival, development and protection. Such policies had resulted in a steady decline in under-five mortality and the attainment of near-universal school enrolment without gender discrimination. The provision of free health care and education, including free textbooks and uniforms, had continued, even in areas affected by conflict. Measures had also been introduced for protecting children from abuse and exploitation, in particular, the elimination of the worst forms of child labour.
3. She recalled that 70 to 80 per cent of the former combat forces of the Liberation Tigers of Tamil Eelam (LTTE) had been forcibly recruited as children, including both boys and girls. Following a process of rehabilitation modelled on international rules and standards, all child combatants had now been reunited with their families and had resumed normal lives, including schooling and vocational training. The Government had received no reports of forcible recruitment since May 2009.
4. Sri Lanka had cooperated closely with the Security Council Working Group on Children and Armed Conflict established pursuant to Security Council resolution 1612 (2005). The Working Group had welcomed the Government's zero-tolerance policy regarding the recruitment and use of children in armed conflict, the measures taken for their rehabilitation and reintegration, and the assurances given to the Special Envoy of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG) and to the Working Group that children who had formally been associated with armed groups would be considered victims and would not be prosecuted. Similar assurances had also been given by the Attorney General of Sri Lanka during the interactive dialogue with the Secretary-General that had been held during the fifteenth session of the Human Rights Council. The Attorney General had stated that in post-conflict Sri Lanka, there were no situations of child recruitment for the purpose of combat in any part of the country, and that, while the Government was fully committed to continuing its dialogue with the office of the Special Representative, the United Nations Children's Fund (UNICEF) and all other United Nations agencies concerned with the care and protection of children, the Government of Sri Lanka was of the view that children in armed conflict no longer constituted an issue of concern. Child soldiers had been rehabilitated and would be given all the care and protection that the Government could provide.
5. Following its emergence from a protracted armed conflict, Sri Lanka had shifted its priorities concerning children, which currently focused on providing uniform services to all children throughout the country. In addition, it was committed to further reducing under-nutrition and providing its young people with more life skills. Special children's courts were being established and the juvenile justice system was in the process of being improved. Priority was also being given to ensuring the protection of children from abuse and exploitation.

6. The Government recognized that gaps in its system of protection for children were attributable not only to shortcomings in State institutions but also to poverty and ignorance. Problems affecting children of single-parent families were currently being addressed, as were the needs of women widowed as a result of the conflict. Early childhood development programmes were to be further strengthened and expanded to rural areas. Emphasis had been placed on returning to normality in the areas affected by the conflict, as it was essential to the empowerment of children and young people in those areas that they should find reconciliation and sustainable peace.

7. Sri Lanka recognized the need to improve compliance with the rules and standards embodied in the Convention and its Optional Protocols, and continued to work towards greater harmonization of its domestic law with those instruments. Although the relationship between treaty law and customary law in Sri Lanka was complex, in view of the diversity of cultural and religious practices that had existed for generations, the Government was continuing to advocate for change in accordance with the best interests of the child.

8. The Government recognized the need to continue working with relevant United Nations agencies and interested members of the international community in upholding children's rights. In addition, it welcomed the participation of civil society organizations. The relationship between State authorities, civil society organizations and communities must be mutually reinforcing and in keeping with the best interests of children. Moreover, the services provided to children must be sustainable.

9. Children's rights required progressive interpretation through judgements and case law, which had to be based on international principles and the cultural values of each country. The Government warmly appreciated and solicited the cooperation of the international community in further advancing children's rights in Sri Lanka. The collective aim should be to improve not only the conditions of the current generation of children but also those of future generations, who had the opportunity to grow up with dignity in a peaceful Sri Lanka.

10. **Ms. Aidoo** (Country Rapporteur) said that Sri Lanka had, for decades, been regarded in South Asia, the Commonwealth and the general international community as a leader in the promotion of social and human development. Its remarkable achievements in the areas of widespread high standards of education, health and social services had been sustained through a policy of fully subsidized health and education for all citizens, and social welfare assistance to households. Sri Lanka was on track to meet the Millennium Development Goals and had also undertaken significant legislative reforms to enhance the rights of children.

11. However, the country was not free from major challenges that threatened or undermined the progressive fulfilment of all the rights covered by the Convention. The two most critical challenges had been the protracted civil war in the northern and eastern regions of the country that had ended in May 2009 and the catastrophic tsunami of December 2004. The combined impact of those two events had affected children dramatically. The conflict had had a direct impact on the right to life, survival and development of children and had resulted in the killing and maiming of hundreds of thousands of children. Moreover, an estimated 600,000 children were still reported missing and hundreds had been displaced from their homes.

12. Another important factor affecting children's rights was the vast programme of migration for foreign employment. According to the Sri Lanka Bureau of Foreign Employment, 1,642,455 Sri Lankans, some 62 per cent of them women, had been working abroad as contract workers in 2007. Most of the women concerned had left behind children, half of whom were under 6 years old. The immediate and long-term impact of migration — especially that of women — on the rights, well-being and development of children needed

to be studied fully by the State party in order to find effective strategies to assist children. As indicated in the periodic report, poor school attendance, child abuse and inadequate access to social services had been observed for a majority of families in poor and remote parts of the country with high levels of migration. Persistent socio-economic and geographic disparities across the country were reflected in indicators for child nutrition and maternal health in poor communities in the tea-estate sector and in the conflict-stricken area of the Northern and Eastern provinces.

13. With regard to the preparation of the report, she asked for additional information on the nature and extent of the involvement of civil society, including non-governmental organizations (NGOs), and of children. Concerning legislation, the State party had undertaken a significant review and reform of existing laws and was in the process of harmonizing them with the Convention. Although in its written replies the State party had stated that a law covering all the rights enshrined in the Convention was not practical and that a sectoral approach was preferable, in 2007 the State party had adopted a single act incorporating the provisions of the International Covenant on Civil and Political Rights and establishing respect for the best interests of the child as an overarching principle for all laws and policies relating to children. She enquired whether the Convention could be invoked directly in Sri Lankan courts.

14. With regard to the coordination of institutional efforts to give effect to the Convention, she requested information on the status of the Ministry of Child Development and Women's Affairs within the institutional structure of the Government and its capacity in terms of human, technical and budgetary resources for coordinating actions for children's rights at the national, provincial and district levels. She wished to know what priority was given to children's rights and issues on the Government's agenda.

15. She requested the delegation's comments on the downgrading of the accreditation of the National Human Rights Commission from A to B status in March 2007 by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. She asked whether children from different parts of the country, including conflict-affected areas in the Northern and Eastern provinces, camps for internally displaced persons and rehabilitation centres, had access to the National Human Rights Commission. She enquired whether consideration had been given to the establishment of a children's unit within the Commission in order to enhance children's access, as recommended by the Committee in its previous concluding observations. She wondered what measures were envisaged by the Government to address the fact that the resources of the Commission had not increased in the past 10 years.

16. She was concerned at reports of persistent discrimination against children, especially on grounds of ethnicity, caste, gender, disability and geographical location in the country. She wished to know what strategies the Government planned to adopt in order to monitor and tackle discrimination among children and to ensure equality of rights for all children.

17. **Ms. Al-Asmar** asked whether the Government had plans for systematically disseminating and raising awareness of the Convention and the two Optional Protocols. Although the National Human Rights Commission provided training in children's rights, it was not clear whether such training was given in a systematic and ongoing fashion to social workers and others in the children's rights domain, including children themselves. She enquired whether, in accordance with the Committee's recommendation, human rights modules had been incorporated in the curricula.

18. She requested additional information on progress in ensuring respect for the best interests of the child and in taking children's views into account in legislation, judicial decisions, policies and programmes. In that connection, she drew the State party's attention

to the usefulness of the Committee's general comment No. 12 on the right of the child to be heard.

19. **Mr. Guráň** requested additional information concerning the mandates of the numerous bodies and institutions that dealt with human rights and children's issues. In particular, he wished to know whether the National Human Rights Commission had complied fully with the Paris Principles, where its regional offices were located and whether children could access those offices when they needed support. He asked whether the staff working in human rights institutions had been specifically trained to deal with children's rights. In addition, he wondered whether children were informed that they had the possibility of lodging a complaint and whether human rights institutions had received any complaints directly from children. He asked for an explanation of the role of the National Human Rights Commission in relation to that of the Office of the Parliamentary Commissioner for Administration, which had functioned as the Office of the Ombudsman since 1981. In addition, he wished to know more about the structure of the National Child Protection Authority.

20. The data provided in the report appeared to be either obsolete or to reflect estimates, which made it difficult properly to evaluate the situation of children in Sri Lanka. Given that the last census had been taken in 2001, he asked when the Government planned to carry out the next census.

21. **Mr. Pūras** said that the effects of the conflict were still being felt by children in Sri Lanka, whose right to life, survival and development under article 6 of the Convention was threatened. The first was that many children were still listed as missing. He asked what measures were being taken by the State party to identify and investigate cases of missing children in order to inform their relatives of their whereabouts or, if necessary, issue death certificates. The second was the presence of some 1.5 million landmines and unexploded ordnance, which were still scattered throughout the northern area of the country. He wished to know what measures were being taken in terms of mine clearance and mine-risk education in order to enable families and children to return in safety and resettle the northern part of the country.

22. The Committee paid particular attention to the protection of children from torture, degrading treatment and other forms of violence, including corporal punishment, which was still lawful in the home and in schools. When a review had been conducted of the Children and Young Person's Ordinance, the proposed amendments had not addressed corporal punishment. Moreover, despite a ministerial circular recommending a ban on corporal punishment in schools, that recommendation did not seem to have been confirmed in legislation. He asked what measures were undertaken, including public information and awareness-raising, to promote non-violent forms of discipline and child-rearing, which were more effective than corporal punishment and respectful of children.

23. He wished to know how effect was given, in children's homes and other residential institutions, to children's civil rights, such as the rights to freedom of thought, conscience, religion, expression and privacy. He had received reports that the emotional and psychological needs of children were perhaps not being met sufficiently in those institutions, owing to a shortage of caregivers and, among those that were available, a general lack of basic skills and knowledge in respect of child rights and development. The delegation should comment on measures undertaken to protect children from abuse, neglect, torture and other forms of violence in children's homes and other residential institutions.

24. **Mr. Citarella** said that he was concerned that the Convention did not form part of Sri Lankan law and thus could not be applied directly. By the same token, its contents were not well known and he wondered what efforts had been made to disseminate it in the

various languages and different parts of the country. Secondly, as the Committee had recommended previously, there should be a unified definition of the child: different laws used different definitions. Thus, for example, 16–18 year-olds were not regarded as children under the Criminal Code. Such differences of definition also applied to the minimum age of marriage. On the one hand, the Court of Appeal had ruled that the minimum age was 18, but, in Muslim communities, the criterion appeared to be the onset of puberty rather than majority. He wondered how the State party intended to harmonize the various discrepancies.

25. **Ms. Ortiz** said that it was a government's duty to ensure freedom of speech by creating conditions in which young people could be heard. Similarly, the right to appropriate information entailed the use of various resources in order to formulate an opinion on one's own or other cultures and she wondered whether modern technology was easily accessible. Another important right was the right to privacy, so that children were not stigmatized in the media, and she wondered whether there was a code of ethics governing media activities. The rights of association and freedom of thought or belief were also crucial; the Country Rapporteur had noted some signs of religious intolerance. A State should respect the country's diversity. That might not be easy to do, but it was essential for a State that wished to be a genuine democracy. At the same time, smaller communities, including religious communities, could greatly benefit society.

26. **Mr. Kotrane** said that the report and the written replies were well structured and written, avoiding duplication and duly referring to the Committee's earlier recommendations. He asked who had prepared the report, who had collected the data, whether civil society, including children, had been involved and whether any debate had been held on the issue. The delegation's meeting with the Committee provided an opportunity to create a favourable environment for a discussion on children's rights in Sri Lanka.

27. He noted the coexistence of many different forms of law, under which the age of marriage, for example, differed substantially. On the one hand, the Court of Appeal, in *Gunaratnam v. The Registrar General* 2002, had stated that the age of marriage of 18 was absolute, but the delegation had also said that a child could marry earlier, with the parents' permission, because Sri Lanka recognized Islamic law. He asked whether the law would be amended to apply throughout the country.

28. He noted that a bill had been introduced to raise the minimum age of criminal responsibility from 8 to 10 and he wondered whether it had been adopted. It would be preferable, however, to align Sri Lankan law with the principles of the Convention, rather than introducing a fairly insignificant amendment to the existing law. Lastly, he was concerned that the status of the National Human Rights Commission had been downgraded. It was important that it should be in a position to defend children's rights.

29. **The Chairperson** asked whether the Witness and Victim Protection Bill of 2008, mentioned in paragraph 19 of the report, had been adopted. She also noted that, according to paragraph 50 of the report, the number of complaints addressed to the Regional Offices of the National Human Rights Commission had been low, which probably meant that complainants used other redress mechanisms. She asked what those mechanisms were and what redress had been obtained. She also asked whether the State party had accepted the Committee's previous recommendation concerning the Orphanages Ordinance No. 22 of 1941. She was concerned about children who had lost their documents, which might be linked to the right to identity. She asked whether Sri Lanka had taken a proactive approach to ensuring that such children received new documents. She further asked what progress had been made by the committee referred to in paragraph 29 of the written replies to the list of issues (CRC/C/LKA/Q/3-4/Add.1), which was considering the question of reforming Muslim law in Sri Lanka. Lastly, she said that it was not clear from the report precisely

how much was spent on programmes for children aged up to 18, or whether a budget for that purpose existed at all.

The meeting was suspended at 11 a.m. and resumed at 11.25 a.m.

30. **Ms. Gunasekera** (Sri Lanka) said that she was at a loss to understand the figure of 600,000 child victims of the tsunami of 26 December 2004 and the armed conflict, which had been cited by the Country Rapporteur. According to the Government's data, a total of 40,000 persons, including 1,000 children, had died. The casualties from the conflict amounted to 75,000 in all. At the end of the conflict there had been 350,000 displaced persons.

31. **Ms. Aidoo** (Country Rapporteur) said that the figure of 600,000 related to the number of children that were missing.

32. **Ms. Gunasekera** (Sri Lanka) reiterated that the Government's databases did not reflect that figure. With regard to migrant women, the Government was concerned at the numbers of young women migrating. Indeed, the Ministry of Child Development and Women's Affairs had tried to bring in a policy to prevent such migration, but the policy had not been implemented following pressure from human rights groups, which considered that women should be entitled to act as they wished. Nonetheless, a monitoring system had been set up at airports to check on women, particularly those with children under 5, who were migrating.

33. With regard to the disparity of services in the north and east of the country and in the plantations sector, she said that, until May 2009, the Government had had no access to the north and east and had been unable to monitor the situation. With the end of the conflicts, it would be easier to reduce the existing disparities. Meanwhile, in the plantations sector, the system was more up to date than in the rest of the country because the plantations had passed into State ownership as recently as the 1970s and 1980s.

34. **Mr. Gurăń** asked when it would be possible to resume monitoring in the north and east of the country.

35. **Ms. Gunasekera** (Sri Lanka) said that the situation had already improved, but action would need to be taken to remedy past difficulties.

36. With regard to the question of the participation of NGOs in preparing the report, she said that drafting had been begun by the National Monitoring Committee, which answered to the Ministry of Child Development and Women's Affairs, but unfortunately delays had occurred and there had been too little time to discuss the report with as wide a circle of organizations as it would have liked.

37. **Mr. Fernando** (Sri Lanka) said that the right to freedom of religion, information and expression was enshrined in the Constitution together with other rights for both adults and children. The Constitution also stipulated that in some cases equality could be bypassed and special laws and privileges could be applied to children, in particular under chapter 3. Since the Constitution was the supreme law of the land, any violations of rights could be brought before the Supreme Court. Such action had been taken on many occasions, on such issues as school admission and various abuses. At the same time, other mechanisms existed, including the National Child Protection Authority, the National Human Rights Commission — an independent body that could make recommendations — and the Ombudsman. The reason for the downgrading of the National Human Rights Commission had been that there had been a constitutional problem over the appointment of Commissioners, who had to be nominated through the Constitutional Council. Some members of the Council had failed to make proper nominations and to observe the Paris Principles. He was pleased to be able to inform the Committee that the problem had recently been resolved through the adoption of the eighteenth amendment to the Constitution: a parliamentary body had been established

that would make the necessary recommendations for appointment and the Commission, and other institutions with similar problems, would be upgraded. He noted that, even during the conflict, the Commission had retained its Regional Offices in the north and east of the country. It had also carried out an in-depth study of the country's compliance with the Convention.

38. As for the raising of the age of criminal responsibility from 8 to 10, he said that the age had been raised on a number of occasions with a view to respecting children's rights, but he thought that Sri Lanka might well be able to accept the Committee's recommendations in that regard and harmonize its law with the provisions of the Convention.

39. **Mr. Kotrane** said that the Committee, in line with its past general comments, would prefer a minimum age of criminal responsibility of at least 12. The Committee was not asking the State party to change its whole system, but simply to align its provisions with the terms of the Convention. That would require the adoption of a specific law on the subject.

40. **Ms. Aidoo** (Country Rapporteur) said that many countries had found it helpful to adopt a law that would establish an overarching vision for all those concerned with children's rights. The Convention was so multidisciplinary that a point of reference applicable to all aspects of the topic was required. It would be difficult for many people to seek redress through the Constitution. In any case, some rights contained in the Convention might not be covered by the Constitution. She noted that Sri Lanka had adopted a domestic law on the basis of the International Covenant on Civil and Political Rights, and she saw no reason why the same could not be done in respect of the Convention.

41. **The Chairperson** asked in what settings corporal punishment was explicitly banned.

42. **Mr. Fernando** (Sri Lanka) said that corporal punishment was a form of punishment that had formerly been recognized under Sri Lankan law although it had not been common practice for some time. The decision had been taken to repeal the relevant law and to make corporal punishment an offence, including in remand homes and alternative care settings.

43. **Mr. Nawaz** (Sri Lanka) said that the Constitution of Sri Lanka contained a chapter concerning the directive principles of State policy, subsection 13 of which embodied the principle of the best interests of the child, as did several articles in the Children's Charter. Similarly, the International Covenant on Civil and Political Rights (ICCPR) Act No. 56 of 2007 stipulated that the best interests of the child should be of paramount importance in judicial, legislative and administrative matters and that principle had been incorporated in the Prevention of Domestic Violence Act and the Tsunami (Special Provisions) Act. Judges in Sri Lanka applied the principle of the best interests of the child in custody and guardianship disputes and an illustration had been provided in the State party's third and fourth periodic reports in the case of *Jeyarajan v. Jeyarajan* 1999. Therefore, Sri Lanka had aligned its legal and administrative systems with the Convention and judges incorporated its values in their decisions, which were accorded the same weight as legislation.

44. On the question of personal laws and the definition of the child, the Minister of Justice had established three committees headed by three Supreme Court judges to review Muslim law; the Thesawalamai (Tamil law); and Kandyan law. It was not possible to change the personal laws, since they had existed for many years side by side with the country's general laws. Nevertheless the Supreme Court judges, in dialogue with the communities concerned, were seeking gradually to align personal laws with the Convention on issues such as the age of puberty and the age of majority. It was hoped that the reports on their discussions would be published in the near future.

45. **Mr. Kotrane**, referring to the hope expressed by the delegation that the dialogue with the Muslim community would lead to gradual changes, said that in many countries, including Muslim countries such as his own, the State had not waited for customs to change, but had proactively modified its laws to meet the requirements of the international conventions it had ratified, and those laws had then been applied to all communities without exception. It was the responsibility of the State to ensure that international treaties to which it had acceded were implemented throughout its territory, in consultation with the relevant parties. Doubtless, it was difficult to change laws and customs that had prevailed for centuries, but it was for the State to impose its will. The delegation had commented that courts in Sri Lanka had applied the principles set out in the Convention, but were there cases where the courts had referred directly to or quoted from the Convention in their decisions and could the delegation confirm that judges were aware of the Convention and that they applied it directly in their decisions?

46. **Mr. Ranasinghe** (Sri Lanka) said that the Supreme Court judges were conscious of international treaties and made reference to them in their decisions, copies of which could be made available to the Committee.

47. **Mr. Fernando** (Sri Lanka) said that, at a time when Sri Lanka was emerging from 30 years of civil and ethnic conflict, the State did not wish to appear insensitive to the cultural rights of minorities. Thus, the decision had been taken to consult with minority communities and to seek their views on how best to harmonize personal laws with the general law.

48. **Mr. Citarella** said that the Committee's concern was not that there should be a change in the personal laws, but that the State of Sri Lanka had an international obligation to implement and to respect the Convention. Therefore, the principles of the Convention must be taken into account throughout the country and they should not be modified in the light of personal laws. For instance, where a 12-year-old boy and a 12-year-old girl were married, the marriage should not be recorded by the State and the judicial structure should try to prevent such an occurrence.

49. **Mr. Nawaz** (Sri Lanka), turning to the definition of the child, said that in recent legislation the child had been defined as any person under the age of 18 and efforts were being made to align older legislation with that age limit. There had been gradual progress towards harmonization of Muslim and general law, with the age limit in the former having been raised from 12 to 16. He was convinced that full harmonization would be achieved in the future.

50. Paragraphs 102 and 103 of the periodic report (CRC/C/LKA/3-4) set out Sri Lanka's position in respect of corporal punishment, a Repeal Act having been passed in 2005. The right to privacy was included in the civil law of delict.

51. **The Chairperson** enquired what steps the State party had taken to ensure children's right to privacy as the Committee had received reports of the media exposing the identity of child ex-combatants, victims of child abuse and sexual exploitation and young offenders.

52. **Ms. Wijemanne** (Sri Lanka) said that the relevant cases had been taken up with the Press Council by the National Child Protection Authority and by other institutions. Turning to the question of coordination of implementation of the Convention, she said that it was carried out by the newly renamed Ministry of Child Development and Women's Affairs, a Ministry with Cabinet portfolio, as well as through the ministries of health and education. The Government's policy on devolution had also led to the establishment of coordinating mechanisms at provincial and district level. In addition to a national monitoring committee, there were district-level coordinating committees. It was true that civil society needed to be more involved in the process.

53. Resources for children's rights were allocated to all ministries with responsibility in that field, including the Ministries of Education, Health and Justice.

54. **Ms. Ortiz** said that, in many countries, the body responsible for coordination of implementation of the Convention often had little time to deal with that area since it was also involved in direct and alternative care programmes for children. She wished to learn whether the body or bodies responsible for coordinating implementation were proactive in their approach and how they ensured that children's rights were enforced.

55. **Mr. Kotrane**, noting that only 2 per cent of the resources set aside for social protection were allocated to children's issues and that they were not distributed equally between the regions, asked what measures the State party intended to take to limit the disparities and to ensure that all children received the appropriate services without discrimination. He also wished to know what policies had been put in place to combat corruption.

56. **Mr. Guráň** asked which specific institution in Sri Lanka had coordination responsibility for implementation of the Convention at the national level since a confusing number of bodies had been referred to.

57. **The Chairperson**, supporting the remarks of Mr. Guráň, asked whether there was a line ministry with specific responsibility for coordinating implementation of the Convention and what part the Ministry of Child Development and Women's Affairs played in that field.

58. **Ms. Wijemanne** (Sri Lanka) said that the Ministry of Child Development and Women's Affairs was a focal point for coordination and that the national monitoring committee fell within its purview, although many other ministries and national and district authorities with responsibility for children also dealt with children's rights.

59. **Ms. Dissanayake** (Sri Lanka) said that a monitoring body, the National Child Protection Authority, had been set up by Parliament in 1998: it monitored children's rights in schools, hospitals and police stations. Initially the Authority had reported to the President, although currently it reported to the Ministry of Child Development and Women's Affairs. The Ministry was responsible for probation services, child protection and children's homes, a hotline which children could call for advice operated 24 hours a day.

60. **Ms. Aidoo** asked for more information concerning the capacity of the Ministry of Child Development and Women's Affairs, what human and technical resources were at its disposal and how its budget compared with those of the Ministries of Education and Health. She wished to know whether the Ministry had sufficient resources to fulfil its coordinating function.

61. **Ms. Wijemanne** (Sri Lanka) said that the budget of the Ministry of Child Development and Women's Affairs was not comparable to that of the Ministry of Education which provided free primary, secondary and tertiary education. A proportion of funding for children's issues was allocated directly to the districts through the Ministry of Child Development and Women's Affairs, as well as through the Ministries of Education, Health and Social Services and Social Welfare, in the framework of a participatory exercise.

62. **Mr. Kotrane** said that, while he understood the Government's security concerns, he was surprised that the State party's written reply to question 4 of the list of issues (CRC/C/LKA/Q/3-4/Add.1) implied that barriers might be put in the way of the work of NGOs in Sri Lanka should they fail to adhere to government policies. Cooperation with civil society actors, particularly NGOs reporting human rights violations, should be strengthened to enable them to carry out their important work unhindered.

63. **Ms. Al-Asmar** asked whether staff working for the Ministry of Child Development and Women's Affairs were specialized in children's rights and if agreements existed between ministries to coordinate performance monitoring.

64. **The Chairperson** asked whether the Ministry of Child Development and Women's Affairs had sufficient human and financial resources and how much leverage it had compared with other ministries. Experience showed that ministries in charge of women and children often came low in a government's list of priorities.

65. **Ms. Gunasekera** (Sri Lanka) said that the Ministry of Child Development and Women's Affairs received its funding through the education and health budgets.

66. **The Chairperson** asked how much of the national budget was allocated to the Ministry of Child Development and Women's Affairs.

67. **Ms. Gunasekera** (Sri Lanka) said that the Ministry was allocated limited State funds but it also received funds from UNICEF, the United Nations Population Fund (UNFPA) and a number of international non-governmental organizations.

68. **Ms. Aidoo** (Country Rapporteur) said that making a commitment to guarantee children's rights but failing to back it up by allocating the maximum amount of available resources, in accordance with article 4 of the Convention, implied that the State party considered children a low priority. Moreover, dependence on international and local civil society partners was not a sustainable way to ensure that future generations of children enjoyed their full rights and she urged the State party to advocate for more State funds to invest in children's rights.

69. **The Chairperson** said that the Ministry of Child Development and Women's Affairs was one of the key ministries providing basic services to children. She asked for an estimate of how much government expenditure was allocated to the Ministry.

70. **Ms. Wijemanne** (Sri Lanka) acknowledged that the Ministry's lack of State funds was an issue but emphasized that Sri Lanka was a developing country and the Government's priority had been to provide free primary, secondary and tertiary health services, particularly for mothers and young children. Moreover, in Sri Lanka responsibility for children's rights was not sectoral but shared between ministries.

71. **The Chairperson**, echoing Mr. Kotrane's concerns, asked for further information on cooperation with civil society and restrictions on NGO activities.

72. **Ms. Wijemanne** (Sri Lanka) said that NGOs were asked to operate through the line ministries to ensure long-term continuity. Nevertheless, the Government valued their work and several ministries were currently working in close cooperation with a number of NGOs.

73. **Ms. Aidoo** (Country Rapporteur) welcomed Sri Lanka's commitment to human and social development but expressed concern at the fall in living standards in many communities, some of which had recorded pockets of extreme poverty. She asked whether funding for the poverty reduction programme had been reduced and if social protection measures had been implemented in the conflict-affected areas of the north and east, where a State of emergency was still in force, so as to raise living standards and guarantee the social welfare of children and their families. What steps was the Government taking to ensure that populations in the estate sector and in the conflict-affected areas of the east and north had equal access to social development and poverty reduction programmes?

74. She asked for further information on the extent of early forced marriage, both in the Muslim population and other communities, and measures taken to address the issue.

75. Noting that Sri Lanka had made amendments to its domestic legislation to combat child exploitation and sexual abuse, including the sale, trafficking and abduction of

children, she asked when the Committee might expect to receive the State party's report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, due for submission in October 2008. She expressed concern that the State party had not ratified the 2000 Protocol to Prevent, Punish and Suppress Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and asked what steps it was taking to monitor child sex tourism, especially in regard to boys in Sri Lanka.

76. **Ms. Al-Asmar** asked for further information on systems in place to monitor children left with extended family members or placed in institutions when mothers migrated to other parts of Sri Lanka or abroad in search of work. She joined Mr. Kotrane in welcoming the progress made by the State party in education but requested clarification on disparities in the quality of education and the lack of infrastructure in the conflict-affected areas of the north and east, where school attendance among 5–14 year-olds was extremely low. Education in Sri Lanka was not free because of the hidden costs to families. She asked why standards of education were low in remote areas, with poor teachers and a high drop-out rate, and why 80 per cent of children with disabilities were not enrolled in school.

77. **Mr. Pūras** asked for further information on measures taken to provide community-based services. He asked whether the child mortality rate had increased, if access to health services for families in resettlement areas was restricted due to minefields, and whether there were geographical differences with respect to certain health issues, such as levels of malnutrition. Had sufficient priority been given to providing good primary health care, which was a vital first filter, before developing a secondary and tertiary health system? He requested further information on improvements to mental-health services, including for children suffering from post-traumatic stress disorder and emotional problems after losing a parent or parents in the conflict, and on what steps had been taken to address the high suicide rate among adolescents. He also asked for further information on health services available for adolescents, including in the area of reproductive health. Turning to disabilities, he noted that the special education services provided by NGOs were concentrated in urban areas, which suggested that guaranteeing the rights of children with disabilities was not a government priority.

78. **Mr. Guráň** asked for a response to his earlier question on data collection and the new census. He also asked whether the Government had implemented prevention measures to help the 1 million children left with extended family members when the mother migrated abroad to work. Such children were often forced to beg on the streets or become involved in other forms of child labour.

79. **Ms. Ortiz**, referring to a child's right to play, asked whether the State party's development programme included safe recreational areas, where children could play, relax and participate in artistic and cultural activities and sport.

80. **Mr. Kotrane**, commending the State party again on its progress in improving access to education, echoed concerns about disparities in the quality of education and about the school drop-out rate. He asked whether learning about children's and human rights was a compulsory subject in schools. Noting that many children were involved in various forms of child labour, he asked what steps were being taken to monitor the situation and implement the Convention on the Rights of the Child and instruments of the International Labour Organization relating to child labour. Furthermore, he asked what measures the State party intended to take to remove obstacles to the work of NGOs and humanitarian agencies with displaced children. Lastly, he asked what steps had been taken to prevent, punish and eliminate the exploitation of children in the sex industry, especially in the area of sex tourism.

81. **The Chairperson** asked for an update on action taken to amend the Orphanages Ordinance No. 22 in order to criminalize running an orphanage without a licence. She asked what measures had been taken to raise police awareness of the Prevention of Domestic Violence Act and suggested that emotional abuse should be covered by the Act or by other relevant legislation.

82. She asked for further information on the unit established to investigate and prosecute cases of abuse against children, primarily sexual abuse. She requested clarification on why there was a two to three year delay before an indictment was forwarded to the high court and six to seven years after indictment before a trial came to court. She asked whether Sri Lanka had in camera procedures in place to avoid the re-victimization of children who had been sexually abused. Further information was needed on the provision of vocational education programmes, given that 50 per cent of “O” level students failed to achieve high enough grades to undertake “A” level studies. Lastly, she asked for clarification of reports of corruption in school admission procedures, including parental involvement.

The meeting rose at 1 p.m.