

# **Report on the National Consultation on Violence against Children Sri Lanka**

## **1. Background**

The National Consultation was held on Wednesday, 27 April 2005 at the National Child Protection Authority (NCPA) auditorium. It was organized by the NCPA in collaboration with UNICEF to provide an opportunity for a discussion on violence against children and reach a conclusion on the nature of the problem, identify future challenges and programme areas for action. It also included discussions on issues related to accountability and areas of follow up.

Those present:

NCPA	Professor Harendra de Silva , Chairperson, Dr. Hiranthi Wijemanne, Board Member
UNICEF	Bo Viktor Nylund, Sajeeva Samaranayake, & Charlotta Adelstal
IOM	Annie Scarborough
Ministry of Justice	Lalani Perera
Foreign Employment Bureau	Mangala Randeniya
Sarvodaya	Bianca Abeygoonawardena
Department of Probation & Childcare Services	E.K. Ariyadasa
Don Bosco	Fr. Felix
NCVC	Hemamali Amarasinghe & Inoka Ariyaratne
Psychologists	Piyanjali de Zoysa

## **2. Documents tabled**

- ❖ South Asian Report on Violence Against Children
- ❖ Concept paper
- ❖ Discussion paper

## **3. Objectives**

The purpose of the consultation was to prepare a National Report on key achievements and failures on preventing violence against children. This would be tabled at the forthcoming UNICEF Regional Consultation in Islamabad.

## **4. Framework for the discussions**

The framework was based on the findings of the regional survey. Accordingly, violence against children was discussed under five settings.

These were as follows:

- Home/family
- School/.education
- Community
- Workplace
- Institutions

The regional overview highlighted gender, particularly incest and sexual abuse. “Forced conscription” was also discussed as an issue of particular relevance to Sri Lanka. Three forms of violence were discussed:

- Physical abuse
- Sexual abuse
- Psychological abuse

#### **5. The following were regarded as significant achievements in Sri Lanka**

- The setting up of a Presidential Task Force in 1996 to formulate a policy on Child Protection. The setting up of the National Child Protection Authority (NCPA) was a key recommendation of the Task Force. The NCPA was set up as an Act of Parliament as the National Child Protection Authority Act No.50 of 1998. This can be regarded as one of the most significant responses by the Government to the issue of child abuse in the country.
- Another important response to the issue of violence against children was in the form of amendments made to the Penal Code. These were made in 1995 and 1998. This was the first time that legal amendments carried provisions which identified child abuse as a penal offence.
- Ongoing steps taken to amend the Children’s and Young Persons’ Ordinance.
- Conduct of workshops to introduce new legislative procedure for Juvenile Justice by the NCPA in collaboration with UNICEF.
- Adoption of a National Plan of Action for Children in 2004.
- The Ministry of Education 2001 circular which repeals the 1939 Ordinance on corporal punishment.
- Introduction of school mediation programmes. The pilot scheme in 30 schools is ongoing at present.

- Media programmes and awareness creation on the prevention of child abuse and prevention using print and electronic media by the NCPA.
- Programmes to prevent corporal punishment in schools including preparation of a booklet for teachers, also giving information on the use of other forms of discipline.
- Education/awareness creation on violence issues among judges and magistrates.
- Advocacy programmes by the NCPA.

## **6. Nature of the problem**

There was a consensus that societal attitudes towards violence against children need to be changed, e.g. corporal punishment was still being practiced in many schools. Some studies indicated that children accepted corporal punishment as a justifiable form of punishment.

The NCPA had prepared educational material (booklets) for teachers on the negative aspects of corporal punishment. A wide array of posters and leaflets on the importance of eliminating corporal punishment and introducing other methods of discipline had been produced and distributed. But this was still a long way to go in implementing such programmes and ensuring a change in behavior.

It was agreed that the conflicts in the North and East and South over the past two to three decades have created a degree of tolerance and acceptance of violence. These attitudes needed to be changed.

## **7. Issues raised**

- There was agreement that changing the attitude of society is a huge challenge and one which is a key factor in eradicating violence against children. The practice of corporal punishment which was accepted in society as a means of disciplining children is an important aspect of this change. Children who accept this practice also need to understand that it is not acceptable and that it is a form of violence. All these attitudes and perceptions of society affect the manner in which child abuse is recognized.
- The judiciary needs to be made aware of the need to change attitudes towards violence against children. This also includes changing their attitudes towards gender-based violence such as rape and incest.
- Lack of skilled professionals, particularly for child care was identified as a key issue in relation to violence in childcare institution. It was felt that State violence

often occurs due to lack of professionalism and knowledge of its implications on children and later when they are adults.

- There are limited numbers of trained personnel who can provide counseling to children. Services related to trauma therapy are also very limited. This is an area for expansion. The NCPA had identified this as a priority.
- It was agreed that there should be mechanisms/strategies put into place for greater accountability, particularly where incidents of violence against children are concerned. This should include both state parties as well as civil society. Organisations such as the Human Rights Commission should be involved.
- Incest among families of migrant workers is an increasing problem. Another factor that contributes to such abuse is alcohol abuse.
- Another challenge that needs to be addressed is the systemic problems faced by the Probation and Child Care Services. Employees of the Department of Probation and Child Care Services are not provided with incentives or a sufficient salary. Thus, the skilled professionals who are willing to provide services are limited. Most of the time the ones who are involved are not the ones desired. There is also stigma involved with this profession. The geographical areas they have to cover are very vast.
- It was agreed that the prevention of violence/abuse in orphanages, and child care institutions needs greater emphasis. It was agreed that such abuse takes place both in State institutions as well as even those run by NGOs.
- Another important area was prevention of violence in State institutions for children “in trouble with the law”. It was agreed there is violence against children which occurs when children fall into trouble with the law. However, the necessary legal changes have been made. It was agreed that current juvenile justice legislation incorporates the prevention of violence in remand homes, detention centres, etc.
- Need to develop a broader based, effective advocacy plan for policy makers, taking into consideration the cost of violence against children.
- Need to develop skills or coping mechanism, anger control and alternative forms of punishment among the population at large.
- While disciplining was important, children should be punished in a more humane manner and one which does not affect them psychologically or physically.
- Dissemination of information was considered very important. This can be done through grass root level organizations. There is a need to empower them and train them to obtain the necessary skills

- Accountability needs to be promoted. Accountability in both the implementation of the law and standards in institutions should be promoted. If the prevailing laws are not adequate they should be amended. At institutional level when violence occurs, proper inquiries and an investigation are necessary with follow up to ensure that the relevant officers are made responsible for their action.
- Criminal accountability is as important as civil accountability.

## 8. Challenges and recommended action

Family/home	Recommended action
8.1 Preventing and controlling of violence within families and in the home	<p>*Prevention and control of alcoholism, unemployment, domestic violence and family separations</p> <p>*Poverty reduction programmes to include a community based system to protect children of poor families from violence/abuse</p> <p>*Mobilizing Samurdhi workers to prevent violence/abuse</p>
8.2 Abuse among children in families of migrant women	*Community-based system to prevent/control abuse
8.3 Violence in State institutions/children “in trouble with the law”	<p>*Adoption of legislation on Juvenile Justice</p> <p>*Effective implementation of Juvenile Justice legislation</p> <p>*Monitoring implementation of the law</p> <p>*Ensuring professionalism in the staff of State institutions for juvenile offenders</p>
8.4 Violence/Abuse in orphanages/child care institutions (State and NGO institutions)	<p>*Establishing standards for care</p> <p>*Independent monitoring and follow up</p> <p>*”Professionalising” staff working in such institutions</p>

	*Criteria for staff recruitment/minimum levels of education
8.4 Violence/Abuse in orphanages/child care institutions (State and NGO institutions) contd.	*Provision of training opportunities to expand knowledge *Strengthening linkage with Human Rights Commission *Increasing financial resources
8.5 Improving accountability	*Mechanisms to enhance State/civil society accountability