



Global Monitoring



Report on the

status of action against commercial
sexual exploitation of children

SRI LANKA



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ATSU: Anti-Trafficking and Surveillance Unit

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

DCDC: District Child Development Committee

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

ESCAPE: Eradicating Sexual Child Abuse, Prostitution and Exploitation

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

IDP: Internally displaced people

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the

Elimination of Child Labour

INGO: International non-governmental organization

IOM: International Organization for Migration

ISP: Internet service provider

ISPCAN: International Society for the Prevention of Child Abuse and Neglect

IT: Information technology

JDRH: Journalists for Democracy and Human Rights

LEAD: Lanka Evangelical Alliance Development Service

LHRLA: Lawyers for Human Rights and Legal Aid

MoU: Memorandum of Understanding

MTR: Mid-Term Review

NADRA: National Database Registration Authority

NCCWD: National Commission for Child Welfare and Development

NCPA: National Child Protection Authority

NGO: Non-governmental organization

NPA: National plan of action

P.E.A.C.E.: Protecting Environment and Children Everywhere

SAARC: South Asian Association for Regional Cooperation

SAF-VAC: South Asia Forum on Violence against Children

SAP: South Asia Partnership International

SPARC: Society for the Protection of the Rights of the Child

SSS: *Sarvodaya Suwasetha Samaya*

STIs: Sexually transmitted infections

TICSA: Trafficking in Children in South and South-East Asia

UN: United Nations

UNDP: United Nations Development Programme

UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific

UNFPA: United Nations Population Fund

UNGASS: United Nations General Assembly Special Session on Children

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNIFEM: United Nations Development Fund for Women

VSO: Voluntary Service Overseas

WHO: World Health Organization

WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

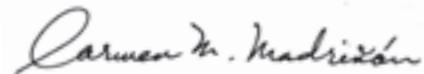
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.



They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the *Agenda for Action*. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



SRI LANKA

The commercial sexual exploitation of children (CSEC) is a well-known phenomenon in Sri Lanka, though the full extent, in numbers of victims and offenders is relatively unknown.¹ Child sex tourism (CST) is the most commonly recognised form of commercial sexual exploitation of children in the country and has received the greatest amount of attention from the Government and non-governmental organizations (NGOs). However, child rights organisations have highlighted the evidence of other forms of CSEC in Sri Lanka, such as the prostitution of children in brothels and massage parlours, trafficking of girls for sexual exploitation, child pornography, and the sexual exploitation of children within homes and schools.² It is estimated that there are approximately 40,000 prostituted children in Sri Lanka, while the estimated number of boys exploited by foreign nationals in commercial sex ranges from 5,000 to 30,000 in number.³ Protecting Environment and Children Everywhere (P.E.A.C.E.), the ECPAT group in Sri Lanka, reports that children from poor families living around the seaside tourist resorts, as well as children from city slums and poor rural areas, make up about 70 per cent of the children who are commercially sexually exploited in the country. Children from middle-class families make up the remaining group of children exploited in commercial sex.⁴ Few situational studies have been conducted, thus where statistics are available, these are generally estimates based on smaller pilot studies.⁵

A distinct characteristic of sexual exploitation of children in Sri Lanka is the relatively high presence of boys among victims of such crimes when compared to other South Asian countries. In this regard, studies indicate that sexual exploitation of boys is largely organised and connected with tourism, where there is a high demand for sex with children. The vulnerability of boys to sexual exploitation appears to increase in more socially restricted and gender segregated environments where boys are given greater social mobility to navigate in the adult environment without care or a perceived need to ensure that the

special protection that all children require against sexual exploitation is provided for them. In instances where families may be aware of a situation regarding the sexual exploitation of a boy, fear of stigmatisation, as much as interest in financial gain, may lead to silence.⁶

Tourism is an important part of the service sector in Sri Lanka and accounts for more than 8 per cent of the country's economic growth.⁷ The Government is aggressively targeting increased number of tourists each year and is expected to receive 600,000 tourists in 2006 and by 2010 hopes to increase the number to one million tourists⁸. Though tourism is not the only contributing factor of CST, it is a channel that provides offenders with an easy way to gain access to children.⁹ The overall growth of the global sex industry and the increasing availability and role of the Internet as a medium for sharing and distributing tourism related information, including on destinations where sex with children can be arranged, has distorted tourism in the country, making it a desirable destination for child sex tourists.¹⁰ Sri Lanka has been advertised as an 'ideal destination' for sex with children, including on paedophile websites.¹¹ A study on child sex tourism commissioned by ECPAT International in 2003, found that sexual exploitation of children is mainly organised in beachfront resort towns in Sri Lanka.¹² The main offenders include short-term as well as long-stay tourists and expatriate residents, who at times pose as community benefactors. These crimes are facilitated by staff members from hotels and guesthouses, local tour operators and a network of local pimps that may include men who were themselves child victims. The exploitation of a child can span over many days, starting with the 'grooming' of children by offering gifts to gain their confidence, following which the actual exploitation begins.

It was also found that offenders travel frequently, often to visit the same child each year. The study noted that in the towns of Hikkaduwa and Negombo, expensive gifts such as vehicles and houses had also been provided by offenders to the family of the child. Material offerings of this kind have sometimes led the families to turn a blind eye to the exploitation of their children and have resulted in longer term contact for abuse, all with the family's knowledge and consent.¹³ A rapid assessment conducted in 2002 showed that mainly foreigners exploited boys, whereas girls were exploited mainly by locals, indicating a clear level of the local demand.¹⁴ While abusers in child sex tourism are concentrated among tourists, research shows that those who sexually exploit children locally include military personnel, police, drivers, businessmen and day labourers.¹⁵ However, the sexual exploitation of children by Sri Lankan nationals is a taboo subject. New studies commissioned by the Sri Lanka Tourist Board, scheduled to be completed in the first quarter of 2007, may

provide insight into this issue as it includes a focus on the knowledge, attitude and practice of children affected by sex tourism, mapping of unauthorised guesthouses and hotels and finding ways for the private sector to contribute to combating CST.¹⁶

In the period between 1994 and 2003, 19 foreign child sex offenders were arrested and tried in Sri Lanka. These cases involved a wide range of nationals from Australia, Belgium, Canada, France, Germany, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom¹⁷ - signaling Sri Lanka as a prime international child sex tourism destination. Initiatives to create greater awareness and to develop tougher laws are expected to result in the reduction of CST. Sri Lanka is one of few countries in the world to have developed a national plan of action specifically to combat child sex tourism. In 2006, the Government's collaboration with the United Nations Children's Fund (UNICEF) on the 'Zero Tolerance' campaign on child sex tourism used radio, TV, billboards, banners, car stickers, and in-flight magazines to reach a wide public throughout the country.¹⁸ The two-year Action plan (which began in May 2006) comprises several activities ranging from awareness raising, research, capacity building, prevention and coordination with local tourist police and increased involvement of the private sector in combating CST.¹⁹

Sri Lanka, like many countries around the world, also experiences other forms of commercial sexual exploitation of children. Sri Lanka is a source country for women and children who are trafficked internally and to countries such as Singapore, Hong Kong, and South Korea, as well as countries in the Middle East, for the purposes of coerced labour and sexual exploitation.²⁰

Though cases of trafficking in Sri Lankan women have been documented, there is very little data on children who have been trafficked outside the country. There is an indication that trafficking in children mainly occurs internally, from rural to urban and conflict areas (for recruitment into the armed forces). The estimated number of trafficked children ranges from 10,000 to 12,000.²¹ Though the purpose and end results of trafficking vary and are not always clear, Government statistics put the number of economically active children under the age of 18 at 5.3 per cent, whereas the International Labour Organization (ILO) projects 35,000.²² Nevertheless, the high incidence of child sex tourism in the country, along with the large number of photographs and pornographic films depicting sexual exploitation of children that have been uncovered in police raids, attest to the dangers faced by Sri Lanka's trafficked children when they end up employed in tourist and urban areas and are subsequently sexually exploited.²³

A 2006 ILO report on the demand side of trafficking in Asia showed that in general the recruitment of women and children into commercial sexual exploitation takes place through various informal networks.²⁴ In Sri Lanka the most common methods are through personal contacts of the employers – links with former and current sex workers, and via pimps and agents. The report also revealed that in 70 per cent of cases, employers paid third parties to recruit sex workers, suggesting a marketing structure where the agent makes use of the supply and demand with a possible higher probability of trafficking.²⁵

The production, distribution and use of child pornography by tourists and locals is another manifestation of sexual exploitation of children that affects Sri Lanka.²⁶ Although no major studies have been conducted to assess the magnitude of the problem, the Tamil Centre for Human Rights classified Sri Lanka as a country where child pornography is “rampant”.²⁷ Despite this, police in the country still lack the necessary technical expertise to combat the problem, and very few legal tools exist to facilitate related investigations. It is reported that police officers often fail to check the computers of child sex offenders to seek evidence of further crimes, even though much of the child pornography material manufactured in Sri Lanka is disseminated via the Internet.²⁸ To address this, the National Child Protection Authority (NCPA) initiated a programme to monitor the Internet for child pornography and child sex tourism related crimes, called CyberWatch.²⁹ However, at the time of writing this report, the programme was apparently not functioning as the NCPA is currently reported to be experiencing implementation difficulties, therefore the progress of the programme is as yet unknown.³⁰

The Internet as a facilitating medium for child sex tourism³¹

As Internet connectivity improves throughout the world, there is evidence of increased attempts by ill-intended adults to contact children for sex. Sexual violence and harm against children in cyberspace includes the production, distribution and use of materials depicting child sexual exploitation, online solicitation or ‘grooming’ (securing a child’s trust in order to draw them into a situation where they may be harmed), exposure to materials that can cause psychological harm, lead to physical harm, harassment and intimidation, including bullying.³²

Recently P.E.A.C.E. was monitoring the case of a foreign national being judged in the High Court in Negombo for the sexual abuse of two boys, combined with the production of child pornographic materials.³³ A similar case took place in Anuradhapura, in the North Central Province, involving an American national who abused two boys with a view to producing child pornography. The case was handed over to the FBI and the offender was deported to the United States.

In another case in 2002, a British concert pianist was arrested in his hotel in Colombo after trying to obtain sex from a 15 year-old boy over the Internet.³⁴ The person with whom the British national communicated was in fact an officer from the National Child Protection Authority.

Commercial sexual exploitation of children in Sri Lanka, as elsewhere in the world, has roots in a complex and wide range of factors. Sexual abuse is one major contributor to the exploitation of children for profit as it is a form of violence that forces children from their homes and communities, robs them of this important source of protection and delivers them to those adults who seek profit from exploiting them. A newspaper article claimed that in Sri Lanka, approximately 20 per cent of boys and 10 per cent of girls are reported to be sexually abused within homes, schools and other institutions.³⁵

According to the NCPA, there were 425 cases of child sexual abuse and exploitation reported in 2005 and 740 cases reported in 2006.³⁶ However, the exact number of cases related to CSEC is not available and may be deceptively low, as many cases go unreported because of the stigma attached to the issue.³⁷ In 2000, a 24-hour hotline for children was established to provide responses for the increasing number of calls. Similarly, there is another general hotline '119' to report criminal cases, which is under the Police Unit at the Police Communications Centre; it also receives calls related to child abuse and exploitation.³⁸

Sexual exploitation of children has also been reported to be perpetrated by personnel engaged in armed conflict³⁹ in what are known as “border villages”, settlements of internally displaced people (IDP) living in a state of abject poverty. Similarly, refugee and IDP camps have also been identified as locations where children are sexually exploited.⁴⁰ More research needs to be undertaken in order to understand the scope and magnitude of sexual exploitation of children in conflict areas of Sri Lanka.

The December 2004 tsunami left thousands of children orphaned or separated from their families and without access to schooling, thereby increasing their vulnerability to trafficking and other forms of exploitation. International, governmental and non-governmental organizations have supported child protection efforts following the tsunami; UNICEF, for example, worked to identify and register separated and unaccompanied children, seeking to reunite children with their parents and relatives.

Sri Lanka has the highest school enrollment and literacy rates in South Asia, and the lowest proportion of the population (7.6%) live below the poverty line at US\$ 1 per day⁴¹. Nevertheless, the prostitution of children in Sri Lanka has reached serious proportions.⁴² Two decades of internal conflict have had a severe impact on the lives of children by displacing thousands from their homes and families, thereby increasing their vulnerability to violence and exploitation.⁴³ Similarly, the 2004 tsunami disaster resulted in a great loss of life and livelihoods, leaving a large number of children living without parental care.⁴⁴ There is also a large percentage of women migrating to cities and overseas to seek employment, rendering the children extremely vulnerable at home. Domestic violence is also reportedly high in rural areas. In the face of these obstacles, the Government needs to provide aggressive frameworks for the protection of children to prevent them from succumbing to trafficking and exploitation.

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Sri Lanka participated in the First World Congress against CSEC in 1996 and adopted the *Stockholm Declaration and Agenda for Action*. Sri Lanka reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Sri Lanka developed a national plan of action to combat child sex tourism as well as a plan against child trafficking, but has yet to develop a comprehensive national plan of action against all forms of commercial sexual exploitation of children.

Following a broad consultation process led by the NCPA and by the International Labour Organization/International Programme for the Elimination of Child Labour (ILO/IPEC), a ten-year *National Plan of Action to Combat Trafficking in Children for Sexual and Labour Exploitation* was developed, covering four major areas of intervention: legal reform and law enforcement, institutional strengthening and research, prevention and rescue, protection and reintegration. While this Plan is quite well-designed and has led to significant improvements in legislation, its focus is on trafficking, and therefore disregards other forms of commercial sexual exploitation of children. Furthermore, it is not used as a reference in the design of related policies and interventions by government and law

enforcement departments, or by NGOs, as very little dissemination of the Plan has taken place targeting the relevant stakeholders. Moreover, its implementation has been hindered by changes in the Government and within the NCPA.

A pioneering NPA specifically addressing child sex tourism

In 2006 the Government developed a national action plan to tackle child sex tourism specifically - one of the very few of this kind in the world and the first one in the region. Led by UNICEF and the Sri Lanka Tourist Board, the Plan will be implemented over a two-year period.⁴⁵ It includes a large campaigning component to raise awareness among tourists, young people, community leaders, tourism professionals, families and journalists, emphasising Sri Lanka's zero tolerance policy in relation to the sexual exploitation of children in tourism.⁴⁶ Also planned is the development of surveillance mechanisms in high-risk tourist zones and a hotline for tourists to report cases. In addition, the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* will be used to foster more active involvement on the part of the tourism industry.

The 2004 *National Plan of Action for the Children of Sri Lanka* (2004-2008) was developed as a follow-up to the United Nations General Assembly Special Session on Children (UNGASS) held in 2002. It was prepared by the Department of Planning with the Ministry of Finance and supported by UNICEF. This NPA focuses on education, health, juvenile justice, child labour, child protection, water supply and sanitation.⁴⁷ Implementation of the NPA has been slow, suffering from budget and administrative constraints; the Government's priorities for the last few years have also shifted to controlling the civil unrest in the country rather than the implementation of the national policies and plans on children.

COORDINATION AND COOPERATION

Local and National Level

National Child Protection Authority

The National Child Protection Authority was established in 1999 (*NCPA Act No. 50 of 1998* which was approved by the Sri Lankan Parliament) to deal with all forms of abuse including CSEC. It functions under the Ministry of Child Development and Women Empowerment and works in cooperation with ten other ministries, provincial councils, local authorities and with public and private sectors with established links from national to district level. It develops national policies and programmes and monitors the implementation of all aspects of child protection mechanisms. The NCPA also conducts monitoring and surveillance of suspected child sex tourists in Sri Lanka⁴⁸ and used to have a stable CyberWatch programme to prevent sexual exploitation through the Internet.

The NCPA is positioned to be the lead coordinating agency on child protection and has formed several district-level committees for this purpose;⁴⁹ such structures still suffer from limited participation on the part of local NGOs, social services, religious and community groups, and other stakeholders working in the field. The low incidence of interaction and information exchange among such actors is partly attributed to the ongoing political conflicts in the country. Coordination to ensure the implementation of relevant NPAs has also been weak, with numerous changes in the leadership and the structure of the NCPA.

After the current government took over, the NCPA was restructured under the Ministry of Child Development and Women Empowerment, with limited resources and authority. It has less autonomy to conduct its monitoring mechanisms and the implementation of its programmes.⁵⁰ The CyberWatch programme has not been operating for the past year, similarly 6 of the 13 drop-in centres operated by the NCPA were also shut down due to a lack of funds.

The NCPA has 24 District Child Development Committees (DCDCs) (formerly called District Child Protection Committees), which deal with child abuse cases, refer child victims of crime and abuse to relevant institutions, and conduct awareness programmes.⁵¹ The NCPA set up six child protection committees in schools as a pilot programme, comprising teachers, students and parents,⁵² however, this programme was discontinued after the completion of the pilot study. The NCPA plans to initiate the programme in 1,000 schools in Sri Lanka in 2007. However with limited funding, it is not certain how these will actually be implemented.⁵³

Regional and International Level

Considering the scope of the problem in Sri Lanka, coordination and collaboration at regional and international levels to combat the commercial sexual exploitation of children is limited. The ongoing civil war has diverted the efforts of the international community from this violation of children's rights, even though it is a serious concern that cannot wait for a resolution to the armed conflict in order to be addressed.

Supported by international organisations such as Voluntary Service Overseas (VSO), the International Society for the Prevention of Child Abuse and Neglect (ISPCAN), Save the Children, ILO/IPEC and UNICEF, the NCPA has provided child protection training, including CSEC components, to a variety of State and NGO professionals.

The Sri Lanka Tourist Board is also a part of the World Tourism Organization's (WTO) Task Force to Protect Children from Sexual Exploitation in Tourism. This is an open-ended forum of committed individuals, organisations, government and tourism/travel industry representatives with the purpose of exchanging experiences and providing information and activities carried out worldwide to fight against child sexual exploitation in tourism. It meets twice a year, in March and November. The Chairperson of the Sri Lanka Tourist Board, made a presentation at the WTO Task Force meeting in March 2006 showing what steps the country has taken to combat child sex tourism.

There have also been a number of important regional level meetings and commitments from South Asian Governments to address CSEC and Violence against Children. At the South Asia Regional Consultation on the United Nations Study on Violence against Children, in Pakistan in May 2005, the South Asia Forum on Violence against Children (SAF-VAC) was formed at ministerial level with commitments from the Governments of Afghanistan, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka in collaboration with civil society organisations and children's groups. A SAF Secretariat has been set up and a Coordinator appointed (currently hosted by the Government of Pakistan) with the intention of rotating this post among the SAF member governments every two years.

One of the main functions of the SAF Secretariat is to facilitate the exchange of information and resources and conduct timely regional ministerial and technical meetings to monitor the progress and activities of the Forum. The first regional SAF meeting, which was convened in Pakistan in July 2006, focused on the physical and the psychological

punishment of children and early marriage. The meeting was also attended by representatives from UNICEF, the United Nations Development Fund for Women (UNIFEM), United Nations Population Fund (UNFPA), UNAIDS, Save the Children, PLAN International, ECPAT International and others. A two-day Children's Forum was also organised to allow children to contribute to the Ministerial meeting.⁵⁴

The Government of Sri Lanka hosted the South Asia Mid-Term Review (MTR) Meeting of the Yokohama Global Commitment of 2001 in Colombo in October 2004. Delegations from the governments of eight South Asian countries – Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka – met to review progress in fulfilling commitments made at a series of events organised around the Second World Congress. A South Asia Strategy to Combat Commercial Sexual Exploitation of Children and Child Sexual Abuse was adopted during this meeting.⁵⁵

PREVENTION

Efforts to prevent CSEC have not been systematic or sustainable, and structural measures to address root causes such as poverty, limited access to education and the disintegration of the family unit, remain limited. Greater efforts also need to be deployed in order to increase awareness of the problem. The NCPA must remain an independent monitoring body on child protection issues.

Joint efforts of the Sri Lanka Tourist Board and UNICEF on the implementation of the *National Plan of Action to Combat Child Sex Tourism* include a number of research, awareness raising and capacity building activities against CST in Sri Lanka. The Tourist Board has also started to work closely with the Tourist Police in monitoring the cases of CST.

In 2003, ECPAT International and the South Asia Partnership International (SAP) conducted research to determine ways in which child sex tourism occurs in Sri Lanka and to identify contributing factors. A list of local and national level key stakeholders, an analysis of their capacities, and recommendations for priority actions to be taken were also made available.⁵⁶ As a direct result of this research, training for hotel staff was organised by UNICEF Sri Lanka, ECPAT International and P.E.A.C.E., supported by the Sri Lanka Tourist Board, which has enthusiastically encouraged the tourism industry to take a stance

against the child sex tourism in travel and tourism.

When in operation, the CyberWatch programme, conducted in collaboration with the Anti-Trafficking and Surveillance Unit (ATSU) of the NCPA, monitored the Internet to prevent and combat the use of Sri Lankan children in the production of pornography, and their involvement in other forms of commercial sexual exploitation. Sting operations based on information gathered in chatrooms led to several arrests.⁵⁷

With funding from ILO/IPEC, the NCPA produced the documentary *Child Abuse, Child Prostitution and Child Trafficking*, as well as a number of television dramas on child trafficking for exploitative employment and child sex tourism. In addition, it publishes *COMBAT*, a quarterly newsletter aimed at informing stakeholders and making them more sensitive to such issues.⁵⁸ The NCPA has also conducted a series of research studies on the sexual abuse of children. Books, audiovisual materials, posters and several other information materials are available at the NCPA Documentation and Information Centre.⁵⁹ Research on trafficking in children (for the worst forms of child labour and child soldiers) in Sri Lanka was also conducted under ILO/IPEC's Trafficking in Children project.

Child Protection Committees were also established to protect students from all forms of violence in schools. In 2003, school committees were established in seven schools in Colombo district as part of a pilot project, but were discontinued after the project ended.⁶⁰

Preventive initiatives targeting children at risk of commercial sexual exploitation include a number of awareness raising activities carried out by P.E.A.C.E. The NGO also provides vocational training and health assistance to at-risk groups, and undertakes leadership building programmes targeting boys and girls between the ages of 15 and 18, orienting them on how to promote preventive measures within their communities.

In Nochchiyagama, Anuradhapura, the Don Bosco Youth Centre conducted educational programmes for children at risk of being trafficked. Approximately 1,200 vulnerable children received lessons in English, Mathematics and the Sciences. Another group of 100 children, both girls and boys, received vocational training in brick-making and construction, craftsmanship, motor mechanics and computing skills.⁶¹

Sarvodaya Surwasetha Samaya (SSS) maintains children's homes and cares for orphaned, destitute and abandoned children referred by the Probation and Child Care Services and

Social Service Departments. A special centre called “*Maasevana*” also provides facilities for pregnant girls and helps them with integration.⁶²

Eradicating Sexual Child Abuse, Prostitution and Exploitation (ESCAPE) works to eliminate the sexual exploitation of children and conducts awareness programmes in schools and religious institutions. It also trains teachers, social workers and other persons working with children.⁶³

Eradicating Sexual Child Abuse, Prostitution and Exploitation⁶⁴

ESCAPE is a programme of the Lanka Evangelical Alliance Development Service (LEAD) which was developed in response to the increasing incidence of commercial sexual exploitation of children in Sri Lanka. ESCAPE began by conducting training programmes in churches to raise awareness and motivate involvement of the local community. A drop-in centre was opened for ‘beach boys’ and other children affected by sexual abuse and exploitation to receive psychological counseling. Plays, stories, art and other child-friendly activities enabled children to better deal with their traumatic experiences. The training programme then developed to include professionals and others working in different areas of child care. “*Kadella*” a temporary residential facility for sexually abused children was set up to provide longer term care and intensive support to some of the children. Children are referred by church leaders, parents, teachers, doctors and concerned individuals. Children also receive assistance for court appearances if necessary. Emphasis is placed on working with family members so that children get the family support they need and can be re-integrated into society.

PROTECTION

Sri Lanka ratified the *Convention on the Rights of the Child* in 1991. The Government signed the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2002 but has not ratified it to date. Similarly, Sri Lanka signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2000 but has not yet ratified it. *ILO Convention No. 182* was ratified in 2001. At regional level, Sri Lanka ratified the *South Asian Association for Regional Cooperation (SAARC) Convention on Child Welfare* and the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*.

Legislation

Prostitution of Children

Sri Lankan law falls short of international standards for protecting children against prostitution. There are currently no laws that define or prohibit the prostitution of a child for remuneration, and the laws that prohibit sex with minors focus on girl children and fail to protect boys. Also, the *Vagrants Ordinance*'s provision on causing or encouraging a girl to be seduced or prostituted applies only to girls under 16 years of age, leaving all boys and girls between 16 and 18 years of age vulnerable to prostitution. The *Brothels Ordinance* prohibits activities related to managing a brothel, but fails to punish other activities such as frequenting a brothel, and makes no mention of children. Finally, in some instances, Sri Lankan law penalises prostituted children, even though in practice such penalties may be rarely applied.

While Sri Lanka has no law that clearly defines or prohibits the prostitution of children - the act of having sex with a child for remuneration in cash or kind - a few related activities are criminalised. The *Penal Code* prohibits procuring or attempting to procure a girl to become a "common" prostitute. Punishment may be up to two years' imprisonment, and if the violator is male, he may be whipped.⁶⁵ Under this law, however, the accused may not be convicted with the evidence of only one witness, and further corroborating evidence must thus be presented.⁶⁶ The law also makes it illegal to knowingly hire, employ, persuade, use, induce or coerce a child to procure any person for "illicit sexual intercourse"; a child is defined as any person under 18 years of age. Violators may be punished with at least two years' and up to five years' imprisonment, and may also be fined.⁶⁷

The *Vagrants Ordinance* and the *Brothels Ordinance* address crimes related to the prostitution of children. The *Vagrants Ordinance* prohibits any person having custody, care or charge of a girl to cause or encourage her seduction, prostitution or "unlawful carnal knowledge";⁶⁸ a girl is defined as any female under 16 years of age.⁶⁹ These offences may be punished with up to six months' imprisonment, a fine of up to 100 Rupees (US\$ 1) - a totally inadequate fine for an offence of such gravity - or both. A person is deemed to cause or encourage the prostitution of a girl if he/she knowingly allows the girl to associate with or be employed by a prostitute.⁷⁰ The law also provides for the removal and care of girls who are prostituted in violation of this law.⁷¹

The *Vagrants Ordinance* also makes it illegal to live wholly or in part on the earnings of prostitution,⁷² or to systematically procure a person for illicit or unnatural intercourse.⁷³ In summary convictions, punishment may be up to six months' imprisonment, a fine of up to 100 Rupees (US\$ 1) or both. Conviction by indictment may be punished with up to two years' imprisonment, and if the offender is male, a whipping.⁷⁴ Furthermore, the *Vagrants Ordinance* prohibits a "common prostitute" from behaving in a riotous or indecent manner and prescribes punishment of up to fourteen days' imprisonment or a fine of up to 10 Rupees (10 cents);⁷⁵ penalties are increased in cases of repeated convictions.⁷⁶ The *Vagrants Ordinance* also prohibits soliciting to commit an act of "illicit sexual intercourse," and prescribes punishment of up to six months' imprisonment, a fine of up to 100 Rupees, or both,⁷⁷ and a whipping if the offender is male.⁷⁸ Such provisions may actually penalise children.

The *Brothels Ordinance* makes it illegal for a person to keep, manage, act or assist in the management of a brothel; or, for a tenant, occupier, owner or landlord to knowingly permit premises to be used as a brothel or for the purpose of habitual prostitution.⁷⁹ Punishment for a first conviction may be up to six months' imprisonment, a fine of up to 500 Rupees (US\$ 5), or both, and for a second conviction, up to one year's imprisonment, a fine of up to 1,000 Rupees (US\$ 10), or both.⁸⁰ If a tenant is convicted twice under this law for activities on the same premises, the owner can be considered as knowingly abetting the tenant's use of the premises as a brothel, unless the owner took reasonable steps to prevent it.⁸¹

The *Penal Code* also prohibits the rape of women. Sexual intercourse with or without the consent of a "woman" below 12 years of age is considered rape.⁸² Rape may be punished with up to twenty years' imprisonment and a fine.⁸³ In addition, sex with a girl above 12 and below 14 years of age is a crime that may be punished with up to two years' imprisonment and a whipping. If the girl, however, reasonably appears to be over 14 years of age, this is a defence to this crime.⁸⁴ Finally, the *Penal Code* makes it illegal for a male to procure or attempt to procure another male publicly or privately to commit any "act of gross indecency".⁸⁵

Trafficking in Children for Sexual Purposes

Sri Lanka's recent revisions to the *Penal Code* have strengthened its protection of children against trafficking for sexual purposes. By prohibiting trafficking in children for prostitution or other forms of sexual exploitation, and by protecting both boys and girls from internal and external trafficking, Sri Lankan law now conforms to international standards. At the same time, the older *Penal Code* provisions should be repealed or made consistent with the new law: such harmonisation is needed, for instance, with regard to the provisions on removing and bringing girls and women under 21 years of age into and out of the country.

In April 2006, Sri Lanka amended its *Penal Code* to address child trafficking specifically. Under recently enacted legislation, it is illegal to recruit, transport, transfer, harbour or receive a child, regardless of the child's consent, for purposes of prostitution or other forms of sexual exploitation.⁸⁶ A "child" is defined as a person under 18 years of age.⁸⁷ Violators may be punished with at least three years' and up to twenty years' imprisonment, and may be fined.⁸⁸ This law also prohibits buying, selling, bartering, or facilitating, promoting, or inducing the buying, selling, or bartering of any person for money or any other consideration.⁸⁹ Those who commit this offence may be punished with at least two years' and up to twenty years' imprisonment, and may be fined.⁹⁰

Sri Lanka's *Penal Code* also prohibits procuring, attempting to procure, removing or attempting to remove, any girl or woman under 21 years of age from Sri Lanka for: (1) the purpose of illicit intercourse with anyone outside Sri Lanka;⁹¹ or (2) with the intent that she will become an "inmate" of or frequent a brothel elsewhere.⁹² It is also illegal to bring or attempt to bring into Sri Lanka any girl or woman under 21 years of age for purposes of illicit intercourse,⁹³ or to procure or attempt to procure any girl to leave her usual place of abode (unless it is a brothel) with the intent that she will become an "inmate" of or frequent a brothel.⁹⁴ Offenders may be punished with up to two years' imprisonment, and a whipping if the offender is a male. Convictions may not be obtained with the evidence of only one witness.⁹⁵

The *Penal Code* also makes it illegal to buy, sell, import, export, remove, or dispose of any person, or accept, receive or detain any person against their will as a slave. Punishment may be up to seven years' imprisonment and a fine.⁹⁶ Habitually importing, exporting, removing, buying, selling, trafficking, or dealing in slaves may be punished with up to

fifteen years' imprisonment and a fine.⁹⁷ Sri Lankan law also covers offences related to kidnapping and abduction. The law was expanded in 2006 to prohibit subjecting or causing a person to be subjected to debt bondage, serfdom, forced or compulsory labour, or slavery, or engaging or recruiting children for use in armed conflict.⁹⁸

Child Pornography

As a whole, Sri Lankan laws related to child pornography are too vague and fall short of international standards. While a few provisions related to obscenity may be used to prosecute child pornography offences, it is unclear whether child pornographic images are considered obscene. Moreover, the law fails to punish the mere possession of "obscene" materials, and does not cover the distribution or possession of child pornographic images. And, while the law prohibits using a computer facility to commit an offence related to child sexual abuse, it is unclear whether "child sexual abuse" under this law includes the creation of child pornographic images.

The *Vagrants Ordinance* makes it illegal to publicly exhibit any obscene print, picture or other indecent exhibition to the repulsion or annoyance of others.⁹⁹ Similarly, the *Penal Code* prohibits selling, distributing, importing, printing for sale or wilfully exhibiting in public an obscene book, pamphlet, paper, drawing, painting, photograph, representation or figure,¹⁰⁰ as well as possessing any of these obscene materials for sale, distribution, or public exhibition.¹⁰¹

Sri Lanka recently enacted legislation that requires Internet service providers (ISPs) to ensure that the computer facility is not used to commit an offence related to child sexual abuse. The law also makes it a duty to inform the police if a person knows that a computer facility is being used for this end. Violators of either of these provisions may be punished with up to two years' imprisonment, a fine, or both.¹⁰²

Extraterritorial Legislation

Sri Lanka recently enacted legislation that punishes Sri Lankan nationals for violations of the *Penal Code* outside Sri Lanka.¹⁰³

Child Protection Units

In 2002, a Special Investigations Police Unit was established at the National Child Protection Agency, comprising 16 police officers. The Unit handles all cases of child abuse reported to the NCPA. It has detected cases of child abuse by foreign nationals, including cases of online child pornography, and referred them to Interpol and relevant embassies for further action.¹⁰⁴ Interpol alerts the NCPA of the arrival of known child sex offenders in Sri Lanka.¹⁰⁵ The Anti-Trafficking Surveillance Unit of the NCPA is manned by a multi-disciplinary team that works in close collaboration with foreign law enforcement agencies and Interpol.¹⁰⁶ In addition, Women and Children Police Desks, headed by female police officers, have been established in 33 locations throughout the country¹⁰⁷ (and smaller desks in over 200 police stations) to encourage a more woman and child-friendly law enforcement system. Their activities include investigating reports and presenting cases to Court; priority is usually given to child abuse cases, particularly cases of paedophilia and domestic violence.

Some steps have been taken to introduce child-friendly procedures, such as the creation of Juvenile Courts to deal with children in conflict with the law and those in need of care and protection.¹⁰⁸ Children who are testifying may be accompanied by their parent or guardian;¹⁰⁹ the courtroom can be cleared while the child testifies (*in camera* testimony),¹¹⁰ and it is prohibited to publish the name or any other identifying particulars of a child involved in legal proceedings outside the Juvenile Court.¹¹¹

The law also outlines some procedures that must be followed for children who are brought before the Court needing care and protection, such as children victimised through commercial sexual exploitation, children without parents or legal guardians, or children found on the street. For instance, a magistrate can issue orders to place a child in school, with a relative, or in some other appropriate custody.¹¹²

Need for strengthening collaboration between communities and the police

Law enforcers have claimed that a specially trained police force working collaboratively with more engaged communities would be a more efficient strategy for combating child sex tourism in particular. This approach was piloted in the Negombo area, where such a specialised tourist police force was set up following a number of campaigns launched by the NCPA in the region. According to the local community and hotel managers, despite its small size, this police force was successful in reducing incidences of child sex tourism.¹¹³ The Sri Lanka Tourist Board also established links with the Tourist Police in their efforts to combat CST under the new NPA.

Support Services for Children

Several NGOs such as P.E.A.C.E., ESCAPE and SSS, provide care for children, victims of commercial sexual exploitation or those especially vulnerable to it throughout the country. Nevertheless, support systems for child victims of CSEC remain inadequate. There is a lack of shelters and trained professionals to cater for their specific recovery and rehabilitation needs, and very little vocational training is available to provide these children with survival options after they leave institutional care. Some organisations, such as P.E.A.C.E., have been providing counselling and legal aid to victims of CSEC for many years; the group has an active youth programme to raise awareness about CSEC. Similarly, ESCAPE provides drop-in and residential care facilities for victims of sexual abuse with more intensive counselling support for those in need. They also help children with reintegration services. SSS provides counselling, rehabilitation and reintegration services to victims of sexual abuse.

The NCPA, in collaboration with the Department of Probation and Child Care under the Ministry of Social Welfare, introduced a new Rehabilitation Model for trafficked or sexually abused children into the Centre for Training and Counseling at Paratta, Panadura. All staff at the Centre had three weeks of induction training in psychosocial counseling, and on quality care and interventions targeting trafficked and exploited children. The Ministry of Social Welfare is charged with sustaining the

model once the NCPA programme ends.¹¹⁴ Financially and technically supported by the ILO/IPEC Trafficking in Children in South and South-East Asia (TICSA) Project, this intervention is expected to be replicated in other parts of the country.¹¹⁵ The NCPA also conducted a review of the care and protection mechanisms in selected children's residential homes in order to suggest policies and procedures to standardise child protection systems across the country.¹¹⁶

Training Law Enforcement Personnel

The NCPA in the past has provided training for police and other professionals on skills for communicating with children in a child-friendly and professional manner. It also brought in a specialist police trainer from Scotland to train Sri Lankan police officers on how to develop surveillance expertise; identify and map locations and perpetrators of sexual and other crimes against children; collect and analyse information for effective legal enforcement and follow-up, and on referral of information to the appropriate authorities and monitoring of cases.¹¹⁷



**PRIORITY
ACTIONS
REQUIRED**

- Sri Lanka must develop a national plan of action against commercial sexual exploitation of children, to tackle all forms of CSEC in the country (not only CST) as agreed during the Regional Mid-Term Review Meeting, hosted by the Sri Lankan Government in Colombo in 2004.
- The Government must ensure that the work of the National Child Protection Authority (NCPA) is not affected by the political changes and should restore its autonomous and authoritative position under the President's Office to carry out its child protection functions appropriately. Also, adequate administrative and fiscal support needs to be made available in order for programmes to be fully implemented.
- There is an urgent need to conduct research on all forms of CSEC. Lack of information on the nature and magnitude of the issue has resulted in a lack of awareness about all the problems, and therefore limited prevention and protection efforts for the victims of CSEC.
- Community-level structures, such as the NCPA District Child Development Committees and Child Protection Committees in schools, need to be initiated and strengthened at local level. There is a need to institutionalise child protection mechanisms from central to local levels by focusing on awareness raising and capacity building programmes and making key stakeholders more vigilant and accountable.
- With a reported high incidence of CST, there is an urgent need to ensure that programmes such as CyberWatch are functioning with well established links to the Tourist Police and private sector enterprises such as the hotel and transportation industry. There is a need to train educators, social workers and staff working in cybercafés on how to take preventive measures to reduce the sexual exploitation of children through new technologies.

- ✚ Awareness raising programmes targeting at-risk children and families on various forms of CSEC such as CST, child prostitution, child trafficking, and child pornography should be introduced.
- ✚ Sri Lanka must ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.
- ✚ Sri Lankan law must be reviewed to clearly define and prohibit the prostitution of all children under 18 years of age, and to ensure that boys also enjoy legal protection against sexual exploitation. The law must also clearly state that children who are commercially sexually exploited cannot be penalised.
- ✚ The older *Penal Code* provisions related to trafficking in children must be harmonised with the new trafficking law.
- ✚ Sri Lankan law must be amended to define child pornography clearly and prohibit related offences (such as distribution and the mere possession of child pornographic materials), in compliance with the *Optional Protocol*.
- ✚ The Government should make it a priority to address the lack of rehabilitation and reintegration services for victims of sexual abuse by supporting quality psychosocial services and innovative reintegration programmes through training of caregivers and offering financial assistance to existing shelters and programmes.
- ✚ To continue to address the root causes and the demand side of the commercial sexual exploitation of children, effective law enforcement needs to be put in place to penalise local as well as foreign perpetrators.
- ✚ More poverty-alleviation programmes and increased access to education must be speedily implemented by the Government to help address some of the root causes of CSEC in Sri Lanka.

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- ¹⁰⁰ *Penal Code*, Ch. XIV, Section 285.
- ¹⁰¹ *Ibid.* Section 286.
- ¹⁰² *Penal Code*, Section 286a.
- ¹⁰³ *Ibid.* Ch. XIX, Section 2(2).
- ¹⁰⁴ Kane, June. *Report on the Regional Consultation on Violence Against Children in South Asia*. UNICEF PAKISTAN. Islamabad. May 2005.
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